

House Resolution 18 (COMMITTEE SUBSTITUTE)

By: Representatives Hugley of the 136th, Williams of the 168th, and Smyre of the 135th

A RESOLUTION

1 Compensating Mr. Jakeith Bendray Robinson, Sr.; and for other purposes.

2 WHEREAS, in June, 1998, Mr. Jakeith Bendray Robinson, Sr., the alleged get-away driver
3 in the robbery of an armored car driver, was indicted and tried for murder, felony murder,
4 armed robbery, two counts of aggravated assault, possession of a firearm by a convicted
5 felon, and possession of a firearm during the commission of a felony. At the conclusion of
6 the trial, the jury returned not guilty verdicts as to the murder, felony murder, and both
7 aggravated assault charges, but could not reach a verdict on the charges of armed robbery and
8 possession of a firearm during the commission of a felony; and

9 WHEREAS, in September, 1999, Mr. Robinson was tried as a codefendant for armed
10 robbery and the weapons charge. Mr. Robinson unsuccessfully moved for severance of the
11 trials, arguing that based on the state's arguments that he was a co-conspirator and/or party
12 to the armed robbery, the issue was precluded from retrial. During the trial, codefendant
13 Xavier Womack was tried for murder, felony murder, armed robbery, two counts of
14 aggravated assault, possession of a firearm during the commission of a felony, and
15 possession of a firearm by a convicted felon, while Mr. Robinson was retried on armed
16 robbery and possession of a firearm during the commission of a felony. The jury found
17 Mr. Robinson guilty of armed robbery and acquitted him of possession of a firearm during
18 a felony and possession of a firearm by a convicted felon. Mr. Robinson was sentenced to
19 life imprisonment; and

20 WHEREAS, Mr. Robinson filed a motion for new trial and two amended motions for new
21 trial, which motions ultimately were denied by the trial court in September, 2001.
22 Mr. Robinson filed his notice of appeal in 2001. After an unexplained 14 year delay for his
23 appeal to be heard, the Court of Appeals found that the only rational conclusion from the first
24 trial of Mr. Robinson was that the jury determined that Mr. Robinson was not a party to the
25 crimes and, therefore, should have been acquitted of all charges and the state should not have
26 tried him a second time for the armed robbery; and

27 WHEREAS, during the unexplained delay in his appeal following his conviction and until
28 the Court of Appeals finally reversed his convictions and he was released, Mr. Robinson
29 served 19 years, 11 months, and 29 days in prison; and

30 WHEREAS, Mr. Robinson has suffered loss of liberty, personal injury, lost wages, injury to
31 reputation, emotional distress, loss of consortium, loss of familial association, and other
32 damages as a result of his almost 20 years of incarceration and expenses in trying to prove
33 his innocence; and

34 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages
35 occurred through no fault or negligence on the part of Mr. Robinson, and it is only fitting and
36 proper that he be compensated for his loss.

37 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
38 ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized
39 and directed to pay the sum of \$560,000.00 to Mr. Jakeith Bendray Robinson, Sr., as
40 compensation as provided above. Said sum shall be paid from funds appropriated to or
41 available to the Department of Administrative Services and shall be in full and complete
42 satisfaction of all claims against the state arising out of said occurrence. Said sum shall not
43 be subject to state income taxes and shall be paid in the form of an annuity over a 20 year
44 period with an initial lump sum payment of \$50,000.00 and monthly payments thereafter.
45 Upon the death of Mr. Jakeith Bendray Robinson, Sr., all payments and all obligations of the
46 state with respect to any and all future payments with respect to the annuity shall continue
47 to be made to his estate or heirs. The annuity shall not be assignable under any
48 circumstances. None of the funds provided by this resolution shall be used to pay attorney's
49 fees if such fees are calculated on a contingency fee basis.