VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

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| **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 18**

On December 9, 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 was recalled and heard more of the evidence presented on behalf of the Defendant.

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 December 10, 2003, at 10:00 a.m.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 9, 2003.

/s/

JANE MARUM ROUSH
JUDGE DESIGNATE

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