

2009 SESSION

INTRODUCED

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SENATE BILL NO. 1417

Offered January 14, 2009

A BILL for the relief of Howard M. and Inez O. Berry.

Patron—Martin (By Request)

Referred to Committee on Finance

Whereas, Howard M. Berry and Inez O. Berry (the Berrys) are residents of Chesterfield County, Virginia; and

Whereas, Jo Ann Berry (Ms. Berry) was the Berrys' only daughter; and

Whereas, in 1977, Ms. Berry was a senior at Midlothian High School in Chesterfield County; and

Whereas, Ms. Berry was an outstanding student who was on the honor roll and involved in several activities; and

Whereas, Ms. Berry had a promising life and looked forward to attending an institution of higher education with the career goal of becoming a pharmacist; and

Whereas, on or about December 29, 1977, while traveling in a car driven by a 17-year-old male on State Route 6 in Crozier, Virginia, Ms. Berry was involved in an accident that resulted in her tragic death; and

Whereas, the 17-year-old male driver was subsequently charged with involuntary manslaughter; and

Whereas, after being made aware of the charge, the Berrys received no further notification of the status of the case; and

Whereas, the Berrys subsequently discovered that the case never went to trial; and

Whereas, when the Berrys attempted to determine the disposition of the case, they were informed by the Chesterfield County attorney for the Commonwealth's office that no information could be provided because the driver was a juvenile; and

Whereas, the Berrys were further informed that the file would be sealed for up to 20 years; and

Whereas, the Berrys patiently waited until 1999 before attempting to get information on the disposition and when they did were informed that the records had been destroyed; and

Whereas, the Berrys have never been provided with complete information concerning the disposition of the case nor has any apology or explanation has been offered by the government officials and employees involved; and

Whereas, the Berrys have suffered psychological and emotional hardship and have no means to obtain adequate relief except by 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 \$400,000 for the relief of Howard M. Berry and Inez O. Berry, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution by Howard M. Berry and Inez O. Berry of a release and waiver forever releasing (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof; (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia; and (iii) all other parties of interest from any present or future claims they may have against such enumerated parties in connection with the aforesaid occurrence.*

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