

The House Committee on Rules offers the following substitute to HR 128:

A RESOLUTION

1 Compensating individuals who have been exonerated following a wrongful conviction and
2 incarceration; and for other purposes.

3 **PART I**

4 *Compensating Mr. Joseph Samuel Watkins*

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

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

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

16 WHEREAS, Mr. Watkins's cell phone records and testimonial evidence regarding a shot dog
17 were introduced at trial; and

18 WHEREAS, the prosecution and defense presented cell phone experts who agreed that there
19 was no possibility that Mr. Watkins's cellphone was located at or near the scene at the time
20 the shooter's blue car would have been located at the scene; and

21 WHEREAS, on July 2, 2001, a Floyd County jury convicted Mr. Watkins for the murder of
22 Mr. Dawkins; and

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

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

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

32 WHEREAS, the Georgia Innocence Project discovered that although more than 15 years had
33 passed, a former medical examiner for GBI had retained a personal autopsy log from the
34 timeframe that he worked at the GBI, which included a previously unknown case number;
35 and

36 WHEREAS, the new case number assisted GBI in providing documents that established that
37 the bullet taken from the shot dog was of another caliber than the bullet used to shoot Mr.
38 Dawkins; and

39 WHEREAS, after discovering the evidence of the unauthorized juror drive test and the bullet,
40 Mr. Watkins filed a second petition for habeas corpus; and

41 WHEREAS, following a three-day evidentiary hearing in February and March, 2022, the
42 state habeas court granted the habeas corpus petition, overturning Mr. Watkins's convictions,
43 and granting him a new trial; and

44 WHEREAS, in a unanimous decision on December 20, 2022, the Supreme Court of Georgia
45 affirmed the state habeas court's grant of relief to Mr. Watkins, holding that the habeas court
46 did not err by concluding that Mr. Watkins showed that the juror's improper drive test during
47 deliberations, conducted to see whether Mr. Watkins could have been physically present at
48 the time and place Isaac Dawkins was shot, caused Mr. Watkins actual prejudice; and

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

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

55 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
56 suffered by Mr. Watkins occurred through no fault or negligence on his part, and it is only

57 fitting and proper that he be compensated for his losses for each year of wrongful
58 imprisonment; and

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

62 WHEREAS, this lack of a statutory regime for compensation requires introduction of a
63 resolution to secure such compensation in Georgia.

64 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
65 GEORGIA that the Department of Administrative Services is authorized and directed to pay
66 the sum of \$1,688,527.40 to Mr. Joseph Samuel Watkins as compensation as provided above.
67 Said sum shall be paid from funds appropriated to or available to the Department of
68 Administrative Services and shall be in full and complete satisfaction of all claims against
69 the state arising out of or related to any and all facts in connection with Mr. Watkins's
70 wrongful conviction and incarceration and shall be paid subject to the provisions of this
71 resolution.

72 BE IT FURTHER RESOLVED that, prior to the payment of the compensation, Mr. Watkins
73 shall sign a release and waiver which shall release, satisfy, quitclaim, and forever discharge
74 any and all claims, demands, actions, causes of action, and damages, of every kind and nature
75 whatsoever, past, present, or future, whether known or unknown, specifically including, but
76 not limited to, all claims asserted or which could have been asserted, on behalf of himself and
77 his heirs, successors, and assigns, forever releasing the state and all offices, authorities,
78 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
79 branches, and entities of the State of Georgia but not including any political subdivisions

80 thereof, and any and all current and former members, officers, employees, and agents of the
81 state, or any branch but not including any political subdivisions thereof, from all past,
82 present, or future claims that Mr. Watkins or his heirs, successors, and assigns may have
83 against such individuals or entities in any capacity arising out of or related to any and all
84 facts in connection with his wrongful conviction and incarceration.

85 BE IT FURTHER RESOLVED that Mr. Watkins shall not be authorized to receive
86 compensation pursuant to this resolution if he has a lawsuit pending against the state or any
87 offices, authorities, agencies, departments, units, divisions, instrumentalities, institutions,
88 commissions, boards, branches, or entities of the State of Georgia, or against any current and
89 former members, officers, employees, or agents of the state or any branch thereof in state or
90 federal court requesting compensation arising out of or related to any and all facts in
91 connection to his wrongful conviction and incarceration.

92 BE IT FURTHER RESOLVED that said sum shall be paid in the form of an annuity in equal
93 monthly installments over a ten-year period of time beginning one year after an initial lump
94 sum payment of \$535,000.00. The remainder of said sum shall be paid immediately into a
95 commercial annuity account bearing interest at the prevailing market rate, payable in equal
96 monthly installments over a ten-year period of time beginning in 2026 with interest payable
97 to Mr. Watkins. Compensation paid pursuant to this resolution is intended to provide the
98 sole, final, and exclusive compensation by the state and any and all offices, authorities,
99 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
100 branches, and entities of the state, and any and all current and former members, officers,
101 employees, or agents of the State of Georgia or any branches thereof, for any and all present
102 and future claims arising out of or related to any and all facts in connection with Mr.
103 Watkins's wrongful conviction and incarceration. No estate of or personal representative for
104 Mr. Watkins shall be entitled to requisition or otherwise seek compensation on behalf of Mr.

105 Watkins. Upon the death of Mr. Watkins, all payments and all obligations of the State of
106 Georgia with respect to any and all future payments with respect to the annuity shall continue
107 to be made to his estate or heirs.

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

110 **PART II**

111 *Compensating Mr. Daryl Lee Clark*

112 WHEREAS, on October 18, 1996, fifteen-year-old Mr. Brian Bowling tragically lost his life
113 while playing "Russian Roulette" with his friend, seventeen-year-old Mr. Cain Joshua Storey,
114 in the bedroom of Mr. Brian Bowling's home in Floyd County, Georgia; and

115 WHEREAS, several months later, seventeen-year-old Mr. Daryl Lee Clark, an acquaintance
116 of Mr. Brian Bowling, was arrested, and both he and Mr. Storey were charged with the
117 murder and conspiracy to commit the murder of Mr. Bowling; and

118 WHEREAS, one of the State's two key witnesses was Ms. Angela Bruce, who claimed that
119 during a party at her home after Mr. Bowling's death, she heard Mr. Storey say he had shot
120 and killed Mr. Bowling, and heard Mr. Clark say he was present at the time of the shooting;
121 and

122 WHEREAS, the second of the State's two key witnesses was Mr. Charlie Childers, a
123 functionally illiterate and severely hearing and speech impaired man with limited and unique
124 sign language skills, who testified that he had seen a person named "Daryl" flee from Mr.

125 Bowling's yard immediately after the shooting and identified Mr. Clark in a police photo
126 lineup; and

127 WHEREAS, on January 19, 1998, Mr. Clark and Mr. Storey were both convicted of murder
128 and conspiracy to commit murder and sentenced to life imprisonment; and

129 WHEREAS, in late 2021, Ms. Bruce admitted for the first time to reporters and the Georgia
130 Innocence Project that her incriminating testimony concerning Mr. Clark's and Mr. Storey's
131 admissions was false; and

132 WHEREAS, the independent investigation further established for the first time that Mr.
133 Childers's translator at Mr. Clark's trial later questioned the accuracy of her own translation
134 of Mr. Childers's testimony, and regretted providing the translation at trial, because Mr.
135 Childers's manner of communication was not standard American Sign Language ("ASL"),
136 but instead a communication method unique to Mr. Childers and his former teacher (an ASL
137 expert who knew and understood Mr. Childers's unique communication method, having
138 worked with him from the time he has been a child); and

139 WHEREAS, through interpretation by a new translator (his former teacher) in 2021, Mr.
140 Childers indicated that testimony given by him over 20 years earlier had not been accurately
141 interpreted to the jury; and

142 WHEREAS, on September 16, 2022, Georgia Innocence Project lawyers filed an
143 Extraordinary Motion for New Trial (EMNT) and a petition for a writ of habeas corpus; and

144 WHEREAS, on December 8, 2022, Mr. Clark's convictions were overturned and vacated by
145 the Superior Court of Floyd County; and

146 WHEREAS, on that same date, the District Attorney's Office for the Rome Judicial Circuit
147 sought, and a Floyd County Superior Court Judge granted, dismissal of all charges against
148 Mr. Clark based upon evidentiary considerations; and

149 WHEREAS, after more than twenty-five years of wrongful imprisonment by the State of
150 Georgia, Mr. Clark was finally exonerated and freed from his incarceration on December 8,
151 2022; and

152 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
153 suffered by Mr. Clark occurred through no fault or negligence on his part, and it is only
154 fitting, just, and proper that he be compensated for his losses for each year of wrongful
155 imprisonment; and

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

159 WHEREAS, this lack of a statutory regime for compensation requires introduction of a
160 resolution to secure such compensation in Georgia.

161 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
162 GEORGIA that the Department of Administrative Services is authorized and directed to pay
163 the sum of \$1,917,128.00 to Mr. Daryl Lee Clark as compensation as provided above. Said
164 sum shall be paid from funds appropriated to or available to the Department of
165 Administrative Services and shall be in full and complete satisfaction of all claims against
166 the state arising out of or related to any and all facts in connection with Mr. Clark's wrongful
167 conviction and incarceration and shall be paid subject to the provisions of this resolution.

168 BE IT FURTHER RESOLVED that, prior to the payment of the compensation, Mr. Clark
169 shall sign a release and waiver which shall release, satisfy, quitclaim, and forever discharge
170 any and all claims, demands, actions, causes of action, and damages, of every kind and nature
171 whatsoever, past, present, or future, whether known or unknown, specifically including, but
172 not limited to, all claims asserted or which could have been asserted, on behalf of himself and
173 his heirs, successors, and assigns, forever releasing the state and all offices, authorities,
174 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
175 branches, and entities of the State of Georgia but not including any political subdivisions
176 thereof, and any and all current and former members, officers, employees, and agents of the
177 state, or any branch but not including any political subdivisions thereof, from all past,
178 present, or future claims that Mr. Clark or his heirs, successors, and assigns may have against
179 such individuals or entities in any capacity arising out of or related to any and all facts in
180 connection with his wrongful conviction and incarceration.

181 BE IT FURTHER RESOLVED that Mr. Clark shall not be authorized to receive
182 compensation pursuant to this resolution if he has a lawsuit pending against the state or any
183 offices, authorities, agencies, departments, units, divisions, instrumentalities, institutions,
184 commissions, boards, branches, or entities of the State of Georgia, or against any current and
185 former members, officers, employees, or agents of the state or any branch thereof in state or
186 federal court requesting compensation arising out of or related to any and all facts in
187 connection to his wrongful conviction and incarceration.

188 BE IT FURTHER RESOLVED that said sum shall be paid in the form of an annuity in equal
189 monthly installments over a ten-year period of time beginning one year after an initial lump
190 sum payment of \$632,652.00. The remainder of said sum shall be paid immediately into a
191 commercial annuity account bearing interest at the prevailing market rate, payable in equal
192 monthly installments over a ten-year period of time beginning in 2026 with interest payable

193 to Mr. Clark. Compensation paid pursuant to this resolution is intended to provide the sole,
194 final, and exclusive compensation by the state and any and all offices, authorities, agencies,
195 departments, units, divisions, instrumentalities, institutions, commissions, boards, branches,
196 and entities of the state, and any and all current and former members, officers, employees,
197 or agents of the State of Georgia or any branches thereof, for any and all present and future
198 claims arising out of or related to any and all facts in connection with Mr. Clark's wrongful
199 conviction and incarceration. No estate of or personal representative for Mr. Clark shall be
200 entitled to requisition or otherwise seek compensation on behalf of Mr. Clark. Upon the
201 death of Mr. Clark, all payments and all obligations of the State of Georgia with respect to
202 any and all future payments with respect to the annuity shall continue to be made to his estate
203 or heirs.

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

206 **PART III**

207 *Compensating Mr. Michael Woolfolk*

208 WHEREAS, on April 16, 2004, a jury convicted Mr. Michael Woolfolk and Mr. Mario
209 Stinchcomb of murder and aggravated assault in the death of Ms. Jaketha Young; and

210 WHEREAS, Mr. Woolfolk consistently maintained a claim of self-defense; and

211 WHEREAS, a witness present at the scene, Mr. Jamario Ford, was presumed dead and could
212 not be located for trial; and

213 WHEREAS, in August of 2018, Mr. Stinchcomb filed an Extraordinary Motion for New
214 Trial, based on newly discovered evidence, as the witness, Mr. Ford, was located; and

215 WHEREAS, on June 25, 2019, the Fulton County Superior Court entered an order denying
216 Mr. Stinchcomb's motion; and

217 WHEREAS, in July of 2019, a motion for permission to file a discretionary appeal was filed
218 in the Georgia Supreme Court; and

219 WHEREAS, on June 1, 2020, the Georgia Supreme Court ordered that an evidentiary hearing
220 be held to allow the witness, Mr. Jamario Ford, to testify; and

221 WHEREAS, the Fulton County District Attorney's Office of Conviction Integrity Unit
222 reinvestigated the case and concluded that the witness, Mr. Ford, was clear in his testimony
223 that Ms. Young fired at Mr. Woolfolk and Mr. Stinchcomb, who both returned fire in
224 self-defense; and

225 WHEREAS, on April 12, 2021, Superior Court Judge Shukura Millender ordered the case
226 against Mr. Stinchcomb dismissed; and

227 WHEREAS, May 17, 2021, Mr. Woolfolk's conviction was likewise vacated and dismissed;
228 and

229 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
230 suffered by Mr. Woolfolk occurred through no fault or negligence on his part, and it is only
231 fitting and proper that he be compensated for his losses for each year of wrongful
232 imprisonment; and

233 WHEREAS, Georgia is one of only 11 states that do not have a statutory regime for
234 compensating innocent individuals who have been exonerated following a wrongful
235 conviction and incarceration; and

236 WHEREAS, this lack of a statutory regime for compensation requires introduction of a
237 resolution to secure such compensation in Georgia.

238 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
239 GEORGIA that the Department of Administrative Services is authorized and directed to pay
240 the sum of \$1,350,000.00 to Mr. Michael Woolfolk as compensation as provided above.
241 Said sum shall be paid from funds appropriated to or available to the Department of
242 Administrative Services and shall be in full and complete satisfaction of all claims against
243 the state arising out of or related to any and all facts in connection with Mr. Woolfolk's
244 wrongful conviction and incarceration and shall be paid subject to the provisions of this
245 resolution.

246 BE IT FUTHER RESOLVED that, prior to the payment of the compensation, Mr. Woolfolk
247 shall sign a release and waiver which shall release, satisfy, quitclaim, and forever discharge
248 any and all claims, demands, actions, causes of action, and damages, of every kind and nature
249 whatsoever, past, present, or future, whether known or unknown, specifically including, but
250 not limited to, all claims asserted or which could have been asserted, on behalf of himself and
251 his heirs, successors, and assigns, forever releasing the state and all offices, authorities,
252 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
253 branches, and entities of the State of Georgia but not including any political subdivisions
254 thereof, and any and all current and former members, officers, employees, and agents of the
255 state, or any branch but not including any political subdivisions thereof, from all past,
256 present, or future claims that Mr. Woolfolk or his heirs, successors, and assigns may have

257 against such individuals or entities in any capacity arising out of or related to any and all
258 facts in connection with his wrongful conviction and incarceration.

259 BE IT FURTHER RESOLVED that Mr. Woolfolk shall not be authorized to receive
260 compensation pursuant to this resolution if he has a lawsuit pending against the state or any
261 offices, authorities, agencies, departments, units, divisions, instrumentalities, institutions,
262 commissions, boards, branches, or entities of the State of Georgia or against any current and
263 former members, officers, employees, or agents of the state or any branch thereof in state or
264 federal court requesting compensation arising out of or related to any and all facts in
265 connection to his wrongful conviction and incarceration.

266 BE IT FURTHER RESOLVED that said sum shall be paid in the form of an annuity in equal
267 monthly installments over a ten-year period of time beginning one year after an initial lump
268 sum payment of \$445,500.00. The remainder of said sum shall be paid immediately into a
269 commercial annuity account bearing interest at the prevailing market rate, payable in equal
270 monthly installments over a ten-year period of time beginning in 2026 with interest payable
271 to Mr. Woolfolk. Compensation paid pursuant to this resolution is intended to provide the
272 sole, final, and exclusive compensation by the state and any and all offices, authorities,
273 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
274 branches, and entities of the state, and any and all current and former members, officers,
275 employees, or agents of the State of Georgia or any branches thereof, for any and all present
276 and future claims arising out of or related to any and all facts in connection with Mr.
277 Woolfolk's wrongful conviction and incarceration. No estate of or personal representative
278 for Mr. Woolfolk shall be entitled to requisition or otherwise seek compensation on behalf
279 of the Mr. Woolfolk. Upon the death of Mr. Woolfolk, all payments and all obligations of
280 the State of Georgia with respect to any and all future payments with respect to the annuity
281 shall continue to be made to his estate or heirs.

282 BE IT FURTHER RESOLVED that any amount received by Mr. Woolfolk pursuant to this
283 resolution shall be excluded from his taxable net income for state income tax purposes.

284 **PART IV**

285 *Compensating Mr. Mario Stinchcomb*

286 WHEREAS, on April 16, 2004, a jury convicted Mr. Michael Woolfolk and Mr. Mario
287 Stinchcomb of murder and aggravated assault in the death of Ms. Jaketha Young; and

288 WHEREAS, Mr. Stinchcomb consistently maintained a claim of self-defense; and

289 WHEREAS, a witness present to the scene, Mr. Jamario Ford, was presumed dead and could
290 not be located for trial; and

291 WHEREAS, in August of 2018, Mr. Stinchcomb filed an Extraordinary Motion for New
292 Trial, based upon newly discovered evidence, as the witness, Mr. Ford, was located; and

293 WHEREAS, on June 25, 2019, the Fulton County Superior Court entered an order denying
294 Mr. Stinchcomb's motion; and

295 WHEREAS, in July of 2019, a motion for permission to file a discretionary appeal was filed
296 in the Georgia Supreme Court; and

297 WHEREAS, on June 1, 2020, the Georgia Supreme Court ordered that an evidentiary hearing
298 be held to allow the witness, Mr. Jamario Ford, to testify; and

299 WHEREAS, the Fulton County District Attorney's Office of Conviction Integrity Unit
300 reinvestigated the case and concluded that the witness, Mr. Jamario Ford, was clear in his
301 testimony that Ms. Young fired at Mr. Woolfolk and Mr. Stinchcomb, who both returned fire
302 in self-defense; and

303 WHEREAS, on April 12, 2021, Superior Court Judge Shukura Miller ordered the case
304 against Mr. Stinchcomb dismissed; and

305 WHEREAS, on May 17, 2021, Mr. Woolfolk's conviction was likewise vacated and
306 dismissed; and

307 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
308 suffered by Mr. Stinchcomb occurred through no fault or negligence on his part, and it is
309 only fitting and proper that he be compensated for his losses for each year of wrongful
310 imprisonment; and

311 WHEREAS, Georgia is one of only 11 states that do not have a statutory regime for
312 compensating innocent individuals who have been exonerated following a wrongful
313 conviction and incarceration; and

314 WHEREAS, this lack of a statutory regime for compensation requires introduction of a
315 resolution to secure such compensation in Georgia.

316 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
317 GEORGIA that the Department of Administrative Services is authorized and directed to pay
318 the sum of \$975,000.00 to Mr. Mario Stinchcomb as compensation as provided above. Said
319 sum shall be paid from funds appropriated to or available to the Department of

320 Administrative Services and shall be in full and complete satisfaction of all claims against
321 the state arising out of or related to any and all facts in connection with Mr. Stinchcomb's
322 wrongful conviction and incarceration and shall be paid subject to the provisions of this
323 resolution.

324 BE IT FURTHER RESOLVED that, prior to the payment of the compensation, Mr.
325 Stinchcomb shall sign a release and waiver which shall release, satisfy, quitclaim, and
326 forever discharge any and all claims, demands, actions, causes of action, and damages, of
327 every kind and nature whatsoever, past, present, or future, whether known or unknown,
328 specifically including, but not limited to, all claims asserted or which could have been
329 asserted, on behalf of himself and his heirs, successors, and assigns, forever releasing the
330 state and all offices, authorities, agencies, departments, units, divisions, instrumentalities,
331 institutions, commissions, boards, branches, and entities of the State of Georgia but not
332 including any political subdivisions thereof, and any and all current and former members,
333 officers, employees, and agents of the state, or any branch but not including any political
334 subdivisions thereof, from all past, present, or future claims that Mr. Stinchcomb or his heirs,
335 successors, and assigns may have against such individuals or entities in any capacity arising
336 out of or related to any and all facts in connection with his wrongful conviction and
337 incarceration.

338 BE IT FURTHER RESOLVED that Mr. Stinchcomb shall not be authorized to receive
339 compensation pursuant to this resolution if he has a lawsuit pending against the state or any
340 offices, authorities, agencies, departments, units, divisions, instrumentalities, institutions,
341 commissions, boards, branches, or entities of the State of Georgia or against any current and
342 former members, officers, employees, or agents of the state or any branch thereof in state or
343 federal court requesting compensation arising out of or related to any and all facts in
344 connection to his wrongful conviction and incarceration.

345 BE IT FURTHER RESOLVED that said sum shall be paid in the form of an annuity in equal
346 monthly installments over a ten-year year period of time beginning one year after an initial
347 lump sum payment of \$321,750.00. The remainder of said sum shall be paid immediately
348 into a commercial annuity account bearing interest at the prevailing market rate, payable in
349 equal monthly installments over a ten-year period of time beginning in 2026 with interest
350 payable to Mr. Stinchcomb. Compensation paid pursuant to this resolution is intended to
351 provide the sole, final, and exclusive compensation by the state and any and all offices,
352 authorities, agencies, departments, units, divisions, instrumentalities, institutions,
353 commissions, boards, branches, and entities of the state, and any and all current and former
354 members, officers, employees, or agents of the State of Georgia or any branches thereof, for
355 any and all present and future claims arising out of or related to any and all facts in
356 connection with Mr. Stinchcomb's wrongful conviction and incarceration. No estate of or
357 personal representative for Mr. Stinchcomb shall be entitled to requisition or otherwise seek
358 compensation on behalf of Mr. Stinchcomb. Upon the death of Mr. Stinchcomb, all
359 payments and all obligations of the State of Georgia with respect to any and all future
360 payments with respect to the annuity shall continue to be made to his estate or heirs.

361 BE IT FURTHER RESOLVED that any amount received by Mr. Stinchcomb pursuant to this
362 resolution shall be excluded from his taxable net income for state income tax purposes.

363 **PART V**

364 *Compensating Mr. Sedrick Moore*

365 WHEREAS, on the night of February 15, 1993, three men broke into a Colquitt County,
366 Georgia, home where they robbed and sexually assaulted a woman at gunpoint; and

367 WHEREAS, the victim was only able to identify one of the three perpetrators, Mr. Tyrone
368 White; and

369 WHEREAS, during his interview with police, Mr. White implicated Mr. Sedrick Moore and
370 Mr. Kerry Robinson as the two other perpetrators; and

371 WHEREAS, over six years after the incident, Mr. Moore was arrested in connection with the
372 incident and charged, along with Mr. Robinson, with rape and other offenses related to
373 robbery and possession of a firearm; and

374 WHEREAS, Mr. White made a deal with the State for a more lenient sentence in exchange
375 for his testimony against Mr. Moore and Mr. Robinson; and

376 WHEREAS, both Mr. Moore and Mr. Robinson were tried at the same time; and

377 WHEREAS, other evidence against Mr. Moore and Mr. Robinson was a statement from Mr.
378 Johnny Brown, III, a neighbor of the victim, placing Mr. Moore in the area that night and
379 testimony from a DNA expert that DNA from a sexual assault exam performed on the victim
380 on the night of the incident matched Mr. Moore's and Mr. Robinson's DNA; and

381 WHEREAS, on February 26, 2002, a jury convicted Mr. Moore of one count of rape, three
382 counts of possession of a firearm during the commission of a crime, one count of armed
383 robbery, and one count of burglary, and Mr. Moore was sentenced to 50 years' imprisonment;
384 and

385 WHEREAS, both Mr. Moore and Mr. Robinson maintained their innocence and pursued
386 appeals of their convictions; and

387 WHEREAS, in 2018, the Georgia Bureau of Investigation began using a new DNA testing
388 method and Mr. Robinson sought new DNA testing as further post-conviction relief; and

389 WHEREAS, the new DNA testing did not support a valid DNA match to Mr. Robinson or
390 Mr. Moore; and

391 WHEREAS, based on this new DNA evidence, Mr. Robinson filed an Extraordinary Motion
392 for New Trial (EMNT) and was ultimately exonerated on January 8, 2020, after the State
393 declined to further prosecute his case; and

394 WHEREAS, Mr. Moore subsequently filed an EMNT and, on May 12, 2023, a Colquitt
395 County Superior Court Judge granted Mr. Moore's EMNT; and

396 WHEREAS, on August 28, 2023, the State moved for entry of an order of nolle prosequi,
397 which a Colquitt County Superior Court Judge granted, thereby dismissing all charges and
398 officially exonerating Mr. Moore after more than 21 years of wrongful imprisonment by the
399 State of Georgia; and

400 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
401 suffered by Mr. Moore occurred through no fault or negligence on his part, and it is only
402 fitting, just, and proper that he be compensated for his losses for each year of wrongful
403 imprisonment.

404 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
405 GEORGIA that the Department of Administrative Services is authorized and directed to pay
406 the sum of \$1,691,280.00 to Mr. Sedrick Moore as compensation as provided above. Said
407 sum shall be paid from funds appropriated to or available to the Department of

408 Administrative Services and shall be in full and complete satisfaction of all claims against
409 the state arising out of or related to any and all facts in connection with Mr. Moore's
410 wrongful conviction and incarceration and shall be paid subject to the provisions of this
411 resolution.

412 BE IT FURTHER RESOLVED that, prior to the payment of the compensation, Mr. Moore
413 shall sign a release and waiver which shall release, satisfy, quitclaim, and forever discharge
414 any and all claims, demands, actions, causes of action, and damages, of every kind and nature
415 whatsoever, past, present, or future, whether known or unknown, specifically including, but
416 not limited to, all claims asserted or which could have been asserted, on behalf of himself and
417 his heirs, successors, and assigns, forever releasing the state and all offices, authorities,
418 agencies, departments, units, divisions, instrumentalities, institutions, commissions, boards,
419 branches, and entities of the State of Georgia but not including any political subdivisions
420 thereof, and any and all current and former members, officers, employees, and agents of the
421 state, or any branch but not including any political subdivisions thereof, from all past,
422 present, or future claims that Mr. Moore or his heirs, successors, and assigns may have
423 against such individuals or entities in any capacity arising out of or related to any and all
424 facts in connection with his wrongful conviction and incarceration.

425 BE IT FURTHER RESOLVED that Mr. Moore shall not be authorized to receive
426 compensation pursuant to this resolution if he has a lawsuit pending against the state or any
427 offices, authorities, agencies, departments, units, divisions, instrumentalities, institutions,
428 commissions, boards, branches, or entities of the State of Georgia or against any current and
429 former members, officers, employees, or agents of the state or any branch thereof in state or
430 federal court requesting compensation arising out of or related to any and all facts in
431 connection to his wrongful conviction and incarceration.

432 BE IT FURTHER RESOLVED that said sum shall be paid in the form of an annuity in equal
433 monthly installments over a ten-year period of time beginning one year after an initial lump
434 sum payment of \$558,122.40. The remainder of said sum shall be paid immediately into a
435 commercial annuity account bearing interest at the prevailing market rate, payable in equal
436 monthly installments over a ten-year period of time beginning in 2026 with interest payable
437 to Mr. Moore. Compensation paid pursuant to this resolution is intended to provide the sole,
438 final, and exclusive compensation by the state and any and all offices, authorities, agencies,
439 departments, units, divisions, instrumentalities, institutions, commissions, boards, branches,
440 and entities of the state, and any and all current and former members, officers, employees,
441 or agents of the State of Georgia or any branches thereof, for any and all present and future
442 claims arising out of or related to any and all facts in connection with Mr. Moore's wrongful
443 conviction and incarceration. No estate of or personal representative for Mr. Moore shall be
444 entitled to requisition or otherwise seek compensation on behalf of Mr. Moore. Upon the
445 death of Mr. Moore, all payments and all obligations of the State of Georgia with respect to
446 any and all future payments with respect to the annuity shall continue to be made to his estate
447 or heirs.

448 BE IT FURTHER RESOLVED that any amount received by Mr. Moore pursuant to this
449 resolution shall be excluded from his taxable net income for state income tax purposes.