



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

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July 2, 2003

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In re: *Commonwealth v. Lee Boyd Malvo*, Criminal No. 102888

Dear Counsel:

This matter came on for a hearing on June 2, 2003 on the defendant's Motion for Change of Venue. At the conclusion of the hearing, I took the motion under advisement. For the reasons stated below, the motion for a change of venue will be granted. Venue for the trial of this case will be changed pursuant to Va. Code § 19.2-251 to the Circuit Court for the City of Chesapeake.

In making this ruling, I have taken into consideration the opposition of both the Mayor and the City Council of the City of Chesapeake to trial being held in Chesapeake. Mayor Ward and City Council have written me to express their concern that the trial may disrupt the ability of City employees and citizens to transact business at the municipal complex that houses the courthouse. In addition, the Mayor and City Council are concerned about the anticipated expense to the City in managing a trial of the expected length and public interest of this case.

I have also given serious consideration to the deep reservations expressed to me by the judges of the First Judicial Circuit in Chesapeake, who share the concerns of the Mayor and the City Council.

Certainly the concerns of Mayor Ward, the City Council and the Judges of the First Circuit are not unjustified. Nevertheless, it is my best judgment that the defendant's right to a fair trial requires that venue in this case be transferred from Fairfax County. Indeed, I believe that venue should be transferred to a jurisdiction outside of the Washington/Richmond corridor, where many citizens lived in fear during the month of October 2002 as a result of the crimes with which the defendant is charged.¹

Having decided that venue ought to be changed in this case, I conclude that the City of Chesapeake is the best venue in the Commonwealth of Virginia for this case to be tried.

¹ See, for example, *In Montgomery, Feeling of Safety is Gone*, Washington Post, October 5, 2002, at A1; David Nakamura and Dana Hedgpeth, *As Attacks Mount, Fear Infiltrates Everyday Activities*, Washington Post, October 8, 2002, at A1; April Witt, *A Walk With Fear Weaving Right Alongside*, Washington Post, October 9, 2002, at C1; Brigid Schulte and Nancy Trejos, *Show of Force at Area Schools, But the Jitters Won't Go Away*, Washington Post, October 9, 2002, at A1; Michael D. Shear and Eric M. Weiss, *Fear Overshadows Community Again*, Washington Post, October 13, 2002, at C5; Carol Morello and Jamie Stockwell, *No Attacks, No Arrests, No Shortage of Anxiety*, Washington Post, October 14, 2002, at A1; Hamil R. Harris and Eric M. Weiss, *Time of Fear, Words of Comfort*, Washington Post, October 14, 2002, at B1; Peter Whoriskey, *Home Depot Slaying Defies All Theories: Shooting Spreads Fear to Fairfax*, Washington Post, October 16, 2002, at B1; Avram Goldstein, *Area Residents Showing Signs of Stress*, Washington Post, October 17, 2002, at A1; Monte Reel, *A Region Running Scared? Response May be Excessive, but Situation is Unique, Experts Say*, Washington Post, October 19, 2002 at A1; Peter Whoriskey, *Employees Look Out for Nervous Customers: At Fairfax Strip Mall, Fear Shadows Mundane Chores, Pleasures*, Washington Post, October 20, 2002, at C1; April Witt, *Safety Concerns Grow as Shootings Continue: Fairfax Cancels Football Game Trips*, Washington Post, October 21, 2002, at A16; David Snyder, *Fear is Traveling the Lanes of I-95: Ashland Shooting Expands Danger Zone*, Washington Post, October 21, 2002, at A14; Sue Anne Pressley and Annie Gowen, *Fearful Neighbors Wonder if Killer Lives Among Them: Area Shaken by Not Surprised by Sniper's Apparent Return*, Washington Post, October 23, 2002, at A15; Richard Marin and Claudia Deane, *Half of Area Residents in Fear, Post Poll Finds: Routines Altered as a Precaution*, Washington Post, October 24, 2002, at A1.

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For the foregoing reasons, I have today entered the attached order granting the motion to change venue.

Sincerely,

A handwritten signature in black ink, appearing to be "JMR", written in a cursive style.

Jane Marum Roush

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

ORDER GRANTING CHANGE OF VENUE

For the reasons stated in the Court's opinion letter dated July 2, 2003, a copy of which is incorporated herein, the defendant's Motion for Change of Venue is **GRANTED**. Venue for the trial in this case, pursuant to Va. Code § 19.2-251, is transferred to the Circuit Court for the City of Chesapeake.

Entered on July 2, 2003.

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JUDGE JANE MARUM ROUSH