

# INNOCENCE PROJECT



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## EXCERPT FROM THE SENTENCING HEARING

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IN THE SUPERIOR COURT FOR THE COUNTY  
OF COBB, STATE OF GEORGIA  
MAY TERM, 1982

STATE OF GEORGIA )  
 )  
vs. ) Criminal Indictment Number  
 )  
ROBERT CLARK, JR., ) 82-0481  
 )  
Defendant. )

Tried Before His Honor  
Judge Gary B. Andrews  
With a Jury  
May 24, 25 & 26, 1982

APPEARANCES

For the State: Charles C. Clay, Esquire  
Assistant District Attorney  
For the Defendant: Nancy Scott Rogers, Esquire  
August F. Siemon, Esquire

-- TRANSCRIPT OF THE EVIDENCE --

EXCERPT FROM  
SENTENCING HEARING

1 to keep any type of goals in mind to which he would think  
2 that he would have a reason to continue, a reason to try  
3 to learn and rehabilitate himself. We understand, of  
4 course, that there is an eligibility for parole at seven  
5 years. However, under the Georgia system, the average  
6 time is thirteen, and that average includes crimes in  
7 which they were family members, or perhaps even should  
8 have been reduced to manslaughter, so he is facing a lengthy  
9 sentence, and we would ask only that the other charges  
10 be a determinant number of years which would be less than  
11 that, and which could run concurrent on each of these  
12 offenses, so that he would have a possibility. I think  
13 that the evaluation proves that with the right kind of  
14 approach and treatment, with a rehabilitative approach,  
15 that he could become a productive member of society, and  
16 we ask that the sentencing not be so severe that it would  
17 ruin any chance of that. That's all we have, Your Honor.

18 THE COURT: Is there anything else?

19 (No response)

20 THE COURT: Mr. Clark, it is the sentence of the  
21 Court with respect to Count One, charging kidnapping with  
22 bodily injury, that you serve the remainder of your life  
23 in the State penitentiary or such other institution as  
24 the Department of Corrections shall designate.

25 THE DEFENDANT: Your Honor, they had Tony here. I

1 can't put him on the stand. He'll tell you I didn't do  
2 nothing but drive the car two weeks later. Y'all got  
3 him right here.

4 THE COURT: Mr. Clark, you have had your trial. Just  
5 remain silent. With respect to Count Two, it is the sen-  
6 tence of the Court that you serve the remainder of your  
7 life in the State penitentiary. That sentence will be  
8 run concurrent with the sentence imposed in Count One.

9 With respect to Count Three, it is the sentence of  
10 the Court that you serve twenty years in the penitentiary,  
11 that sentence to run consecutive to the sentence in Counts  
12 One and Two.

13 Mr. Clark, you have the right to appeal these sentences,  
14 provided you do so within thirty days. Were you appointed  
15 or retained?

16 MS. ROGERS: No, Your Honor. We were retained counsel.  
17 I do feel that he will need appointed counsel. I do not  
18 feel that his condition is such that he would understand  
19 or remember any of the appeal type things that you would  
20 be talking about, and I would suggest that appointed counsel  
21 be made for him, and in the event that his family is able  
22 to retain private counsel, that that appointed counsel  
23 could withdraw. I understand there is a Cobb County panel.

24 THE COURT: His family is here and you are here.  
25 You can remind him of this. I will inform him of his