

House Resolution 24 (AS PASSED HOUSE AND SENATE)

By: Representatives Mallow of the 163<sup>rd</sup>, Stephens of the 164<sup>th</sup> and Singleton of the 71st

### A RESOLUTION

- 1 Compensating Dominic Brian Lucci; and for other purposes.
- 2 WHEREAS, in the late evening hours of January 31, 1992, a man was gunned down on a  
3 street corner in Savannah, Georgia; and
- 4 WHEREAS, despite his continued proclamations of innocence, Dominic Brian Lucci was  
5 arrested and charged with this crime; and
- 6 WHEREAS, on November 19, 1992, Dominic Brian Lucci was convicted of malice murder  
7 and possession of a firearm during the commission of a crime and was sentenced to life plus  
8 five years in prison; and
- 9 WHEREAS, this conviction was primarily based upon the testimony of a reluctant partial  
10 eyewitness who was unduly pressured to provide false testimony and identify Dominic Brian  
11 Lucci as one of the perpetrators and who subsequently recanted his trial testimony in full;  
12 and
- 13 WHEREAS, prior to trial, the criminal defense attorneys for Mr. Lucci were never furnished  
14 with exculpatory evidence that established his innocence; and

15 WHEREAS, on November 2, 2017, the Georgia Supreme Court, in a unanimous decision,  
16 overturned the conviction of Dominic Brian Lucci after determining that the outcome of his  
17 trial would likely have been different if the exculpatory evidence had not been withheld from  
18 his defense team; and

19 WHEREAS, following the Supreme Court's decision, Dominic Brian Lucci was released on  
20 bond in December, 2017, after spending over 25 years in prison; and

21 WHEREAS, in July, 2018, a nolle prosequi was entered with respect to the indictment  
22 against Dominic Brian Lucci; and

23 WHEREAS, as a result of his wrongful arrest and conviction, Dominic Brian Lucci was  
24 denied the honor of serving his country in the military; and

25 WHEREAS, Dominic Brian Lucci has suffered loss of liberty, personal injury, lost wages,  
26 injury to reputation, emotional distress, and other damages as a result of his more than 25  
27 years of incarceration; and

28

29 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages  
30 suffered by Dominic Brian Lucci occurred through no fault or negligence on his part, and it  
31 is only fitting and proper that he be compensated for his losses.

32 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
33 GEORGIA that the Department of Administrative Services is authorized and directed to pay  
34 the sum of \$1,000,000.00 to Dominic Brian Lucci as compensation as provided above. Said  
35 sum shall be paid from funds appropriated to or available to the Department of  
36 Administrative Services and shall be in full and complete satisfaction of all claims against

37 the state arising out of said occurrence and shall be paid subject to the provisions of this  
38 resolution. Said sum shall be paid in the form of an annuity in equal monthly installments  
39 over a 20 year period of time beginning one year after an initial lump sum payment of  
40 \$50,000.00. Upon the death of Dominic Brian Lucci, all payments and all obligations of the  
41 state with respect to any and all future payments with respect to the annuity shall continue  
42 to be made to his estate or heirs.