

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA

V.

GEORGE HUGUELY

COMMONWEALTH RESPONSE TO FACTUAL ISSUES
ALLEGED BY DEFENSE IN RELATION TO BRADY MOTION

FILED

2012 JUL 31 P 1:24

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CHARLOTTEVILLE, VA
BY *Emma Price*

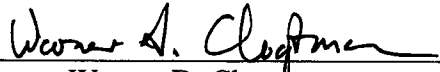
NOW COMES the Commonwealth, by counsel, and hereby responds to specific factual issues suggested by the defense in their Reply to the Commonwealth's Response to the defendant's Brady motion.

In particular the Commonwealth states:

1. Mahlon G. Funk, Jr., one of the attorneys who represent Sharon Love in a civil proceeding against the defendant, provided an affidavit at the request of the Commonwealth concerning his contacts with the Office of Commonwealth's Attorney before the defendant's criminal trial. His affidavit is attached to this pleading and is identified as Attachment G related to the Brady issue;
2. From Mr. Funk's affidavit it is clear that no relationship of the sort alleged by the defendant existed before trial or afterwards between the Commonwealth and civil counsel who represent Ms. Love in the proceeding against the defendant;
3. The Commonwealth assumes that it is in the nature of a typographical error for the defendant to allege in his Reply on page 3 that the "Commonwealth acknowledges having such information since the spring of 2011." The Defendant's own referenced exhibit on this point, Attachment D of the defendant's pleading, refers to August of 2011. Mr. Funk identifies the date as late July of 2011; and,

4. The defendant describes the civil suit against him as having been filed “within weeks” after the completion of the trial of the criminal case. The civil proceeding against the defendant was filed on April 26, 2012. See, Attachment H. According to the records of the Court Sharon Love became qualified as the Personal Representative of the estate of Yeardeley Love on March 27, 2012. See, Attachment I.

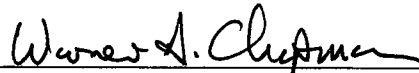
Respectfully submitted,



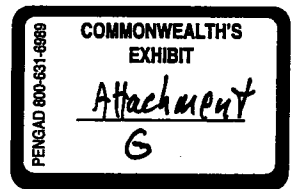
Warner D. Chapman
Commonwealth's Attorney
City of Charlottesville

CERTIFICATE:

I, Warner D. Chapman, hereby certify that true copies of the foregoing Second Response of the Commonwealth, with attachments, were delivered to the offices Francis McQ. Lawrence and Rhonda Quagliana this 31st day of July, 2012. An electronic copy of Attachment G was transmitted to Francis McQ. Lawrence on July 30, 2012.



Warner D. Chapman



VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

IN RE:)	
)	Case Nos.: CR11000102-01
COMMONWEALTH OF VIRGINIA)	CR11000102-02
)	CR11000102-03
v.)	CR11000102-04
)	CR11000102-05
GEORGE WESLEY HUGUELY, V)	CR11000102-06
)	

AFFIDAVIT

COMES NOW the undersigned affiant, Mahlon G. Funk, Jr., who after being duly sworn, deposes and states as follows:

1. As counsel for Sharon and Lexie Love, the only contact I had with Warner D. Chapman or anyone in the office of the Charlottesville Commonwealth Attorney prior to the criminal trial of George Huguely, V was a brief conversation with Mr. Chapman in late July, 2011, in which I was seeking information on how to obtain a copy of the preliminary hearing transcript, and Mr. Chapman advised me that he and his office could not share any information with parties to a civil action until after the criminal trial. In the conversation I informed Mr. Chapman that we were planning to file a civil suit on behalf of the Love family against Huguely and commence discovery since the limitations clock was running. Mr. Chapman indicated to me that this was outside of his purview, but that his preference would be that we await the conclusion of the criminal trial so as not to interfere with witnesses and the like.

2. To the best of my knowledge and understanding the only contact my co-counsel, Irvin V. Cantor, had with Mr. Chapman prior to the criminal trial of George Huguely, V was an e-mail he sent to Mr. Chapman on August 17, 2011, requesting a meeting, followed by a brief

telephone conversation with Mr. Chapman on August 22, 2011, in which Mr. Chapman advised Mr. Cantor that he did not want to meet with Mr. Cantor or me.

3. At no time prior to the criminal trial did Mr. Chapman or his office provide me or my co-counsel with any information or documents.

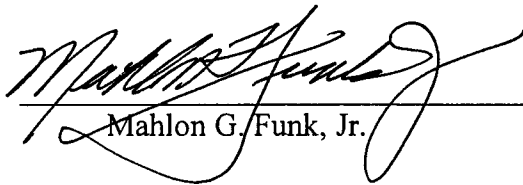
4. It was not until after the criminal trial that I and my co-counsel had a meeting with Mr. Chapman, at which meeting Mr. Chapman suggested to us that if we wanted access to the criminal trial exhibits and materials, we should file a motion in the criminal case requesting such access. The meeting took place on March 7, 2012.

5. At no time did I or my co-counsel ever discuss with Mr. Chapman the subject of what allegations we were contemplating filing in any civil action, nor did we ever provide Mr. Chapman with a copy of any draft civil complaint.

6. On April 26, 2012, a copy of the filed civil complaint against Mr. Huguely was e-mailed by my co-counsel to both Mr. Chapman and Francis McQ. Lawrence.

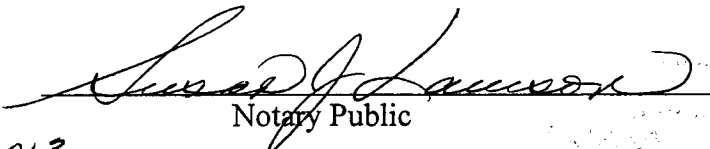
Further affiant sayeth not.

Dated: July 27th, 2012



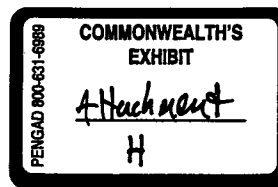
Mahlon G. Funk, Jr.

Sworn to and subscribed before me this 27th day of July, 2012.



Notary Public

My Commission Expires: 7-31-2013
My Registration No.: 218684


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Charlottesville City Circuit - Civil Division

Case Details

Case Number: CL20120130-00	Filed: 04/26/12
Filing Type: Complaint - Catch-All	
Number of Plaintiffs: 0001	Number of Defendants: 0001
Commenced By: Initial Filing	
Bond:	Complex Case:

Plaintiffs

Plaintiff: **LOVE, SHARON D.**
 Trading as: ESTATE OF YEADLEY R. LOVE
 Attorney: CANTOR, IRVIN V

Defendants

Defendant: **HUGUELY, GEORGE W.**
 Trading as:
 Attorney:

Hearings

#	Date	Time	Type	Room	Duration	Jury	Result
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Date Ordered To Mediation:

Final Disposition

- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

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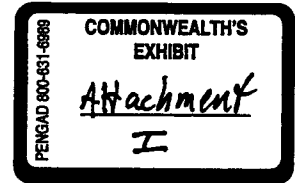
**CERTIFICATE/LETTER OF QUALIFICATION
COMMONWEALTH OF VIRGINIA**

Court File No. CWF12-0024

VA. CODE §§ 6.2-893, 6.2-1171, 6.2-1365, 6.2-1367, 37.2-1011, 64.1-122, 64.1-128

Charlottesville Circuit Court

I, the duly qualified clerk of this Court, **CERTIFY** that on March 27, 2012
DATE



Sharon D. Love
NAME(S) OF PERSON(S) QUALIFYING

duly qualified in this court, under applicable provisions of law, as **Administrator/Personal Representative**, pursuant to Virginia Code Sections 64.1-75.1, 26-59, and 8.01-50, of the estate of

Yeardley Reynolds Love
 DECEASED MINOR INCAPACITATED

for the purpose of prosecuting actions for wrongful death arising from the death of Yeardley Reynolds Love. Surety is waived by the Clerk pursuant to Virginia Code Sections 26-59 and 26-4.

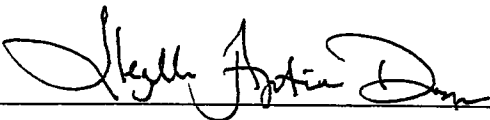
The powers of the fiduciary(ies) named above continue in full force and effect.

\$100.00 bond has been set by the Clerk and has been posted.

Given under my hand and the seal of this Court on

March 27, 2012
DATE

Llezelle Agustin Dugger , Clerk

by  , Clerk