

House Resolution 108 (COMMITTEE SUBSTITUTE)

By: Representatives Benfield of the 85th, Watson of the 91st, Talton of the 145th, Crawford of the 127th, Henson of the 87th, and others

A RESOLUTION

1 Compensating Mr. Clarence Harrison; and for other purposes.

2 WHEREAS, in the early morning hours of October 25, 1986, a woman was attacked as she
3 walked to a bus stop in downtown Decatur, Georgia. The woman was grabbed from behind,
4 struck on the head, and dragged to an unknown location where she was sexually assaulted.
5 The woman was subsequently dragged to two other unknown locations and again sexually
6 assaulted and her wrist watch was stolen; and

7 WHEREAS, physical evidence was collected from the victim, including the clothing that she
8 was wearing and other evidence that was capable of showing DNA; and

9 WHEREAS, in June of 1987, Mr. Harrison was tried for rape, kidnapping, and robbery in
10 DeKalb County, Georgia. Mr. Harrison maintained his innocence from his arrest on
11 November 5, 1986, and throughout his trial, but the victim identified Mr. Harrison from a
12 photographic line-up and a witness who lived in the neighborhood where the attack occurred
13 identified Mr. Harrison as a man who had come to her door on the evening of the attack and
14 circumstances suggested to her that he was the assailant; and

15 WHEREAS, Mr. Harrison was convicted and on June 26, 1987, he was sentenced to life in
16 prison for rape and 20 years each for kidnapping and robbery to run consecutive to the life
17 sentence; and

18 WHEREAS, in September 1998, Mr. Harrison sought DNA testing but the laboratory
19 conducting the analysis was unable to produce results due to previous testing of the evidence;
20 and

21 WHEREAS, despite being told that all of the evidence in his case had been destroyed, Mr.
22 Harrison continued to try to prove his innocence. In 2004, with the consent of the DeKalb
23 County District Attorney and Mr. Harrison's attorney, further DNA testing, which was not

1 available in 1987, was performed, and the test concluded with 100 percent certainty that Mr.
2 Harrison's DNA did not match the DNA from the semen obtained from the victim's rape kit
3 and therefore he was not the perpetrator of the crimes for which he had been tried and
4 convicted; and

5 WHEREAS, based on this new evidence, the 1986 indictment against Mr. Harrison was nol
6 prossed on August 31, 2004; and

7 WHEREAS, Mr. Harrison was immediately released from custody after serving 17 years,
8 nine months, and 26 days in prison; and

9 WHEREAS, during his imprisonment, Mr. Harrison was divorced by his wife and virtually
10 prevented from seeing his two children throughout his incarceration; he missed the birth of
11 his first grandchild; his mother and one sister died; and he suffered from medical conditions
12 including a worsened back problem that causes him now to have to walk with a cane,
13 migraine headaches for three years for which he received no treatment, and due to a delayed
14 diagnosis of kidney cancer, he had to have a kidney removed; and

15 WHEREAS, Mr. Harrison has suffered loss of liberty, personal injury, lost wages, injury to
16 reputation, emotional distress, and other damages as a result of his nearly 18 years of
17 incarceration and expenses in trying to prove his innocence; and

18 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
19 occurred through no fault or negligence on the part of Mr. Harrison, and it is only fitting and
20 proper that he be compensated for his loss.

21 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
22 GEORGIA that the Department of Corrections is authorized and directed to pay the sum of
23 \$1 million to Mr. Clarence Harrison as compensation as provided above. Said sum shall be
24 paid from funds appropriated to or available to the Department of Corrections and shall be
25 in full and complete satisfaction of all claims against the state arising out of said occurrence.