

# 2001 SPECIAL SESSION I

ENGROSSED

013322452

## SENATE BILL NO. 3

Senate Amendments in [ ] — April 12, 2001

*A BILL for the relief of Nathaniel Patterson*

Patron—Lambert

Unanimous consent to introduce

Referred to Committee on Finance

Whereas, On January 29, 1974, Nathaniel Patterson (Mr. Patterson) was sentenced in the Circuit Court for the City of Richmond to consecutive terms of 15 years for burglary, 15 years for breaking and entering a dwelling house in the nighttime with intent to rape, and 20 years for rape; and

Whereas, Mr. Patterson appealed his convictions to the Virginia Supreme Court; and

Whereas, on April 28, 1975, the Supreme Court reversed and remanded the conviction for breaking and entering a dwelling house in the nighttime with intent to rape and vacated the conviction for burglary; and

Whereas, after remand, the Circuit Court for the City of Richmond convicted Mr. Patterson on an amended charge of assault and sentenced him to a concurrent term of three years; and

Whereas, Mr. Patterson was incarcerated on October 18, 1973; and

Whereas, while officials of the Virginia Department of Corrections (VDOC) changed Mr. Patterson's record to reflect the three-year sentence, they inadvertently failed to delete the vacated sentence of 15 years from his record; and

Whereas, the error was not discovered until Mr. Patterson filed a petition for a writ of habeas corpus in state court on July 11, 2000, when, as a part of the normal process in responding to inmate lawsuits, an audit into Mr. Patterson's complete record was conducted by the VDOC; and

Whereas, the audit revealed that Mr. Patterson was detained approximately five and one-half years past his release date of March 11, 1995; and

Whereas, once VDOC conducted the audit and the error was revealed, Patterson was immediately released from custody on August 29, 2000; and

Whereas, Mr. Patterson has suffered severe physical, emotional and psychological damage as a result of this wrongful incarceration and has no means to obtain adequate relief except by action of this body; now, therefore

**Be it enacted by the General Assembly of Virginia:**

**1. § 1. That there is hereby appropriated from [ ~~the general fund of the state treasury~~ Virginia Department of Corrections ] the sum of [ ~~\$100,000~~ \$50,000 ] for the relief of Nathaniel Patterson, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection with the aforesaid occurrence.**

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