Commonwealth of Virginia

COUNTY OF FAIRFAX

ROBERT F. HORAN, JR.
COMMONWEALTH'S ATTORNEY
RAYMOND F. MORROGH
DEPUTY COMMONWEALTH'S ATTORNEY
703-246-2776

4110 CHAIN BRIDGE ROAD, ROOM 123
FAIRFAX, VIRGINIA 22030-4047

JOHN R. MURPHY
KATHRYN S. SWART
TONI S. FAY
IAN M. RODWAY
JOHN J. MURRAY
KIMBERLY C. PACE
DENNIS M. FITZPATRICK
PENNEY S. AZCARATE
STEPHEN C. SHANNON
JULIE L. MITCHELL
MEGAN C. LUSTIG
JAY R. NANAVATI
ADRIANA LIEDERS
MICHAEL P. BEN'ARY
CATHERINE A. ZANGA
ANN H. LARKIN
GREGORY O. HOLT
TED G. SIBERT
ASSISTANTS

February 26, 2003

Judge Jane Marum Roush
Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030

Re: Commonwealth v. Lee Boyd Malvo
Criminal No. 102888

Dear Judge Roush:

We note that in our response to motions filed February 21, 2003 we noted in the headnote that we were responding to motions 3, 4, 6, 7, 10, 11, 12 and 13. The headnote was incorrect in two respects. We actually responded to motion 9-motion to limit numbers of law enforcement officers in the courtroom; and did not respond to motion 12.

With regard to motion 12 we wish the court to know that we do not object to the appointment of an investigator but we strongly doubt that counsel has spelled out a particularized need for five investigators as required by the holding in Husske v. Commonwealth, 252 Va. 203, 213 (1996).

Very truly yours,

Robert F. Horan, Jr.
Commonwealth's Attorney

Cc: Michael S. Arif
Craig S. Cooley
Circuit Court file