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IN THE SUPERIOR COURT OF COLQUITT COUNTY JAN -8 AM 8: 27 STATE OF GEORGIA LYNN G. PURVIS. CLERK

STATE OF GEORGIA

CRIMINAL ACTION NO. 99-CR-157

VS

: Judge Brian A. McDaniel

KERRY ROBINSON

CONSENT ORDER VACATING CONVICTION AND GRANTING MOTION TO ENTER NOLLE PROSEOUI BASED ON DNA ANALYSIS

Defendant Kerry Robinson was convicted of rape on February 26, 2002. He was sentenced to 20 years on March 26, 2002.

On September 17, 2019, the Georgia Innocence Project and Rodney Zell, on behalf of Robinson, filed an Amended Extraordinary Motion for New Trial. This motion was based on new, exculpatory DNA analysis. Based on the new DNA results and the lack of any corroborating evidence for the accusation of Kerry Robinson by his co-Defendant, I find and the State agrees that justice requires that Kerry Robinson's conviction from February 26, 2002, is immediately vacated and his sentence is voided and set aside. Furthermore, the State has moved the Court to enter a nolle prosequi based on its assessment that continuing to litigate this case is not in the interest of justice.

Kerry Robinson is presently in the custody of the Department of Corrections at Coffee Correctional Facility in Nicholls, Georgia (GDC number 775363). Kerry Robinson has been incarcerated for over 17 years following his conviction in this case. I find and the State agrees that Kerry Robinson's criminal record related to this case should be modified and/or restricted to the greatest extent allowable by O.C.G.A. § 35-3-37.

Having considered Defendant's Extraordinary Motion for New Trial, the exhibits thereto, and the position of the State and the Defense, IT IS HEREBY ORDERED THAT

- (1) Defendant's Extraordinary Motion for New Trial is Granted;
- (2) Kerry Robinson's conviction from February 26, 2002 in the above-captioned case is vacated and his March 26, 2002 sentence is null and void and set aside;
- (3) The Motion of the State to Nolle Prosequi the indictment in this case with respect to Kerry Robinson is granted, and
- (4) Kerry Robinson shall be released from custody on this charge as soon as possible, but not longer than 24 hours after receiving this Order.

So ORDERED, this ____ day of January, 2020.

THE HONORABLE BRIAN McDANIEL SUPERIOR COURT JUDGE

SOUTHERN JUDICIAL CIRCUIT

Consented to by:

Bradfield Shealy

District Attorney

Southern Judicial Circuit

Prepared by Attorneys for Defendant:

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STATE OF GEORGIA

: CRIMINAL ACTION NO. 99-CR-157

vs

: Judge Brian A. McDaniel

KERRY ROBINSON

Motion to Enter Nolle Prosequi

Whereas new developments in DNA technology produced exculpatory results for Kerry Robinson and require the vacation of his sentence, and

Whereas the State, by and through the District Attorney, deems that litigating this case further is not in the interests of justice,

The State moves the Court to nolle prosequi the above-styled case with respect to Kerry Robinson pursuant to O.C.G.A. § 17-8-3.

This the 8 day of January, 2020.

Bradfield Shealy

District Attorney

Southern Judicial Circuit