

VIRGINIA:

**IN THE
CIRCUIT COURT OF FAIRFAX COUNTY**

COMMONWEALTH OF VIRGINIA

DOCKET No.
FE-2015-430

— v. —

CHARLES S. SEVERANCE,
Defendant.

TRIAL:
October 5th, 2015
10:00 a.m.

ORDER

THIS MATTER CAME ON THE MOTION OF THE COMMONWEALTH to temporarily seal an order of the Court and to substitute a redacted copy of that order for placement in the public record and on the website of the Circuit Court; and

IT APPEARING TO THE COURT that the motion is supported by good cause in order to preserve the privacy of the individuals named in the stipulation and to minimize public exposure of the evidence before a jury is seated; it is

HEREBY ORDERED that the stipulation reached by the parties and entered by this Court on August 24, 2015, shall be placed under seal until such time as a jury is seated in this case; and

IT IS HEREBY FURTHER ORDERED that the attached redacted version of the stipulation shall be substituted for use in the Court's public record and on the

website of this Court.

Entered this ²⁶ day of August, 2015

[REDACTED]

Hon. Randy I. Bellows, Judge

I ask for this:

Seen and NO OBJECTION

[REDACTED]

David A. Lord #71218
Senior Asst. Commonwealth's Attorney

[REDACTED]

Christopher Leibig
Counsel for the Defendant

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ORDER

THIS MATTER COMES ON THE MOTION OF THE PARTIES for the Court to enter the following stipulations at trial in this case; and

IT APPEARING TO THE COURT that entry of this order is appropriate; it is
HEREBY ORDERED that the stipulations listed below are accepted by this Court, shall be made part of the record for purposes of the trial in this case, and the relevant information from this stipulation may be referenced by the parties at trial or published to the jury. Each of the documents referenced in the stipulation will be admitted as an exhibit at trial on the motion of either party, without the need to present authenticating witnesses or establishing a chain of custody. Both parties waive any and all additional objections to the admissibility of the documents incorporated into this stipulation, except as specifically outlined below. This provision will not be interpreted as the defendant having waived, for purposes of appeal, his previous objection to the particular writings included as Attachment A to his *motion in limine* to exclude writings (which was denied by the Court on June 25, 2015). The stipulation also will not be interpreted as the defendant waiving, for

purposes of appeal, the motions to suppress that he previously filed in the case. The parties are free to publish all of the listed exhibits without the requirement of any additional testimony. The parties remain free to make argument regarding how the jury should use, weigh and consider the evidence. A copy of this order shall be provided to the jury for use in their deliberations.

This stipulation and admission into evidence of the documents described herein does not preclude either side from calling witnesses to the stand to testify as to the contents or explanation of any exhibit. The purpose of this stipulation is not to limit such testimony, but to alleviate either party of the burden or obligation of producing such testimony in order for an exhibit to be introduced.

The parties agree that during the course of the trial, each side is entitled to additionally publish to the jury or admit into evidence the original or a more legible or resized photocopy (including a color photocopy) of any document or image contained in this stipulation. Neither side will be required to present the testimony of additional witnesses in order to avail themselves of this option.

I. Stipulation Item #1: Defendant's Writings

- A. This item consists of four binders containing documents with individual identification numbers ranging from 000001 to 002216.
- B. The parties stipulate that these binders contain the writings of the defendant Charles Severance, in his own handwriting or, where not handwritten, in his own words. There are isolated instances in which it is apparent from the face of the document that the author is another

party and Mr. Severance is writing something in response. These documents were seized by law enforcement officers during the course of the investigation in the following manner:

1. Binder 1, Documents 000002 to 000309: These documents were obtained pursuant to a search warrant and are emails sent and received by the defendant from his email accounts [REDACTED] and [REDACTED]
2. Binder 1, Documents 000310 to 000548. These documents reflect comments that were posted to online articles through a website known as Disqus, an amalgamator of online comments. These comments were made using a user profile associated with the email address [REDACTED] This is the defendant's email address. These records were obtained by law enforcement pursuant to a search warrant.
3. Binder 2, Documents 000549 to 001131. These documents are downloaded from a website that the defendant authored and maintained under the web address <http://www.mentaldisorder.com>. These records were obtained by law enforcement pursuant to a search warrant.
4. Binder 3, Documents 001132 to 001582. These documents are handwritten materials and postcards that were obtained by the police from three sources: a) provided voluntarily to law

enforcement by Tamela Nichols, the mother of the defendant's child [REDACTED]; b) obtained by law enforcement officers from [REDACTED] pursuant to a search warrant.; c) obtained by law enforcement officers from [REDACTED] [REDACTED] pursuant to a search warrant.

5. Binder 3, Documents 001583 to 001629. These documents were taken from the defendant's personal possession by law enforcement officers in West Virginia and were provided to the Alexandria Police when they received custody of the defendant.
 6. Binder 3, Documents 001630 to 001756. These documents were taken from a variety of the sources identified above and deal specifically with issues related to the defendant's dispute with Tamela Nichols regarding the custody of their son, [REDACTED] [REDACTED]
 7. Binder 4, Documents 001757 to 002216. These documents were taken from the defendant's vehicle following his arrest in West Virginia, pursuant to a search warrant.
- C. In reaching this stipulation, the parties acknowledge that it was their intention to include in these binders all of the documents containing writing of the defendant that were seized by law enforcement officers during the course of the investigation. If it becomes apparent that a document was inadvertently omitted that was seized by law

enforcement and provided to the defense in discovery prior to the entry of this stipulation, the parties agree that admission into evidence of that document should be governed by the terms of this stipulation.

II. Stipulation Item #2: Certificates of Analysis

A. This item consists of a binder of certificates of analysis completed by the Virginia Department of Forensic Science and the United States Federal Bureau of Investigation during the course of this investigation.

III. Stipulation Item #3: Susana Marquez Bank Records.

A. This item consists of records maintained in the normal course of business for SunTrust Bank. These records are related to financial transactions for the Commonwealth's witness, Susana Marquez. These records show that a purchase for \$59.88 was made on Ms. Marquez's SunTrust credit card on February 6, 2014 at a Shell gas station in the City of Alexandria. The parties agree that this gas station is located at 3401 King Street, Alexandria, Virginia.

IV. Stipulation Item #4: Remington Arms Company, LLC

A. This item consists of the authentic business records of Remington Arms Company, LLC detailing manufacturing and sales statistics, and were prepared in the normal course of business and are relied upon by that business.

B. The parties stipulate that .22 caliber Subsonic and Cyclone ammunition are mass produced by the Remington Arms Company and

are sold to distributors, which then resell it to retail outlets, such as Walmart, in all 50 states.

V. Stipulation Item #5: Defendant's Phone Records

A. The parties stipulate that these records are taken from material provided by T-Mobile and maintained in the normal course of business and reflect calls made and received on Defendant Charles Severance's cell phone from November 7, 2013 to November 23, 2013. The parties stipulate that the defendant's phone number is [REDACTED]

VI. Stipulation Item #6: Anne Haynes Phone Records

A. The parties stipulate that this item constitutes phone records of calls made on the cell phone of Commonwealth witness Anne Haynes. These records are the authentic business records of Sprint and were maintained in the normal course of business. The parties stipulate that Ms. Haynes' phone number is [REDACTED]

VII. Stipulation Item #7: Daniel Petrillo Phone Records

A. The parties stipulate that this item constitutes phone records of calls made on the cell phone of Commonwealth witness Daniel Petrillo. These records were taken from an extraction of Mr. Petrillo's phone, completed by the Alexandria Police Department. The parties stipulate that Mr. Petrillo's phone number is [REDACTED]

VIII. Stipulation Item #8: Daniel Petrillo GPS Records

A. This item includes the GPS data records for the Commonwealth's

witness Daniel Petrillo. These records were kept in the ordinary course of business and show the stops, duration and path of Mr. Petrillo's commercial vehicle on November 11, 2013.

IX. Stipulation Item #9: Josef Kirby Phone Records

A. The parties stipulate that this item constitutes phone records of calls made on the cell phone of Commonwealth witness Josef Kirby. These records are the authentic business records of Sprint and were maintained in the normal course of business. The parties stipulate that Josef Kirby's phone number is [REDACTED]

X. Stipulation Item #10: Josef Kirby GPS Records

A. This item includes the GPS data records for the Commonwealth's witness Josef Kirby. The map marked with an asterisk shows Josef Kirby's route of travel on November 11, 2013, starting at 11:30 a.m. in Woodbridge, Virginia, and ending at 12:30 p.m. at his home in Alexandria.

XI. Stipulation Item #11: Ronald Kirby Phone Records

A. These records were prepared in the ordinary course of Verizon's business and show phone calls made and received on November 11, 2013 through Ronald Kirby's cell phone. The parties stipulate that the phone number of Ronald Kirby's cell phone was [REDACTED]

XII. Stipulation Item #12: Loudoun County Time and Attendance Records

- A. These records were prepared in the ordinary course of business by the Loudoun County School District. These records demonstrate the dates, times and locations where the Commonwealth's witness, Linda Robra, was employed as a substitute teacher by Loudoun County during the timeframe of September 24, 2013 to February 3, 2015.

XIII. Stipulation Item #13: Firearms Records

- A. Document A is the authentic business records of a firearms business named "The Wheel," previously operating in Winchester, Virginia. These records were completed by Robert Shelton, a partner of this organization and were transmitted to the Bureau of Alcohol and Firearms following the completion of the transaction. The documents record the sale of a .22 caliber North American Arms revolver to Defendant Charles Severance on April 14, 2003.
- B. Document B is a record of the Virginia State Police, maintained during their normal course of business detailing the seizure of a .22 caliber North American Arms revolver from Defendant Charles Severance on February 26, 2004.
- C. Document C is an authentic record of the General District Court of Rockingham County documenting the destruction of the .22 caliber North American Arms revolver, seized from Defendant Charles Severance on February 26, 2004. The firearm was destroyed on July 31, 2006.

D. Document D is the authentic business records of a firearms business named Eagle Military Outfitters. These records were completed by James Alan Sarver, the owner of this business and were transmitted to the Bureau of Alcohol and Firearms following the completion of the transaction. The documents record the sale of a .22 caliber North American Arms revolver to Linda Robra on May 19, 2012.

E. Document D is the authentic business records of a firearms business named Eagle Military Outfitters. These records were completed by James Alan Sarver, the owner of this business and were transmitted to the Bureau of Alcohol and Firearms following the completion of the transaction. The documents record the sale of a .22 caliber North American Arms revolver to Linda Robra on August 7, 2012.

XIV. Stipulation Item #14: Photographs of the Defendant

- A. The photograph labelled #1 is a known photograph of the defendant taken from a public debate in which he participated February 9, 1996, while running for Mayor of Alexandria.
- B. The photograph labelled #2 is a known photograph of the defendant taken from the website he authored called MentalDisorder.com and

included with the defendant's writings.

Entered this 24 day of August, 2015


Hon. Randy I. Bellows, Judge

I ask for this: 2


Bryan L. Porter
Commonwealth's Attorney

Seen and NO OBJECTION


Christopher Leibig
Counsel for the Defendant