

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Jonathan Christopher Montgomery.*

3 [S 843]

4 Approved

5 Whereas, on June 23, 2008, Jonathan Christopher Montgomery (Mr. Montgomery) was convicted of
6 forcible sodomy, aggravated sexual battery, and animate object sexual penetration against Elizabeth P.
7 Coast (Ms. Coast) and was sentenced on April 10, 2009, to 45 years in prison with 37 years and 6
8 months suspended; and

9 Whereas, on October 30, 2012, Ms. Coast voluntarily recanted and stated to her friend and colleague
10 Hampton Police Officer Jim Auer that she had falsely testified against Mr. Montgomery, and on
11 November 1, 2012, Ms. Coast voluntarily made a videotaped statement recounting her false testimony;
12 and

13 Whereas, Governor Robert McDonnell granted a conditional pardon to Mr. Montgomery on
14 November 20, 2012; and

15 Whereas, on May 21, 2013, Ms. Coast pled guilty to perjury, and on August 19, 2013, she was
16 sentenced to five years in prison and ordered to pay \$90,000 in restitution; and

17 Whereas, Mr. Montgomery served in a state or regional correctional facility in Virginia from
18 December 2, 2008, until November 20, 2012; Mr. Montgomery's convictions were vacated and he
19 received a writ of actual innocence on December 20, 2013; and

20 Whereas, Mr. Montgomery has no other means to obtain adequate relief except by action of this
21 body; now, therefore,

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

23 1. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of
24 \$175,440 for the relief of Mr. Montgomery, to be paid by check issued by the State Treasurer on
25 warrant of the Comptroller upon execution of a release of all claims Mr. Montgomery may have against
26 the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in
27 connection with the aforesaid occurrence.

28 The compensation, subject to the execution of the release described herein, shall be paid as follows:
29 (i) an initial lump sum of \$35,088 to be paid to Mr. Montgomery by check issued by the State Treasurer
30 on warrant of the Comptroller within 60 days immediately following the execution of such release and
31 (ii) the sum of \$140,352 to purchase an annuity no later than September 30, 2015, for the primary
32 benefit of Mr. Montgomery, the terms of such annuity structured in Mr. Montgomery's best interests
33 based on consultation among Mr. Montgomery or his representatives, the State Treasurer, and other
34 necessary parties. In the event of Mr. Montgomery's death, such compensation shall be paid to the
35 estate of Mr. Montgomery upon execution of a release by the personal representative of Mr.
36 Montgomery's estate from any present or future claims the estate may have against the Commonwealth
37 or any agency, instrumentality, office, employee, or political subdivision thereof. In the event that Mr.
38 Montgomery receives the restitution due to him by Ms. Coast, the amounts remaining and not yet paid
39 from his annuity shall be reduced by the amount of restitution he receives. If the amount of restitution
40 exceeds the amounts not yet paid from his annuity, the annuity shall cease.

41 § 2. That Mr. Montgomery shall be entitled to receive reimbursement for career and technical
42 training within the Virginia Community College System free of tuition charged, up to a maximum of
43 \$10,000, pursuant to subsection C of § 8.01-195.11. Such career and technical training may include
44 online courses. The cost of the tuition benefit shall be paid by the community college at which the
45 career or technical training is provided. The tuition benefit provided by this section shall expire on
46 January 1, 2020.