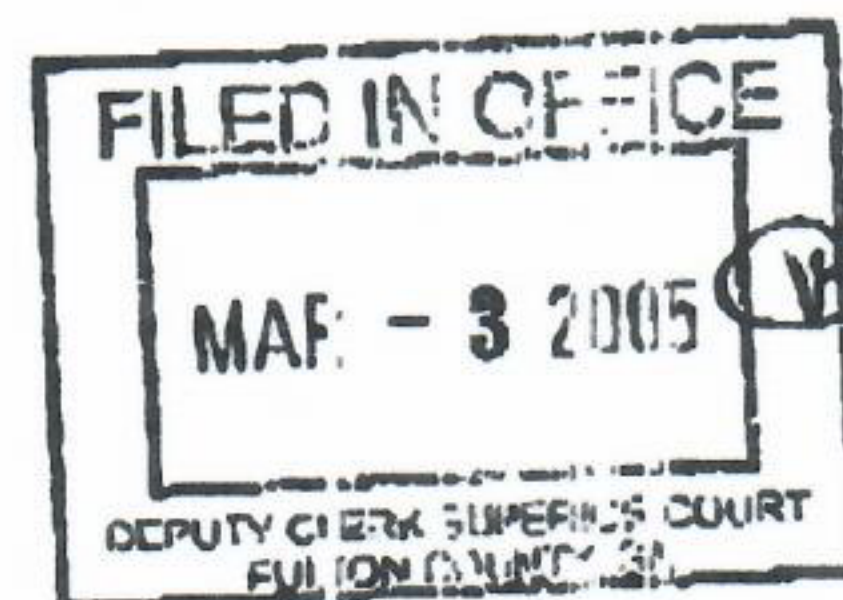


TO:
Tracy Masters

From:
KATHERINE
DIAMANTAS

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



LETONIKA GRIFFIN,
LARRY CAYLOR,
HAZEL JOHNSON,
STEVEN C. PEEK,
KEVIN JACKSON,
ROBERT L. HALLIDAY,

Petitioners,

v.

MILTON NIX, JR.;
GARFIELD HAMMONDS, JR.;
EUGENE WALKER;
J. MICHAEL LIGHT;
GARLAND R. HUNT,

Respondents.

CIVIL ACTION NO.
2004-CV-92152

**FINAL ORDER GRANTING DECLARATORY JUDGMENT AS TO ALL
PLAINTIFFS EXCEPT HAZEL JOHNSON (MANDAMUS DENIED AS TO ALL
PLAINTIFFS)**

The above-referenced matter having come before this Court on Petitioners' Petition for Mandamus and Petitioners' having prayed for declaratory relief, and the Court having read and considered the pleadings, having heard and considered the arguments, evidence, and presentations of authority adduced at the hearing held in this matter on February 11, 2005, the Court hereby enters the following order:

09/07/2000 11:02 FAX 404 400 0004 GA LAW FOR SAFETY 0002

Respondents are members of the State Board of Pardons and Paroles which implemented its "90% Policy" as the Parole Decision Guidelines recommendation for inmates who have committed certain enumerated crimes on or after January 1, 1998. With exception to Hazel Johnson, Respondents consider Petitioners subject to the "90% Policy."

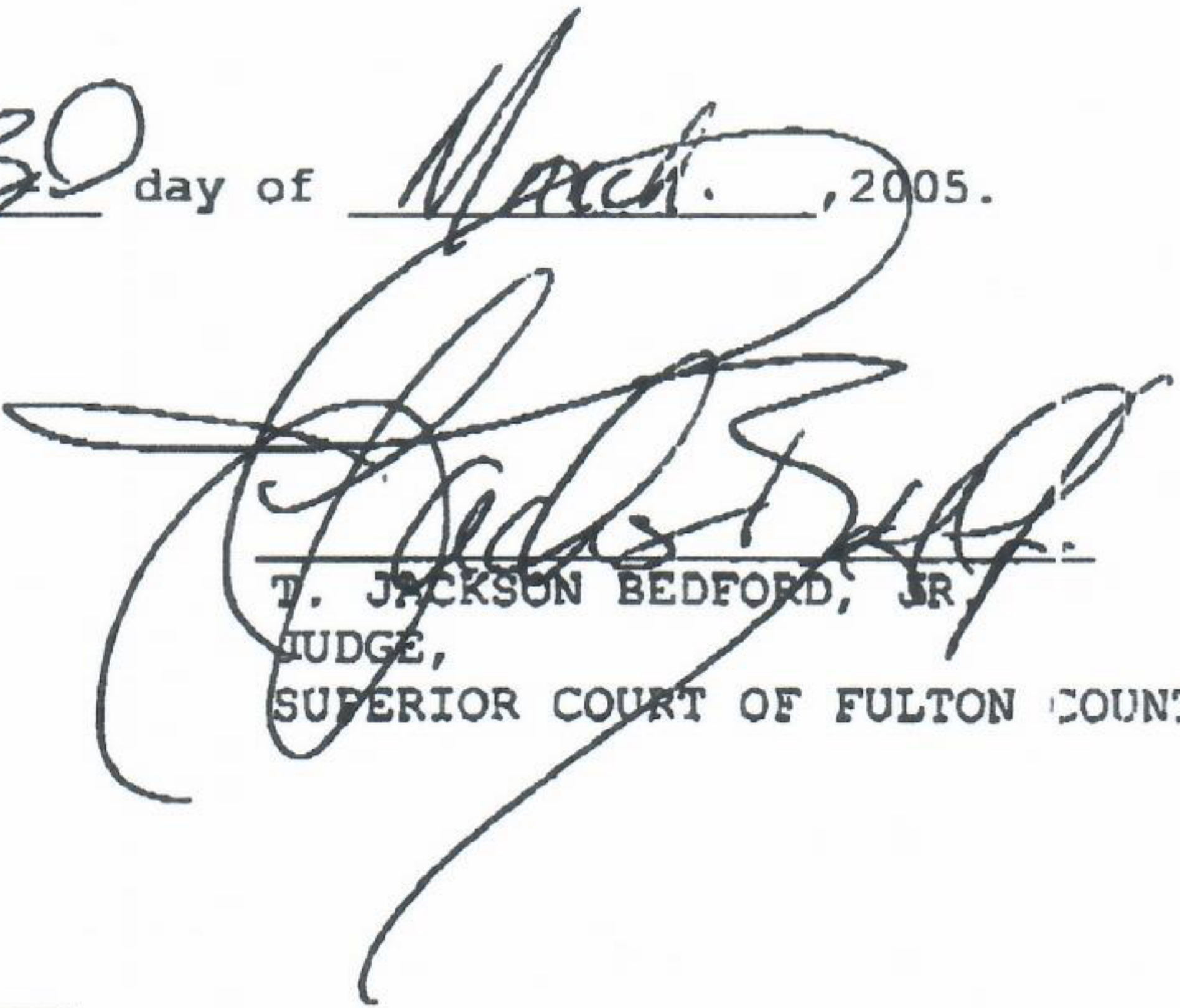
As to mandamus, the Court finds that Petitioners have failed to state a claim for relief. See Ray v. Carthen, 275 Ga. 459 (2002); Dance v. Garner, 267 Ga. 126 (1996); Vargas v. Morris, 266 Ga. 141 (1996); Jones v. Georgia State Board of Pardons and Paroles, 59 F.3d 1145 (11th Cir. 1995); Sultenfuss v. Snow, 35 F.3d 1494 (11th Cir. 1994).

However, with respect to declaratory relief, this Court finds that the "90% policy" is ineffective and has no force and effect as to these Petitioners because it was not adopted pursuant to the Administrative Procedures Act. See § O.C.G.A. 42-9-40(b). The Court hereby orders Respondents to reconsider Petitioners for parole without regard to its "90% Policy" within 45 days of this Order.

CONCLUSION

WHEREFORE Petitioners' Petition for Mandamus is DENIED and, Petitioners' prayers for declaratory relief are GRANTED. The Clerk is hereby DIRECTED to serve a copy of this Order, as entered, upon Petitioners and the Attorney General.

SO ORDERED, this 30 day of March, 2005.


T. JACKSON BEDFORD, JR.
JUDGE,
SUPERIOR COURT OF FULTON COUNTY

Presented by:


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