



## Lawyer: Eastern Shore arson suspect granted 62 trials

By Elisabeth Hulette  
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### ACCOMACK COUNTY

A judge has ruled that the woman charged with setting 62 fires on the Eastern Shore can have 62 separate trials.

Tonya S. Bundick's attorney, Allan Zaleski, made the request. He said if the arson counts are tried separately, juries "won't hear other matters involved."

"Each case is fresh and new," he said.

However, Bundick is unlikely to actually face that many juries, Zaleski said.

Accomack County Commonwealth's Attorney Gary Agar did not return calls seeking comment Monday.

Harvey Bryant, who retired as commonwealth's attorney for Virginia Beach in December, said he's seen cases where a few robberies were broken out into different trials, but never as many as 62.

If he were the prosecutor, he said he'd begin with the cases that have the best evidence. If the prosecution has good evidence, the juries convict, and sentences start piling up, he said the defendant might give in.

"It's just a question of the will and endurance of both the prosecution and the defense," Bryant said.

Bundick has denied any knowledge of or involvement in the crimes, although her fiance, Charles R. Smith III, said she was part of the 2012-13 arson spree. Over six months, abandoned structures up and down the Eastern Shore were set on fire.

Smith pleaded guilty in October to 67 counts of arson and one count of conspiracy. He is waiting to be sentenced.

During a Virginia Beach trial in January, Bundick entered an Alford plea – maintaining her innocence but admitting there's evidence to convict her – to charges of arson and conspiracy in an April 2013 fire in Melfa.

Jeff Bellin, an associate professor at the College of William & Mary's Marshall-Wythe School of Law, said there are pluses and minuses to trying incidents like these separately.

The disadvantage – for both the defense and the prosecution – is either side

could win some cases and lose others, he said. For the defense, there's an advantage in having each jury hear only the evidence for one case.

If jurors hear all of them together, Bellin said, "they might think the evidence for some is strong and some is weak, and might assume if the defendant committed one, she committed them all."

*Pilot editor Veronica Gonzalez contributed to this report.*

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