

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Emerson Eugene Stevens, relating to claims; compensation for wrongful*  
3 *incarceration.*

4 [H 394]

5 Approved

6 WHEREAS, Emerson Eugene Stevens was convicted in the Circuit Court of the County of Lancaster  
7 on July 12, 1986, of the abduction with intent to defile and first-degree murder of Mary Harding; and

8 WHEREAS, Mr. Stevens was sentenced by a jury to 65 years in prison for the abduction with intent  
9 to defile conviction and 99 years and one day in prison for the first-degree murder conviction; and

10 WHEREAS, Mr. Stevens served 32 years in the Virginia Department of Corrections before being  
11 released on parole in 2017; and

12 WHEREAS, the only physical evidence purportedly linking Mr. Stevens to the crime was a hair; the  
13 FBI now states that the type of microscopic hair comparison used in his case is scientifically unreliable  
14 and should never serve as a basis upon which to convict a defendant. The other physical link between  
15 Mr. Stevens and the crime was a type of fishing knife that Mr. Stevens might once have had and that  
16 had supposedly caused wounds on the victim's back. The Commonwealth's expert on this piece of  
17 evidence years later reviewed the case and signed an affidavit swearing that the wounds were, in fact,  
18 more consistent with a postmortem encounter with a propeller than a knife; and

19 WHEREAS, several of the Commonwealth's critical witnesses lied during their testimony. For  
20 example, an "eyewitness" who placed Mr. Stevens' car outside of the victim's house was later prosecuted  
21 and convicted of obstruction of justice for his false testimony against Emerson Stevens; and

22 WHEREAS, the Commonwealth presented false testimony from a marine scientist regarding the  
23 location where the victim's body was dumped in relation to where she ultimately was found. This  
24 testimony was later characterized by the scientist as "eyewash" (nonsense), and it was also inconsistent  
25 with the investigative findings of an FBI Task Force; and

26 WHEREAS, the lead investigator on Mr. Stevens' case, Virginia State Police Special Agent David  
27 Riley, has a documented history of misconduct. His improper conduct in the case of Beverly Anne  
28 Monroe, who was wrongfully convicted of murder, in part led a federal court to grant Ms. Monroe a  
29 writ of habeas corpus; and

30 WHEREAS, Mr. Stevens was released on parole in 2017, after serving 32 years in prison for this  
31 crime. Still, the University of Virginia School of Law Innocence Project (UVAIP) continued his habeas  
32 corpus litigation in an effort to exonerate Mr. Stevens and clear his name and record; and

33 WHEREAS, in April 2020, the United States Court of Appeals for the Fourth Circuit encouraged the  
34 Governor to exercise his pardon power, noting that "the executive's power and responsibility both before  
35 and after conviction remain fundamental in our system of divided powers." In re Stevens, 936 F.3d 229,  
36 234 (4th Cir. April 15, 2020). In his concurring opinion, Judge Thacker found that "the evidence as a  
37 whole overwhelmingly supports a conclusion that no reasonable jury would have convicted Stevens."  
38 Stevens, 936, F.3d at 237; and

39 WHEREAS, during the course of the subsequent federal habeas corpus litigation, the District Court  
40 Judge overseeing the proceedings wrote, "The Court reminds the Parties, as did the Fourth Circuit, that  
41 seeking a pardon from the Governor may be the more expeditious pursuit given the length of time it  
42 requires to obtain habeas relief in federal court and the limiting parameters the [statute] imposes on  
43 review"; and

44 WHEREAS, Mr. Stevens, through the UVAIP, submitted a petition for clemency seeking an absolute  
45 pardon based on the circumstances surrounding his innocence; and

46 WHEREAS, on August 13, 2021, Governor Ralph Northam granted Mr. Stevens an absolute pardon.  
47 In so doing, Governor Northam noted that the pardon "reflects Mr. Stevens' innocence"; and

48 WHEREAS, since his release on parole, Mr. Stevens has had no new arrests; and

49 WHEREAS, during the course of Mr. Stevens' wrongful incarceration, he and his wife divorced, his  
50 three children lost decades with their father, and both of his parents and one of his children died; and

51 WHEREAS, Mr. Stevens, as a result of his wrongful incarceration, lost 32 years of his freedom and  
52 countless life experiences and opportunities, including family relations, the opportunity to further his  
53 education, and the opportunity to earn potential income from gainful employment during his years of  
54 incarceration; and

55 WHEREAS, Mr. Stevens has no other means to obtain adequate relief except by action of this body;  
56 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 \$1,699,274 for the relief of Emerson Eugene Stevens, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Stevens may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

*As Mr. Stevens is older than 60 years, the compensation, subject to the execution of the release described herein, shall be paid in one lump sum of \$1,699,274 by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.*

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

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

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