VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA,

v.

CRIMINAL NO: 102888
Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant

MOTION TO REQUIRE DISCOVERY DOCUMENTS AND REPORTS BE FILED UNDER SEAL

TO THE HONORABLE JANE MARUM ROUSH, JUDGE:

COMES NOW the defendant, Lee Boyd Malvo, by his co-counsels, and moves this honorable Court to enter an Order requiring that all documents, reports, and information provided in response to previous discovery orders of this Court be filed under seal and that formal pleading responses not contain extensive details thereof.

In support of that motion, he states as follows:

1. The production of exculpatory evidence will require the defense to follow up by contacting the source of that information and perhaps preparing it for presentation at trial.

2. If that information is filed with the Clerk, it may invade the privacy of, or perhaps endanger (in the case of an inmate), the provider of that information.

3. Media representatives and other citizens may attempt contacts with such person and interfere with counsel for the defendant developing the information for presentation.

4. Public filing of forensic reports and scientific reports may well result in this

case being "tried in the media" in advance of the courtroom proceedings, and may prejudice the jury pool.

5. Filings of this information under seal will help to ensure a fair trial.

Respectfully submitted,

LEE BOYD MALVO

By_ Co-Counsel

and

By_ Co-Counsel

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CERTIFICATE OF SERVICE

We/I hereby certify that a true copy of the foregoing Motion/Memorandum was hand delivered to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
4110 Chain Bridge Road
Room 123
Fairfax, VA 22030

and the original was forwarded for filing to:

Hon. John T. Frey
Clerk
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

and a true copy was forwarded to the

Hon. Jane Marum Roush
Judge
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

this 27th day of March, 2003.

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Co-Counsel