

1997 SESSION

INTRODUCED

978439350

HOUSE BILL NO. 1905

Offered January 8, 1997

A BILL for the relief of Dwayne Harvey Brown.

Patron—McDonnell

Referred to Committee on Claims

Whereas, in July 1993, Dwayne Harvey Brown was incarcerated in the City of Norfolk; and
Whereas, on July 23, 1993, Mr. Brown failed to appear in the City of Virginia Beach to show cause as to why he was not an "habitual offender"; and
Whereas, the City of Virginia Beach failed to either (i) appoint a guardian for Mr. Brown to appear for him in his absence or (ii) arrange transportation for him from the City of Norfolk for the July 23, 1993, hearing; and
Whereas, Mr. Brown was found to be an "habitual offender" at the July 23, 1993, hearing; and
Whereas, on October 24, 1994, Mr. Brown was tried and found guilty of driving after being adjudged an "habitual offender" and was sentenced to five years in prison; and
Whereas, the July 23, 1993, order finding Mr. Brown to be an "habitual offender" was vacated on November 9, 1995, because of the failure to provide Mr. Brown with a guardian or to provide the transportation as required by law; and
Whereas, on March 19, 1996, Mr. Brown's criminal conviction of driving after being adjudged an "habitual offender" was vacated and the charge dismissed; and
Whereas, Mr. Brown was incarcerated from October 1994 to March 1996, based on a wrongful conviction; and
Whereas, Mr. Brown suffered severe physical, emotional and economic damage as a result of this wrongful incarceration; and
Whereas, Mr. Brown has no other means to obtain 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 the sum of \$50,000 for the relief of Dwayne Harvey Brown. This sum shall be paid by check issued by the State Treasurer on warrant of the Comptroller to Dwayne Harvey Brown, upon execution by him of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee or political subdivision thereof, in connection with the aforesaid occurrence.

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