

House Resolution 1039 (COMMITTEE SUBSTITUTE)

By: Representatives Gordon of the 163rd, Gilliard of the 162nd, Stephens of the 164th, Williams of the 168th, Petrea of the 166th, and others

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

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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 AND ENACTED BY THE GENERAL
33 ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized
34 and directed to pay the sum of \$1,000,000.00 to Dominic Brian Lucci as compensation as
35 provided above. Said sum shall be paid from funds appropriated to or available to the
36 Department of Administrative Services and shall be in full and complete satisfaction of all
37 claims against the state arising out of said occurrence and shall be paid subject to the
38 provisions of this resolution. Said sum shall be paid in the form of an annuity in equal
39 monthly installments over a 20 year period of time beginning one year after an initial lump
40 sum payment of \$50,000.00. Upon the death of Dominic Brian Lucci, all payments and all
41 obligations of the state with respect to any and all future payments with respect to the annuity
42 shall continue to be made to his estate or heirs. None of the annuities shall be assignable
43 under any circumstances.