

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Troy D. Hopkins.*

3 [S 609]

4 Approved

5 Whereas, on December 21, 1990, Troy D. Hopkins (Mr. Hopkins) was convicted by a jury in the  
6 Circuit Court of the City of Richmond, Virginia, for the murder of Curtis Kearney and for attempted  
7 robbery, use of a firearm in the commission of murder, and use of a firearm in the commission of  
8 attempted robbery; and

9 Whereas, on March 20, 1991, Mr. Hopkins was sentenced to 28 years in the penitentiary; and

10 Whereas, on March 13, 2001, Mr. Hopkins was released on parole after serving 10 years, two and  
11 one-half months; and

12 Whereas, after the trial, numerous witnesses came forward and testified during hearings that Mr.  
13 Hopkins did not kill Curtis Kearney, but that Mr. Kearney was killed by Adrian Epps; and

14 Whereas, Adrian Epps subsequently admitted killing Mr. Kearney and signed an affidavit in 1992  
15 confessing to the murder; and

16 Whereas, Joseph Morrissey, the Richmond attorney for the Commonwealth at the time of Mr.  
17 Hopkins' trial in 1990, concurred in a request by defense attorneys representing Mr. Hopkins for a new  
18 trial based on newly discovered evidence, but the court denied the request; and

19 Whereas, David Hicks, the Richmond Commonwealth's Attorney who succeeded Mr. Morrissey in that  
20 office, stated the following in a 2003 affidavit: "In light of the wealth of exculpatory evidence, it is my  
21 position that Hopkins was convicted for a crime which he did not commit and that he is innocent for  
22 the crime in question. The continued existence and possible dissemination of information relating to  
23 Hopkins' unjust conviction represents a manifest injustice given the fact that Hopkins is wholly innocent  
24 of all crimes for which he was convicted. Hopkins should not be subject to the negative consequences  
25 that flow from his erroneous conviction. Therefore, in the interest of justice, Hopkins' conviction should  
26 be invalidated, the record should be corrected in order to reflect Hopkins' innocence regarding the  
27 crimes for which he was convicted, and all of Hopkins' rights should be restored to that of every citizen  
28 recognized in the Commonwealth of Virginia"; and

29 Whereas, Mr. Hopkins is currently employed and is married and has led a law-abiding life since his  
30 release from prison; and

31 Whereas, on July 21, 2004, Mr. Hopkins petitioned Governor Mark Warner for a grant of executive  
32 clemency based on the existence of substantial evidence that Mr. Hopkins was unjustly convicted and is  
33 innocent; and

34 Whereas, on August 3, 2005, Governor Warner issued an absolute pardon from all offenses for  
35 which Mr. Hopkins was convicted on December 21, 1990; and

36 Whereas, Mr. Hopkins spent \$15,750 for attorneys fees related to his legal defense and appearances  
37 before the Parole Board; and

38 Whereas, Mr. Hopkins has also suffered severe physical, emotional, and psychological damage as a  
39 result of this incarceration and has no other means to obtain adequate relief except by action of this  
40 body; now, therefore,

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

42 1. § 1. That the following shall be paid for the relief of Troy D. Hopkins from the general fund of the  
43 state treasury, upon execution of a release and waiver forever releasing (i) the Commonwealth or any  
44 agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel  
45 appointed pursuant to § 19.2-159 of the Code of Virginia, and (iii) all other parties of interest from any  
46 present or future claims he may have against such enumerated parties in connection with the aforesaid  
47 occurrence the sum of \$229,419 to be paid to Troy D. Hopkins on or before August 1, 2006, by check  
48 issued by the State Treasurer on warrant of the Comptroller.

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