

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA

v.

File No. 11-102

GEORGE WESLEY HUGUELY,  
Defendant

ORDER REGARDING INTERVENORS REQUEST FOR  
RELEASE OF DOCUMENTS

On the 29<sup>th</sup> day of June, 2012, came Gannett Co., Inc, The Washington Post, *et als.*, (herein after, "Media Intervenors"), by counsel, the Defendant, personally and by counsel, and the Commonwealth, by counsel, to be heard upon the Proposal for Modification of the Media Plan by Media Intervenors to permit copying of certain documents and exhibits previously identified as being "non-sensitive" and available for review and inspection by interested members of the public under the supervision of the Clerk, and

The Court having considered the authorities and arguments submitted by counsel, on the premises set forth below, finds as follows:

1. There are pending motions to set aside the verdicts and until such are resolved, there is a possibility that there will be a retrial of this case; and
2. A civil action styled as Sharon D. Love, Administrator of the Estate of Yardley R. Love, Deceased, v. George Wesley Hugueuly, V, (Case No. 2012-130) is now pending against the Defendant premised on the same facts and will involve much of the same evidence as was admitted in this criminal proceeding; and

3. Defendant in the aforementioned civil action has filed therein Defendant's Motion to Transfer Venue Pursuant to Virginia Code Section 8.01-256 or, in the Alternative, To Summon a Venire from Another Jurisdiction Pursuant to Virginia Code Section 8.01-363, reciting as grounds therefor "that it will not be possible to conveniently find jurors from the City of Charlottesville who will render an fair and impartial trial."
4. Based on the number of veniremen summoned to serve in this criminal case and the length of time required to select and seat an impartial jury, allowing media to copy and re-broadcast the exhibits will undoubtedly present a substantial barrier to seating an impartial jury in the pending civil case;

Therefore, based on the foregoing, pending entry of the final order in this Court concluding the criminal case, the Court hereby **Denies Without Prejudice** Media Intervenors' Proposal for Modification of the Media Plan, but Orders, in lieu thereof, as follows:

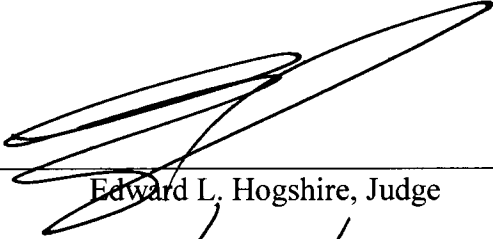
1. Subject to the resources of the Clerk's Office, the Clerk is authorized to enable an audio recording of the trial proceeding to be available at the earliest practicable time for public access at the Court, but not for copying or dissemination. Copies of the trial transcript or portions thereof may be obtained by the parties and by interested members of the public in the usual manner under the direction of the Clerk with the cooperation and assistance of the Court's reporter; and,
2. Subject to the resources of the Clerk's office, the Clerk is further authorized to establish additional opportunities for interested parties to review and inspect, but not copy or disseminate, the non-sensitive documents and exhibits that were previously made available for public review and inspection. Whether the described opportunities are established by the Clerk according to a fixed schedule, by appointment, or by a

combination of means consistent with or equivalent to the previous manner of inspection and review are matters to be determined by the Clerk, so that interested persons have an adequate opportunity to inspect and review the described materials, in light of their nature, length, and complexity.

Endorsements of counsel are waived with all objections noted and preserved.

The Clerk is directed to mail a true copy of the foregoing Order to all counsel of record and to Lane's Court Reporters.

ENTER: \_\_\_\_\_

  
Edward L. Hogshire, Judge

DATE: \_\_\_\_\_

09/20/12