

2002 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 789

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 6, 2002)

(Patron Prior to Substitute—Delegate Miles)

A BILL for the relief of Jeffrey D. Cox.

Whereas, Jeffrey D. Cox (Cox) was arrested on October 18, 1990 in the City of Richmond and charged with First Degree Murder, Abduction with Intent to Defile and Breaking and Entering; and

Whereas, on February 13, 1991, Cox was convicted of these charges and sentenced to life imprisonment plus fifty years; and

Whereas, Cox subsequently filed a Petition for Appeal with the Virginia Court of Appeals; and

Whereas, on March 16, 1992, the Virginia Court of Appeals denied the Petition; and

Whereas, Cox continued to work tirelessly towards having the conviction appealed; and

Whereas, on August 16, 1995, the Virginia Supreme Court restored his right to appeal and Cox subsequently filed another Petition for Appeal; and

Whereas, the Virginia Supreme Court denied the Petition on March 8, 1996; and

Whereas, while his Petition for Appeal had been denied, Cox continued to seek his freedom through habeas corpus proceedings; and

Whereas, new evidence was revealed which supported Cox's innocence of the crimes including confessions by other parties; and

Whereas, based on this new evidence, the Office of the Attorney General reached a settlement agreement with Cox resulting in the Richmond Circuit Court entering an order on November 14, 2001 vacating the convictions; and

Whereas, Cox was incarcerated from the time of his arrest on October 18, 1990 until he was released on November 14, 2001; and

Whereas, at the time of his arrest, Cox was employed as an air conditioning repairman and was working towards obtaining his tradesman's certification as an electrician; and

Whereas, Cox has lost income and a promising career during his eleven years of incarceration; and

Whereas, Cox has also suffered severe physical, emotional and psychological damage as a result of this wrongful incarceration and 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 shall be paid for the relief of Jeffrey D. Cox from the general fund of the state treasury, upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid occurrence, (i) the sum of \$350,000 to be paid to Jeffrey D. Cox on or before August 1, 2002, by check issued by the State Treasurer on warrant of the Comptroller and (ii) an annuity for the primary benefit of Jeffrey D. Cox providing for equal monthly payments, for a period certain of ten years commencing on or before September 1, 2002, in the cumulative amount of \$400,000. The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company, including any A+ rated company from which the State Lottery Department may purchase an annuity, and such annuity shall contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of Jeffrey D. Cox.

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