VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA,	)	
v.	)	Criminal No. 102888
LEE BOYD MALVO,	)	
Defendant.	)	

DEFENDANT'S MOTION FOR EXPEDITED TRANSCRIPT OF HEARING HELD ON MARCH 3, 2003

COMES NOW the defendant, Lee Boyd Malvo, by his counsel and moves the Court to order the expedited production of a transcript of the motions hearing held in this matter on March 3, 2003. The defendant further moves that this transcript be provided to his counsel before April 21, 2003. In support of this motion, defendant states the following:

1. On March 3, 2003 counsel for Mr. Malvo argued several motions, including Defendant Malvo's Motion For Discovery And Inspection and the Motion For Timely Disclosure of Exculpatory Evidence.

2. During the argument on these two motions there was an extensive discussion of what constitutes exculpatory evidence that included concessions by the Commonwealth's Attorney.

3. Also during argument on the two discovery motions, the Court clarified the responsibilities of the Commonwealth's Attorney under both the general discovery request and the request for exculpatory evidence.

4. Also at the March 3rd hearing, based upon the recollection of counsel, the Court

ordered that for discovery purposes the terms "Commonwealth" and "Commonwealth's Attorney" shall include all jurisdictions that made up the "Sniper Task Force."

5. The discussions, concessions and rulings identified above have not been formalized in an order by the Court.

6. The Court has ordered the reciprocal discovery take place no later than April 14, 2003.

7. Counsel anticipates that its Motion To Suppress Statements will be heard by the Court on April 28, 2003.

8. Counsel must be prepared for possible disputes regarding discoverable material that could play a critical role in the Suppression Hearing.

9. Any disputes that do arise cannot be resolved in a fair manner unless both defense counsel and the Commonwealth Attorney can refer to transcriptions of the discussions, concessions and rulings that occurred during the March 3rd hearing.

WHEREFORE, in view of the foregoing, and for any other reasons that may arise at a hearing on this motion, the defendant, by counsel, prays that this Court order an expedited transcript of the motions hearing held March 3, 2003, and that such transcript be provided to the defense before April 21, 2003.

Respectfully submitted,

LEE BOYD MALVO

By: _____
Co-Counsel

By: _____
Co-Counsel

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was hand delivered to:

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

and the original was delivered for filing to:

Hon. John T. Frey
Clerk of Fairfax County Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030

and a true copy was delivered to the:

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

this 4 day of April, 2003.

Co-Counsel

Co-Counsel