

TWENTY-SEVENTH JUDICIAL CIRCUIT  
OF VIRGINIA



BRETT L. GEISLER, JUDGE  
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CIRCUIT COURT FOR THE COUNTIES OF:  
BLAND, CARROLL, FLOYD, GILES,  
GRAYSON, MONTGOMERY, PULASKI, AND WYTHE  
CIRCUIT COURT FOR THE CITIES OF:  
GALAX AND RADFORD

COMMONWEALTH OF VIRGINIA

MEMORANDUM

TO: Members of the Grayson County - Galax Bar Association  
Members of the Carroll County Bar Association

FROM: Judge Brett L. Geisler *BAG*

DATE: May 11, 2020

SUBJECT: Court operations beginning May 18, 2020

As you know, the Supreme Court has issued its most recent order allowing the Courts discretion to consider hearing non-emergency matters on a discretionary basis.

I have this day entered an order outlining the conditions under which the Circuit Court of Carroll County will consider hearing such criminal and civil matters. In essence, the order attempts to allow attorneys and their clients access to the courts if such persons feel comfortable with participating in matters here in the Circuit Court of Carroll County. Attorneys or clients who do not feel comfortable participating in person will not be forced to jeopardize their health and safety. A copy of the order will be made available with this memorandum.

As always, should you have any questions whatsoever, please feel free to contact me at any time.

## ORDER

### VIRGINIA: IN THE CIRCUIT COURT OF CARROLL COUNTY

All courts in the Commonwealth of Virginia are currently under a judicial order from the Virginia Supreme Court. This order is dated May 6, 2020, and available for public inspection. It remains in effect from May 18, 2020 through June 7, 2020, and subject to amendment.

In an effort to begin transitioning to a more normalized operation of judicial activities, the following rules and parameters will be in effect. These rules are subject to amendment depending on prevailing circumstances.

All criminal matters wherein the defendant is incarcerated shall be conducted by video at the time previously prescribed by this court. The court will handle all agreed matters as it has been doing. In the event a live hearing is required, it will only be scheduled after consultation with the presiding judge and only under very limited and controlled circumstances prescribed by the court.

All criminal matters wherein the defendant is not incarcerated shall be dealt with as follows:

Agreed to matters, such as adjudicatory and dispositional matters based on plea agreements, may be docketed although the number of cases heard will be limited in the discretion of the court and subject to "first come, first serve" scheduling. These hearing will be subject to the "social distancing" rules detailed further in this order. A defense attorney wishing to schedule an agreed to hearing should contact the office of the Commonwealth's attorney and coordinate the hearing date and time with the Judge's office and under the supervision of the presiding judge.

Motions hearings may be heard depending on the complexity and number of requisite witnesses. Approval of the court must be granted prior to docketing.

Matters that are contested and require in-person hearings will only be heard upon approval by the court. Complex matters requiring extensive witness testimony will likely be continued until after June 7, 2020. Decision will be made by the presiding judge on a case-by-case basis until June 7, 2020.

All civil matters may be conducted by video and/or telephone conferencing as has been the ongoing practice of this court. The docketing of these matters can be done through the Judge's office using the ordinary procedures already in place.

Any civil matters that are contested and require a hearing are continued to beyond June 7, 2020, unless explicit permission is granted by the presiding judge.


All hearings of any kind are subject to the following rules, which are subject to amendment at any time:

1. No one shall be inside the courthouse unless they are actively conducting court business. The courthouse shall not be used as a waiting area. Procedures will be developed in the coming days to assist litigants, notify them, and direct them when their hearing is "on deck." Social distancing standards will be enforced on the grounds of the courthouse as well.
2. No one shall congregate in the courthouse. Social distancing shall be strictly enforced by officers of the court. Once anyone's business is concluded, they must leave the building.
3. Traffic in the courtroom itself will be strictly limited. Cases will be heard singularly and under control of the court. Attorneys and litigants will be notified when their hearing is ready to be heard.

All officers of the court are directed to comply with the rules and set examples to the public during this difficult and uncertain time.

These rules are subject to immediate and unannounced amendment by the presiding judge depending on prevailing circumstances.

Enter this Order this 11<sup>th</sup> day of May, 2020.

A handwritten signature in black ink, appearing to be "J. M. [unclear]", written over a horizontal line.