VIRGINIA

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

IN RE: JOHN DOE,

Petitioner

Case No.

ORDER

This case came to be heard this 27th day of May, 2008, on the Petition of John Doe for permission to come onto the property of the Charlottesville Public Schools. Upon consideration of evidence and argument of counsel, the Court finds that Petitioner Christopher Brasted has a legitimate reason to be on the property of the Charlottesville Public Schools, and that pursuant to Va. Code Ann. §18.2-370.5, it is hereby ORDERED that Christopher Brasted be permitted to come onto the grounds of any public school in Charlottesville at which his step-son N.K. [redacted] is a student, as may be necessary to pick up or drop off his step-son, to participate in teacher conferences or to meet with faculty or staff, to be a spectator at any school performance at which his step-son is a participant, and for any other purpose for which the school administration may specifically consent to or request his presence. This Order shall be subject to the following conditions:

1. If Mr. Brasted comes onto school property to pick up or drop off his step-son, he shall not get out of the motor vehicle except to report to the front office or unless asked to do so by the school administration.

2. If Mr. Brasted wishes to come onto school property for some other reason (teacher-parent conferences, student performances, etc.), he shall only do so under the following

conditions: that he notify the principal of the school at least 48 hours in advance of his desire to come onto school property; that the school principal shall have the discretion to refuse permission if there is some particular reason why his presence on school property would be inappropriate or a danger to others, which permission shall not be unreasonably withheld; that he come only for the specific activity, and that he leave school property promptly after the conclusion of the activity; and that he abide by all other terms and conditions of the school administration.

3. Because of their sensitive nature, and the potential impact of disclosure on the juvenile involved, the exhibits shall be retained under seal by the Clerk, and shall only be disseminated to school officials and their representatives and shall not be made otherwise available without further order of the Court.

Although this order is being entered before the effective date of amendments to Va. Code Ann. §18.2-370.5, it is the intent of the Court that this order shall apply with equal force before and after the effective date of the amendments.

Entered this 27th day of May, 2008.

~~JOHN DOE~~

By ~~Counsel~~

Judge

The Clerk is directed to send copies of the foregoing order to counsel of record.

I ask for this:

J. Lloyd Snook, III
VSB No. 19230
Snook & Haughey, P.C.
408 East Market Street, Suite 107
P.O. Box 2486
Charlottesville, VA 22902

(434) 293-8185
(434) 295-0698 (fax)

00011

Seen and objected to for the reasons stated on the record by Mr. Lacy

Joseph Platania
Assistant Commonwealth's Attorney
P. O. Box 911
Charlottesville, VA 22902

(434) 970-3176

Seen and objection for the reasons stated in oral argument including, but not limited to, that the section of the Code is unconstitutional under Art. VIII, § 7 of the Constitution of Va.

Kathleen S. Mehfoud/D. Patrick Lacy
Attorney for the Charlottesville Public Schools
ReedSmith LLP
901 East Byrd Street, Suite 1700
Richmond, VA 23219

(804) 344-3421
(804) 344-3410 (fax)

00012

ASSIGNMENT OF ERROR

1. The trial court erred in interpreting and applying Va. Code § 18.2-370.5 in such a way as to divest the School Board of the authority granted it by Article VIII, § 7 of the Constitution of Virginia to supervise the public schools.