

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Eric Weakley, relating to claims; compensation for wrongful incarceration.*3
4 Approved [H 1254]5 Whereas, Eric Weakley (Mr. Weakley) was convicted in the Culpeper Circuit Court on June 13,
6 2001, of second degree murder for a 1996 crime of which he is innocent; and7 Whereas, Mr. Weakley was sentenced to 20 years of incarceration with 13 years and four months
8 suspended; and9 Whereas, Mr. Weakley served almost six years and eight months in the custody of the Virginia
10 Department of Corrections before being released on probation; and11 Whereas, after the 1996 murder of Thelma Scroggins went unsolved for several years, law
12 enforcement zeroed in on Mr. Weakley, to the exclusion of other far more viable suspects; and13 Whereas, law enforcement followed Mr. Weakley, repeatedly showing up at his home and
14 workplaces, harassing him and interviewing him multiple times over the course of months; and15 Whereas, Mr. Weakley repeatedly denied involvement in or knowledge of the murder, maintaining
16 his innocence; and17 Whereas, law enforcement coached Mr. Weakley, providing Mr. Weakley details and information
18 about the crime and photos of the crime scene, and eventually pressured him into accepting
19 responsibility for a crime he did not commit and implicating others; and20 Whereas, law enforcement repeatedly disregarded details provided by Mr. Weakley that were
21 inconsistent with the crime scene and physical evidence, such as the type of gun used, the number of
22 shots fired, the location and type of wounds on the victim, and the clothing worn by the victim; and23 Whereas, no physical evidence connected Mr. Weakley, who was 16 years old at the time of the
24 crime, to the murder; and25 Whereas, the physical evidence in fact supported the theory that the crime was committed by a single
26 assailant, not three teenage boys; and27 Whereas, Mr. Weakley's false confession was the product of extensive psychological coercion,
28 including harassment and threats; and

29 Whereas, false confessions are a known cause of wrongful convictions; and

30 Whereas, Mr. Weakley had a newborn baby girl at the time he was being harassed by police, placing
31 him under more pressure and making him even more susceptible to police coercion; and32 Whereas, Mr. Weakley eventually pled guilty to second degree murder, all the while telling the judge
33 at his plea hearing, "I am not guilty of the crime"; and34 Whereas, Mr. Weakley ultimately testified against his two co-defendants, admitting on
35 cross-examination at one trial that he had trouble distinguishing what was true from what was not; and

36 Whereas, one of Mr. Weakley's co-defendants, Jason Kloby, was acquitted at trial; and

37 Whereas, Mr. Weakley's second co-defendant, Michael Hash, was convicted, but was exonerated and
38 had his conviction vacated on a petition for writ of habeas corpus by the United States District Court for
39 the Western District of Virginia; and40 Whereas, after his release, Mr. Weakley eventually fully recanted his confession, explaining that he
41 had come to believe his false confession, that he had believed his testimony at Mr. Kloby's trial to be
42 true at the time he provided it, and that by the time of Mr. Hash's trial, he testified to what he thought
43 was the truth, but that he often could not tell truth from fiction at that point; and44 Whereas, in providing a sworn recantation after having completed his own sentence, Mr. Weakley
45 exposed himself to the possibility of perjury charges in order to do the right thing and help exonerate
46 Mr. Hash; and47 Whereas, in granting Mr. Hash habeas relief, a federal judge sitting in the United States District
48 Court for the Western District of Virginia found Mr. Weakley's recantation to be reliable and
49 corroborated; and50 Whereas, Mr. Weakley, through the Innocence Project at the University of Virginia School of Law,
51 submitted a petition for clemency seeking an absolute pardon based on the circumstances surrounding
52 his innocence; and53 Whereas, on January 3, 2022, Governor Ralph Northam granted Mr. Weakley an absolute pardon,
54 and in so doing, noted that "Mr. Weakley was pressured by law enforcement to accept responsibility for
55 a crime he did not commit" and that the pardon "reflects Mr. Weakley's innocence"; and

56 Whereas, Mr. Weakley spent seven years on probation after his incarceration; and

ENROLLED

HB1254ER

57 Whereas, since Mr. Weakley's release, he has had no new arrests; and

58 Whereas, during the course of Mr. Weakley's wrongful incarceration, he missed the early childhood
59 of his young daughter, who was only one-and-a-half years old when he began his incarceration; and

60 Whereas, Mr. Weakley, as a result of his wrongful incarceration, lost nearly seven years of his
61 freedom and countless life experiences and opportunities, including family relations, the opportunity to
62 further his education, and the opportunity to earn potential income from gainful employment during his
63 years of incarceration; and

64 Whereas, Mr. Weakley has no other means to obtain adequate relief except by action of this body;
65 now, therefore,

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

67 1. *That there is hereby appropriated from the general fund of the state treasury the sum of
68 \$343,232 for the relief of Eric Weakley, to be paid by check issued by the State Treasurer on warrant of
69 the Comptroller upon execution of a release of all claims Mr. Weakley may have against the
70 Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection
71 with the aforesaid occurrence.*

72 The compensation, subject to the execution of the release described herein, shall be paid in (i) an
73 initial lump sum of \$85,808 by check issued by the State Treasurer on warrant of the Comptroller
74 within 60 days immediately following the execution of such release and (ii) the sum of \$257,424 to
75 purchase an annuity no later than one year after the effective date of the appropriation for
76 compensation, for the primary benefit of Mr. Weakley, the terms of such annuity structured in Mr.
77 Weakley's best interests based on consultation among Mr. Weakley or his representatives, the State
78 Treasurer, and other necessary parties.

79 The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated
80 company authorized to sell annuities in the Commonwealth, including any A+ rated company from
81 which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not
82 be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however,
83 contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr.
84 Weakley's death.

85 § 2. That Mr. Weakley shall be entitled to receive reimbursement up to \$10,000 for tuition for career
86 and technical training within the Virginia Community College System contingent upon successful
87 completion of the training. Reimbursement for tuition shall be provided by the comprehensive community
88 college at which the career or technical training was completed. The tuition benefit provided by this
89 section shall expire on January 1, 2026.

90 § 3. That any amount already paid to Mr. Weakley as a transition assistance grant pursuant to
91 subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received
92 pursuant to § 1 of this act.

93 2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation
94 awarded under this act.