V I R G I N I A:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA	)	**CASE NOS. CR03-3089, CR03-3090, CR03-3091**
VERSUS	)	
LEE BOYD MALVO a/k/a John Lee Malvo	)	**INDICTMENT - CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY**

JURY TRIAL – Day 5

On November 17, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

The jury heard some of the evidence presented by the Commonwealth.

The Court, being of the opinion that this case could not be completed today, admonished the jurors as to their behavior during the recess and continued this case to November 18, 2003, at 10:00 a.m.

The Defendant was remanded to the custody of the Sheriff.

Entered on November 17, 2003.

/s/

JANE MARUM ROUSH
JUDGE DESIGNATE

JMR/dmr
CR03-3089, CR03-3090, CR03-3091