

VIRGINIA:

IN THE CIRCUIT COURT OF FREDERICK COUNTY

Commonwealth of Virginia

vs.

Jessi Ashton Jephson

Defendant.

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1507, 1509, 1511 thru 1516
CR-06-~~07~~, -~~09~~, -11-16
CR-06-1550 to 1552
CR-07-0002 to 0004

Order

ORDER

THIS DAY came the Defendant, Jessi A. Jephson, by counsel, and moved the Court for an Order to make *ex parte* applications for defense experts (JAJ-5), that is, outside the presence of the Commonwealth and under seal.

IT APPEARING TO THE COURT that Mr. Jephson is currently charged with several counts of capital murder and, because he is indigent, and financially unable to pay for expert assistance, and upon the written submissions and argument of counsel for Mr. Jephson and the Commonwealth,

THE COURT HEREBY ORDERS that, pursuant to Ake v. Oklahoma, 470 U.S. 68, 82 (1985), and this Court's inherent authority, (JAJ-5 Parts I, II, and III) the motion to make *ex parte* applications for defense experts is hereby **GRANTED**, and

THE COURT FURTHER ORDERS that the Defense shall submit such requests *ex parte* and in advance for this Court's consideration with proposed orders, and that the Clerk shall keep such requests and associated orders under seal for the duration of this matter, and

THE COURT FURTHER ORDERS that where the Defense retains an expert, pursuant to this order, that it intends to call as a witness at trial or hearing, (1) the expert shall prepare and submit to the attorney for the defendant a report outlining the expert's conclusions arising from his evaluation or investigation, (2) the Defense shall provide written notice of its intent to present such testimony and a copy of the expert's report at least 21 days before the trial or hearing where the expert will be a witness, and (3) the Commonwealth shall be given copies of any written materials obtained during the course of such an evaluation or investigation upon which the expert relied in forming an opinion or conclusion.

Entered this the 21 day of June, 2007.



Hon. John R. Prosser
Circuit Court Judge

We ask for this:



Joseph T. Flood, Esq.
Amy Fitzgibbons, Esq.
Office of the Capital Defender
7900 Sudley Road, Suite #208
Manassas, VA 20109
(703) 331-4725
(703) 331-5508 (fax)

Timothy Coyne, Esq.
Public Defender
115 East Piccadilly Street, Ste. 300
Winchester, VA 22601
(540) 722-3450
(540) 722-7555 (fax)

Counsel for Mr. Jephson

SEEN AND OBJECTED TO:

A handwritten signature in cursive script, reading "Lawrence R. Ambrogi". The signature is written in black ink and is positioned above a horizontal line.

Lawrence R. Ambrogi, Esq.
Commonwealth's Attorney for Frederick County