

**IN THE COURT OF APPEALS OF VIRGINIA**

**RECORD NO.**

Name(s), Appellant(s)<sup>1</sup>

v.

Name(s), Appellee(s)

**BRIEF OF APPELLEE<sup>2</sup>**

NAME OF APPELLEE OR ATTORNEY

EMAIL ADDRESS

LAW FIRM NAME (IF APPLICABLE)

MAILING ADDRESS

MAILING ADDRESS

TELEPHONE NUMBER

BAR NUMBER (IF APPLICABLE)

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<sup>1</sup> Regardless of whether you were the plaintiff or the defendant in the trial court, in the Court of Appeals you are called the appellee if you are responding to an appeal filed by your opposition.

<sup>2</sup> The brief of appellee is due 30 days after the opening brief is filed, or 30 days after the filing of the record in the Court of Appeals, whichever is later. Rule 5A:19(b).

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[If the argument is divided into separate headings, list each separate heading, and give the page where each begins.]

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<sup>3</sup> Each assignment of error must include a reference to the record or appendix to show where the error was preserved in the trial court. Rule 5A:21(e).

<sup>4</sup> The brief of appellee must include a statement of facts with references to the record or appendix. Rule 5A:21(c).

<sup>5</sup> The brief of appellee must include the standard of review and argument (including principles of law and authorities) relating to each assignment of error or cross-error. Rule 5A:21(d).

## **TABLE OF AUTHORITIES<sup>6</sup>**

### Table of Cases

Here list cases, alphabetically arranged, with citations and page numbers where each case appears in the brief. Cases may be listed alphabetically.

### Constitutional Provisions

Here list constitutional provisions in the order in which the provisions appear in the constitution with page numbers where each is referred to in the brief.

### Statutes

Here list statutes in the order in which they appear with page numbers where each is referred to in the brief. Common names of statutes may be used in addition to code numbers.

### Regulations and Rules

Here list regulations and court rules grouped in appropriate categories and listed in numerical order in each category with page numbers where each is referred to in the brief.

### Other Authorities

Here list other authorities with page numbers where each is referred to in the brief.

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<sup>6</sup> If filed electronically, the cover page, Table of Contents, Table of Authorities, and all entries therein must be bookmarked to the appropriate page. The bookmarks must be placed in an outline format and be bookmarked according to each heading in the Table of Contents. PDF files must be text searchable.

## **STATEMENT OF THE CASE**

This statement introduces the case and allows the appellee to introduce any additional assignments of error. The statement should not be argumentative. Provide a summary of the nature of the action, the relief sought in the trial court, and what happened in the trial court proceedings.

## **ASSIGNMENTS OF CROSS-ERROR (IF ANY)**

Here state and number each assignment of cross-error as required by Rule 5A:21.

Concisely define the legal issues for the appellate court to decide and number each issue. Each assignment of error should have a citation to the trial court record to show where the court erred. Each assignment of error should be phrased in the terms and circumstances of the case, but without unnecessary detail. The Court of Appeals should be able to determine what the case is about and what specific errors the Court needs to address on appeal. Do not present assignment of error as a question.

For example:

“1. The trial court erred in entering the order of May 12, 2025, denying defendant’s motion to vacate the judgment entered on May 1, 2025.”

OR

“2. The trial court erred in denying the defendant’s motion suppress evidence by order entered on March 10, 2025.

## **STATEMENT OF FACTS**

Provide a summary of facts necessary to correct or amplify the statement of facts set forth in the appellant’s opening brief. Each fact should be followed by a citation to the record or appendix. Rule 5A:21(c).

## ARGUMENT

The argument should ordinarily be separately stated under an appropriate heading for each issue being reviewed on appeal. Long arguments should include citations to legal authority and references to relevant parts of the record or appendix.

Assignment of Error 1: {List the issue}

A. Standard of Review:

Provide the Court with the standard of review or the “lens” it should look through to review the matter. Case law will tell you what standard of review applies to your issue. Cite the case law or other authority that shows the standard of review that applies to your issue. Rule 5A:21(d).

B. Preservation:

Cite the page number of the record or appendix to show where the trial court erred. Do not cite the entire record. Rule 5A:21(d).

C. Discussion:

Provide a summary of the law relevant to your argument with citations to authority where possible. State how the law applies to the facts of your case.

Assignment of Error 2: {List the issue}

A. Standard of Review:

B. Preservation:

C. Discussion:

[Repeat sub-sections A, B, and C for each assignment of error or cross-error]

## CONCLUSION

In the conclusion, briefly summarize your arguments. End your brief with a statement about what relief you want from the Court of Appeals.

## CERTIFICATE OF SERVICE<sup>7</sup>

I certify that on *(date)* \_\_\_\_\_, I *(check one)*

mailed |  emailed

a copy of this document to:

1) Party Name: \_\_\_\_\_

Attorney Name: *(if any)* \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

2) Party Name: \_\_\_\_\_

Attorney Name: *(if any)* \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

## CERTIFICATE OF ORAL ARGUMENT AND WORD COUNT OR PAGE LIMIT

I do/do not want oral argument.

My brief has \_\_\_\_\_ **words or pages**, which is not more than the 12,300-word or 50-page limit.

Respectfully submitted,

\_\_\_\_\_  
[Signature]

[Date]

<sup>7</sup> Any document filed with the Court of Appeals must also be sent to the opposing party. This form certifies that a copy has been provided. Rule 5A:1(c).