

# Georgia Association of Criminal Defense Lawyers



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**From:** Jason Sheffield, Esq., President  
**Contact:** Carlos Rodriguez, Esq., Media Committee Chairman  
**Phone:** 770-693-4638  
**E-mail:** [carlos@kilgorerodriguez.com](mailto:carlos@kilgorerodriguez.com)

## **Georgia Takes Important Step Toward Excluding Unreliable Science from Criminal Courtrooms**

ATLANTA, GA — As of July 1, 2022, faulty forensic science evidence should cease to contribute to wrongful convictions in criminal courtrooms across the state now that the Georgia General Assembly passed, and the Governor signed, [House Bill 478](#), which requires scientific evidence to be reliable before being considered in any court action, pending or later initiated, in Georgia.

The Georgia Association of Criminal Defense Lawyers (GACDL), in partnership with the lead sponsor, Georgia House Representative and Majority Caucus Chairman Bonnie Rich, spearheaded the effort to eliminate the unique disparity plaguing Georgia courtrooms where currently, as Senior Attorney Mark Loudon-Brown, Southern Center for Human Rights, and the Innocence Project's Director of Strategic Litigation, M. Chris Fabricant, have described, "A civil defendant's money is protected against unreliable science, but a criminal defendant's life is not." Unique among the 50 states for this current disparity in admitting scientific evidence in civil versus criminal courts, the passage of HB 478 corrects that wrong and allows Georgia to "join the rest of the country [in demanding] that expert testimony used against a criminal defendant be—at the very least—reliable," as Loudon-Brown and Fabricant have encouraged.

As for her part, Caucus Chair Rich says that "25 people prosecuted for crimes in Georgia's criminal courts have lost over 312 combined years of their lives due to wrongful convictions involving the admission of faulty scientific evidence at a cost to taxpayers of well over \$6.2 million. The human, constitutional, and budgetary costs persuaded me to champion HB 478 to see reliable evidence begin to produce reliable results in Georgia's criminal courtrooms. I am grateful for my colleagues' support of this measure, especially Georgia State Senator R. Brian Strickland, who led advocacy for HB 478 in his chamber. I also remain thankful for Governor Kemp's support of this important policy shift in Georgia's courtrooms."

"GACDL is pleased that this legislation will bring much needed equity and fairness to criminal prosecutions in Georgia," said Jason Sheffield, President of GACDL. "I am personally grateful to GACDL's counterparts at the Prosecuting Attorneys Council of Georgia, the Georgia Defense Lawyers Association, and the Georgia Trial Lawyers Association for collaborating with GACDL to help see justice accomplished through passage of this critical legislation."

Professor of Law Emeritus Paul Milich, of Georgia State University's College of Law, heralded the passage of HB 478 as "momentous," noting that no other state in the country has the kind of disparity in evidentiary standards between criminal and civil court proceedings as Georgia. Professor Milich worked to improve Georgia's evidentiary laws for over two decades and was a guiding force when a majority of those statutes were overhauled in 2011. HB 478 directly impacts one critical component of those evidence laws untouched by that 2011 legislation and of its passage Milich said, "reliability ought to be the touchstone for allowing a jury to hear evidence that will help decide a person's fate in a criminal prosecution and I am encouraged to see Georgia's General Assembly setting reliability as the standard in every court proceeding in the state."

GACDL thanks Governor Kemp, Lieutenant Governor Duncan, Georgia's State Senators and Representatives, especially Representative Rich, for bringing equity to Georgia's Judiciary by equalizing this evidentiary standard throughout our state's criminal and civil courtrooms. # # #

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## **About the Georgia Association of Criminal Defense Lawyers**

For more than 48 years, and with a current membership of more than 1,400 attorneys, the Georgia Association of Criminal Defense Lawyers has promoted fairness and justice through membership education, services and support, public outreach, and a commitment to quality representation for all.