

**LOCAL RULES OF COURT**  
**PETERSBURG CIRCUIT COURT**

[Revised July 27, 2023]

***Statement of Intent***

These rules are intended to assist judges, clerks, court administrators and parties in understanding the comprehensive docket management system implemented in the Petersburg Circuit Court. The Court has adopted the American Bar Association standard that all cases will conclude within 12 months of filing a complaint or charging instrument in criminal cases. The ABA standard was developed after extensive research by various bar groups, agencies and court systems over three decades. A consensus emerged that a docket can be current only when a judge supervises the scheduling and progress of all steps of the case with systematic case management.

The essential elements which the trial court should use to manage its cases are:

- (a) Court supervision and control of the movement of all cases from the time of filing of the complaint through final disposition.
- (b) Promulgation and monitoring of time and clearance standards for the disposition of cases.
- (c) By rules, conferences or other techniques, establishment of times for conclusion of the critical steps in the litigation process including the discovery phase.
- (d) Procedures for early identification of cases that may be protracted, and for giving them special administrative attention where appropriate.
- (e) Adoption of a trial-setting policy which schedules a sufficient number of cases to ensure efficient use of judge time while minimizing resettings caused by overscheduling.
- (f) Commencement of trials on the original date scheduled with adequate advance notice.
- (g) A firm, consistent policy for minimizing continuances.

These rules includes policies and procedures necessary for docket management. The Court has included information for lawyers practicing in the Petersburg Circuit Court along with italicized instructions for the clerk. The inclusion of both lawyer and clerk information is intended to provide detail and transparency to all parties regarding the implementation of the essential steps of docket management listed above.

**Docket Control Procedures in Criminal Cases**

**A. Grand Jury:**

1. **General.** Grand Jury meets on the third Thursday of every month, the Term Day on which trials are set. *The clerk will update CCMS and CIS with scheduled hearing and trial dates. The Court does not schedule criminal hearings or trials on Term Day or the Friday following to allow the clerk to perform these administrative tasks and issue requested witness subpoenas immediately after Term Day.*

2. **Defendant's appearance.** It is mandatory that each defendant on bond and awaiting trial appear for Term Day unless previously recognized by the Court or Clerk of the Court to appear for a trial or motions date during in-court scheduling. A defendant incarcerated will not appear for Term Day. Defense Counsel is not authorized to excuse a client after pre-scheduling the trial with the Commonwealth in advance of Term Day. The Commonwealth will prepare and provide a detailed scheduling of cases to the clerk's office in advance of term day. *The clerk will provide a copy of the Commonwealth's schedule to the Court prior to the Court calling the docket on Term Day.*
3. **Scheduling procedures.**
  - a. The Court expects bench trial dates will be set within the term of court when possible, but the parties are allowed to schedule the case for the following term(s) when the parties' schedules or the court docket does not permit scheduling within the term. The Defense and Commonwealth are encouraged to pre-schedule criminal bench trials in advance of the Term Day. Defense Counsel shall provide available dates to the Commonwealth Attorney to schedule trials and hearings no less than 72 hours before Term Day. If Defense Counsel fails to timely provide available dates 72 hours before Term Day, then Defense Counsel must appear in person at Term Day with available dates. In the event that the parties are unable to reach agreement on scheduling, then a party may issue a praecipe noticing opposing counsel to appear for scheduling trial at Term Day.
  - b. Counsel for each party is required to bring a calendar to court appearances to schedule hearings and trials when a case is called. The Court prefers to schedule hearings and bench trials outside of Term Day at regular bench dockets to avoid unnecessary appearances by counsel and defendant and to promote certainty in scheduling hearings and trials.
  - c. The parties should request witness subpoenas immediately following in-court scheduling of the case. Defense Counsel shall complete and submit a request for Transportation Order for incarcerated clients to the clerk immediately after the hearing or scheduling date. *The clerk will update CCMS with the scheduled trial date and issue the requested witness subpoenas and/or transportation orders immediately after the in-court scheduling.*
4. **Failure to appear.** Bench warrants will be issued for those who are recognized to appear but fail to appear on Term Day or other scheduled appearance. If the defendant fails to appear for an appeal of a case from the District Court, he may be tried in his or her absence or a separate warrant may be issued for an arrest. *The clerk will issue the capias pursuant to COV § 18.2-456 and include the Court's direction that the defendant is or is not authorized bond.*

**B. Continuance Policy:** Once a case has been set for trial, a continuance of that trial date will be granted only for good cause. All requests for continuances should be made in writing and scheduled for hearing at the earliest possible time in advance of the trial date. Only the Court

can continue a case, and only the Court can excuse witnesses under subpoena. Therefore, the parties must not excuse witnesses without prior Court approval. The Commonwealth, Defense Counsel, and defendant will complete the form continuance order at the hearing for entry by the Court. Please see Continuance Policy and form order. *The clerk will recognize the defendant for appearance and should scan the continuance form order to CIS once entered by the Court to properly document the file. The clerk will also update CCMS with the new trial date.*

### C. Motions and other pretrial matters:

1. **Scheduling.** The defense and Commonwealth are encouraged to confer about availability and pre-schedule motions hearing dates before Term Day. Hearings not scheduled at Term Day must allow the responding party no less than 7 days to reply to the motion, except bond motions. All cases scheduled for a jury trial will require a pre-trial scheduling order and conference for motions and other pre-trial matters. *The clerk will update CCMS with the hearing date.*
2. **Bond Motions** are scheduled for the morning docket on Mondays with notice received by the clerk and Commonwealth's Attorney by noon Thursday, Bond Motion hearings on Tuesday dockets must be filed by noon Monday, and on Thursday dockets must be filed by noon Tuesday.
3. **Election** is a pretrial hearing for the defendant, Commonwealth and Court to elect trial by Jury or waive jury trial and proceed with a bench trial. Parties are directed to schedule an election hearing within three weeks of counsel appointment or Term Day. Parties may also schedule other motions on the election hearing date to reduce the number of appearances. The election hearing is the optimal date to present a plea agreement since this eliminates the need for witnesses to appear on the trial date when a plea agreement is reached.
4. **Motions for evaluation of competency and sanity** must be scheduled for a hearing no less than 60 days prior to trial. *The clerk will complete the sanity or competency evaluation form orders provided by the OES reflecting the Court's decision immediately following the docket.*
5. **Motions to suppress, compel discovery, joinder, sever, appoint experts, and lengthy *in limine*** shall be filed in writing no less than 30 days prior to trial. Opposing counsel shall have 7 days to respond in writing. No hearing will be conducted until the period to respond has expired. *The clerk shall refuse any request to schedule a hearing on a motion less than 7 days from the motion filing date, unless instructed to do so by the Court.*
6. **Filing.** A written motion and notice should be filed with the Clerk with copies to opposing counsel. Motions should also include citations to any cases, statutes or Rules of court relied upon by the moving party. Likewise, the party opposing the motion should provide a written response with citations.
7. **Bond appeal.** A copy of the warrant from the lower court must accompany the written motion. The motion must state the case number(s) from the General District Court or Juvenile & Domestic Relations Court, the next court date and hearing time, the date of the alleged offense(s), and the present bond for each of the charges.
8. **Plea offers and motions to *nolle prosequere*.** If the Commonwealth's Attorney intends to move to *nolle prosequere* or otherwise dismiss the charge or to make a plea offer, Defense

Counsel should be so advised at the earliest possible date. Again, the parties should begin settlement negotiations early striving to resolve the case at the election hearing when possible.

9. **Advisements and Appointment of Counsel.** The clerk may add advisements and appointment of counsel hearings to the docket up to 3:00 p.m. the day prior to the scheduled hearing. *The clerk shall update CCMS and JIS prior to the commencement of the docket.*
10. **Docket Additions:** The parties must complete any requested additions to a docket (except bond motions and advisements) with notice to the Clerk by 3:00 p.m. two days before the requested docket, unless authorized by the Presiding Judge. *The clerk shall update CCMS and JIS immediately upon receipt of the docket addition to allow the Presiding Judge to prepare for the hearing.*

#### D. Jury Trial Requests:

1. **Scheduling.** Jury trials will be scheduled at Term Day or by the parties on dates provided by the Court Administrator immediately after an election hearing. The Court requires that all jury trials shall have a pre-trial scheduling order entered on a form provided by the Court which is appended in the Criminal Forms section. A pretrial hearing must be scheduled on a date no less than ten (10) days prior to the jury trial. *The clerk will summon jurors for the jury trial dates scheduled for each term of court.*
2. **Stacking.** The Court may stack up to four cases scheduled for trial by jury on a day. The Commonwealth will notify the parties which position their case is numbered. The Court expects each case to proceed regardless of assigned position, so the parties must subpoena witnesses and be prepared to proceed with trial.
3. **Plea agreements.** In the event the parties reach an agreement, the Court expects the parties to present the written agreement and sentencing guidelines on a criminal bench trial docket prior to the scheduled jury trial. This allows the Commonwealth to notice counsel for other cases that their trial will advance to the primary position for the trial date.
4. **Starting Time.** Jury selection begins at 9:00 a.m., but counsel and the defendant must appear at 8:30 a.m. for arraignment and to address any pre-trial issues.

#### E. Transportation Orders:

1. **Responsibility of defense counsel.** It is the responsibility of defense counsel to advise the Clerk and the Commonwealth's Attorney in a timely fashion of the facility in which the defendant is incarcerated, complete and submit a request for transportation order to the clerk. *The clerk will issue the transportation order in advance of trial with sufficient notice to the sheriff to assign a transportation officer to the duty.*
2. **Responsibility of Commonwealth's Attorney.** It is the responsibility of the Commonwealth to notify the Clerk and prepare a request for transportation order for any prosecution witness who is incarcerated. *The clerk will issue the transportation*

*order in advance of trial with sufficient notice to the sheriff to assign a transportation officer to the duty.*

**F. Interpreters.** It is the responsibility of the defense attorney who becomes aware that his or her client or witness does not speak English or is hearing impaired to contact the Clerk to request an interpreter. The request should be made at the earliest possible opportunity, but no later than 10 business days before the trial or hearing. The Clerk must be advised of defendant's name, the court date, and the language (and dialect, if necessary) of the non-English speaking defendant/witness. *The clerk will contact and secure the services of an interpreter upon receipt of notice from the OES list.*

**G. Witnesses.** The parties must submit witness subpoena requests to the clerk immediately after a trial date is agreed to by counsel or scheduled. The requesting party must submit the subpoena request no less than ten (10) days prior to the trial date. It is the responsibility of the requesting party to verify the return of service prior to the trial date. Parties are encouraged to use Virginia Judicial System website to review return of service and OCRA to review all other case file documents. *The clerk will promptly issue witness subpoenas upon receipt of the request and update CCMS for the returns on the subpoena.*

**H. Plea Agreements.** Plea agreements must be in writing and signed by the parties prior to the calling of the case for trial. The Commonwealth must prepare the sentencing guidelines and a guideline worksheet for submission with the plea agreement.

**I. Amendments to Indictment.** The Commonwealth must obtain a photocopy of the indictment from the clerk or through OCRA prior to the trial date and write the proposed amendment to the indictment prior to calling the case for trial.

**J. Sentencing Hearings.** The Probation and Parole Officer requires sixty (60) days to prepare a pre-sentence report and sentencing guidelines. In the event of conviction, counsel should be prepared to schedule a sentencing hearing at the time of conviction. The probation officer shall submit the presentence report and guidelines no less than 5 days before the sentencing hearing. The parties are expected to file any motions or objections for a hearing in advance of the scheduled sentencing to avoid inconvenience to sentencing witnesses. *The clerk will update CCMS with the hearing date and include the scheduled hearing date in the conviction order. The clerk shall notify probation and parole immediately after a jury trial of the scheduled sentencing date so the probation officer may begin preparing the presentence report.*

**K. Conviction and Sentencing Orders.** *The clerk will prepare all conviction and sentencing orders for entry by the Court within thirty (30) days of the event. The clerk shall use the form orders provided by the Supreme Court of Virginia. Once the Court enters the Order, the clerk will forward a copy of the order to each party. The clerk will include an administrative control date on the Saturday following Term Day for sentenced defendants that allows the clerk to review the list of defendants requiring preparation of sentencing orders. Upon entry of the sentencing order, the clerk will update CCMS by closing the case and removing it from the active docket.*

L. **Other Orders.** The Court has prepared form orders for continuance, substitution of counsel, bond, election of jury or bench trial, and first-time offender disposition. The parties should prepare these orders in advance of calling the case for presentation and entry by the Court. In the event the matter is contested, the Court will direct the parties upon reaching a decision. The form orders are included in the appendix to these Rules. *The clerk will update CCMS and CIS with information from these orders.*

M. **Motion for Court Reporter.** A party requesting authorization for a court reporter at the preliminary hearing of a case in the District Court must file a written motion detailing the nature of the pending charges and the necessity for preservation of the testimony at the preliminary hearing. The moving party must prepare a proposed order authorizing the court reporter and transcription and obtain endorsement of opposing counsel. *The clerk will forward the original motion and order to the Court for consideration and entry.*

N. **Appeals.** A party requesting an appeal must file a notice of appeal in the form required by the Rules of the Supreme Court. Defense counsel is expected to continue representing the defendant through the appeal stages unless the Court enters an order relieving counsel upon written motion and hearing. A party noticing and appeal must also file a proposed order for the preparation of trial transcripts indicating the dates of each hearing and trial that are at issue for the appeal. Counsel is encouraged to review the Rules of the Supreme Court of Virginia in order to perfect the appeal. Motions for bond pending appeal must be filed in writing and scheduled for a hearing date separate from the sentencing hearing. *The clerk shall follow the steps for appeals provided in the OES Clerk's Manual.*

O. **Misdemeanor and traffic appeals.** The clerks and judges of the district courts will recognize defendants to appear for the following month Term Day to schedule the case for trial. Defense counsel is expected to continue representation unless the Court enters an order relieving counsel upon written motion and hearing. Defense counsel or the defendant acting *pro se* must notify the Court at the Term Day that trial by jury is requested; otherwise, the Court will deem trial by jury is waived. *The clerk will use the OES form order for misdemeanors to document all activity and dispositions on these matters.*

## **Docket Control Procedures and Local Rules in Civil Actions**

### *General Procedures*

The Court expects plaintiff's filing civil complaints to exercise diligence in attempting timely service of process on defendant(s). Plaintiffs seeking service by a Virginia Sheriff must provide complete information to the clerk. Plaintiffs who will use private process service or service by publication should communicate that method to the clerk. *The Clerk will enter an administrative control date in CCMS for 6 months after filing to send a notice to appear at the following Term Day if service of process on the defendant is not returned.*

The Court requires a scheduling status conference with the plaintiff 6 months after filing a complaint if return of service is not filed with the clerk by that date. [Rule 1:20]. The Court

will send notice of discontinuance eleven months after filing the complaint, and the Court will discontinue the case after one year of filing. [Rule 3:5]. *The Clerk will enter an administrative control date for counsel to appear six months after the complaint is filed. Thereafter, the Clerk will enter an administrative control date of 11 months after filing the complaint to send a notice of discontinuance for lack of service if not accomplished by plaintiff. The Clerk will also place a date 30 days from the notice to have the Court enter an Order of Discontinuance if service is not accomplished within the 30 allotted days. If service is accomplished, then the Clerk should set an administrative control date 30 days from service to send the parties a notice to appear at Term Day to schedule a trial date.*

Thirty (30) days after service is accomplished, the Court will send both parties a notice to appear at Term Day to schedule a trial date. [Rule 1:19 & 4:13]. The parties must appear for the scheduling conference with available dates to schedule the trial within 12 months of the filing date of the complaint. The parties must also provide an accurate estimate of time required for the trial. Since the Court adheres to a strict continuance policy provided in the local rules, the parties are expected to determine witness and expert witness availability before scheduling a trial date. The Court will enter a standard pretrial scheduling order at Term Day. [Rule 1:18].

The Court invites parties seeking a trial lasting one day or less to contact the Court Administrator at [11circuit@vacourts.gov](mailto:11circuit@vacourts.gov) to schedule the trial in advance of the Term Day. If the parties schedule the trial 24 hours prior to the Term Day, then the Court Administrator has the Court's permission to excuse the parties from appearing.

Parties seeking multi-day trials must appear at Term Day, again with witness and expert witness availability within 12 months of the filing date of the complaint. The Court will expect both parties to provide explanation regarding the complexity of issues, number of witnesses, and length of testimony. The Court requires at least one pretrial conference 30 days prior to the trial date, and the Court encourages additional pretrial conferences when the parties believe the hearing will be productive in reducing issues and time required for trial. [COV §8.01-275.1].

The Court's docketing procedures are instituted to promote completion of cases within 12 months of filing the complaint. All scheduling questions must be directed to the Court Administrator since the Clerk does not have the Court's permission to schedule or continue cases.

#### **A. Trial Dates and Scheduling Orders.**

**1. Applicability of Scheduling Order.** Scheduling orders are preferred in all civil actions except in cases handled summarily, e.g., name changes, and cases that by their nature are attendant with delays over which the Court has little control, e.g., receiverships and suits where the object is the sale of land. *The Court Administrator shall prepare the pretrial scheduling orders for Term Day or when the case is scheduled outside of Term Day.*

**2. Cases in Which One or All Parties are Represented by Counsel.** Upon the filing of a responsive pleading to a complaint or the proper papers in a case appealed from a District Court, counsel for all parties are encouraged to contact the Court Administrator,

[11circuit@vacourts.gov](mailto:11circuit@vacourts.gov) to preset the case for trial. The Court Administrator has authority to schedule a pretrial conference and trial date for all civil cases except jury trials lasting more than one day. If the parties request a multi-day jury trial, then both counsel must appear at the Term Day to explain the need for scheduling multiple days.

3. **Scheduling conference.** If a case is not preset, notice of a scheduling conference will be sent to counsel of record and unrepresented parties. Trial may be scheduled with the Court Administrator prior to the scheduling conference. Scheduling conferences will take place on Term Day.

4. **Pretrial Conferences.** The Court encourages pretrial conferences and requires at least one when scheduling a two day jury trial or judge trial lasting longer than one day. The pretrial conference will be held thirty (30) days prior to the trial date. The Court will consider all motions *in limine*, settlement progress, pretrial motions, stipulations, trial management, and other issues that will aid in the disposition of the case.

5. **Cases without Scheduling Orders.** In those cases in which pretrial scheduling orders are not entered, the Court will be guided by the standards, principles and objectives set out in and reasonably inferred from the Uniform Pretrial Scheduling Order in resolving disputes concerning discovery and other pretrial matters.

6. **Continuance.** The granting of a continuance does not otherwise affect the scheduling order as to cut-off dates for discovery, filing of witness and exhibit lists, etc., unless the Court specifically modifies the scheduling order.

## **B. Matters Pertaining to Trial**

1. **Jury Instructions.** Counsel shall exchange copies of proposed instructions and provide copies of such instructions or the references thereto to the Clerk at least forty-eight (48) hours before trial. This rule shall not preclude the offering of additional instructions at trial where reasonable. Counsel will not be precluded from withdrawing instructions at trial.

2. **Starting Time.** Trials begin at 9:00 a.m.

3. **Verdict Forms.** It shall be the duty of counsel for the plaintiff or an unrepresented plaintiff to prepare a verdict form and to provide opposing counsel or unrepresented party a copy thereof at the time of exchange of instructions.

## **C. Motions and Briefs**

1. **Motion to Continue.** A continuance shall be granted only for good cause. See the Court's written continuance policy for further guidance. Once a motion hearing or trial is scheduled and docketed by the Court, then a party moving to continue must file a written motion and proposed order with endorsement of opposing parties or counsel prior to the scheduled hearing or trial date. The hearing or trial will only be continued and parties released from appearing after the



Presiding Judge has entered the proposed order or otherwise notified the parties through the Court Administrator.

2. **Motion in Limine.** The Court will not hear motions *in limine* requiring more than five (5) minutes of argument on the morning of trial.

3. **Motions in general.** All motions shall be scheduled and heard by the Court using the following procedures:

(a.) **Scheduling.** Counsel of record may schedule hearings on written motions by contacting the Court Administrator.

(b.) **Notice.** Reasonable notice of presentation of a motion shall be served on counsel of record and unrepresented parties. Counsel or unrepresented parties shall make a reasonable effort to confer to resolve the subject of the motion and to determine a mutually agreeable hearing date and time.

(c.) **Hearing.** Except as otherwise provided herein, upon request of counsel of record for any party, or an unrepresented party, or at the Court's request, the Court shall hear oral argument on a motion. Argument on a motion for reconsideration or any motion in any case where a *pro se* incarcerated person is a party shall be heard orally only at the request of the Court. The Court may place reasonable limits on the length of oral argument.

4. **Filing and Service of Briefs.** Counsel of record may elect, or the Court may require, the parties to file briefs in support of or in opposition to a motion. Any such briefs should be filed with the Clerk and served on opposing counsel of record sufficiently before the hearing to allow the Court to consider the issues involved. Absent leave of court, if a brief in support of a motion is five (5) or fewer pages in length, the required notice and the brief shall be filed and served at least ten (10) days before the hearing and any brief in opposition to the motion shall be filed and served at least five (5) days before the hearing. If a brief will be more than five (5) pages in length, a briefing schedule may be determined by the Court at the request of the parties. Absent leave of court, the length of a brief shall not exceed twenty (20) pages, double-spaced.

#### **D. Orders and Dismissal**

1. **In General.** Orders reflecting the Court's ruling should be prepared promptly or submitted at the time of the ruling and shall reflect the date the ruling was rendered or the matter heard. Orders prepared after the hearing will be scheduled for presentation by the parties at the next Term Day with appearance of counsel required unless entered by the Court prior to the Order presentation date. *The Clerk will place the presentation of court order hearing on CCMS for the Term Day following the hearing unless scheduled further to a later Term Day by the Court at the hearing. Once a final Order is entered by the Court, the Clerk shall remove the case from the active docket on CCMS.*

2. **Final Orders.** Within thirty (30) days of the taking of a non-suit or a final settlement, counsel for the parties or unrepresented parties shall deliver the final order to the Clerk. The failure to

deliver timely an appropriate order to the Clerk may result in the Court entering an order *sua sponte*. *The Clerk should immediately update CCMS to reflect that the case has concluded upon entry of the final order and remove any future dates from the system.*

**3. Failure to Serve.** If an action is not served within the time provided by Supreme Court Rule 3:5, the Clerk shall prepare a notice of discontinuance and send such notice to counsel for the plaintiff or to an unrepresented plaintiff.

#### **E. Settlements Involving Infants and Others Under Disability (Va. Code Ann. 8.01- 424):**

**1. Filing.** All petitions must be filed with payment of appropriate Clerk's fees before a hearing date is assigned.

**2. Information regarding injury.** The Court should be provided with medical records or reports that allow the court to determine the nature and extent of injuries, the nature and course of treatment, the resolution of the injury, the existence of any permanent injury, and the necessity of any future treatment.

**3. Payment of Bills for Health Care Services.** Bills for health care services are expected to be paid from any available collateral sources, such as medical payments coverage and health insurance, rather than from the settlement proceeds.

**4. Payment of Proceeds into Court.** Unless otherwise directed by the Court, it is the policy of the Court that all net proceeds be paid to Bank of Southside Virginia, General Receiver, to be held for the benefit of the child.

#### **F. Judicial Settlement Conferences.**

The Judges of the 11th Judicial Circuit will only refer cases to Judicial Settlement Conference ("JSC") where the clients have open minds and the JSC is on a parallel track with the trial. The JSC will not postpone a trial date if one is already set. With this understanding, the attorneys may file a Motion asking the Court to refer a case to JSC. If granted, the lawyers shall select the JSC Judge they want from the approved list found online and contact the Judge who will schedule it for hearing. Upon confirmation of a JSC Judge and a hearing date, the Court will enter an Order of Designation and Referral to Settlement Conference.

#### **G. Contested Divorce and Equitable Distribution Cases.**

**1. Pretrial Conference.** When a pretrial conference is required, it shall be scheduled with the Court Administrator no less than Thirty (30) days prior to trial. The purpose of the pretrial conference is to discuss settlement, a determination of the issues remaining for trial, to reach stipulations, and discuss any other matters which may aid in the disposition of the case. The parties and counsel shall attend the pretrial conference in person. Five (5) days prior to the pretrial conference the Pretrial Conference Brief and all worksheets and forms that are applicable to the case must be completed and exchanged by counsel and filed with the court.

2. Parent Education Seminar. If a child's custody, visitation or support is contested, the parents shall, prior to the trial date, show proof that they have attended an educational seminar on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities pursuant to Virginia Code § 20-13. Failure to attend may result in the case being removed from the trial docket. The Court may grant an exemption from attendance of such program for good cause shown.

3. Exhibit and Witness List. Counsel shall exchange Thirty (30) days before trial and before the pretrial conference a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits or witness was through inadvertence.

4. Required Worksheets and Forms. Counsel shall file with the Court and opposing counsel not later than Thirty (30) days prior to trial and before the pretrial conference all worksheets and forms required by the Court applicable to the issues in this case: The Monthly Income and Expense Statement of each party, Child Support Guideline Worksheets and Proposed Equitable Distribution Schedules.

5. Appointment or Continued Appointment of Guardian *ad Litem*. The parties shall immediately file any request for the Appointment or Continued Appointment of a Guardian *ad Litem* providing in the motion the basis for appointment pursuant to Virginia Code §16.1-266. If the parties disagree on the appointment, then they shall schedule a hearing upon notice that no agreement on the issue can be reached.

6. Court Reporter. A court reporter is required for the trial and must be secured by the parties.

**H. Sexual Violent Offender Cases.** The Court has developed specific orders for use in sexual violent offender cases. The parties shall refer to the orders and comply with the terms of the order. The parties shall also review the timelines for these expedited cases. *The Clerk shall also review the orders and discuss the scheduling and updates to CCMS. The Clerk will close-out a case file/number on CCMS after entry of the final order at the annual review date. The Clerk will thereafter immediately open another case file/number and assign the review date to CCMS scheduled at the hearing on the last annual review which will be included in the final order.*

**I. Not Guilty By Reason of Insanity.** These cases are transferred to the Civil Clerk for review hearings on continued custody or conditional release. *At the conclusion of each annual review, the Clerk shall close out the case on CCMS and immediately assign a future review date on CCMS to the new case file/number.*

**J. Motions to Re-instate a Case.** Parties filing a motion to re-instate a case on the docket for previously concluded chancery matters shall file the motion to re-instate, affidavit or sworn pleading, and order to re-instate. If the matter involves a show cause, then the motion and order to show cause must be filed for the court to consider. *The petitioner shall contact the Court*

*Administrator to schedule a hearing date on the show cause in order to include the date and time in the Order to Show Cause. The Clerk shall have the defendant served and place the hearing date on CCMS. Other motions to re-instate shall be scheduled by the parties after the Clerk has sent the parties notice to appear at the next term day for a scheduling conference.*

**K. Pre-Set Civil Hearings.** The Court has provided the Clerk with pre-set dates for short civil hearings that the clerk provides notice of the pre-set hearing date at the time of filing. The following are the pre-set hearing case types and dates starting at 1:00 p.m. Mondays: Civil Commitment Appeals (1<sup>st</sup> Monday); Asset Forfeiture (2<sup>nd</sup> Monday), Habitual Offender Restoration and Civil Commitment Appeals (3<sup>rd</sup> Monday); Concealed Weapon Permit Hearings, Firearm Rights Restoration, and Expungements (4<sup>th</sup> Monday); and, Civil Commitment Appeals (5<sup>th</sup> Monday). *The Clerk shall send the parties notice of these hearings upon filing.*

## **Continuance Policy**

**A. Docket Control Procedures regarding Continuances:** Once a case has been set for trial, a continuance of that trial date will be granted only for good cause. All requests for continuances should be made in writing at the **earliest** possible time in advance of the trial date.

### **B. Grounds for Continuances Generally Deemed Sufficient**

1. sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;

2. facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled.

### **C. Grounds for Continuance Generally Deemed Insufficient**

1. the case has not previously been continued;
2. The parties agree to continue;
3. the case probably will settle if a continuance is granted;
4. discovery has not been completed;
5. new counsel has entered an appearance in the case or a party wants to retain new counsel;
6. unavailability of a witness who has not been subpoenaed;
7. plaintiff has not yet fully recovered from injuries when there is no competent evidence available as to when plaintiff will be fully recovered;
8. a party or counsel is unprepared to try the case for reasons including, but not limited to the party's failure to maintain necessary contact with counsel;
9. the failure to schedule suppression motions on a timely basis unless the Commonwealth failed to comply with a discovery order; or

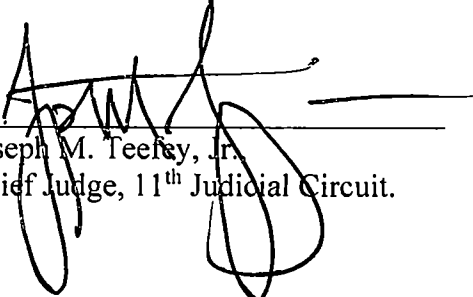
10. a police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date.

ADOPTION OF PETERSBURG CIRCUIT COURT LOCAL RULES

These Local Rules of Court for the City of Petersburg Circuit Court are hereby adopted this 27<sup>th</sup> day of July, 2023, by the Judges of the 11<sup>th</sup> Judicial Circuit, pursuant to Rule 1:15 of the Supreme Court of Virginia. In conformity with said Rule 1:15, the Clerk of the Petersburg Circuit Court shall spread these Local Rules in the Common Law Order Book and forward a copy by electronic mail to all counsel regularly appearing before the Petersburg Circuit Court. Upon request of any attorney filing a cause in the Petersburg Circuit Court, the Clerk will also provide a written copy. The Court will forward a copy of these Local Rules to the Office of the Executive Secretary of the Supreme Court of Virginia for inclusion on the local page of the Petersburg Circuit Court.

It is so ORDERED.

Enter: July 27, 2023.



Joseph M. Teeley, Jr.  
Chief Judge, 11<sup>th</sup> Judicial Circuit.

**FORMS FOR CRIMINAL CASES**

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

COMMONWEALTH OF VIRGINIA

v.

Case No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

### **DISCOVERY ORDER**

This day came the Defendant, by counsel, and the Commonwealth and requested that this Court enter an Order of Discovery, and the Court finding it proper to do, it is hereby ORDERED as follows:

1. Pursuant to the authority enunciated in *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963); *United States v. Agurs*, 427 U.S. 97, 96 S. Ct. 2392, 49 L. Ed. 2d 342 (1976); *Stover v. Commonwealth*, 211 Va. 789, 180 S.E. 2d 504 (1971); *Dozier v. Commonwealth*, 210 Va. 1113, 253 S.E. 2d 655 (1979), the Commonwealth's Attorney shall produce and divulge to Defendant's counsel all information of whatever form, source, or nature, that tends to exculpate the Defendant or reduce the penalty which he might suffer should he be convicted in the cause, through an indication of his innocence or through potential impeachment of any prosecution witness, be it by inconsistent statements or otherwise. This request includes all facts and information of whatever form source or nature, which are within the knowledge, custody and/or control of the Commonwealth's Attorney, and/or his Assistants, as well as, all law enforcement agencies which have participated in an investigation of this case and/or who may otherwise testify as a witness in this cause.

2. The Commonwealth's Attorney shall produce and divulge to the Defendant and his counsel, pursuant to *Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed 2d 104 (1971), and *Napue v. Illinois*, 360 U.S. 264, 79 S. Ct. 1173, 3 L. Ed. 2d 1217 (1959), all known evidence affecting the credibility of any prosecution witnesses, including, but not limited to; the contents of any plea negotiation between the Commonwealth and such witness, any agreements to give assistance, compensation or suggest a possible benefit to be conferred upon any prosecution witness.

3. The Commonwealth's Attorney shall state to defendant's counsel any and all promises of leniency or other consideration offered to any witness; any and all threats, express or implied, direct or indirect, or other coercion directed against any witness by any party, including, but not limited to, threats made by any alleged co-conspirator, indicted or unindicted, and threats, implied or express, by or on behalf of the Commonwealth, directed to any witness, including, but not limited to the suggestion that a witness may be charged with a criminal offense or may suffer enhanced punishment if said witness fails to cooperate with the Commonwealth.

(a) Compliance provisions:

(1) A party may satisfy the requirement to permit the opposing party to inspect and copy or photograph a document, recorded statement or recorded confession by providing an actual duplicate, facsimile, or copy of the document, recorded statement or recorded confession to the

opposing party in compliance with the applicable time limits and redaction standards set forth in this Order.

(2) Any material or evidence disclosed or discovered pursuant to this Order and filed with the clerk of court shall be placed under seal until it is either admitted as an exhibit at a trial or hearing or when the Court enters an order unsealing the specified material or evidence.

(3) A party required to provide discovery, inspection, notice or disclosure shall do so no later than thirty (30) days prior to trial. A party may file a motion for earlier or later disclosure.

(b) The Commonwealth shall:

(1) Permit the accused to inspect and review any relevant reports prepared by law enforcement officers and made in connection with the particular case, including any written witness statements or written summaries of oral statements contained within such reports, that are known to the Commonwealth's attorney to be in the possession, custody or control of the Commonwealth. Nothing in this Order requires that the Commonwealth provide the accused with copies of the relevant law enforcement reports, although it may do so in its discretion. This directive providing for inspection and review of these reports shall be subject to the provisions of subparts (c)(1) and (c)(2) of this Order regarding redaction and restrictions on dissemination of designated material.

(2) Permit the accused to inspect, review and copy or photograph any relevant:

(A) written or recorded statements or confessions, or the substance of any oral statements or confessions, made by the accused to any law enforcement officer, that are known to the Commonwealth's attorney to be within the possession, custody or control of the Commonwealth;

(B) written or recorded statements or confessions, or the substance of any oral statements or confessions, made by the accused to any person other than a law enforcement officer, that the Commonwealth intends to introduce into evidence against the accused at trial;

(C) written or recorded statements, or the substance of any oral statements, made by a co-defendant or co-conspirator that the Commonwealth intends to introduce into evidence against the accused at trial; and

(D) written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim made in connection with the particular case, that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth.

(3) Permit the accused to inspect, review and copy or photograph designated books, papers,



documents, tangible objects, recordings, buildings or places, or copies or portions thereof, that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth, upon a showing that the items sought may be material to preparation of the accused's defense and that the request is reasonable.

(4)(A) Notify the accused in writing of the Commonwealth's intent to introduce expert opinion testimony at trial or sentencing and to provide the accused with: (i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions, and (ii) the witness's qualifications and contact information.

(B) Nothing in subparts (b)(4)(A)(i) and (ii) of this Order shall render inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases and reasons disclosed pursuant to this Rule, or the expert witness's qualifications, just because the further explanatory language was not included in the notice and disclosure provided under this Order.

(C) Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in Virginia Code § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination, shall satisfy the requirements of subparts (b)(4)(A)(i) and (ii) of this Order.

(5) Provide to the accused a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the Commonwealth at trial or sentencing. This provision is subject to subpart (c)(1) of this Order and to any protective orders entered by the Court pursuant to subpart (g).

(6) This Order does not authorize the discovery or inspection of the work product of the; Commonwealth's attorney, including internal reports, witness statements, memoranda, correspondence, legal research or other internal documents prepared by the office of the Commonwealth's attorney or its agents in anticipation of trial.

(7) This Order does not authorize the discovery of the names and/or personal identifying information of confidential informants whom the Commonwealth does not intend to call at trial and with regards to whose identity the Commonwealth asserts it holds a privilege.

**(c) Redaction and Restricted Dissemination Material.**

(1) With regard to any material or evidence provided pursuant to this Order,

(A) the Commonwealth may redact the residential address, telephone number, email address and

place of employment of any witness or victim, or any member of a witness's or victim's family, who satisfies the conditions outlined in § 19.2-11.2 of the Code of Virginia. The Commonwealth may redact the date of birth and Social Security Number of any person whose information is contained in material or evidence provided pursuant to this Order; and

(B) If the Commonwealth redacts personal identifying information pursuant to this subpart of the Order, the accused may file a motion seeking disclosure of the redacted information. Should the Court find good cause for disclosure, it may order the Commonwealth to provide the redacted information. In its discretion, the Court ordering the provision of redacted personal identifying information may order that the information be identified as "Restricted Dissemination Material" pursuant to subpart (c)(2) of this Order.

(2) The Commonwealth may designate evidence or material disclosed pursuant to this Order as "Restricted Dissemination Material" by prominently stamping or otherwise marking such items as "Restricted Dissemination Material."

(A) The Commonwealth may designate any evidence or material subject to disclosure pursuant to this Order as "Restricted Dissemination Material," without supporting certification, if the accused's attorney agrees to the designation.

(B) In the absence of an agreement by the attorney for the accused, the attorney for the Commonwealth may designate any evidence or material as "Restricted Dissemination Material" by stamping or otherwise marking it as such and providing a certification in writing, upon information and belief, that: (i) the designated material relates to the statement of a child victim or witness; or (ii) disclosure of the designated material may result in danger to the safety or security of a witness or victim, danger of a witness being intimidated or tampered with, or a risk of compromising an ongoing criminal investigation or confidential law enforcement technique.

(C) Except as otherwise provided by order of the Court, "Restricted Dissemination Material" may only be disclosed to the accused's attorney, the agents or employees of the accused's attorney, or to an expert witness. The accused's attorney may orally communicate the content of "Restricted Dissemination Material" to the accused or allow the accused to view the content of such material but shall not provide the accused with copies of material so designated. "Restricted Dissemination Material" may not otherwise be reproduced, copied or disseminated in any way.

(D) If the Commonwealth designates evidence or material as "Restricted Dissemination Material" pursuant to subpart (c)(2)(B) of this Rule, the accused may at any time file a motion seeking to remove that designation from such evidence or material. Should the Court find good cause to remove the designation, it may order that the evidence or material no longer be designated as "Restricted Dissemination Material."

(E) Within 21 days of the entry of a final order by the Court, or upon the termination of the representation of the accused, the accused's attorney shall return to the court all originals and copies of any "Restricted Dissemination Material" disclosed pursuant to this Order. The court shall maintain such returned "Restricted Dissemination Material" under seal. Any material sealed pursuant to this subpart shall remain available for inspection by counsel of record. For good cause shown, the Court may enter an order allowing additional access to the sealed material as the Court in its discretion deems appropriate.

(F) In any case in which an accused is not represented by an attorney, the Commonwealth may file a motion seeking to limit the scope of discovery pursuant to this Order. For good cause shown, the court may order any limitation or restriction on the provision of discovery to an accused who is unrepresented by an attorney as the court in its discretion deems appropriate.

**(d) Discovery by the Commonwealth.** The accused shall:

(1) Permit the Commonwealth to inspect and copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath analyses, and other scientific testing within the accused's possession, custody or control that the defense intends to proffer or introduce into evidence at trial or sentencing.

(2) Disclose whether the accused intends to introduce evidence to establish an alibi and, if so, disclose the place at which the accused claims to have been at the time the alleged offense was committed.

(3) Permit the Commonwealth to inspect, copy or photograph any written reports of physical or mental examination of the accused made in connection with the particular case if the accused intends to rely upon the defense of insanity pursuant to Chapter 11 of Title 19.2; provided, however, that no statement made by the accused in the course of such an examination disclosed pursuant to this Order shall be used by the Commonwealth in its case-in-chief, whether the examination was conducted with or without the consent of the accused.

(4)(A) Notify the Commonwealth in writing of the accused's intent to introduce expert opinion testimony at trial or sentencing and to provide the Commonwealth with: (i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and the bases and reasons for those opinions, and (ii) the witness's qualifications and contact information.

(B) Nothing in subparts (d)(4)(A)(i) and (ii) of this Order shall render inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases and reasons

disclosed pursuant to this Order, or the expert witness's qualifications, just because the further explanatory language was not included in the notice and disclosure provided under this Order.

Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in Virginia Code § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination, shall satisfy the requirements of subparts (d)(4)(A)(i) and (ii) of this Order.

(5) Provide to the Commonwealth a list of the names and, if known, the addresses of all persons who are expected to testify on behalf of the accused at trial or sentencing. The accused's attorney may redact the personal identifying information of any witness if so authorized by a protective order entered by the Court pursuant to subpart (g) of this Order.

**(e) Time of Motion.** A motion by the accused under this Order must be made at least ten (10) calendar days before the day fixed for trial. The motion shall identify all relief sought pursuant to this Order. A subsequent motion may be made only upon a showing of cause why such motion would be in the interest of justice.

**(f) Time, Place and Manner of Discovery and Inspection.** The order granting relief to defendant will specify the time, place and manner of making the discovery and inspection ordered. The Court in its discretion may prescribe such terms and conditions as are reasonable and just.

**(g) Protective Order.**

(1) The Court Orders the following protections regarding the discovery process:

(A) the parties shall not disclose the contents of any material or evidence disclosed or discovered pursuant to this Order in any public forum, including any website;

(B) the parties shall not disclose the contents of any material or evidence disclosed or discovered pursuant to this Order to any third-party who is not an agent or employee of the parties or an expert witness;

(C) a party may file a written motion for authorization to withhold the residential address, telephone number, email address or place of employment of any witness not covered by the terms of subpart (c)(1) of this Order; and

(D) a party may file a written motion for authorization to withhold from disclosure or place additional restrictions on dissemination of information otherwise discoverable but not

exculpatory.

(2) Should either party believe in good faith that the terms of this protective order entered by the Court have been violated, such party may move the court to enforce the Order and to impose any necessary and appropriate sanction authorized by Virginia law.

**(h) Continuing Duty to Disclose; Failure to Comply.** If, after disposition of a motion under this Order, counsel or a party discovers before or during trial additional material previously requested or falling within the scope of an order previously entered, that is subject to discovery or inspection under this Order but has not previously been disclosed, the party shall promptly notify the other party or their counsel or the Court of the existence of the additional material. If at any time during the pendency of the case it is brought to the attention of the Court that a party has failed to comply with this Order, the Court shall order such party to permit the discovery or inspection of materials not previously disclosed, and may grant such other relief authorized by Virginia law as it may in its discretion deem appropriate.

The clerk shall forward a copy of this Order to counsel for the parties. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia.

It is so ORDERED.

Enter: \_\_\_\_\_.

\_\_\_\_\_, JUDGE.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No: \_\_\_\_\_

\_\_\_\_\_,  
Defendant

I. Trial

The trial date is on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_ at 8:30 a.m. with a jury. The estimated length of trial is \_\_\_\_ day(s). The pretrial hearing is scheduled for the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, at \_\_\_\_\_ a.m./p.m.

II. Discovery

The parties shall complete discovery no less than 30 days before trial. The parties have a duty to seasonably supplement and amend discovery responses. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery.

Motions to compel discovery or other motions regarding specific discovery requests shall be made in advance of the completion of discovery provided in this section.

III. Motions

All motions shall be filed with the Court as far in advance of the trial date as practical, but not less than 21 days before trial. The moving party shall allow the responding party no less than 7 days to file a written response to the motion, and the Court will not allow a hearing on the motion until the period for a response has expired.

VI. Pretrial Conferences

A pretrial conference will be required in every jury trial at least 10 days before trial. The Court will consider motions in limine, contested jury instructions, stipulations of the parties and other matters touching upon the conduct of the trial. More lengthy motions must comply with the filing and hearing requirements of section III herein.

VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

IX. Disclosures.

### **COMMONWEALTH NOTICES & DISCLOSURES**

1. If the Defendant gives notice of an insanity defense or intent to introduce evidence pursuant to COV §19.2-271.6, then the Commonwealth must file a motion for appointment of a rebuttal expert and request for evaluation of the defendant pursuant to Va. Code Section 19.2-168.1 immediately after reviewing the defense disclosures and notice. The Commonwealth shall provide notice 15 days prior to trial of any rebuttal expert, produce the expert's evaluation report, and provide a copy of all written materials reviewed by the expert.
2. If the Defendant gives notice of any other expert testimony, then the Commonwealth must file a motion for appointment of a rebuttal expert immediately after reviewing the defense disclosures and notice. The Commonwealth shall provide notice 15 days prior to trial of any rebuttal expert, produce the expert's evaluation report, and provide a copy of all written materials reviewed by the expert.
3. The Commonwealth shall permit the inspection of all discoverable materials pursuant to Rule 3A:11 (b) within 30 days of receipt and no later than 30 days prior to trial except by leave of Court upon written motion filed by the Commonwealth prior to trial.

### **DEFENDANT'S NOTICES & DISCLOSURES**

4. The Defendant shall provide to the Commonwealth notice 60 days prior to trial of any insanity defense pursuant to Virginia Code Section 19.2-168 or intent to present evidence pursuant to COV §19.2-271.6 with all written disclosures, production and inspection consistent with Rule 3A:11.
5. The Defendant shall provide to the Commonwealth notice 30 days prior to trial of any alibi defense with written disclosures consistent with Rule 3A:11(c) (2).
6. The Defendant shall provide notice 60 days prior to trial of any expert testimony including written reports of any scientific tests which the Defense intends to proffer or offer into evidence pursuant to Rule 3A:11(c) (1).
7. The Defendant shall permit the inspection of all discoverable materials pursuant to Rule 3A:11 within 30 days of receipt and no later than 30 days prior to trial except by leave of Court upon written motion filed by the Defendant prior to trial.
8. The Defendant shall file any written objection to the Commonwealth's notice of DNA or other Department of Forensic Sciences certificate of analysis no less than 60 days before trial.
9. All notices and disclosures by either party shall be in writing and filed with the clerk of the court.

If after entry of this Order or during trial, counsel or a party discovers additional material previously requested, or falling within the scope of an Order previously entered, that is subject to discovery or inspection under Rule 3A:11, he shall promptly notify opposing counsel of the existence of the additional material. If at any time during the course of the proceedings, it is brought to the attention of the Court that a party has failed to comply with this Order or Rule 3A:11, the Court will Order disclosure and grant such further or additional relief deemed appropriate.

X. Continuances

Continuances will only be granted by the court for good cause shown. Motions to continue shall be filed in writing detailing the reason for the continuance. Counsel filing a motion to continue must also file a proposed order to continue.

XI. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall, two (2) business days before the jury trial date, mail or email proposed instructions to the Clerk. At the commencement of trial, counsel of record shall tender to the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial. Each party shall have available all proposed instructions in Word format. The Commonwealth shall be responsible for preparation of the verdict forms.

XIII. Paper and photograph exhibit binder.

The parties shall prepare in advance of trial a three ring binder of exhibits that are papers and photographs divided by numbered or letter tabs. The party shall prepare separate copies of the exhibit binder and deliver one copy to opposing counsel and two copies to the Court on the trial date. The Court will provide the second copy to witnesses testifying for reference.

XIII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

The clerk shall forward a copy of this Order to the parties. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia.

It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No(s). \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**ORDER of ADVISEMENT and ELECTION**

This day came the defendant, in person and with counsel, and the Commonwealth's Attorney for a pretrial hearing. The Court advised the defendant of the charge(s) and determined that the defendant understands the nature of the charge(s) and has had adequate time to consult with defense counsel before entering plea(s) of not guilty and electing to proceed to trial in the following manner:

The defendant elects to waive trial by jury and proceed with trial by judge without a jury, and the Commonwealth and the Court likewise waive trial by jury. This case is continued to the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. for trial.

Or

The defendant elects to proceed with trial by jury. This case is continued to the \_\_\_ day of \_\_\_\_\_, 20\_\_ at 9:00 a.m. to be scheduled for a jury trial.

The delay is chargeable to the defendant from this day until the commencement of the new trial date and constitutes a waiver of his speedy trial rights pursuant to the U.S. Constitution, Virginia Constitution and Va. Code §19.2-243.

The defendant was  recognized to appear on the above date and time or

remanded to the custody of the sheriff. The clerk shall forward a copy of this Order to counsel.

It is so ORDERED.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

We ask for this:

Seen:

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Commonwealth

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No(s). \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**ORDER TO CONTINUE TRIAL**

This day came the defendant with counsel, and the Commonwealth's Attorney. On motion of the  DEFENDANT,  COMMONWEALTH, or  PARTIES JOINTLY and for the reasons stated to the record, the Court finds good cause to continue the trial.

This case is continued to the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. for  TRIAL or  SCHEDULING TRIAL.

The Court further finds:

The delay is chargeable to the defendant from this day until the commencement of the new trial date and constitutes a waiver of his speedy trial rights pursuant to the U.S. Constitution, Virginia Constitution and Va. Code §19.2-243.

the defendant objected to the Commonwealth's motion, so the delay is not chargeable to the defendant for purposes of speedy trial.

The defendant was  recognized to appear on the above date and time or

remanded to the custody of the sheriff. The clerk shall forward a copy of this Order to counsel.

It is so ORDERED.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Commonwealth

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

COMMONWEALTH OF VIRGINIA

v. Case No(s). \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**BOND ORDER**

This day came the defendant with counsel, and the Commonwealth's Attorney on the defendant's motion for bond. The Court having considered defendant's motion hereby:

- DENIES the motion to reduce or establish bond.
- GRANTS the motion to reduce or establish bond on the following conditions:
  - \$\_\_\_\_\_ (secured) or (unsecured) bond.
  - the secured bond shall be by corporate surety only.
  - Pretrial supervision by [Petersburg Community Corrections (PCC)], [Probation and Parole]. The clerk shall forward a copy of this Bond Order to probation, and probation shall send the Court regular reports of the defendant's compliance with this Order and supervision.
  - Drug and alcohol testing through PCC.
  - Curfew between \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m.
  - No contact with the victim, victim's residence, victim's business, co-defendants, and prosecution witnesses.
  - The defendant was recognized to appear in the Petersburg \_\_\_\_\_ Court on the \_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m.

The defendant shall provide notice in writing of change in residence or telephone number to the Court Clerk and Pretrial Supervisor, if assigned supervision. The defendant shall remain within the Commonwealth of Virginia, make all court appearances, and remain of good behavior. The defendant is remanded to the custody of the sheriff until bond is posted. The clerk shall forward a copy of this Order to counsel. It is so ORDERED.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Commonwealth

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERBURG

COMMONWEALTH OF VIRGINIA

v.

Case No(s). \_\_\_\_\_

\_\_\_\_\_  
Defendant.

\_\_\_\_\_

**ORDER TO SUBSTITUTE COUNSEL**

This day came the defendant, in person and with counsel, and moved this Court to substitute counsel of record with grounds stated to the record during the motion hearing. The Court having considered the motion to substitute counsel hereby finds:

good cause was not shown and the motion is DENIED, or

good cause was shown and the motion is GRANTED. The Court substitutes

\_\_\_\_\_ as counsel of record for the defendant. This case is

continued to the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. for [trial]

[scheduling trial]. The delay is chargeable to the defendant from this day until the

commencement of the new trial date and constitutes a waiver of his speedy trial rights

pursuant to the U.S. Constitution, Virginia Constitution and Va. Code §19.2-243.

The defendant was [] recognized to appear on the above date and time or [] remanded to the custody of the sheriff. The clerk shall forward a copy of this Order to former

defense counsel, current defense counsel, and the Commonwealth's Attorney. It is so

ORDERED.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

We ask for this:

Seen:

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Commonwealth

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

CASE #'S: \_\_\_\_\_

\_\_\_\_\_

**PLEA AGREEMENT**

Comes now the Commonwealth of Virginia, by the Commonwealth's Attorney, and the Defendant, \_\_\_\_\_, with counsel, pursuant to Rule 3A:8(C) of the Rules of the Supreme Court of Virginia, and,

WHEREAS, the defendant stands indicted for \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, and

WHEREAS, the parties have reached an agreement as to the disposition of the matter(s) presently before this Court as set forth above which agreement is more particularly set forth as follows:

1. The defendant agrees that he shall enter a plea of \_\_\_\_\_ to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ and stipulates that the evidence of the Commonwealth is sufficient to support a conviction upon such charge.

2. In exchange for such plea and stipulation the Commonwealth agrees that the defendant shall be sentenced to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_. Said suspended portion of the sentence to be conditioned upon the following.

3. The defendant shall be of good behavior in all respects for a period of \_\_\_\_\_.

4. The defendant shall be on supervised probation through \_\_\_\_\_ for a period of \_\_\_\_\_.

5. Other conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

6. The defendant, by his signature in acknowledgment of this Agreement, states the following:

- a. That the defendant has received and reviewed a copy of the indictments in this case and has fully discussed this matter with his attorney, and
- b. That the defendant has had adequate time to prepare his case and consult with his attorney regarding the facts of the case and all possible defenses, and
- c. That the defendant is satisfied with the services of his attorney, and
- d. That by entering into this Agreement, he waives any right to appeal the decision of the Court, except as to matters of jurisdiction, and
- e. That by pleading guilty, the defendant will waive certain rights, including but not limited to, the right to trial by jury, the right to cross-examine witnesses, the right to remain silent, and the right to present evidence in his defense.

7. That this Plea Agreement is the total agreement between the parties and there have been no other inducements, promises, threats or coercion of any kind directed or suggested to the defendant by the Commonwealth's Attorney or any agent of the Commonwealth.

8. It is further agreed that if the Court rejects the Plea Agreement, the defendant shall be so advised. In such event, neither the Commonwealth nor the defendant shall be bound by this Plea Agreement, and the defendant shall have the right to withdraw his plea, and the Commonwealth shall be free to proceed on the indictments as originally charged.

9. That no Circuit Court Judge has in any manner participated in nor been a party to any discussion(s) or negotiation(s) concerning the terms of this plea agreement.

This Plea Agreement is entered into freely and voluntarily upon full disclosure with the full knowledge and understanding of the ramifications thereof.

\_\_\_\_\_  
Commonwealth's Attorney

\_\_\_\_\_  
Counsel for Defendant

\_\_\_\_\_  
Defendant

The foregoing plea agreement is accepted this \_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
JUDGE



**ORDER FOR PSYCHOLOGICAL EVALUATION**

Case No.: .....

Commonwealth of Virginia Va. Code §§ 19.2-168, 19.2-168.1, 19.2-169.1, 19.2-169.5, 19.2-176

.....  
COURT NAME AND ADDRESS

Commonwealth of Virginia v. ....

**TYPE OF EVALUATION AND REPORT**

- COMPETENCY TO STAND TRIAL:** It appearing to the Court, on motion of  
 Commonwealth's Attorney                       defendant's attorney                       the Court  
and upon hearing evidence or representations of counsel, that there is probable cause to believe that the defendant lacks substantial capacity to understand the proceedings against him or to assist in his own defense, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant and to submit a report, on or before the date shown below, to this Court, the Commonwealth's Attorney and the defendant's attorney, concerning: (1) the defendant's capacity to understand the proceedings against him; (2) his ability to assist his attorney; and (3) his need for treatment in the event that he is found to be incompetent but restorable, or incompetent for the foreseeable future. No statement of the defendant relating to the time period of the alleged offense shall be included in the report.
  
- SANITY AT THE TIME OF THE OFFENSE:** It appearing to the Court, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity may be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the Court therefore appoints the evaluator(s) listed below to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. They shall prepare and submit a full report, on or before the date shown below, solely to the defendant's attorney, concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. If further evaluation on this issue is necessary, the evaluator(s) shall so state.
  
- The motion for the evaluation having been made by the Commonwealth after receiving notice pursuant to Virginia Code § 19.2-168, the Court also orders the defendant to submit to an evaluation and has advised the defendant that a refusal to cooperate with the Commonwealth's evaluator(s) could result in the exclusion of defendant's expert evidence. The Court further orders the evaluator(s) to submit to the attorneys for the Commonwealth and defendant copies of the report and the records obtained during the evaluation.
  
- INSANITY FOLLOWING CONVICTION BUT PRIOR TO SENTENCING:** It appearing to the Court, on motion of  
 Commonwealth's Attorney                       defendant's attorney                       the Court  
that there are reasonable grounds to question the defendant's mental state, the Court appoints the evaluator(s) listed below to evaluate the defendant's mental state and to submit a report, on or before the date shown below, to this Court, the Commonwealth's Attorney and the defendant's attorney, concerning whether (1) the defendant is mentally ill and (2) the defendant requires treatment in a mental hospital.

**DESIGNATION OF EVALUATOR(S)**

The Court finds and concludes that:

- the evaluation shall be performed on an outpatient basis at a mental health facility or in jail, as indicated below.
- as outpatient services are unavailable, the evaluation of competency shall be performed on an inpatient basis, as indicated below.
- the evaluation shall be conducted on an inpatient basis at a hospital designated by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services because:
  - no outpatient services are available
  - the results of outpatient evaluation (copy attached) indicate that hospitalization for further evaluation is necessary
  - a court of competent jurisdiction has found, pursuant to Virginia Code §§ 19.2-169.6 or 37.2-814, that the defendant requires emergency treatment on an inpatient basis at this time. The Court therefore appoints the following evaluator(s) to conduct the evaluation:

.....

EVALUATOR(S): NAME(S) AND TITLE(S) OR NAME OF FACILITY

qualified staff at a hospital to be designated by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services or his designee. Hospitalization for evaluation shall not extend beyond 30 days from the date of admission.

**DUE DATE AND TIME:**..... The Court further orders that the Commonwealth's Attorney and the defendant's attorney forward appropriate background information to the evaluator(s) as required by law.

**TO EVALUATORS AND ATTORNEYS:** See reverse for additional instructions.

.....

DATE \_\_\_\_\_ JUDGE

**ORDER FOR TREATMENT OF**

Case No. ....

**INCOMPETENT DEFENDANT**

Commonwealth of Virginia VA. CODE §§ 19.2-169.2, 19.2-169.3

.....

COURT NAME AND ADDRESS

Commonwealth of Virginia v.

.....

The Court having found, pursuant to Virginia Code § 19.2-169.1(E), that the Defendant is incompetent to stand trial, and having found further, based on the attached report or other evidence, that the Defendant can be treated to restore his or her competency

- on an outpatient basis in jail or through a local mental health facility
- solely on an inpatient basis in a hospital

the Court therefore ORDERS

[ ]

.....

NAME OF OUTPATIENT THERAPIST OR FACILITY

- qualified staff at a hospital to be designated by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services or his or her designee

to treat the Defendant in an effort to restore him to competency.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court concerning (1) the defendant's capacity to understand the proceedings against him and (2) the defendant's ability to assist his attorney.

If, at any time after treatment commences, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, he shall send a report to the court so stating and indicating whether, in the board, authority, or inpatient facility director's or his designee's opinion, the defendant (1) should be released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to § 37.2-806 in the event he is found to be unrestorably incompetent.

If the defendant has not been restored to competency by six (6) months from the date of the commencement of treatment, the board, authority, or inpatient facility director or his designee shall send a report to the court so stating and indicating whether, in the director's opinion, the defendant remains restorable to competency or whether the defendant should be (1) released from state custody; (2) committed pursuant to Virginia Code § 37.2-814 et seq.; or (3) certified pursuant to Virginia Code § 37.2-806 in the event he is found to be unrestorably incompetent..

.....  
DATE

\_\_\_\_\_  
JUDGE

**PROBATION VIOLATION DISPOSITION ORDER**

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

FIPS Code: 730.

Hearing Date:

Judge:

COMMONWEALTH OF VIRGINIA

v.

Case No:

\_\_\_\_\_,  
Defendant.

This day came the parties for the trial of the capias to show cause why the defendant's probation and previously suspended sentence should not be revoked.

The Commonwealth was represented by \_\_\_\_\_, and the defendant was represented by \_\_\_\_\_.

On \_\_\_\_\_ the defendant was sentenced by this Court for the following offenses:

\*

The Court received evidence ore tenus and considered the probation officers report which was introduced by the Commonwealth as evidence in this case. The Court further heard argument of counsel for the Commonwealth and defendant.

The Court finds:

- The defendant has violated the terms and condition of the sentencing Order(s).
- The defendant has violated the terms and condition of the sentencing Order(s), but the Court continues disposition to 9:00 a.m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and the clerk of this court recognized the defendant to appear.
- The defendant has not violated the terms and conditions of the sentencing Order(s), so the capias and show cause are hereby DISMISSED.

Pursuant to the provisions of Virginia Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

The Court having found the defendant in violation of the terms and conditions of the sentencing Order(s) hereby Orders the following disposition(s):

Case No: \_\_\_\_\_ Description: \_\_\_\_\_

- The Court hereby revokes and resuspends the remaining balance of the previously suspended sentence upon the conditions specified in Suspended Sentence Conditions.
- The Court hereby revokes and resuspends the remaining balance of the previously suspended sentence upon conditions specified in Suspended Sentence Conditions except:

time served prior to trial.  
 \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days incarceration imposed. The defendant is authorized  work release,  weekend incarceration with a delayed reporting date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m. and the clerk recognized the defendant to appear at the jail.

---

**Consecutive/concurrent:**

- These sentences shall run consecutively with all other sentences.  
 These sentences shall run concurrently with all other sentences.

The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code §53.1-187.

**Suspended Sentence Conditions:**

- Good Behavior: The defendant shall be of good behavior for \_\_\_\_\_ years from the date of this hearing.  
 Supervised Probation: The defendant is placed on probation under the supervision of a Probation Officer for an indefinite period or unless sooner released by the Court or the Probation Officer. The defendant shall comply with the rules and requirements of probation including substance abuse counseling and/or testing as prescribed by the Probation Officer. The defendant shall report to the Probation Officer within 72 hours of release from incarceration.  
 The defendant's probation shall also include completion of the \_\_\_\_\_ program and the defendant shall remain in custody until program entry.  
 Special Conditions: \_\_\_\_\_.  
 Restitution: The defendant shall make restitution as set forth in the Order for Restitution.

**Disposition of Defendant:**

- The defendant was remanded to the custody of the Sheriff.  
 The defendant was allowed to depart.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

**Defendant Identification:**

Name:

Alias:

SSN:

DOB:

Sex:

**Sentence Summary:**

Total Incarceration Sentence Imposed:

Total Sentence Suspended:

Total Active Sentence:

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v. Case No. \_\_\_\_\_.

\_\_\_\_\_  
Defendant

**NOTICE OF HEARING**

This day came the probation officer for this Court requesting termination of the defendant's probation supervision. The Court has reviewed the request and finds that the defendant has unsatisfied restitution owed. The Court must notice a hearing to inquire about the restitution payment plan before proceeding with the probation termination request.

It is hereby ORDERED that the defendant appear before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, at 9:00 a.m. for a hearing regarding probation termination and payment of restitution.

The clerk of this Court shall forward a copy of this Notice to the probation officer for delivery to the defendant and to the Commonwealth's Attorney. The clerk shall add this matter to the docket for the noticed hearing date and time. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v. Case No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**ORDER OF REFERRAL TO PROBATION SUPERVISION**

The Court finds facts sufficient for a guilty finding and conviction, but the Court defers disposition to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at 9:00 a.m. pursuant to Va. Code Section 18.2-251, and the Court recognized the defendant to appear. The defendant is placed on supervised probation through [Probation and Parole][Petersburg Court Services], and the defendant shall comply with the following conditions of probation:

1. Good behavior following all local, state and federal laws,
2. Follow all instructions of the probation officer,
3. Abstain from all illegal drugs, marijuana and alcohol,
4. Submit to random drug and alcohol testing,
5. Complete substance abuse evaluation and treatment as directed by probation,
6. Complete \_\_\_\_\_ hours of community service as assigned by probation,
7. Seek or maintain employment unless determined unable by probation,
8. Pay court costs according to a schedule established by the clerk, and
9. Operator's license suspension for 6 months.
10. Return to this Court on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ a.m./p.m.

The clerk of this court shall provide a copy of this Order to the defendant, and the defendant is directed to report to the probation office within seventy-two (72) hours of this Order to begin supervision. Failure to comply with any of the requirements of this Order may result in a show cause and return to court for revocation of probation status and entry of a final criminal conviction.

It is so ORDERED.

Entered: \_\_\_\_\_

\_\_\_\_\_  
JUDGE



**FORMS FOR CIVIL CASES**

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF PETERSBURG

**NOTICE OF DOCKET CALL**

You are hereby notified that the civil action referenced in the attached Notice of Docket Call is not presently scheduled for trial. Pursuant to Rule 1:20 of the Supreme Court of Virginia, you must appear at the time and place provided in the attached Notice of Docket Call for a scheduling conference. You should appear in person with your available dates and an estimate of time required for the trial.

You may contact the 11<sup>th</sup> Judicial Circuit Court Administrator to schedule the trial date prior to the docket call at [11circuit@vacourts.gov](mailto:11circuit@vacourts.gov). If all parties agree to the pre-scheduled date and time arranged through the Court Administrator, then the Court may excuse your appearance at docket call.

**You are further notified that failure to appear at docket call to schedule the trial may result in dismissal of this civil action.**

It is so ORDERED.

---

JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

\_\_\_\_\_,  
Plaintiff,

v.

Case No. \_\_\_\_\_.

\_\_\_\_\_,  
Defendant.

I. Trial

The trial date is the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m. (with a jury) (without a jury). The estimated length of trial is \_\_\_\_\_ day(s). This trial is scheduled in the number \_\_\_\_\_ position.

The pre-trial hearing for this case is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m. for \_\_\_\_\_ hour(s).

II. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's, and cross-claimant's experts shall be identified on or before 90 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 60 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 45 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the

Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

#### IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

#### V. Exhibit and Witness List

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

#### VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

#### VII. Motions in Limine

Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.

#### VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

#### IX. Continuances

Continuances will only be granted by the court for good cause shown.

#### X. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender to the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial.

XII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

The clerk shall forward a copy of this Order to the parties. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

\_\_\_\_\_  
Plaintiff's counsel.

\_\_\_\_\_  
Defendant's counsel.

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG**

\_\_\_\_\_,  
**Plaintiff,**

v.

Case No. \_\_\_\_\_:

\_\_\_\_\_,  
**Defendant.**

**CONTESTED DIVORCE SCHEDULING ORDER**

**I. Trial Date**

The trial date of this case is the \_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m.  
The estimated length of trial is \_\_\_\_\_ hours.

- Continuances of the trial date will only be granted by the Court for good cause shown.
- A court reporter is required for the trial and must be secured by the parties.

**II. Issues [check all that apply]**

- \_\_\_ Grounds of Divorce
- \_\_\_ Equitable Distribution
- \_\_\_ Child Custody
- \_\_\_ Child Visitation
- \_\_\_ Spousal Support
- \_\_\_ Child Support

**III. Discovery**

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. Discovery and depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e) of the Rules of the Supreme Court of Virginia.

**IV. Designation of Experts**

If requested in discovery, experts shall be identified on or before 90 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(I) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadline shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e) of the Rules of the Supreme Court of Virginia.

**V. Dispositive Motions**

All dispositive motions shall be presented to the court for hearing as far in advance of the pretrial conference as practical, and in no case later than the pretrial conference.

**VI. Exhibit and Witness List**

Counsel shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits was through inadvertence.

**VII. Pretrial Conference**

A pretrial conference will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_ at \_\_\_\_\_ a.m./p.m. The purpose of the pretrial conference is to discuss the issues, to reach stipulations, and any other matters that may aid in the disposition of the case. The parties and counsel must attend the pretrial conference in person. Five (5) days prior to the pretrial conference the parties shall exchange and submit the clerk proposed equitable distribution worksheets (The statutory factors that are applicable to the case and what evidence counsel expects to produce at trial to support each factor), income and expense worksheets, spousal support guideline worksheets, and child support guideline worksheets.

**VIII. Waiver of Modification of Terms of Order**

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

**IX. Failure To Comply**

Failure to comply with any provision of this Order by any party may result in limitation or exclusion of evidence, and/or claims, and/or the case being removed from the trial docket and/or any other appropriate sanctions. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
Judge

Seen and \_\_\_\_\_:

Seen and \_\_\_\_\_:

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

COMMONWEALTH OF VIRGINIA

v.

Case No. CL \_\_\_\_\_

---

**ORDER FOR APPOINTMENT OF COUNSEL**

The Court finds that the Commonwealth of Virginia is proceeding against the defendant pursuant to Title 37.2, Chapter 9, as a sexually violent predator. The Court having examined the defendant under oath determined that the defendant is indigent pursuant to Va. Code §§ 19.2-159 and 159.1. The Court therefore appoints \_\_\_\_\_ to represent the defendant pursuant to Va. Code §37.2-915. Court appointed counsel shall document the time and expenses incurred representing the defendant and submit a detailed list of allowances to this Court on the form prescribed by the Supreme Court of Virginia within 30 days of the entry of a final Order in this case for payment from the treasury of the Commonwealth of Virginia.

The clerk is directed to forward a copy of this Order to counsel, defendant and the Office of the Attorney General. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia. It is so ORDERED.

Enter: \_\_\_\_\_

---

JUDGE



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No. CL\_\_\_\_\_

---

**ORDER FOR APPOINTMENT OF COUNSEL**

The Court finds that the Commonwealth of Virginia is proceeding against the defendant pursuant to Title 37.2, Chapter 9, as a sexually violent predator. The Court having examined the defendant under oath determined that the defendant is indigent pursuant to Va. Code §§ 19.2-159 and 159.1. The Court therefore appoints \_\_\_\_\_ to represent the defendant pursuant to Va. Code §37.2-915. Court appointed counsel shall document the time and expenses incurred representing the defendant and submit a detailed list of allowances to this Court on the form prescribed by the Supreme Court of Virginia within 30 days of the entry of a final Order in this case for payment from the treasury of the Commonwealth of Virginia.

The Court directs defense counsel to identify and obtain available dates for a qualified court appointed expert to assist the defense pursuant to Va. Code § 37.2-907 in advance of the scheduled probable cause hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m. If the Court finds probable cause, then the Court will enter an order of appointment of expert at the conclusion of the probable cause hearing and schedule a trial date that will be within 120 days of the probable cause hearing pursuant to Va. Code §37.2-908. The Court may also schedule a pretrial hearing for the Court to hear any preliminary motions, receive stipulations and discuss the allotment of time for presentation of evidence by the parties.

The clerk is directed to forward a copy of this Order to counsel, defendant and the Office of the Attorney General. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No. CL\_\_\_\_\_

---

**ORDER FOR APPOINTMENT OF EXPERT**

The Court finds that the Commonwealth of Virginia is proceeding against the defendant pursuant to Title 37.2, Chapter 9, as a sexually violent predator. The Court having examined the defendant under oath determined that the defendant is indigent pursuant to Va. Code §§ 19.2-159 and 159.1. The Court further finds that probable cause has been found and that the defendant, by counsel, has requested the appointment of an expert to assist the defense. The Court grants the defendant's motion for expert assistance and appoints \_\_\_\_\_ to assist the defendant pursuant to Va. Code §37.2-907. The court appointed expert shall document the time and expenses incurred evaluating the defendant and submit a detailed list of allowances to this Court on the form prescribed by the Supreme Court of Virginia within 30 days of the entry of a final Order in this case for payment from the treasury of the Commonwealth of Virginia.

The Court Orders that the court appointed expert shall have reasonable access to all relevant medical and psychological records and reports pertaining to the defendant. The Court hereby directs the Attorney General to provide the relevant medical and psychological records and reports pertaining to the respondent to defense counsel within ten (10) days of entry of this Order. Defense Counsel shall deliver to the court appointed expert all records received from the Attorney General within twenty (20) days of entry of this Order. The court appointed expert shall not be permitted to testify as a defense witness unless the expert prepares and submits a

written report detailing all findings and conclusions along with all supporting data to the Court, Attorney General and defense counsel no less than forty-five (45) days prior to trial schedule for the \_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_, a.m./p.m., unless a different time period is agreed to by the parties in writing and submitted to the Court.

The clerk is directed to forward a copy of this Order to defense counsel, defendant and the Attorney General. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA

v.

Case No. CL\_\_\_\_\_

\_\_\_\_\_

**ORDER FOR ANNUAL REVIEW**

The Court finds that the Commonwealth of Virginia is proceeding against the defendant pursuant to Title 37.2, Chapter 9, as a sexually violent predator. The Court further finds that the defendant was committed to the custody of the Director of the Department of Behavioral Health for treatment as a sexually violent predator. The Court shall hold a status hearing on the \_\_\_\_ day of \_\_\_\_\_, 202\_, at \_\_\_\_\_ a.m./p.m. to assess the defendant's need for secure inpatient treatment. The defendant, defense counsel and the Attorney General shall appear for the hearing, and the attorneys shall have witness and expert witness availability to schedule a trial date, if requested by a party.

The Court having examined the defendant under oath determined that the defendant is indigent pursuant to Va. Code §§ 19.2-159 and 159.1. The Court therefore appoints \_\_\_\_\_ to represent the defendant pursuant to Va. Code §37.2-915. Court appointed counsel shall document the time and expenses incurred representing the defendant and submit a detailed list of allowances to this Court on the form prescribed by the Supreme Court of Virginia within 30 days of the entry of a final Order in this case for payment from the treasury of the Commonwealth of Virginia.

The Court grants the defendant's motion for expert assistance and appoints \_\_\_\_\_ to assist the defendant pursuant to Va. Code §37.2-910. The court appointed expert shall document the time and expenses incurred evaluating the defendant

and submit a detailed list of allowances to this Court on the form prescribed by the Supreme Court of Virginia within 30 days of the entry of a final Order in this case for payment from the treasury of the Commonwealth of Virginia.

The Court directs that the court appointed expert shall have reasonable access to all relevant medical and psychological records and reports pertaining to the defendant. The Court further directs the Attorney General to provide the relevant medical and psychological records and reports pertaining to the respondent to defense counsel sixty (60) days prior to the scheduled annual review hearing. Defense Counsel shall deliver to the court appointed expert all records received from the Attorney General within five (5) days of receipt of the records. The court appointed expert shall prepare and submit a written report detailing all findings and conclusions to the Court, Attorney General and defense counsel.

The clerk is directed to forward a copy of this Order to defense counsel, defendant and the Attorney General. Endorsements are dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia. It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

\_\_\_\_\_  
Plaintiff,

v.

Case #:

\_\_\_\_\_  
Defendant.

To:

**NOTICE OF DISCONTINUANCE – NO SERVICE IN ONE YEAR**

PLEASE TAKE NOTICE that on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_, at 11:30, a.m., this Court, pursuant to *Section 8.01-335* of the *Code of Virginia*, 1950, as amended, will discontinue this case because the defendant has not been served with process within one (1) year after the filing of the Complaint in the Clerk's Office, unless the Court finds that the plaintiff has exercised due diligence to have service timely effected.

Date:

\_\_\_\_\_  
Judge

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

\_\_\_\_\_  
Plaintiff,

v.

Case #

\_\_\_\_\_  
Defendant.

**ORDER OF DISCONTINUANCE**

The Court finds that this action was filed the \_\_\_ day of \_\_\_\_\_, 202\_\_; that the Court provided the plaintiff notice of entry of this Order of Discontinuance thirty (30) days prior to entry; and that the plaintiff failed to serve the defendant within twelve (12) months as required by *Section 8.01-335* of the *Code of Virginia*, 1950, as amended. It is therefore ORDERED that this action is discontinued, and the Clerk of this Court shall remove the cause from the active docket of this Court. Endorsement by the parties is dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia. The Clerk of this Court shall forward a copy of this Order to the parties.

It is so ORDERED.

Enter: \_\_\_\_\_

\_\_\_\_\_  
Judge



VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF PETERSBURG

\_\_\_\_\_  
Plaintiff,

v.

Case #

\_\_\_\_\_  
Defendant.

ORDER OF DISMISSAL

It appearing to the Court that for a period of more than three (3) years no order has been entered, or other proceeding had herein;

It is ORDERED that this case be, and the same hereby is, dismissed and stricken from the docket under and by virtue of Section 8.01-335(B) of the *Code of Virginia*, 1950, as amended.

Endorsement is waived pursuant to Rule 1:13.

The Clerk shall send a certified copy of this order to the parties,

Enter:

\_\_\_\_\_  
Judge

## REFERENCE

## Expedited Cases.

The Code of Virginia provides that certain cases must be expedited on the docket of Circuit Courts. The Code of Virginia also provides for the timing of certain cases. The Court, clerks, and parties should refer to the Code of Virginia to determine if a case requires special scheduling on the docket. The following is an index of known Virginia Code Sections that require special docketing:

### INDEX OF EXPEDITED CASES

<u>Section</u>	<u>Subject Matter</u>	<u>Language</u>
2.2-3713	FOIA	heard within 7 days
3.2-3908	agriculture trade secrets	expedited consideration
3.2-5216	adulterated products	move to head of docket and hearing as soon as practicable
3.2-5414	diseased poultry	move to head of docket and hearing as soon as practicable
5.1-1.7	aviation injunctions	give priority on docket
8.01-546.2	levy or seizure exemption	hearing no later than 10 days from filing
13.1-669.1	corporate elections	dispose of application on expedited basis
13.1-773	inspect corporate records	dispose of application on expedited basis
13.1-773.1	inspect corporate records	dispose of application on expedited basis
13.1-935	inspect corporate records	dispose of application on expedited basis
13.1-935.1	inspect corporate records	dispose of application on expedited basis
13.1-1281	inspect business trust	dispose of application on expedited basis
15.1-1507	county grievance app	hearing within 30 days
15.2-1905 (see also 15.2-1636.9, 2259, 2654, 3001)	county condemnation matters	placed on privileged docket, precedence over all other civil matters
15.2-1636.9	compensation board appeal	45 days for hearing
15.2-2259	planning commission	priority on civil docket, hear expeditiously
15.2-2654	bond validity	precedence over all other business of court
15.2-3001	local boundary adj.	priority over all cases, even criminal cases

16.1-131.1	const. of statute	priority on docket
16.1-241	juvenile abortion	expedited confidential appeal
16.1-278	agency services	advance appeal on docket
16.1-278.3	relief of care & custody advanced on docket to earliest practicable disposition	
16.1-279.1	protective order extension	precedence on docket
16.1-285.2	serious offender commit.	Schedule hearing within 30 days of request for release
16.1-289.1	juv. Program reconsider	hearing within 30 days
16.1-296	juv. Delinquency app.	45 days from appeal notice
16.1-296	term. Parental rights	90 days from appeal notice
16.1-296	protective order	precedence on docket
18.2-384	obscene book decl.	two weeks from filing
18.2-57.3	terminate def. disposition	30 days from request
19.2-68	eavesdropping order	timelines provided in hearing for process and hearing
19.2-124	criminal bond app.	Expedited hearing
19.2-152.8	emergency protective order	precedence on court docket
19.2-152.9	prelim. Protective order	precedence on docket
19.2-152.10	protective order	precedence on docket
19.2-158	criminal advisement	first court in session after arrest
19.2-182.3	NGRI commitment	expedited basis
19.2-182.5	NGRI confinement	priority over all pending matters
19.2-182.6	NGRI cond. Release	expedited basis and priority over all civil cases
19.2-182.8	NGRI release revocation	expedited basis and priority over all civil cases
19.2-327.1	test scientific evid.	Hearing between 30-90 days of filing
20-79.1	child sup. Income deduction	between 10-45 days of filing
20-108	custody military deployment	expedited on docket
20-124.8	temp. ord. military deploy.	Precedence on docket not to exceed 30 days

20-124.9	est. ord. military deploy.	Expedited on docket
20-146.29	child custody enforcement	next judicial day
20-146.35	UCCJEA appeal	accord with expedited appeals procedures
21-424 possible delay	drainage projects	precedence over all other cases except writs, heard with least
22.1-97	education funds	given first priority, heard expeditiously
24.2-235	local officer removal	precedence over all other cases on docket
24.2-422 soon as possible	voter registration denial	precedence over all other business of court, heard as
24.2-433 judges	election contests	precedence over all other court business or of any of the
27-98.5	fire code warrant	expeditious in camera viewing
32.1-48.010 (see also 48.013)	disease isolation	within 48 hours of temp. det. Order
32.1-309.2	dead body disposition	hearing in one day
36-96.10	fair housing subpoena	priority over all other not otherwise given priority
37.2-821 as possible	invol. Commitment	priority over all other pending matters and heard as soon
37.2-906	SVP probable cause	hearing within 90 days of petition
37.2-908	SVP trial	trial within 120 days of probable cause hearing
37.2-913	SVP emergency custody	hearing shall be given priority on docket
37.2-1101	Invol. Treatment Auth.	Shall schedule on expedited basis
38.2-5011	Birth Injury Act	shall be placed upon privileged docket
40.1-49.4	Work Safety Code	shall promptly set matter for hearing
40.1-49.12	Work Safety Code Warrant	conduct expeditiously in camera review
41.1-17	waste lands	hearing not less than 30 days or more than 60 days
46.2-301.1	impoundment of vehicle	precedence over all other matters on docket
46.2-391.2	DUI admin. Lic. Susp.	precedence over all other matters on docket

53.1-40.1	inmate invol. Treatment	shall give appeal priority
53.1-40.4 possible	mental patient admission	priority over all other pending matters, heard as soon as
59.1-508.15	computer transaction act	expedited judicial review
60.2-631 Commonwealth is a party	unemployment benefits	preference over all other cases except when
63.2-1208	adoption	shall expeditiously consider petition
63.2-1230	placement of child	earliest possible disposition
64.2-445	probate appeal	precedence on court docket