

STATE BOARD OF EDUCATION

STATE OF GEORGIA

A. S.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2007-27
	:	
GWINNETT COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by A. S. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him from regular school until January 1, 2007, after finding him guilty of possessing and transmitting marijuana. The Student claims there was no evidence to support the charges. Since the Student’s suspension period is over, any issues raised are moot since the State Board of Education cannot provide the Student with any relief. The appeal, therefore, is dismissed.

On October 3, 2006, an assistant principal learned that a drug transaction was occurring in a restroom. He found two boys in the restroom and one of them had some marijuana in his possession. The other student, the provider, said he had obtained the marijuana from the Student. Although the Student denied any involvement with drugs, the school officials charged him with possession and transmission of marijuana.

A student disciplinary tribunal heard testimony from all of the students involved. The Student denied any involvement, but the tribunal found him guilty of the charge and suspended him until January 1, 2007. The Local Board upheld the tribunal’s decision and the Student then appealed to the State Board of Education.

On appeal, the Student argues that the only evidence against him was the testimony of the student who claimed to have purchased the marijuana from him. He then argues that O.C.G.A. § 24-4-8 does not permit a conviction based upon the testimony of an accomplice. He then claims that without the testimony of the student who purchased the marijuana, there is no evidence to support the charge. Contrary to the Student’s argument, however, O.C.G.A. § 24-4-8 provides that, “The testimony of a single witness is generally sufficient to establish a fact”. The statute then goes on to provide that an accomplice’s testimony will not be sufficient in prosecutions for treason, perjury, or felony cases, none of which are involved in the instant case. There was, therefore, sufficient evidence to support the tribunal’s decision.

Since the Student's suspension period was over on January 1, 2007, there is no relief that the State Board of Education can provide the Student. Accordingly, the Student's appeal is hereby
DISMISSED.

This _____ day of March 2007.

William Bradley Bryant
Vice Chairman for Appeals