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## SENATE BILL NO. 843

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance  
on January 28, 2015)

(Patron Prior to Substitute—Senator Locke)

*A BILL for the relief of Jonathan Christopher Montgomery.*

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

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

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

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

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

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

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

§ 2. That Mr. Montgomery shall be entitled to receive reimbursement for career and technical training within the Virginia Community College System free of tuition charged, up to a maximum of \$10,000, pursuant to subsection C of § 8.01-195.11. Such career and technical training may include online courses. The cost of 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 January 1, 2020.