

House Resolution 55 (COMMITTEE SUBSTITUTE)

By: Representatives Buckner of the 137th and Hugley of the 141st

A RESOLUTION

1 Compensating Mr. Terry L. Talley; and for other purposes.

2 WHEREAS, in the first half of 1981, the LaGrange Police Department was under
3 tremendous pressure to solve a series of rapes, aggravated assaults and/or threats against
4 women in the vicinity on and around the LaGrange College Campus in LaGrange, Georgia;
5 and

6 WHEREAS, there was a similar modus operandi across the crimes, and law enforcement in
7 LaGrange at the time publicly asserted that a single perpetrator—a serial rapist—had committed
8 the aforementioned crimes; and

9 WHEREAS, law enforcement apparently failed to question survivors of the aforementioned
10 crimes about a viable suspect that they were investigating who was employed by law
11 enforcement, had access to the crime victims, was apparently linked to crime scene evidence,
12 and who was subsequently terminated by police based on allegations of inappropriate
13 conduct toward female students; and

14 WHEREAS, Mr. Terry L. Talley was wrongfully accused and erroneously implicated by law
15 enforcement of committing the rapes and/or aggravated assaults against women, including

16 on February 7th (#972), February 21st (#973), April 19th (#974), and June 24th (#969) of
17 1981; and

18 WHEREAS, in weeks and months after the crimes, survivors of the aforementioned
19 rapes/aggravated assaults made unreliable identifications of Mr. Terry L. Talley, including
20 by identifying Mr. Terry L. Talley after previously identifying other suspects, and/or
21 identifying Mr. Terry L. Talley through "voice identification" rather than through eyewitness
22 identification; and

23 WHEREAS, despite strongly proclaiming his innocence, Mr. Terry L. Talley was subjected
24 to two back-to-back one-day trials (for the April 19th and June 24th rapes/aggravated
25 assaults) only four months after he was accused of the multiple sexual offenses; and

26 WHEREAS, during the trials for the April 19th and June 24th crimes, the State of Georgia
27 committed Brady violations and withheld critical evidence favorable to Mr. Terry L. Talley,
28 such as the existence of an alternate suspect who apparently was associated with crime scene
29 evidence, the fact that one of the crime survivors had a blood alcohol level over three times
30 the legal limit at the time of the crime, and the fact that crime survivors had identified or
31 partially identified other suspects prior to identifying Mr. Terry L. Talley; and

32 WHEREAS, law enforcement and prosecutors introduced unreliable witnesses and
33 testimony, lost or destroyed physical evidence before and after trial, and bolstered witnesses
34 inappropriately by asserting that there was no reason to doubt or question the veracity of
35 witnesses while withholding information that would have cast doubt on the veracity of the
36 witnesses; and

37 WHEREAS, two back-to-back juries found Mr. Terry L. Talley guilty of the April 19th
38 (#974) and the June 24th (#969) crimes and he was sentenced in each case to life in prison
39 plus ten years and, feeling despondent, Mr. Terry L. Talley subsequently pled to the other
40 crimes and determined to fight his convictions from within prison; and

41 WHEREAS, in 2009, post-conviction DNA testing secured by Georgia Innocence Project
42 in the one case where physical evidence remained proved that Mr. Terry L. Talley was
43 innocent of the June 24th rape/aggravated assault (#969, involving a woman who was
44 sexually assaulted in a church basement); and

45 WHEREAS, the prosecutor agreed to overturn the June 24th (#969) conviction based on the
46 DNA evidence of innocence, but would not agree to overturn the other convictions, despite
47 the aforementioned serial rapist theory, destruction and loss of physical evidence, and
48 misconduct in securing the convictions against Mr. Terry L. Talley; and

49 WHEREAS, in recent years and with additional staff, Georgia Innocence Project was able
50 to collaborate with the LaGrange Police Department to uncover additional evidence
51 described above and together were able to convince the prosecutor's office that
52 Mr. Terry L. Talley was wrongfully and unjustly convicted of crimes for which he
53 proclaimed his innocence; and

54 WHEREAS, on February 22, 2021, Mr. Terry L. Talley, through the Georgia Innocence
55 Project and with support and/or consent from the LaGrange Police Department and the
56 Coweta Judicial Circuit District Attorney's Office, filed an Unopposed Extraordinary Motion
57 for New Trial in the Superior Court of Troup County, which highlighted that evidence had
58 come to light that helps prove that Mr. Terry L. Talley is innocent of the February 7th (#972),

59 February 21st (#973), April 19th (#974), and June 24th (#969) crimes and asked the court
60 to vacate the convictions as unreliable and not in the interest of justice; and

61 WHEREAS, on February 23, 2021, the Superior Court Judge of Troup County granted
62 Mr. Terry L. Talley's Unopposed Extraordinary Motion for New Trial and signed a Consent
63 Order Vacating Convictions and Granting Motion to Enter Nolle Prosequi; and

64 WHEREAS, Mr. Terry L. Talley was thus exonerated on four separate cases (the
65 February 7th, February 21st, April 19th, and June 24th rapes/sexual assaults) and freed from
66 Georgia Department of Corrections custody on February 23, 2021, after serving more than
67 25 years and 9.7 months held solely on the exonerated cases; and

68 WHEREAS, as a result of his wrongful arrest and convictions, Mr. Terry L. Talley has
69 suffered loss of liberty, personal injury, lost wages, injury to reputation, emotional distress,
70 and other damages as a result of wrongful imprisonment for rapes and aggravated assault
71 convictions that he did not commit; and

72 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
73 suffered by Mr. Terry L. Talley occurred through no fault or negligence on his part, and it
74 is only fitting and proper that he be compensated for his losses in the amount of \$70,000.00
75 for each year of wrongful imprisonment.

76 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
77 GEORGIA that the Department of Administrative Services is authorized and directed to pay
78 the sum of \$1,808,865.00 to Mr. Terry L. Talley as compensation as provided above. Said
79 sum shall be paid from funds appropriated to or available to the Department of
80 Administrative Services. After an initial payment of \$596,925.00, the remainder of said sum

81 shall be paid in the form of an annuity in equal monthly installments over a ten-year period
82 of time beginning in 2024. At the time of the initial payment, the remaining funds shall be
83 placed in ten-year annuity with an investment grade annuity company, with the interest being
84 payable to Mr. Terry L. Talley. The State of Georgia shall be entitled to a credit in an
85 amount equal to any damages recovered by Mr. Terry L. Talley from any state officer or
86 employee acting in an official capacity whose tort liability arises from the circumstances as
87 described herein, less any attorney's fees or costs Mr. Terry L. Talley paid in obtaining those
88 damages, should any remedy for such damages later be successfully pursued. Upon the death
89 of Mr. Terry L. Talley, all payments and all obligations of the state with respect to any and
90 all future payments with respect to the annuity shall continue to be made to his estate or
91 heirs.

92 BE IT FURTHER RESOLVED that any amount received by Mr. Terry L. Talley pursuant
93 to this resolution shall be excluded from his taxable net income for state income tax
94 purposes.