

From: [Butler, Rebecca](#)
To: [shannon](#)
Subject: Public Record Request AGO
Date: Thursday, January 25, 2024 7:51:01 PM
Attachments: [2024-01-25 EWU Public Records Request Response.pdf](#)
[Gurung 3261-9-19 Cncr - Judge entry order regarding livestreamingmedia.pdf](#)

Ms. Lewis,

See attached our response to you 1/20/24 request for records related to Aita Gurung.

Thank you

Rebecca Butler
Paralegal, Criminal Division
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802-828-5512

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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001
January 25, 2024

SENT VIA EMAIL

Shannon Lewis
EWU Media LLC
5940 S Rainbow Blvd Ste 400
Las Vegas, Nevada 89118-2507
shannon@ewumedia.com
(702) 675-8885

Re: Public Records Request dated January 22, 2024

Dear Ms. Lewis:

We have received your public records request dated January 20, 2024, for the following:

NAME (of suspect[s]): Aita Gurung (40)
CRIME: First-Degree Murder of Wife, Yogeswari Khadka; Attempted Second-Degree Murder of Wife's Mother, Tulasa Romal; Domestic Violence
DATE of CRIME: 10/12/2017
LOCATION: City, state.: Burlington, VT
REQUESTING: Interrogation footage of Aita Gurung in video format, confession footage of Aita Gurung in video format, crime scene photos, crime scene videos, evidence photos, evidence videos, all 911 calls recorded in relation to the case in audio format, all body cam recorded in relation to the case in video format, body cam footage of the arrest of Aita Gurung in video format, police reports, dash cam footage filmed in relation to the case in video format, CCTV/surveillance footage related to the case in video format.

This Office is currently handling an appeal, *State of Vermont v. Aita Gurung*, 23-AP-418, directly involving the records you seek. Therefore, your request for inspection or disclosure is denied pursuant to the following statutory exemptions:

1 V.S.A. § 317(c)(3) - Records which, if made public pursuant to the PRA, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State. Please see Rules 1.1 (Competence), 1.6 (Confidentiality of Information), 3.6 (Trial Publicity), and 3.8 (Special Responsibilities of a Prosecutor) of the Vermont Rules of Professional Conduct.

1 V.S.A. § 317(c)(5)(A)(ii) - Records dealing with the detection and investigation of crime that would deprive a person of a right to a fair trial or an impartial adjudication.

1 V.S.A. § 317(c)(5)(A)(iii) - Records dealing with the detection and investigation of crime that could reasonably be expected to constitute an unwarranted invasion of personal privacy.

1 V.S.A. § 317(c)(5)(D) - Records dealing with the detection and investigation of crime that could reveal ... the identity of a private individual who is a witness to or victim of a crime.

Please be aware that a Court Order issued at the time of the trial regarding media dissemination and use of some of the records you have requested, see attached.

It may take anywhere from one to four years for the Vermont Supreme Court to issue a final decision in a criminal appeal such as this one. You may resubmit your request at a later date when any appeals and/or prosecutions are no longer pending.

Upon resolution of the pending appeal, and any future prosecutions or proceedings in this matter, please note that the records you request will still be subject to the exemptions stated in 1 V.S.A. § 317(c)(5)(A)(iii) and 1 V.S.A. § 317(c)(5)(D). Additionally, please note that the records you request will require significant video and audio redactions, and we estimate that there will likely be significant fees associated with the required redactions.

Pursuant to 1 V.S.A. § 318(c), and to the extent you feel any records have been withheld in error, you may appeal to the Deputy Attorney General, Robert McDougall at: ago.publicrecordsrequests@vermont.gov.

Sincerely,

/s/ Sophie Stratton
Sophie Stratton
Assistant Attorney General

VERMONT SUPERIOR COURT

Chittenden Unit
32 Cherry St Suite 300
Burlington, VT 05401
802-651-1950
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CRIMINAL DIVISION

Case No. 3261-9-19 Cncr

State vs. Gurung, Aita

ENTRY ORDER

The Court recently issued its decision on the motion in limine concerning certain evidence sought to be presented at the trial in this matter which is graphic in nature. Specifically, the Court has made a preliminary ruling that certain video footage capturing the crime charged as well as the immediate aftermath of the offense is admissible. The Court has also ordered that the presentation of this evidence be limited given the intense and graphic nature of the footage and its potential for improper influence on the jury.

The Court on its own motion for an order that the media and nonparticipants, as defined in V.R.C.P. 79.2(b)(6) & (7), shall hold a hearing on whether to prohibit the media from recording or transmitting any video footage played during trial from State's Exhibits 1-4, which includes the cell phone footage of the crime itself, and the AXON body camera footage captured on the devices worn by Officers Cousins, Hemond and Short. V.R.C.P. 79.2(e)(3).

The Court preliminarily finds that based on the graphic and disturbing images captured in the video, including a violent assault and images of deceased and gravely injured individuals, that their reproduction and transmission impacts Defendant Aita Gurung's right to a fair trial, and that the privacy rights of the victims' family and the likelihood of emotion injury resulting from the recording and distribution of these images outweighs the public's right or interest to them. The Court further finds good cause for the restriction of the recording or transmitting of these images in their potential impact on the public.

The nature and extent of public attention to this case since the incident itself in October 2017 suggests that this limitation is necessary to preserve these rights and considerations. This is also the least restrictive measure available to protect the integrity of the judicial process while also preserving the ability of the State to present its case.

As required by Civil Rule 79.2(e)(3), the Court will hold a hearing on this motion and preliminary order on a date to be specified under separate notice where the media may address any concerns with this order.

The Court also moves to prohibit any copying or public review of the admitted exhibits containing such evidence under V.R.P.A.C.R. 9(a)(2) to protect the above rights and interests. If a hearing is requested on this motion, the Court will hold such a hearing. *Id.* 9(a)(4). If no hearing is requested, the exhibits shall be sealed in accordance with the rule.

So Ordered.

Electronically signed 9/27/2022 4:57 PM pursuant to V.R.E.F. 9(d)



John L. Pacht
Superior Court Judge