

2003 SESSION

INTRODUCED

036724884

HOUSE BILL NO. 2166

Offered January 8, 2003

Prefiled January 8, 2003

A BILL for the relief of Hubert Garl Mullins.

Patron—Phillips

Referred to Committee on Appropriations

Whereas, Hubert Garl Mullins (Mullins) was arrested on November 16, 1992, and charged with one count of conspiracy to distribute cocaine and seven counts of distribution of cocaine; and

Whereas, Mullins did not receive a trial on the charges until February 7, 1994; and

Whereas, on or about February 7, 1994, Mullins was convicted by a jury of conspiracy to distribute cocaine and two counts of distribution of cocaine; and

Whereas, on or about June 17, 1994, Mullins was sentenced to 10 years in prison; and

Whereas, Mullins appealed his conviction contending, among other things, that the trial judge erred in (i) joining his trial with another defendant and denying his motion to sever the individual counts of the indictment, (ii) allowing testimony concerning baggies containing cocaine that were alleged to have been found at his business but not produced at trial, and (iii) by admitting into evidence cocaine and a related certificate of analysis that were not connected to him; and

Whereas, on or about February 19, 1996, the Court of Appeals of Virginia found that (i) the record did not contain any proof relating the conspiracy and distribution charges to a common plan or scheme and that the admission of evidence on all eight of the charges without such proof amounted to a denial of a fair trial to Mullins, and (ii) the admission into evidence of cocaine that the Commonwealth did not link to Mullins was highly prejudicial to Mullins; and

Whereas, the Court of Appeals reversed Mullins' convictions due to the trial judge's abuse of discretion in failing to grant a mistrial and in admitting the cocaine and certificate of analysis and remanded the case for a new trial; and

Whereas, attorney for the Commonwealth for Wise County decided not to proceed with another trial and Mullins was subsequently released In June 1996; and

Whereas, Mullins was incarcerated from February 7, 1994, the time of his original conviction, to June 1996, after his convictions were reversed; and

Whereas, at the time of his arrest, Mullins was a self-employed businessman who owned an amusement center; and

Whereas, as a result of his incarceration, Mullins lost the amusement center and any other income and business opportunities that would have arisen from the amusement center; and

Whereas, Mullins also has suffered severe emotional and psychological damage as a result of his incarceration and has no other 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 the sum of \$50,000 for the relief of Hubert Garl Mullins, 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.*

INTRODUCED

HB2166