

House Resolution 102

By: Representatives O`Neal of the 146th, Talton of the 145th, Smith of the 70th, and Everson of the 106th

A RESOLUTION

1 Compensating Mr. Robert Clark and providing for a state income tax exclusion with respect
2 to such compensation; and for other purposes.

3 WHEREAS, in 1981, a woman was abducted, raped, and robbed; and

4 WHEREAS, despite his continued proclamations of innocence, Mr. Robert Clark was
5 arrested and charged with these crimes; and

6 WHEREAS, as a result of mistaken eyewitness identification, on May 26, 1982, Mr. Clark
7 was convicted of kidnapping with bodily harm, rape, and robbery and sentenced to life
8 imprisonment plus 20 years; and

9 WHEREAS, Mr. Clark continued adamantly to maintain that he was innocent, and, on
10 December 18, 2003, he filed a petition for DNA testing which was granted; and

11 WHEREAS, the test concluded that Mr. Clark's DNA did not match the DNA from the
12 semen obtained from the victim's rape kit, and therefore, he was not the perpetrator of the
13 crimes for which he had been tried and convicted; and

14 WHEREAS, based upon this new evidence, a nolle prosequi was entered with respect to the
15 indictment against Mr. Clark, and, on December 8, 2005, Mr. Clark was immediately
16 released from prison after serving over 23 years in prison; and

17 WHEREAS, Mr. Clark has suffered loss of liberty, personal injury, lost wages, injury to
18 reputation, emotional distress, and other damages as a result of his over 23 years of
19 incarceration and expenses in trying to prove his innocence; and

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

4 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
5 GEORGIA that the Department of Corrections is authorized and directed to pay the sum of
6 \$1.2 million to Mr. Robert Clark as compensation as provided above. Said sum shall be paid
7 from funds appropriated to or available to the Department of Corrections and shall be in full
8 and complete satisfaction of all claims against the state arising out of said occurrence and
9 shall be paid subject to the provisions of this resolution. Said sum shall be paid in the form
10 of two annuities. The first annuity shall be in the amount of \$1 million and shall be paid in
11 equal monthly installments over a 15 year period of time with an initial lump sum payment
12 of \$100,000.00. Upon the death of Mr. Robert Clark, all payments and all obligations of the
13 state with respect to any and all future payments with respect to such first annuity shall
14 continue to be made to his estate, heirs, or assigns. The second annuity shall be in the amount
15 of \$200,000.00 and shall be paid in equal monthly installments over a 15 year period with
16 no initial lump sum payment. All payments and all obligations of the state with respect to
17 any and all future payments with respect to such second annuity shall cease upon the date of
18 death of the beneficiary, Mr. Robert Clark.

19 BE IT FURTHER RESOLVED that any amount received by Mr. Robert Clark pursuant to
20 this resolution shall be excluded from his taxable net income for state income tax purposes.