

**OFFICE OF
GOVERNOR JAMES S. GILMORE, III**

**LIST OF PARDONS,
COMMUTATIONS, REPRIEVES AND
OTHER FORMS OF CLEMENCY**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 2

**COMMONWEALTH OF VIRGINIA
RICHMOND
2000**



COMMONWEALTH of VIRGINIA
Office of the Governor

James S. Gilmore, III
Governor

February 17, 2000

TO THE MEMBERS OF THE GENERAL ASSEMBLY

As required by Article V, Section 12 of the Constitution of Virginia, I submit herewith as statement setting forth the "particulars of every case of fine or penalty remitted, or reprieve or pardon granted and of punishment commuted" with my reason for remitting, granting, or commuting the same from January 15, 1999 to February 17, 2000.

A handwritten signature in black ink, reading "James S. Gilmore, III".

James S. Gilmore, III
Governor

COMMUTATION OF SENTENCE

SWANN, Calvin Eugene

Crime: Murder and Robbery
Court: Circuit Court, City of Danville
Sentence Date:
Commutation Granted: May 12, 1999

Calvin Eugene Swann was convicted in the Circuit Court of Danville of murder and robbery and sentenced to death. After a long series of appeals, the Circuit Court of Danville eventually fixed the execution date for May 12, 1999.

On May 7, 1999, counsel for Calvin Swann requested the Governor to invoke his legal authority of clemency by commuting the sentence of death to a sentence of life without the possibility of parole.

On May 12, 1999, the Governor commuted the sentence of death for the murder conviction to life imprisonment without the possibility of parole. The commutation is based upon a thorough review of the Petition for Clemency, the legal decisions issued in the case, numerous other records, and the circumstances of this matter.

MEDICAL PARDON

DAWSON, Gilbert Q.

Crime: Habitual Traffic Offender (Two Counts)
Driving Under the Influence (One Count)
Concealing Merchandise (One Count)
Court: Circuit Court, City of Virginia Beach
Sentence Date: June 26, 1998
Pardon Date: August 16, 1999

On June 30, 1999, Ruby H. Blackwell, submitted a request for Executive Clemency for Gilbert Q. Dawson based upon the fact that he had been diagnosed with cancer of the mouth region and is suffering from waste syndrome; result of being HIV positive. His request was then submitted to the Medical Clemency Assessment Committee, which is directed to review all requests for clemency, which are based on allegation of fatal illnesses.

It was determined that Gilbert Q. Dawson's condition had deteriorated to the point where advising physicians could not assure that he would survive beyond the requisite three month period.

MEDICAL PARDON

ROYAL, Clyde Wayne

Crime: Violation of Probation; Statutory Burglary (Two Counts),
Grand Larceny, and Burglary
Court: Circuit Court, City of Danville
Sentence Date: May 3, 1996
Pardon Date: May 21, 1999

On March 5, 1999, Clyde Wayne Royal submitted a request for Executive Clemency based upon the fact that he had been diagnosed with End Stage Cirrhosis (liver disease). His request was submitted to the Medical Clemency Assessment Committee, which is directed to review all requests for clemency, which are based on allegation of fatal illnesses.

It was determined that Clyde Wayne Royal's condition had deteriorated to the point where advising physicians could not assure that he would survive beyond the requisite three month period.

MEDICAL PARDON

APPLE, Charles B.

Crime: Distribute Cocaine and Violation of Probation
Court: Circuit Court, County of Hanover
Sentence Date: August 9, 1994
Pardon Date: June 11, 1999

On April 22, 1999, Cornelius A. Apple and Kylene A. Apple submitted a request for Executive Clemency for Charles B. Apple based upon the fact that he had been diagnosed with Hepatitis C and Cirrhosis of the liver. His request was submitted to the Medical Clemency Assessment Committee, which is directed to review all requests for clemency, which are based on allegation of fatal illnesses.

It was determined that Charles B. Apple's condition had deteriorated to the point where advising physicians could not assure that he would survive beyond the requisite three month period.

SIMPLE PARDONS

LOYD, James Ira, Jr.

Crime: Petit Larceny
Court: General District Court, City of Lynchburg
Sentence Date: September 25, 1987
Pardon Granted: February 19, 1999

In view of his commendable adjustment since his conviction and upon the recommendation of the Parole Board, the Governor granted this individual a simple pardon. This pardon will not operate to erase the fact or record of the above described offense.

SMITH, Sherri L.

Crime: Worthless Check
Court: General District Court, City of Charlottesville
Sentence Date: November 25, 2987
Pardon Granted: July 15, 1999

In view of his commendable adjustment since his conviction and upon the recommendation of the Parole Board, the Governor granted this individual a simple pardon. This pardon will not operate to erase the fact or record of the above described offense.

RESTORATION OF CIVIL RIGHTS

BLACKWELL, Lisa Arthur

Crime: Obtaining Money Under False Pretenses
Court: Circuit Court, County of Montgomery
Sentence Date: April 20, 1988
Rights Restored: February 16, 2000

BRAXTON, Herman Willis

Crime: Manslaughter (Two Counts)
Court: Circuit Court, County of New Kent
Sentence Date: November 17, 1969
Rights Restored: February 16, 2000

CLARK, Michael J.

Crime: Making a False Statement to the Department of Housing and
Urban Development
Court: United States District Court, Eastern District of Michigan
Sentence Date: March 14, 1974
Rights Restored: October 2, 1999

CONNER, Kirby Lyle

Crime: Grand Larceny (Two Counts)
Court: Circuit Court, County of Montgomery
Sentence Date: July 28, 1997
Rights Restored: October 2, 1999

DAVIS, Joseph Nathaniel, Jr.

Crime: Grand Larceny
Court: Circuit Court, City of Lynchburg
Sentence Date: March 21, 1980
Rights Restored: October 2, 1999

DAVIS, Lester Joe

Crime: Grand Larceny
Court: Circuit Court, County of Russell
Sentence Date: September 24, 1968
Rights Restored: October 2, 1999

DYAL, Kendall Layton

Crime: Breaking and Entering and Grand Larceny
Court: Circuit Court, County of Franklin
Sentence Date: January 15, 1990
Rights Restored: October 2, 1999

FLICK, Thomas Arthur

Crime: Driving After Having Been Declared an Habitual Offender
Court: Circuit Court, County of Rockingham
Sentence Date: November 7, 1973
Rights Restored: February 16, 2000

GIBSON, James Robert

Crime: Grand Larceny
Court: Circuit Court, County of Lee
Sentence Date: September 20, 1960
Rights Restored: February 16, 2000

GRAY, Martin Reginald

Crime: Entering Vehicle with Intent to Commit Larceny (Six Counts)
Grand Larceny (Two Counts)
Petit Larceny (Five Counts)
Destruction of Private Property
Statutory Burglary
(All 15 convictions converted to felonies under the Youthful
Offender Act)
Court: Circuit Court, City of Salem
Sentence Date: September 29, 1986
Rights Restored: February 16, 2000

HEPTINSTALL, Bobby Sherwood

Crime: Grand Larceny of an Auto
Court: Circuit Court, City of Roanoke
Sentence Date: April 12, 1978
Rights Restored: February 16, 2000

HICKS, Johnny William

Crime: Breaking and Entering and Grand Larceny
Court: Circuit Court, County of Dickenson
Sentence Date: October 30, 1985
Rights Restored: February 16, 2000

KENNEY, John Randolph

Crime: Grand Larceny
Court: Circuit Court, County of Warren
Sentence Date: December 4, 1989
Rights Restored: February 16, 2000

LOVING, Lois Ann Anderson

Crime: Attempting to Obtain a Schedule IV Controlled Substance by
Fraud, Deceit, Misrepresentation, or Subterfuge
Court: Circuit Court, County of Henrico
Sentence Date: November 1, 1985
Rights Restored: February 16, 2000

OLIVER, Deanna Y. Story

Crime: Welfare Fraud
Court: Circuit Court, County of Dinwiddie
Sentence Date: October 23, 1982
Rights Restored: February 16, 2000

OREBAUGH, Steven Allen

Crime: Grand Larceny (Two Counts)
Court: Circuit Court, County of Rockingham
Sentence Date: February 24, 1975
Rights Restored: February 16, 2000

PRUITT, Roger Lee

Crime: Illegal Manufacture
Court: Circuit Court, County of Henry
Sentence Date: July 20, 1966
Rights Restored: February 16, 2000

RITCHIE, Fritz Maurice

Crime: Driving After having Been Declared an Habitual Offender
Court: Circuit Court, County of Shenandoah
Sentence Date: September 26, 1979
Rights Restored: February 16, 2000

SENSABAUGH, Judy H.

Crime: Embezzlement
Court: Circuit Court, County of Rockbridge
Sentence Date: December 2, 1975
Rights Restored: February 16, 2000

SHIFFLETT, Nelson Michael

Crime: Grand Larceny, Breaking and Entering
Court: Circuit Court, County of Greene
Sentence Date: October 20, 1975

Crime: Involuntary Manslaughter
Court: Circuit Court, County of Albemarle
Sentence Date: January 16, 1980
Rights Restored: February 16, 2000

SHOEMAKER, Richard Floyd, Sr.

Crime: Forgery and Uttering (Five Counts)
Court: Lynchburg Corporation Court
Sentence Date: December 5, 1966
Rights Restored: February 16, 2000

SHUPE, James Ervin

Crime: Unlawful Wounding
Court: Circuit Court, County of Tazewell
Sentence Date: March 4, 1993
Rights Restored: February 16, 2000

SIMONSON, Walter Ernst

Crime: False Statements (Two Counts)
Court: United States District Court, Eastern District of Virginia-
Alexandria
Sentence Date: April 24, 1992
Rights Restored: February 16, 2000

SINCLAIR, Ruth Irene

Crime: Uttering
Court: Circuit Court, County of Accomack
Sentence Date: April 10, 1979
Rights Restored: February 16, 2000

SURBER, Gaylan McKinley

Crime: Statutory Burglary (Two Counts)
Court: Circuit Court, County of Smyth
Sentence Date: February 25, 1957
Rights Restored: February 16, 2000

WATERFIELD, Patricia Velma

Crime: Selling Cocaine and Conspiracy to Sell Cocaine
Court: Circuit Court, City of Virginia Beach
Sentence Date: July 22, 1980
Rights Restored: February 16, 2000

