

VIRGINIA :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA :
vs. : **Crim. No.: FE-2019-279**
: **Court Date: October 9, 2020**
CLARK WATSON, :
Defendant. :

ORDER

THIS CAUSE came before the Court on Motion of Cybergenetics to Cybergenetics' Motion for Reconsideration and motion For Amended Protective Order of Cybergenetics and the Motion to Quash, as well as the replies by the Accused and the Commonwealth to those motions. The Court had, also previously taken the Accused's Motion to Exclude DNA under advisement.

On October 14, 2020, the Court heard evidence and the argument of counsel for Cybergenetics, the Accused, and the Commonwealth.

After considering all of the evidence, the Court found that (1) Cybergenetics had availed itself to the subpoena power of the court and (2) the source code was now located in Fairfax County, therefore, the Court

ORDERED that Cybergenetics' Motion to Quash be denied and that Cybergenetics' Motion for Reconsideration and Motion for Amended Protective Order be granted in part. The Court modified the protective order. The Court further

ORDERED that the protective order previously entered by the Court in this case on August 25, 2020, be modified and that the information provided in response to this Order in this case shall be subject to the attached protective order,

ORDERED that the Accused's Motion to Exclude DNA continue to be taken under advisement. The Court further

IT IS FURTHER ORDERED that this case is to be set on the Court's docket on October 23,

2020, at 9:00 a.m. for a review of compliance with this Order.

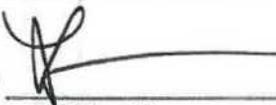
ENTERED this 17th day of December, 2020.


CIRCUIT COURT JUDGE

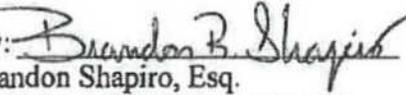
SEEN AND OBJECTED TO:
OFFICE OF THE PUBLIC DEFENDER

By: 
Bryan Kennedy, VSB # 82282
Senior Assistant Public Defender
4103 Chain Bridge Road, Suite 500
Fairfax, VA 22030
p. (703) 934-5600 x136
f. (703) 934-5160
bkennedy@vadefenders.org

SEEN AND agreed :
COMMONWEALTH OF VIRGINIA

By: 
Lauren Hahn, Esq.
Assistant Commonwealth's Attorney
4110 Chain Bridge Road, Suite 114
Fairfax, VA 22030

SEEN AND AGREED TO:
CARROLL & NUTTAL, P.C.

By: 
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COMMONWEALTH OF VIRGINIA :

vs. :

Crim. No.: FE-2019-279

**CLARK WATSON,
Defendant. :**

Court Date: October 9, 2020

PROTECTIVE ORDER

On October 14, 2020, the Court heard argument on Cybergenetics' Motion to Amend and Reconsider the Protective Order previously in place regarding the source code for the TrueAllele software. After hearing argument from Cybergenetics, counsel for the defendant, and the Commonwealth Attorney, the Court GRANTED Cybergenetics' motion and hereby ORDERED:

Cybergenetics shall make their source code available to counsel for the defendant, and any experts the defense may retain to review the source code for the TrueAllele software. Persons authorized to view the documents provided under this order may view the materials only at the office of Brandon Shapiro, Counsel for Cybergenetics, located at Carroll & Nuttall, P.C., 10521 Judicial Drive, Suite 110, Fairfax, VA 22030. Counsel shall arrange dates and times for access to review the source code. At no time shall the source code be removed from the iPad or the Carroll & Nuttall Law Office. Counsel for the defendant and any experts retained by the defense shall be allowed to take notes, but absolutely no videos, recordings or any other format of copying shall be made of the source code. Photographs will be allowed only upon the request of the defendant and written authorization of Cybergenetics. If any parties deem it necessary, they may petition the Court for modifications of this Protective Order.

ENTERED this 17th day of December, 2020.

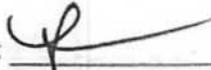

CIRCUIT COURT JUDGE

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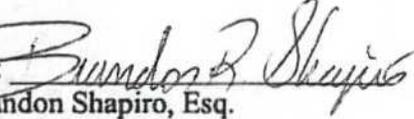
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