

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Marvin Lamont Anderson.*

3 [S 863]

4 Approved

5 Whereas, in December 1982, Marvin Lamont Anderson (Anderson) was convicted in the Circuit
6 Court of Hanover County of rape, abduction, sodomy and robbery, and sentenced to 210 years in prison;
7 and

8 Whereas, the prosecution presented no physical evidence of Anderson's guilt at his trial; and

9 Whereas, the most significant evidence of Anderson's guilt presented at his trial was his identification
10 by the victim as the perpetrator of the crimes against her; and

11 Whereas, the circumstances surrounding the victim's identification of Anderson as the perpetrator of
12 the crimes against her were inconsistent with established procedures for such identifications; and

13 Whereas, testimony was given at Anderson's trial contradicting the victim's identification of
14 Anderson; and

15 Whereas, although biological evidence was collected in a relevant and timely fashion as part of a
16 rape kit, scientific procedures existing then were unable to exclude Anderson as the perpetrator; and

17 Whereas, Anderson had no prior criminal record and consistently maintained his innocence
18 throughout the trial and thereafter; and

19 Whereas, at the time of his conviction Anderson was 19 years old, employed, and engaged to be
20 married; and

21 Whereas, Anderson's appeal of the trial court's verdict was denied and he entered prison in 1983; and

22 Whereas, in 1988 another man, John Otis Lincoln (Lincoln), admitted under oath that he committed
23 the crimes for which Anderson was convicted; however, this testimony was deemed unreliable by the
24 reviewing judge; and

25 Whereas, Anderson was granted parole in 1997 after being imprisoned for 15 years, and was forced
26 to register as a sex offender as a condition of his parole; and

27 Whereas, despite the increasing availability of DNA testing in the years following his conviction,
28 Anderson was unable to pursue the use of DNA testing as a means of exonerating himself due to the
29 misplacement of certain biological evidence by the Commonwealth and related claims by relevant state
30 and local law-enforcement agencies that such biological evidence had been destroyed; and

31 Whereas, on May 2, 2001, the Commonwealth enacted a law allowing certain inmates and parolees
32 access to the scientific analysis of previously untested evidence if such evidence could have a bearing
33 on their guilt or innocence; and

34 Whereas, upon the discovery of certain physical evidence, Anderson's Motion for Scientific Analysis
35 of Previously Untested Scientific Evidence was granted on November 1, 2001; and

36 Whereas, on December 6, 2001, the Virginia Division of Forensic Science completed the relevant
37 DNA testing, testing that is far more accurate than the serological testing conducted prior to Anderson's
38 initial trial, resulting in Anderson's exclusion as a perpetrator of the crimes for which he was convicted,
39 thereby exonerating him; and

40 Whereas, this exoneration was the first under the Commonwealth's then-new law; and

41 Whereas, related testing conducted by the Virginia Division of Forensic Science led to the indictment
42 of Lincoln for the December 1982 crimes for which Anderson was convicted; and

43 Whereas, although Anderson was exonerated, this had no effect on his convictions, or status as a
44 parolee or registered sex offender; and

45 Whereas, on August 22, 2002, Governor Warner granted Anderson a full and absolute pardon for
46 Anderson's December 1982 convictions for rape, abduction, sodomy and robbery, thereby eliminating his
47 status as a parolee and registered sex offender; and

48 Whereas, Anderson has started a family and is employed; and

49 Whereas, Anderson's mother spent approximately \$66,000 in legal fees to clear her son's name; and

50 Whereas, Anderson lost income and a promising career during his 15 years of incarceration and four
51 years as a parolee and registered sex offender; and

52 Whereas, Anderson has also suffered severe physical, emotional and psychological damage as a result
53 of this wrongful incarceration and has no other means to obtain adequate relief except by action of this
54 body; now, therefore,

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

56 1. § 1. That the following shall be paid for the relief of Marvin Lamont Anderson from the general fund

57 of the state treasury, upon execution of a release of all claims he may have against the Commonwealth
58 or any agency, instrumentality, officer, employee, or political subdivision in connection with the
59 aforesaid occurrence. The sum of \$200,000 to be paid to Marvin Lamont Anderson on or before August
60 1, 2003, by check issued by the State Treasurer on warrant of the Comptroller. In addition, the
61 Commonwealth shall pay \$460,000 to purchase a non-assignable annuity for the benefit of Marvin
62 Lamont Anderson providing for equal monthly payments to him for the remainder of his life
63 commencing on or before September 1, 2003. The State Treasurer shall purchase the annuity at the
64 lowest cost available from any A+ rated company, including any A+ rated company from which the
65 State Lottery Department may purchase an annuity.