

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NUMBER FE-2015-430
VERSUS)	
CHARLES STANARD SEVERANCE)	INDICTMENT – CAPITAL MURDER (Counts 1 & 5), USING A FIREARM IN THE COMMISSION OF A FELONY (Counts 2, 4, 6, and 8), MALICIOUS WOUNDING (Count 3), FIRST DEGREE MURDER (Count 7), POSSESSION OF A FIREARM BY A CONVICTED FELON (Counts 9 and 10)

ORDER

Before the Court is the Defendant's renewed motion to admit evidence asserting that Jim Dunning is responsible for the murder of Nancy Dunning, and the Commonwealth's opposition thereto. The Commonwealth asks the Court to deny the motion without a hearing, arguing that the Defendant is not presenting any actual new evidence regarding Jim Dunning but, rather, is seeking to relitigate an issue already determined. The Commonwealth also argues that the additional proffered evidence does not meet the threshold for admissibility of Third Party Guilt evidence. The Court advises the parties that it will hear additional argument with respect to this matter at the September 17th hearing. Further, the Court instructs the Defendant to file a supplemental brief no later than Tuesday, September 15 at 4:00 p.m., with regard to the Commonwealth's assertion that the additional evidence proffered by the Defendant is either irrelevant or inadmissible or both. In particular, the Court requests that the defense explain its theory of admissibility as to each item of proffered evidence with respect to Jim Dunning.

Also before the Court is the issue of whether Dr. William Stejskal will be permitted to testify at trial with regard to the Defendant's mental health as it relates to the Defendant's writings and his effort to obtain asylum at the Russian Embassy. Based on the submissions of each party, it is clear that the proper way for the Court to resolve this issue is to take testimony from Dr. Stejskal. Therefore,

Dr. Stejskal shall appear at the September 17, 2015 hearing, at which time the defense may present him as a witness subject to voir dire and cross-examination by the Commonwealth.

SO ORDERED, this 10 day of September, 2015.



JUDGE RANDY I. BELLOWS