

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Eric Weakley, relating to claims; compensation for wrongful incarceration.*

3 [H 1254]

4 Approved

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

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. § 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.**