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**BEFORE THE GOVERNOR OF VIRGINIA**

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**In Re**

**JOSEPH D. MORRISSEY**

**Petitioner.**

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**PETITION FOR SIMPLE PARDON**

**Date: November 29, 2021**

**On Behalf of Joseph D. Morrissey**

## **TABLE OF CONTENTS**

- I. Introduction**
- II. The Governor's Power to Grant Pardons**
- III. Statement of Facts**
- IV. A Case for Clemency**
- V. Conclusion**

## I. Introduction

Joseph D. Morrissey comes before you to seek a Simple Pardon. In December of 2014, Mr. Morrissey was convicted, after entering an Alford, Plea, to one (1) count of Contributing to Delinquency of a Minor in violation of § 18.2-371(i) of the Code of Virginia, a Class 1 misdemeanor (in the Circuit Court for the County of Henrico). He was sentenced to twelve (12) months in jail with six (6) months suspended. Mr. Morrissey seeks a Simple Pardon so that this incongruous conviction will be removed from his record and will reflect that the Commonwealth of Virginia has forgiven the past offense and recognizes him as a citizen in good standing. In support of his request for consideration, Mr. Morrissey presents the following.

## II. The Governor's Power to Grant Pardons

Executive Pardon is a broad, almost limitless, power that in Virginia dates back to the original Colonial Charter of 1609.<sup>1</sup> A governor's clemency power has many purposes: to ensure that justice is administered with mercy, to correct errors, *and to allow the governor to assess a case anew outside of the rigid confines of the judicial decision making process.*<sup>2</sup> The United States Supreme Court has held that the clemency power is unique and that traditional concepts of due process do not constrain a governor's authority to act.<sup>3</sup> As the Court has eloquently said, "the heart of executive clemency...is to grant clemency as a matter of grace, thus allowing the executive to consider a wide range of factors not comprehended by earlier judicial proceedings and sentencing determinations."<sup>4</sup>

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<sup>1</sup> 7 F. Thorpe, The Federal and State Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming in the United States of America 3801 (1909).

<sup>2</sup> Adam Gershowitz, The diffusion of Responsibility in Capital Clemency, 17 J.L. & Pol. 669 (2001); Victoria Palacios, Faith in Fantasy, 49 Vand. L. Rev 311, 315 (1996); Beau Breslin and John Howley, Defending the Politics of Clemency, 81 Or. L. Rev. 231, 233 (202).

<sup>3</sup> *Ohio Adult Parole Authority v. Woodward*, 523 U.S. 272 (1998)

<sup>4</sup> *Id.* At 280-81

Governors have historically exercised a wide range of pardon powers. They have granted absolute pardons when affirmative evidence demonstrates individuals are innocent. They have used their compassionate clemency authority by granting conditional pardons or commutations to correct injustices, as a recognition that further incarceration was not appropriate given an inmates' unique circumstances, or as a matter of grace, on compassionate grounds. Finally, they have granted simple pardons to reflect that a past misdeed has been forgiven, and that the record should reflect that the individual has been pardoned.

### **III. Statement of Facts**

The sad irony in this case is that Mr. Morrissey stands convicted of contributing to the delinquency of a minor Myrna Pride his now wife of over 5 years, who in 2013 was seventeen and a half (17 ½) years of age. Myrna and Joe Morrissey were happily married on June 11, 2016, and are now raising four (4) beautiful children: Kennedy (9), Chase (6), Bella (5) and Maverick (3).

EXHIBIT A. In 2013 it was alleged that Joe and Myrna engaged in consensual sexual intercourse. Assuming that this happened, it is important to consider today's reality. It should also be noted that when Myrna applied for a job with Mr. Morrissey, she misrepresented her age when she submitted her resume (see attached). Virginia law in 2013 and today recognizes that some sixteen (16) and seventeen (17) year old individuals are psychologically mature enough to manage their own affairs which is why emancipation rights are codified for such people. Though Myrna was not, technically, a "legally emancipated minor" in 2013, she was by all accounts a mature young woman who was quite capable of handling the affairs of her life. The fact that Myrna was not, technically, legally emancipated in 2013 does not alter the reality that she was a highly capable young woman who was entirely able to manage her own affairs. Indeed, at the time that Myrna met Joe, she had several notable accomplishments. She had been accepted to the prestigious

Maggie Walker Governor's School, had graduated High School in three years, was taking college courses and was working fulltime at a doctor's office.

Additionally, Myrna will be the first to acknowledge that she was not in any way manipulated by Joe and that she was in no way coerced by him. In fact, their history together tells a different story. Joe and Myrna met at his doctor's office and thereafter she submitted a resume to work in his law office (see affidavit attached). They worked together, they were attracted to each other, they fell in love, married, and are raising four (4) wonderful children together. A beautiful and happy family living the American Dream. *See* EXHIBIT A. Theirs is a story that in no way offends or otherwise violates the spirit of our laws.

In addition, it is also important to note that Mr. Morrissey was returned to office by Virginia voters to the House of Delegates in a special election after resigning his seat due to his conviction while his conviction and this incident were fresh in the mind of the public and while he was still serving his agreed upon jail sentence as part of the Sheriff's Work Release Program. He subsequently went on to win election in 2019 to the Senate of Virginia. Voters have had their say and do not find the circumstances surrounding his conviction to be inconsistent with service in public office.

It cannot be denied that Morrissey is a politically polarizing figure. Indeed, Mr. Morrissey will be the first to acknowledge this. He was the youngest elected Commonwealth's Attorney in Richmond's history, was an assertive and passionate defense attorney, state Delegate, and State Senator. Many love him, some may dislike him. There are those in the latter camp who would cheer to see Joe taken down a notch or two by any means, and that is troublesome.<sup>5</sup>

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<sup>5</sup> The undersigned could find no case in Virginia case law where a defendant was prosecuted for contributing to the delinquency of a minor where the alleged victim, her mother, and her grandmother all supported the Defendant. In the instant case, the victim (i.e., Myrna), her mother and her grandmother all vehemently argued that the contributing charge was entirely unwarranted. (See attachments).

#### IV. A Case for Pardon

Our laws are designed to protect juveniles/minors from abuse, etc. Those laws are needed because there are those adults who do, in fact, abuse children. The intent/spirit of § 18.2-371(i) is to protect minors from abuse and to punish those who do abuse children. In this case, the letter of the law may have been violated assuming certain facts presumed in the Alford Plea, the policy underlying the law and the spirit of the law was not violated. Mr. Morrissey did not take advantage of or otherwise abuse Myrna. For example, a violation of § 18.2-371(i) would never be prosecuted involving a sixteen (16) year-old who had been emancipated. If sexual intercourse between an adult and a 16–17 year-old minor is by itself intrinsically abusive, then an emancipation finding by a judge should not mitigate such abuse, and Virginia Law does not hold that sex with a 16-17 year-old minors is intrinsically abusive because there are legal exceptions. The Age of Consent in our Commonwealth is eighteen (18) years age. CODE OF VIRGINIA § 20-48 (1950) (LexisNexis 2021):

The minimum age at which persons may marry shall be 18 unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation.

Throughout this process, Myrna has maintained that Joe did not manipulate her, that he did not use his position over her to coerce her into having sex, that he did not abuse her, that any sex that occurred was consensual, that they were in a relationship, and that she and Joe intended to marry, and, more importantly, that she was quite capable of making her own decisions at age 17½. The prosecutor had that evidence yet proceeded with the charge anyway notwithstanding the vehement opposition of Myrna's mother and grandmother. EXHIBIT B, EXHIBIT C, EXHIBIT D.

Indeed, Joe Morrissey entered an Alford plea and accepted a plea deal. He conceded that the prosecution had enough evidence that if a jury accepted, would be sufficient to convict him

because the letter of the law had been violated. His political career was underway, and he and Myrna decided that a high-profile trial would be very disruptive to their future plans. Joe was and is a very astute attorney; he understood the risks of a jury trial in this type of case. Joe and Myrna made the decision mutually to just move on with their lives together.

Today, this prosecution continues to hang over the head of not only Joe and Myrna, but also their children and the entire family. The Morrissey children will soon be entering adolescence and enough information regarding their parents will be in the public record. The Morrissey Family has moved on from this incident and the record should be cleared so they can move on without this cloud.


## **V. Conclusion**

Today, we ask that the Governor take note of the facts known in 2013, the judgment of voters in two separate elections, and life that the Morrissey Family has build since this occurred, and exercise his discretion to correct this injustice so that the Joe, Myrna, their four children and extended family can move beyond the prosecution that occurred in 2013.

WHEREFORE, the Petitioner, JOSEPH D. MORRISSEY, requests the following relief:

1. That the Governor grant him a Simple Pardon; and
2. For such other and further relief the Governor deems necessary.

JOSEPH D. MORRISSEY

By:   
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Counsel for Mr. Morrissey

Listing of Attached Exhibits

EXHIBIT A	Pictures of Kennedy (9), Chase (6), Bella (5) and Maverick (3).
EXHIBIT B	Affidavit of Diedre Warren.
EXHIBIT C	Affidavit of Myrna Warren.
EXHIBIT D	Affidavit of Myrna Morrissey



Morrissey Pardon

**EXHIBIT A**

Pictures of Morrissey Family





**MORRISSEY**  
FARMS  
AT CHAFFIN'S BLUFF  
**8700**  
Osborne Trnpg.









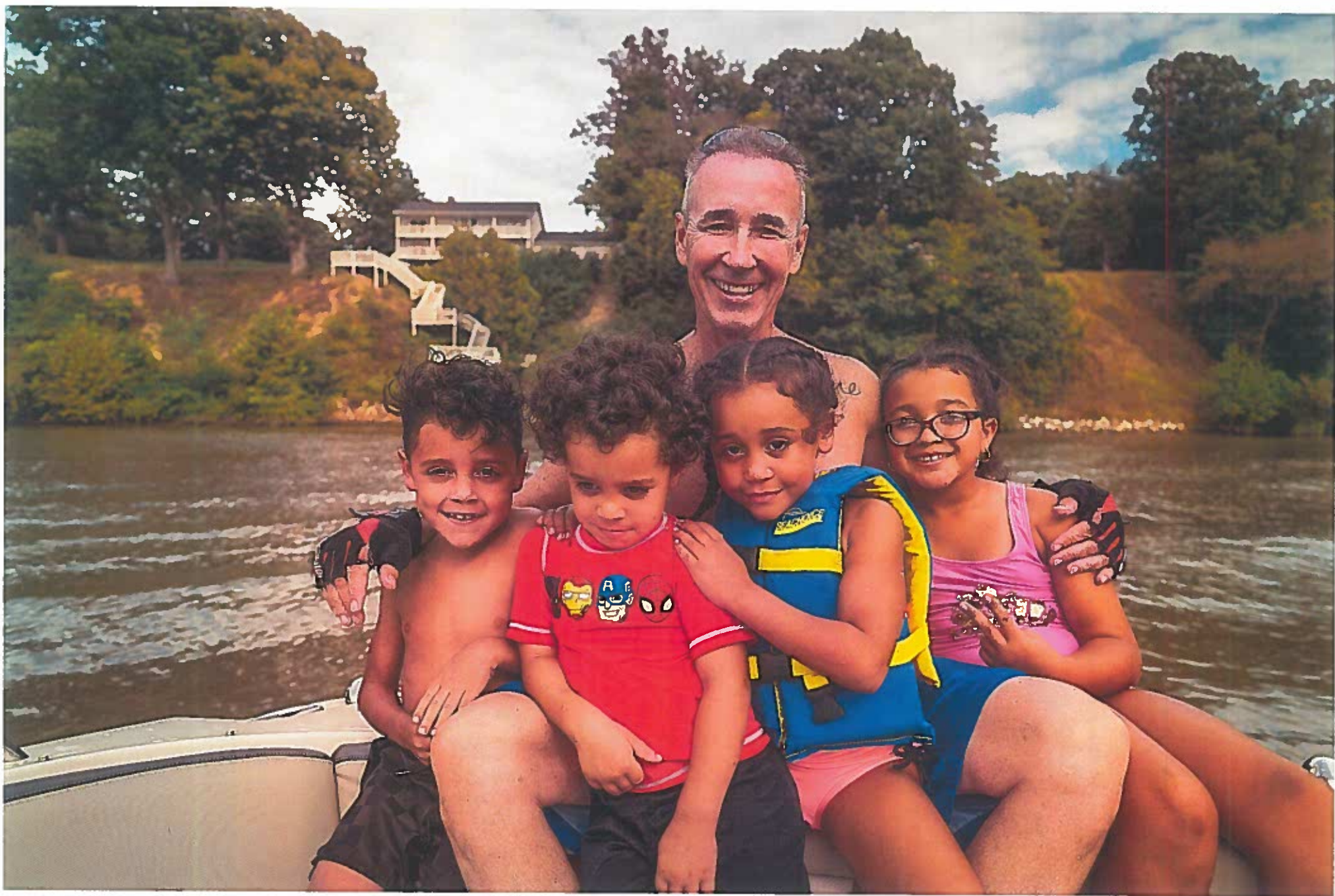








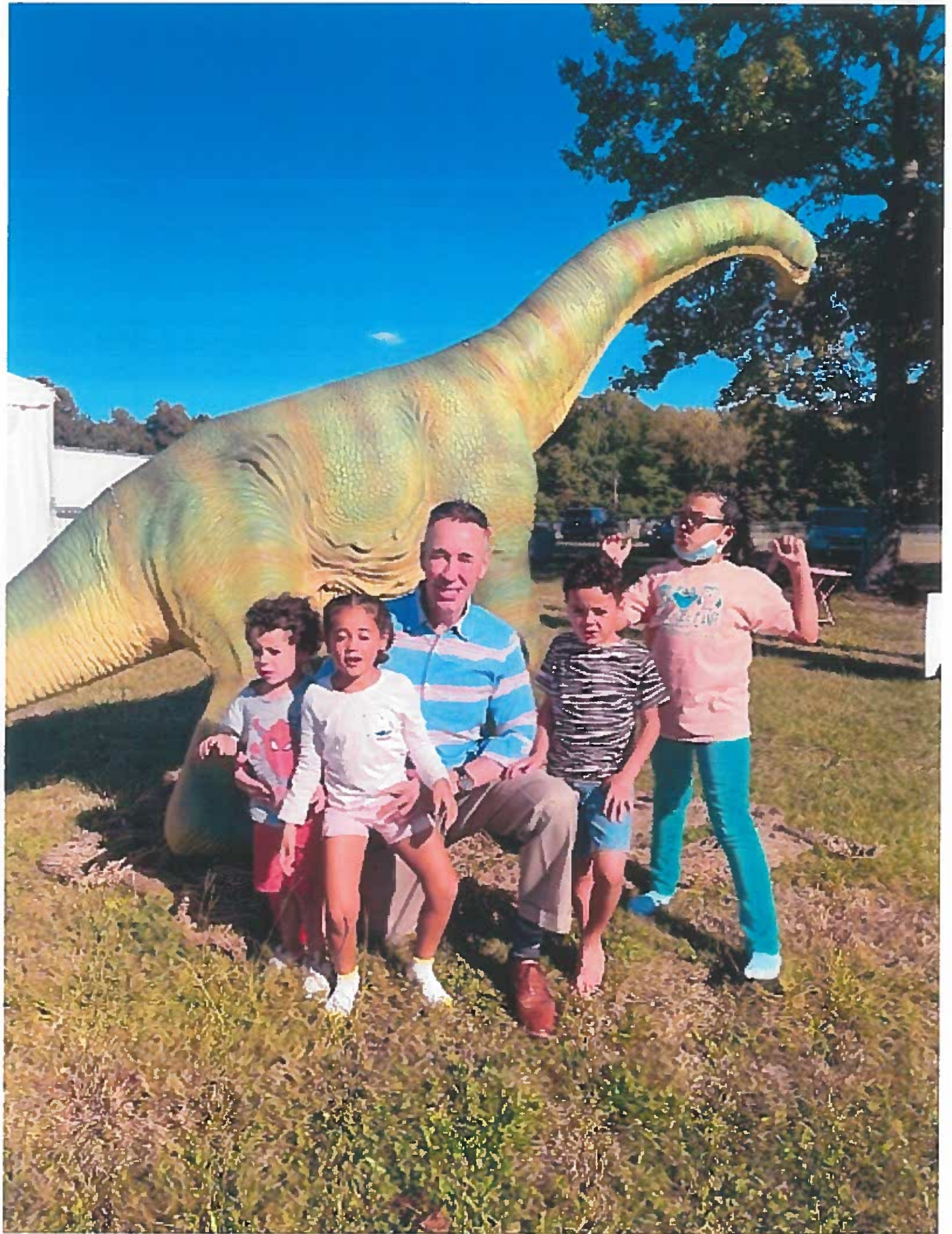




















Morrissey Pardon

**EXHIBIT B**

Affidavit of Diedre Warren

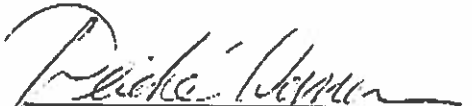
**AFFIDAVIT**

**My name is Deidre Warren and I am the mother of Myrna Morrissey. I am writing this affidavit in full support of Senator Joseph Morrissey's Petition for an Absolute Pardon from Governor Ralph Northam.**

**In 2013, my daughter, who is a very accomplished student, graduated from Monacan High School in 3 years. She began working at a doctor's office. She met now Senator Joe Morrissey and, with my knowledge and approval began working at his then law office. Thereafter, I was made aware (by my daughter) of her relationship with Mr. Morrissey. I also became aware of the Commonwealth's efforts to prosecute him for contributing to the delinquency of a minor. Both my daughter (through her attorney), myself and my mother were 100% opposed to the Commonwealth prosecuting Mr. Morrissey. All of us made that abundantly clear to the prosecutor and police but nobody listened to us.**

**At no time did Joe Morrissey ever manipulate, intimidate or coerce my daughter into any type of relationship. Everything that they did together was consensual. I repeatedly requested the prosecutor to drop the investigation of Mr. Morrissey but the Henrico County Commonwealth's Attorneys office failed to do so. I think then as I do now that it was entirely political...an effort to simply get Joe Morrissey.**

**Myrna and Joe married, they have three beautiful, happy children and I fully support Joe's Petition for an Absolute Pardon.**

  
**Signed:**

12/9/21  
**Date:**

**STATE OF VIRGINIA:**  
**CITY/COUNTY OF Henrico, to wit:**

Sworn and subscribed before me in my jurisdiction aforesaid the 9th day of  
December 2021.

My Commission Expires: December 31, 2024



Penny R. Eakes  
Notary Public

Morrissey Pardon

**EXHIBIT C**

Affidavit of Myrna Warren

**AFFIDAVIT**

**My name is Myrna A. Warren and I am the grandmother of Myrna Morrissey. As is obvious, Myrna is my namesake and I love her dearly.**

**My granddaughter, Myrna, has always been an extremely intelligent, mature and independent person. She is a strong woman and fiercely independent.**

**In 2013, Myrna met Joe. Thereafter, they fell in love, married (2016) and have three beautiful children together. Joe is one of the greatest fathers that I have ever seen and the relationship that he has with his children is unparalleled. When Senator Morrissey isn't working in his office or busy in the State Senate, he is with his children 24/7.**

**I fully support Joe's Petition for an Absolute Pardon from Governor Ralph Northam and I feel as strongly today as I did back in 2014 – he should never have been prosecuted in the first place!**

Myrna A. Warren  
**Signed:**

12/9/21  
**Date:**



Morrissey Pardon

**EXHIBIT D**

Affidavit of Myrna

Morrissey

## **AFFIDAVIT**

**My name is Myrna Morrissey and I am the wife of State Senator Joseph Morrissey. I am 25 years old and am the mother of four children including Kennedy (9), Chase (6), Bella (5) and Maverick (3). Joe and I are the parents of Chase, Bella and Maverick.**

**As I have previously stated, I matriculated from High School in 3 years and began taking college level courses. I met Joe while I was both taking college courses as well as working in a doctor's office in Chesterfield County.**


**Joe and I entered into a relationship which was entirely consensual and at no time did Joe ever manipulate, coerce or in anyway intimidate me into engaging in a relationship. Further, at all times both my mother and grandmother were aware of my relationship with Joe.**

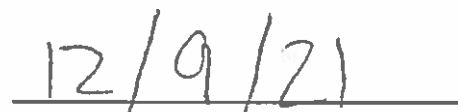
**Joe and I married in 2016 and as I indicated above, we have had three children together.**

**In 2014, when the Henrico County authorities started to investigate Joe, my attorney and I made it abundantly clear that we had no desire, intention, or inclination whatsoever to prosecute Joe for contributing to the delinquency of a minor. Despite my grandmother's, mother's and my protestations, the Commonwealth's Attorney went forward anyway. Additionally, even though the prosecutor(s) repeatedly said "we want to help you", they completely disregarded me, my mother's and my grandmother's requests that they drop the investigation against Joe as I was a mature woman who knew exactly what I was doing. Inexplicably, they were relentless and chose to prosecute Joe.**

**This prosecution continues to hang over our family. My oldest children are starting to reach ages where they understand the significance of criminal prosecutions, can use the internet to explore and have friends who do the same. A simple pardon would provide a small measure of benefit so that the prosecution that occurred does not become a source of conflict with their peers, embarrassment to them or something that causes our children distress.**

**Joe and I have moved on with our lives and strive to be the best parents for our children that we can. I fully support Joe's request for a Pardon from Governor Ralph Northam and ask that you please give it your fullest consideration so our family can have some peace.**

  
**Signed:**

  
**Date:**

**STATE OF VIRGINIA:**  
**CITY/COUNTY OF Henrico, to wit:**

Sworn and subscribed before me in my jurisdiction aforesaid the 9th day of  
December 2021.

My Commission Expires: December 31, 2024



Penny R Eakes  
Notary Public