A RESOLUTION

1 Compensating Kenneth Eric Gardiner; and for other purposes.

2 WHEREAS, in the late evening hours of January 31, 1992, a man was gunned down on a
   street corner in Savannah, Georgia; and

3 WHEREAS, despite his continued proclamations of innocence, Kenneth Eric Gardiner was
   arrested and charged with this crime; and

4 WHEREAS, on November 19, 1992, Kenneth Eric Gardiner was convicted of malice murder
   and possession of a firearm during the commission of a crime and was sentenced to life plus
   five years in prison; and

5 WHEREAS, this conviction was primarily based upon the testimony of a reluctant partial
   eyewitness who was unduly pressured to provide false testimony and identify Kenneth Eric
   Gardiner as one of the perpetrators and who subsequently recanted his trial testimony in full;
   and

6 WHEREAS, prior to trial, the criminal defense attorneys for Mr. Gardiner were never
   furnished with exculpatory evidence that established his innocence; and

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WHEREAS, on November 2, 2017, the Georgia Supreme Court, in a unanimous decision, overturned the conviction of Kenneth Eric Gardiner after determining that the outcome of his trial would likely have been different if the exculpatory evidence had not been withheld from his defense team; and

WHEREAS, following the Supreme Court's decision, Kenneth Gardiner was released on bond in December, 2017, after spending over 25 years in prison; and

WHEREAS, in July, 2018, a nolle prosequi was entered with respect to the indictment against Kenneth Gardiner; and

WHEREAS, as a result of his wrongful arrest and conviction, Kenneth Gardiner received an other than honorable discharge from the United States Army, was denied the honor of serving his country in the military, and was deprived of many benefits to which he would otherwise be entitled from the Department of Veterans Affairs; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Department of Administrative Services is authorized and directed to pay the sum of $1,000,000.00 to Kenneth Eric Gardiner as compensation as provided above.
Said sum shall be paid from funds appropriated to or available to the Department of Administrative Services and shall be in full and complete satisfaction of all claims against the state arising out of said occurrence and shall be paid subject to the provisions of this resolution. Said sum shall be paid in the form of an annuity in equal monthly installments over a 20 year period of time beginning one year after an initial lump sum payment of $50,000.00. Upon the death of Kenneth Eric Gardiner, all payments and all obligations of the state with respect to any and all future payments with respect to the annuity shall continue to be made to his estate or heirs.