

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Messiah Aladar Johnson, relating to claims; compensation for wrongful*
3 *incarceration.*

4 [H 1472]

5 Approved

6 Whereas, Messiah Aladar Johnson (Mr. Johnson) was convicted in Circuit Court of the City of Norfolk on
7 October 29, 1998, of numerous felonies, including five counts of robbery, 12 counts of the use of a firearm in
8 the commission of a felony, six counts of abduction, attempted robbery, and shooting into an occupied
9 building, resulting in a sentence of an active period of incarceration of 132 years; and

10 Whereas, Mr. Johnson always maintained his innocence of the crimes; and

11 Whereas, Mr. Johnson served more than 20 years in the Virginia Department of Corrections system; and

12 Whereas, Mr. Johnson, through the Innocence Project at University of Virginia School of Law, submitted
13 a pardon petition based on the circumstances surrounding his innocence; and

14 Whereas, Mr. Johnson's pardon petition was based in part on the credible confession of an incarcerated
15 individual who committed a string of similar robberies around the same time and in the same area; and

16 Whereas, on July 11, 2017, after a careful review of all known facts and circumstances, the Virginia
17 Parole Board recommended a conditional pardon for Mr. Johnson; and

18 Whereas, on January 12, 2018, Governor Terence McAuliffe granted Mr. Johnson a conditional pardon;
19 and

20 Whereas, in the conditional pardon, Governor McAuliffe stated that "credible evidence exists that
21 support[s] Mr. Johnson's claims of being innocent of the underlying offense[s] which resulted in his
22 incarceration"; and

23 Whereas, in 2019, Mr. Johnson, still seeking an absolute pardon, supplemented his initial pardon request,
24 through the Innocence Project at University of Virginia School of Law, with additional corroborating
25 evidence relating to the incarcerated individual's confession and with information that Mr. Johnson's trial
26 attorney had consented to the revocation of his license to practice law in 2019 for, amongst other reasons,
27 failing to diligently pursue cases; and

28 Whereas, on April 26, 2021, Mr. Johnson successfully completed his post-release obligations under the
29 conditional pardon and was released from supervision; and

30 Whereas, in December 2021, counsel to Mr. Johnson for the first time reviewed the Norfolk
31 Commonwealth's Attorney's files, pursuant to amended Virginia Freedom of Information Act laws, and
32 discovered that the lead officer on Mr. Johnson's case had concluded that an eyewitness's identification of Mr.
33 Johnson was so suggestive as to be unusable in court; nevertheless, that eyewitness's identification was in fact
34 used against Mr. Johnson at trial; and

35 Whereas, on May 24, 2024, Mr. Johnson filed a petition for a writ of actual innocence in the Court of
36 Appeals of Virginia pursuant to § 19.2-327.11 of the Code of Virginia; and

37 Whereas, the petition for a writ of actual innocence included additional evidence of Mr. Johnson's
38 innocence and an expert report attesting to the unreliability of the eyewitness identification of Mr. Johnson;
39 and

40 Whereas, in response to Mr. Johnson's petition for a writ of actual innocence, the Commonwealth argued
41 that his petition should be dismissed for lack of jurisdiction because his conditional pardon was converted to
42 an absolute pardon by law upon completion of the terms of his conditional pardon; and

43 Whereas, on August 25, 2025, the Court of Appeals of Virginia held that Mr. Johnson had, upon the
44 completion of the conditions of his conditional pardon, been absolutely pardoned of the offenses and,
45 therefore, dismissed Mr. Johnson's petition for a writ of actual innocence for lack of subject matter
46 jurisdiction; and

47 Whereas, the Court of Appeals of Virginia found in its dismissal opinion that "[h]aving satisfied all of his
48 conditions, Johnson now stands absolutely pardoned of the offenses for which he seeks actual innocence
49 relief. ... [T]here are no longer any convictions for which Johnson can be found actually innocent of in this
50 case"; and

51 Whereas, on April 22, 2025, Mr. Johnson filed petitions for expungement, and on December 23, 2025,
52 after a hearing, Judge David W. Lannetti granted Mr. Johnson's petitions for expungement; and

53 Whereas, in granting the petitions for expungement, the Circuit Court of the City of Norfolk concluded
54 that "[t]here is no doubt that Johnson's conditional pardon became an absolute pardon after he met the
55 required conditions"; and

56 Whereas, Mr. Johnson missed two decades of his daughters' lives as a result of his wrongful incarceration;

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57 and

58 Whereas, Mr. Johnson, as a result of his wrongful incarceration, lost 20 years of his freedom and
59 countless life experiences and opportunities, including family relations, the opportunity to further his
60 education, and the opportunity to earn income from gainful employment during his years of incarceration;
61 and

62 Whereas, Mr. Johnson has no other means to obtain adequate relief except by action of this body; now,
63 therefore,

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

65 **1.** *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of an amount to*
66 *be provided in the appropriation act for the relief of Messiah Aladar Johnson, to be paid by check issued by*
67 *the State Treasurer on warrant of the Comptroller in accordance with the provisions of Article 18.2*
68 *(§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01 of the Code of Virginia.*

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