

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF
CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA,

v.

Case No. 11-102

GEORGE HUGUELY,
Defendant.

ORDER ON MOTION AS TO DEFENSE EXPERT WITNESSES

This matter came on this day to be heard upon the motion by the Commonwealth to bar testimony from defendant's expert witnesses on the basis that proper reports were not provided as to such witnesses and upon the further motion by the Commonwealth to bar the testimony of Dr. Allen Burke ("Dr. Burke") because of the defense's failure to disclose Dr. Burke on or before the written statement deadline agreed on as of January 9, 2012; and

It appearing to the Court, for the reasons stated in open court (attached), that there has been disclosure of experts by agreement, including written reports where a report may be offered; and that there is no basis to bar the testimony of Dr. Burke, and accordingly, the motions of the Commonwealth to bar testimony of the defendant's experts, including Dr. Burke, are overruled.

The Clerk is DIRECTED to send a certified copy of this Order to counsel.

This case is continued on the docket.

Enter. _____

Judge

Date: 01/20/12


FILED

File No. 11-102
Date 1/20/12 Time 5:30 P M
Circuit Court Clerk's Office
City of Charlottesville, Va.
Llezelle A. Dugger, Clerk

WE ASK FOR THIS:

ST. JOHN BOWLING, LAWRENCE & QUAGLIANA, LLP

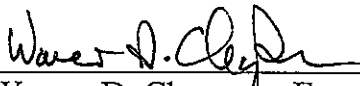
By: _____


Francis McQ. Lawrence
VSB# 14754
Rhonda Quagliana
VSB# 39522
416 Park Street
Charlottesville, Virginia 22902
434-296-7138 telephone
434-296-1301 facsimile
rq@stlawva.com
Counsel for George Huguely, V

SEEN AND OBJECTED TO:

COMMONWEALTH OF VIRGINIA

By: _____


Warner D. Chapman, Esquire
Charlottesville Commonwealth
Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

ATTACHMENT
ORDER 1/20/2012

1 January 17, 2012

2
3 THE COURT: Well, I think absent of the pre-
4 agreement that there will be actual letters in the court's
5 file by all the experts, I can't see that I can order that
6 there will be an expert opinion letter written by the de-
7 fense at this point. I can't do that. I don't think that's
8 what is---there is clearly room for interpreting this. I
9 think there has been disclosure of all the experts by the
10 agreement. Now, clearly, if the report is going to be of-
11 fered that report was intended pursuant to the rule. Now
12 that's where I am with it. I'm not going to going to bar
13 Dr. Burke from testifying. It's typical that the journeys
14 (sic) can be proffered evidence and they get involved some-
15 times in civil cases and what's been reviewed and what
16 hasn't, and that's all fair game for cross-examining the
17 witness, I don't think that injects, necessarily, the return
18 into the case, even if he can proffer (sic). So, that's
19 where I am with it. One of the concerns that I have is that
20 a lot has been sort of filed here in my office and not with
21 the clerk's office. And the response was filed by the de-
22 fense downstairs. A number of items have been left with Ms.
23 Young in that file. I guess we need to decide what gets---
24 what is to be kept under seal. I'm assuming that everything
25 that's going to be filed with the clerk, so it's filed and

1 then there's a system in place where we need anything to get
2 access to a web page for matters that are public record.
3 What I don't want to do is to mix up what we've agreed to
4 keep under seal or what, going forward, is to be kept under
5 seal with what is public record and should be released and
6 put on the webpage and whether or not where it can be ac-
7 cessed, so I need some help with that. The other issue is a
8 motion I just looked at to request summoning of additional
9 jurors. We've summoned 320 people. And so both sets of ju-
10 rors were told that they are all subject to being called for
11 this case. And are you telling me you've looked at the 320,
12 now I guess they're probably only about 300, I don't know
13 how many questionnaires, and we need more?

14

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF
CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA,

v.

Case No.: 11-102

GEORGE HUGUELY,
Defendant.

ORDER ON SUBPOENA DUCES TECUM MATERIAL

This matter came to be heard upon the motion of the defendant, George Huguely, by counsel, that defense counsel be permitted to examine the materials received by the Court pursuant to the *subpoena duces tecum* issued to Shirley Payne, assistant vice president for UVA Information Security, Policy and Records; and

It appearing to the Court that such records should be kept under seal except as to counsel and accordingly, the Court orders that the materials returned pursuant to the *subpoena duces tecum* be made available to counsel for the defendant and counsel for the Commonwealth; and that each shall be permitted to make a copy of the same, provided however, that such materials shall not be disseminated beyond the parties and their attorneys, except to the extent that the same might be offered into and accepted into evidence in this case.

This case is continued on the docket.

Enter: 

Judge

Date: 01/20/12

FILED

File No. CR 11-102
Date 1/20/12 Time 5:30 P.M.
Circuit Court Clerk's Office
City of Charlottesville, Va.
Llezelle A. Dugger, Clerk

WE ASK FOR THIS:

ST. JOHN, BOWLING, LAWRENCE & QUAGLIANA, LLP

By: _____

Francis McQ. Lawrence VSB# 14754

Rhonda Quagliana VSB# 39522

416 Park Street

Charlottesville, Virginia 22902

434-296-7138

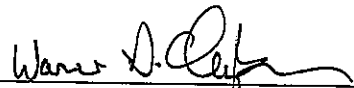
434-296-1301 facsimile

Counsel for George Huguely, V

SEEN AND AGREED:

COMMONWEALTH OF VIRGINIA

By: _____



Warner D. Chapman, Esquire

Charlottesville Commonwealth

Attorney's Office

P.O. Box 911

Charlottesville, VA 22902