

VIRGINIA:

IN THE  
CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA

— v. —

CHARLES S. SEVERANCE,  
*Defendant.*

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DOCKET NO.  
FE-2015-430

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TRIAL:  
October 5<sup>th</sup>, 2015  
10:00 a.m.

ORDER

THIS MATTER COMES ON THE MOTION OF THE PARTIES for the Court to enter an order governing the examination of witnesses in this case; and

IT APPEARING TO THE COURT that entry of this order is appropriate; it is

HEREBY ORDERED that for each of the three crime scenes in this case, as well as the locations where searches were conducted by law enforcement pursuant to a search warrant, the Commonwealth will designate a witness or witnesses who will be prepared to testify to: 1) what pieces of physical evidence were seized from the scene; 2) what types of scientific testing, if any, the physical evidence was subjected to; and 3) the results of such testing. The Commonwealth will let the Court and opposing counsel know who these witnesses are in advance of their testifying. With respect to these witnesses testifying to forensic evidence seized from crime scenes or pursuant to a search warrant and subjected to scientific testing, each side waives its right at trial to make any objection that the witness is testifying to hearsay or that a legitimate chain of custody has not been demonstrated between the seizure and the testing of the evidence. This provision

will include forensic evidence collected by law enforcement during the autopsies, but shall not be construed as permitting hearsay testimony as to the cause of death in any case. Additionally this provision shall not be interpreted as prohibiting either side from calling additional witnesses beyond those referenced above to testify in accordance with the ordinary rules of evidence regarding any of the physical evidence seized from the crime scenes; and

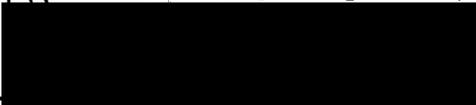
BE IT HEREBY FURTHER ORDERED that during its case in chief the Commonwealth will be permitted to call particular witnesses to the stand on more than one occasion in order to testify to different components (subject areas) of the case and will not be required to elicit all testimony from a given witness during a single episode of that witness testifying; and

BE IT HEREBY FURTHER ORDERED that either party will be allowed to read the following stipulation to the jury: "Amy Curtis is an attorney representing the Virginia Department of Forensic Science. Ms. Curtis would testify that the Department of Forensic Science received a subpoena *duces tecum* from the defense asking for certificates of analysis for examinations done by the Department on .22 caliber ammunition or .22 caliber handguns since 1985. The Department of Forensic Science is unable to comply with this request because there is no method for conducting a search of electronic records based on the caliber type reported on the certificate of analysis. She would further testify she received a request from the defense for all certificates of analysis for firearms testing conducted by Jay Mason and Gary Arnst. The Department of Forensic Science is also unable to comply with

this request because there is no method for conducting a search of certificates of analysis based on the identity of the examiner. Ms. Curtis would also testify however, that since 1994 Jay Mason has conducted 5,404 firearms examinations and Gary Arnsten has conducted 3,615 firearms examinations.”

BE IT HEREBY FURTHER ORDERED that both sides waive any objection regarding authentication of the 911 call from the Dunning murder.

Entered this 21 day of September, 2015

  
Hon. Randy I. Bellows, Judge

I ask for this:

  
Bryan L. Porter  
Commonwealth's Attorney

Seen and NO OBJECTION

  
Christopher Leibig  
Counsel for the Defendant