VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA	)	**CRIMINAL NO. 102888**
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**

On February 6, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, LEE BOYD MALVO A/K/A John Lee Malvo, the Defendant, and Michael S. Arif and Craig S. 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.

This case came before this Court today for argument on the Defendant's motion to be permitted to make *ex parte* application for the appointment of expert assistance. The Court, after hearing argument, denied the Defendant's motion.

The Defendant was remanded to the custody of the Sheriff.

Entered on February 6, 2003.

JUDGE JANE MARUM ROUSH

JMR/dmr
102888