1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Jervon Michael Tillman, relating to claims; compensation for wrongful*
3 *incarceration.*

4   [H 1358]
5   Approved

6 Whereas, Jervon Michael Tillman (Mr. Tillman) was convicted in the Circuit Court of Henrico
7 County on December 9, 2009, of robbery, wearing a mask, and use of a firearm in the commission of a
8 felony; and
9 Whereas, Mr. Tillman was sentenced to 36 years in custody, with 11 years suspended; and
10 Whereas, Mr. Tillman served nearly 12 years in the custody of the Virginia Department of
11 Corrections, before being released on January 14, 2022, upon the granting of an absolute pardon; and
12 Whereas, at least seven years, seven months, and 19 days of Mr. Tillman's time served was for the
13 December 9, 2009, conviction for crimes he did not commit and for which he has received an absolute
14 pardon; and
15 Whereas, the sole evidence against Mr. Tillman was an identification made by the victim, who only
16 saw his attacker for a few seconds in the dark of night, while the perpetrator was wearing a mask; and
17 Whereas, the victim identified Mr. Tillman in a highly suggestive way, from a "Crime Stoppers"
18 database on which Mr. Tillman appeared because he was suspected of another crime, for which he has
19 accepted responsibility and has served his sentence; and
20 Whereas, the victim's identification, which was cross-racial, was not made until many weeks after the
21 crime had taken place; and
22 Whereas, the victim's initial description of the perpetrator did not match Mr. Tillman; and
23 Whereas, it does not appear that the prosecutor ever turned over the entirety of the victim's
24 exculpatory, initial description of the perpetrator to defense counsel, including the fact that the victim
25 described his attacker as being between 5'8" and 5'10" with a muscular build, when Mr. Tillman was
26 6'3" and 165 pounds; and
27 Whereas, mistaken eyewitness identifications contributed to approximately 69 percent of the more
28 than 375 wrongful convictions in the United States overturned by post-conviction DNA evidence,
29 making them the leading contributing cause of wrongful convictions in those cases; and
30 Whereas, a post-conviction investigation revealed that prosecutors from various jurisdictions have
31 found the trial proceedings problematic, and one identified "glaring red flags," while another stated that
32 the case was "troubling" and that "no office that reasonably attempts to observe best prosecution
33 practices would take this case to trial"; and
34 Whereas, on January 13, 2022, Governor Ralph Northam granted Mr. Tillman an absolute pardon. In
35 so doing, Governor Northam noted that the pardon "reflects Jervon Michael Tillman's innocence."; and
36 Whereas, Mr. Tillman was released from state custody on January 14, 2022; and
37 Whereas, during the course of Mr. Tillman's wrongful incarceration, he lost years with his two young
38 daughters; and
39 Whereas, Mr. Tillman, as a result of his wrongful incarceration, lost years of his freedom and
40 countless life experiences and opportunities, including family relations, the opportunity to further his
41 education, and the opportunity to earn potential income from gainful employment during his years of
42 incarceration; and
43 Whereas, Mr. Tillman has no other means to obtain adequate relief except by action of this body;
44 now, therefore,
45 **Be it enacted by the General Assembly of Virginia:**
46 **1.** *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of*
47 *$408,205 for the relief of Jervon Michael Tillman, to be paid by check issued by the State Treasurer on*
48 *warrant of the Comptroller upon execution of a release of all claims Mr. Tillman may have against the*
49 *Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection*
50 *with the aforesaid occurrence.*
51 *The compensation, subject to the execution of the release described herein, shall be paid in (i) an*
52 *initial lump sum of $102,051 by check issued by the State Treasurer on warrant of the Comptroller*
53 *within 60 days immediately following the execution of such release and (ii) the sum of $306,154 to*
54 *purchase an annuity no later than one year after the effective date of the appropriation for*
55 *compensation, for the primary benefit of Mr. Tillman, the terms of such annuity structured in Mr.*
56 *Tillman's best interests based on consultation among Mr. Tillman or his representatives, the State*

57 *Treasurer, and other necessary parties.*
58 *The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated*
59 *company authorized to sell annuities in the Commonwealth, including any A+ rated company from*
60 *which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not*
61 *be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however,*
62 *contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr.*
63 *Tillman's death.*
64 *§ 2. That Mr. Tillman shall be entitled to receive reimbursement up to $10,000 for tuition for career*
65 *and technical training within the Virginia Community College System contingent upon successful*
66 *completion of the training. Reimbursement for tuition shall be provided by the comprehensive community*
67 *college at which the career or technical training was completed. The tuition benefit provided by this*
68 *section shall expire on January 1, 2026.*
69 *§ 3. That any amount already paid to Mr. Tillman as a transition assistance grant pursuant to*
70 *subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received*
71 *pursuant to § 1 of this act.*
72 **2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation**
73 **awarded under this act.**