

# Man convicted of triple-homicide in Greene back in court

BY LOGAN BOGERT  
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A Charlottesville man convicted in the May 2011 shooting deaths of three others in Greene County appeared back in Greene County Circuit Court on June 11 to determine whether his previous defense counsel failed to call a witness who could have provided an alibi.

Taybronne Altereik White, now 34, was found guilty on Oct. 10, 2013 of one count of first-degree murder and two counts of second-degree murder for the deaths of Brian Robert Daniels, 26; Dustin Knighton, 25; and Lisa Hwang, 26, all of Charlottesville. White was sentenced to a jury-recommended punishment of 76 years in prison. White is serving his sentence at Red Onion State Prison in Wise County.

In a habeas corpus petition, White's attorney Norman Lamson argued last Tuesday that his client's previous defense team failed to call Taybronne White's sister, Jasmin White, during the trial. Lamson argued that Jasmin White's testimony would have provided an alibi for her brother at the time the murders occurred. However, Taybronne White's former defense attorneys, Edward Ungvarsky and Michael Hemenway, maintained that Jasmin White was not a credible witness to present at trial.

## Alibi defense

Lamson's opening argument conceded that Jasmin White's testimony would have not only provided Taybronne White with an alibi, but also explained numerous pieces of DNA evidence.

"It's much more than an alibi," Lamson told Judge Dale Durrer. Suggesting her testimony may have changed the jury's decision, Lamson continued, "No rational lawyer would not call [Jasmin White]."

Virginia Assistant



Attorney General Eugene Murphy said the matter is a "much simpler case," adding that Jasmin White's testimony would open the door to her phone records showing various family members calls to one another around the time of the murders. The calls were made in the early morning hours of May 3, including one from Jasmin White's phone to their father, Alonzo Cutchin, which lasted approximately an hour.

Jasmin White, now 33 and wearing an Orange jumpsuit and leg shackles, was called as the first witness in last Tuesday's hearing. White is being held for charges in Albemarle County including malicious wounding and assaulting an officer. Under questioning by Lamson, Jasmin White noted that she did not have any previous felonies or misdemeanors of moral turpitude on her record.

Jasmin White testified that in 2011 she lived in Charlottesville in a duplex with her two children, her brother Taybronne White and her former boyfriend. Jasmin White said that the day prior to the murders, Daniels and Knighton came to her home to ask Taybronne White for a change of clothes. Jasmin White later left the home to take a nursing exam in Richmond, leaving Taybronne White to babysit her children. She said when she returned around 9 p.m. her brother was asleep on her sofa where he remained all night.

"My brother was at my

house and there was no way he committed these heinous crimes," Jasmin White said in court.

Murphy asked Jasmin White why she didn't mention that her then-boyfriend also was in the house that night or mention early morning phone calls to family members to investigators when initially questioned. Jasmin White replied that, "No one asked."

Keandra White, Taybronne White's other sister, testified that she went with Jasmin White on the trip to Richmond. Keandra White agreed that Taybronne White was in the Charlottesville home that night, but said her brother was standing in the living room when they returned. The former boyfriend of Jasmin White, Brandon Bates, also testified he saw Taybronne White in the home until around midnight when Bates went to bed.

In Taybronne White's own testimony, he said that Daniels and Knighton came to his sister's home unannounced on May 2 confessing that they had just committed a robbery and needed a change of clothes. Taybronne White recalled giving Daniels a black t-shirt to wear, another black t-shirt to wrap around his head "arabic style," and a blue and white bandana. Those items later were recovered at the scene of the murders, and could not exclude Taybronne White's DNA. The black t-shirt was found to have Taybronne White's blood on the back. However, Taybronne White testified last week that the blood on the t-shirt came from an earlier fight with his brother over shoes, and that the blood was still on the t-shirt when he gave it to Daniels to wear.

Former defense attorney Ungvarsky said under oath of Jasmin White that her "demeanor with us was hostile and uncooperative. Her stories changed. She originally said she was

on the phone with the father of her child, but that was not corroborated by phone records."

Ungvarsky also cited phone calls between family members until 5 a.m. after the murders occurred could have been seen by jury members as damning evidence. In a recorded phone call between Cutchin and Ungvarsky, Ungvarsky said "the phone calls will get him convicted ... they're going to see it as there was a crisis. No one's going to think it's not related to the shooting." In the same phone call, Ungvarsky can also be heard saying, "Jasmin's testimony is going to be damaging."

"If we called Jasmin, those phone records were going to come in," he said.

Michael Hemenway, another one of Taybronne White's defense attorneys, also said that Jasmin White was not a strong witness - citing that she was hesitant to give answers, not forthcoming and gave inconsistent responses.

"We made a judgment call," Hemenway said of the choice to not call Jasmin White during trial or use the alibi defense.

Called for a second time, Jasmin White said she did not change her story and was not uncooperative with investigators before mouthing "I love you" to Taybronne White.

Judge Durrer asked that closing arguments in last Tuesday's hearing be submitted in writing on or before July 22, as well as a transcript be made of the court proceedings by June 21. At the time of press, it was unclear when Taybronne White would appear in court again on the habeas corpus petition.

## The 2011 murders

The bullet-ridden bodies of Daniels, Knighton and Hwang laid on Octonia Road in Greene County in the early morning hours of May 3, 2011.

Knighton was face down, a white shirt cov-

ering his face, wearing blue latex gloves and a 22-gauge shotgun lying next to him. Daniels, who had a pair of latex gloves in his jeans pocket, was nearby lying on his back, while Hwang also was on her back approximately 100 yards away. All three died from multiple gunshot wounds. A 9mm handgun was found on the roadway between the three victims.

The victims were allegedly shot inside Hwang's Honda Accord before being dumped. The vehicle was found on Old Brook Road in Albemarle County parallel to an apartment complex where Taybronne White's mother lived. Evidence found inside Hwang's car included nine casings from a 9mm handgun, seven casings from the 22-gauge shotgun and had significant blood from White, Knighton and Daniels.

Investigators believe that Daniels, Knighton and Hwang were fatally shot after a botched home invasion and attempted robbery minutes earlier on Ford Avenue in Greene County. A 911 call came in at 2:20 a.m. on May 3 for the home invasion. The victim testified at the time that he was asleep in his girlfriend's Stanardsville home when a black male wearing a bandana and brandishing a handgun confronted him and demanded money. He also testified that he saw a second masked man carrying a shotgun and thought he was white "because of his voice." They were unable to obtain money from the victim. The victim pointed to Taybronne White, who was 26 at the time of the offenses, as the black male who attacked him.

Another 911 call came less than an hour later at 3:05 a.m. when a motorist came across the three bodies on Octonia Road less than a mile away from the scene of the home invasion.

Witnesses and evidence including the handgun, shotgun, bloody clothing

and shoes found at the scene placed Taybronne White in the Ford Avenue house during the attempted armed robbery, as well as tied him to the three homicide victims.

Five days later, Taybronne White turned himself in to Charlottesville Police and was later remanded to the Greene County Sheriff's Office. Taybronne White testified last Tuesday that he "saw his picture on the news and got scared" because he thought "the Greene County sheriff's were going to shoot and kill" him, so he went to Richmond in the days between the murders and turning himself in.

In October 2013, more than two years after the triple-murder, a Greene County jury convicted White on the murder charges and related offenses and recommended a 76-year prison sentence. Judge Daniel Bouton upheld the recommended sentence. White was found guilty of one count of first-degree murder and two counts of second-degree murder for the deaths. In addition to the three murder charges, White was found guilty of statutory burglary, attempted robbery, possession of a gun by a felon and using or displaying a firearm in the commission of a felony.

*Information for this story was taken from Greene County Record and The Daily Progress archives.*

# Judge sets hearing on possible change of venue in Snow cases

BY LOGAN BOGERT  
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Greene County Commissioner of the Revenue Larry Snow and his son, Bryant Snow, were back in Greene County Circuit Court on Aug. 21 on new motions from the defense involving a court reporter bill, unsealing documents and removing the current special prosecutor in the case.

Retired Judge Humes Franklin Jr., who was appointed to preside in the case on May 6 after Judge Dale Durrer recused himself, prefaced the motions hearing by saying he would not undo previous rulings.

"I'm not going back and undoing what [Judge Durrer] ruled on. I'm going to live with what he's done, unless there's an objection to that," Judge Franklin said.

Janice Redinger and Bruce Williamson, attorneys for Larry Snow, and John Maus, attorney for Bryant Snow, filed motions to vacate an order entered by the commonwealth to pay a \$450 court reporter bill.

"It's a mundane housekeeping order by appearance, but counsel objects," Williamson said. Williamson continued, stating that it was unnecessary to expedite the service, that the commonwealth wasn't permitted to dip into a defense fund and that the signature lines of defense counsel were omitted in the order.

Orange County Assistant Commonwealth's Attorney Ray Fitzgerald, the special prosecutor in the case, said that the service was expedited in order to meet the motions deadline and that the fund was not solely for the defense, but rather a general fund.

"The commonwealth complied to the court-ordered motions deadline," he said. "There is a bill, it's submitted to the court. There is nothing unusual except the hostility that has followed with every motion in this case. This was a completely neutral housekeeping motion to get the court reporter paid."

Williamson responded by saying that the main issue was the missing signature lines from the defense, "whether intentional or not."

"All were trying to do is give our clients a reasonable chance. It's not out of hostility to the court or the commonwealth," Maus added.

Judge Franklin denied the defense's motion to vacate the order requiring they pay the court reporter.

The defense also filed a motion to unseal documents in the case. However, Redinger allegedly admitted previously to breaking the seal on the documents and providing Maus with a copy. Before hearing arguments, Judge Franklin called the incident "a horrific ethical breach" on Redinger's part.

"To Ms. Redinger's credit, she admitted she got it and made a copy. Mr. Maus, to his credit, admitted he's got a copy of it. What's there to unseal?" Judge

Franklin asked.

The defense said "defense counsel had every reason to believe the commonwealth would submit the items."

"We're asking the court order it be unsealed, direct the clerk to transmit copies to defense, grant defense time to respond and order the commonwealth's attorney to submit items under seal," Williamson said.

Fitzgerald argued that the defense already breaking the seal on documents is behavior that shouldn't be rewarded.

"If there's an academy award for the most brassy motion, this certainly is this year's winner," Fitzgerald said. "Counsel broke in and stole the document from the court. What are we doing having counsel second guess Judge Durrer? Under all of this there is no dispute at all that the product of the process was sealed."

Fitzgerald added that the motion to unseal was being brought before the court almost a year later, "after all the harm had been done."

Maus argued that the defense needed to be able to have the items in question. Judge Franklin ultimately granted the items be produced "in camera" and unsealed for the defense, but not to the public. In camera means the judge will look over the items and decide whether prosecutors need to share with defense via discovery.

Lastly, the defense reintroduced a motion to disqualify Fitzgerald as the special prosecutor in the case. The defense previously asked that Fitzgerald be removed on June 25. Judge Franklin denied that motion on July 3.

"You can save your breath. I'm not disqualifying him. I find no reason to disqualify," Judge Franklin said in court last Wednesday.

The commonwealth filed a motion to reconsider the venue of the trial. Judge Durrer previously ruled that both Larry and Bryant Snow be tried together in Greene County, noting at that time that he had "confidence in the oath jurors take" and believed that an unbiased jury could be empanelled in Greene County. A hearing to reconsider the venue is scheduled for Oct. 24 in Greene County Circuit Court.

Larry Snow, 70, is accused of using a computer to gather identifying information that exceeded his authority as a constitutional officer. He allegedly distributed that information to his son, Bryant Snow, 30, who was in Central Virginia Regional jail at the time. Both men are facing three felonies in Orange County. The elder Snow, who has been Greene County's Commissioner of the Revenue since 1987, also faces nine additional felonies in Greene County.

# Jones will face jury in January

BY LOGAN BOGERT  
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A two-day jury trial has been scheduled for the 16-year-old Greene County teen who will be tried as an adult on rape charges stemming from an alleged sexual assault at William Monroe High School earlier this year.

Matthew S. Jones, 16, faces one count of rape, according to court records. Around a dozen community members, including members of the William Monroe football team and head coach Jon Rocha, were present on Tuesday. Last year's football roster lists Jones as an offensive lineman and a defensive tackle. Rocha said after the hearing that he was not present in his official capacity, but rather as "a friend to Matt – that's it."

Before his trial was scheduled, Jones' defense attorney Lloyd Snook argued before Judge Claude Worrell in Greene County Circuit Court that the indictment should be quashed, alleging that Commonwealth's Attorney Matthew Hardin "did something in the grand jury room he's not allowed to do." State law says a commonwealth's attorney may not be present during grand jury deliberations or present facts or arguments in support of an indictment.

Greene County Sheriff's Office Investigator Jason Tooley testified Tuesday that Hardin made a comment on the June 10 term day to the effect of, "What did you tell them? They're not going to indict him," to which Tooley said he replied, "I told the truth."

Hardin himself testified that on June 10 he was sworn in before entering the grand jury room and followed all procedures.

"To my knowledge nothing improper happened," he testified Tuesday.

Court recording equipment failed shortly after transcripts show that Hardin was sworn in, so it was unclear when he entered the courtroom again on June 10.



PHOTO BY LOGAN BOGERT/GREENE COUNTY RECORD

**Above, William Monroe High School football head coach Jon Rocha walks out of Greene County Circuit Court on Tuesday after Matthew Jones' hearing.**

"Interestingly enough Mr. Hardin never said he didn't say that [to Tooley]," Snook argued, noting that Hardin must have gone into the grand jury room that day to give more than legal advice. "If you believe Investigator Tooley, you have to believe Hardin did something in the grand jury room he's not allowed to do."

Snook recommended quashing the indictment and appointing a special prosecutor if the commonwealth sought to re-indict Jones. Judge Worrell denied the motion.

"I can't find, based on this evidence, that Mr. Hardin acted beyond the scope [of his job]. What I have is circumstantial evidence," Judge Worrell said.

"I'm gratified that the judge found that the office did nothing wrong," Hardin said after the ruling. "We always work hard to make sure everybody receives a fair trial, and we're going to make sure this particular defendant gets a fair trial, too."

After court, Snook said he was not worried about Hardin remaining prosecutor in the case.

"We'll have a fair trial regardless. We have a good judge," he said.

Snook also made a motion to amend Jones' bond Tuesday. Jones' bond condition of house arrest was

previously amended to only require GPS monitoring with geofencing to ensure he does not go within 250 feet of the victim, the victim's family, the victim's home or family's home or any Greene County public school. Tuesday's amendment will allow Jones to travel to locations such as the YMCA and hair cutting services if prior notification is given to a probation officer.

Snook said after court Tuesday that the new bond conditions will allow Jones to prepare for his future.

"We were trying to get permission for him to, for example, take the GED or take a college admissions test — some of these things that can help him plan for his future," Snook said. "The probation staff said, 'We think that the judge didn't actually allow that.' So we had to go back and ask the judge and he said it was fine as long as he's got adult supervision where he's going."

Jones' trial is scheduled for Jan. 27 and 28 in Greene County Circuit Court. Both Snook and the commonwealth said Tuesday they don't anticipate filing more motions before trial.