

**22-721 McELRATH V. GEORGIA**

DECISION BELOW: 880 S.E.2d 518

LOWER COURT CASE NUMBER: S22A0605

**QUESTION PRESENTED:**

The Georgia Supreme Court held that a jury's verdict of acquittal on one criminal charge and its verdict of guilty on a different criminal charge arising from the same facts were logically and legally impossible to reconcile. It called the verdicts "repugnant," vacated both of them, and subsequently held that the defendant could be prosecuted a second time on both charges. Does the Double Jeopardy Clause of the Fifth Amendment prohibit a second prosecution for a crime of which a defendant was previously acquitted?

CERT. GRANTED 6/30/2023