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HOUSE BILL NO. 385

Offered January 12, 2022

Prefiled January 11, 2022

A BILL for the relief of Bobbie James Morman, Jr., relating to claims; compensation for wrongful incarceration.

Patron—Sullivan

Referred to Committee on Appropriations

Whereas, Bobbie James Morman, Jr., was convicted in the Circuit Court of the City of Norfolk on November 30, 1993, of three counts of attempted malicious wounding and four counts of firearm-related charges for a crime where four men drove past three individuals standing outside of a residence and one of them fired shots from the backseat of the car; and

Whereas, no one was injured during the incident; and

Whereas, all four men inside the vehicle on the night of the offense testified at Mr. Morman's trial and swore that Mr. Morman was not in the vehicle when the shooting occurred; and

Whereas, the actual perpetrator testified at trial and confessed on repeated public occasions thereafter that he was in fact the shooter, not Mr. Morman; and

Whereas, Mr. Morman presented evidence that he was at a nearby 7-Eleven convenience store playing video games during the time of the offense; and

Whereas, Mr. Morman was convicted of being the shooter based on the extremely brief and conflicting testimony of three eyewitnesses; the entirety of the Commonwealth's case-in-chief is contained within only 50 pages of court transcript; and

Whereas, Mr. Morman was sentenced to 48 years in prison; and

Whereas, the man who confessed to the crime for which Mr. Morman was convicted was never interviewed by police or prosecutors in the case; and

Whereas, Mr. Morman served 22 years in prison within the Virginia Department of Corrections before being paroled in 2016; and

Whereas, since his release on parole, Mr. Morman has had no new arrests and has maintained steady employment; and

Whereas, Mr. Morman submitted a petition for clemency seeking an absolute pardon based on the compelling evidence of his innocence; and

Whereas, in support of Mr. Morman's absolute pardon request, the four men in the car on the night of the offense reiterated their 1993 testimony and signed sworn affidavits attesting to Mr. Morman's innocence; and

Whereas, seven years after Mr. Morman's initial pardon request was filed, Governor Ralph Northam granted Mr. Morman an absolute pardon on July 14, 2021, finding that "it is just and appropriate to grant this absolute pardon that reflects Mr. Morman's innocence of . . . [all counts] for which he was convicted on November 30, 1993"; and

Whereas, Mr. Morman, as a result of his wrongful incarceration, lost 22 years of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Morman 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 \$1,226,568.40 for the relief of Bobbie James Morman, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Morman may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

The compensation, subject to the execution of the release described herein, shall be paid in (i) an initial lump sum of \$245,353.68 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (ii) the sum of \$981,214.72 to purchase an annuity no later than one year after the effective date of the appropriation for compensation, for the primary benefit of Mr. Morman, the terms of such annuity structured in Mr. Morman's best interests based on consultation among Mr. Morman or his representatives, the State Treasurer, and other necessary parties.

INTRODUCED

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59 *The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated*
60 *company authorized to sell annuities in the Commonwealth, including any A+ rated company from*
61 *which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not*
62 *be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however,*
63 *contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr.*
64 *Morman's death.*

65 *§ 2. That Mr. Morman shall be entitled to receive career and technical training within the Virginia*
66 *Community College System free of tuition charges, up to a maximum of \$15,000. The cost for the tuition*
67 *benefit shall be paid by the community college at which the career or technical training is provided.*
68 *The tuition benefit provided by this section shall expire on January 1, 2026.*

69 *§ 3. That any amount already paid to Mr. Morman 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.**