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Gov. Terry McAuliffe pardons Roanoke's Davey Reedy

Reedy was imprisoned for 21 years.

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For the first time since 1987, when he was charged and later convicted of killing his two young children in a Roanoke house fire, Davey Reedy no longer has to say he is innocent.

The governor of Virginia has said it for him.

Gov. Terry McAuliffe granted an absolute pardon to Reedy on Monday, nearly three decades after the then 32-year-old father first began insisting that he was wrongly accused of setting fire to his southeast Roanoke home while his son and daughter slept inside. Reedy persisted in his pleas of innocence while incarcerated for 21 years, then continued them after he was released on parole in 2009.

"It is now clear that Davey Reedy's convictions on two counts of first-degree murder and one count of arson are not supported by the forensic evidence relied upon," McAuliffe wrote in the pardon, which clears Reedy of all wrongdoing.

Following a lengthy review that started in the governor's office long before he was elected, McAuliffe concluded that the scientific methods used to conduct arson investigations at the time of Reedy's trial are no longer reliable.

Davey Reedy during a 2001 hearing during which he unsuccessfully sought a new trial.



Did Davey Reedy really do it?

On Aug. 10, 1987, as a hot Monday morning dawned on Southeast Roanoke, someone splashed gasoline around the back door of a white frame house and set a fire that killed two children sleeping inside.

Virginia governors are usually reluctant to substitute their judgment for that of the courts, and an absolute pardon is granted only when they believe a severe injustice has occurred.

"It's extremely rare," said Steve Northup, a Richmond attorney who has handled claims of innocence and is a



board member of the Mid-Atlantic Innocence Project, a nonprofit that works to free the wrongfully convicted.

In Reedy's clemency request, Roanoke lawyer Tom Bondurant sought to discredit tests that found traces of gasoline at the scene of the fire and on a T-shirt worn at the time by Reedy, who was seriously injured in the fire. Bondurant, a former federal prosecutor, took the case after his wife Roberta, a former assistant public defender, raised post-trial questions about Reedy's guilt in the early 2000s.

In a statement, Bondurant called it a "stain on our criminal justice system that it took Mr. Reedy serving over 20 years in the penitentiary, being bound by the chains of parole for 7 years and suffering the stigma of killing his own children before justice was served."

"There is no doubt there are many others like Mr. Reedy who were wrongfully convicted on faulty evidence," Bondurant said, praising McAuliffe's office and parole investigator Trudy Harris for their willingness to take a hard look at the case.

Joel Branscom, who prosecuted Reedy as an assistant commonwealth's attorney for Roanoke, said Tuesday that he was disappointed McAuliffe apparently did not take other factors in to consideration. Traces of gas linked to the crime were just one part of a larger, circumstantial case against Reedy, he said.

"It's always good to look at these things, but I have little confidence that there was a thorough examination," said Branscom, who is now Botetourt County commonwealth's attorney.

When his case went to trial in 1988, Reedy faced charges of capital murder. A jury convicted him of lesser charges, first-degree murder and arson, and recommended that he serve two life sentences plus 10 years in prison.

Although Reedy has advanced alternative theories of his innocence over the years, his exoneration was based solely on a challenge of the forensic practices that Roanoke investigators used on the morning of Aug. 10, 1987, when fire heavily damaged the Reedy home on 18th Street Southeast.

After arriving at the scene, firefighters found Reedy's two children — 4-year-old Tina Marie and 2-year-old Michael Edward Reedy — dead of smoke inhalation. Reedy, who later said he tried to save the children but wound up severely burned himself, was charged with setting the fire about one month later.

Prosecutors argued that Reedy torched his house while the children slept, then jumped out of a window, for one of two reasons: Either he bailed out of an intended murder-suicide, or he set the fire with the hope of rescuing his children and looking like a hero.

A key piece of evidence was gasoline traces found on Reedy's shirt. A prosecution witness also said Reedy had threatened to burn down his house, with himself and the children inside, before letting his ex-wife get custody of Tina and Michael.

But the case against him was entirely circumstantial, and a weak one at that, according to a Washington and Lee University law professor who in 1999 reviewed the trial transcript for The Roanoke Times. Following publication of a story raising questions about the case, Roberta Bondurant decided to represent Reedy for free in his quest for a new trial.

The following year, a Roanoke judge took the unusual step of giving Reedy a chance to prove his innocence. Reedy argued that his ex-wife could have set the fire after becoming angry with him when he obtained custody of their children.

But after hearing two days of testimony, then Circuit Judge Clifford Weckstein ruled that Reedy had "utterly failed to demonstrate that he is actually innocent."

Reedy remained in prison until 2009, when the Virginia Parole Board decided to release him — but without making a judgment of his innocence. Reedy continued to assert his innocence in a clemency petition first filed in 2003 with then-Gov. Mark Warner.

The case lingered for years, with one governor passing it on to the next, until it landed on McAuliffe's desk. "Everybody knew something was wrong with the conviction," Bondurant said of the unwillingness by at least three governors to dismiss the petition.

As the clemency process dragged on, Bondurant abandoned the earlier defense theory — that the ex-wife might have set the fire — in favor of all-out challenge of the forensic techniques used in the arson investigation.

Knowing what is known today, he said, it's likely that the fire was an accident, perhaps caused by an unattended cigarette or electrical problems with the house.

In a three-page pardon, McAuliffe detailed how modern-day science now invalidates the process used in the 1980s to determine that gas was poured on the kitchen floor of Reedy's house, where the fire was believed to have started, and to later detect traces of gas on his shirt.

Shortly before he left office, former Gov. Bob McDonnell requested that the state Department of Forensic Science take another look at the evidence. "The latest review by the laboratory was consistent with those raised by other experts challenging the previous assertion that the fire that resulted in the deaths of Michael and Tina Marie Reedy was caused by an accelerant," McAuliffe wrote in his decision.

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The pardon opens a number of possible doors for Reedy: expungement of his criminal record, restoration of his right to vote and serve on a jury, and eligibility for financial compensation for his 21 years in prison, which would be a matter for the General Assembly to take up.

Through his attorneys, Reedy declined to comment Tuesday. But the pardon completes a promise he made years ago.

"I'm going to prove my innocence if it takes the rest of my life," he told the judge in 1988, shortly before being sentenced to two life terms in prison.

"I just want a chance is all I want," he said. "And I know with all my heart and all my belief on my children's grave, before it's over with, I will prove my innocence."

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