

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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| 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

On October 1, 2015, Bryan Porter, the Commonwealth’s Attorney, David Lord, the Senior Assistant Commonwealth’s Attorney, Marc Birnbaum and James Entas, the Assistant Attorneys General, CHARLES STANARD SEVERANCE, the Defendant, and Megan Thomas, Christopher Leibig, and Joseph King, Counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of 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) and he appeared while in custody.

This matter came before the Court this date for pre-trial motions. For the reasons stated on the record, the Court enters the following ORDERS:

1. In light of the Defendant’s election not to have Counts 9 and 10 severed, all counts will be tried together.
2. The Court advised that it would give an instruction to the jury before the introduction of testimony related to the Defendant’s mental health. Both the Commonwealth and the Defendant submitted proposed instructions at the Court’s instruction. The Defendant objected to giving an instruction that mentioned the insanity defense or singled out one expert,

Dr. Stejskal, for a specific instruction by the Court. Nevertheless, the Court determined that it would be appropriate to give an instruction, for the reasons stated on the record. The instruction will be given prior to the Defendant calling his first lay witness for the purpose of laying a foundation for Dr. Stejskal's testimony. The instruction will read as follows:

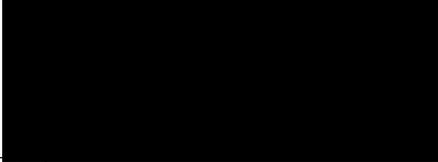
Members of the jury, you will be hearing from several witnesses and one or more expert witnesses with respect to Charles Severance's mental health. I advise you that this testimony is being admitted for the purpose of providing explanation and context to (1) Charles Severance's writings; and (2) Charles Severance's visit to the Russian Embassy on March 7, 2014. You should consider it only for those purposes, and not as evidence of an insanity defense. Charles Severance has not raised an insanity defense. Therefore, whether Mr. Severance was insane as a legal matter at any time is not something you are being asked to decide.

3. All other contested jury instruction issues will be resolved at trial.
4. With respect to the Defendant's motion to preclude the Commonwealth from referring to Mr. Severance as a "serial killer," the Commonwealth indicates that it will not make such a reference in voir dire, opening statement or in its questioning of witnesses and that, if it chooses to make such a reference in closing argument or at any other point in the trial, it will bring the matter up to the Court in advance so that it can be resolved at the appropriate time.
5. With respect to the scope of permissible testimony from Robert Weigend, the Court will permit testimony with regard to certain enumerated factual matters and will preclude testimony as to other matters that invade the province of the jury.
6. With regard to the Commonwealth's motion in limine to preclude the admission of particular evidence with regard to Jim Dunning: In light of the Defense representation that it will not raise such issues in voir dire or opening statement, and in light of the Defense representation that it will advise the Court in advance of raising such issues during trial, this matter need not be resolved at this time.
7. The Commonwealth and Defense motion to preclude photography of certain witnesses is GRANTED. See separate order.
8. The Defendant's motion for clerical support at trial is GRANTED. See separate order.
9. The Defendant's motion for admission of summary witness testimony is GRANTED, except to the extent it invades the province of the jury, as further explained on the record. The

parties are to exchange lists of topics/categories with respect to the Defendant's writings by Friday, October 9, 2015.

10. The Defendant's motion for additional funding for Expert Witness Ann Davis is GRANTED. See separate order.
11. The Defendant's motion for the approval of an additional 40 hours of investigative assistance is GRANTED. See separate order.
12. The Commonwealth's motion to amend the indictment to spell out the name "DF" and "JF" in the indictment is GRANTED.
13. The Defendant's motion for additional funding for expert witness Lars Daniel is GRANTED. See separate Order.
14. The Defendant was arraigned on his pleas of Not Guilty. See separate order.

SO ORDERED, this 2 day of October, 2015.



JUDGE RANDY I. BELLOWS