

VIRGINIA

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

COMMONWEALTH OF VIRGINIA)
v.) **CR** _____)
)
Defendant.)

DISCOVERY, INSPECTION AND PROTECTIVE ORDER

THIS DAY came the Commonwealth of Virginia, by her Attorney, and the defendant, by counsel, and moved the Court for entry of an Order governing discovery by the respective parties in this case. Whereupon the Attorney for the Commonwealth and counsel for the defendant moved the Court to approve and order the following schedule of discovery and inspection in this case, which said Motion the Court granted; and it is therefore

ADJUDGED AND ORDERED that the Commonwealth of Virginia permit the defendant to review and/or copy relevant:

- (1) Written or recorded statements or confessions made by the defendant to law enforcement officers, or copies thereof, or the substance of any oral confessions or oral statements made by the defendant to any law enforcement officer, the existence of which is known to the Attorney for the Commonwealth;
- (2) Written reports of autopsies, ballistic tests, fingerprint or handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the defendant or alleged victim made in connection with this case, or copies thereof, that are known by the Commonwealth Attorney to be within the possession, custody or control of the Commonwealth;

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- (3) Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that are to be introduced at trial by the Commonwealth in her case-in-chief;
- (4) Any record of criminal convictions for felonies or offenses of moral turpitude of the defendant and all persons to be called as witnesses for the Commonwealth who may have such criminal record, if in the custody or possession of the Commonwealth, the said record of the witnesses for the Commonwealth to be provided at the time of the trial after the direct testimony of that witness

IT IS FURTHER ADJUDGED AND ORDERED that upon written notice to the Commonwealth that identity may be a trial issue the Commonwealth shall permit the defendant to inspect, copy and/or photograph:

- (1) All latent fingerprints lifted in connection with the instant case, or reproductions if the original latents are no longer available, and inked fingerprints of the defendant in the possession of the Arlington County or City of Falls Church Police Department;
- (2) All composites or drawings of the perpetrator; and
- (3) For each witness who at trial will identify the defendant as the perpetrator, all photographic arrays shown the witness and descriptions and all photographs of line-ups or show-ups in which the defendant was identified.

IT IS FURTHER ADJUDGED AND ORDERED that the defendant, or counsel for the defendant, is not permitted to write down or in any way record or document the personal information (date of birth, social security number, address, telephone number, etc.) of anyone (other than the defendant) without the permission of the prosecutor who provided the discovery; and

IT IS FURTHER ADJUDGED AND ORDERED that the defendant, or counsel for the defendant, shall not download, photograph, scan, record or photocopy anything without the permission of the prosecutor who provided the discovery; and

IT IS FURTHER ADJUDGED AND ORDERED that the defendant, or counsel for the defendant, shall not remove any discovery items or materials from the Office of the Commonwealth's Attorney without the permission of the prosecutor who provided the discovery; and

IT IS FURTHER ADJUDGED AND ORDERED that any discovery materials which were permitted by the Commonwealth to be photocopied may be disseminated to the defendant and any member of the defense team. Defense team shall be defined as the attorney for the defendant, any investigator employed by such attorney, any expert witness engaged by the defendant or appointed by the court to assist in his defense, and any agent or representative of the attorney for the defendant. Any additional dissemination of such discovery materials by counsel, the defendant, or any member of the defense team is prohibited, including dissemination by publication on the internet or in social media, except as may be permitted by the prosecutor who provided the discovery.

IT IS FURTHER ORDERED that defense counsel may disclose to witnesses counsel expects may testify the substance of information obtained in discovery, but not identifying information, and may permit such witnesses to view copies of any discovery materials that were provided by the Commonwealth. Such witnesses shall not be given any of the discovery materials to retain in his or her possession; and

IT IS FURTHER ADJUDGED AND ORDERED that no later than ten (10) days before trial, the defendant shall permit the Commonwealth to inspect, copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the defendant; and which the defense intends to proffer or introduce into evidence at trial or sentencing;

IT IS FURTHER ADJUDGED AND ORDERED that the defendant disclose whether he intends to introduce evidence to establish an alibi, and if so, that the defendant disclose the place at which he claims to have been at the time of the commission of the alleged offense, and that such disclosure be provided in writing to the Commonwealth no less than ten (10) days prior to trial;

IT IS FURTHER ADJUDGED AND ORDERED that if the defendant intends to rely upon the defense of insanity or feeble-mindedness, such notice, and any written reports of a physical or mental examination of the defendant made in connection with the case, shall be provided pursuant to Virginia Code Section 19.2-168 and 19.2-169.5.

IT IS FURTHER ADJUDGED AND ORDERED that upon request and reasonable notice, the Commonwealth of Virginia provide the above-ordered discovery and inspection in the Office of the Commonwealth's Attorney, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m., or between 8:30 a.m. and 3:00 p.m. for those items which are in the police property room.

IT IS FURTHER ADJUDGED AND ORDERED that said above-ordered discovery between the Commonwealth and the defendant take place on or before the tenth day before trial, unless otherwise specified herein. Nothing in this Order shall prevent the introduction by either party of otherwise admissible evidence disclosed after discovery deadlines set out in this Order, so long as it is provided to the opposing party without unreasonable delay. Each party reserves the right to seek a continuance of the trial date on the grounds that discovery was not provided within the time periods specified in this Order.

ENTERED this _____ day of _____.

JUDGE

SEEN AND AGREED:

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Attorney for the Commonwealth

Attorney for Defendant

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