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In the Supreme Court of Georgia

No. S26A0604
Sterling Ware
v.
The State

On Appeal from the Superior Court of Fulton County
No. 22SC182663

Decided: September 22, 2026

LAGRUA, Justice.

Appellant Sterling Ware challenges his 2024 convictions for malice murder and other crimes in connection with the shooting death of Raul Canton.[1] Ware contends that the trial court abused its discretion in admitting evidence of a prior

[1] The crimes occurred on February 24, 2022. On June 6, 2022, a Fulton County grand jury indicted Ware for malice murder (Count 1), two counts of felony murder (Counts 2 and 3), aggravated assault with a deadly weapon (Count 4), possession of a firearm during the commission of a crime (Count 5), and possession of a firearm by a convicted felon (Count 6). At a trial from June 3 to June 6, 2024, the jury found Ware guilty of all charges. The trial court sentenced Ware to serve life in prison without the possibility of parole for malice murder, consecutive terms of five years in prison for the firearms charge in Count 5 and ten years in prison for the firearms charge in Count 6, to run concurrently to Count 1. The felony murder verdicts were vacated by operation of law. On June 11, 2024, Ware filed a motion for new trial, which he amended with new counsel on February 24, 2025. After an evidentiary hearing on May 8, 2025, the trial court entered an order denying the motion on October 10, 2025. Appellant filed a timely notice of appeal, and the case was docketed in this Court to the April 2026 term and submitted for a decision on the briefs.

shooting committed by Ware; trial counsel was ineffective in failing to move for a mistrial and seek the removal of a juror who conducted his own research; and that the trial court erred in not declaring a mistrial upon learning of the juror's misconduct. For the reasons explained below, these claims fail, and accordingly, we affirm.

The evidence at trial showed that on February 24, 2022, Luvey Burks was at her apartment in Fulton County with several friends, including Ware, Frank Jacobs, Nakia Harris, and Michael Beasley. Burks "had a romantic relationship" with Ware, whom she knew only as "Stonna." According to Burks, everyone was "chilling" and "getting high" and had been at her apartment "throughout the day." Around 10:30 p.m., Burks was in her room, and Ware and the others were in the front room. Moments later, Canton, with whom Burks was also in a "romantic relationship," knocked on Burks's apartment door. One of the occupants of the apartment asked, "Who is it?," and Canton responded, "Rude Boy." Ware said, "I got this," drew a handgun, went to the door, opened it, and fired numerous shots at Canton; Canton fell forward, and Ware walked out of the apartment, stood over Canton, and fired several additional shots. After shooting Canton, Ware fled the apartment. Burks and the others also immediately left the apartment. At trial, Harris and Jacobs gave virtually the same account of the shooting. Of the 15 shots Ware fired at Canton, two were immediately fatal.

The first City of College Park police officer who responded to the scene testified that she was flagged down by Beasley, who was pacing in front of the apartment building where Canton had been shot. While the officer was talking to Beasley, Burks returned to her apartment and said she had not been at the apartment when the shooting occurred. Burks and Beasley were

taken to the police station for questioning and were interviewed separately by a detective. Beasley "appeared as if … he was high" and did not provide "any useful information" about the shooting. While Burks initially denied knowing what happened, she later admitted she was at the apartment, described—consistent with her later trial testimony—how the shooting occurred immediately after Canton knocked on her door, and identified "Stonna" as the shooter. Burks also provided the names of the other people who were at the apartment when the shooting occurred. After interviewing Burks and Beasley, the detective went to Jacobs's apartment, and Jacobs, who appeared "nervous, scared, [and] kind [of] distraught," provided the same details of the shooting as he provided at trial, including naming "Stonna" as the shooter. A few days later, Harris reached out to the detective, and he met Harris at a shopping center because she "felt like somebody was following her." Harris also told the officer, consistent with her trial testimony, that "Stonna" "hopped up immediately" when Canton knocked on the door, and as "soon as the door opened," "Stonna" "fired multiple shots, anywhere from like, 10 shots, straight at" Canton.

Officers later learned that "Stonna" was Ware, and Jacobs and Harris picked Ware out of photo line-ups. At trial, Burks, Jacobs, and Harris identified Ware as the shooter. Ware did not testify, and his defense theory was that he did not do it; that the eyewitnesses were drug addicts who were not credible; and that there was a lack of physical evidence tying him to the crime.

1. Ware contends that the trial court abused its discretion in admitting prior-acts evidence under OCGA § 24-4-404(b) ("Rule

404(b)"). [2] Assuming without deciding that the trial court abused its discretion in admitting this evidence, we conclude that the admission was harmless.

Prior to trial, the State filed a notice of its intent to introduce evidence that, about a month prior to the murder of Canton, Ware shot Taalib Tucker in the leg. The State argued that the evidence was relevant to show intent and identity. Before the presentation of evidence, the trial court had a hearing on the State's request to offer other-acts evidence, and, over Ware's objection, ruled that the evidence would be admissible to show intent and identity.[3]

At trial, the State called Tucker and Jacobs, who was also present when Tucker was shot, to testify about the other acts. Before each witness testified, the trial court instructed the jury that the evidence could not be used to "infer … that the defendant is of a character that would commit such crimes." The trial court repeated the limiting instruction in its final charge on the law.

Tucker testified that on January 2, 2022, Ware, whom he knew by the nickname "Stonna," and several other people, including Jacobs, were in Tucker's apartment with Tucker and Tucker's girlfriend. Tucker was in his home office when he saw Ware pull a gun out of a bag and walk into Tucker's bedroom where Tucker's girlfriend was. Tucker followed Ware into the bedroom to "make sure everything was all right." Tucker started

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[2] Rule 404(b) says "[e]vidence of other crimes, wrongs, or acts shall not be admissible to prove the character of a person in order to show action in conformity therewith," but that such evidence may be admissible for other purposes, including to prove "intent" and "identity."

[3] During trial, Ware was granted a continuing objection to the admission of the other-acts evidence.

talking with his girlfriend, and they were "going back and forth." Tucker saw that Ware "was standing on the bed," and when Tucker asked Ware to move his feet, Ware shot Tucker in the leg and then left the apartment. Tucker identified Ware in court as the person who shot him. Jacobs also testified that on January 2, 2022, he was visiting Tucker in Tucker's apartment and saw Ware shoot Tucker in the leg.

Ware argues that the trial court abused its discretion in admitting the other-acts evidence to show identity and intent because neither was a proper purpose under Rule 404(b). We review this enumeration of error for a clear abuse of discretion, but even where a trial court clearly abuses its discretion in admitting other-acts evidence, "there are no grounds for reversal if the error did not affect a substantial right, and thus harm, the defendant." *Dickerson v. State*, 323 Ga. 389, 393 (2026) (quotation marks omitted). And because the claimed error here is "non-constitutional, we examine whether it is highly probable that the error did not contribute to the verdict by reviewing the record de novo and weighing the evidence as we would expect reasonable jurors to have done." Id. (quotation marks omitted).

Assuming without deciding that the trial court abused its discretion in admitting the evidence of Tucker's shooting, we conclude that, under the circumstances of this case, it is highly probable that any error in admitting the evidence did not contribute to the jury's verdict. Here, the evidence of Ware's guilt was overwhelming and included the testimony of three eyewitnesses who all knew Ware and gave statements to police shortly after Canton's shooting, describing their activities in the apartment before the shooting and identifying Ware as the man who shot Canton. Additionally, the prosecutor mentioned Tucker's shooting only briefly in opening and closing arguments

and importantly, did not encourage the jury to consider the other-acts evidence for any improper purpose. Compare *Wilson v. State*, 322 Ga. 76, 97 (2025) (concluding that improper admission of other-acts evidence was harmful where the prosecutor emphasized the evidence in closing argument and "use[d] … the other-acts evidence for propensity" and to portray the defendant "as a man of despicable character who deserved punishment" (quotation marks omitted)). Under these circumstances and considering the evidence set forth above and presented at trial, we conclude that it is highly probable that any error in admitting evidence of Tucker's shooting did not contribute to the verdict. See *Thomas v. State*, 314 Ga. 681, 686–87 (2022) (concluding that improper admission of other-acts evidence that the defendant had committed "a serious, violent act" in shooting another man, was nevertheless harmless where, although no witness testified that the defendant shot the victim, the evidence of the defendant's guilt "was sufficiently compelling that the error in admitting the evidence about the shooting [of the other man] did not contribute to the verdict"); *Moore v. State*, 307 Ga. 290, 293–94 (2019) (concluding that, even if the trial court abused its discretion in admitting evidence of the defendant's prior violent acts against an ex-girlfriend, any error was harmless where the evidence of the defendant's guilt was overwhelming).

2. Ware's final two enumerations arise out of the following circumstances. During trial, there was testimony that officers who responded to the scene of Canton's murder observed a Ring doorbell camera on the door of the apartment directly across from where the shooting occurred. But later, another officer learned from the resident of the apartment with the Ring camera that the "subscription service had expired, so [the camera] didn't record anything."

During the jury's deliberations, the jury sent out a note stating that there had been a violation by Juror 20 of the Court's instructions not to conduct independent research. The prosecutor then questioned Juror 20 under oath outside the presence of the other jurors. Juror 20 admitted that while the trial was in progress, he had conducted research on "Ring subscription and how it works." He said that he previously had a Ring camera that did not require a subscription to operate and he was "basically just trying to have an understanding what the gentleman were talking about. That's all I looked at." In response to the trial court's question about what he told the other jurors, Juror 20 responded:

> Well, I only told them that you didn't need a subscription. That was—I already knew everything else about it either runs on a battery or hardwired and then Wi-Fi. So I just looked up basically, the subscription because that kind of confused me, as I had one in the past, never had a subscription for it. So that's all I looked up."

In response to the trial court's question about whether the research "changed your []opinion of the facts of this case, in any way," Juror 20 said, "It didn't change anything. I'm just an intelligent person, and I like to have — understand how things work, and I didn't think looking up a[n] item was an issue. So I apologize." The trial court repeated its question about whether "the information that you looked up have — make any impression on you such that it would affect your decision in any way?" Juror 20 said, "Not me, no." Juror 20 was then asked to sit in the hall.

The other jurors were not questioned, and the parties and the trial court discussed how to proceed. The State objected to Juror 20 remaining on the jury, but Ware's counsel said he

thought the juror "was just confirming what he already knew about with his own experience with Ring cameras"; that trial counsel did not "think it's affected his ability to be fair and impartial"; and that if Juror 20 was excused "we have to let the entire jury go" and "declare a mistrial and try this case over again." Trial counsel said "our preference would be to just leave Juror 20 on and allow them to continue to deliberate" but also suggested that the trial court give instructions to the jurors that they were not to conduct any independent research and that if they had conducted any research, they should not share it with the other jurors. The trial court said that it was "happy with what the defense has suggested," allowed Juror 20 to remain, and gave the jury the instructions suggested by trial counsel, as well as the instruction that "the evidence that you were to consider is what's been presented to you, as you recall it, including the testimony and the evidence."[4]

(a) Ware contends that his trial counsel rendered constitutionally ineffective assistance in failing to seek the removal of Juror 20 or to seek a mistrial. For a defendant to prevail on his claim of ineffective assistance of counsel, he must establish both that his counsel performed deficiently and that he was prejudiced by this deficient performance. See *Strickland v. Washington*, 466 US 668, 687 (1984). To satisfy the deficiency prong, a defendant "must overcome the strong presumption that counsel's performance fell within a wide range of reasonable professional conduct and that counsel's decisions were made in the exercise of reasonable professional judgment." *Clark v. State*, 321 Ga. 732, 737 (2025) (cleaned up). "To show prejudice, a

[4] About 45 minutes after the jury resumed its deliberations, the State asked the trial court to reconsider its ruling, but the trial court reaffirmed its earlier ruling.

defendant must show that there is a reasonable probability that, but for counsel's deficiency, the result of the trial would have been different." *Sims v. State*, 321 Ga. 627, 634 (2025) (quotation marks omitted). In reviewing a trial court's ruling on an ineffectiveness claim, "we accept the trial court's factual findings and credibility determinations unless they are clearly erroneous, but we independently apply the relevant legal principles to the facts." *Clark v. State*, 315 Ga. 1, 4 (2022).

The record shows that during the hearing on the motion for new trial, trial counsel testified that his decision not to seek removal of Juror 20 was strategic because Juror 20 appeared receptive to the defense and that replacing Juror 20 with the alternate would not have been beneficial for his client. Specifically, trial counsel testified,

> Well, basically, it comes down to — well, you know, I've been doing this for awhile. I kind of — when I'm giving my — especially when I'm giving my closing argument, I'm sort of gauging the reactions of the jurors, and sort of whether they're vibing me. You know, whether they're making eye contact, nodding along, or whether they are not looking at me, or they're sitting with their arms crossed like this, you, like — you can kind of get an idea of sort of where you're at with any given juror, based a lot on their body language while you're giving your closing argument. The juror who was the one who was — the one who had done outside research, was basically the only one who I felt like was being responsive to my arguments. He was the only one who I felt like he was listening to me, being responsive, sort of, you know. Nodding along, that

sort of thing.

Trial counsel also testified that he did not believe Juror 20's research was "particularly prejudicial," but that, if the juror "was going and looking up … clients' criminal history or something like that, then that would be a different issue."

Ware has not shown that trial counsel's handling of the issue with Juror 20 was objectively unreasonable or that no reasonable lawyer would have handled it in the same way. In denying Ware's motion for new trial, the trial court credited trial counsel's testimony, as it was authorized to do. Trial counsel's decision not to seek Juror 20's removal or move for a mistrial—based on his impression of Juror 20's receptiveness to the defense theory and trial counsel's reasonable belief that the research Juror 20 did was not prejudicial—was not so objectively unreasonable that no competent attorney would have made the same decision. Thus, Ware's claim of ineffective assistance fails. See *Clark*, 321 Ga. at 738 (concluding that trial counsel was not deficient in failing to seek removal of a juror who required frequent bathroom breaks, even during testimony, where trial counsel testified at the hearing on the motion for new trial that she did not feel it was necessary to seat an alternate juror, did not believe that the breaks were disruptive to the other jurors, and wanted this particular juror on the jury); *Sims*, 321 Ga. at 635–36 (concluding that trial counsel was not deficient in failing to object to the trial court's refusal to remove a juror who expressed concerns for her and her family's safety or to instruct her not to discuss her concerns with the other jurors where trial counsel testified at the hearing on the motion for new trial that "he was 'more afraid of the alternate' than he was of the juror at issue"); *Bozzie v. State*, 302 Ga. 704, 711 (2017) (concluding that trial counsel was not deficient in failing to make any motion after

learning that a juror spoke to the girlfriend of an eyewitness after the eyewitness testified, where trial counsel reasonably believed the conversation was "generally harmless" and he did not want to single out the juror "because he considered her a good juror for the defense").

(b) Ware also contends that the trial court abused its discretion in failing to grant a mistrial or a new trial based on the misconduct of Juror 20. However, this claim is not preserved for our review because Ware did not seek to have the juror removed and did not object to the trial court's handling of the issue. See *Gines v. State*, 324 Ga. 46, 69 (2026) (holding that the appellant's claim of error that the jury was exposed to improper extraneous prejudicial information was not preserved for review because the appellant did not raise any objection to the trial court's handling of the matter). Nor is plain-error review available for claims relating to juror misconduct. See *Pierce v. State*, 319 Ga. 846, 858 (2024).

Thus, the claims related to Juror 20 fail.

Judgment affirmed. All the Justices concur.