

## House Resolution 48

By: Representatives Evans of the 57<sup>th</sup>, Miller of the 62<sup>nd</sup>, Olaleye of the 59<sup>th</sup>, Prince of the 132<sup>nd</sup>, and Holcomb of the 81<sup>st</sup>

## 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, i.e. that Ms.  
9 Young shot at them and they fired back in self-defense, with Mr. Woolfolk's bullet  
10 unknowingly 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 continued to maintain their innocence and  
18 pursued 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, missed time with his family, and was incarcerated when several of  
42 his 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.

46 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
47 GEORGIA that the Department of Administrative Services is authorized and directed to pay  
48 the sum of \$910,000.00 to Mr. Mario Stinchcomb as compensation as provided above. Said  
49 sum shall be paid from funds appropriated to or available to the Department of  
50 Administrative Services and shall be paid subject to the provisions of this resolution. After  
51 an initial payment of \$300,300.00, the remainder of said sum shall be paid immediately into  
52 a commercial annuity account bearing interest at the prevailing market rate, payable in equal  
53 monthly installments over a ten-year period of time beginning in 2024 with interest payable  
54 to Mr. Mario Stinchcomb. The state shall be entitled to a credit in an amount equal to any

55 damages recovered by Mr. Mario Stinchcomb from any state official or employee acting in  
56 an official capacity whose tort liability arises from the same circumstances as described  
57 herein, should any remedy for such damages later be successfully pursued. Upon the death  
58 of Mr. Mario Stinchcomb, all payments and all obligations of the state regarding any and all  
59 future payments with respect to the annuity shall continue to be made to his estate or heirs.

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