

Final Copy

285 Ga. 403

S09A0514. PORTER v. THE STATE.

Melton, Justice.

Following a jury trial, Antonio Porter appeals his conviction for the murder of Branden King, contending that the evidence was insufficient to support the jury's verdict.¹ We affirm.

Viewed in the light most favorable to the verdict, the record shows that, on the afternoon of September 20, 2004, King was outside his apartment building arguing with his girlfriend. Porter, who was sitting nearby on a black Thunderbird-model car and wearing a blue San Diego Chargers jersey,

¹On April 29, 2005, Porter was indicted in Fulton County for malice murder, two counts of felony murder, aggravated assault with a deadly weapon, possession of a firearm during the commission of a crime, and possession of a firearm by a convicted felon. Following a jury trial held on October 3-6, 2006, Porter was found guilty on all counts. Porter was thereafter sentenced to life imprisonment for malice murder and five consecutive years for possession of a firearm during the commission of a crime. The convictions for felony murder were vacated by operation of law, Malcolm v. State, 263 Ga. 369 (4) (434 SE2d 479) (1993), and the remaining charges were merged with the murder conviction for purposes of sentencing. Porter filed a motion for new trial on October 19, 2006. The motion was denied on October 30, 2008. His appeal was docketed in this Court on December 17, 2008, and submitted for decision on the briefs.

intervened. He told King to calm down so that they would not attract police to the area. King confronted Porter, and Porter left.

Later that night, Porter was again sitting on the Thunderbird and wearing a blue jersey, and King was nearby. Porter, unprovoked, got off the car and ran toward King while firing a gun at him. King was hit at least four times and died of gunshot wounds to the head, torso, and right upper extremity. Porter then fled the scene. Two eyewitnesses saw Porter firing the shots at King and positively identified Porter at trial as the shooter. Other witnesses saw Porter – wearing a blue jersey – flee the scene after the gunshots.

The evidence was sufficient to enable a rational trier of fact to find Porter guilty of all the crimes for which he was convicted. Jackson v. Virginia, 443 U. S. 307 (99 SC 2781, 61 LE2d 560) (1979); Hampton v. State, 272 Ga. 284, 285 (1) (527 SE2d 872) (2000) (“[R]esolving evidentiary conflicts and inconsistencies, and assessing witness credibility, are the province of the factfinder, not this Court. [Cit.]”).

Judgment affirmed. All the Justices concur.

Decided May 18, 2009.

Murder. Fulton Superior Court. Before Judge Shoob.

Carl P. Greenberg, for appellant.

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Assistant District Attorneys, Thurbert E. Baker, Attorney General, David A.
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