

VIRGINIA LAWYERS WEEKLY

Victim's mother backs Huguely's version of fatal encounter

By: Peter Vieth June 17, 2016

The mother of Yeardeley Love, the University of Virginia lacrosse player who died in 2010 after a scuffle with former boyfriend George Huguely V, is endorsing his version of events in a legal filing.

Sharon Love, Yeardeley's mother, cites facts suggesting that Huguely never struck Love during their last conversation. She points to evidence indicating no signs of a struggle in Love's apartment on the night she was found dead.

The June 3 filing by Sharon Love in a Maryland civil action contrasts with her public statements, through her charity foundation, that Yeardeley was "beaten to death by her ex-boyfriend."



Huguely was convicted of second-degree murder in a 14-day jury trial in 2012. He is serving a 23-year sentence. His current team of criminal lawyers is asking a Charlottesville judge to set aside that conviction, raising questions about the element of malice.

Huguely's lawyers cite evidence suggesting — at most — that he was guilty of negligent manslaughter. Now, in a bid to establish insurance coverage for her civil lawsuit against Huguely, Sharon Love is making the same argument.

\$6M in coverage at stake

The Love family's bid to recover significant monetary damages for Yeardeley's death depends in large part on keeping insurance coverage in place for Huguely's actions.

Sharon Love, joined by her other daughter, Lexie Love, has filed a lawsuit seeking more than \$30 million in damages for Yeardeley's death. Homeowner's insurance may not cover intentional acts, and the Love lawsuit largely depicts Yeardeley's death as the result of negligence.

Chartis Property Casualty Company provided coverage under two policies with a combined limit of \$6 million for Huguely's mother and stepfather, according to copies of the policies filed in a Maryland court.

Chartis claims it should not have to provide coverage for any criminal acts, but Love contends the policies exclude only intentional acts.

The insurance policy "clearly provides coverage for unintentional or negligent acts — even if those same acts also may happen to constitute a crime," Love's brief said.

Arguing against summary judgment, Sharon Love's Maryland lawyers said Huguely's intent to harm is "a hotly contested and triable issue of fact."

The case provides "a wealth of information — much of which was never even introduced during Mr. Huguely's criminal trial — supporting the Loves' contention that Mr. Huguely's conduct on the fateful night of May 2, 2010, was negligent and not subjectively intentional," Love said.

Although Huguely admitted to "wrestling" with Yeardeley Love on the floor of her apartment and "tossing" her into

her bed before leaving, he has always claimed that he did not strike her or "perpetrate any purposeful acts" that would have caused her death, Sharon Love contended.

Love also said that Huguely was too intoxicated to understand the nature and extent of his actions that night.

One Love Foundation

The death of Yeardeley inspired Sharon Love to start the One Love Foundation to raise awareness about the consequences of relationship violence. The group has staged 683 campus workshops on domestic violence, according to the foundation's website.

"On May 3rd, 2010 my daughter, Yeardeley Love, who was then a senior lacrosse player at the University of Virginia and three weeks shy of her graduation, was beaten to death by her ex-boyfriend," Sharon Love's statement read on the website.

Sharon Love's legal position now appears to renounce that account.

Huguely lawyers concur

Love's legal version of events echoes the allegations of lawyers seeking to undo Huguely's second-degree murder conviction and to defend the Loves' civil lawsuit.

Jonathan P. Sheldon of Fairfax — representing Huguely in his bid to overturn the conviction — said the facts now endorsed by the Love family undermine the existence of malice.

"It all contradicts the [prosecution] theory at trial," Sheldon said.

A lawyer defending Huguely in the Love family's lawsuit also welcomed the apparent concessions on Huguely's intent.

"Having reviewed the factual allegations in Sharon Love's brief, I think they are almost completely accurate," said Matthew D. Green of Richmond.

Green said Love's position is consistent with 16 depositions taken in the civil case and with Huguely's statement to police the morning after Yeardeley's death.

Both Green and Sheldon disputed accounts that Huguely knocked Yeardeley Love's head into a wall and that the crime scene reflected a bloody struggle.

Yeardeley's friends reportedly suspected alcohol poisoning, not violence, when they found her unresponsive in her bed, the lawyers said.

Green said Huguely's defense hopes to show that Yeardeley Love's injuries were consistent with an accidental fall from her bed to the floor, with Huguely landing on her head.

A medical examiner said Yeardeley Love died from blunt force trauma to the head that caused injuries to her brainstem, according to a brief filed by a state lawyer.

Love family members are represented in their civil lawsuit by Paul D. Bekman of Baltimore who was not immediately available for comment.

State defends Huguely conviction

The Virginia attorney general's office contends the second-degree murder conviction was supported by evidence of Huguely's malice.

In a brief, a state lawyer said evidence of injuries to Yeardley Love's body "corroborated the physical, hands-on attack to which she was subjected."

The AG's office also rejected the challenges to the fairness of Huguely's trial.

Even though Huguely's lawyers say the jury at his trial had improper access to a dictionary to research a definition of "malice," the AG's office said 10 of the jurors either stated that no dictionary was used or did not recall any use of a dictionary.

The state's brief rejected contentions that Huguely's criminal trial lawyers were ineffective.

Multiple court actions

The same Charlottesville judge is presiding over both the Huguely habeas corpus lawsuit to overturn his conviction and the Love family's lawsuit to recover damages for Yeardley's death.

Circuit Judge Richard E. Moore now is weighing the conflicting arguments over the validity of Huguely's conviction. He has scheduled a three-week trial of the wrongful death lawsuit in March 2017.

The insurance coverage dispute is before Maryland U.S. District Judge Deborah K. Chasanow.

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