

By Senator Rouson

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1 A bill to be entitled
2 An act for the relief of Thomas Raynard James;
3 providing an appropriation to compensate Mr. James for
4 his wrongful incarceration for 32 years; directing the
5 Chief Financial Officer to draw a warrant payable
6 directly to Mr. James; declaring that the Legislature
7 does not waive certain defenses or increase the
8 state's limits of liability with respect to the act;
9 prohibiting Mr. James from submitting an application
10 for certain compensation upon receipt of compensation
11 under the act; requiring that Mr. James notify the
12 Department of Legal Affairs upon filing certain civil
13 actions; requiring specific reimbursement to the state
14 under certain circumstances; requiring that the
15 department file a notice of payment of monetary
16 compensation in any such action; providing an
17 effective date.

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19 WHEREAS, Thomas Raynard James was convicted on January 11,
20 1991, of first-degree murder; armed robbery with a firearm;
21 armed burglary of an occupied dwelling with a firearm and
22 assault therein; and aggravated assault with a firearm for the
23 murder of Francis McKinnon, which occurred on January 17, 1990,
24 and

25 WHEREAS, Mr. James had the same name as a suspect named by
26 witnesses as "Thomas James" or "Tommy James," which resulted in
27 police putting a photograph of Mr. James in a photographic
28 lineup and Mr. James' mistaken identification, conviction, and
29 wrongful incarceration, and

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30 WHEREAS, Mr. James' appeals, motions, and petitions for
31 collateral relief and his DNA testing requests were denied
32 during his time in prison, and

33 WHEREAS, Mr. James spent 32 years and 52 days wrongfully
34 incarcerated, and

35 WHEREAS, Mr. James has maintained his innocence since his
36 arrest and throughout the entirety of his incarceration, and

37 WHEREAS, a comprehensive investigation by the Miami-Dade
38 County State Attorney's Office Justice Project determined that
39 reasonable doubt exists in Mr. James' convictions and that he is
40 innocent of all charges, and

41 WHEREAS, the Legislature acknowledges that the state's
42 system of justice yielded an imperfect result that had tragic
43 consequences in this case, and

44 WHEREAS, the Legislature is providing compensation to Mr.
45 James to acknowledge the fact that he suffered significant
46 damages that are unique to him, and

47 WHEREAS, the Legislature apologizes to Mr. James on behalf
48 of the state, NOW, THEREFORE,

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50 Be It Enacted by the Legislature of the State of Florida:

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52 Section 1. The facts stated in the preamble to this act are
53 found and declared to be true.

54 Section 2. The sum of \$1.6 million is appropriated from the
55 General Revenue Fund to the Department of Financial Services for
56 the relief of Thomas Raynard James for his wrongful
57 incarceration. The Chief Financial Officer is directed to draw a
58 warrant in favor of Thomas Raynard James in the sum of \$1.6

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59 million payable directly to Thomas Raynard James.

60 Section 3. With respect to this act, the Legislature does
61 not waive any defense of sovereign immunity or increase the
62 limits of liability on behalf of the state or any person or
63 entity that is subject to s. 768.28, Florida Statutes, or any
64 other law.

65 Section 4. Upon his receipt of payment under this act,
66 Thomas Raynard James is prohibited from submitting an
67 application for compensation under chapter 961, Florida
68 Statutes.

69 Section 5. If, after the time that monetary compensation is
70 paid under this act, Thomas Raynard James brings a civil action
71 related to his wrongful incarceration, he must notify the
72 Department of Legal Affairs upon filing the action. If a court
73 enters a monetary judgment in favor of Thomas Raynard James in
74 such a civil action, the court entering the monetary judgment
75 must include in the final order of judgment an award to the
76 state of any amount required to be deducted pursuant to this
77 section. In the event of the entry of such judgment, or if
78 Thomas Raynard James enters into a settlement agreement with the
79 state or any political subdivision thereof to compensate him for
80 his wrongful incarceration, Thomas Raynard James must reimburse
81 the state for the monetary compensation awarded under this act,
82 less any sums paid out of that amount for attorney fees or costs
83 incurred in litigating the civil action or obtaining the
84 settlement agreement, up to, but not exceeding, the full amount
85 of such compensation. The Department of Legal Affairs must then
86 file a notice of payment of monetary compensation in the civil
87 action, which notice constitutes a lien upon any judgment or

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88 settlement recovered under the civil action which is equal to
89 the sum of monetary compensation paid to the claimant under this
90 act, less any attorney fees and litigation costs.

91 Section 6. This act shall take effect upon becoming a law.