



OFFICE OF THE
COMMONWEALTH'S ATTORNEY

See for [unclear]

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VICTIM/WITNESS COORDINATOR

August 15, 2012

Hon. Edward L. Hogshire, Judge
Charlottesville Circuit Court
315 East High St.
Charlottesville, VA 22902

Re: Letter Opinion of August 15, 2012
Brady issue

Dear Judge:

The Commonwealth received the Court's opinion letter today relating to the defendant's Brady motion. The Commonwealth will draft an order for consideration by counsel and the Court.

It appears to the Commonwealth that the Court's opinion letter contains one factual error. Attached to this correspondence is a copy of the Commonwealth's Supplement to the Record that was submitted on August 13, 2012.

As reflected in the record of the trial proceedings and recited in the Commonwealth's pleading, Sharon Love and Lexie Love testified in both the guilt/innocence and sentencing phases of the case. No questions were asked of them on cross examination during either phase of the trial.

Sincerely yours,

Warner D. Chapman
Commonwealth's Attorney
City of Charlottesville

C:

Francis McQ. Lawrence
Rhonda Quagliana

8-15-12

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

COMMONWEALTH OF VIRGINIA

V.

GEORGE HUGUELY

COMMONWEALTH SUPPLEMENT TO THE RECORD
RELATING TO DEFENDANT'S BRADY MOTION

COMES NOW the Commonwealth, by counsel, for the purpose of supplementing the Court's record relating to the defendant's Brady-related motion. The Commonwealth does so by stating:

1. The Commonwealth has reviewed the Court Reporter's audio recording of the July 31, 2012 hearing in this Court concerning the defendant's Brady motion;
2. Attached to this pleading is a copy of the Court Reporter's log of the recorded proceedings (Attachment S), which fairly reflects the recording itself;
3. The hearing begins at 5:12:50 P.M. on the 31st;
4. At 5:27:50 P.M. counsel for the defendant begins to address the 1/30/12 letter from the Commonwealth to defense counsel regarding a civil claim against the defendant;
5. At 5:28:04 P.M. the Court advises counsel that right now the defense is on notice that a law suit is coming;
6. After intervening discussion, at 5:28:49 P.M. the Court observes, speaking directly to defense counsel, that you were anticipating a civil suit;
7. At 5:28:55 P.M. counsel replies not yet, referring to the civil suit;

8. The unmistakable conclusion from counsel's reply to the Court's observation is that a civil suit against the defendant was actually anticipated by the defense;
9. Notwithstanding that expectation no inquiry was made by counsel regarding any aspect of the topic of a civil proceeding against the defendant; and,
10. At trial, the defense conducted no cross examination whatsoever of either Sharon Love or Lexie Love during the guilt/innocence or the sentencing phases of the case. See, Trial Transcript, Day Three 2/8/12 at P. 82; Day Three 2/8/12 at 85; Day Twelve 2/22/12 at 61; Day Twelve 2/22/12 at 68.

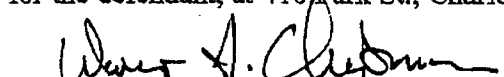
Respectfully submitted,



Warner D. Chapman
Commonwealth's Attorney
City of Charlottesville

CERTIFICATE:

I, Warner D. Chapman, hereby certify that a true copy of the foregoing Supplement to the Record was delivered this 13th day of August, 2012 to the offices of Francis McQ. Lawrence and Rhonda Quagliana, counsel for the defendant, at 416 Park St., Charlottesville, VA 22902



Warner D. Chapman

5:25:00 PM		def profer--ltr - posed ?'s to counsel and then he attach'd ltr he - wrote to counsel
5:25:14 PM		mr canter - mr fulk???
5:25:29 PM		havent heard anything
5:25:32 PM		
5:25:33 PM	chap	thats all that's going to come out then i dont ahve any problem
5:25:47 PM		what is ask'd of them -- client confidnece
5:25:54 PM		
5:25:55 PM	law	u wiykd ask --not sure what mr chapman plan
5:26:16 PM		?'s ive ask'd --then ready to argue
5:26:23 PM		
5:26:24 PM	ct	dont have probelm w written documents as they go
5:26:31 PM		rec shows to date
5:26:34 PM		
5:26:35 PM		no string on it at all---pos'd ?'s -- no answer
5:26:53 PM	law	lk they are yh
5:27:20 PM		lets og thru the documents lf you will - exh a -
5:27:35 PM		1/30/12 ltr from mr chapman to ms qualiganaa and i - -rec on or about that day
5:27:50 PM		sharron love and lexie love - no civil proceeding has been filed--potential
5:28:04 PM	ct	right now on notice law suit coming
5:28:13 PM	law	told potential law suit
5:28:19 PM	ct	atys involved in it- looking for where potenial law suit
5:28:33 PM	law	or mr chapman himself
5:28:40 PM		rightly vs kyle- we dont have to ask

Log of Cville Circuit Court on 7/31/2012

5:28:49 PM	ct	u were anticipating a civil suit
5:28:55 PM	law	not yet
5:29:00 PM	ct	wasn't filed til end of april
5:29:11 PM		herb canter -- attach copy of e-mail
5:29:20 PM		exh f
5:29:36 PM		planning to file civil suit - wise to discuss suit w you -- aug2011 was communicated with --- knows the lawyers have been hired
5:30:07 PM		never been placed in the open file
5:30:14 PM		1/30th ltr understands the sig of it
5:30:49 PM		doesnt recall if he --cantor retain'd counsel -- ms love was consulting
5:31:07 PM		
5:31:07 PM	ct	do you have case to support
5:31:11 PM	law	lance case supports that
5:31:26 PM		do not know -- retainer -- when executed
5:31:44 PM		3 important cases in ct now
5:31:47 PM		tuma -- workman
5:32:35 PM		this is a brady violaiton
5:32:40 PM		lane vs comm
5:32:45 PM		comm has breif doesn't dispute it
5:32:57 PM		190 va 58
5:33:01 PM	ct	the victim was alive -- ben financially -- criminal conv of def
5:33:14 PM	law	ture of sharron and lexie love
5:33:20 PM	ct	not the same type of victim they talking about
5:33:29 PM		
5:33:53 PM	ct	what are you going to aks them on cross -- sent
5:34:02 PM		