

## House Resolution 18

By: Representatives Hugley of the 136<sup>th</sup>, Williams of the 168<sup>th</sup>, and Smyre of the 135<sup>th</sup>

## A RESOLUTION

1 Compensating Mr. Jakeith Bendray Robinson, Sr.; and for other purposes.

2 WHEREAS, in June, 1998, Mr. Jakeith Bendray Robinson, Sr., the alleged get-away driver  
3 in the robbery of an armored car driver, was indicted and tried for murder, felony murder,  
4 armed robbery, two counts of aggravated assault, possession of a firearm by a convicted  
5 felon, and possession of a firearm during the commission of a felony. At the conclusion of  
6 the trial, the jury returned not guilty verdicts as to the murder, felony murder, and both  
7 aggravated assault charges, but could not reach a verdict on the charges of armed robbery and  
8 possession of a firearm during the commission of a felony; and

9 WHEREAS, in September, 1999, Mr. Robinson was tried as a codefendant for armed  
10 robbery and the weapons charge. Mr. Robinson unsuccessfully moved for severance of the  
11 trials, arguing that based on the state's arguments that he was a co-conspirator and/or party  
12 to the armed robbery, the issue was precluded from retrial. During the trial, codefendant  
13 Xavier Womack was tried for murder, felony murder, armed robbery, two counts of  
14 aggravated assault, possession of a firearm during the commission of a felony, and  
15 possession of a firearm by a convicted felon, while Mr. Robinson was retried on armed  
16 robbery and possession of a firearm during the commission of a felony. The jury found  
17 Mr. Robinson guilty of armed robbery and acquitted him of possession of a firearm during  
18 a felony and possession of a firearm by a convicted felon. Mr. Robinson was sentenced to  
19 life imprisonment; and

20 WHEREAS, Mr. Robinson filed a motion for new trial and two amended motions for new  
21 trial, which motions ultimately were denied by the trial court in September, 2001.  
22 Mr. Robinson filed his notice of appeal in 2001. After an unexplained 14 year delay for his  
23 appeal to be heard, the Court of Appeals found that the only rational conclusion from the first  
24 trial of Mr. Robinson was that the jury determined that Mr. Robinson was not a party to the  
25 crimes and, therefore, should have been acquitted of all charges and the state should not have  
26 tried him a second time for the armed robbery; and

27 WHEREAS, during the unexplained delay in his appeal following his conviction and until  
28 the Court of Appeals finally reversed his convictions and he was released, Mr. Robinson  
29 served 19 years, 11 months, and 29 days in prison; and

30 WHEREAS, Mr. Robinson has suffered loss of liberty, personal injury, lost wages, injury to  
31 reputation, emotional distress, loss of consortium, loss of familial association, and other  
32 damages as a result of his almost 20 years of incarceration and expenses in trying to prove  
33 his innocence; and

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

37 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL  
38 ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized  
39 and directed to pay the sum of \$1,000,000.00 to Mr. Jakeith Bendray Robinson, Sr., as  
40 compensation as provided above. Said sum shall be paid from funds appropriated to or  
41 available to the Department of Administrative Services and shall be in full and complete  
42 satisfaction of all claims against the state arising out of said occurrence. Said sum shall not  
43 be subject to state income taxes and shall be paid in the form of an annuity over a 20 year  
44 period with an initial lump sum payment of \$50,000.00 and monthly payments thereafter.  
45 None of the funds provided by this resolution shall be used to pay attorney's fees if such fees  
46 are calculated on a contingency fee basis.