VIRGINIA:

FILED
CRIMINAL
2003 JUL 11 PM 3:26
JOHN F. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA	)	
	)	
v.	)	CRIMINAL No. 102888
	)	
LEE BOYD MALVO	)	

RESPONSE TO MOTION TO SEAL DEFENSE TIME SHEETS FOR INVESTIGATORS, MENTAL HEALTH EXPERTS AND COUNSEL

There is certainly something to be said for open government, particularly when it is being paid for by the taxpayers. The Commonwealth opposes the sealing of the time sheets. It is hard to envision what "an experienced observer" would learn about work product information from time sheets. In any event, the Commonwealth has no such "experienced observer", has neither the time nor the inclination to examine the time sheets, and would not know to which discipline we should look to find an "experienced observer".

With all due respect, the motion is frivolous.

ROBERT F. HORAN, JR
Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Defendant's Motion was mailed, postage prepaid, and faxed to Michael Arif, Counsel for Defendant, 8001 Braddock Road, # 105, Springfield, Virginia 22151 and Craig Cooley, Counsel for the Defendant, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, Virginia 23221 this 11th day of July, 2003.

ROBERT F. HORAN, JR
Commonwealth's Attorney