

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

DAILY PRESS, LLC (THE), ET AL. v. COMMONWEALTH OF VIRGINIA, ET AL.
(Record Number 210787)

From

Circuit Court of the City of Newport News; M. P. Spencer, Judge.

Counsel

Brett A. Spain and Bethany J. Fogerty (Wilcox & Savage, P.C.) for appellants.

Brandon T. Wrobleski (Suffolk Office of the Commonwealth's Attorney) and Timothy G. Clancy (Clancy & Walter, P.L.L.C.) for appellees.

Assignments of Error

1. The trial court erred in granting the Commonwealth's oral motion for closure of the courtroom and denying access to the sealed documents where neither party provided notice of the proposed sealing or closure, there was no evidence of a compelling interest sufficient to justify denial of access and the grounds asserted were general and speculative, defense counsel admitted he knew of no legal basis justifying closure or sealing, and the court did not make sufficiently specific findings.
2. The trial court erred when it found there were no less restrictive alternatives to closure and sealing.
3. The trial court erred when it failed to analyze the Commonwealth's exhibits on a document by document basis to determine whether any of the documents justified closure or continued sealing, when it determined it could deny access by not reviewing or delaying review of documents, and when it sealed the transcript of the bond revocation hearing, notwithstanding that the grounds for closure became irrelevant when the sealed documents were neither referenced nor admitted into evidence at the hearing.