

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF
CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA,

v.

Case No. 11-102

GEORGE HUGUELY,

Defendant.

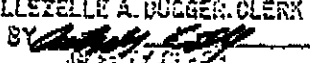
**DEFENDANT'S SECOND PROFFER OF EVIDENCE RELATING TO BRADY
DISCLOSURE**

Francis McQ. Lawrence, counsel for George W. Huguely, V ("Mr. Huguely"), for his Second Proffer of Evidence Relating to Brady Disclosure states the following:

1. The Commonwealth has asserted that the status of the Loves' civil action could have been discovered had defense counsel simply directed any questions about the civil litigation directly to either Sharon or Lexie Love.
2. Throughout the proceedings, the Commonwealth took the position that any contact between the defense and the Love family was inappropriate.
3. The defense respected the Commonwealth's consistent position that the defense was not to have any direct, unmediated contact with Sharon or Lexie Love.
4. The Commonwealth has also asserted that the status of the Loves' civil claim could have been determined by contact with the plaintiffs' attorneys, Mr. Irvin Cantor and Mr. Mahlon "Bud" Funk.

FILED

2012 AUG 13 A 11:49

CIRCUIT COURT CLERK'S OFFICE
CHARLOTTESVILLE, VA
LEZELLE A. DUGGER, CLERK
BY 
10-27-12

5. The defense had and would have had no ability to identify a member or members of the Virginia Bar, in Virginia or elsewhere, who might represent Sharon and Lexie Love at any time before Mr. Funk filed his petition after Mr. Huguey's trial.

6. Since trial and the identification of Mr. Cantor and Mr. Funk, although the defense has requested by email and letter information from plaintiffs' counsel concerning their involvement with the Loves and the Commonwealth's Attorney's office (see attachment A), to this date Mr. Huguey has received no response from Mr. Cantor and Mr. Funk to the questions asked of them in connection with the Love lawsuit as set forth in Defendant's First Proffer.

7. The Court should grant an evidentiary hearing for Mr. Huguey to develop evidence concerning the unanswered questions set forth in his First Proffer and the facts set forth herein.

GEORGE HUGUELY

By Counsel

ST. JOHN, BOWLING, LAWRENCE & QUAGLIANA, LLP

By: _____

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

CERTIFICATE

I hereby certify that a true and exact copy of the foregoing was sent by hand delivery this 14 day of August, 2012 to:

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

Francis McQ. Lawrence

Attachment A

Francis McQ Lawrence

From: Francis McQ Lawrence <fml@stlawva.com>
Sent: Monday, July 30, 2012 12:57 PM
To: Irv V. Cantor (icantor@virginiatrialfirm.com) (icantor@virginiatrialfirm.com); 'Bud Funk' (BFunk@hf-law.com)
Cc: rq@stlawva.com; chapman@charlottesville.org
Subject: FW: cantor.funk.73012
Attachments: 20120730124046888.pdf

Dear Irv and Bud:

We hope you can briefly respond to the enclosed.

Thanks.

Best: Fran

From: Andrew Smith [<mailto:aes@stlawva.com>]
Sent: Monday, July 30, 2012 12:40 PM
To: fml@stlawva.com
Subject: cantor.funk.73012

MEMORANDUM

By Email

From: FML (*fml@stlawva.com*)

To: Irv Cantor (*ICantor@Virginiatrialfirm.com*)
Bud Funk (*BFunk@Hf-law.com*)

Cc: Warner D. Chapman (*chapman@charlottesville.org*)
Rhonda Quagliana (*rq@stlawva.com*)

Re: Love v. Huguely

Date: July 30, 2012

Dear Irv and Bud:

As you know, Mr. Huguely has filed a motion which addresses the Commonwealth's duty to provide potentially exculpatory evidence to him in a timely manner. There is a hearing set on this at 4:30 on Tuesday, July 31, 2012.

We have asked the court to give us an evidentiary hearing at which we would compel the attendance of both of you in order to ask you questions about the Love civil lawsuit against Mr. Huguely.

We hope and believe that your response to the questions that follow would obviate the need to compel your attendance as witnesses.

Our questions as to Mr. Huguely's case are:

1. When did either Sharon or Lexi Love first contact either of you?
What date as to each of you?
2. If a written contract or retainer agreement was executed by either of them with either of you, on what date or dates such contract or contracts was executed as to each of you?
3. By what date was the initial complaint drafted?
4. By what date did the complaint, either in draft or final form, first include the language in count 1 alleging Mr. Huguely's negligence resulting in Ms. Love's accidental death?

5. What is the earliest date on which a draft complaint contained a damage request exceeding \$25,000,000.00?

It is our hope that you will obtain authority from your clients to provide this information to us, thereby expediting a decision in this matter so the case may move forward.

Please do not hesitate to call me if you have questions or concerns.

C:\Users\Office Main\Documents\FML CLIENTS\civil.gen\Hegarty, George CIVIL\Memo\draft email 72712.doc