

House Resolution 128

By: Representatives Dempsey of the 13th, Barton of the 5th, and Lumsden of the 12th

A RESOLUTION

1 Compensating Mr. Joseph Samuel Watkins; and for other purposes.

2 WHEREAS, on the evening of January 11, 2000, while driving north on Highway 27 toward
3 Rome, Georgia, a man saw a small blue car driving erratically in front of him and interacting
4 aggressively with a truck, and shortly thereafter the man observed a flash and saw the truck
5 veer over the median and opposite lanes and then crash; and

6 WHEREAS, 20-year-old Isaac Dawkins was driving north in his truck on Highway 27 when
7 he was shot in the head, causing Mr. Dawkins to crash his truck and later die from the
8 injuries he suffered; and

9 WHEREAS, on the same evening of January 11, 2000, 18-year-old Joseph Watkins drove
10 his white truck south from his home in Rome to the home of his girlfriend in Cedartown,
11 undisputedly making several calls on his cell phone and passing the scene of Mr. Dawkins's
12 crash on the way; and

13 WHEREAS, cell phone records establish that Mr. Watkins could not have been at the crime
14 scene when Mr. Dawkins interacted with the small blue car and was shot; and

15 WHEREAS, police determined that Mr. Dawkins had been shot with a 9mm bullet; and

16 WHEREAS, on November 13, 2000, the Floyd County Police Department arrested Mr.
17 Watkins on charges in relation to Mr. Dawkins's death; and

18 WHEREAS, law enforcement learned of a dead, rotting dog found in a plastic bag in the
19 graveyard about 15 feet from Mr. Dawkins's grave, and they collected and possessed the dog
20 for another seven months before disclosing its existence to Mr. Watkins, the weekend before
21 the trial; and

22 WHEREAS, despite cell phone evidence of innocence and Mr. Watkins's consistent claims
23 of innocence, the Floyd County District Attorney's Office prosecuted Mr. Watkins and
24 inflamed the jury by arguing an unfounded theory of depravity: that Mr. Watkins had not
25 only killed Mr. Dawkins, but also shot the grave dog in the head and dumped it near Mr.
26 Dawkins's grave as a "signature" or "calling card"; and

27 WHEREAS, following Mr. Watkins's attorney's demand at trial to know any and all evidence
28 about the newly disclosed grave dog, the prosecutor and a Georgia Bureau of Investigation
29 forensic analyst explained that the GBI analyst had with him an x-ray of the dog showing a
30 bullet in the dog's head, but falsely said that no bullet had been extracted from the dog, no
31 report had been created, and the State had no knowledge of the type of bullet used; and

32

33 WHEREAS, jurors found the grave dog testimony extremely disturbing and compelling; and

34 WHEREAS, during the trial, the main Rome newspaper inaccurately reported that police had
35 determined, and the GBI analyst had testified at trial, that the grave dog was shot with a 9mm
36 bullet, and the article also pointed out that Mr. Dawkins had been shot with a 9mm; and

37 WHEREAS, Mr. Watkins was convicted by a jury and sentenced to life imprisonment on
38 July 2, 2001; and

39 WHEREAS, Mr. Watkins's co-defendant, who was the alleged shooter, was acquitted by a
40 different jury; and

41 WHEREAS, Mr. Watkins continued to maintain his innocence and pursued appeals and other
42 post-conviction relief; and

43 WHEREAS, years later, the podcast *Undisclosed* and the Georgia Innocence Project learned
44 that during jury deliberations at Mr. Watkins's trial, one of the jurors had improperly
45 conducted her own "drive test" related to the cell phone records, causing her to erroneously
46 determine that Mr. Watkins could have been present at the crime scene, a determination
47 which she then shared with other jurors; and

48 WHEREAS, the Georgia Innocence Project also discovered that critical information had been
49 suppressed and not disclosed to Mr. Watkins, namely, that contrary to the State's assertions,
50 before trial a bullet was indeed extracted from the grave dog, determined to be a .22 caliber
51 bullet (rather than a 9mm, the type of bullet used to shoot Mr. Dawkins) and that a forensic
52 report and a chain of custody log were prepared documenting the same, and that the GBI
53 analyst had even brought the extracted bullet to the courthouse on the day he testified; and

54 WHEREAS, after discovering this evidence of misconduct, Mr. Watkins filed a second
55 petition for habeas corpus alleging that juror misconduct and the misconduct of the Floyd
56 County Police Department and the Georgia Bureau of Investigation led to an unfair trial and
57 his conviction despite his innocence; and

58 WHEREAS, following a three-day evidentiary hearing in February and March, 2022, where
59 Mr. Watkins presented the evidence of misconduct, evidence suppression and Mr. Watkins's
60 innocence, the state habeas court found that the GBI analyst gave false and misleading
61 testimony at trial, that the State committed misconduct by failing to disclose exculpatory
62 evidence, and the juror's error-filled "drive test" experiment resulted in a fundamentally
63 unfair trial, all in violation of Mr. Watkins's constitutional rights, and thus the court granted
64 the habeas corpus petition, overturning Mr. Watkins's convictions, and granting him a new
65 trial; and

66 WHEREAS, in a unanimous decision on December 20, 2022, the Supreme Court of Georgia
67 affirmed the state habeas court's grant of relief to Mr. Watkins; and

68 WHEREAS, on January 3, 2023, Mr. Watkins was granted bond and released, but the
69 charges against him remained pending and the State could have sought to retry him; and

70 WHEREAS, on September 21, 2023, based on a review of all of the available evidence,
71 including the evidence presented at trial and new investigations, the State moved for entry
72 of an order of nolle prosequi, which the Superior Court of Floyd County granted, thereby
73 dismissing all the charges and officially exonerating Mr. Watkins; and

74 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
75 suffered by Mr. Watkins occurred through no fault or negligence on his part, and it is only
76 fitting and proper that he be compensated for his losses in the amount of \$75,000.00 for each
77 year of wrongful imprisonment; and

78 WHEREAS, Georgia is one of only eleven states that does not have a statutory regime for
79 compensating innocent individuals who have been exonerated following wrongful conviction
80 and incarceration; and

81 WHEREAS, this lack of a statutory regime for compensation requires introduction of a
82 private resolution to secure such compensation in Georgia.

83 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
84 GEORGIA that the Department of Administrative Services is authorized and directed to pay
85 the sum of \$1,688,527.40 to Mr. Joseph Samuel Watkins as compensation as provided above.
86 Said sum shall be paid from funds appropriated to or available to the Department of
87 Administrative Services and shall be paid subject to the provisions of this resolution. After
88 an initial payment of \$535,000.00, the remainder of said sum shall be paid immediately into
89 a commercial annuity account bearing interest at the prevailing market rate, payable in equal
90 monthly installments over ten years beginning in 2026 with interest payable to Mr. Joseph
91 Samuel Watkins. The State of Georgia shall be entitled to a credit equal to the amount it
92 pays under this resolution should Mr. Joseph Samuel Watkins recover damages as a result
93 of a lawsuit against any state official or employee acting in an official capacity whose tort
94 liability for wrongful conviction arises from the same circumstances as described herein, less
95 any attorney's fees or costs Mr. Joseph Samuel Watkins paid in obtaining those damages.
96 Should Mr. Joseph Samuel Watkins recover damages totaling less than the amount the State
97 of Georgia pays under this resolution, the State of Georgia shall be entitled to a partial credit
98 no greater than the amount of damages Mr. Joseph Samuel Watkins recovers less any
99 attorney's fees or costs Mr. Joseph Samuel Watkins paid in obtaining those damages. Upon
100 the death of Mr. Joseph Samuel Watkins, all payments and all obligations of the State of
101 Georgia regarding any and all future payments with respect to the annuity shall continue to
102 be made to his estate or heirs.

103 BE IT FURTHER RESOLVED that any amount received by Mr. Joseph Samuel Watkins
104 pursuant to this resolution shall be excluded from his taxable net income for state income tax
105 purposes.