

House Resolution 70 (COMMITTEE SUBSTITUTE)

By: Representative Houston of the 170th

A RESOLUTION

1 Compensating Mr. Devonia Inman; and for other purposes.

2 WHEREAS, in the early morning hours of September 19, 1998, the manager of the Adel,
3 Georgia, Taco Bell was shot and killed in the restaurant's parking lot after closing, and her
4 car was stolen and abandoned nearby; and

5 WHEREAS, there were no eyewitnesses to the murder, and no physical evidence ever has
6 connected Mr. Devonia Inman to the murder, the crime scene, the location where the victim's
7 car was recovered, or to the car itself; and

8 WHEREAS, a ski mask, homemade from a pair of sweatpants, was found near the driver's
9 seat inside the victim's abandoned car, but it did not reveal the presence of any testable
10 genetic material at the time; and

11 WHEREAS, despite this lack of physical evidence and his continued proclamations of
12 innocence, Mr. Devonia Inman was arrested and charged with this crime in early 1999, and
13 on January 27, 2000, prosecutors announced they would seek the death penalty; and

14 WHEREAS, before trial Mr. Devonia Inman and his counsel urged the district attorney to
15 investigate another man, Hercules Brown, who worked at the Taco Bell with the victim; and

16 WHEREAS, during the trial Mr. Devonia Inman sought to present evidence that Hercules
17 Brown had planned and confessed to the crimes for which Mr. Devonia Inman was on trial,
18 but such evidence was excluded by the trial court; and

19 WHEREAS, during the trial the lead investigator for the Georgia Bureau of Investigation
20 (GBI) falsely testified that he had not received any information throughout the investigation
21 about Hercules Brown committing the crimes, and the district attorney also repeatedly
22 represented to the trial court that there was no evidence whatsoever of Hercules Brown's
23 involvement; and

24 WHEREAS, Mr. Devonia Inman's conviction was based primarily upon the testimony of four
25 unreliable witnesses; and

26 WHEREAS, before Mr. Devonia Inman's trial, a teenager who worked at the Taco Bell with
27 Hercules Brown and the victim, recanted her pretrial statements to law enforcement that had
28 implicated Mr. Devonia Inman; and

29 WHEREAS, at Mr. Devonia Inman's trial, a second witness, who was incentivized to blame
30 Mr. Devonia Inman because eyewitness testimony later placed her in the vicinity of the
31 victim's stolen car, recanted her pretrial statements to law enforcement that had implicated
32 Mr. Devonia Inman; and

33 WHEREAS, at Mr. Devonia Inman's trial, a third witness, who sought and received
34 assurances from the GBI that the prosecution would explore options to reward him for his

35 cooperation, reluctantly testified against Mr. Devonia Inman, and in a subsequent proceeding
36 acknowledged his trial testimony was fabricated and coerced; and

37 WHEREAS, a fourth witness came forward more than a month after the crime occurred, and
38 only after learning about a cash reward for information about the crime, and her testimony
39 was contradicted by another witness; and

40 WHEREAS, Mr. Devonia Inman's counsel was never furnished with exculpatory evidence
41 that established his innocence prior to trial, notwithstanding counsel's repeated requests for
42 such information and numerous court orders requiring the prosecution to disclose such
43 information; and

44 WHEREAS on June 25, 2001, Mr. Devonia Inman was convicted of malice murder, armed
45 robbery, and firearm offenses, and was sentenced to life in prison without the possibility of
46 parole, plus a consecutive life sentence, for the crime; and

47 WHEREAS, while Mr. Devonia Inman spent more than four years awaiting the preparation
48 of his trial transcript so that he could properly appeal his conviction, the district attorney who
49 prosecuted him was federally indicted for misconduct in office, including lying to the Federal
50 Bureau of Investigation about having a sexual relationship with an informant, civil rights
51 violations, and witness tampering; entered a guilty plea; and surrendered his law license; and

52 WHEREAS, in March, 2010, Mr. Devonia Inman, with the assistance of the Georgia
53 Innocence Project, filed an Extraordinary Motion for Post-Conviction DNA Testing and a
54 New Trial ("EMNT"), requesting that the homemade ski mask recovered from the victim's
55 car in his case be tested for the presence of DNA using recently developed technology; and

56 WHEREAS, in May, 2011, the requested testing revealed that the DNA recovered from the
57 inside mouth area of the homemade ski mask found within the victim's car belonged to
58 Hercules Brown and not Mr. Devonia Inman; and

59 WHEREAS, on October 23, 2014, the same judge who presided over Mr. Devonia Inman's
60 trial denied his extraordinary motion for a new trial, ruling that Hercules Brown's DNA was
61 "not irrelevant," but it was "not apparent to [his] judicial mind" that such DNA "would
62 probably produce a different verdict"; the Georgia Supreme Court then declined Mr. Devonia
63 Inman's request to hear an appeal of the EMNT denial (a decision about which Justice
64 Nahmias later expressed grave doubts and regret, as set forth below); and

65 WHEREAS, beginning in early 2016, pro bono counsel comprehensively reinvestigated Mr.
66 Devonia Inman's case and developed even more new evidence, including that the prosecution
67 failed to disclose that prior to Mr. Devonia Inman's trial, Hercules Brown was arrested for
68 and charged with criminal conduct in the vicinity of the Taco Bell, during which he was
69 found in possession of a loaded gun, crack cocaine, and a similar homemade ski mask; and

70 WHEREAS, on January 20, 2018, Mr. Devonia Inman, through pro bono counsel, filed a
71 Petition for Writ of Habeas Corpus (the "Petition") in the Superior Court of Chattooga
72 County, again proclaiming his innocence and asserting that his constitutional rights were
73 violated by, among other misconduct, the prosecution's failure to disclose this material, and
74 exculpatory evidence; and

75 WHEREAS, on September 19, 2019, the Georgia Supreme Court unanimously denied the
76 State of Georgia's attempt to dismiss Mr. Devonia Inman's Petition, with then-Chief Justice
77 Melton and then-Presiding Justice Nahmias expressing grave concerns about Mr. Devonia
78 Inman's conviction; in his concurring opinion, Justice Nahmias wrote, "Everyone involved

79 in our criminal justice system should dread the conviction and incarceration of innocent
80 people. During my decade of service on this Court, I have reviewed over 1,500 murder cases
81 in various forms. . . . Of the multitude of cases in which a new trial has been denied, Inman's
82 case is the one that causes me the most concern that an innocent person remains convicted
83 and sentenced to serve the rest of his life in prison". Justice Nahmias further stated about the
84 denial of Mr. Devonia Inman's EMNT years earlier, "I have grave doubts about the trial
85 court's order denying that motion, and I regret that this Court denied Inman's application for
86 a discretionary appeal of that order in 2014."; and

87 WHEREAS, on August 16, 2021, the Superior Court of Chattooga County granted Mr.
88 Devonia Inman's Petition, finding that his constitutional rights were violated by, among other
89 things, the prosecution's failure to disclose material, exculpatory evidence, and ruling "the
90 trial and post-trial proceedings against Mr. Inman were fundamentally unfair and are
91 unworthy of confidence in their outcome"; and

92 WHEREAS, on December 20, 2021, at the request of the District Attorney for the Alapaha
93 Judicial Circuit, the Superior Court of Cook County entered an order vacating Mr. Devonia
94 Inman's conviction and entering a nolle prosequi with respect to the indictment against him;
95 and

96 WHEREAS, Mr. Devonia Inman thus was exonerated, and on December 23, 2021, he was
97 released from prison after spending more than 23 years behind bars for a crime he did not
98 commit; and

99 WHEREAS, Mr. Devonia Inman has suffered the loss of liberty, personal injury, lost wages,
100 injury to reputation, health issues, emotional distress, and other damages as a result of his
101 wrongful arrest, conviction, and incarceration; and

102 WHEREAS, Mr. Devonia Inman's conviction, incarceration, loss of liberty, and other
103 damages occurred through no fault or negligence on his part, and it is only fitting and proper
104 that he be compensated for his losses in the amount of \$70,000.00 for each year of wrongful
105 imprisonment.

106 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
107 GEORGIA that the Department of Administrative Services is authorized and directed to pay
108 the sum of \$1,610,000.00 to Mr. Devonia Inman as compensation, as provided above. Said
109 sum shall be paid from funds appropriated or available to the Department of Administrative
110 Services and subject to the provisions of this resolution. Said sum shall be in full and
111 complete satisfaction of all claims against the State of Georgia arising out of said occurrence.
112 After an initial payment of \$536,667.00, the remainder of said sum shall be paid immediately
113 into a commercial annuity account bearing interest at the prevailing market rate, payable in
114 equal monthly installments over ten years beginning in 2024 with interest payable to Mr.
115 Devonia Inman. The State of Georgia shall be entitled to a credit in an amount equal to any
116 damages recovered by Mr. Devonia Inman from any state officer or employee acting in an
117 official capacity whose tort liability arises from the circumstances as described herein, less
118 any attorney's fees or costs Mr. Devonia Inman paid in obtaining those damages, should any
119 remedy for such damages later be successfully pursued. Upon the death of Mr. Devonia
120 Inman, all payments and all obligations of the State of Georgia with respect to any and all
121 future payments of the annuity and interest shall continue to be made to his estate or heirs.

122 BE IT FURTHER RESOLVED that any amount received by Mr. Devonia Inman pursuant
123 to this resolution shall be excluded from his taxable net income for state income tax
124 purposes.