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Olsen v. State

Court of Appeals of Georgia - March 12, 2024 - S.E.2d - 2024 WL 1066937

Defendant, who was police officer, was convicted in the Superior Court, DeKalb County, LaTisha Dear Jackson, J., of aggravated assault, violation of oath by public officer based upon a violation of county police department's use of force policy, and violation of oath by a public officer based upon making a false statement.

Defendant appealed.

The Court of Appeals held that:

- Directives contained in police department's use-of-force policy were in conflict with Georgia's law of self-defense, and thus, these directives were null and void;
- Trial court erred by admitting into evidence police department's use-of-force policy without first identifying and redacting those portions of policy that conflicted with Georgia's law of self-defense;
- Evidence was legally sufficient to sustain defendant's conviction on aggravated assault, such that he could be retried on that count should the State opt to do so; and
- Evidence was not legally sufficient to sustain defendant's conviction for violation of oath of office, and thus, he could not be retried on that count should the State opt to do so.

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