

# 1997 SESSION

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## SENATE BILL NO. 782

Offered January 8, 1997

*A BILL for the relief of Christopher E. Prince.*

Patron—Miller, K.G.

Referred to the Committee on Finance

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, Christopher E. Prince has no 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 there is hereby appropriated from the general fund of the state treasury the sum of \$50,000 for the relief of Christopher E. Prince, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Christopher E. Prince may have against the Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection with the aforesaid occurrence.

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