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**HOUSE BILL NO. 1879****FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by Senator Miller, K. G.

on February 19, 1997)

(Patron Prior to Substitute—Delegate Dudley)

*A BILL for the relief of certain individuals.*

Whereas, Enolar G. Callands was employed thirty-nine years and five months by the Franklin County Public Schools; and

Whereas, Ms. Callands was encouraged to obtain a college degree; and

Whereas, Ms. Callands was advised that she could withdraw her accumulated retirement contribution to finance her education; and

Whereas, Ms. Callands withdrew her accumulated retirement contribution to help finance her education; and

Whereas, Ms. Callands returned to the Franklin County Public Schools in 1954, where she taught until her retirement in 1989; and

Whereas, Ms. Callands was advised that it was not necessary to repurchase the five years' service time for her retirement account; and

Whereas, Ms. Callands failed to repurchase her service time for the years that she was completing her education; and

Whereas, Ms. Callands was experiencing both financial and mental stress at the time of her retirement due to the illnesses and subsequent deaths of both her brother and sister; and

Whereas, on February 9, 1994, Christopher E. Prince was arrested by the Culpeper County police for breaking and entering; and

Whereas, on September 23, 1994, Mr. Prince was convicted by the Culpeper County Circuit Court of breaking and entering a dwelling house in the daytime with the intent to commit a felony other than rape, robbery or murder, in violation of § 18.2-91 of the Code of Virginia; and

Whereas, the conviction was entered upon Mr. Prince's plea acknowledging that sufficient evidence existed to convict him, which plea was accepted by the court based upon a statement of facts proffered by the Commonwealth's Attorney; and

Whereas, Mr. Prince entered his plea in the expectation that he would qualify for boot camp; and

Whereas, the Culpeper County Circuit Court sentenced Mr. Prince to a term of imprisonment of twelve years, with six years conditionally suspended; and

Whereas, in November 1995, counsel for Mr. Prince contacted the Culpeper County Commonwealth's Attorney and provided information and evidence calling into question the veracity of the eyewitness testimony upon which the prosecution and testimony of Mr. Prince had been based; and

Whereas, the principal prosecution witness provided a sworn affidavit stating that she had lied previously in providing the statement incriminating Mr. Prince that was relied upon by the Commonwealth's Attorney and the Circuit Court; and

Whereas, the Commonwealth's Attorney became convinced beyond a reasonable doubt that the statements incriminating Mr. Prince were perjurious and that Mr. Prince is innocent of the crime for which he was convicted; and

Whereas, on December 21, 1995, in response to a petition filed by Christopher E. Prince and supported by the Commonwealth's Attorney for Culpeper County, Governor George Allen granted Christopher E. Prince an absolute pardon from the offense for which he was convicted and sentenced on September 23, 1994; and

Whereas, upon issuance of the Governor's pardon, Christopher E. Prince was released from the Staunton Correctional Center after having been incarcerated for fifteen months for a crime that he did not commit; and

Whereas, Christopher E. Prince has suffered severe physical, emotional, and psychological damage as a result of this wrongful restraint of his personal liberty, and has undergone psychological counseling as a result of his incarceration; and

Whereas, neither Enolar G. Callands nor Christopher E. Prince have any other means to obtain relief except by action of this body; now, therefore,

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

**1. § 1. That effective July 1, 1997, Enolar G. Callands shall be given ninety days to repurchase five years of retirement service at the then-current rate for such repurchases as set forth by the Virginia Retirement System guidelines, upon an execution by her of a release of all claims she may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, in connection with the aforesaid occurrence.**

SENATE SUBSTITUTE

HB1879S1

60       § 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$50,000  
61 for the relief of Christopher E. Prince, to be paid by check issued by the State Treasurer on warrant of  
62 the Comptroller upon execution of a release of all claims Christopher E. Prince may have against the  
63 Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection  
64 with the aforesaid occurrence.