

House Resolution 119

By: Representatives Evans of the 57th, Miller of the 62nd, Olaleye of the 59th, and Holcomb of the 101st

A RESOLUTION

- 1 Compensating Mr. Mario Stinchcomb; and for other purposes.
- 2 WHEREAS, on November 6, 2002, Jaketha Young was found dead from a gunshot wound;
3 and
- 4 WHEREAS, on November 8, 2002, the Atlanta Police Department arrested Mario
5 Stinchcomb and Michael Woolfolk on charges in relation to Ms. Young's death; and
- 6 WHEREAS, Jamario Ford was interviewed as a part of the Atlanta Police Department's
7 investigation and was with Ms. Young on the night of her death; and
- 8 WHEREAS, Mr. Stinchcomb and Mr. Woolfolk relayed consistent stories that Ms. Young
9 shot at them and they fired back in self-defense, with Mr. Woolfolk's bullet unknowingly
10 striking Ms. Young; and
- 11 WHEREAS, the Fulton County District Attorney's Office prosecuted Mr. Stinchcomb and
12 Mr. Woolfolk despite their consistent claims of self-defense; and

13 WHEREAS, at the time of trial, Mr. Ford had absconded and the state believed he was
14 deceased, so the jury did not hear his testimony as to what he witnessed; and

15 WHEREAS, Mr. Stinchcomb and Mr. Woolfolk were convicted and sentenced to life in
16 prison on April 16, 2004; and

17 WHEREAS, Mr. Stinchcomb and Mr. Woolfolk maintained their innocence and pursued
18 appeals and other post-conviction relief; and

19 WHEREAS, years later, Mr. Stinchcomb discovered that Mr. Ford was not dead and that he
20 would corroborate that Ms. Young was shooting at Mr. Stinchcomb and Mr. Woolfolk when
21 Mr. Woolfolk fired the fatal bullet in self-defense; and

22 WHEREAS, on April 10, 2018, Mr. Stinchcomb filed an extraordinary motion for new trial
23 based on this newly discovered evidence; and

24 WHEREAS, the Fulton County District Attorney's Office asked that the extraordinary motion
25 for new trial be dismissed without Mr. Stinchcomb having the benefit of an evidentiary
26 hearing with Mr. Ford's testimony; and

27 WHEREAS, Mr. Stinchcomb filed a discretionary appeal with the Georgia Supreme Court
28 in which he asked for an evidentiary hearing, which was opposed by the Fulton County
29 District Attorney's Office; and

30 WHEREAS, on June 1, 2020, the Georgia Supreme Court recognized that Mr. Ford's
31 testimony could be critical and held that Mr. Stinchcomb was entitled to an evidentiary
32 hearing; and

33 WHEREAS, after investigation, the Fulton County Conviction Integrity Unit agreed that
34 Mr. Ford's testimony was critical and exonerated Mr. Stinchcomb; and

35 WHEREAS, on April 12, 2021, a joint consent order granting the extraordinary motion for
36 new trial was signed and filed by a judge of the Fulton County Superior Court; and

37 WHEREAS, on April 14, 2021, the murder charges against Mr. Stinchcomb were nolle
38 prossed, with Mr. Stinchcomb becoming the first person exonerated by the Fulton County
39 Conviction Integrity Unit; and

40 WHEREAS, as a result of his wrongful conviction, Mr. Stinchcomb missed out on seeing his
41 young children grow up, lost time with his family, and was incarcerated when several of his
42 loved ones passed away; and

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

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

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

52 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
53 GEORGIA that the Department of Administrative Services is authorized and directed to pay
54 the sum of \$975,000.00 to Mr. Mario Stinchcomb as compensation as provided above. Said
55 sum shall be paid from funds appropriated to or available to the Department of
56 Administrative Services and shall be paid subject to the provisions of this resolution. After
57 an initial payment of \$321,750.00, the remainder of said sum shall be paid immediately into
58 a commercial annuity account bearing interest at the prevailing market rate, payable in equal
59 monthly installments over a ten-year period beginning in 2026 with interest payable to
60 Mr. Mario Stinchcomb. The State of Georgia shall be entitled to a credit equal to the amount
61 it pays under this resolution should Mr. Mario Stinchcomb recover damages as a result of a
62 lawsuit against any state official or employee acting in an official capacity whose tort
63 liability for wrongful conviction arises from the same circumstances as described in this
64 resolution, less any attorney's fees or costs Mr. Mario Stinchcomb paid in obtaining those
65 damages. Should Mr. Mario Stinchcomb recover damages totaling less than the amount the
66 State of Georgia pays under this resolution, the State of Georgia shall be entitled to a partial
67 credit no greater than the amount of damages Mr. Mario Stinchcomb recovers less any
68 attorney's fees or costs Mr. Mario Stinchcomb paid in obtaining those damages. Upon the
69 death of Mr. Mario Stinchcomb, all payments and all obligations of the State of Georgia
70 regarding any and all future payments with respect to the annuity shall continue to be made
71 to his estate or heirs.

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