VIRGINIA:

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 26

On December 22, 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 reconvened and heard the remainder of evidence presented on behalf of the Defendant regarding the issue of punishment.

The Jury received the instructions of the Court, heard closing arguments of Counsel and was sent to deliberate.

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 23, 2003, at 9:00 a.m. for further deliberations.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 22, 2003.

/s/

JANE MARUM ROUSH
JUDGE DESIGNATE

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