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HOUSE BILL NO. 1379

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on March 1, 2006)

(Patron Prior to Substitute—Delegate Melvin)

A BILL for the relief of Willie Neville Davidson.

Whereas, on December 3, 1980, Willie Neville Davidson (Mr. Davidson) was arrested in the city of Norfolk, Virginia, and charged with statutory burglary, rape, and two counts of sodomy; and

Whereas, Mr. Davidson was incarcerated from that time through the time of his trial; and

Whereas, Mr. Davidson pled not guilty to all of the charges and maintained his innocence throughout the trial; and

Whereas, on May 27, 1981, Mr. Davidson was convicted after a bench trial in the Circuit Court of the City of Norfolk of rape, burglary, and two counts of forcible sodomy; and

Whereas, on July 14, 1981, Mr. Davidson was sentenced to serve a term of 20 years in the state penitentiary; and

Whereas, Mr. Davidson was paroled in 1992 after serving approximately 11 and one-half years in prison; and

Whereas, subsequent to Mr. Davidson's release from prison, DNA tests were conducted on a sampling of biological evidence contained in files for cases between 1973 and 1988, prior to the availability of DNA testing; and

Whereas, DNA testing of the biological material contained in Mr. Davidson's case file excluded him as a suspect in the crimes for which he was convicted; and

Whereas, on December 7, 2005, after reviewing the results and evidence from the trial, John R. Doyle, III, the attorney for the Commonwealth for the City of Norfolk made a written request to Governor Mark Warner to grant an absolute pardon to Mr. Davidson; and

Whereas, Mr. Doyle stated in the request that he was convinced beyond any question that the results exonerated Mr. Davidson from involvement in the offenses; and

Whereas, on December 22, 2005, Governor Warner granted Mr. Davidson an absolute pardon; and

Whereas, Mr. Davidson has also suffered severe physical, emotional, and psychological damage as a result of his 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 the following shall be paid for the relief of Willie Neville Davidson from the general fund of the state treasury, upon execution of a release and waiver forever releasing (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia, and (iii) all other parties of interest from any present or future claims he may have against such enumerated parties in connection with the aforesaid occurrence: (a) the sum of \$78,138 to be paid to Willie Neville Davidson on or before August 1, 2006, by check issued by the State Treasurer on warrant of the Comptroller and (b) the sum of \$312,552 to be used by the State Treasurer for the purchase of an annuity for the primary benefit of Willie Neville Davidson providing for equal monthly payments, for a period certain of 25 years commencing on or before September 1, 2006. The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of Willie Neville Davidson.*

§ 2. *That Willie Neville Davidson shall be entitled to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on July 1, 2011.*