

25103761D

HOUSE BILL NO. 1780

Offered January 13, 2025

Prefiled January 6, 2025

A BILL for the relief of Gilbert Merritt III, relating to claims; compensation for wrongful incarceration.

Patrons—Sullivan, Garrett, Keys-Gamarra, LeVere Bolling and Obenshain

Referred to Committee on Appropriations

Whereas, Gilbert Merritt III, (Mr. Merritt) was convicted in the Circuit Court of the City of Norfolk on November 5, 2001, of first-degree murder and use of a firearm in the commission of a felony; and

Whereas, Mr. Merritt was sentenced to 30 years in prison; and

Whereas, Mr. Merritt served more than 20 years in the custody of the Virginia Department of Corrections; and

Whereas, Mr. Merritt filed a petition for a writ of habeas corpus in 2020 and was released pursuant to a conditional pardon granted by then-Governor Ralph Northam in January 2022 while his habeas petition was still pending; and

Whereas, the conditional pardon stated that Mr. Merritt "was prosecuted based on the work of Norfolk Detective Glenn Ford, who used his official capacity to extort witnesses in order to yield high solvability percentages and was eventually convicted on federal charges; and . . . [Mr. Merritt's] conviction rests on the testimony of one witness which post-conviction investigation has suggested was being blackmailed by Detective Ford; and . . . there has been insufficient time to make a determination on Mr. Merritt's petition for an absolute pardon"; and

Whereas, Mr. Merritt was granted habeas relief by the Circuit Court of the City of Norfolk in a decision that was upheld by the Supreme Court of Virginia; and

Whereas, in his habeas corpus proceedings, Mr. Merritt proved that his conviction was orchestrated by former Norfolk homicide detective Robert Glenn Ford, who was subsequently found guilty of federal crimes including extortion under color of official right and making false statements; and

Whereas, the Circuit Court of the City of Norfolk, in granting habeas relief, found that "Robert Glenn Ford enriched himself by accepting bribes from drug defendants in exchange for his false testimony. When confronted by difficult or cold cases . . . Ford fed information to witnesses that resulted in the wrongful convicted of innocent defendants"; and

Whereas, Robert Glenn Ford has been found responsible for, to date, at least six wrongful convictions, including the infamous "Norfolk 4"; and

Whereas, Mr. Merritt's conviction was based on the word of one key witness who claimed that Mr. Merritt had confessed to her, but who later recanted in a sworn affidavit in 2020 and provided live testimony before the habeas court in 2022, admitting that she had lied under oath due to manipulation and threats from Robert Glenn Ford; and

Whereas, in granting relief, the Circuit Court of the City of Norfolk found that the key witness lied at Mr. Merritt's trial because Robert Glenn Ford threatened her into doing so and told her that he would ensure she served 80 years on her then-pending criminal charges unless she testified falsely against Mr. Merritt; Robert Glenn Ford provided the witness with details of the crime and orchestrated her false testimony in exchange for which he ensured that she served no time on her drug charges; and

Whereas, at the time of the criminal trial, the key witness was untreated for her bipolar disorder, addicted to illegal narcotics, and in fear of spending the rest of her life in prison; and

Whereas, as the Circuit Court of the City of Norfolk found in habeas proceedings that Robert Glenn Ford—knowing that the key witness's statements and testimony were false—purposely did nothing to test the witness's false testimony against Mr. Merritt, including failing to interview the witness in front of whom Mr. Merritt supposedly confessed; failing to obtain phone records of a supposed call between Mr. Merritt and the witness; failing to obtain a warrant to search Mr. Merritt's residence for the murder weapon, ammunition, or clothes matching those of the gunman; and failing to pursue others who the witness said participated in the murder, all because Robert Glenn Ford knew this investigation would demonstrate the falsity of the perjurious testimony he suborned; and

Whereas, no physical evidence linked Mr. Merritt to this murder, no eyewitness identified Mr. Merritt as the shooter, and Mr. Merritt had an alibi; and

Whereas, in addition to Robert Glenn Ford's misconduct and the key witness's perjury, the Circuit Court of the City of Norfolk also found that the prosecution in Mr. Merritt's case withheld other exculpatory evidence, namely, contemporaneous police canvass notes from four independent witnesses consistently identifying a vehicle that did not match the description of the vehicle the key witness tied to Mr. Merritt; and

59 Whereas, in February 2024, the Supreme Court of Virginia unanimously upheld the Circuit Court of the
60 City of Norfolk's June 2022 decision granting Mr. Merritt's writ of habeas corpus and vacating his
61 convictions for first-degree murder and use of firearm in the commission of a felony; and

62 Whereas, the Office of the Norfolk Commonwealth's Attorney dismissed the underlying charges against
63 Mr. Merritt with prejudice later in February 2024; and

64 Whereas, during the course of Mr. Merritt's wrongful incarceration, he missed more than two decades in
65 the lives of his four children, two of whom were infant twins at the time of his conviction; and

66 Whereas, Mr. Merritt, as a result of his wrongful incarceration, lost more than 20 years of his freedom and
67 countless life experiences and opportunities, including family relations, the opportunity to further his
68 education, and the opportunity to earn potential income from gainful employment during his years of
69 incarceration; and

70 Whereas, during the time of his wrongful incarceration, some of Mr. Merritt's loved ones passed away,
71 including the mother of his twin children; and

72 Whereas, had Robert Glenn Ford not purposefully fabricated evidence, orchestrated false testimony,
73 testified falsely himself, and withheld exonerating evidence, Mr. Merritt would not have suffered more than
74 two decades of incarceration with shame, humiliation, and loss of liberty for a murder he did not commit; and

75 Whereas, Mr. Merritt has no other means to obtain adequate relief except by action of this body; now,
76 therefore,

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

78 1. *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of an amount to*
79 *be provided in the appropriation act for the relief of Gilbert Merritt III, to be paid by check issued by the*
80 *State Treasurer on warrant of the Comptroller in accordance with the provisions of Article 18.2 (§*
81 *8.01-195.10 et. seq.) of Chapter 3 of Title 8.01 of the Code of Virginia.*

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