

# Hardin granted special grand jury

**BY TERRY BEIGIE**  
Record Editor

Greene County Commonwealth's Attorney Matt Hardin was granted a motion last week to empanel a special grand jury to investigate "potential grand larceny" on county-owned property, according to filings obtained by the *Greene County Record*.

The motion for the special grand jury was submitted by Hardin on Tuesday, Jan. 15, 2019. Circuit Court Judge Dale Durrer granted the motion on Thursday, Jan. 17 for the grand jury but denied the motion to seal the request.

Tax maps note the property as 51-A-25C, according to the motion. However, the filings do not disclose more details about the potential crime.

The Virginia state code specifies that a special grand jury will consist of not less than seven and not more than 11 members. A special grand jury is a rarely used tool to investigate whether a crime has taken place.

"The commonwealth's attorney has received numerous reports over a period of months regarding a potential larceny that may have occurred on the subject property and may involve an elected official, but has no firsthand knowledge of the possible crime," Hardin states in the motion. "The commonwealth has identified certain witnesses and believes it is in the interests of justice for a special grand jury to investigate further."

Hardin noted in the motion that because of a possible involvement by an elected official that "it is best that

the investigation not be undertaken directly by any constitutional officer (including himself and the sheriff) and the matter be left in the sound discretion of the citizens of a special grand jury."

The motion also states that the "(Virginia State Police) Bureau of Criminal Identification cannot proceed in any investigation that may involve an elected official without" an opinion from the Virginia attorney general, which has not yet been handed down.

"Delay in the investigation may render evidence more difficult to obtain and/or may lead to destruction of evidence, either through natural processes or otherwise," the motion states.

Special grand juries have the power to subpoena witnesses and documents during their investigation. Those who

lie under oath or refuse to testify could face charges for perjury or contempt of court.

Special grand juries are provided with a prosecutor and overseen by a judge.

In the motion to seal the request, Hardin said because the "grand jury's investigation has not yet begun, much less come to a conclusion, it is fundamentally unfair to identify the potential subjects of its investigation, with possible impact on their reputations."

However, Durrer ruled that the Virginia Supreme Court has identified that the creation of special grand juries are matter of public record.

Hardin had no comment.

# Charge dismissed in murder case

**BY TERRY BEIGIE**  
Record Editor

Charges were dismissed after a preliminary trial last Wednesday against an Orange County man in the death of Brian Keith Dudley, who was killed in July in Stanardsville.

Dudley was shot multiple times in his vehicle along Dundee Road near its intersection with Fredericksburg Road on July 10.

Robert Lee Webster, 41, of Orange County was arrested by the Greene County Sheriff's Office on Oct. 4 and charged with conspiracy to commit murder in the first degree.

Greene County General District Judge Hon. Matthew Quatrara dismissed the case against Webster after a nearly two-hour preliminary trial on Nov. 27.

"The court has no doubt that the investigators in this case have worked incredibly hard amassing copious amounts of evidence that's been presented to the court," Judge Quatrara said. "Based on the testimony of those investigators and additional work ... additional evidence is likely yet to come. The court doesn't have that evidence before it today and the court can't find some scintilla of evidence ... that probable cause has been met with regards to the statute under which the defendant is charged."

Webster's wife hugged defense attorney Paul Galanides outside with tears streaming down her face; however, she had no comment about the decision.

Dudley's family was unavailable for comment following the

hearing.

Judge Quatrara did not dismiss the charges "with prejudice," meaning the commonwealth may bring them again in the future, though the commonwealth's attorney was unavailable after the hearing, as well.

Greene County Sheriff Sgt. Barry Leake testified that he arrived on the scene on Dundee Road around 4:40 p.m. on July 10 and saw Dudley slumped in his seat with blood dripping out of his left ear and two bullet holes in the driver's side door. The engine was off and window rolled down. He said there were three shell casings found on the asphalt and one in the grass and no guns or drugs were found on the scene.

The call for service came at 4:31 p.m., Leake said.

Investigator Lonnie Tuthill,

crime scene investigator for the sheriff's office, said two cell phones were located in the vehicle. Tuthill testified all the shell casings were 9 mm but could not recall if they were from the same manufacturer.

Lead investigator Scott Murphy testified there were numerous phone calls between the victim and Webster, both leading up to July 10 and on the day of the murder. The last call to Dudley's phone was made by a number registered to Webster at 4:16 p.m. the day of Dudley's death, Murphy said.

Murphy noted that both phones were in close proximity to the crime scene during the final phone call, according to cell tower records.

"It did not determine whether or not the defendant had that phone on July 10?" Galanides asked Murphy.

"Every time we conducted surveillance, Mr. Webster had his phone," Murphy said.

A second phone found at the scene is at the FBI lab, Murphy said.

Judge Quatrara said no evidence presented showed another person with whom Webster agreed to commit the crime.

"It is certainly suspicious as Mr. Galanides concedes, but *Cosby v. Commonwealth* (court of appeals) educates lower courts like this court that shared intent cannot be inferred by close proximity," Judge Quatrara said.

Sheriff Steven Smith did not return calls for comment by press time.

# County green-lights public safety radio project

## \$5.9 million upgrade will be regional system with Madison

**BY TERRY BEIGIE**  
Record Editor

The Greene County Board of Supervisors unanimously approved Dec. 10 a new \$5.9 million public safety project first presented to the board on Nov. 26.

"We actually began these discussions at the regional level in 2014 between Greene, Madison, Louisa, Fluvanna, Charlottesville and Albemarle," said Melissa Meador, emergency services director for Greene. "Then we had an incident in April 2015 where we had a near line-of-duty death with one of our members from Stanardsville Volunteer Fire Department. I think it was probably during that time frame that the board kind of sat up and said, 'I think we have a problem here'."

In April 2015 Dusty Clay was trapped inside an engulfed building trying to make a mayday call and having no luck—all within site of the Stanardsville radio tower near the courthouse.

"It's frustrating sometimes that it takes something like that to really grab the attention of people," she said. "If it had been someone less experienced in firefighting there is no doubt in my mind we would have had a line-of-duty death that day. He suffered burns, his gear melted, his helmet melted, his radio melted."

Meador said the new radio system has been in the county's capital improvement plan since at least 2009 when she came to Greene County.

"This was obviously a huge important project that got approved," Meador said. "I think is going to enhance our entire Emergency Response System, from top to bottom. Anything that benefits our public safety personnel in turn is going to benefit our community."

In fiscal year 2018, the

county hired Black & Veatch to begin a needs assessment for the county, beginning in August 2017, she said. In August 2018 the second phase of the project began with board approval to create the technical document for the 2,500 individual requirements for the project.

In September 2019, Motorola returned a nearly 1,300-page proposal for a shared system with Madison and Greene counties that provides for 95% coverage throughout the county with both radios and with mobiles, including into Shenandoah National Park in Greene County because of the entrance on U.S. Route 33 in Greene.

With the current system, dispatchers have had to ask people to leave a building or go to their car radios so they can understand what the first-responder is saying, which can create an unsafe scene if the responder's attention is taken away.

Monroe Supervisor David Cox asked Motorola at the Nov. 26 meeting what financing options were available. Meador told the board Dec. 10 she recommends the two-year first payment deferral which has an interest rate of 3.34% over 15 years.

"In theory, with this two-year deferral, our first payment may not even be due until after the system is online. This is, in my opinion, advantageous for us because it provides us an opportunity to explore grants, explore multiple grants and have conversations with tower companies that may be interested in building our towers for us," Meador said. "And if we are successful in these endeavors like we're hoping, we can also restructure our financing with Motorola prior to that first payment even being due."

Madison County was

expected to approve the system at its Dec. 18 meeting, after press time.

"I know it's expensive. I know it's an expensive endeavor," Meador said. "But, we really have not had any major infrastructure upgrades since they put the system in in the 1980s. If we (keep up) with the maintenance schedule, Greene should never be in this position again where they're looking at an \$8-10 million radio system project."

The design of the system is based on the Association of Public Safety Communications Officials standard called Product 25, which allows for communications with other systems, and will contain five tower sites. Even though the system is designed as a regional system with Madison County, the hub—or the brain—will be located in Greene.

"The system roams, meaning it just bounces off of whichever tower's closest," she said. "And our deputies and our fire personnel don't actually have to physically turn knobs to get to the closest tower that they may be at at that particular moment in time. The system is going to do that automatically."

The system also has no single point of failure, said Jeremy Thomas with Motorola.

Meador said she feels the county did its due diligence in getting this project under way.

"We recognize the cost, believe me. But my counterpart in Madison and I are really going to try to hit grants hard and we're working with tower companies and cell phone providers to try to offset some of this at the local level," she said.

Cox motioned to approve the purchase of the system and Midway Supervisor Marie Durrer seconded.

"We need this. We've

been waiting a long time for it. We've done our work and our due diligence. Now let's make it happen," said Chair Bill Martin, Stanardsville.

Meador said the volunteers at the fire department and other first-responders are grateful the need is being met, and she hopes it spurs interest in more volunteers for the fire and rescue departments.

"I hate to sound cliché, but it means the world to them, it really means their lives with what they're doing," Meador said. "The radio system and their equipment are truly their lifelines. And having a board that is supportive, I just can't stress how important that is to them. It shows them the board cares and the board values them and their service."

All three fire departments in Greene County are still 100% volunteer run and all three are looking for volunteers.

"If you don't want to run the trucks, we can still find a job for you, whether it's auxiliary or paperwork or something. Just reach out," Meador said. "And we're looking everywhere for potential grants, if anyone has any insights on grant programs you think might fit the radio system or other emergency services equipment."