



SUPREME COURT OF GEORGIA
Case No. S20I0038

September 19, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

KEVIN SPRAYBERRY, WARDEN v. DEVONIA TYRONE
INMAN.

Upon consideration of the Application for Interlocutory Appeal,
it is ordered that it be hereby denied.

All the Justices concur.

Trial Court Case No. 2018CA42465

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 , Clerk

MELTON, Chief Justice, concurring.

While I also concur fully in the decision to deny the Warden's application for interlocutory appeal, I write separately to express that I, too, share many of the concerns raised by Presiding Justice Nahmias in his concurrence. Based on the unique procedural hurdles that are currently present in this case, the Attorney General is now in a better position than this Court to re-examine this case to ensure that the actual ends of justice are being met. The evidence that potentially connects a different person other than Inman to the murder in this case raises some very troubling issues, and, under such circumstances, the Attorney General is best suited to closely re-examine this case in order to ensure that justice is truly being served.

NAHMIAS, Presiding Justice, concurring.

I concur fully in the Court's denial of the Warden's application for interlocutory appeal, which will have the effect of allowing Inman's habeas corpus proceeding to continue. But I have more to say about this case. I have gone back to review the record regarding Inman's extraordinary motion for new trial. I have grave doubts about the trial court's order denying that motion, and I regret that this Court denied Inman's application for a discretionary appeal of that order in 2014. Unfortunately, I have not found a way, within the confines of the law, for us to undo our decision on the extraordinary motion at this point. But this Court is not the only source of justice in this State. Indeed, judges are often obligated to enforce procedural rules, and we often must defer to discretionary decisions made by prosecutors. Prosecutors, however, may always exercise their discretion to seek justice – to do the right thing.

Everyone involved in our criminal justice system should dread the conviction and incarceration of innocent people. During my

decade of service on this Court, I have reviewed over 1,500 murder cases in various forms. In those cases, trial courts, habeas courts, and this Court through appellate review have occasionally granted new trials to defendants who appeared not to be guilty of crimes of which they were convicted. Of the multitude of cases in which a new trial has been denied, Inman's case is the one that causes me the most concern that an innocent person remains convicted and sentenced to serve the rest of his life in prison.

This is, in short, a case that the Attorney General and his senior staff should review – should personally and fully review – before it goes much further. The Attorney General should decide whether it is really in the interest of justice for the State of Georgia to continue fighting to block discovery regarding Inman's claims and asserting procedural defenses to prevent a hearing on the merits of those claims – and indeed whether the State should continue resisting Inman's efforts to obtain a new trial. No one can say for sure what the result of a new trial would be, but with the new evidence that has been uncovered since Inman's original trial –

including but not limited to the DNA of Hercules Brown, and not of Devonia Inman, on the homemade mask found in the murder victim's stolen car – there is no doubt that a new trial would be very different than the one in which Inman was found guilty.

Let justice be done.