

**COURT CASE FORMS –
CRIMINAL**

DC-300 SERIES

**DISTRICT COURT MANUAL
FORMS VOLUME**

Using This Revisable PDF Form

This form is supplied by the magistrate or clerk to the victim or family member of the victim of a crime or to a witness in a criminal prosecution when the victim, family member or witness wishes to request the court not to release any information regarding that person (residential address, telephone number, place of employment or family members).

Once the request is received, all documents containing the protected information must be sealed in a manila envelope. The following endorsement should be stamped on the face of the envelope: "Confidential - pursuant to Virginia Code § 19.2-11.2, the information contained herein is not subject to disclosure and you are therefore forbidden to inspect the contents contained herein. Date/Time/Signature."

The envelope containing the protected documents should be attached to the case paper and filed in the appropriate pending or permanent file folder.

REQUEST FOR CONFIDENTIALITY

Commonwealth of Virginia Va. Code §§ 19.2-11.01; 19.2-11.2

Case No. 1

TO: 2 **3** Circuit Court General District Court
 Juvenile and Domestic Relations District Court

Commonwealth of Virginia v. 4

Requested by: 5
NAME

5
ADDRESS (OPTIONAL)

5
EMPLOYER NAME AND ADDRESS (OPTIONAL)

5
TELEPHONE NUMBER (OPTIONAL) VIRGINIA DRIVER'S LICENSE NUMBER (OPTIONAL)

I, the undersigned, am a

- 6** { victim spouse or child of a victim parent or legal guardian of a victim who is a minor or
 spouse, parent, sibling or legal guardian of a victim who is physically or mentally incapacitated, or who was the victim of a homicide.

The crime committed against the victim was

- 7** { a felony
 one of the following:
 sexual battery in violation of Va. Code § 18.2-67.4
 assault and battery in violation of Va. Code § 18.2-57 or § 18.2-57.2
 stalking in violation of Va. Code § 18.2-60.3
 attempted sexual battery in violation of Va. Code § 18.2-67.5
 driving while intoxicated in violation of Va. Code § 18.2-266
 maiming while driving intoxicated in violation of Va. Code § 18.2-51.4
 a violation of a protective order in violation of Va. Code § 16.1-253.2 or § 18.2-60.4
 a delinquent act that would be a felony or a misdemeanor violation of one of the above offenses if committed by an adult

8 witness in a criminal prosecution under Va. Code § 18.2-46.2, § 18.2-46.3 or § 18.2-248, or of any violent felony as defined by § 17.1-805(C).

I request that the above-named court(s) not disclose, release or allow to be examined any information as to my residential address, telephone number, place of employment or that of my family members except as specifically authorized by Va. Code § 19.2-11.2.

The names of my family members to whom this request applies are: 9

10
DATE OF REQUEST

11
SIGNATURE OF PARTY MAKING REQUEST

Received on 12
DATE AND TIME

by 13
 CLERK/DEPUTY CLERK MAGISTRATE INTAKE OFFICER

TO THE CLERK: PLACE IN A SEALED ENVELOPE

Data Elements

1. Court case number.
2. Court jurisdiction, city or county.
3. Check which court is appropriate.
4. Name of the defendant.
5. Name, address, telephone number, employer's name and address and driver's license number of person requesting confidentiality.
6. Check the box that corresponds to the person requesting confidentiality. If it is a witness, see item number 8.
7. Check the appropriate box.
8. Check this box if the person requesting confidentiality is a witness in a criminal prosecution of one of the listed offenses.
9. Names of all family members included in this request.
10. Date of request.
11. Signature of person making request.
12. Date received by clerk/magistrate/intake officer.
13. Name of clerk/magistrate/intake officer.

Using This Form

Virginia Code § 19.2-187 permits the defendant's "counsel of record" (which could be the defendant, if he is proceeding *pro se*) to request a copy of the certificate of analysis. However, this request must be made at least 10 days prior to trial, and it must be on a form developed by the Supreme Court of Virginia. In addition, if the request is submitted prior to the case being filed in the court, the clerk may send the request back and ask that it be resubmitted following the filing of the case with the court.

This form was developed for use in making the request for a copy of the certificate of analysis.

REQUEST FOR COPY OF CERTIFICATE OF ANALYSIS

Commonwealth of Virginia Va. Code § 19.2-187

Case No. (if known): **1**

..... **2**
HEARING DATE AND TIME

Charge: **3**

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

..... **4**
CITY OR COUNTY

..... **5**
COURT ADDRESS

Commonwealth of Virginia v.
DEFENDANT

..... **6**
LOCALITY

To the Clerk of the above-named Court:

I, **7** , hereby request that a copy
 DEFENDANT COUNSEL FOR DEFENDANT (PRINT NAME)

of the certificate of analysis in the above-named case be sent to me at the following address:

..... **8**
.....

..... **9**
DATE

..... **10**
SIGNATURE

I certify that a copy of this request has been mailed or delivered to the Commonwealth's Attorney of this jurisdiction on this **11** day of **11** , 20

..... **12**
 DEFENDANT COUNSEL FOR DEFENDANT

..... **13**
TELEPHONE NUMBER OF DEFENDANT COUNSEL FOR DEFENDANT

CERTIFICATION

14 This case is not yet before this court. This request must be resubmitted.

15 I certify that I have mailed or delivered a copy of such certification to the address provided in the above case, at no charge to the signator, on this day of , 20.....

..... **16**
DATE

..... **17**
 CLERK DEPUTY CLERK COMMONWEALTH'S ATTORNEY

Data Elements

1. Case number (if known).
2. Date and time of the trial.
3. Pending charge for which the certificate of analysis is sought.
4. Name of the court in which the case is pending.
5. Court address.
6. Style of the case.
7. Name of person requesting a copy of the certificate of analysis (either the attorney for the defendant or the defendant if appearing *pro se*). Check the appropriate box.
8. Address to which the copy of the certificate of analysis is requested to be sent.
9. Date of request.
10. Signature of the requestor.
11. Date on which requestor mailed or delivered a copy of the request to the Commonwealth's Attorney.
12. Signature of requestor certifying that a copy of the request was mailed or delivered to the Commonwealth's Attorney.
13. Telephone number of requestor.

To be completed by the clerk or the Commonwealth's Attorney:

14. Check this box if the case has not yet been filed with the court. The request must be resubmitted once the case is filed.
15. Check this box and indicate on which clerk or Commonwealth's Attorney mailed or delivered a copy of the certificate of analysis to defendant's attorney.
16. Date signed.
17. Signature of Commonwealth's Attorney, clerk or deputy clerk certifying mailing or delivery of copy of the certificate of analysis.

Using This Form

1. Copies –
 - a. Original--to court.
 - b. Copy – mailed or delivered to the Division of Forensic Science
2. Prepared for the most part by defendant or counsel for the defendant, signed by defendant or his or her counsel, and order section completed by judge and signed by judge at bottom.
3. Attachments--none
4. Preparation details

This form is for use by the defendant to request that the court order that a blood sample held by the Division of Forensic Science be transmitted to an independent laboratory for testing. Virginia Code §§ 18.2-268.7 and 46.2-341.26:7 require the Division of Forensic Science to hold a blood sample tested for 90 days to provide the defendant the opportunity to file such a motion.

MOTION FOR TRANSMISSION OF BLOOD SAMPLE

Commonwealth of Virginia Va. Code §§ 18.2-268.7, 46.2-341.26:7

Case No. (if known): 1

2 MOTION HEARING DATE AND TIME

[] General District Court [] Circuit Court [] Juvenile and Domestic Relations District Court

3 CITY OR COUNTY

4 COURT ADDRESS

[] Commonwealth of Virginia 5 v. DEFENDANT

[] LOCALITY

6 OFFENSE DATE

7 TRIAL HEARING DATE AND TIME

I, 8, hereby request that this court [] DEFENDANT [] COUNSEL FOR DEFENDANT

order the Department of Forensic Science to transmit the remainder of the blood sample taken in the above-named case to the independent laboratory retained for analysis of this sample. If this motion is granted, the Department should be directed to transmit the remainder of the blood sample to:

9 NAME OF LABORATORY

10 ADDRESS

11 DATE

12 SIGNATURE

I certify that notice of this motion has been mailed or delivered to the Department of Forensic Science, 700 N. 5th Street, Richmond, Virginia 23219 on this day of 13, 20

14 [] DEFENDANT [] COUNSEL FOR DEFENDANT

15 PRINT NAME

16 ADDRESS/TELEPHONE NUMBER OF [] DEFENDANT [] COUNSEL FOR DEFENDANT

ORDER

17 [] The motion is granted. The Department of Forensic Science is directed to transmit the remaining blood sample in this case to the laboratory identified above.

18 [] The motion is denied.

19 DATE

20 JUDGE

Data Elements

1. Case Number (if known). If not known, will be completed by the clerk.
2. Date and time of the motion hearing.
3. Name of the court in which the case is pending. Check the appropriate box for the type of court.
4. Court address.
5. Style of the case.
6. Date of the offense.
7. Date and time of trial hearing.
8. Name of person requesting the transmission of the blood sample (either the attorney for the defendant or the defendant if appearing *pro se*). Check the applicable box.
9. Name of laboratory to which the sample should be sent.
10. Address of laboratory.
11. Date of request.
12. Signature of requestor.
13. Date on which requestor mailed or delivered a copy of the request to the Division of Forensic Science.
14. Signature of requestor certifying that a copy of the request was mailed or delivered to the Division of Forensic Science.
15. Printed name of requestor.
16. Address and telephone number of requestor.
17. Check this box if the motion is granted.
18. Check this box if the motion is denied.
19. Date signed.
20. Signature of judge.

Using This Form

1. Copies
 - a. Original – to court.
 - b. Copy – to law enforcement agency.
 - c. Copy – to defendant or defendant’s attorney.
 - d. Additional copies – as local needs dictate.
2. Prepared largely by defendant or counsel for the defendant, signed by defendant or his or her counsel, and order section completed and signed by judge.
3. Preparation details

Virginia Code § 19.2-188.1 permits a law enforcement officer to testify at trial as to the results of a marijuana field test when the identity of plant material is at issue provided that, prior to trial, the defendant was given written notice of his right to request a full chemical analysis of the alleged plant material. A request for a full chemical analysis of the alleged plant material would be made by motion to the court where the case is pending and, upon such motion, the court must order that the Department of Forensic Science perform such chemical analysis.

This form was developed for use as notice of the right to request full chemical analysis, a motion for request of chemical analysis, and an order for chemical analysis of alleged plant material.

NOTICE, MOTION AND ORDER FOR CHEMICAL ANALYSIS OF ALLEGED PLANT MATERIAL

COMMONWEALTH OF VIRGINIA

VA. CODE §§ 19.2-187, 19.2-188.1

Case No. **1**

NOTICE TO ACCUSED

The Code of Virginia provides that if you are accused of a violation of § 18.2-250.1, you have a right to request a full chemical analysis of plant material which is alleged to be marijuana to determine whether or not the plant material is marijuana. Such a request may be made by motion prior to trial before the court in which the charge is pending.

..... **2** General District Court Circuit Court
CITY OR COUNTY Juvenile and Domestic Relations District Court

..... **3**
COURT ADDRESS

Commonwealth of Virginia **4** v.
DEFENDANT

.....
LOCALITY

..... **5**
OFFENSE DATE

..... **6**
TRIAL HEARING DATE AND TIME

MOTION

I hereby request that this court order the Department of Forensic Science to perform a full chemical analysis on plant material, the identity of which is at issue, to determine whether the plant material is marijuana.

..... **7**
DATE

..... **8**
 DEFENDANT ATTORNEY FOR DEFENDANT

..... **9**
PRINT NAME

..... **10**
ADDRESS/TELEPHONE NUMBER OF DEFENDANT ATTORNEY FOR DEFENDANT

ORDER

11 The motion is granted. The Department of Forensic Science is directed to perform a full chemical analysis of plant material, the identity of which is at issue in this case, to determine whether the plant material is marijuana. The plant material shall be delivered or mailed to the Department of Forensic Science by an agent/representative of the investigating law enforcement agency with a copy of this Order. The Department of Forensic Science shall return the plant material to the submitting law enforcement agency upon completion of the chemical analysis and transmit a copy of the certificate of analysis to the Commonwealth's attorney.

Other: **12**

13 The motion is denied.

..... **14**
DATE

..... **15**
JUDGE

Data Elements

1. Case number.
2. Name of the court in which the case is pending. Check the appropriate box for the type of court.
3. Court address.
4. Style of the case.
5. Date of the offense.
6. Date and time of trial hearing.
7. Date of request.
8. Signature of defendant or defendant's attorney. Check appropriate box.
9. Printed name of signatory.
10. Address and telephone number of the defendant, if the defendant is not represented by counsel, or address and telephone number of defendant's attorney, if defendant is represented by counsel.
11. Check this box if motion is granted.
12. Space is provided for additional orders upon grant of motion.
13. Check this box if motion is denied. Space is provided for written basis of denial.
14. Date of entry of order.
15. Signature of judge.

Using This Form

1. Copies –
 - a. Original – to court.
 - b. Copy – mailed, delivered or otherwise provided to the attorney for the Commonwealth.
2. Prepared by defendant or counsel for the defendant and signed by defendant or his or her counsel.
3. Attachments – none
4. Preparation details

This form is for use by the defendant to object to admission of a certificate of analysis, in lieu of testimony, as evidence against the defendant or to object to admission of testimony by two-way video conferencing. Virginia Code § 19.2-187.1 requires the defendant to make this objection in writing and to file the objection with the court hearing the matter, with a copy to the attorney for the Commonwealth, no more than 14 days after the certificate and notice have been filed with the clerk by the attorney for the Commonwealth. Failure to do so shall result in the defendant waiving the objection to admission of the certificate of analysis, in lieu of testimony, as evidence of the facts stated therein and of the results of the analysis or examination, or waiving the objection to admission of testimony by two-way video conferencing.

**OBJECTION TO ADMISSION OF
CERTIFICATE OF ANALYSIS/VIDEO TESTIMONY**

Commonwealth of Virginia VA. CODE § 19.2-187.1; RULES 3A:21, 7C:7

Case No. 1

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

2
CITY OR COUNTY

3
COURT ADDRESS

Commonwealth of Virginia 4 v. _____
DEFENDANT

LOCALITY

5
OFFENSE DATE

6
TRIAL/HEARING DATE AND TIME

7 Pursuant to Virginia Code § 19.2-187.1(B), the undersigned hereby objects to admission of the certificate of analysis filed by the attorney for the Commonwealth with the clerk of this court on 7 DATE in lieu of testimony, as evidence of the facts stated therein and of the results of the analysis or examination.

8 Pursuant to Virginia Code § 19.2-187.1(B1), and in response to the notice of intent to present testimony by two-way video conferencing filed by the attorney for the Commonwealth with the clerk of this court on 8 DATE, the undersigned hereby objects to admission of testimony by two-way video conferencing.

9
DATE

10
SIGNATURE OF DEFENDANT COUNSEL FOR DEFENDANT

11
PRINT NAME

12
ADDRESS/TELEPHONE NUMBER OF DEFENDANT COUNSEL FOR DEFENDANT

DEFENDANT'S CERTIFICATE

I hereby certify that I provided a copy of this OBJECTION TO ADMISSION OF CERTIFICATE OF ANALYSIS/VIDEO TESTIMONY to the attorney for the Commonwealth by 13 METHOD OF DELIVERY on 14 DATE

15
SIGNATURE OF DEFENDANT COUNSEL FOR DEFENDANT

Data Elements

1. Case Number (if known). If not known, will be completed by the clerk.
2. Name of the court in which the case is pending. Check the appropriate box for the type of court.
3. Court address.
4. Style of the case.
5. Date of the offense.
6. Date and time of trial or hearing.
7. Check box if defendant objects to the admission of the certificate of analysis in lieu of testimony. Enter date on which the attorney for the Commonwealth filed the certificate of analysis with the court.
8. Check this box if defendant objects to the admission of testimony by two-way video conferencing. Enter date on which the attorney for the Commonwealth filed the notice of intent to present testimony by two-way video conferencing with the court.
9. Date of objection.
10. Signature of defendant or counsel for defendant.
11. Printed name of the defendant or counsel for defendant.
12. Address and telephone number of defendant or counsel for defendant.
13. Method by which written objection provided to the attorney for the Commonwealth.
14. Date objection provided to the attorney for the Commonwealth.
15. Signature of objector certifying that a copy of the objection was provided to the attorney for the Commonwealth by the method and on the date specified.

Using This Form

1. Copies –
 - a. Original – to court.
 - b. Copy – mailed, delivered or otherwise provided to the attorney for the Commonwealth.
2. Prepared by defendant or counsel for the defendant and signed by the defendant or his or her counsel.
3. Attachments – none.
4. Preparation details

This form is for use by the defendant to object an affidavit, in lieu of testimony, as evidence of the facts stated therein. Virginia Code § 18.2-472.1 requires the defendant to make this objection in writing and to file the objection with the court hearing the matter, with a copy to the attorney for the Commonwealth, no more than 14 days after the affidavit and notice have been filed with the clerk by the attorney for the Commonwealth. Failure to do so shall result in the defendant waiving the objection to admission of the affidavit, in lieu of testimony, as evidence of the facts stated therein.

OBJECTION TO ADMISSION OF AFFIDAVIT

Case No. 1

Commonwealth of Virginia
VA. CODE §§ 18.2-472.1(H); 19.2-188.3; RULES 3A:21, 7C:7

2
CITY OR COUNTY General District Court Circuit Court
 Juvenile and Domestic Relations District Court

3
COURT ADDRESS

Commonwealth of Virginia 4 v. _____
DEFENDANT

LOCALITY

5
OFFENSE DATE

6
TRIAL/HEARING DATE AND TIME

Pursuant to Virginia Code § 18.2-472.1(H), the undersigned hereby objects to admission of the affidavit filed by the attorney for the Commonwealth with the clerk of this court on 7,
DATE
in lieu of testimony, as evidence of the facts stated therein.

8
DATE

9
SIGNATURE OF DEFENDANT COUNSEL FOR DEFENDANT

10
PRINT NAME

11
ADDRESS/TELEPHONE NUMBER OF DEFENDANT COUNSEL FOR DEFENDANT

DEFENDANT'S CERTIFICATE

I hereby certify that I have provided a copy of this OBJECTION TO ADMISSION OF AFFIDAVIT to the attorney for the Commonwealth by 12 on 13,
METHOD OF DELIVERY DATE

14
SIGNATURE OF DEFENDANT COUNSEL FOR DEFENDANT

Data Elements

1. Case Number (if known). If not known, will be completed by the clerk.
2. Name of the court in which the case is pending. Check the appropriate box for the type of court.
3. Court address.
4. Style of the case.
5. Date of the offense.
6. Date and time of trial or hearing.
7. Date on which the attorney for the Commonwealth filed the affidavit with the court.
8. Date of objection.
9. Signature of defendant or counsel for defendant.
10. Printed name of the defendant or counsel for defendant.
11. Address and telephone number of defendant or counsel for defendant.
12. Method by which written objection provided to the attorney for the Commonwealth.
13. Date objection provided to the attorney for the Commonwealth.
14. Signature of objector certifying that a copy of the objection was provided to the attorney for the Commonwealth by the method and on the date specified.

Using This Form

1. Copies
 - a. Original (attached to *original* copy of warrant or summons).
 - b. Copies (if any) as dictated by local practice.
2. Prepared by complainant if possible – otherwise, by magistrate or court personnel from information from complainant. May be prepared elsewhere. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in a statement by a third person, the law enforcement officer is the complainant and should prepare his own form, sign it and swear to it as the complainant.
3. Attachments
 - a. Form DC-312, WARRANT OF ARREST – FELONY.
 - b. Form DC-314, WARRANT OF ARREST – MISDEMEANOR (STATE).
 - c. Form DC-315, WARRANT OF ARREST – MISDEMEANOR (LOCAL).
 - d. Form DC-319, SUMMONS.
4. Preparation details

Use of this form is permitted by Rule 3A:3, but not required. Its use is strongly recommended.

CRIMINAL COMPLAINT (BAD CHECK)

RULES 3A:3 AND 7C:3

PRINT ALL INFORMATION CLEARLY

..... **1** **2** General District Court
..... Juvenile and Domestic Relations District Court

I, the undersigned Complainant, this day make oath that I have
reason to believe that the Accused, on or about **3**
DATE
in the City County Town of **4**

Committed Larceny by check in violation of Va. Code § 18.2-181

I base my belief on the following facts:

5 { The accused (made)(drew)(uttered)(delivered) a check in the amount of \$
drawn on, Check No.
payable to the order of
and accepted by

The drawee refused to honor the check because **6**

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I also obligate myself to appear in court and testify on behalf of the Commonwealth of Virginia if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

..... **7**
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

..... **8**
DATE AND TIME
..... **9**
 CLERK MAGISTRATE JUDGE

CASE NO. **10**

**CRIMINAL COMPLAINT
(BAD CHECK)**

ACCUSED: Name, Description, Address/Location
..... **11**
LAST NAME, FIRST NAME, MIDDLE NAME
.....
.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN
..... **12**

Other identification or location information
..... **13**
.....
.....

COMPLAINANT: Name (last, first, middle), Address,
Title (if any) and telephone number
..... **14**
.....
.....

15 Complainant is not a law-enforcement officer or
animal control officer. Authorization prior to
issuance of felony arrest warrant given by
 Commonwealth's attorney
16 Law-enforcement agency having
jurisdiction over alleged offense

..... **17**
NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT
..... **18**
DATE AND TIME AUTHORIZATION GIVEN

Data Elements

1. Jurisdiction name.
2. Check the court to which the case papers will be returned.
3. Date of offense.
4. Jurisdiction in which offense was committed.
5. Insert bad check information (e.g., amount, bank, payee).
6. Insert reason bank refused to honor check (e.g., account closed, insufficient funds).
7. Signature of person filing the complaint.
8. Date on which the complaint was sworn to.
9. Signature of person before whom the complaint was sworn to. Check the appropriate title box below the signature line.
10. Court case number.
11. Name of defendant and location where defendant may be found.
12. Information describing the defendant. These boxes should be completed in whole or in part *only* as to those facts which the complainant is reasonably certain are true. "DOB" means date of birth. "SSN" means Social Security number.
13. Space for additional description or location information.
14. Name of complainant, and address and telephone number where complainant can be reached.
15. If felony arrest warrant to be issued, check this box if complainant is not a law-enforcement officer or animal control officer, and complete Data Element Nos. 16, 17, and 18.
16. Check appropriate box to indicate who gave authorization prior to issuance of felony arrest warrant, if applicable.
17. Insert name of person authorizing issuance of felony arrest warrant, if applicable.
18. Insert date and time authorization was given, if applicable.

Using This Form

1. Copies
 - a. Original (attached to *original* copy of warrant or summons).
 - b. Copies (if any) dictated by local practice.
2. Prepared by complainant if possible – otherwise by magistrate or court personnel from information from complainant. May be prepared elsewhere. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in a statement signed by a third person, the law enforcement officer is the complainant and should prepare his own form, sign it and swear to it as the complainant.
3. Attachments
 - a. Form DC-312, WARRANT OF ARREST – FELONY
 - b. Form DC-314, WARRANT OF ARREST – MISDEMEANOR (STATE)
 - c. Form DC-315, WARRANT OF ARREST – MISDEMEANOR (LOCAL)
 - d. Form DC-319, SUMMONS
4. Preparation details

Use of this form is permitted by Rule 3A:3 but not required.

CRIMINAL COMPLAINT

Commonwealth of Virginia

RULES 3A:3 AND 7C:3

1

2 General District Court
 Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

3

..... in the City County Town

DATE OFFENSE OCCURRED

4

of

I base my belief on the following facts: (Print ALL information clearly.)

5

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

6

.....
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

7

.....
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

8

.....
DATE AND TIME

9

.....
 CLERK MAGISTRATE JUDGE

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

10

.....
LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									

11

12 Complainant is not a law-enforcement officer or animal control officer. Authorization prior to issuance of felony arrest warrant given by
13 Commonwealth's attorney
 Law-enforcement agency having jurisdiction over alleged offense

14

.....
NAME OF PERSON AUTHORIZING ISSUANCE OF WARRANT

15

.....
DATE AND TIME AUTHORIZATION GIVEN

Data Elements

1. Jurisdiction name.
2. Check the court to which the case papers will be returned.
3. Date of offense.
4. Jurisdiction in which offense was committed.
5. Facts alleged to show probable cause.
6. Print name of complainant.
7. Signature of person filing the complaint.
8. Date and time when the complaint was sworn to.
9. Signature of person before whom the complaint was sworn to. Check the appropriate title box below the signature line.
10. Name of defendant and location where defendant may be found.
11. Information describing the defendant. These boxes should be completed in whole or in part *only* as to those facts which the complainant is reasonably certain are true. "DOB" means date of birth. "SSN" means Social Security number.
12. If felony arrest warrant to be issued, check this box if complainant is not a law-enforcement officer or animal control officer, and complete Data Element Nos. 16, 17, and 18.
13. Check appropriate box to indicate who gave authorization prior to issuance of felony arrest warrant, if applicable.
14. Insert name of person authorizing issuance of felony arrest warrant, if applicable.
15. Insert date and time authorization was given, if applicable.

Using This Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – to defendant.
 - c. Second copy – to Commonwealth’s Attorney.
 - d. Third copy – give to arresting officer.
2. Prepared by magistrate, judge or clerk.
3. Attachments to original copy *only* when warrant is issued.
 - a. Form DC-310, CRIMINAL COMPLAINT (BAD CHECK) (if used in this case).
 - b. Form DC-311, CRIMINAL COMPLAINT (if used in this case).
 - c. Form DC-330, RECOGNIZANCE, if released on bail after arrest.
 - d. Form DC-325, REQUEST FOR WITNESS SUBPOENA (if used).
4. Preparation details
 - a. Front of form – sample descriptions of charges and Virginia Code citations can be found in the Appendices of Virginia’s MAGISTRATE MANUAL. Only one charge may be listed per Warrant.
 - b. Front of form, “Hearing Date,” space is provided for date of arraignment, preliminary hearing and continuation dates. Insert the date of the first hearing, regardless of the type of hearing, and all subsequent hearing dates.
 - c. Front of form, identification blocks, fill in *only* those boxes for which information *is known at time of issuance with reasonable certainty*. All of these elements except social security number are used in interstate criminal information exchanges. Social security number is used to collect unpaid fines and costs under the Set-Off Debt Collection Act. Law enforcement officers can fill in blank boxes at later date. *Amendments or changes to the document after issuance are prohibited except by motion to the courts.*
 - d. If the driver's license is suspended as part of a conviction of driving while intoxicated (Va. Code § 18.2-266) and a Restricted License Order and entry into Alcohol Rehabilitation Program, form DC-265, is entered, the box for "driver's license suspended" should be checked, along with the "restricted driver's license" box.
 - e. Back of form, Fines and Costs, accounting code numbers printed next to expenses are for bookkeeping purposes.

WARRANT OF ARREST – FELONY

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

..... **1** **2**
CITY OR COUNTY [] General District Court [] Criminal [] Traffic
[] Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **3** did unlawfully and feloniously in violation of Section

..... **4**, Code of Virginia:

..... **5**

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

..... **6**, Complainant.

..... **7**
DATE AND TIME ISSUED

..... **8**
[] CLERK [] MAGISTRATE [] JUDGE

CASE NO. **9**

ACCUSED:

..... **10**
LAST NAME, FIRST NAME, MIDDLE NAME

.....
ADDRESS/LOCATION

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

D.L.# **11** STATE

12 [] Commercial Driver's License

CLASS **13** **FELONY**

14 [] EXECUTED by arresting the Accused named above on this day:

..... **15**
DATE AND TIME OF SERVICE

..... **16**, Arresting Officer

..... **17**
BADGE NO., AGENCY AND JURISDICTION

for **18**
SHERIFF

Attorney for the Accused:

19

Short Offense Description (not a legal definition):

20

Offense Tracking Number: **21**

FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code:

22

F

23

Hearing Date/Time

FELONY

Data Elements, page one

1. Jurisdiction name (city or county).
2. If returnable to a general district court or to a juvenile and domestic relations district court, check the appropriate box. If issued by a magistrate with clerk's office interface, the magistrate indicates the type of court based on CMS entry policies as to traffic entry or criminal entry.
3. Date of offense.
4. Code section number.
5. Description of offense.
6. Name of complainant, and, if appropriate, official title.
7. Date and time of issuance of warrant.
8. Signature of person issuing warrant. Check the appropriate title box below the signature line.
9. Court case number.
10. Name of defendant and location where defendant may be found.
11. Information describing the defendant. See Using This Form, 4.c.
12. Check this box if accused has a Commercial Driver's License.
13. Class of felony charged.
14. Checked by Officer if executed in this manner.
15. Date and time of arrest.
16. Signature of officer who makes the arrest.
17. Badge number of arresting officer, the agency and jurisdiction employing arresting officer.
Examples: "2121, Fairfax Co. Police" or "#4, Floyd Co. Sheriff's Dept."
18. If served by deputy sheriff, add name of sheriff.
19. Name and address of attorney who represents the defendant.
20. Insert short offense description from standard list. (This is not a legal definition.)
21. Insert offense tracking number.
22. Insert the Virginia Crime Code for the offense charged.
23. Hearing date and time. See Using This Form, 4.b.

WAIVER OF PRELIMINARY HEARING

Understanding my right to a preliminary hearing before the Court named in this warrant to determine whether there is probable cause to believe that I committed a felony AND, having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony charged in this warrant. Certified to the Circuit Court of this jurisdiction.

2 ACCUSED
3 ATTORNEY FOR ACCUSED

4 DATE
5 JUDGE

Offense Tracking Number: 1

Table with Preliminary Hearing Costs: 120 Ct. Appt. Atty \$53, 113 Court Reporter 53, 113 Witness, TOTAL 54

6 The Accused named within was brought before me or appeared this day, and upon hearing the evidence, I order the case certified to the grand jury of this jurisdiction, at its next term date, having found probable cause to believe that the Accused committed the felony charged in this warrant.

I impose the following Disposition:
22 FINE of \$ 24 suspended
23 JAIL SENTENCE of imposed, [] of which 25 days mandatory minimum, with 26 suspended for a period of 27, conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs. Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

FINE 55

7 Bail on certification \$
8 I ORDER the accused discharged at preliminary hearing and the charge is dismissed.

28 Serve jail sentence beginning
29 on weekends only

COSTS

9 The charge was reduced to
10 The Accused was this day: [] tried in absence [] present

30 Work release [] authorized if eligible [] required [] not authorized

461 FIXED MISD FEE 56

11 PROSECUTING ATTORNEY PRESENT (NAME)

31 Public work force [] authorized [] not authorized

462 FIXED DRUG MISD FEE

11 DEFENDANT'S ATTORNEY PRESENT (NAME)
[] NO ATTORNEY [] ATTORNEY WAIVED

32 on PROBATION for
33 [] VASAP 34 local community-based probation agency

001 INT CRIM CHILD FEE

12 Interpreter present [] Witnesses sworn
Plea of Accused:

35 [] Monitoring by GPS/other tracking device

113 WITNESS FEE

13 [] not guilty [] nolo contendere
[] guilty [] Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

36 DRIVER'S LICENSE suspended for
37 Restricted Driver's License per attached order

113 IGNITION INTERLOCK

14 Plea and Recommendation
And was TRIED and FOUND by me:

38 [] Ignition interlock for
39 RESTITUTION of \$ due by payable to the clerk on behalf of with interest thereon from

113 DUI FEE

15 [] not guilty [] guilty as charged

40 [] as condition of suspended sentence 41 to be paid first

120 CT. APPT. ATTY

16 VCC
[] facts sufficient to find guilt but defer adjudication/disposition to 17 DATE AND TIME

42 COMMUNITY SERVICE hours to be completed by 43 and supervised by 44

121 TRIAL IN ABSENCE FEE 57

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

45 [] to be credited against fines and costs

125 WEIGHING FEE

18 A separate order for First Offender is attached and incorporated in this order.

46 Contact prohibited between defendant and victim/victim's family or household members

133 BLOOD TEST FEE

19 DATE 19 JUDGE

47 Reimburse Commonwealth for investigatory medical fees

137 TIME TO PAY

20 [] driving a commercial motor vehicle
[] carrying hazardous materials

48 Pay \$50 fee to the Court for Trauma Center Fund

192 TRAUMA CENTER FEE

21 [] I ORDER a nolle prosequi on the prosecution's motion
[] I ORDER the charge dismissed [] with prejudice
[] conditioned upon payment of costs (accord and satisfaction), § 19.2-151.

49 Other

228 COURTHOUSE CONSTRUCTION FEE

[] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

50 Bail on Appeal \$ DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID. Va. Code § 46.2-395.

234 JAIL ADMISSION FEE

51 DATE 52 JUDGE

53

243 LOCAL TRAINING ACADEMY FEE

244 COURTHOUSE SECURITY FEE

OTHER (SPECIFY) 58

TOTAL \$ 59

60 Stay of the proceedings pursuant to § 16.1-131.1

61 DATE 62 JUDGE

Data Elements, page two

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Offense Tracking Number. 2. Signature of defendant if preliminary hearing waived. 3. Signature of attorney for defendant if preliminary hearing waived. This step is not mandatory but is highly recommended. 4. Date of certification. 5. Signature of judge if preliminary hearing waived. 6. Check if certified to grand jury at preliminary hearing. 7. Insert the amount of bail following certification, if changed. 8. Check if charges dismissed at preliminary hearing. 9. Check box, if applicable, and describe the reduced charge and the statutory reference. 10. Check the appropriate box. 11. Complete the appropriate line(s) and/or check the appropriate box (es). 12. Check this box if an interpreter was present. 13. Check the appropriate plea and indicate that witnesses were sworn for purposes of double jeopardy. Check box to note that guilty plea was voluntary. 14. Check this box if plea and recommendation. 15. Check box for court's finding. 16. If found guilty, insert the offense and note the Virginia Crime Code for that offense. 17. If judgment deferred, insert date and time that the defendant should return for disposition. 18. Check this box if a separate first offender order is attached. 19. If judgment deferred, signature of judge and date of entry of order. 20. Check these boxes to indicate that the defendant was driving a commercial motor vehicle and/or was carrying hazardous materials, if applicable. 21. Check appropriate box indicating order that is applicable. 22. If fined, check the box and insert total amount of fine, if any, without offset for portion of fine suspended. 23. Insert amount of fine suspended (if any). 24. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended. 25. Check box and insert the number of days that comprise a mandatory minimum sentence, if applicable. 26. Insert period of jail sentence suspended (if any). 27. Note period for which the sentence is suspended. 28. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence. 29. Check this box if jail sentence being served on weekends only. 30. Check box and indicate by checking box whether work release is required, authorized or not authorized. | <ol style="list-style-type: none"> 31. Check box and indicate if the defendant is authorized or not authorized to participate in a public work force. 32. Check and show period of probation if applicable. 33. Check if referred to VASAP. 34. Check if referred to community-based probation program. 35. Check if monitoring by GPS/other tracking device is ordered. 36. Check and show period of driver's license suspension (if applicable). See Using This form, 4.d. 37. Check if restricted driver's license issued. 38. Check if ignition interlock required and indicate period during which it is required. 39. Check the box and insert terms of restitution ordered by court (if applicable). Insert date from which interest on restitution shall accrue and indicate if date of loss or date of sentencing. 40. Check if restitution is a condition of a suspended sentence. 41. Check if restitution is to be paid first. 42. Check the box if community service is ordered, then insert terms of service. 43. Indicate the date when community service must be completed by. 44. Indicate name of supervisor of community service. 45. Check this box if community service is to be credited against fine and costs. 46. Check if contact is prohibited with victim. 47. Check if defendant is required to reimburse these fees. A request must be made by the Commonwealth's Attorney. 48. Check box if defendant required to pay \$50 fee to the Court for Trauma Center Fund. 49. Check box, if applicable, and insert other terms of judgment. Suspension of jail sentence may be noted here if not noted at data element #18. 50. Amount of bail on appeal (even if security not required). 51. Date of entry of order. 52. Signature of judge. 53. Insert costs accrued at district court level that should be assessed by circuit court. 54. Total of costs to be assessed by circuit court. 55. Net fine (total fine minus portion of fine suspended). 56. Insert the appropriate fixed misdemeanor fee if convicted on a reduced (misdemeanor) charge. 57. Insert the appropriate additional costs if reduced. 58. Other fees, costs, etc., not listed above. 59. Total of fines and costs. 60. Check box if proceedings stayed (constitutionality of statute or local ordinance at issue). 61. Date of entry of order for stay. 62. Signature of judge. |
|---|---|

Using This Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – to defendant.
 - c. Second copy – to Commonwealth’s Attorney.
 - d. Third copy – give to arresting officer.
2. Prepared by magistrate, judge or clerk; when used, Summons portion prepared by officer.
3. Attachments to original *only* when warrant is issued.
 - a. Form DC-310, CRIMINAL COMPLAINT (BAD CHECK) (if used in this case).
 - b. Form DC-311, CRIMINAL COMPLAINT (if used in this case).
 - c. Form DC-330, RECOGNIZANCE, if released on bail after arrest.
 - d. Form DC-325, REQUEST FOR WITNESS SUBPOENA (if used).
4. Preparation details
 - a. Front of form--sample descriptions of charges and Virginia Code citations can be found in the Appendices of Virginia’s MAGISTRATE MANUAL. Only one charge may be listed per Warrant.
 - b. Front of form, “Hearing Date,” space is provided for date of arraignment, preliminary hearing and continuation dates. Insert the date of the first hearing, regardless of the type of hearing, and all subsequent hearing dates.
 - c. Front of form, identification blocks, fill in *only* those boxes for which information *is known at time of issuance with reasonable certainty*. All of these elements except social security number are used in interstate criminal information exchanges. Social security number is used to collect unpaid fines and costs under the Set-Off Debt Collection Act. Law enforcement officers can fill in blank boxes at later date. *Amendments or changes to the document after issuance are prohibited except by motion to the courts.*
 - d. Forms DC-314, DC-315, and DC-316 contain a Summons section that is used by the arresting officer to convert the Warrant to a Summons if authorized by the person issuing the Warrant and if the arresting officer chooses to do so. (Va. Code § 19.2-74(a)).
 - e. If the driver's license is suspended as part of a conviction of driving while intoxicated (Va. Code § 18.2-266) and a Restricted License Order and entry into Alcohol Rehabilitation Program, form DC-265, is entered, the box for "driver's license suspended" should be checked, along with the "restricted driver's license" box.
 - f. Back of form, Fines and Costs, accounting code numbers printed next to expenses are for bookkeeping purposes.

WARRANT OF ARREST – MISDEMEANOR (STATE)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

..... **1** General District Court [] Criminal [] Traffic
CITY OR COUNTY **2** [] Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **3** did unlawfully in violation of Section
DATE **4** , Code of Virginia:

..... **5**
.....

I, the undersigned, have found probable cause that the Accused committed the offense charged, based on the statements of
..... **6** , Complainant.

Execution by summons [] **7** permitted at officer's discretion. [] not permitted.
8 **9**
DATE AND TIME ISSUED [] CLERK [] MAGISTRATE [] JUDGE

SUMMONS (If authorized above and by serving officer)
You are hereby commanded to appear before this court located at
..... **10**
on **11** at AM/PM.

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct.
..... **12**
ACCUSED

WARNING TO ACCUSED: You may be tried and convicted if your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.
SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO. 14																																																																																									
ACCUSED:																																																																																									
..... 15																																																																																									
LAST NAME, FIRST NAME, MIDDLE NAME																																																																																									
.....																																																																																									
ADDRESS/LOCATION																																																																																									
.....																																																																																									
To be completed upon service as Summons																																																																																									
Mailing address [] Same as above																																																																																									
[] 16																																																																																									
.....																																																																																									
<table border="1"> <tr><td>RACE</td><td>SEX</td><td colspan="3">BORN</td><td colspan="2">HT.</td><td>WGT.</td><td>EYES</td><td>HAIR</td></tr> <tr><td></td><td></td><td>MO.</td><td>DAY</td><td>YR.</td><td>FT.</td><td>IN.</td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td>17</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td colspan="10">SSN</td></tr> <tr><td colspan="10">.....</td></tr> <tr><td colspan="10">DL#</td></tr> <tr><td colspan="10">STATE</td></tr> <tr><td colspan="10">.....</td></tr> </table>										RACE	SEX	BORN			HT.		WGT.	EYES	HAIR			MO.	DAY	YR.	FT.	IN.								17						SSN																			DL#										STATE																		
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR																																																																																
		MO.	DAY	YR.	FT.	IN.																																																																																			
				17																																																																																					
SSN																																																																																									
.....																																																																																									
DL#																																																																																									
STATE																																																																																									
.....																																																																																									
18 [] Commercial Driver's License																																																																																									
CLASS 19 MISDEMEANOR																																																																																									
20 [] EXECUTED by arresting the Accused named above on																																																																																									
this day:																																																																																									
21 [] EXECUTED by summoning the Accused named above on																																																																																									
this day																																																																																									
22 [] For legal entities other than individuals, service pursuant																																																																																									
to Va. Code § 19.2-76.																																																																																									
..... 23																																																																																									
DATE AND TIME OF SERVICE																																																																																									
..... 24																																																																																									
ARRESTING OFFICER																																																																																									
..... 25																																																																																									
BADGE NO., AGENCY AND JURISDICTION																																																																																									
for 26																																																																																									
SHERIFF																																																																																									
Attorney for the Accused:																																																																																									
27																																																																																									
Short Offense Description (not a legal definition): 28																																																																																									
Offense Tracking Number: 29																																																																																									
FOR ADMINISTRATIVE USE ONLY																																																																																									
Virginia Crime Code: 30																																																																																									

M

Hearing Date/Time

13

.....
.....
.....
.....
.....
.....
.....
.....
.....

Data Elements, page one

1. Jurisdiction name (city or county).
2. If returnable to a general district court or to a juvenile and domestic relations district court, check the appropriate box. If issued by a magistrate with clerk's office interface, the magistrate indicates the type of court based on CMS entry policies as to traffic entry or criminal entry.
3. Date of offense.
4. Code section number.
5. Description of offense.
6. Name of complainant, and, if appropriate, official title.
7. Check this box to indicate whether or not warrant can be served as summons.
8. Date and time of issuance of warrant.
9. Signature of person issuing warrant. Check appropriate title box below the signature line.
10. If executed as a summons, insert address of court.
11. If executed as a summons, insert date and time of hearing.
12. Signature of accused if executed as a summons.
13. Hearing date and time. See Using This Form, 4.b.
14. Court case number.
15. Name of defendant and location where defendant may be found.
16. If served as a summons, check the appropriate box and insert address, if applicable.
17. Information describing the defendant. See Using This Form, 4.c.
18. Check this box if accused has a Commercial Driver's License.
19. Insert the class of misdemeanor.
20. Checked by officer if defendant was arrested.
21. Checked by officer if executed as a summons.
22. Check if applicable.
23. Date and time of service.
24. Signature of officer who executed the warrant.
25. Badge number of officer, the agency and jurisdiction employing arresting officer. Examples: "2121, Fairfax Co. Police" or "#4, Floyd Co. Sheriff's Dept."
26. If served by deputy sheriff, add name of sheriff.
27. Name and address of attorney who represents the defendant.
28. Insert the short offense description from the standard list. (This is not a legal definition.)
29. Insert the offense tracking number.
30. Insert the Virginia Crime Code for the offense charged.

The Accused was this day:

2 [] tried in absence [] present

[] PROSECUTING ATTORNEY PRESENT (NAME)

3 [] DEFENDANT'S ATTORNEY PRESENT (NAME)

[] NO ATTORNEY [] ATTORNEY WAIVED

[] If convicted, no jail sentence will be imposed.

4 [] INTERPRETER PRESENT

Plea of Accused:

[] not guilty [] Witness sworn

5 [] nolo contendere

[] guilty [] Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

6 [] Plea and Recommendation

And was TRIED and FOUND by me:

7 [] not guilty [] guilty as charged

[] guilty of
VCC 8

9 [] facts sufficient to find guilt but defer adjudication/disposition to 9

DATE AND TIME

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

10 [] A separate order for First Offender is attached and incorporated in this order.

11 [] Costs imposed upon defendant.

12

DATE

12

JUDGE

And was FOUND by me to be:

[] driving a commercial motor vehicle

13 [] carrying hazardous materials

[] I ORDER a nolle prosequi on prosecution's motion

[] I ORDER the charge dismissed [] with prejudice

[] conditioned upon payment of costs (accord and satisfaction), § 19.2-151.

14 [] conditioned upon payment of costs and successful completion of traffic school, § 16.1-69.48:1.

[] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

I impose the following Disposition:

15 [] FINE [] CIVIL PENALTY of \$
with \$ 16 suspended

17 [] JAIL SENTENCE of
imposed, [] of which 18 days
mandatory minimum, with 19 suspended
for a period of 20, conditioned upon
being of good behavior, keeping the peace, obeying this order
and paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in
confinement.

21 [] Serve jail sentence beginning
22 [] on weekends only

23 [] Work release [] authorized if eligible [] required []
not authorized

24 [] Public work force [] authorized [] not authorized

25 [] on PROBATION for

26 [] VASAP [27] local community-based probation agency

28 [] Monitoring by GPS/other tracking device

29 [] DRIVER'S LICENSE suspended for

30 [] Restricted Driver's License per attached order

31 [] Ignition Interlock for

32 [] RESTITUTION of \$
due by
payable to the clerk on behalf of
with interest thereon from

[] DATE OF LOSS OR DAMAGE [] TODAY'S DATE

33 [] as condition of suspended sentence [34] to be paid first

35 [] COMMUNITY SERVICE hours to be
completed by 36 and
supervised by 37

38 [] to be credited against fines and costs.

39 [] Contact prohibited between defendant and victim/
victim's family or household members

40 [] Reimburse Commonwealth for investigatory medical fees

41 [] Pay \$ 50 fee to the Court for Trauma Center Fund

[] Other: 42

43 [] Remanded for [] CCRE Report []

44 [] Bail on Appeal \$

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA
SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,
FORFEITURES, PENALTIES OR RESTITUTION ARE NOT
PAID. Va. Code § 46.2-395.

45

DATE

46

JUDGE

Offense Tracking Number: 1

FINE

47

\$

48

LOCALITY

COSTS

461 FIXED MISD FEE 49

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE 50

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

228 COURTHOUSE
CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING
ACADEMY FEE

244 COURTHOUSE
SECURITY FEE

OTHER (SPECIFY)

51

TOTAL \$ 52

53 [] Stay of the proceedings pursuant to § 16.1-131.1

54

DATE

55

JUDGE

Data Elements, page two

1. Insert the offense tracking number.
2. Check the appropriate box.
3. Complete the appropriate line(s) and/or the appropriate box(es).
4. Check this box if an interpreter was present.
5. Check the appropriate plea and indicate that witnesses were sworn for purposes of double jeopardy.
6. Check this box if plea and recommendation.
7. Check box for court's finding.
8. If found guilty, insert the offense and the Virginia Crime Code for the offense.
9. If judgment deferred, check this box and insert date and time that defendant should return for disposition.
10. Check this box if a separate first offender order is attached.
11. Check this box if costs are imposed on the defendant.
12. If judgment deferred, insert signature of judge and date of entry of order.
13. Check these boxes to indicate that the defendant was driving a commercial motor vehicle and/or was carrying hazardous materials, if applicable.
14. Check appropriate box indicating what is ordered, if applicable.
15. If fined or subject to a civil penalty, check the box and insert total amount of fine, if any, without offset for portion of fine suspended.
16. Insert amount of fine or civil penalty suspended (if any).
17. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended.
18. Check box and insert the number of days that comprise a mandatory minimum sentence, if applicable.
19. Insert period of jail sentence suspended (if any).
20. Insert the time period of the suspension of sentence.
21. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence.
22. Check this box if jail sentence being served on weekends only.
23. Check box for work release and indicate by checking box whether work release is authorized, required or not authorized.
24. Check box and indicate if the defendant is authorized or not authorized in a public work force.
25. Check and show period of probation if applicable.
26. Check if referred to VASAP.
27. Check if referred to community-based probation program.
28. Check if monitoring by GPS/other tracking device is ordered.
29. Check and show period of driver's license suspension (if applicable). See Using This Form, 4.e.
30. Check if restricted driver's license issued.
31. Check if ignition interlock required and indicate period during which it is required.
32. Check the box and insert terms of restitution ordered by court (if applicable). Insert date from which interest on restitution shall accrue.
33. Check if restitution is a condition of a suspended sentence.
34. Check if restitution is to be paid first.
35. Check the box if community service is ordered, then insert total hours ordered
36. Insert the date by which hours are to be completed by.
37. Indicate name of supervisor of community service.
38. Check this box if community service is to be credited against fine and costs.
39. Check if contact is prohibited with victim.
40. Check if defendant is required to reimburse these fees. A request must be made by the Commonwealth's Attorney.
41. Check if found guilty of a second or subsequent DUI within 10 years.
42. Insert other terms of judgment. Suspension of jail sentence may be noted here if not noted at data element #19.
43. Check if defendant needs to be remanded to the sheriff's office for completion of a CCRE report.
44. Amount of bail on appeal (even if security not required).
45. Date of entry of order.
46. Signature of judge.
47. Indicate locality.
48. Net fine (total fine minus portion of fine suspended).
49. Insert appropriate fixed misdemeanor fee.
50. Insert the appropriate additional costs.
51. Other fees, costs, etc., not listed above.
52. Total of fines and costs.
53. Check box if proceedings stayed (constitutionality of statute or local ordinance at issue).
54. Date of entry of order for stay.
55. Signature of judge.

Using This Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – to defendant.
 - c. Second copy – to Commonwealth’s Attorney.
 - d. Third copy – to arresting officer.
2. Prepared by magistrate, judge or clerk; when used, Summons portion prepared by officer.
3. Attachments to original copy *only* when warrant issued.
 - a. Form DC-310, CRIMINAL COMPLAINT (BAD CHECK) (if used in this case).
 - b. Form DC-311, CRIMINAL COMPLAINT (if used in this case).
 - c. Form DC-330, RECOGNIZANCE, if released on bail after arrest.
 - d. Form DC-325, REQUEST FOR WITNESS SUBPOENA (if used).
4. Preparation details
 - a. Front of form – sample descriptions of charges and Virginia Code citations can be found in the Appendices of Virginia’s MAGISTRATE MANUAL. Only one charge may be listed per Warrant.
 - b. Front of form, “Hearing Date,” space is provided for date of arraignment, preliminary hearing and continuation dates. Insert the date of the first hearing, regardless of the type of hearing, and all subsequent hearing dates.
 - c. Front of form, identification blocks, fill in *only* those boxes for which information *is known at time of issuance with reasonable certainty*. All of these elements except social security number are used in interstate criminal information exchanges. Social security number is used to collect unpaid fines and costs under the Set-Off Debt Collection Act. Law enforcement officers can fill in blank boxes at later date. *Amendments or changes to the document after issuance are prohibited except by motion to the courts.*
 - d. Forms DC-314, DC-315, and DC-316 contain a Summons section that is used by the arresting officer to convert the Warrant to a Summons if authorized by the person issuing the Warrant and if the arresting officer chooses to do so. (Va. Code § 19.2-74(a)).
 - e. If the driver’s license is suspended as part of a conviction of driving while intoxicated (Va. Code § 18.2-266) and a Restricted License Order and entry into Alcohol Rehabilitation Program, form DC-265, is entered, the box for “driver’s license suspended” should be checked, along with the “restricted driver’s license” box.
 - f. Back of form, Fines and Costs, accounting code numbers printed next to expenses are for bookkeeping purposes.

WARRANT OF ARREST – MISDEMEANOR (LOCAL)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

1 **2** General District Court [] Criminal [] Traffic
CITY OR COUNTY [] Juvenile and Domestic Relations District Court

3 [] City [] County [] Town

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **4** did unlawfully in violation of Section
DATE

5 , Code or Ordinances of this city, county or town:

6

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of **7** , Complainant.

Execution by summons [] permitted at officer's discretion. [] not permitted.

9 **10**
DATE AND TIME ISSUED [] CLERK [] MAGISTRATE [] JUDGE

SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at **11**

on **12** at AM/PM.

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct.

13
ACCUSED

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.

SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO. 15																				
ACCUSED: 16																				
LAST NAME, FIRST NAME, MIDDLE NAME																				
ADDRESS/LOCATION																				
To be completed upon service as Summons Mailing address [] Same as above [] 17																				
<table border="1"> <tr><th>RACE</th><th>SEX</th><th colspan="3">BORN</th><th colspan="2">HT.</th><th>WGT.</th><th>EYES</th><th>HAIR</th></tr> <tr><td></td><td></td><td>MO.</td><td>DAY</td><td>YR.</td><td>FT.</td><td>IN.</td><td></td><td></td><td></td></tr> </table>	RACE	SEX	BORN			HT.		WGT.	EYES	HAIR			MO.	DAY	YR.	FT.	IN.			
RACE	SEX	BORN			HT.		WGT.	EYES	HAIR											
		MO.	DAY	YR.	FT.	IN.														
SSN 18																				
DL# STATE																				
19 [] Commercial Driver's License CLASS 20 MISDEMEANOR																				
21 [] EXECUTED by arresting the Accused named above on this day:																				
22 [] EXECUTED by summoning the Accused named above on this day:																				
23 [] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.																				
24 DATE AND TIME OF SERVICE																				
25 ARRESTING OFFICER																				
26 BADGE NO., AGENCY AND JURISDICTION																				
for 27 SHERIFF																				
Attorney for the Accused: 28																				
Short Offense Description (not a legal definition): 29																				
Offense Tracking Number: 30																				
FOR ADMINISTRATIVE USE ONLY: Virginia Crime Code: 31																				

L
14
Hearing Date/Time

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

LOCAL

Data Elements, page one

1. Jurisdiction name (city or county).
2. If returnable to a general district court or to a juvenile and domestic relations district court, check the appropriate box. If issued by a magistrate with clerk's office interface, the magistrate indicates the type of court based on CMS entry policies as to traffic entry or criminal entry.
3. Check applicable box and insert name of locality.
4. Date of offense.
5. Code section number.
6. Description of offense.
7. Name of complainant, and if appropriate, official title.
8. Check this box to indicate whether warrant can be served as summons.
9. Date and time of issuance of warrant.
10. Signature of person issuing warrant. Check appropriate title box below the signature line.
11. If executed as a summons, insert address of court.
12. If executed as a summons, insert date and time of hearing.
13. Signature of accused if executed as a summons.
14. Hearing date and time. See Using This Form, 4.b.
15. Court case number.
16. Name of defendant and location where defendant may be found.
17. If served as a summons, check the appropriate box and insert address, if applicable.
18. Information describing the defendant. See Using This Form, 4.c.
19. Check this box if the defendant holds a commercial driver's license.
20. Insert the class of misdemeanor.
21. Checked by officer if defendant was arrested.
22. Checked by officer if executed as a summons.
23. Check if applicable.
24. Date and time of service.
25. Signature of officer who executed the warrant.
26. Badge number of officer, the agency and jurisdiction employing arresting officer. Examples: "2121, Fairfax Co. Police" or "#4, Floyd Co. Sheriff's Dept."
27. If served by deputy sheriff, add name of sheriff.
28. Name and address of attorney who represents the defendant.
29. Insert the short offense description from the standard list. (This is not a legal definition.)
30. Insert the offense tracking number.
31. Insert the Virginia Crime Code for the offense charged.

The Accused was this day:

2 tried in absence present

PROSECUTING ATTORNEY PRESENT (NAME)

DEFENDANT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY ATTORNEY WAIVED

If convicted, no jail sentence will be imposed.

4 INTERPRETER PRESENT

Plea of Accused:

not guilty Witness sworn

5 nolo contendere

guilty Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

6 Plea and Recommendation

And was TRIED and FOUND by me:

not guilty guilty as charged

guilty of
VCC **8**

7 facts sufficient to find guilt but defer adjudication/disposition to **9**

DATE AND TIME

and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

10 A separate order for First Offender is attached and incorporated in this order.

11 Costs imposed upon defendant.

12

12

DATE

JUDGE

And was FOUND by me to be:

driving a commercial motor vehicle

13 carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed with prejudice

conditioned upon payment of costs (accord and satisfaction), § 19.2-151.

14 conditioned upon payment of costs and successful completion of traffic school, § 16.1-69.48:1.

under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

I impose the following Disposition:

15 FINE CIVIL PENALTY of \$
with \$ **16** suspended

17 JAIL SENTENCE of
imposed, of which **18** days
mandatory minimum, with **19** suspended
for a period of **20**, conditioned upon
being of good behavior, keeping the peace, obeying this order
and paying fines and costs.

Credit allowed pursuant to § 53.1-187 for time spent in
confinement.

21 Serve jail sentence beginning

22 on weekends only

23 Work release authorized if eligible required
 not authorized

24 Public work force authorized not authorized

25 on PROBATION for **27**

26 VASAP local community-based probation agency

28 Monitoring by GPS/other tracking device

29 DRIVER'S LICENSE suspended for

30 Restricted Driver's License per attached order

31 Ignition Interlock for

32 RESTITUTION of \$

due by

payable to the clerk on behalf of

with interest thereon from

DATE OF LOSS OR DAMAGE TODAY'S DATE

33 as condition of suspended sentence to be paid first

35 COMMUNITY SERVICE hours to be

completed by and

supervised by

36 to be credited against fines and costs.

37 Contact prohibited between defendant and victim/
victim's family or household members

38 Other:

38

39 Reimburse Commonwealth for investigatory medical fees

40 Pay \$50 fee to the Court for Trauma Center Fund

41 Bail on Appeal \$

42 Remanded for CCRE Report

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA

SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,

FORFEITURES, PENALTIES OR RESTITUTION ARE NOT

PAID. Va. Code § 46.2-395.

43

DATE

44

JUDGE

Offense Tracking Number: **1**

FINE

45

\$

46

LOCALITY

COSTS

223 LIQUIDATED DAMAGES **47**

461 FIXED MISD FEE **48**

462 FIXED DRUG MISD FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

121 TRIAL IN ABSENCE

133 BLOOD TEST FEE

137 TIME TO PAY **49**

192 TRAUMA CENTER FEE

202 WITNESS FEE

217 CT. APPT ATTY

228 COURTHOUSE

CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING

ACADEMY FEE

244 COURTHOUSE

SECURITY FEE

OTHER (SPECIFY)

50

TOTAL \$ **51**

52 Stay of the proceedings pursuant to § 16.1-131.1

53

DATE

54

Data Elements, page two

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Insert the offense tracking number. 2. Check the appropriate box. 3. Complete the appropriate line(s) and/or check the appropriate box (es). 4. Check this box if an interpreter was present. 5. Check the appropriate plea and indicate that witnesses were sworn for purposes of double jeopardy. 6. Check this box if plea and recommendation. 7. Check box for court's finding. 8. If found guilty, note the offense and the Virginia Crime Code for that offense. 9. If judgment deferred, insert date and time that the defendant should return for disposition. 10. Check this box if a separate first offender order is attached. 11. Check this box if costs are imposed on the defendant. 12. If judgment deferred, insert date of entry of order and signature of judge. 13. Check these boxes to indicate that the defendant was driving a commercial motor vehicle and/or was carrying hazardous materials, if applicable. 14. Check appropriate box if applicable. 15. If fined or subject to a civil penalty, check the box and insert total amount of fine, if any, without offset for portion of fine suspended. 16. Insert amount of fine or civil penalty suspended (if any). 17. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended. 18. Check box and insert the number of days that comprise a mandatory minimum sentence, if applicable. 19. Insert period of jail sentence suspended (if any). 20. Note period for which the sentence is suspended. 21. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence. 22. Check if jail sentence being served on weekends only. 23. Check box for work release and indicate by checking box whether work release is authorized, required or not authorized. 24. Check box and indicate if the defendant is authorized or not authorized to participate in a public work force. 25. Check and show period of probation if applicable. 26. Check if referred to VASAP. | <ol style="list-style-type: none"> 27. Check if referred to community-based probation program. 28. Check if monitoring by GPS/other tracking device is ordered. 29. Check and show period of driver's license suspension (if applicable). See Using This form, 4.e. 30. Check if restricted driver's license issued. 31. Check if ignition interlock required and indicate period during which it is required. 32. Check the box and insert terms of restitution ordered by court (if applicable). Insert date from which interest on restitution shall accrue. 33. Check if restitution is a condition of a suspended sentence. 34. Check if restitution is to be paid first. 35. Check the box if community service is ordered, then insert terms of service. 36. Check the box if community service is to be credited against fine and costs. 37. Check if contact is prohibited with victim. 38. Insert other terms of judgment. Suspension of jail sentence may be noted here if not noted at Data Element No. 19. 39. Check if defendant is required to reimburse these fees. A request must be made by the Commonwealth's Attorney. 40. Check box if found guilty of a second or subsequent DUI within 10 years. 41. Amount of bail on appeal (even if security not required). 42. Check if defendant needs to be remanded to the sheriff's office for completion of a CCRE report. 43. Date of entry of order. 44. Signature of judge. 45. Insert name of locality. 46. Net fine (total fine minus portion of fine suspended). 47. Insert amount of liquidated damages, if applicable. 48. Insert appropriate fixed misdemeanor fee. 49. Insert the appropriate additional costs. 50. Other fees, costs, etc., not listed above. 51. Total of fines and costs. 52. Check box if proceedings stayed (constitutionality of statute or local ordinance at issue.) 53. Date of entry of order for stay. 54. Signature of judge. |
|--|---|

Using This Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – to defendant.
 - c. Second copy – to Commonwealth’s Attorney.
 - d. Third copy – to arresting officer.
2. Prepared by magistrate, judge or clerk.
3. Attachments
 - a. Form DC-311 (CRIMINAL COMPLAINT), if used, is attached to original.
 - b. Form DC-324 (NOTICE - APPEARANCE, WAIVER AND PLEA), if used. See Form DC-324.
 - c. Form DC-325 (REQUEST FOR WITNESS SUBPOENA), if used. See Form DC-325.
4. Preparation details
 - a. Sample descriptions of charges and state code citations can be found in the Appendices of Virginia’s MAGISTRATE MANUAL.
 - b. Space is provided for hearing return date and continuation dates. Magistrates issuing Summons should insert date in Data Element No. 4 (page one).
 - c. Data Element No. 16 (page one) – Fill in *only* those boxes for which information is *known at time of issuance with reasonable certainty*. All of these elements except social security number are used in interstate criminal information exchanges. Social security number is used to collect unpaid fines and costs under Set-off Debt Collection Act. Law enforcement officers can fill in blank boxes at a later date. *Amendments or changes to the document after issuance are prohibited except by motion to the courts.*
 - d. If the driver’s license is suspended as part of a conviction of driving while intoxicated (Va. Code § 18.2-266) and a Restricted License Order and entry into Alcohol Rehabilitation Program, form DC-265, is entered, the box for “driver’s license suspended” should be checked, along with the “restricted driver’s license” box.
 - e. On page two, Fines and Costs, accounting code numbers printed next to expenses are for bookkeeping purposes.

SUMMONS

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-73; Rule 3A:4

1

CITY OR COUNTY

2 [] General District Court [] Juvenile and Domestic Relations District Court

3

STREET ADDRESS OF COURT

4 [] Commonwealth of Virginia [] City [] County [] Town of

TO THE ACCUSED:

You are hereby commanded to appear before this Court on

5

to answer the charge that on or about **6**

DATE AND TIME OF HEARING

DATE

within this [] Town of **7** [] CITY [] COUNTY you did unlawfully

8

in violation of Section **9**, [] Code of Virginia (OR) [] Ordinances of this City, County or Town.

You must appear in court at the time and place shown above and appear at all other times and places and before any court of judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear for a misdemeanor charge is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of:

10

, Complainant.

11

DATE AND TIME ISSUED

12

[] CLERK [] MAGISTRATE [] JUDGE

CASE NO. **14**

ACCUSED:

15

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

To be completed upon service as Summons
Mailing address [] Same as above

16

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

17

DL#

STATE

18] Commercial Driver's License
CLASS 19 MISDEMEANOR

20 [] EXECUTED by delivering a true copy of this summons to the Accused in person today.

[] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

21 [] The Accused certified to me the above mailing address.

22

DATE AND TIME OF SERVICE

23

, ARRESTING OFFICER

24

BADGE NO., AGENCY AND JURISDICTION

25

SHERIFF

for

Attorney for the Accused:

26

Short Offense Description (not a legal definition): **27**

Offense Tracking Number: **28**

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

29

S

Hearing Date/Time

13

SUMMONS

Data Elements, page one

1. Jurisdiction name (city or county).
2. Check the court to which the case papers will be returned.
3. Street address of court checked.
4. Name of jurisdiction whose laws were allegedly violated. On local charges, also insert the name of the locality.
5. Date and time of hearing.
6. Date of offense.
7. Check *type* of jurisdiction (and fill in blank if appropriate) in which the offense was committed.
8. Description of offense.
9. Code section number. Check whether code number is from Code of Virginia or local ordinance code. If local ordinances are not codified, check lower box.
10. Name of complainant, and, if appropriate, official title.
11. Date and time of issuance of Summons.
12. Signature of person issuing Summons. Check the appropriate title box below the signature line.
13. Hearing date. See Using This Form, 4.b.
14. Court case number.
15. Name of defendant and location where defendant may be found.
16. Mailing address of defendant. Check appropriate box.
17. Information describing the defendant. See Using This Form, 4.c.
18. Check if defendant holds a commercial driver's license.
19. Class of misdemeanor (1, 2, 3 or 4), or unclassified if applicable.
20. Check applicable box.
21. Check box if mailing address verified.
22. Date and time of service of Summons.
23. Signature of officer who served the Summons.
24. Badge number of serving officer, the agency and jurisdiction employing arresting officer. Examples: "2121, Fairfax Co. Police" or "#4, Floyd Co. Sheriff's Dept."
25. If served by deputy sheriff, add name of sheriff.
26. Name and address of attorney who represents the defendant.
27. Insert the short offense description from the standard list. (This is not a legal description.)
28. Insert the offense tracking number.
29. Insert the Virginia Crime Code for the offense charged.

The Accused was this day:

2 [] tried in absence [] present

[] PROSECUTING ATTORNEY PRESENT (NAME)

[] DEFENDANT'S ATTORNEY PRESENT (NAME)

[] NO ATTORNEY [] ATTORNEY WAIVED

[] If convicted, no jail sentence will be imposed.

4 [] INTERPRETER PRESENT

Plea of Accused:

[] not guilty [] Witness sworn

5 [] nolo contendere

[] guilty [] Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

6 [] Plea and Recommendation

And was TRIED and FOUND by me:

[] not guilty [] guilty as charged

[] guilty of
VCC 8

7 [] facts sufficient to find guilt but defer
adjudication/disposition to 9
DATE AND TIME

and place accused on probation, §§ 4.1-305,
18.2-57.3, 18.2-251 or 19.2-303.2.

10 [] A separate order for First Offender is
attached and incorporated in this order.

11 [] Costs imposed upon defendant.

12 12

DATE JUDGE

And was FOUND by me to be:

[] driving a commercial motor vehicle

13 [] carrying hazardous materials

[] I ORDER a nolle prosequi on prosecution's motion

14 [] I ORDER the charge dismissed [] with prejudice

[] conditioned upon payment of costs (accord and
satisfaction, § 19.2-151 [] compliance with
law, § 46.2-104 or § 46.2-1158.02.

14 [] conditioned upon payment of costs and
successful completion of traffic school, § 16.1-
69.48:1.

[] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-
303.2.

15 I impose the following Disposition:

17 [] FINE [] CIVIL PENALTY of \$
with \$ 16 suspended

[] JAIL SENTENCE of
imposed, [] of which 18 days
mandatory minimum, with 19 suspended

for a period of 20, conditioned upon
being of good behavior, keeping the peace, obeying this order
and paying fines and costs.

Pursuant to § 53.1-187, credit is granted for pre-trial
detention.

21 [] Serve jail sentence beginning

22 [] on weekends only

23 [] Work release [] authorized if eligible [] required
[] not authorized

24 [] Public work force [] authorized [] not authorized

25 [] on PROBATION for 27

26 [] VASAP [] local community-based probation agency

28 [] Monitoring by GPS/other tracking device

29 [] DRIVER'S LICENSE suspended for

30 [] Restricted Driver's License per attached order

31 [] Ignition Interlock for

32 [] RESTITUTION of \$

due by
payable to the clerk on behalf of
with interest thereon from 34

[] DATE OF LOSS OR DAMAGE [] TODAY'S DATE

33 [] as condition of suspended sentence [] to be paid first

35 [] COMMUNITY SERVICE hours to be
completed by and
supervised by

36 [] to be credited against fines and costs.

37 [] Contact prohibited between defendant and victim/
victim's family or household members

[] Other: 38

39 [] Reimburse Commonwealth for investigatory medical fees

40 [] Pay \$50 fee to the Court for Trauma Center Fund

41 [] Bail on Appeal \$

42 [] Remanded for [] CCRE Report []

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA
SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,
FORFEITURES, PENALTIES OR RESTITUTION ARE NOT
PAID. Va. Code § 46.2-395.

43

DATE

44

JUDGE

Offense Tracking Number: 1

FINE

45 \$ 46
LOCALITY

COSTS

461 FIXED MISD FEE 47

462 FIXED DRUG MISD FEE

460 FIXED TRAFFIC
INFRACTION FEE

001 INT CRIM CHILD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUI FEE

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE

133 BLOOD TEST FEE 49

137 TIME TO PAY

192 TRAUMA CENTER FEE

223 LIQUIDATED DAMAGES 48

228 COURTHOUSE
CONSTRUCTION FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING
ACADEMY FEE

244 COURTHOUSE
SECURITY FEE

OTHER (SPECIFY)
..... 50

TOTAL \$ 51

52 [] Stay of the proceedings pursuant to § 16.1-131.1

53

DATE

54

JUDGE

Data Elements, page two

1. Insert the offense tracking number.
2. Check the appropriate box.
3. Complete the appropriate line(s) and/or the appropriate box(es).
4. Check this box if an interpreter was present.
5. Check the appropriate plea and indicate that witnesses were sworn for purposes of double jeopardy.
6. Check this box if plea and recommendation.
7. Check box for court's finding.
8. If found guilty, insert the offense and the Virginia Crime Code for the offense.
9. If judgment deferred, insert the date and time the defendant should return for disposition.
10. Check this box if a separate first offender order is attached.
11. Check this box if costs are imposed on the defendant.
12. If judgment deferred, insert date of entry of order and signature of judge.
13. Check these boxes to indicate that the defendant was driving a commercial motor vehicle and/or was carrying hazardous materials, if applicable.
14. Check appropriate box indicating order if applicable.
15. If fined or subject to a civil penalty, check the box and insert total amount of fine, if any, without offset for portion of fine suspended.
16. Insert amount of fine or civil penalty suspended (if any).
17. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended.
18. Check box and insert the number of days that comprise a mandatory minimum sentence, if applicable.
19. Insert period of jail sentence suspended (if any).
20. Insert the time period of the suspension of sentence.
21. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence.
22. Check this box if jail sentence being served on weekends only.
23. Check box for work release and indicate by checking box whether work release is authorized, required or not authorized.
24. Check box if the defendant is authorized to participate in a public work force.
25. Check and show period of probation if applicable.
26. Check if referred to VASAP.
27. Check if referred to community-based probation program.
28. Check if monitoring by GPS/other tracking device is ordered.
29. Check and show period of driver's license suspension (if applicable). See Using This Form, 4.e.
30. Check if restricted driver's license issued.
31. Check if ignition interlock required and indicate period during which it is required.
32. Check the box and insert terms of restitution ordered by court (if applicable). Insert date from which interest on restitution shall accrue.
33. Check if restitution is a condition of a suspended sentence.
34. Check if restitution is to be paid first.
35. Check the box if community service is ordered, then insert terms of service.
36. Check the appropriate box if community service is to be credited against fine and costs.
37. Check if contact is prohibited with the victim.
38. Insert other terms of judgment. Suspension of jail sentence may be noted here if not noted at data element #19.
39. Check if defendant is required to reimburse these fees. A request must be made by the Commonwealth's Attorney.
40. Check if found guilty of a second or subsequent DUI within 10 years.
41. Amount of bail on appeal (even if security not required).
42. Check if defendant needs to be remanded to the sheriff's office for completion of a CCRE report.
43. Date of entry of order.
44. Signature of judge.
45. Enter name of locality.
46. Net fine (total fine minus portion of fine suspended).
47. Insert amount of liquidated damages, if applicable.
48. Insert appropriate fixed misdemeanor fee.
49. Insert the appropriate additional costs.
50. Other fees, costs, etc., not listed above.
51. Total of fines and costs.
52. Check box if proceedings stayed (constitutionality of statute or local ordinance at issue).
53. Date of entry of order for stay.
54. Signature of judge.

Using This Form

1. Copies
 - a. Original--for service of process and court use.
 - b. First copy--to illegal alien.
 - c. Second copy--to Commonwealth's Attorney.
 - d. Third copy--to arresting officer.
2. Preparation--by magistrate, judge or clerk.
3. Attachments - none
4. Preparation details.

This warrant is issued after a law enforcement officer has arrested an individual who is an illegal alien and has previously been convicted of a felony and been deported from the United States. The warrant expires after 72 hours or when the illegal alien is taken into the custody of a federal official.

**WARRANT OF ARREST—
ILLEGAL ALIEN PURSUANT TO §19.2-81.6**

VA. CODE § 19.2-81.6, 19.2-82

COMMONWEALTH OF VIRGINIA

1

CITY OR COUNTY

[] General District Court

[] Juvenile and Domestic Relations District Court

I, the undersigned, have found probable cause to believe that the arrested individual (i) is an alien illegally present in the United States and (ii) has previously been convicted of the following felony in the United States and was deported or left the United States after such violation of the federal criminal law that has been previously confirmed with the Bureau of Immigration and Customs Enforcement:

8

This warrant shall expire if the individual is not taken into federal custody within 72 hours from the date and time of the issuance of this warrant, and the individual should be released.

9

DATE AND TIME ISSUED

10

CLERK MAGISTRATE JUDGE

ORDER

The named individual was taken into Federal custody at

16

DATE AND TIME

Therefore, this warrant is dismissed.

17

DATE AND TIME ISSUED

18

JUDGE

CASE NO.

2

3

LAST NAME, FIRST NAME, MIDDLE NAME

4

ADDRESS/LOCATION

5

RACE	SEX	BORN			HT		WGT	EYES	HAIR
		MO	DAY	YR	FT	IN			
SSN		6							
DL#		7						STATE	

11

[] EXECUTED by arresting the individual named above on this day:

12

DATE AND TIME OF SERVICE

13

, ARRESTING OFFICER

14

BADGE NO. , AGENCY AND JURISDICTION

15

for

SHERIFF

Agent of the federal government designated to transport the individual:

19

NAME

20

TITLE

Given into the custody of Designated Agent:

21

DATE AND TIME

22

by

NAME

23

TITLE

Data Elements, *front*

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Jurisdiction name (city or county). 2. Case number. 3. Illegal alien name. 4. Address of illegal alien. 5. Description information about illegal alien. 6. Social security number of illegal alien. 7. Drivers' license number of illegal alien. 8. Insert federal criminal law violated by the illegal alien. 9. Date and time warrant issued. 10. Signature of person issuing Summons.
Check the appropriate title box below the signature line. 11. Check box when warrant executed by the law enforcement officer. 12. Insert date and time of service of the warrant by law enforcement officer. 13. Signature of officer who served the Summons. | <ol style="list-style-type: none"> 14. Badge number of serving officer, the agency and jurisdiction employing arresting officer. Examples: "2121, Fairfax Co. Police" or "#4, Floyd Co. Sheriff's Dept." 15. If served by deputy sheriff, add name of sheriff. 16. Date and time individual taken into federal custody. 17. Date and time order of dismissal issued. 18. Signature of judge. 19. Name of federal official into whom custody of individual is given. 20. Title of federal official who has taken custody of the individual. 21. Date and time individual placed in federal custody. 22. Name of person releasing custody of the individual to the federal official. 23. Title of person releasing custody of the individual to the federal official. |
|---|---|

Using This Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – to representative of defendant corporation or other legal entity.
 - c. Second copy – to Commonwealth’s Attorney.
 - d. Third copy – to serving officer.
2. Preparation – by magistrate, judge, or clerk.
3. Attachments
 - a. Form DC-311 (CRIMINAL COMPLAINT), if used, is attached to original.
 - b. Form DC-324 (NOTICE – APPEARANCE, WAIVER AND PLEA), if used. See Form DC-324.
 - c. Form DC-325 (REQUEST FOR WITNESS SUBPOENA), if used. See Form DC-325.
4. Preparation details
 - a. Sample descriptions of charges and state code citations can be found in the Appendices of Virginia’s MAGISTRATE MANUAL.
 - b. Space is provided for hearing return date and continuation dates. Magistrates issuing Summons should insert date in Data Element No. 4.

SUMMONS OF CORPORATION – FELONY OR LEGAL ENTITY

Commonwealth of Virginia VA. CODE § 19.2-76; Rule 3A: 4

1 CITY OR COUNTY [] General District Court [] Juvenile and Domestic Relations District Court 2 STREET ADDRESS OF COURT

TO THE ACCUSED:

The accused is commanded to appear before this Court on 3 DATE AND TIME OF HEARING to answer the charge that on or about 4 DATE

the accused did unlawfully and feloniously

5

in violation of Section 6, Code of Virginia.

The accused must appear in court at the time and place shown above and appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

I, the undersigned, have found probable cause to believe that the accused committed the offense charged, based on the sworn statements of 7, Complainant.

8 DATE AND TIME ISSUED 9 [] CLERK [] MAGISTRATE [] JUDGE

FORM DC-321 (MASTER) 11/07

CASE NO. 10 ACCUSED: 11 NAME OF LEGAL ENTITY ADDRESS/LOCATION

Hearing Date/Time

23

CLASS 12 FELONY Service was made on a representative of the legal entity pursuant to Va. Code § 19.2-76. 13 DATE AND TIME OF SERVICE 14 OFFICER 15 BADGE NO, AGENCY AND JURISDICTION for 16 SHERIFF SERVED ON: 17 NAME OF REPRESENTATIVE 18 TITLE OF REPRESENTATIVE 19 ADDRESS Short Offense Description: 20 Offense Tracking Number: 21 FOR ADMINISTRATIVE USE ONLY Virginia Crime Code: 22

Data Elements

1. Court name. Check appropriate box for type of court.
2. Court's street address.
3. Date and time of hearing.
4. Date of offense.
5. Description of offense.
6. Code section number.
7. Name of complainant.
8. Date and time of issuance of summons.
9. Signature of person issuing summons. Check the appropriate title box below the signature line.
10. Court case number.
11. Name of defendant corporation or other legal entity and location of such entity.
12. Class of felony.
13. Date and time of service of summons
14. Signature of officer who served the summons
15. Badge number of serving officer, the agency and jurisdiction employing such officer.
16. If served by deputy sheriff, insert name of sheriff.
17. Name of representative of corporation or other legal entity, as identified in Data Element No. 11.
18. Title of representative of corporation or other legal entity (*e.g.*, registered agent, officer, manager, employee).
19. Address of representative of corporation or other legal entity.
20. Insert the short offense description from standard list.
21. Insert offense tracking number.
22. Insert the Virginia Crime Code for offense charged.
23. Hearing date. See Using This Form, 4.b.

Using This Form

1. Copies
 - a. Original – to receiving court.
 - b. First copy – to sending court.
2. Prepared by clerk, signed by judge.
3. Attachments
 - a. Entire case file of case being transferred.
4. Preparation details
 - a. Use this form only when transferring jurisdiction from one type of court to another type of court (such as a transfer from a juvenile and domestic relations district court to a general district court) pursuant to Va. Code § 16.1-245.
 - b. Do NOT use this form for transferring venue from one juvenile and domestic relations district court to another juvenile and domestic relations district court pursuant to Va. Code § 16.1-243. For such transfer of venue, use district court form DC-616, ORDER OF TRANSFER.

ORDER – TRANSFER OF JURISDICTION

VA. CODE §§ 16.1-245

Case No. **1**.....

Commonwealth of Virginia

[] Circuit Court

[] General District Court

2 [] Juvenile and Domestic Relations District Court

3..... v./In re

During the pendency of this proceeding, this Court ascertained that exclusive jurisdiction of this case lies with the following court for the following reasons:

4

COURT NAME AND REASONS FOR TRANSFER

Therefore, pursuant to Va. Code § 16.1-245, this case is transferred to such court, and the clerk is directed to transfer all papers, documents and evidence connected with the case to such court.

5

DATE

6

JUDGE

ORDER – TRANSFER OF JURISDICTION

Data Elements

1. Court case number in the sending court.
2. Name of sending court. Check the applicable box.
3. Style of case in the sending court.
4. Name of receiving court and explanation as to why jurisdiction is being transferred to the receiving court.
5. Date of signing of order.
6. Signature of judge.

Using This Form

1. Copies — (Contact the court to determine if you should bring copies to the Clerk's Office or if copies will be made upon filing.)
 - a. Original to court
 - b. Make a copy for the defendant.
2. Prepared by magistrate or clerk, signed by defendant.
3. Attachments
 - a. Original
 1. Defendant's copy of summons or warrant
DC-314, WARRANT OF ARREST (State Misdemeanor)
DC-315, WARRANT OF ARREST (Local Misdemeanor)
DC-319, SUMMONS
DC-322, POLICE SUMMONS
 2. Copy of receipt for court.
 - b. Defendant's Copy
 1. Original receipt

NOTICE — APPEARANCE, WAIVER AND PLEA

Commonwealth of Virginia

VA. CODE ANN. § 16.10-69.40:2

NOTICE

1. You have the right to appear at trial.
2. You are presumed innocent until proven guilty beyond a reasonable doubt.
3. You have the right to retain counsel to represent you.
4. You have the right to have the Clerk subpoena witnesses on your behalf.
5. You have the right to plead guilty or not guilty or nolo contendere to any charge placed against you.
6. You have the right to appeal the judgment of the District Court within ten (10) days.
7. If you fail to enter a written or court appearance, you may be tried in your absence.

APPEARANCE, WAIVER AND PLEA

By signing below, I am entering my written appearance in the court case resulting from the violation (s) charged on the accompanying summons or warrant. I have read and understand the notice above. I also understand that my plea of guilty will have the same force and effect as a finding of guilty by a judge. Understanding all this, I PLEAD GUILTY to the violation charged, WAIVE my right to a court hearing, and agree to pay the fine and court costs prescribed for my offense.

THIS FORM MUST BE ACCOMPANIED BY YOUR SUMMONS OR WARRANT

1
2
3

 DATE NAME (please print) SIGNATURE

Notice to Defendant Considering a Plea of Guilty or a Plea of Nolo Contendere:

If you decide to plead guilty or nolo contendere to an offense, you are waiving your right to confront your accusers and your right against compulsory self-incrimination.

HEARING DATE 4	CASE NO. 5
NOTICE — APPEARANCE, WAIVER AND PLEA	
<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">6 {</div> <div> <p>[] Commonwealth of Virginia</p> <p>[] CITY [] COUNTY [] TOWN of</p> <p>.....</p> <p style="text-align: center;">v.</p> <p>.....</p> <p style="text-align: center;">ACCUSED</p> <p style="text-align: center;">7</p> <p>.....</p> <p>.....</p> </div> </div>	

Data Elements

1. Date on which the defendant signs this form.
2. Name of defendant (print or type).
3. Signature of accused.
4. Hearing date obtained from summons or warrant.
5. Court case number.
6. Name of jurisdiction whose laws were allegedly violated. On local summonses, fill in name of locality.
7. Name of defendant.

Using This Form

1. Prepared by party requesting issuance of subpoena.
2. Attachments – the original copy of the papers that start a case.
3. Preparation details
 - a. Data Element No. 3 – telephone numbers aid the clerk in contacting witness if trial is continued or the case is concluded before the witnesses are required to be in court. Lack of telephone numbers will not be used to delay issuance of form DC-326, SUBPOENA FOR WITNESS, or for refusing to accept form DC-325.
 - b. Data Element No. 13 should be dated by the clerk or magistrate receiving this form.
 - c. This subpoena shall be filed at least ten (10) days prior to trial. Supreme Court Rule 7:12.
 - d. In civil cases, service of witness subpoenas will involve a fee. Please contact the clerk's office for further information.
 - e. In completing Data Element No. 3, obtain the name of the jurisdiction in which the witness lives and (if needed) the name of the city or town used in the postal address in parentheses.

Example 1: Urban area straddling a city and one or more counties:

- (a) Bedford City, Bedford County
“Bedford City” or “Bedford County”
- (b) Petersburg City, Prince George County, Dinwiddie County
“Dinwiddie County (Petersburg)”
“Prince George County (Petersburg)”
“Petersburg City”

Example 2: Town straddling or adjacent to a county line where the name of the town is used in the postal address:

- (a) Town of Farmville, Prince Edward County, Cumberland County
“Prince Edward County (Farmville)”
“Cumberland County (Farmville)”
- (b) Town of Fries, Grayson County, Carroll County
“Grayson County (Fries)”
“Carroll County (Fries)”

If the name of the exact jurisdiction is not known to the person preparing this form, insert name of city or town used in postal address.

REQUEST FOR WITNESS SUBPOENA

Commonwealth of Virginia

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617, 19.2-267

Rules 3A:12, 7A:12, 8:13

(PLEASE PRINT)

1

CITY OR COUNTY

- 2** GENERAL DISTRICT COURT (Civil Criminal Traffic)
 JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the date shown. (See Va. Code § 17.1-617 regarding limitation on compensation of subpoenaed witnesses.) Requests for subpoenas for witnesses should be filed at least ten days prior to trial or hearing.

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESSES CAN BE FOUND.)

NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE [] CITY OF [] COUNTY NAME (.....) TELEPHONE NUMBER	NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE [] CITY OF [] COUNTY NAME (.....) TELEPHONE NUMBER
NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE [] CITY OF [] COUNTY NAME (.....) TELEPHONE NUMBER	NAME (LAST, FIRST, MIDDLE) STREET ADDRESS/LOCATION CITY, STATE, ZIP CODE [] CITY OF [] COUNTY NAME (.....) TELEPHONE NUMBER

CASE NO. **4**

REQUEST FOR WITNESS SUBPOENA

- Commonwealth of Virginia
 CITY COUNTY TOWN of

5

- NAME OF PLAINTIFF(S)/PETITIONER(S) (LAST, FIRST, MIDDLE)
(IN CIVIL CASES ONLY)

v./ In re

6

NAME OF DEFENDANT/CHILD (LAST, FIRST, MIDDLE)
LIST ONLY ONE DEFENDANT

7

Charge: (TRAFFIC OR CRIMINAL CASE)

COURT DATE AND TIME:

8

REQUEST ON BEHALF OF

9

- Commonwealth City, County, Town of
 PLAINTIFF(S) DEFENDANT(S) JUVENILE
 PETITIONER RESPONDENT

REQUESTED BY:

10

PRINTED NAME

11

SIGNATURE

12

(.....) TELEPHONE NUMBER

COURT USE ONLY

DATE RECEIVED

DATE ISSUED

13

14

Data Elements

1. Jurisdiction name (city or county).
2. Check the court to which the case papers will be returned. If returnable to a General District Court that sits in Divisions, check the appropriate division in parentheses.
3. Name, street address and telephone number of each witness to be subpoenaed. See USING THIS FORM, 3.a. and 3.e., preparation details, for further details.
4. Court case number, if you do not know the case number, inquire with the clerk's office or leave blank to be filled in at filing.
5. Name of jurisdiction whose laws are being violated or (in civil cases) plaintiff's name.
6. Name of defendant, or of juvenile in juvenile cases in juvenile and domestic relations district court.
7. Identify charge.
8. Court date and time when witnesses are required to appear. Use separate request forms if groups of witnesses are to appear on different days. If you do not know when the case is to be heard, leave blank or inquire with the clerk's office.
9. Check the category of the party who wants the subpoena to be issued.
10. Print or type name of person requesting subpoena.
11. Signature of person requesting subpoena and date of signature.
12. Telephone number of person requesting subpoena.

For Court Use Only:

13. Date request for subpoena reaches court or magistrate.
14. Date last subpoena issued by court. If issued by magistrate, please complete only if magistrate issues all of the requested subpoenas and add "MAG" next to date.

Using This Revisable Form

1. Copies
 - a. Original – for service of process and court use.
 - b. First copy – give to first witness served.
 - c. Second copy – give to second witness served if more than one witness is shown on original.
2. Prepared by clerk or magistrate or party requesting issuance of this form. However, this form may be issued only by clerk, judge, magistrate or (in criminal cases) Commonwealth's Attorney.
3. Attachments – none.
4. Preparation details
 - a. Place a second witness on Form DC-326 only when both witnesses live in the same household or when the same serving officer will be used to serve both witnesses. Otherwise, use a separate set of forms for each witness.
 - b. Name and address of complainant can be obtained from forms DC-310, CRIMINAL COMPLAINT (BAD CHECK) or DC-311, CRIMINAL COMPLAINT, if either form is used. Names and addresses of other witnesses may be obtained from form DC-325, REQUEST FOR WITNESS SUBPOENA.

SUBPOENA FOR WITNESSES

Commonwealth of Virginia

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617, 19.2-267,
and Rules 3A:12 and 7A:12

[] General District Court ([] Civil []Criminal [] Traffic)
[] Juvenile and Domestic Relations District Court

1
.....
CITY OR COUNTY

3
.....
STREET ADDRESS OF COURT
TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the witnesses listed below to appear on

4
..... at to testify in this case.
DATE TIME

RETURNS: Each witness was served as indicated below, according to law (unless not found).

NAME 5 ADDRESS.....	
<input type="checkbox"/> PERSONAL SERVICE 6	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. 7 <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. 8 <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) <input type="checkbox"/> Served on Secretary of the Commonwealth.	
<input type="checkbox"/> NOT FOUND 9	..... 10 SERVING OFFICER
..... 11 DATE	for 12

NAME ADDRESS.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner: <input type="checkbox"/> Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport. <input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. <input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.) <input type="checkbox"/> Served on Secretary of the Commonwealth.	
<input type="checkbox"/> NOT FOUND	..... SERVING OFFICER
..... DATE	for

NOTICE TO WITNESS: Failure to comply with this subpoena could cause you to be fined or jailed for contempt of court. Bring this subpoena with you to court. When asking about this case, have this form in hand.

RETURN DATE **13** CASE NO. **14**

[] Commonwealth of Virginia [or]
[] CITY [] COUNTY [] TOWN of
..... **15** [or]

[]

In re/v.

16
.....

Charge:

17
.....
.....

SUBPOENA FOR WITNESSES

The witnesses are subpoenaed to testify on behalf of:

[] Commonwealth of Virginia [or]
[] the City, County or Town indicated [or]
18 [] Plaintiffs [or]
[] Defendants [or]
[] Juvenile

Subpoena requested by:

..... **18**

..... **19**
DATE ISSUED

..... **20**

[] CLERK [] MAGISTRATE [] JUDGE
[] PROSECUTING [] DEFENSE ATTORNEY

Data Elements, front

1. Jurisdiction name (city or county).
2. Check the court to which the subpoena will be returned. If returnable to a general district court that sits in divisions, check the appropriate division in parentheses.
3. Street address and telephone number of court.
4. Date and time that the witness must appear in court.
5. Name, address and telephone number of person to be summoned. Take this information from district court forms DC-325, REQUEST FOR WITNESS SUBPOENA, DC-310, CRIMINAL COMPLAINT (BAD CHECK), if used, and DC-311, CRIMINAL COMPLAINT, if used.
6. Check this box if personal service obtained.
7. Serving officer to check the appropriate box to designate type of substitute service (on original copy only).
8. On original copy only, if served by leaving the subpoena with a family member age 16 or over, insert required information.
9. Check this box on original copy only if unable to serve process.
10. Signature of serving officer on original copy only on date of service or attempted service.
11. Date of signature.
12. Jurisdiction or agency. Name of sheriff if served by deputy sheriff.
13. Date that case is returnable in the appropriate court. This date is NOT the date when the witnesses must appear – see Data Element No. 4 above.
14. Court case number.
15. Name of jurisdiction whose laws are violated or (in civil cases) plaintiff's name.
16. Name of defendant.
17. Charge before the court on which witness will testify.
18. Person on whose behalf the witness will testify and name of party requesting the subpoena.
19. Date on which subpoena was issued.
20. Signature of person issuing subpoena. Check the appropriate title box below the signature line.

IF YOU ARE THE VICTIM OF A CRIME, defined by the Code of Virginia as anyone suffering physical, psychological or economic harm as a direct result of a (1) **felony** or (2) **assault and battery, stalking, sexual battery, attempted sexual battery, driving while intoxicated, violation of a protective order, or a delinquent act of one of these offenses that would be a felony or misdemeanor if committed by an adult, you may be entitled to certain information or assistance.**

Contact your local Commonwealth's Attorney's office or Victim-Witness Assistance program for further information.

VICTIMS AND WITNESSES

MAY BE ENTITLED TO THE FOLLOWING SERVICES IN CASES INVOLVING THE CRIMES NAMED ABOVE:

- **PROTECTION** from harm or threats arising from cooperation with law enforcement or prosecution efforts through witness protection programs administered by state, federal or local police. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **SEPARATE** waiting areas during court, where available, that afford privacy and protection from intimidation and that does not place the victim in close proximity to the defendant or the defendant's family. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **FINANCIAL ASSISTANCE** by filing a claim for Crime Victim's Compensation, restitution for damages or loss, or assistance in having promptly returned any property held by law enforcement agencies for evidence. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **EMPLOYER INTERCESSION SERVICES** to minimize loss of pay and other benefits resulting from court appearances, and ensuring that you are not penalized for appearing in court. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **NOTICES** from (1) the Commonwealth's Attorney of court proceedings, changes in court dates, case status and dispositional information (2) the Attorney General of the filing and disposition of any appeal or habeas corpus proceeding in the case, if requested, and (3) a local jail or penitentiary of the convicted assailant's release or escape, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **COURTROOM ASSISTANCE** through the services of an interpreter, confidentiality of your address, telephone number and place of employment, upon your written request. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.
- **VICTIM INPUT** by the preparation of a written victim impact statement after the defendant's conviction and the ability to remain in the courtroom during court proceedings unless you are excluded as a material witness. Upon a written request by the victim, the Commonwealth's Attorney shall consult the victim in a felony case either verbally or in writing to inform the victim of the contents of a proposed plea agreement and to obtain the victim's views, about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. Contact your local Commonwealth's Attorney or Victim-Witness Assistance program for further information.

DISABILITY ACCOMMODATIONS for losses of hearing, vision, mobility, etc. Contact the court ahead of time.

Using This Form

1. Copies
 - a. Original – The judicial officer who conducts the bail hearing should forward this document to the court.
 - b. First copy – In localities where the Attorney for the Commonwealth requests a copy, the judicial officer should forward a copy to him or her.
2. Attachments
 - a. District court form DC-330, **RECOGNIZANCE**, or
 - b. District court form DC-352, **COMMITMENT ORDER**
3. Preparation details – The judicial officer who conducts a bail hearing uses this form to ensure that he or she complies with the mandates of Virginia Code § 19.2-121.

CHECKLIST FOR BAIL DETERMINATIONS

Commonwealth of Virginia

Name of the Accused **1**

Nature and Circumstances of the Offense **2**

Weight of the Evidence **3**

Length of Time in Community **4**

Place of Employment **5** How Long

Family Ties **6**

Involvement in Education **7**

Financial Resources **8**

Pending Charges **9**

10 Was a firearm allegedly used in the offense? [] No [] Yes

11 Currently on probation or parole? [] No [] Yes

Prior criminal record **12**

13 [] The presumption set forth in Virginia Code § 19.2-120 (B) or (C) applies and has not been rebutted.

14 [] Bail was not set by a judge, the presumption set forth in Virginia Code § 19.2-120 (B) or (C) applies and has been rebutted, and an attorney for the Commonwealth concurs in the accused being admitted to bail. (For magistrate determinations only.)

15 [] The secured bond provision in Virginia Code § 19.2-123 applies [] and is waived with the concurrence of the attorney of the Commonwealth or the attorney for the county, city or town.

Prior charges of failing to appear **16**

Is this person likely to obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness, juror or victim? [] No [] Yes

17

Other information considered **18**

Bail Set **19**

Special instructions or conditions **20**

21 [] Check if more information is on reverse

22

DATE

23

[] MAGISTRATE [] JUDGE

Data Elements, front

1. Name of defendant.
2. Nature and circumstances of the offense.
3. Weight of the evidence.
4. Length of time in community.
5. Place of employment and length of time employed there.
6. Family ties to the community.
7. Involvement in education.
8. Financial resources.
9. Any pending charges.
10. Check whether a firearm was allegedly used in the offense.
11. Check whether the accused is currently on probation or parole. Space is provided for comment if desired.
12. Describe prior criminal record.
13. Check if applicable.
14. Check if applicable.
15. Check if applicable.
16. Describe prior charges of failing to appear.
17. Check the applicable box. Space is provided for comment if desired.
18. Describe other information considered.
19. State amount of bail.
20. Describe special instructions or conditions.
21. Check box if additional information is contained on the reverse.
22. Date of signature.
23. Signature of judge or magistrate.

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of §§ 18.2-248, 18.2-248.01, 18.2-255 or § 18.2-255.2 involving a Schedule I or II controlled substance if (i) the maximum term of imprisonment is 10 years or more and the person was previously convicted of a like offense or (ii) the person was previously convicted as a “drug kingpin” as defined in § 18.2-248;
4. A violation of §§ 18.2-308.1, 18.2-308.2, or § 18.2-308.4 and which relates to a firearm and provides for a minimum, mandatory sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of this Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction;
7. An offense listed in subsection B of § 18.2-67.5:2 and the person had previously been convicted of an offense listed in § 18.2-67.5:2 or a substantially similar offense under the laws of any state or the United States and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged;
8. A violation of § 18.2-374.1 or § 18.2-374.3 where the offender has reason to believe that the solicited person is under 15 years of age and that the offender is at least 5 years older than the solicited person.
9. A violation of §§ 18.2-46.2, 18.2-46.3, 18.2-46.5 or § 18.2-46.7;
10. A violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266 or § 46.2-341.24 and the person has, within the past five years of the instant offense, been convicted three times on different dates of a violation of any combination of these Code sections, or any ordinance of any county, city, or town or the laws of any other state or of the United States substantially similar thereto, and has been at liberty between each conviction; or
11. A second or subsequent violation of § 16.1-253.2 or § 18.2-60.4 or a substantially similar offense under the laws of any state or the United States; or
12. A violation of subsection B of § 18.2-57.2.
13. A violation of subsection C of § 18.2-460 charging the use of threats of bodily harm or force to knowingly attempt to intimidate or impede a witness.

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is being arrested pursuant to § 19.2-81.6.

A judicial officer who is a magistrate, clerk or deputy clerk of a district court or a circuit court may not admit to bail, that is not set by a judge, any person who is charged with an offense listed in 1 through 13 above or who is being arrested pursuant to § 19.2-81.6, without the concurrence of any attorney for the Commonwealth.

Virginia Code § 19.2-120

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of a person identified by U.S. Immigration and Customs Enforcement (ICE) as illegally present in the United States if such person is charged with one of the offenses enumerated below. However, for misdemeanor offenses under the provisions of law referred to in paragraphs a, b, c and e, and for felony offenses referred to in paragraph d, this presumption applies ONLY IF ICE has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and reimburse for the costs of incarceration from the time of issuance of the detainer.

- a. An offense listed under subsection C of § 17.1-805 (acts of violence);
- b. An offense listed under subsection A of § 19.2-297.1 (acts of violence);
- c. An offense listed under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense listed under subsection A of § 18.2-57.2;
- d. A felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses); or
- e. An offense under Article 2 (§ 18.2-266 et seq.) or any local ordinance substantially similar thereto, Article 4 (§ 18.2-279 et seq.), Article 5 (§ 18.2-288 et seq.), Article 6 (§ 18.2-299 et seq.), Article 6.1 (§ 18.2-307.1 et seq.) or Article 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2 (crimes involving safety).

Virginia Code § 19.2-120.1.

Additional information:

.....
.....
.....
.....

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to defendant.
2. Prepared by attorney for the Commonwealth and/or judge.
3. Attachments – none.
4. Preparation details

The Motion and the Order sections of this form can be used independently from each other.

**MOTION AND ORDER TO TRY DEFENDANT
FOR A MISDEMEANOR WITHOUT
APPOINTMENT OF COUNSEL**

Commonwealth of Virginia VA. CODE § 19.2-160

Case No. **1**.....

..... **2**
CITY OR COUNTY General District Court Circuit Court
 Juvenile and Domestic Relations District Court

3 { Commonwealth
 County of
 City of
 Town of

v. **4**
DEFENDANT

Charge: **5**
CITATION

..... **6**
DESCRIPTION

..... **7**
OFFENSE DATE

..... **8**
TRIAL DATE AND TIME

9 **MOTION**

The defendant having been charged with a misdemeanor which is punishable by incarceration, the attorney for the Commonwealth, pursuant to Virginia Code § 19.2-160, advises this court that it will not seek a sentence of incarceration (including a suspendable jail sentence) upon conviction of the offense identified above and moves this court to try the defendant without an attorney being appointed by this court to represent the defendant.

The defendant has been provided with a copy of
this Motion on **10**
DATE OF MAILING OR SERVICE

..... **11**
DATE

..... **12**
ATTORNEY FOR THE COMMONWEALTH

ORDER

13 The defendant appeared before this court not represented by an attorney, having been charged with a misdemeanor for which he or she could be jailed if convicted. The court,

14 { upon motion of the Commonwealth’s Attorney, or
 in the absence of the Commonwealth’s Attorney, on its own motion,

hereby states in writing prior to the commencement of the trial of the case that the defendant will be tried without an attorney being appointed to represent him or her and, if convicted, that a jail sentence (including a suspended jail sentence) will not be imposed.

15 Having considered the motion by the attorney for the Commonwealth, the court denies the motion to try the defendant without an attorney being appointed by the court to represent the defendant.

..... **16**
DATE

..... **17**
JUDGE

Data Elements

1. Court case number.
2. Court name. Check appropriate box to indicate type of court.
3. Check appropriate box. If county, city or town, insert name of county, city or town.
4. Name of defendant.
5. Statutory citation for offense for which defendant is charged.
6. Description of charge named in Data Element No. 5.
7. Offense date.
8. Trial date and time.
9. The attorney for the Commonwealth should check this box if filing a written motion to try the defendant without counsel as the attorney is not seeking incarceration.
10. Date MOTION mailed to or served on defendant.
11. Date of signature of attorney for the Commonwealth.
12. Signature of attorney for the Commonwealth.
13. The judge should check this box if ordering that defendant will be tried without counsel as no sentence of incarceration will be imposed.
14. If Data Element No. 13 is checked, check applicable box.
15. The judge should check this box if the motion by the attorney for the Commonwealth to try the defendant without counsel is denied.
16. Date of signature of judge.
17. Signature of judge.

Using This Form

1. Copies
 - a. Original – to court.
 - b. Copies – to each witness and party signing the recognizance.
2. Prepared by clerk, signed by witnesses and clerk.
3. Attachments – none.
4. Preparation details
 - a. Use of this form should help witnesses and parties remember their continuance dates and the consequences of failing to return to court. The latter point should be emphasized.
 - b. Data Element Nos. 5, 6 and 7 are optional but can be helpful if a change in court date requires notifying witnesses and parties of a new trial date, especially if witnesses or parties were not subpoenaed and the court has no location information.

RECOGNIZANCE

VA. CODE §§ 8.01-408, 19.2-135, 19.2-136

1

CITY OR COUNTY

2 [] General District Court [] Juvenile and Domestic Relations District Court

Each of the undersigned hereby promises to appear before this Court on

3

DATE AND TIME

to which this case may be rescheduled or continued, during this trial and on appeal, and to remain in Court upon each appearance until given leave by the Court to depart.

Each of the undersigned acknowledges himself, his heirs, and assigns indebted jointly and severally in the sum of

4

\$ to the locality named above to guarantee that each of us will appear as promised, and each waives all benefit of homestead exemptions as to this debt. For those of us who appear as promised, we will not owe this debt. For those of us who do not appear as promised, we remain liable for paying this debt and understand that we also may be punished by a fine and a jail sentence.

(NAME, ADDRESS, TELEPHONE NO.)

1

NAME
ADDRESS LOCATION
TELEPHONE

2

NAME
ADDRESS LOCATION
TELEPHONE

3

NAME
ADDRESS LOCATION
TELEPHONE

4

NAME
ADDRESS LOCATION
TELEPHONE

(SIGNATURE)

1 (SEAL)

2 (SEAL)

3 (SEAL)

4 (SEAL)

10

[] CLERK [] JUDGE

Subscribed and sworn to before me this day.

9

DATE

HEARING DATE

11

CASE NO.

12

RECOGNIZANCE

[] Commonwealth of Virginia

13

In re / V. 14

15

DEFENDANT

Data Elements

1. Name of jurisdiction.
2. Check the appropriate type of court.
3. Date and time of scheduled appearance.
4. Amount of liability on the recognizance.
5. Name of witness or party.
6. Street address of witness or party.
7. Telephone number of witness or party.
8. Signatures of witnesses or parties.
9. Date of acknowledgment by witnesses or parties.
10. Signature of clerk taking acknowledgment.
11. Date of next hearing. Space is provided for adding continuance dates.
12. Court case number.
13. Plaintiff's name(s). In all state criminal cases, check "Commonwealth of Virginia."
14. Cross out the style designation that is not applicable in the case.
15. Name of defendants.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to the defendant.
 - c. Second copy – to the first surety or authorized agent.
 - d. Third copy – to the second surety, if any, or to the authorized agent, if requested.
2. Prepared by magistrate, clerk or judge.
3. Attachments
 - a. Arrest documents – attach to:
DC-312, WARRANT OF ARREST – FELONY
DC-314, WARRANT OF ARREST – STATE (MISDEMEANOR)
DC-315, WARRANT OF ARREST – LOCAL (MISDEMEANOR)
DC-361, CAPIAS – ATTACHMENT OF THE BODY

If any of these documents are in the issuing officer’s possession at the time that form DC-330 is issued.
 - b. Form DC-332, AFFIDAVIT OF SURETY (if used) – Highly recommended when real estate or personal property is pledged as security or if problems arise concerning the pledged real estate.
 - c. Form DC-370, NOTICE OF APPEAL (if used) – If the judge does not permit the original obligation to be continued after conviction in a district court, then he may permit the release of the defendant on a new obligation. This new obligation would be executed on a second form DC-330, which would be attached to form DC-370, NOTICE OF APPEAL.
 - d. Form DC-529, DETENTION ORDER (if used) – Form DC-330 can be used if the juvenile is required to execute a bond prior to trial to obtain his or her release.
4. Preparation details
 - a. Use separate set of forms
 - i. if charges are returnable to different courts, or
 - ii. if different court dates exist, or
 - iii. if there is a mixture of state and local offenses (separate bond for each jurisdiction’s offenses)
 - b. The information contained in a financial statement, if used, can help the judicial officer in the bail determination process by providing information concerning:
 - i. family ties
 - ii. employment
 - iii. financial resources
 - c. In Data Element No. 5 on page 1, insert the defendant’s last name, followed by first name, then middle initial.
 - d. If secured by pledges of government bonds (with endorsements on separate instruments) or similar types of personal property, a listing of such items (with certificate numbers, if any) should be placed on the back of the form or placed on a separate sheet and attached to the form.
 - e. If real or personal property is pledged as security, the use of form DC-332, AFFIDAVIT OF SURETY, is highly recommended.

RECOGNIZANCE

Va. Code §§ 9.1-185, 9.1-185.8, 19.2-123, 19.2-143, 19.2-258

1
HEARING DATE AND TIME

2
COURT - CITY OR COUNTY

3
COURT - STREET ADDRESS

4 [] Commonwealth of Virginia

v.

5
DEFENDANT - NAME (LAST, FIRST, MIDDLE)

[]

6
DEFENDANT - RESIDENTIAL ADDRESS AND TELEPHONE NUMBER

7
Mailing address: [Same as above OR]

I certify that this document contains my current mailing address.

CHARGES(s):

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
8	9	10	11
	Description: 12		
	Description:		
	Description:		
	Description:		
	Description:		
	Description:		

[] Addendum listing additional charges is attached and incorporated.

I, THE DEFENDANT, as a condition of my release from custody, by signing this form, promise to appear in court on the date and time noted above. If this date, time or place is changed for any reason by any court or judge, I also promise to appear as so directed. I understand that I [] may [] may not leave the Commonwealth of Virginia until my case, and any appeals in my case, are finished. I further agree to keep the peace and be of good behavior and agree to the conditions listed below.

13

I, THE DEFENDANT, UNDERSTAND THAT: (1) If I fail to obey the conditions, I may be ARRESTED and, bail may be revoked; (2) if I fail to appear, the court may try and convict me in my absence; (3) if I fail to appear in the Circuit Court on a misdemeanor charge, I give up my right to a jury trial; (4) failure to appear is a separate crime; (5) I must promptly notify the court of any change in my mailing address or where I live while this case is pending.

14
SIGNATURE OF DEFENDANT

15
DATE

Data Elements, page one

1. Hearing date and time.
2. Name of jurisdiction (city or county).
3. Name of court (and division of court if applicable) in which the defendant is required to appear and street address.
4. Check appropriate box and insert name of locality, if applicable.
5. Name of the defendant. See Using This Form, 4.c.
6. Residential address, which should be the street address and not a post office box, and telephone number of defendant.
7. Mailing address of defendant. If it is the same as the residential address, check box for "same as above."
8. Insert unique offense tracking number.
9. Insert Virginia Crime Code for the offense charged.
10. Virginia Code section alleged to have been violated.
11. Court case number.
12. Short description of charge in the WARRANT for which the accused is being released on this form.
13. Check appropriate boxes relating to conditions of recognizance and insert other conditions.
14. Signature of the defendant.
15. Date of signature.

[] Commonwealth of Virginia v. 1
DEFENDANT - NAME (LAST, FIRST, MIDDLE)

2 []

BOND AS CONDITION OF RECOGNIZANCE: By signing this bond, the defendant and each person signing as surety agree that they and their heirs and assigns owe the sum of \$ 4 to the county or city in which the case is prosecuted.

3 This debt is: [] UNSECURED [] SECURED BY [] Cash [] Surety Bail Bondsman [] Property Bail Bondsman [] Other **5**
Solvent Surety(ies) whose ability to pay this debt is measured by the value of real or personal property which they own and who further swear or affirm that the value of such property (after subtracting debts that are liens against the property such as mortgages, unpaid judgments, and unpaid tax liens) equals or exceeds the amount of this bond. Each person who signs this bond agrees to the bond terms and any attached applicable terms are incorporated by reference.

The defendant and each person who signs the bond as a surety give up any homestead exemption as to the debt of this bond and understand that the court may force the sale of ANY property owned by the defendant or any surety to pay the debt if the defendant fails to obey all of the terms and conditions of the recognizance. Each person who signs this bond promises to keep the title and possession of all property used to measure the ability to pay the debt of this bond in his or her name and not use such property as collateral for any loan or debt to allow liens against such property which would prevent the payment of the debt of the bond. The terms and conditions of the recognizance are incorporated by reference, and each person who signs the form agrees to obey all of the terms and conditions on both sides of this form. If the defendant obeys all of the conditions listed in the recognizance, the debt of this bond is void. If the defendant fails to obey the condition of appearance of the recognizance, the people who signed the bond may be required to pay the amount of the bond.

6 (SEAL)
DEFENDANT

BAIL BONDSMAN INFORMATION

7
NAME OF BAIL BONDSMAN

12 (SEAL)
SIGNATURE OF BAIL BONDSMAN

8
BAIL BONDSMAN DCJS LICENSE NO.

13
NAME OF INSURANCE COMPANY

9
NAME OF BONDING COMPANY

14
NAME OF REGISTERED AGENT

10
ADDRESS OF BAIL BONDSMAN/BONDING COMPANY

15
ADDRESS OF REGISTERED AGENT

11
TELEPHONE NO. OF BAIL BONDSMAN/BONDING COMPANY

16
TELEPHONE NO. OF REGISTERED AGENT

OTHER SURETY(IES) INFORMATION

17
NAME OF SURETY

18 (SEAL)
SIGNATURE OF SURETY

19
ADDRESS

19
TELEPHONE NO.

17
NAME OF SURETY

18 (SEAL)
SIGNATURE OF SURETY

19
ADDRESS

19
TELEPHONE NO.

20 ([] check if applicable) The defendant is released into the custody of the person/organization named below upon completion of this part: By signing this part, the custodian named below agrees to take custody of the defendant and see that the defendant obeys the conditions listed above. If the defendant disappears or does not obey every condition, the custodian promises to notify the court at once.

21
CUSTODIAN - NAME AND ADDRESS

22
SIGNATURE OF CUSTODIAN

RIGHT TO APPEAL:

You have the right to appeal the amount of this bond. You also have the right to appeal any condition of release. If you want to appeal, contact a lawyer or the court listed on the other side of this form.

ADMITTANCE TO BAIL: After I explained the conditions and warnings contained in this document, the defendant and each person signing as surety swore or affirmed to fulfill the recognizance and, if any, the bond. I order the defendant released on the conditions listed in this document.

23
[] CLERK [] MAGISTRATE [] JUDGE

24
JURISDICTION (IF DIFFERENT FROM COURT)

25
DATE AND TIME

Data Elements, page two

1. Insert name of defendant.
2. Check appropriate box and insert name of locality, if applicable.
3. Amount of bond.
4. Check the appropriate box regarding secured or unsecured bond.
5. Check appropriate box(es) for what or who is securing the bond.
6. Signature of the defendant.
7. Name of bail bondsman.
8. Bail bondsman's DCJS license number.
9. Name of bonding company.
10. Address of bail bondsman/bonding company.
11. Telephone number of bail bondsman/bonding company.
12. Signature of bail bondsman.
13. Name of insurance company.
14. Name of registered agent.
15. Address of registered agent.
16. Telephone number of registered agent.
17. Name(s) of surety(ies).
18. Signature(s) of surety(ies).
19. Address and telephone number of surety(ies).
20. Check this box only if the accused is released into the physical custody of a third party regardless of whether or not a bond with a third party surety is also executed.
21. Name and street address of custodian.
22. Signature of custodian. If custodian is an organization, include signer's title.
23. Signature of person issuing this form. Check the appropriate title box below the signature line.
24. Jurisdiction of judicial officer admitting accused to bail if different from jurisdiction of court in Data Element No. 2 on page 1.
25. Date and time that this form was signed by judicial officer.

Offense Tracking Number(s): **1**

3 [] Commonwealth of Virginia v. **2**
DEFENDANT – NAME (LAST, FIRST, MIDDLE)
[]

BOND SECURED WITH CASH:

1. According to the provisions of § 58.1-535, if the person who posted the cash bond (which means the defendant or any other person who posted the cash bond for him or her), owes any debts to the court where the bond is posted and has not made provision to otherwise satisfy that debt, the cash bond or any balance remaining after payment of fines and costs, may be claimed by the court under the Virginia Setoff Debt Collection Act. Written notice will be given to the person who posted the cash bond that it will be taken to pay debts to the court and the person may contest that action in a hearing before a hearing officer.
2. If the defendant appears and obeys all of the conditions of the Recognizance and is convicted, according to the provisions of Virginia Code § 19.2-121, the court may not take the fines and costs out of the cash bond posted unless the defendant, if he or she posted the cash bond, or the person who posted the cash bond for the defendant, agrees to let the court do so.

I have posted the cash bond. I agree to let the court take the fines and costs out of the cash bond.

4

SURETY

5

DEFENDANT

3. If the defendant fails to come to court on the date and time listed in this document, or on any other dates, times or places which any court or judge may set, the defendant gives up any right to notice of any proceeding to forfeit (collect on) the bond, and the court may forfeit the bond without notifying the defendant. The defendant also agrees that any notice of a proceeding to forfeit the bond does not renew a right to such notice. If the court does contact the defendant about a hearing to forfeit the bond, the court does not have to notify the defendant again if the bond is forfeited at the first hearing.
4. If the defendant posted a cash bond and does not come to court and is convicted, the court must take the fines and costs out of the cash bond posted. The court also must forfeit any of the cash bond left over without notifying the defendant. If the court grants a rehearing and finds that good cause has been shown, the court may remit any amount of the cash bond not applied to fines or costs and order a refund by the State Treasurer, or by the treasurer or director of finance of the locality if the bond was collected by a locality pursuant to § 19.2-136. This means that if the court decides that there is a good reason to do so, the defendant may get back that part of a cash bond not used to pay fines and costs.
5. If the defendant posted a cash bond and does not come to court and the court does not try the defendant in his or her absence, the court must forfeit the entire bond at once and without notice. If the defendant appears in court within 60 days after the court forfeits the bond, the court may order a refund of all or part of the cash bond by the State Treasurer, or by the treasurer or director of finance of the locality if the bond was collected by a locality pursuant to § 19.2-136.
6. Once the court has made a decision on all the cases covered by this bond, the person who posted the cash bond should contact the clerk's office concerning a refund. If the court convicted the defendant and if the person who posted the cash agreed to allow the court to subtract all fines and costs from the bond, there may not be a refund.

Data Elements, *page three*

1. Insert Offense Tracking numbers for all offenses.
2. Insert name of defendant.
3. Check appropriate box and insert name of locality, if applicable.
4. Signature of surety of cash bond.
5. Signature of defendant if bond secured by cash.

Using This Revisable PDF Form

1. Copies
 - a. Original – to court where defendant is required to appear with the jailer's acknowledgment of delivery of accused to his custody.
 - b. First copy – to the accused.
 - c. Second copy – to the surety.
 - d. Additional copies as dictated by local practice.
2. Prepared by surety (except for surety's capias portion in the lower left corner of the form) and the return portion in the lower right hand corner of the form.
3. Attachments – none.
4. Preparation details

The surety's capias may be issued by the court where the accused is required to appear or the court of the jurisdiction where the accused was released on bond. See Virginia Code § 19.2-149.

SURETY'S CAPIAS AND BAILPIECE RELEASE

Commonwealth of Virginia

VA. CODE § 19.2-149

SURETY'S NAME 1		BOND AMOUNT \$ 2
PART A	COURT TO WHICH DEFENDANT WAS BONDED The Accused is required to appear before the 3 CITY OR COUNTY 4 <input type="checkbox"/> General District Court <input type="checkbox"/> Juvenile and Domestic Relations District Court on 5 DATE AND TIME	
PART B	LOCATION WHERE DEFENDANT WAS BONDED The Accused was released on a recognizance taken before a judicial officer of the 6 <input type="checkbox"/> Court named above in block A [OR] 7 CITY OR COUNTY 8 <input type="checkbox"/> General District Court <input type="checkbox"/> Juvenile and Domestic Relations District Court	
CHARGE: 9		

BAILPIECE RELEASE

I, the undersigned surety for the accused, desiring to be discharged from liability as surety on the recognizance described above, request a capias for the arrest and surrender of the accused.

.....
10
DATE

.....
11
SURETY

SURETY'S CAPIAS

TO ANY AUTHORIZED OFFICER, OR TO THE VIRGINIA-LICENSED BAIL BONDSMAN ACTING AS SURETY OR HIS LICENSED BAIL ENFORCEMENT AGENT:
YOU ARE HEREBY COMMANDED in the name of the Commonwealth forthwith to arrest the Accused, and to deliver him or her to the Sheriff or Jailor of the city or county named in Part A above.

.....
12
DATE AND TIME ISSUED

.....
13
[] CLERK [] JUDGE [] MAGISTRATE

CASE NO. 14
SURETY'S CAPIAS AND BAILPIECE RELEASE
15 <input type="checkbox"/> Commonwealth of Virginia <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Town of
16 v. ACCUSED RETURN
The Accused named above was this day delivered into the custody of: <input type="checkbox"/> the Court named in Part A to the left. 17 <input type="checkbox"/> the Court named in Part B to the left. <input type="checkbox"/> the sheriff, sergeant or jailor of the city or county named in Part A to the left.
18 DATE AND TIME
..... 19 [] CLERK [] SHERIFF [] JAILOR

Data Elements

1. Name of surety.
2. Amount of bond secured by surety.
3. Jurisdiction of court to which the accused is required to appear as stated on form DC-330, CONDITIONS OF RELEASE, RECOGNIZANCE AND BOND, Data Element No. 4.
4. Check type of court to which the accused is required to appear as stated on form DC-330, CONDITIONS OF RELEASE, RECOGNIZANCE AND BOND, Data Element No. 4.
5. Date and time of scheduled appearance.
6. Check this box if applicable.
7. Jurisdiction of court if bonded by an officer of a court in a jurisdiction other than the jurisdiction name in Data Element No. 3.
8. Type of court where defendant was bonded.
9. Charge on which the accused was bonded as state in form DC-330, CONDITIONS OF RELEASE, RECOGNIZANCE AND BOND.
10. Date on which the surety signed the request.
11. Signature of surety.
12. Date and time of issuance of surety's capias.
13. Signature of person issuing surety's capias. Check the appropriate title box below the signature line.
14. Court case number.
15. Name of jurisdiction whose laws were violated. Check the appropriate box and, if charged on a local offense, insert the name of the locality.
16. Name and address of the accused.
17. Check the appropriate box.
18. Date and time that the accused was returned to custody.
19. Signature of person into whose custody the accused is delivered. Check the appropriate title box below the signature line.

Using This Form

1. Copies
 - a. Original – to court.
2. Prepared by clerk or magistrate or party requesting issuance of this form. However, this form may be issued only by clerk, judge, magistrate or (in criminal cases) Commonwealth's Attorney.
3. Attachments –
 - a. District court form DC-330, RECOGNIZANCE.
4. Preparation details
 - a. This form is designed to be used whenever a surety is pledging real estate and the person taking bond needs to know what is the net equity of the surety in the real estate.
 - b. The form is used when someone other than a surety bail bondsman (who represents a surety company licensed by the State Corporation Commission) or a property bail bondsman (a professional bondsman who has pledged real estate or negotiable securities in the circuit court clerk's office in obtaining his bondsman's certificate) wants to serve as a surety on a bail bond. While use of this form is not statutorily required in such circumstances, its use is highly recommended when real estate is used to determine a surety's solvency to avoid problems regarding solvency and to get written evidence under oath in the event that a surety lies about the property and a false swearing prosecution is initiated.
 - c. When the form is used, determine if any of the property owners listed in Data Element No. 1 are married. If so, the spouse not listed on this form must execute Form DC-330. Conditions of Release, Recognizance and Bond, along with the spouse listed in Data Element No. 1.

AFFIDAVIT OF SURETY

Case No. 1

2 [] General District Court [] Circuit Court

3 [] Juvenile & Domestic Relations District Court

The undersigned state under oath that the following is true:

4 (NAMES OF ALL OWNERS OF PROPERTY PLEDGED AS SECURITY)

5 [] Real Estate - fair market value \$ 7

5 ADDRESS OF REAL ESTATE

6 DESCRIPTION OF REAL ESTATE

8 [] Personal Property Items - fair market value \$ 9

8 DESCRIPTION OF PERSONAL PROPERTY ITEMS

Less encumbrances to title:

Loans or charge accounts - personal property \$

Mortgage or deeds of trust - real estate \$

Unpaid taxes \$

Unsatisfied judgments \$

Other surety bonds \$

Other (assessments, mechanic's liens, etc. Specify type of lien \$ 11

Total Encumbrances \$ 12

NET EQUITY \$

The undersigned further state they are the sole owners of the property, that there are no other encumbrances on the property and that no other person, group, or entity has any equity interest in the property described above.

13 NAME (PRINT OR TYPE) 14 SIGNATURE (seal)

13 NAME (PRINT OR TYPE) 14 SIGNATURE (seal)

13 NAME (PRINT OR TYPE) 14 SIGNATURE (seal)

Acknowledged, sworn/affirmed and signed before me this day:

15 (DATE OF ATTESTATION) 16 [] JUDGE [] CLERK [] MAGISTRATE

FOR NOTARY PUBLIC'S USE ONLY: 17 State of [] City [] County of Acknowledged, subscribed and sworn to before me this day of , 20 NOTARY REGISTRATION NUMBER NOTARY PUBLIC (My commission expires:)

Data Elements

1. Case number(s) of case(s) in which bond to be posted.
2. Court jurisdiction.
3. Style of the case(s) in which bond to be posted.
4. Name of all owners of record of the real estate.
5. If solvency of surety is being determined by ownership of real estate, check this box and insert the street address of the real estate. Include tax map location if known.
6. Insert description of real estate (2 story house, 180 acre farm, etc.).
7. Fair market value of real estate if sold (actual purchase price). If unknown or uncertain, use value listed by local tax assessor.
8. If solvency of surety is being determined by ownership of personal property, check this box and insert a description of the personal property (such as 100 shares of General Electric Co. common stock).
9. Fair market value of personal property if sold (actual purchase price).
10. List amount and type of each encumbrance.
11. Total of all encumbrances.
12. Subtract the amount in Data Element No. 7 from the total of Data Element Nos. 4 and 5 to obtain this figure (the maximum amount realistically pledgeable).
13. Name of each owner listed in Data Element No. 1.
14. Signature of each owner.
15. Date of attestation.
16. Signature of person taking attestation. Check the appropriate title box. If attestation is taken by a notary, include date that notary's commission expires.
17. If attestation taken by notary public, all enclosed fields must be completed including notary's registration number and date notary's commission expires.

Using This Form

1. Copies

Original – to court.

2. Prepared by person seeking a court-appointed attorney, attested by appropriate official or notary public.

3. Attachments – none.

4. Preparation details

a. Any person seeking a court-appointed attorney under §§ 16.1-266 or 19.2-159 or 19.2-160 to represent him or her must complete this form. If a juvenile seeks a court-appointed attorney, his or her parents, guardian, legal custodian or other person standing in *loco parentis* must also complete this form.

b. Many individuals will need assistance in preparing this form.

c. Amounts in Data Element Nos. 5 through 7 and 14 through 20 should reflect both the amounts earned by each applicant and spouse and the value of assets which each applicant and spouse own. If assets are jointly owned by the applicant and spouse and the extent of ownership is not easily ascertainable, assume that the applicant owns 100% of property for the purpose of completing this financial statement.

d. If the spouse was the victim of an offense committed by the applicant, do not include any employment, income, asset or expenses information about such spouse in Data Element Nos. 4 through 26.

e. No independent verification of data contained in the financial statement is required. The verification of any part or all of the financial statements remains in the discretion of the judge, either on a case-by-case basis or on all financial statements.

FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES

Case No. 1

Commonwealth of Virginia VA. CODE § 19.2-159

PRESUMPTIVE ELIGIBILITY

I currently receive the following type(s) of public assistance in CITY/COUNTY

2 I currently do not receive public assistance. Names and address of employer(s) for defendant and spouse: Self 4 Spouse (not applicable if alleged victim) 4

NET INCOME:

Pay period (weekly, every second week, twice monthly, monthly) Self 5 Spouse 5 Net take home pay (salary/wages, minus deductions required by law) \$ 6 Other income sources (please specify) \$ 7

EMPLOYMENT HISTORY:

8 Were you employed at the time of your arrest? [] yes [] no 9 If yes, my net take home pay was [] per week [] month \$ 9 10 If no, length of time since last employed? 10 11 Total wages earned last calendar year? \$ 11

TOTAL INCOME \$ 12 + 12 = 13 A

ASSETS:

Cash on hand \$ 14 Bank Accounts at: 15 \$ 15 Any other assets: (please specify)

Real Estate - \$ 16 NET VALUE with a value of \$ 16 \$ 17

Motor Vehicles { 18 YEAR AND MAKE with net value of \$ 18 18 YEAR AND MAKE with net value of \$ 18

Other Personal Property: (describe) 19 \$ 19 TOTAL ASSETS \$ 20 = 21 B

22 Number in household defendant has financial responsibility for, including defendant.

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) \$ 23 Court-ordered support payments/alimony \$ 24 24 [] deducted from paycheck [] not deducted from paycheck Child-care payments (e.g. day care) \$ 25 Other (describe): } \$ 26

This statement is made under oath. Any false statement may constitute a violation under Virginia Code § 19.2-161 and be subject to criminal penalty, including incarceration.

TOTAL EXPENSES \$ 27 = 27 C COLUMN "A" plus COLUMN "B" minus COLUMN "C" equals available funds = 28

I hereby state that the above information is correct to the best of my knowledge.

Name of defendant (type or print) 29

30 DATE 31 SIGNATURE

Sworn/affirmed and signed before me this day.

32 DATE 33 SIGNATURE 34 TITLE

Data Elements

1. Court case number.
2. If receiving public assistance, check and insert name of city or county and, if receiving aid from another state or the District of Columbia, insert the name of such state or the District of Columbia. Also check the applicable boxes and, if applicable, complete the blank lines.
3. If not receiving public assistance, check this box.
4. Names and addresses of employers of the person seeking a court-appointed attorney and of the spouse of such person.
5. Description of interval between pay periods (weekly, every two weeks, twice monthly, monthly).
6. **Annual** net take-home pay.
7. Describe other income sources and total **annual** amounts.
8. Check appropriate box.
9. If answer to Data Element No. 8 is yes, check appropriate box and enter dollar amount of take home pay.
10. If answer to Data Element No. 8 is no, enter length of time since last employment.
11. Enter dollar amount of total wages earned last calendar year.
12. Total of Data Element Nos. 6 and 7.
13. Total of both columns of Data Element No. 12.
14. Amount of cash in the immediate possession of the applicant and his spouse.
15. Amount of funds in checking or savings accounts, whether in a bank, savings and loan, credit union or other similar financial institution. List name of institution.
16. Describe other assets readily convertible to cash and total value of such items.
17. Show total net value (fair market value less all debts secured by deed of trust or lien) of all real estate owned by the applicant and his or her spouse.
18. Show year, make, model and net value (current sale price less debts and other liens secured by the automobile).
19. Describe all personal property readily convertible to cash and its fair market value. Exclude property exempt from attachment.
20. Total of Data Element Nos. 14 through 19.
21. Total of both columns of Data Element No. 20.
22. Total number of individuals in household for whom defendant has financial responsibility, including defendant.
23. Amount of unusual, continuing medical expenses, if applicable to applicant's family.
24. Amount of all court-ordered support and/or alimony (spousal support). Check appropriate box to indicate if deducted or not deducted from paycheck.
25. Amount of child care expenses, if any.
26. Amounts and descriptions of all other exceptional expenses.
27. Total amount of all such exceptional expenses.
28. Total of Data Element No. 13 plus Data Element No. 21 minus Data Element No. 27.
29. Applicant's name either typed or hand-printed
30. Date of signing.
31. Signature of applicant.
32. Date of attestation.
33. Signature of person taking attestation.
34. Title of person taking attestation.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to the adult.
 - c. Second copy – to court-appointed lawyer, if one is appointed.
2. Prepared by clerk or judge.
3. Attachments
 - a. District court form DC-333, FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, if the accused claims to be indigent. See preparation details.
4. Preparation details
 - a. This form is for requesting appointment of counsel for adults only.
 - b. Data Element No. 15 is located so that this form, when completed, can be folded and inserted into a window envelope for mailing to the attorney (if he is not in court to receive a copy of the order of appointment). Because windows on all window envelopes are not the same size, the clerk should experiment with a few samples to determine the best way to use this form with the window envelopes in stock.
 - c. If the adult requests the appointment of a lawyer by the court, then the adult must execute a FINANCIAL STATEMENT-ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, DC-333, to verify the claim of indigency. The use of this financial statement is required by statute and is used to help the judge elicit financial information required by Va. Code § 19.2-159.

REQUEST FOR APPOINTMENT OF A LAWYER

Case No. 1

Commonwealth of Virginia VA. CODE ANN. §§ 16.1-266, 267 §§ 19.2-159, 160, 163

- [] Circuit Court
[] General District Court
[] Juvenile and Domestic Relations District Court

2

CITY OR COUNTY

3

Adult

4

ADDRESS

TELEPHONE NUMBER

TO THE ADULT: You have been charged with an offense punishable by death or confinement in a state correctional facility or in jail, including charges for revocation of suspension of imposition or execution of sentence or probation; or you are a party in a case involving allegations of abuse and/or neglect or a case in which you may be subjected to termination of your residual parental rights and responsibilities. You have the right to be represented by a lawyer with respect to this matter. In addition, the court shall consider appointing counsel to represent the parent or guardian of a child who is the subject of a foster care plan, foster care review or permanency planning hearing. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the judge appoints a lawyer to represent you, the lawyer will be paid with public funds whether or not you are convicted. However, if you are convicted, you shall pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. You may also waive your right to a lawyer.

REQUEST FOR APPOINTMENT OF A LAWYER—STATEMENT OF INDIGENCY

I, the undersigned, have been advised this day by this Court of my right to be represented by a lawyer in the case involving me; I certify that I am without means to employ a lawyer and I hereby request the Court to appoint a lawyer for me. My financial statement accompanies this request.

I have been informed that the lawyer appointed for me will be paid with public funds, but if I am convicted of a criminal offense, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in this case in all state courts until relieved or replaced by another lawyer. If the court finds me to be not indigent, and if the court then declines to appoint a lawyer to represent me, I understand that I may employ my own lawyer. But, if I appear without counsel on the trial date, I may be deemed to have waived my right to counsel.

5

DATE

6

ADULT

The Court was advised that 7, a lawyer, has been retained to represent the accused in this Court.

This information was provided by:

8 [] the above-named person [] the lawyer []

9

DATE

10

[] JUDGE [] CLERK

ORDER OF APPOINTMENT OF COUNSEL

THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH. HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND THAT

[] the Adult is indigent and not entitled to representation by a court-appointed attorney.

11

- [] the Adult is indigent within the guidelines set forth in the law and is entitled to representation by a court-appointed counsel;
[] the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer. [] The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS OF COURT APPOINTED LAWYER

15

12 NEXT HEARING DATE AND TIME

13

DATE

14 JUDGE

Data Elements

1. Court case number.
2. Court jurisdiction. Check the type of court.
3. Name of adult.
4. Address and telephone number of defendant.
5. Date of signing by adult.
6. Signature of adult.
7. Name of privately-retained lawyer.
8. Check box and fill in blank (if needed) to indicate source of information.
9. Date of signing by judge or clerk.
10. Signature of judge or clerk.
11. Check the appropriate boxes and, if applicable, describe special circumstances.
12. Date and time of next hearing.
13. Date of entry of order.
14. Signature of judge.
15. Name and address of court-appointed lawyer.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to adult.
2. Prepared and signed by judge; waiver signed by accused.
3. Attachments – none.
4. Preparation details

This form is used when an adult voluntarily waives his right to counsel in a criminal case or when an adult defendant refuses to sign either a request for appointment of counsel or a waiver of counsel and the defendant appears for trial without counsel. For juveniles, use district court form DC-515, WAIVER OF RIGHT TO BE REPRESENTED BY A LAWYER (JUVENILE). For adults facing loss of parental rights, use form DC-536, TRIAL WITHOUT A LAWYER.

**WAIVER OF RIGHT TO REPRESENTATION
BY A LAWYER**

Commonwealth of Virginia Va. Code § 19.2-160

Case No. 1

2
TRIAL DATE AND TIME

[] General District Court [] Circuit Court
[] Juvenile and Domestic Relations District Court

3
CITY OR COUNTY

4 v. 5

6 DEFENDANT'S ADDRESS 7 TELEPHONE NUMBER

VOLUNTARY WAIVER OF RIGHT TO BE REPRESENTED BY A LAWYER (CRIMINAL CASE)

I was advised by a judge of this court of the nature of the charges in the cases pending against me and the potential punishment for the offenses, which includes imprisonment in the penitentiary or confinement in jail. I understand the nature of these charges and the potential punishment for them if I am found to be guilty.

I was further advised by a judge of this court that I have the following rights to be represented by a lawyer in these cases:

- a. I have a right to be represented by a lawyer.
- b. If I choose to hire my own lawyer, I will be given a reasonable opportunity to hire, at my expense, a lawyer selected by me. The judge will decide what is a reasonable opportunity to hire a lawyer. If I have not hired a lawyer after such reasonable opportunity, the judge may try the case even though I do not have a lawyer to represent me.
- c. I have the right to ask the judge for a lawyer to represent me and if the judge decides, after reviewing my sworn financial statement that I am indigent, the judge will select and appoint a lawyer to represent me. If I am found to be guilty of an offense, the lawyer's fee as set by the judge within statutory limits will be assessed against me as court costs and I will be required to pay it.

I understand these rights to be represented by a lawyer. I understand the manner in which a lawyer can be of assistance and I understand that, in proceeding without a lawyer, I may be confronted with complicated legal issues.

I understand that if I am not a citizen of the United States and if I plead guilty or I am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

I also understand that I may waive (give up) my rights to be represented by a lawyer.

Understanding my rights to be represented by a lawyer as described above and further understanding the nature of the case and the potential punishment if I am found to be guilty, I waive all of my rights to be represented by a lawyer in these cases, with the further understanding that the cases will be tried without a lawyer either being hired by me or being appointed by the judge for me. I waive these rights of my own choice, voluntarily, of my own free will, without any threats, promises, force or coercion.

8
ADULT

Upon oral examination, the undersigned judge of this court finds that the adult defendant, having been advised of the rights and matters stated above and having understood these rights and matters, thereafter has knowingly, voluntarily and intelligently waived his rights to be represented by a lawyer.

9
DATE

10
JUDGE

DEEMED WAIVER OF COUNSEL BY REFUSAL

I certify that I have informed the above-named defendant of his or her right to be represented by a lawyer; that if because of indigency, he or she cannot afford to hire a lawyer, one will be appointed by the court; and that his or her refusal or other failure to sign either a request for appointment of a lawyer or a waiver of representation by a lawyer constitutes a waiver of his or her right to representation by a lawyer.

The above-named defendant refused to sign either a request for appointment of a lawyer or a waiver of representation by a lawyer and does not have a privately-retained lawyer. The court shall forthwith proceed to hear and determine the case, and the above-named defendant is deemed to have waived representation by a lawyer.

11
DATE

12
JUDGE

Data Elements

1. Case number.
2. Trial date and time.
3. Court jurisdiction. Check appropriate court.
4. Name of prosecuting entity (Commonwealth of Virginia, name of locality, etc.).
5. Name of accused.
6. Address of accused.
7. Telephone number of accused.
8. Signature of adult voluntarily waiving his right to be represented by a lawyer.
9. Date of judge's examination of the adult accused.
10. Signature of judge.
11. Date that the judge finds the defendant is deemed to have waived the right to counsel.
12. Signature of judge.

Using This Form

1. Prepared by party requesting subpoena duces tecum; Data Elements 14, 15, 16 and 17 are prepared by issuing official.
2. Attachment--none.
3. Preparation details
 - a. This form may be used in criminal, civil and juvenile cases.
 - b. A subpoena duces tecum in a criminal case may be issued only to obtain documents or tangible things from entities that are not parties in the case. A sworn application (Data Elements 14-15) is also required.
 - c. A subpoena duces tecum in a civil case may be issued to obtain documents or tangible things from any entity, whether or not the entity is a party to the case. An application is needed, but the requesting party does not have to make application under oath.
4. This form is prepared by the person requesting the subpoena **BUT** it must be issued by the Clerk, Judge or Magistrate. Attorneys who are active members of the Virginia Bar may issue the Subpoenas in certain civil and criminal matters. In those instances, refer to forms DC-326, DC-497 and DC-498.
5. This request should be filed at least fifteen (15) days prior to trial.
6. Special rules apply if medical records are being sought. Contact the court for further information.

SUBPOENA DUCES TECUM

Commonwealth of Virginia VA. CODE §§ 16.1-89, 16.1-131, 16.1.265, Rules 3A:12, 4:9(c)

1 [] General District Court
2 [] Juvenile and Domestic Relations District Court
3 STREET ADDRESS OF COURT

REQUEST FOR SUBPOENA DUCES TECUM

A. I request that a subpoena duces tecum be issued to require the custodian named at right or someone acting on his or her behalf to produce the items [] described below [] on the attached request for issuance of a subpoena duces tecum.

4 5 ITEMS TO BE PRODUCED

1. To be delivered to:
6 [] this Court at the above address on:
7 [] the clerk's office of this court at the above address (documents only) on or before:
7 DATE AND TIME

2. (Civil cases only) To be made available to the requesting party at:
8 for
LOCATION TIME PERIOD
to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control. See reverse.

B. [] I further request that the custodian also appear in person before this Court at the date and time shown above in Paragraph A.1. with the items subpoenaed.

9 C. I certify that a copy has been mailed or delivered to counsel of record and/or, if any, to parties not represented by a lawyer.

D. (Criminal cases only) I certify under oath that the items to be produced are material to the proceedings and are in the possession of a person who is not a party to this case.

10 DATE 11 SIGNATURE [] PLAINTIFF [] DEFENDANT [] ATTORNEY FOR [] PLAINTIFF [] DEFENDANT
12 PRINT NAME

Sworn and subscribed before me on 13 My Commission expires 14
[] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

SUBPOENA DUCES TECUM

TO ANY AUTHORIZED OFFICER: You are commanded to serve this SUBPOENA DUCES TECUM on the Custodian. TO THE CUSTODIAN: You or someone acting in your behalf are commanded to produce the items described above, as requested above. If Paragraph B, above, is also checked, you are further commanded to appear in person before this court at the date and time shown above with the items subpoenaed by this subpoena duces tecum and to be ready to testify in response to questions concerning these items. Any objection to such production must be made promptly in writing to the Court.

WARNING: Failure to comply with the terms of this subpoena duces tecum may result in your being fined and/or jailed for contempt of court.

15 DATE 16 [] CLERK [] JUDGE [] MAGISTRATE

RETURN DATE 17 CASE NO. 18

SUBPOENA DUCES TECUM

19 [] COMMONWEALTH OF VIRGINIA [] CITY [] COUNTY [] TOWN OF

20 PLAINTIFF(S)

21 v./In re 22 DEFENDANT(S)

CUSTODIAN

23 NAME

ADDRESS/LOCATION

REQUESTED ON BEHALF OF:
24 [] COMMONWEALTH [] PLAINTIFF(S) [] CITY, COUNTY or TOWN [] DEFENDANT(S) [] JUVENILE

Data Elements, front

1. Court name.
2. Check the appropriate type of court.
3. Street address of court.
4. Check with appropriate box to show where to find description of items required to be produced by this subpoena duces tecum.
5. Description of items to be produced.
6. Check if items are to be produced in court at trial. Also insert date and time of trial.
7. Check if documents are to be delivered to the clerk's office for pre-trial examination. Also insert date by which items are to be delivered.
8. Check if items are to be inspected, copied, tested or sampled. Also insert location and time period for such activity.
9. Check if the custodian must appear at trial.
10. Date of signing request.
11. Signature of requesting party. Check the appropriate title box below the signature line.
12. Print name of requesting party.
13. (Criminal cases only) Date of attestation.
14. (Criminal cases only) Signature of person taking attestation. Check the appropriate box and, if done by notary, insert expiration date of commission.
15. Date of issuance.
16. Signature of issuing official. Check the appropriate title box below signature line.
17. Return date on this subpoena duces tecum, if known.
18. Court case number, if known.
19. Check the appropriate box (and the name of the jurisdiction in local criminal cases) in all juvenile and criminal cases and in civil cases if these parties are plaintiffs.
20. Check this box and insert names of private parties as plaintiffs in civil cases. (Do not insert addresses.)
21. Cross out whichever designation is not applicable in the style of the case.
22. Names of defendants or juveniles. (Do not insert addresses.)
23. Name and address of custodian.
24. Check the classification of the party requesting this document.

RETURNS: Each respondent was served according to law, as indicated below, unless not found.

	NAME	1	
	ADDRESS	2	
		
	<input type="checkbox"/> PERSONAL SERVICE	Tel No	
3	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
4	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
	5		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
6	<input type="checkbox"/> NOT FOUND	7	_____
		SERVING OFFICER	
	8	for	9
	DATE		
	NAME	1	
	ADDRESS	2	
		
	<input type="checkbox"/> PERSONAL SERVICE	Tel No	
3	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
4	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
	5		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
6	<input type="checkbox"/> NOT FOUND	7	_____
		SERVING OFFICER	
	8	for	9
	DATE		

NOTICE:
 Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

Data Elements, *reverse*

1. Name of person to be summoned. If person is a corporation's registered agent, show name of corporation on second line.
2. Address and telephone number of person to be summoned.
3. Check this box if personal service obtained.
4. Serving officer to check the appropriate box to designate type of substitute service.
5. If served by leaving the subpoena with a family member over age 16, check appropriate box and insert required information.
6. Check this box if unable to serve process.
7. Signature of serving officer.
8. Date of signature.
9. Name of sheriff if served by deputy sheriff.

Using This Form

1. Copies
 - a. Original – to court.
2. Prepared for and signed by judge.
3. Attachments – none.
4. Preparation Details

If the defendant does not request court-appointed counsel and refuses to waive his right to be represented by a lawyer, then Data Elements Nos. 4 and 5 are completed when determining such rights. If the judge will try a defendant who is charged with committing a misdemeanor punishable by incarceration without determining the defendant's eligibility for a court-appointed lawyer, then Data Elements Nos. 6 through 11 must be completed before beginning the trial.

If the court has given the defendant reasonable opportunity to hire counsel and the defendant has failed to do so, the court may proceed to try the defendant and should complete Data Element Nos. 8, 9, 10 and 11 prior to trial.

TRIAL WITHOUT COUNSEL

Va. Code §§ 16.1-266, 16.1-267; 19.2-157, 19.2-158; 19.2- 159; 19.2-160
Commonwealth of Virginia

Case No. **1**

..... **2**

- General District Court
- Juvenile and Domestic Relations District Court
- Circuit Court

..... **3** Adult

CERTIFICATE OF REFUSAL

I certify that on this date, I informed the above-named adult of his or her right to be represented by a lawyer; that if because of indigency, he or she cannot afford to hire a lawyer, one will be appointed by the Court; and that his or her refusal to sign either a request for appointment of a lawyer or a waiver of representation by a lawyer CONSTITUTES A WAIVER OF HIS OR HER RIGHT TO REPRESENTATION BY A LAWYER.

The above-named adult refused to sign either a request for appointment of a lawyer or a waiver of representation by a lawyer and did not have a privately-retained lawyer. The Court shall forthwith proceed to hear and determine the case, and the above-named adult is deemed to have waived representation by a lawyer.

..... **4**
DATE

..... **5**
JUDGE

TRIAL WITHOUT APPOINTMENT OF COUNSEL WHEN ACCUSED PRESENT AT TRIAL

6 The Accused appeared before this Court not represented by a lawyer, having been charged with a misdemeanor for which he or she could be jailed if convicted. The Court,

- 7** upon request of the Commonwealth's Attorney, or
- in the absence of the Commonwealth's Attorney, on its own motion,

hereby states in writing prior to the commencement of the trial of the case that the Accused will be tried without a lawyer being appointed to represent him or her and, if convicted, that a jail sentence (including a suspended jail sentence) will not be imposed.

8 The Accused appeared before this Court not represented by a lawyer, having been charged with an offense for which he or she could be incarcerated if convicted. The Court has determined that the defendant is not indigent according to Virginia Code § 19.2-159, or is unable to make a determination as to the indigency of the defendant because the defendant has not claimed that he is indigent or has refused to execute the required statements. The Court, finding that the Accused has been allowed a reasonable opportunity to employ counsel of his or her own choice and that he or she has failed to do so, will proceed to hear the case. The Court makes its finding based on the following:

..... **9**
.....
.....
.....
.....

..... **10**
DATE

..... **11**
JUDGE

Data Elements

1. Court case number.
2. Court name. Check the applicable box.
3. Name of defendant.
4. Date of signing.
5. Signature of judge.
6. Check if misdemeanor for which jail sentence could be imposed, but will not be imposed.
7. Check the applicable box to show who initiated the request for trial without appointment of counsel.
8. Check if defendant fails to hire counsel after being given a reasonable opportunity to do so, and incarceration is possible upon conviction.
9. Insert findings regarding failure of defendant to procure counsel.
10. Date signed.
11. Signature of judge.

Using This Revisable PDF Form

1. Copies
 - a. Original – filed by judicial officer or his designee/agent in the appropriate circuit court clerk’s office where the search is made. Virginia Code § 19.2-54 requires this document to be filed within seven (7) days after issuance of the search warrant.
 - b. First copy – delivered by judicial officer or his designee/agent to the appropriate circuit court clerk's office where the search warrant is issued if different from above.
 - c. Second copy – attached to original of the Search Warrant.
 - d. Third copy – attached to copy of the Search Warrant to be left with custodian of place searched.
 - e. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by clerk (if authorized to issue warrants), magistrate or judge. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in an affidavit signed by a third person, then the law enforcement officer should prepare his or her own affidavit, sign it and swear to it as the affiant.
3. Attachments – form DC-339, SEARCH WARRANT (*see* 1(c) above).
4. Preparation details
 - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he or she should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Law enforcement officer should consult the Commonwealth's Attorney if assistance is needed in preparing this affidavit.

AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia

VA. CODE § 19.2-54

The undersigned Applicant states under oath:

1. A search is requested in relation to an offense substantially described as follows:

.....
.....
1
.....
.....
.....
.....
.....
.....

[] CONTINUED ON ATTACHED SHEET

2. The place, person or thing to be searched is described as follows:

.....
.....
2
.....
.....
.....
.....
.....

[] CONTINUED ON ATTACHED SHEET

3. The things or persons to be searched for are described as follows:

.....
.....
3
.....
.....
.....
.....
.....

[] CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO. 4

AFFIDAVIT FOR SEARCH WARRANT

APPLICANT:

5

NAME

TITLE (IF ANY)

ADDRESS

Certified to Clerk of

6

CITY OR COUNTY

Circuit Court

on

7

DATE

8

TITLE

9

SIGNATURE

Original Delivered [] in person [] by certified mail
[] by electronically transmitted facsimile
[] by use of filing/security procedures
defined in the Uniform Electric
Transactions Act

to Clerk of

10

CITY OR COUNTY WHERE EXECUTED

Circuit Court

on

11

DATE

12

TITLE

13

SIGNATURE

Complete only if different than above:

Copy delivered [] in person [] certified mail
[] by electronically transmitted facsimile
[] by use of filing/security procedures
defined in the Uniform Electronic
Transactions Act

to Clerk of

14

CITY OR COUNTY OF ISSUANCE

Circuit Court

on

15

DATE

16

TITLE

17

SIGNATURE

Data Elements, page one

1. Description of offense.
2. Description of what is to be searched.
3. Description of the things or persons sought to be discovered in the search.

To be completed by the clerk:

4. Court case number.

5. Name, official title (if any) and street address of applicant.

To be completed by the magistrate or other judicial officer (or his designee):

6. Name of circuit court to whose clerk this affidavit is certified.
7. Date on which this affidavit is certified with circuit court.
8. Title of person certifying this affidavit with circuit court (printed or typed).
9. Signature of person certifying this affidavit to circuit court.
10. Name of circuit court to whose clerk this affidavit was delivered, and check the appropriate method of delivery.
11. Date on which this affidavit was delivered to circuit court identified in data element No. 10.
12. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
13. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
14. Name of circuit court where the warrant is issued if different from data element No. 10. Check the appropriate method of delivery.
15. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 14.
16. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 14.
17. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 14.

4. The material facts constituting probable cause that the search should be made are:

.....
..... **1**
.....
.....
.....

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

2 {

6. [] I have personal knowledge of the facts set forth in this affidavit AND/OR

[] I was advised of the facts set forth in this affidavit in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

..... **2**
.....
.....
.....
.....

The statements above are true and accurate to the best of my knowledge and belief.

..... **3**
TITLE OF APPLICANT

..... **4**
APPLICANT

Subscribed and sworn to before me this day.

..... **5**
DATE AND TIME

..... **6**
[] CLERK [] MAGISTRATE [] JUDGE

Data Elements, page two

1. Set of facts that the applicant believes constitutes probable cause for the issuance of a search warrant.
2. Check the appropriate box(es) and fill in the required information.
3. Official title of applicant, if any.
4. Signature of applicant.

To be completed by magistrate or other judicial official:

5. Date that this document is signed and sworn to.
6. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.

Using This Form

1. Copies
 - a. Original – after execution to circuit court. Should be marked “original” on front.
 - b. First copy – to custodian of place searched.
 - c. Additional copies to other as dictated by local practice.
2. Preparation
 - a. Front – prepared by issuing judicial officer.
 - b. Reverse – prepared by executing and seizing officers.
3. Attachments – district court form DC-338, AFFIDAVIT FOR SEARCH WARRANT.
4. Preparation details
 - a. The judicial officer must determine from his or her own independent judgment whether or not the affidavit provides sufficient proof of probable cause. The assertion of probable cause in form DC-338, AFFIDAVIT FOR SEARCH WARRANT, is the belief of the affiant, not a conclusion of law, and is not binding on the judicial officer.
 - b. A SEARCH WARRANT should be issued only if the contents of the AFFIDAVIT FOR SEARCH WARRANT provide sufficient proof of probable cause. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.

SEARCH WARRANT

Commonwealth of Virginia VA. CODE §§ 19.2-56, 19.2-57

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following place, person or thing either in day or night

1

.....
.....
.....
.....
.....
.....
.....

..... for the following property, objects and/or persons:

2

.....
.....
.....
.....

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the **3** Circuit Court an inventory of all property, persons, and/or objects seized.

This SEARCH WARRANT is issued in relation to an offense substantially described as follows:

4

.....
.....
.....
.....

I, the undersigned, have found probable cause and believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described herein has committed or is committing a crime and further that the search should be made, based on the statements in the attached affidavit sworn to by

6

NAME OF AFFIANT

7

[] CLERK [] MAGISTRATE [] JUDGE

5

DATE AND TIME

FILE NO.

8

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

v./In re

9

Data Elements, front

1. Description of place, person or thing to be searched and its location.
2. List of property, objects and/or persons sought in the search.
3. Court to which an inventory of all property, objects and/or persons found must be produced.
4. Description of the offense to which the property, objects and/or persons sought to be obtained by the SEARCH WARRANT are connected.
5. Date and time that the SEARCH WARRANT was issued.
6. Name of person who signed the AFFIDAVIT FOR SEARCH WARRANT, DC-338, as the applicant.
7. Signature of the judicial officer issuing the SEARCH WARRANT. Check the appropriate title box below the signature line.
8. Court file number
9. Insert abbreviated description of person, place or thing to be searched.

SEARCH INVENTORY AND RETURN

The following items, and no others, were seized under authority of this WARRANT:

1. **1**
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

The statement above is true and accurate to the best of my knowledge and belief.

..... **2**
DATE

..... **3**
EXECUTING OFFICER

Subscribed and sworn before me this day

..... **4**
DATE

..... **5**
[] CLERK [] MAGISTRATE [] JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

State of [] City [] County of

Acknowledged, subscribed and sworn to before me this day of, 20

.....
NOTARY REGISTRATION NUMBER

.....
NOTARY PUBLIC
(My commission expires:)

EXECUTION

Executed by searching the within described place, person or thing.

..... **6**
DATE AND TIME EXECUTED

..... **7**
EXECUTING OFFICER

Certified to **8**

Circuit Court on **9**
DATE

..... **10**
EXECUTING OFFICER

Received [] in person [] by certified mail
[] by electronically transmitted
facsimile

on **11**
DATE

by: **12**
CLERK OF CIRCUIT COURT

Data Elements, *reverse*

1. Separately list and describe each item seized and the quantity seized.
2. Date of execution of oath of seizing officer.
3. Signature of seizing officer who seizes the property and prepares the inventory.
4. Date of acknowledgment of oath.
5. Signature of person taking acknowledgment of oath. Check the appropriate signature box beneath the signature line. If it is acknowledged by a notary, insert expiration date of commission.
6. Date and time that SEARCH WARRANT was executed.
7. Signature of officer who conducted search.
8. Name of circuit court in which SEARCH WARRANT was filed.
9. Date on which SEARCH WARRANT was filed in clerk's office.
10. Signature of executing officer.
11. Check appropriate box indicating method of receipt.
12. Date on which SEARCH WARRANT was received in circuit court.
13. Signature of person receiving search warrant in clerk's office. If signed by a deputy clerk, add "Deputy" next to clerk under signature line.

Using This Revisable PDF Form

1. Copies
 - a. Original – filed by judicial officer or his designee/agent in the appropriate circuit court clerk's office where the search is made.
 - b. First copy – attached to original of the Search Warrant for Tracking Device.
 - c. Second copy – attached to copy of the executed Search Warrant for Tracking Device to be served in accordance with Virginia Code § 19.2-56.2.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by clerk (if authorized to issue warrants), magistrate or judge. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in an affidavit signed by a third person, then the law enforcement officer should prepare his or her own affidavit, sign it and swear to it as the affiant.
3. Attachments – district court form DC-341, SEARCH WARRANT FOR TRACKING DEVICE (see 1(b) above).
4. Preparation Details
 - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he or she should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Law enforcement officer should consult the Commonwealth's Attorney if assistance is needed in preparing this affidavit.

AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING DEVICE

Commonwealth of Virginia

VA. CODE § 19.2-56.2

The undersigned Applicant states under oath:

1. The use of a tracking device is requested in relation to an offense substantially described as follows:

.....
 **1**

[] CONTINUED ON ATTACHED SHEET

2. The vehicle, container, item, or object to which, in which, or on which the tracking device is to be attached, placed, or otherwise installed is identified as follows:

.....
 **2**

[] CONTINUED ON ATTACHED SHEET

3. The name of the owner or possessor of the vehicle, container, item, or object described, if known, is as follows:

.....
 **3**

[] CONTINUED ON ATTACHED SHEET

4. The jurisdictional area in which the vehicle, container, item, or object described is expected to be found, if known, is as follows:

.....
 **4**

[] CONTINUED ON ATTACHED SHEET

(OVER)

FILE NO. 5
AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING DEVICE
APPLICANT: <div style="text-align: center; padding: 5px;">6 NAME</div> <div style="text-align: center; padding: 5px;">TITLE (IF ANY)</div> <div style="text-align: center; padding: 5px;">ADDRESS</div>
Certified to Clerk of <div style="text-align: center; padding: 5px;">7 CITY OR COUNTY</div> Circuit Court on <div style="text-align: center; padding: 5px;">8 DATE</div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div style="width: 45%;">9 TITLE</div> <div style="width: 45%;">10 SIGNATURE</div> </div>
Original Delivered [] in person [] by certified mail [] by electronically transmitted facsimile [] by use of filing/security procedures defined in the Uniform Electronic Transactions Act to Clerk of <div style="text-align: center; padding: 5px;">11 CITY OR COUNTY</div> Circuit Court on <div style="text-align: center; padding: 5px;">12 DATE</div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div style="width: 45%;">13 TITLE</div> <div style="width: 45%;">14 SIGNATURE</div> </div>

SEALED

Data Elements, page one

1. Description of offense.
2. Description of the object to, in, or on which the tracking device is to be installed.
3. The name of the owner or possessor of the object described in Data Element No. 2.
4. Name the jurisdictional area where the object described in Data Element No. 2 is expected to be found, if known.

To be completed by the clerk

5. Court case number.

6. Name, official title (if any) and street address of applicant.

To be completed by the magistrate or other judicial officer (or his designee)

7. Name of circuit court to whose clerk this affidavit is certified.
8. Date on which this affidavit is certified with circuit court.
9. Title of person certifying this affidavit with circuit court (printed or typed).
10. Signature of person certifying this affidavit to circuit court.
11. Name of circuit court to whose clerk this affidavit was delivered, and check the appropriate method of delivery.
12. Date on which this affidavit was delivered to circuit court identified in data element No. 11.
13. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.
14. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.

5. The county or city where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed is as follows:

1

6. Probable cause exists that the information likely to be obtained from the use of a tracking device will be evidence of the commission of the offense, and the material facts constituting the probable cause for the issuance of the search warrant are:

2

7. I have personal knowledge of the facts set forth in this affidavit AND/OR

I was advised of the facts set forth in this affidavit, in whole or in part, by one or more person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information may be determined from the following facts:

3

8. The law-enforcement agency conducting the investigation is as follows:

The statements above are true and accurate to the best of my knowledge and belief.

4

TITLE OF APPLICANT

5

SIGNATURE OF APPLICANT

Subscribed and sworn to/affirmed before me this day.

6

DATE AND TIME

7

CLERK MAGISTRATE JUDGE

Data Elements, page two

1. The county or city where there is probable cause to believe the offense described in Data Element No. 1 has been, is being or will be committed.
2. State the material facts that the applicant believes constitutes probable cause for the issuance of the search warrant.
3. Check the appropriate box(es) and, if applicable, fill in the required information.
4. Official title of applicant, if any.
5. Signature of applicant.
6. Date that this document is signed and sworn to.
7. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to evaluator(s) or hospital.
 - c. Second copy – to defendant’s lawyer.
 - d. Third copy – to Commonwealth’s Attorney.
2. Prepared by clerk, signed by judge.
3. Attachments
 - a. DC-354, CUSTODIAL TRANSPORTATION ORDER.
 - b. DC-4003, ORDER FOR TREATMENT OF INMATE (if entered).
4. Preparation details

Both types of evaluation may be ordered at the same time on this form.

ORDER FOR PSYCHOLOGICAL EVALUATION

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

Case No. **1**

2

COURT NAME AND ADDRESS

Commonwealth of Virginia v. **3**

TYPE OF EVALUATION AND REPORT

- 4** **COMPETENCY EVALUATION:** It appearing to the Court, on motion of
 - 5** 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. If a need for restoration treatment is identified in the event he is found incompetent but restorable, or incompetent for the foreseeable future, the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report.
- 6** **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.
- 7** 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.

DESIGNATION OF EVALUATOR(S)

The Court finds and concludes that:

- 8** the evaluation shall be performed on an outpatient basis at a mental health facility or in jail, as indicated below.
- 9** as outpatient services are unavailable, the evaluation of competency shall be performed on an inpatient basis, as indicated below.
- 10** the evaluation shall be conducted on an inpatient basis at a hospital designated by the Commissioner of the Department of Behavioral Health and Developmental Services because:
 - 10** 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:

- 11**
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 Behavioral Health and Developmental Services or his designee. Hospitalization for evaluation shall not extend beyond 30 days from the date of admission.

DUE DATE AND TIME: **12**

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.

13

DATE

14

JUDGE

Data Elements

1. Court case number.
2. Court name and address.
3. Name of defendant.
4. Check this box if competency evaluation is being ordered.
5. Check the appropriate box.
6. Check this box if sanity evaluation is being ordered on representations of defense counsel.
7. Check this box if sanity evaluation is requested by Commonwealth's Attorney.
8. Check this box if the evaluation is to be performed on an outpatient basis.
9. Check this box if the competency evaluation is to be performed on an inpatient basis because outpatient services are unavailable. This box applies to competency evaluation *only*.
10. Check this box if the sanity or insanity evaluation is to be performed on an inpatient basis and check the appropriate box to indicate underlying reason. These boxes apply to sanity and insanity evaluations only.
11. Check the appropriate box and, if applicable, identify evaluator(s) by inserting the evaluator's name and title or the evaluator's facility.
12. Date and time that evaluation reports must be received by court.
13. Date of entry of order.
14. Signature of judge.

ADDITIONAL INSTRUCTIONS TO EVALUATOR(S) AND ATTORNEYS

Providing Background Information

1. **Competency Evaluation:** Prior to an evaluation of competency pursuant to Va. Code § 19.2-169.1, the Commonwealth's Attorney must forward to the evaluator(s) within 96 hours of the issuance of this order:
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime; and
 - d. a summary of the reasons for the evaluation request.

The defendant's attorney must provide any available psychiatric records and other information that are deemed relevant within 96 hours of the issuance of this order. Va. Code § 19.2-169.1(C).

2. **Sanity at the Time of the Offense:** Prior to an evaluation of sanity at the time of the offense, the party making the motion for the evaluation must forward to the evaluator(s):
 - a. a copy of the warrant;
 - b. the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation;
 - c. information about the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any;
 - d. a summary of the reasons for the evaluation request;
 - e. any available psychiatric, psychological, medical or social records that are deemed relevant; and
 - f. a copy of defendant's criminal record, to the extent reasonably available.

Va. Code § 19.2-169.5(C).

Use of Information Obtained During Evaluation

No statement of disclosure by the defendant concerning the alleged offense made during the evaluation may be used against the defendant at the trial as evidence, or as a basis for such evidence, except on the issue of his/her mental condition at the time of the offense after the defendant raises the issue pursuant to § 19.2-168 of the Code of Virginia. Va. Code § 19.2-169.7.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to attorney for the Commonwealth.
2. Data Element Nos. 1-16 prepared by the defendant or counsel for the defendant. Data Element Nos. 17-21 prepared by judge.
3. Preparation details

This is a form for requesting that the appearance of the defendant and counsel for the defendant at the originally scheduled trial or hearing be waived pursuant to Virginia Code § 19.2-266.3.

MOTION TO WAIVE COURT APPEARANCE

Commonwealth of Virginia VA. CODE § 19.2-266.3

Case No(s). **1**

[] General District Court [] Circuit Court
[] Juvenile and Domestic Relations District Court

2
CITY OR COUNTY

3
COURT ADDRESS

[] Commonwealth of Virginia

v.

5
DEFENDANT

4

[] LOCALITY

Date of originally scheduled trial or hearing: **6**

Pursuant to Virginia Code § 19.2-266.3, the defendant moves the court to waive the appearance of the defendant at the originally scheduled trial or hearing. The defendant, by his or her signature below, promises to appear in court on

7
DATE AND TIME OF NEW TRIAL OR HEARING

If this date, time, or place is changed for any reason by any court or judge, the defendant also promises to appear as so directed.

8
SIGNATURE OF DEFENDANT

Subscribed and sworn to before me this day.

9
DATE

10
[] JUDGE [] CLERK [] DEPUTY CLERK

FOR NOTARY PUBLIC'S USE ONLY: 11

State of [] City [] County of
Acknowledged, subscribed and sworn to before me this day of , 20
by
DATE

NOTARY PUBLIC
Notary Registration No. (My commission expires)

12
ADDRESS OF COUNSEL FOR DEFENDANT

13
NAME OF COUNSEL (IF APPLICABLE)

14
TELEPHONE NUMBER OF COUNSEL FOR DEFENDANT

15
SIGNATURE OF COUNSEL (IF APPLICABLE)

CERTIFICATE

I hereby certify that I have provided a copy of this MOTION TO WAIVE APPEARANCE OF DEFENDANT to the attorney for the Commonwealth by **16** on **17**
METHOD OF DELIVERY DATE

18
SIGNATURE OF [] DEFENDANT [] COUNSEL FOR DEFENDANT

ORDER

The court, having considered the motion,

19 [] grants the motion to waive appearance of the defendant and counsel for the defendant at the originally scheduled trial or hearing.

20 [] denies the motion to waive appearance of the defendant at the originally scheduled trial or hearing, as the defendant

21 [] is in violation of the terms of his pretrial release [] has previously failed to appear at a court proceeding, and the appearance of the defendant at the originally scheduled trial or hearing is a condition of the continuance granted.

22
DATE

23
JUDGE

Data Elements

1. Insert case number(s).
2. Court jurisdiction. Check appropriate box for type of court.
3. Street address of court.
4. Check appropriate box. Insert name of locality, if applicable.
5. Insert name of defendant.
6. Insert date of originally scheduled trial or hearing.
7. Insert date and time of new trial or hearing.
8. Signature of defendant.
9. Insert date on which this motion was subscribed and sworn.
10. Signature of person to which this motion was subscribed and sworn. Check box below line to indicate signature.
11. If acknowledged by a notary public, all enclosed fields must be completed by notary public, including notary's registration number and commission expiration date.
12. Street address of counsel for defendant, if applicable.
13. Name of counsel for defendant, if applicable.
14. Telephone number for counsel for defendant, if applicable.
15. Signature of counsel for defendant, if applicable.
16. Indicate how the notice was provided to the attorney for the Commonwealth.
17. Insert date on which notice was provided to the attorney for the Commonwealth.
18. Signature of defendant or counsel for defendant. Check box below line to indicate signature.
19. Check box if motion is granted.
20. Check box if motion is denied.
21. Check applicable box if motion denied.
22. Date signed by judge.
23. Signature of judge.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to entity named in Data Element No. 5.
 - c. Second copy – to defendant’s lawyer.
 - d. Third copy – to Commonwealth’s Attorney.
2. Prepared by clerk, signed by judge.
3. Attachments – district court form DC-354, CUSTODIAL TRANSPORTATION ORDER
4. Preparation details – none.

ORDER FOR TREATMENT OF INCOMPETENT DEFENDANT

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

Case No. 1

2
COURT NAME AND ADDRESS

Commonwealth of Virginia v. 3

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

4 on an outpatient basis in jail or through a local mental health facility

5 solely on an inpatient basis in a hospital

the Court therefore ORDERS

6 {
NAME OF OUTPATIENT THERAPIST OR FACILITY
 qualified staff at a hospital to be designated by the Commissioner of Behavioral Health and Developmental Services or his or her designee

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

Any psychiatric records and other information that have been deemed relevant and were submitted by the defendant's attorney to the evaluator pursuant to Virginia Code § 19.2-169.1(C) and any reports submitted pursuant to § 19.2-169.1(D) shall be made available to the director of the community services board or behavioral health authority or his designee, or to the director of the treating inpatient facility or his designee, within 96 hours of the issuance of this order.

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 should be (1) 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.

7 *Defendant charged with a misdemeanor crime enumerated in Virginia Code § 19.2-169.3(C).* If the defendant has not been restored to competency after forty-five (45) days from the date of commencement of treatment, the director of the community services board or behavioral health authority, or the director of the treating inpatient facility, or any of their designees, shall send a report indicating the defendant's status to the court. The report shall also indicate whether the defendant should be released or committed pursuant to § 37.2-817 or certified pursuant to § 37.2-806.

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.

8
DATE

9
JUDGE

WARNING TO DEFENDANT: PURSUANT TO § 18.2-308.1:3, YOU SHALL NOT PURCHASE, POSSESS, OR TRANSPORT A FIREARM UNLESS AND UNTIL YOU ARE RELEASED FROM TREATMENT AND OBTAIN A COURT ORDER RESTORING YOUR RIGHT TO DO SO.

Data Elements

1. Court case number.
2. Court name and address.
3. Name of accused.
4. Type of treatment location suitable for defendant to receive treatment. Check this box if the defendant can be treated on an outpatient basis.
5. Type of treatment location suitable for defendant to receive treatment. Check this box if the defendant cannot be treated on an outpatient basis.
6. Check the appropriate box indicating order and, if applicable, name the therapy provider, to show specific therapy provider.
7. Check this box if the defendant was charged with a misdemeanor crime enumerated in Virginia Code § 19.2-169.3(C).
8. Date of entry of order.
9. Signature of judge.

Using This Form

1. Copies
 - a. Top sheet – to court.
 - b. Self-mailer – to person name in Data Element No. 5 by mail.
2. Prepared by clerk.
3. Attachments – none.
4. Preparation details
 - a. It is strongly suggested that all of these forms be prepared at the same time by
 - i. Gathering together all cases for which notices need to be sent.
 - ii. Giving them to one clerical employee.
 - iii. Having that employee type them in a chain-feed fashion in the same manner as a set of file labels would be prepared.

This procedure will speed up the typing of these forms because the typewriter needs to be aligned only once to type a chain of these forms.

- b. Once the forms are typed, they are mailed.
- c. This form should be used to contact witnesses and those parties to the case who do not otherwise know of the change in court date.

NOTICE OF HEARING DATE

CASE NUMBER **6**

COMMONWEALTH OF VIRGINIA

7

THE HEARING DATE FOR THIS CASE IS: **3** **8** *IN RE: / V.*

2 DATE AND TIME **M.** **3** COURTROOM NO.

[Continued from **4**]

TO: **5**

9 DATE **10** CLERK

FORM DC-346-12/84 (114:9-013 4/99) SEE REVERSE SIDE FOR EXPLANATION

NOTICE OF HEARING DATE — EXPLANATION

A HEARING IN A CASE IN WHICH YOU ARE REQUIRED TO APPEAR HAS BEEN SCHEDULED OR RESCHEDULED. ON THIS NOTICE YOU WILL FIND:

1. THE NAME AND NUMBER OF THIS CASE.
2. THE NAME AND ADDRESS OF THE TRIAL COURT.
3. THE HEARING DATE.
4. THE PREVIOUSLY SCHEDULED HEARING DATE (IF ANY).

YOU MUST, THEREFORE, APPEAR IN THE COURT LISTED AT THE HEARING DATE AND TIME. YOU ARE NOT REQUIRED TO APPEAR ON THE DATE PREVIOUSLY GIVEN YOU (IF ANY).

Data Elements

1. Court name and address.
2. Date and time of hearing date.
3. Courtroom number (if appropriate).
4. Date from which case was continued (if applicable).
5. Name and address of person to whom this notice is being sent.
6. Court case number.
7. Name of plaintiff.
8. Name of defendant or juvenile.
9. Date of issuance of this form.
10. Signature of clerk.

Using This Form

1. Copies
 - a. Top sheet – to court.
 - b. Self-mailer – to person name in Data Element No. 2 by mail.
2. Prepared by clerk.
3. Attachments – none.
4. Preparation details
 - a. It is strongly suggested that all of these forms be prepared at the same time by
 - i. gathering together all cases for which notices need to be sent.
 - ii. giving them to one clerical employee.
 - iii. having that employee type them in a chain-feed fashion in the same manner as a set of file labels would be prepared.

This procedure will speed up the typing of these forms because the typewriter needs to be aligned only once to type a chain of these forms.
 - b. Once the forms are typed, they are mailed.
 - c. This form should be used to contact witnesses and those parties to the case who do not otherwise know the change in court date.

1 <<court_name>>
<<street_address>>
<<city_state_zip>>
<<court_phone>>



2 <<defendant_name>>
<<defendant_street_address>>
<<defendant_city_state_zip>>

NOTICE OF HEARING DATE

3 CASE NUMBER: <<case_number>>

[] COMMONWEALTH OF VIRGINIA

4 []

IN RE: N.

5
.....
.....

THE HEARING DATE AND TIME FOR THIS CASE IS:

..... **6** M. **7**
DATE AND TIME COURTROOM NO.

[Continued from **8**]

9 <<court_name>>
<<street_address>>
<<city_state_zip>>
<<court_phone>>

TO THE RECIPIENT: A hearing in a case in which you are required to appear has been scheduled or rescheduled. On this Notice you will find:

1. The name and number of this case.
2. The name and address of the trial court.
3. The hearing date.
4. The previously scheduled hearing date (if any).

YOU MUST, THEREFORE, APPEAR IN THE COURT LISTED AT THE HEARING DATE AND TIME.
YOU ARE NOT REQUIRED TO APPEAR ON THE DATE PREVIOUSLY GIVEN TO YOU (IF ANY).

..... **10**

DATE

..... **11**

CLERK

Data Elements

1. Court name and address.
2. Name and address of person to whom this notice is being sent.
3. Court case number.
4. Name of plaintiff.
5. Name of defendant or juvenile.
6. Date and time of hearing date.
7. Courtroom number (if applicable).
8. Date from which case was continued (if applicable).
9. Court name and address.
10. Date of issuance of this form.
11. Signature of clerk.

Using This Form

This form is a business-card sized paper which is used as a reminder to the plaintiff/defendant of his or her next court appearance.

(Court name, address and telephone number)		
1		
You are required to appear in this Court on:		
2	at	3
..... DATE		..... TIME
FORM DC-347 11/92		

Data Elements

1. Court name, address and telephone number (it may be overprinted with the court information; refer to the PURCHASING MANUAL for further information).
2. Date of next court appearance.
3. Time of next court appearance.

**NOTICE TO INDIVIDUAL -
SUBPOENA DUCES TECUM FOR HEALTH RECORDS****Using This Form**

Virginia Code § 32.1-127.1:03 requires that when the health records of a pro se party or non-party witness are subpoenaed from a health care entity, a notice must be provided to the individual. The specific language of the notice is set out in the statute. This form contains the language required by the statute.

ATTACHMENT: This form should be attached to the Subpoena Duces Tecum.

NOTICE TO INDIVIDUAL—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

NOTICE TO INDIVIDUAL:

The attached document means that **1**
.....

has either asked the court to issue a subpoena or a subpoena has been issued by the other party’s attorney to your doctor, other health care providers, or other health care entity:

..... **2**
.....
.....

requiring them to produce your health records.

Your doctor, other health care provider, or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court to quash the subpoena. If you elect to file a Motion to Quash, such motion must be filed within fifteen (15) days of the date of the request or of the attorney-issued subpoena.

You may contact the clerk’s office to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest.

If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the records to the clerk of court in a sealed envelope or package for safekeeping while your motion is decided.

**NOTICE TO INDIVIDUAL -
SUBPOENA DUCES TECUM FOR HEALTH RECORDS**

Data Elements

1. Name and title, if applicable, of person requesting subpoena or issuing subpoena.
2. Name of health care entity who is the custodian of the health records requested.

Using This Form

1. Copies
 - a. Original – to court.
 - b. Copy – to defendant.
2. Prepared by the clerk and signed by the defendant in court with a witness. Order section signed by judge if defendant deemed to have waived counsel.
3. Attachments – none.
4. Preparation details

This form is to be used when a defendant asserts that he or she wants to retain a private attorney. It informs the defendant of his or her rights to an attorney and the procedure for asking for a court-appointed attorney. It also provides notice that if the defendant appears at the trial without an attorney and does not have a sufficient reason for not retaining an attorney, the defendant can be deemed to have waived his or her right to an attorney and tried without one.

**NOTICE OF OPPORTUNITY TO HIRE COUNSEL
AND/OR INELIGIBILITY FOR APPOINTED COUNSEL; ORDER**

Commonwealth of Virginia

Case(s) No. 1

General District Court
 Juvenile and Domestic Relations District Court

2
CITY OR COUNTY

3
NAME OF DEFENDANT (PLEASE PRINT)

NOTICE

You are charged with an offense(s) that, upon conviction, could result in your being SENTENCED TO INCARCERATION. You have the right to a reasonable opportunity to obtain a lawyer, but you are not required to have one.

If you want a lawyer and cannot afford one, you may ask the Court to appoint a lawyer to represent you. To obtain a court-appointed lawyer, you must apply to:

4
at least 5 days prior to trial. The telephone number and operating hours of this office are:

6

ACKNOWLEDGMENT BY DEFENDANT

I understand that I have the right to hire a lawyer of my own choosing to represent me.

I understand that I have the right to represent myself without a lawyer.

I understand that if I appear for trial without having hired a lawyer or without having asked for a court-appointed lawyer, and do not have a sufficient reason, then I may be considered to have waived my right to the assistance of a lawyer and my case may proceed to trial. I understand that I will be held to the same rules of procedure and evidence whether or not I have a lawyer.

I understand that my trial date is 7 at 8
DATE TIME

9
NAME AND ADDRESS OF COURT WHERE TRIAL WILL BE HELD

I understand that if I fail to appear on my trial date or any later date to which this case is continued, I may be tried in my absence and a Capias for my arrest may be issued.

I understand these rights to be represented by a lawyer. I understand the manner in which a lawyer can be of assistance and I understand that, if I proceed without a lawyer, I may be confronted with complicated legal issues.

I understand that if I am not a citizen of the United States and if I plead guilty or I am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

I also understand that I may waive (give up) my rights to be represented by a lawyer.

I have read and understand this notice and I have received a copy of it.

10
DATE

11
ACCUSED

Witnessed by: 12
WITNESS

DEEMED WAIVER AFTER OPPORTUNITY TO HIRE COUNSEL

13 The defendant appeared before this court not represented by a lawyer, having been charged with an offense for which he or she could be incarcerated if convicted. The court has determined that the defendant is not indigent according to Virginia Code § 19.2-159, or has not made a determination as to the indigency of the defendant because the defendant has not claimed that he is indigent. The court, finding that the defendant has been allowed a reasonable opportunity to employ counsel of his or her own choice and that he or she has failed to do so, will proceed to hear and determine the case, and the above-named defendant is deemed to have waived representation by a lawyer.

14
DATE

15
JUDGE

Data Elements

1. Insert case number.
2. Insert name of court and check appropriate box for type of court.
3. Insert name of defendant.
4. Insert place where defendant must go to request a court-appointed attorney (generally the clerk's office).
5. Indicate how many days prior to trial the defendant must ask for a court-appointed attorney.
6. Insert the telephone number and operating hours of the office in Data Element No. 4.
7. Insert date of trial.
8. Insert time of trial.
9. Insert the name and address of the court where the trial will be held.
10. Insert date the notice was signed by accused.
11. Signature of the accused.
12. Signature of the witness.
13. This box is checked if the judge finds that defendant is deemed to have waived the right to counsel.
14. Date that the judge finds the defendant is deemed to have waived the right to counsel.
15. Signature of judge.

**NOTICE TO HEALTH CARE ENTITIES—
SUBPOENA DUCES TECUM FOR HEALTH RECORDS**

Using This Form

Virginia Code § 32.1-127.1:03 requires that when the health records of a pro se party or non-party witness are subpoenaed from the health care entity, a notice must be provided to the individual. The specific language of the notice is set out in the statute. This form contains the language required by the statute.

ATTACHMENT: This form should be attached to the Subpoena Duces Tecum.

Data Elements

None

NOTICE TO HEALTH CARE ENTITIES—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING THE COURT'S RULING ON THE MOTION TO QUASH THE SUBPOENA.

THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT.

Using This Form

1. Copies

a. Following instructions associated with the form being supplemented:

- DC-330, RECOGNIZANCE
- DC-352, COMMITMENT ORDER
- DC-353, RELEASE ORDER
- DC-355, ORDER FOR CONTINUED CUSTODY

2. Prepared by clerk.

3. Preparation details

Complete and attach this form to DC-330, RECOGNIZANCE, DC-352, COMMITMENT ORDER, DC-353, RELEASE ORDER or DC-355, ORDER FOR CONTINUED CUSTODY, as appropriate, to list additional charges.

Data Elements

1. Check the appropriate box.
2. Name of accused as it appears on the capias or summons.
3. Name of court.
4. Check applicable box.
5. Complete information for each charge.
6. Insert applicable page number(s). For example, if this is the only addendum sheet used, insert page “two of two.”

Using This Form

1. Copies
 - a. Original – attached to warrant or capias and forwarded to court.
 - b. First copy – forward to the jail in the locality having jurisdiction over the case or cases to which the form pertains.
 - c. Second copy – in the situation where the defendant is incarcerated in a jail in a locality that does not have jurisdiction over the case, the jail of initial incarceration should keep the second copy. The first copy should accompany the defendant to the jail in the locality having jurisdiction over the case.
2. Attachments
 - a. One of the following district court forms should be attached:
 - DC-312, WARRANT OF ARREST – FELONY
 - DC-314, WARRANT OF ARREST – MISDEMEANOR (STATE)
 - DC-315, WARRANT OF ARREST – MISDEMEANOR (LOCAL)
 - DC-361, CAPIAS – ATTACHMENT OF THE BODY
 - b. District court form DC-351, CHARGE ADDENDUM
3. Preparation details
 - a. The judicial officer who conducts the initial bail hearing prepares this form. The judicial officer completes this form only if the defendant is unable to meet the bail conditions set by the judicial officer.
 - b. When the defendant appears before the court, the clerk or judge uses the ORDER OF CONTINUED CUSTODY, Form DC-355, not the COMMITMENT ORDER to note any change in bail conditions and to note the date and time of the defendant's next court appearance.
 - c. If the court remands the accused to jail after sentencing, the judge or clerk prepares a DISPOSITION NOTICE, Form DC-356, not the COMMITMENT ORDER.

COMMITMENT ORDER

Commonwealth of Virginia

ACCUSED: **1**
NAME (LAST, FIRST, MIDDLE)

Jurisdiction: **5**

ADDRESS: **2**

General District Court (Traffic)

General District Court (Criminal)

6 General District Court (Civil)

SSN: **3** DOB: **4**

Juvenile & Domestic Relations District Court

Circuit Court

SEX: **7** STATUS: **8** CHARGED UNDER: **9**

Male Female Adult Juvenile State Local Ordinance

CHARGE(S):

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
10	11	12	13	14
		Description: 15		
		Description:		
		Description:		
		Description:		
		Description:		

16 Addendum listing additional charges is attached and incorporated.

BAIL: \$ **17** Secured Unsecured Recognizance

17 Held without bail No additional bail required

18 Release by Judicial Officer to custody of responsible person or when accused is no longer intoxicated **20**

Accused **19** may may not depart the Commonwealth of Virginia. Other conditions of bail on page two.

If **NOT released** on bail,
Court appearance location, date and time:
 GENERAL DISTRICT J&DR CIRCUIT

If **released** on bail,
Hearing date and time:

21

22

23 Since accused is unable or unwilling to participate in a bail hearing, I order accused to be returned to Judicial Officer for bail determination.

24 Currently serving sentence

25 Charges pending in Court

Place held in custody (if other than facility serving this jurisdiction):..... **26**
NAME OF FACILITY

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER: You are ordered to take custody of and convey the accused to the Court, unless otherwise released.

27

DATE AND TIME

28

MAGISTRATE CLERK JUDGE

Received: **29**
DATE AND TIME

By: **30**

Data Elements, front

1. Name of the accused to be jailed.
2. Residential address.
3. Social security number of accused.
4. Date of birth of accused.
5. Jurisdiction of court where accused is required to appear.
6. Type of court in which the accused is required to appear.
7. Gender of accused.
8. Check whether the accused is an adult or juvenile.
9. Check where the offense is a state or local offense for cost allocation reasons. If charged with both types, check both boxes.
10. Insert the unique offense tracking number.
11. Insert offense date.
12. Insert the appropriate Virginia Crime Code.
13. Insert the Virginia Code section alleged to have been violated.
14. Insert the case number for the offense.
15. Short word description of charge as provided in the standard description of charges.
16. Check box if charge addendum attached (DC-351).
17. If accused is eligible for bail but could not post bond, insert bond amount set by magistrate. Also check "secured" or "unsecured" or "recognizance" if appropriate. If a bond is not required, insert "none."
18. Check box if appropriate.
19. Check box to indicate if the accused may leave the Commonwealth.
20. Check if other conditions of bail are contained on reverse.
21. If accused is not released on bail, insert date and time that the accused is required to be brought to court. Insert "GJ" if the accused has been certified by a district court to the circuit court grand jury. Check box of appropriate court.
22. If accused is released on bail, insert date and time when accused is to be brought to court. Also insert "GJ" if the accused has been certified by a district court to the circuit court grand jury.
23. Check box, if applicable.
24. Check box if accused is currently serving a sentence in a jail or correctional facility.
25. Check box if appropriate and enter name of court in which charges are pending.
26. If initially incarcerated in a facility other than the jail that serves the jurisdiction named in Data Element No. 5, insert the name of the facility.
27. Date and time of completion of this form.
28. Signature of person completing this form. Check the appropriate title box.
29. Date and time received at jail (to be completed by jail personnel).
30. Signature of person at jail receiving the accused.
31. Indicate page number if additional sheets attached.

Data Elements, *reverse*

1. Insert all applicable case numbers from the front of the form.
2. Check all of the conditions of bail that apply.
3. Check the box for “other” and insert any other conditions of bail that are imposed, if applicable.
4. Indicate page number if additional sheets are attached.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to jail.
2. Prepared by magistrate, clerk or judge when accused is to be released.
 - a. Upon disposition, if the defendant is incarcerated prior to disposition on the trial charge and (1) a jail sentence is not imposed, (2) the defendant is acquitted or (3) a jail sentence is imposed, but the defendant may begin to serve the sentence at a future date rather than immediately.
 - b. On bail by judicial officer prior to trial.
 - c. Purge of civil contempt when the court finds contempt has been purged.
 - d. The release is not issued following completion of defined sentence, i.e. 60 days' jail.
3. Attachments
 - a. Form DC-330, RECOGNIZANCE.
 - b. Form DC-351, CHARGE ADDENDUM.

RELEASE ORDER

R

ACCUSED: **1**
NAME (LAST, FIRST, MIDDLE)

ADDRESS: **2**

SSN: **3** DOB: **4**

Jurisdiction: **5**

- GENERAL DISTRICT (TRAFFIC)
- GENERAL DISTRICT (CRIMINAL)
- 6** GENERAL DISTRICT (CIVIL)
- J&DR DISTRICT COURT
- CIRCUIT COURT

CHARGE(S):

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
7	8	9	10
	Description: 11		
	Description:		
	Description:		
	Description:		
	Description:		
	Description:		
	Description:		

12 Addendum listing additional charges is attached and incorporated.

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:
You are ordered to RELEASE the accused on the above charge(s).

..... **13**
DATE AND TIME

..... **14**
 MAGISTRATE CLERK JUDGE

Released **15** AM/PM By **16**
DATE AND TIME

RELEASE ORDER

Data Elements

1. Name of accused to be released.
2. Address of accused.
3. Social security number of accused, if known.
4. Date of birth of accused, if known.
5. Jurisdiction of court where the accused is required to appear.
6. Type of court in which the accused is required to appear. Check appropriate box.
7. Insert unique offense tracking number.
8. Insert the Virginia Crime Code for the offense charged.
9. Virginia Code section alleged to have been violated.
10. Court case number.
11. Short word description from the standard list.
12. Check box if charge addendum is attached (DC-351).
13. Date and time of completion of this form.
14. Signature of person completing this form. Check appropriate title box.
15. Date and time of release of accused (to be completed by jail personnel).
16. Signature of person at jail releasing the accused.
17. Indicate page number if additional sheets are attached.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First and second copy – to sheriff. Second copy is for jailor’s records to show that the prisoner is legally away from jail. The first copy is for the transporting officer to identify the prisoners in his charge, where they are to be transported, and in what cases they are scheduled to appear.
2. Prepared by clerk and can be signed by clerk or a judge.
3. Attachments – none.
4. Preparation details – The first copy can be used as proof of transportation by a sheriff for mileage reimbursement purposes if he or she so chooses.

CUSTODIAL TRANSPORTATION ORDER

Commonwealth of Virginia

Case No.: **1**

..... **2**
NAME OF TRANSPORTEE

..... **3**
SOCIAL SECURITY NUMBER

..... **4**
DATE OF BIRTH

..... **5**
CITY/COUNTY

- General District Court
- 6** Juvenile and Domestic Relations District Court
- Circuit Court

TO ANY AUTHORIZED OFFICER: Take custody of and transport the person named above from:

the jail serving this jurisdiction or

7
OTHER FACILITY

to:

8 THIS COURT or

OTHER DESTINATION

to arrive **9**
DATE AND TIME

TO APPEAR IN:

10 COMMONWEALTH OF VIRGINIA
v./ *in re*

and when the person's presence is no longer needed there, return such person to the jail officer or director of the other named facility unless otherwise directed by this court.

TO THE JAIL OFFICER OR DIRECTOR OF THE OTHER NAMED FACILITY:

Release the person named in this order into the custody of the officer bearing this order, and accept custody of the person on his or her return.

SPECIAL INSTRUCTIONS: **11**

..... **12**
DATE

..... **13**
 CLERK JUDGE

Data Elements

1. Court case number.
2. Name of prisoner to be transported.
3. Social security number of prisoner (if known).
4. Date of birth of prisoner.
5. Name of jurisdiction.
6. Check type of court.
7. Check the appropriate box or insert the name of the other facility.
8. Check the appropriate box or insert the name of the other destination.
9. Date and time of scheduled appearance.
10. Name of case in which prisoner is to appear.
11. Special instructions regarding transportation, if any.
12. Date of signature.
13. Signature of issuing official. Check the appropriate title box below the signature line.

Using This Form

1. Copies
 - a. Original – retained by court.
 - b. First copy – forwarded to jail.
2. Prepared by clerk or judge.
3. Attachments – if Data Element No. 14 is checked, district court form DC-351, CHARGE ADDENDUM.
4. Preparation details –
 - a. The clerk or judge uses this form to note any change in bail conditions and to note the date and time of the defendant's next court appearance. The ORDER FOR CONTINUED CUSTODY is used by the clerk or judge to return an incarcerated defendant to jail following arraignment or any other hearing before the court, if the defendant is unable to meet terms of bail immediately after his appearance before the court. If the defendant is able to meet the bail terms immediately following his appearance before the court, the clerk's office should process the bail, using the DC-330, RECOGNIZANCE, in lieu of issuing a DC-355, ORDER FOR CONTINUED CUSTODY, for the defendant to return to jail. It should be noted that the DC-355, ORDER FOR CONTINUED CUSTODY, is also used to incarcerate a defendant (who is present before the court) whose bail has been increased by the court even though the defendant may have been previously released on bail prior to the court ordering the bail increase.
 - b. If the court remands the accused to jail after sentencing, the judge or clerk prepares a Form DC-356, DISPOSITION NOTICE, not an ORDER FOR CONTINUED CUSTODY.

ORDER FOR CONTINUED CUSTODY

Commonwealth of Virginia

Jurisdiction: **1**

ACCUSED: **3**
NAME (LAST, FIRST, MIDDLE)

- Juvenile & Domestic Relations District Court
- 2** General District Court
- Circuit Court

..... **4**
SOCIAL SECURITY NUMBER

..... **5**
DATE OF BIRTH

Hearing Date and Time: **6**

CHARGED UNDER:
7 State Local Ordinance

CHARGE(S):

Offense Tracking Number	Offense Date	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
8	9	10	11	12
		Description: 13		
		Description:		
		Description:		
		Description:		
		Description:		
		Description:		

14 Addendum listing additional charges is attached and incorporated.

15 Public Workforce Authorized Not Authorized

BAIL: \$ Secured Bond Unsecured Bond Recognizance

16 Custody and Supervision of Pretrial Services Agency
 Third-Party Custody and Supervision

No Change in Existing Amount of Bond Amend Bond to \$

Held Without Bail No change in Existing Bail Conditions

17 Accused may may not leave the Commonwealth of Virginia may may not leave
CITY/COUNTY

Additional Conditions of Bail:

The Accused must

Submit to Drug/Alcohol Screening Submit to Drug/Alcohol Testing Comply with a Curfew of

Avoid All Contact with

Refrain from Possessing Firearm, Destructive Device, Dangerous Weapon

Refrain from Excessive Use of Alcohol Refrain from Use of Illegal Drugs/Controlled Substances
not Prescribed by a Health Care Provider

Maintain or Seek Employment Maintain or Commence Education

The Accused is assigned to home-electronic incarceration by Judge

The Accused is to be monitored by a GPS/other tracking device.

Other:

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:

Hold the accused in custody pending the hearing date and convey the accused to the appropriate court so that the accused will be present in court at the hearing date and time, unless otherwise ordered by the appropriate judicial officer.

..... **19**
DATE

..... **20**
 CLERK JUDGE

Data Elements

1. Jurisdiction of the court where the accused is required to be returned.
2. Type of court in which accused is required to appear. Check appropriate box.
3. Name of accused.
4. Social security number of the accused.
5. Date of birth of the accused.
6. Date and time of next hearing.
7. Check whether the offense is a state or local offense for cost allocation reasons. If charged with both types, check box boxes.
8. Insert unique offense tracking number.
9. Insert offense date.
10. Insert the Virginia Crime Code for the offense charged.
11. Insert the Virginia Code section alleged to have been violated.
12. Court case number.
13. Short description of charged offense from the standard list.
14. Check box if charge addendum form used (Form DC-351).
15. Check box if public workforce is authorized for the accused.
16. Insert bond conditions if changed at hearing by judge from conditions shown on district court form DC-352, COMMITMENT ORDER, or check box indicating no change in bail conditions.
17. Indicate whether the accused may leave the Commonwealth.
18. Indicate by checking boxes any additional conditions of bail.
19. Date form executed.
20. Signature of person completing form. Check the appropriate box.
21. Indicate page number if additional sheets are attached.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to jail.
2. Prepared by clerk or judge.
3. Attachments – if Data Element No. 6 is checked, attach form DC-356-A, DISPOSITION NOTICE ADDENDUM.
4. Preparation details
 - a. An amended DISPOSITION NOTICE should be prepared and sent to the jail where the defendant is incarcerated if, after the defendant is sent to jail either without an appeal bond being set or if initially decided by the judge that the defendant is not eligible for bail, the judge sets bail terms and the defendant is unable to post a bail bond.
 - b. Three dispositions may be entered on each form if the defendant is charged with multiple offenses. Data elements nos. 7 through 21 are applicable to each disposition section of the form.
 - c. Data Element No. 19 can only be used with a person who is *sentenced* as a juvenile.

DISPOSITION NOTICE

Commonwealth of Virginia

DISPOSITION TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER: Confine the person named in this notice in your facility in accordance with the order(s) below. **HOWEVER**, if the defendant appeals ANY of the charges below, **DO NOT RELEASE** him or her until ALL conditions of bail are met.

1

2

General District Court Traffic Criminal Civil Division
 Juvenile and Domestic Relations District Court Circuit Court

CITY OR COUNTY

3

4

NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY

DATE OF BIRTH

5

Male Female Adult Juvenile **6** DISPOSITION ADDENDUM listing additional cases is attached and incorporated.

1. Case No. **7** Offense Date **8** Original Charge **9**
 Not guilty Nolle prosequi Dismissed

10 Convicted of Felony Misdemeanor
 State Code § Local Ordinance
VCC OTN

11 Appeal Noted **12** Certified to Grand Jury **13** **14**
FINE/COST OTHER

15 Jail sentence of imposed with suspended.
16 mos. days hours to be served in jail of which **17** days mandatory minimum confinement.

18 Committed to the Department of Corrections for

19 Committed to the Department of Juvenile Justice for

20 Extradition waived, and Form DC-375, WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on at m. **21**

Credit is allowed pursuant to § 53.1-187 for time spend in confinement.

2. Case No. Offense Date Original Charge
 Not guilty Nolle prosequi Dismissed

Convicted of Felony Misdemeanor
 State Code § Local Ordinance
VCC OTN

Appeal Noted Certified to Grand Jury
FINE/COST OTHER

Jail sentence of imposed with suspended.
 mos. days hours to be served in jail of which days mandatory minimum confinement.

Committed to the Department of Corrections for

Committed to the Department of Juvenile Justice for

Extradition waived, and Form DC-375, WAIVER OF EXTRADITION attached. If not delivered to Demanding State, return to court on at m.

Credit is allowed pursuant to § 53.1-187 for time spend in confinement.

22 Civil Contempt To be served in jail Released upon payment of \$ support arrearages to: PAYEE

Restitution ordered: \$ **23**
 Other **24**

SPECIAL CONDITIONS: Weekend Delayed confinement to begin DATE

25 Work release Work release (if eligible) Home-electronic incarceration Drug testing ordered
 Public Workforce Authorized

BAIL AMOUNT: \$ **26** **27** If transferred or certified to Circuit Court **28** If appealed
 Secured Unsecured Recognizance Held without bail No change in existing bail amount

29 No change in existing bail conditions **Circuit Court date and time:** **30**
ADDITIONAL BAIL CONDITIONS: Accused may may not depart the Commonwealth of Virginia.

31 Future Support Bond \$ Support Arrearage Bond \$ ordered and must be posted with the Clerk within thirty (30) days of civil contempt finding/criminal contempt conviction. (Form DC-460.)

32

DATE

33

CLERK JUDGE

34 (PAGE ____ of ____)

Data Elements

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Court jurisdiction. 2. Check type of court issuing the disposition. 3. Name of defendant. 4. Date of birth of defendant. 5. Check appropriate boxes to indicate gender and age of defendant. 6. Check box if disposition notice addendum used (DC-356-A). 7. Court case number. 8. Offense date. 9. Insert original charge. 10. Check reason for using this form for commitment to jail. If "convicted of" is checked, insert short description of type of offense (petty larceny, assault, contempt of court, etc.), the state or local code section violated, and (for local offenses) the name of the jurisdiction whose laws were violated. Check felony or misdemeanor indicator. Insert the Virginia Crime Code for the offense charged and the unique offense tracking number. 11. Check if appeal noted and see conditions of bail at Data Elements 26 and 29. 12. Check if certified to the grand jury. 13. Total amount of fines and costs imposed. 14. Total amount of other fees assessed. 15. Check box and note the sentence of the court . 16. If sentenced to serve time in local jail, check the box and insert amount of actual time to be served. The time inserted should be the entire sentence minus the suspended time. Also check Data Element No. 25 if special sentencing conditions apply and, if applicable, insert additional conditions in Data Element No. 24. 17. If there is a mandatory minimum confinement for the offense convicted, check box and insert the number of days that are mandatory. 18. If sentenced to serve time in the State Department of Corrections, check this box and enter amount of time to be served. | <ol style="list-style-type: none"> 19. If committed as a juvenile to the Department of Juvenile Justice, check this box, and enter amount of time to be served. 20. Check if extradition waived and attach form DC-374, WARRANT OF ARREST FOR EXTRADITION. Insert the date on which the defendant should be returned to court if not delivered to demanding state. 21. Use this box and blank for any extra information that may need to be entered. 22. Check this box if the defendant is convicted of civil contempt and check the appropriate boxes and fill in the terms required for release. 23. Dollar amount of restitution ordered, if any. 24. Add any other conditions imposed by the court. 25. If sentenced to incarceration in a local jail, check any of these conditions that apply. 26. If Data Element No. 27 or 28 is checked and the judge decides that the defendant may be released on bail during the appeal upon posting a bail bond, insert the amount of the bail. 27. Check if defendant's case transferred or certified to circuit court, and check appropriate boxes in Data Element Nos. 26 and 29 regarding bail. 28. Check "if appealed" and check appropriate boxes in Data Elements Nos. 24 and 27 regarding bail. 29. Check appropriate boxes. 30. Enter date and time of appearance in circuit court, if applicable. 31. If Data Element No. 27 or 28 is checked and the judge decides that the defendant may be released on bail during the appeal, check applicable boxes. If a future support bond is required, enter the amount. 32. Date of preparation of form. 33. Signature of person preparing form. Check the appropriate box. 34. Indicate page number if additional sheets are attached. |
|---|---|

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to jail.
2. Prepared by clerk or judge.
3. Attachments – Form DC-356, DISPOSITION NOTICE.
4. Preparation details
 - a. An amended DISPOSITION NOTICE should be prepared and sent to the jail where the defendant is incarcerated if, after the defendant is sent to jail either without an appeal bond being set or if initially decided by the judge that the defendant is not eligible for bail, the judge sets bail terms and the defendant is unable to post a bail bond.
 - b. Data Element No. 17 can only be used with a person who is *sentenced* as a juvenile.

DISPOSITION NOTICE ADDENDUM

..... **1** **2** General District Court Traffic Criminal Civil Division
CITY OR COUNTY Juvenile and Domestic Relations District Court Circuit Court

..... **3** **4**
NAME OF DEFENDANT (LAST, FIRST, MIDDLE) AND ALIAS, IF ANY DATE OF BIRTH

Case No. **5** Offense Date **6** Original Charge **7**
 Not guilty Nolle prosequi Dismissed

8 Convicted of Felony Misdemeanor
 State Code § Local Ordinance
VCC OTN

9 Appeal noted **10** Certified to Grand Jury **11** **12**
FINE/COST OTHER

13 Jail sentence of imposed with suspended.

14 mos. days hours to be served in jail of which **15** days mandatory
minimum confinement.

16 Committed to the Department of Corrections for

17 Committed to the Department of Juvenile Justice for

18 Extradition waived, Form DC-374, WARRANT OF ARREST FOR EXTRADITION attached. If not delivered
to Demanding State, return to court on at m.

19
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Case No. Offense Date Original Charge
 Not guilty Nolle prosequi Dismissed

Convicted of Felony Misdemeanor
 State Code § Local Ordinance
VCC OTN

Appeal noted Certified to Grand Jury
FINE/COST OTHER

Jail sentence of imposed with suspended.

..... mos. days hours to be served in jail of which days mandatory
minimum confinement.

Committed to the Department of Corrections for

Committed to the Department of Juvenile Justice for

Extradition waived, Form DC-374, WARRANT OF ARREST FOR EXTRADITION attached. If not delivered
to Demanding State, return to court on at m.

.....
Credit is allowed pursuant to § 53.1-187 for time spent in confinement.

Data Elements

1. Court jurisdiction.
2. Check type of court issuing the disposition. If type is a General District Court that sits in Divisions, check the appropriate division in parentheses.
3. Name of defendant.
4. Date of birth of defendant.
5. Court case number.
6. Offense date.
7. Insert original charge.
8. Check reason for using this form for commitment to jail. If "convicted of" is checked, insert short description of type of offense (petty larceny, assault, contempt of court, etc.), the state or local code section violated, and (for local offenses) the name of the jurisdiction whose laws were violated. Check felony or misdemeanor indicator. Insert the Virginia Crime Code for the offense charged and the unique offense tracking number.
9. Check if appeal noted and see conditions of bail.
10. Check if certified to the grand jury.
11. Total amount of fines and costs imposed.
12. Enter additional amount assessed, if any.
13. Check box and note the sentence of the court.
14. If sentenced to serve time in local jail, check the box and insert amount of actual time to be served. The time inserted should be the entire sentence minus the suspended time. Also check Data Element No. 26 if special sentencing conditions apply and, if applicable, insert additional conditions in Data Element No. 25.
15. If there is a mandatory minimum confinement for the offense convicted, check box and insert the number of days that are mandatory.
16. If sentenced to serve time in the State Department of Corrections, check this box and enter amount of time to be served.
17. If committed as a juvenile to the Department of Juvenile Justice, check this box, and enter amount of time to be served.
18. Check if extradition waived and attach form DC-374, WARRANT OF ARREST FOR EXTRADITION. Insert the date on which the defendant should be returned to court if not delivered to demanding state.
19. Use this box and blank for any extra information that may need to be entered.
20. Indicate page number if additional sheets are attached.

Using This Form

This form is to be used following the conviction of a defendant for certain specified misdemeanors, when the defendant is referred for substance abuse screening, substance abuse assessment and completion of a substance abuse education or intervention program pursuant to Virginia Code § 19.2-299.2.

The original should be retained by the court and copies should be given to the defendant and the program to which the defendant has been referred. It is advisable to have the defendant acknowledge that he or she has read and understands the order.

**ORDER REGARDING SUBSTANCE ABUSE
SCREENING – ADULT MISDEMEANOR**

Case No. **1**.....

- General District Court
- Juvenile and Domestic Relations District Court
- Circuit Court

..... **2**
CITY OR COUNTY

Commonwealth of Virginia v.

..... **3** **4**
DEFENDANT'S ADDRESS

5 The defendant has been convicted of a Class One misdemeanor offense under Virginia Code §§ 18.2-247 through 18.2-264 or §§ 18.2-265.1 through 18.2-265.5.

The defendant has been convicted of a Class One misdemeanor offense other than one referenced above, and the Court has reason to believe that the defendant has a substance abuse or dependency problem.

As part of the sentence for the above conviction, the defendant has been ORDERED to be placed on probation until **6**
DATE

AND

The defendant shall be supervised by **7**
LOCAL COMMUNITY-BASED PROBATION SERVICES AGENCY

OR

The defendant shall participate in **8**
LOCAL ALCOHOL SAFETY ACTION PROGRAM

The defendant has other sanctions: **9**

**ORDER OF SUBSTANCE ABUSE SCREENING,
ASSESSMENT, EDUCATION AND INTERVENTION**

As part of the defendant's sentence, the defendant is ORDERED to undergo a substance abuse screening conducted by the above-selected program. If the screening indicates that the defendant has a substance abuse or dependency problem, the defendant shall complete a substance abuse assessment.

If the assessment confirms that the defendant has a substance abuse or dependency problem, as a further condition of the suspended sentence and probation, the defendant is ORDERED to complete the substance abuse education or intervention component, or both as appropriate, of the above-selected program.

If the defendant wishes to submit an alternative course of action as being better suited to his or her needs, the defendant may petition the Court, with notice to the selected program, for such modifications of this order as may be appropriate.

..... **10**
DATE

..... **11**
JUDGE

I have read this order and I understand its contents.

..... **12**
DATE

..... **13**
DEFENDANT

Data Elements

1. Insert case number.
2. Insert name of court.
3. Insert style of case.
4. Insert address of defendant.
5. Check the box describing the offense of the defendant that forms the basis for this order.
6. Insert end date for the probation on which the defendant has been placed as a result of this conviction.
7. If the defendant is being supervised by a community-based probation services agency, check the box and enter the name of the local program.
8. If the defendant has been ordered to participate in an alcohol safety action program, check the box and enter the name of the local program.
9. If the defendant has had any additional sanctions imposed, check the box and describe the sanctions.
10. Insert date the order was entered.
11. Signature of the judge.
12. Insert date the defendant acknowledges the order.
13. Signature of the defendant.

Using This Form

1. Copies
 - a. Original – to defendant/juvenile.
 - b. First copy – to court.
 - c. Second copy – to Alcohol Rehabilitation Program.
2. Prepared by clerk, signed by judge and defendant/juvenile.
3. Attachments – none.
4. Preparation details
 - a. This order is used when a person convicted of violating Virginia Code § 29.1-738 (operating a motorboat or watercraft while intoxicated) is ordered to participate in an Alcohol Safety Rehabilitation Program (Virginia Alcohol Safety Action Program). The court, as part of the order, may authorize operation of a motorboat or watercraft on the terms provided in the order.
 - b. This form must be used whenever a defendant/juvenile enters an Alcohol Rehabilitation Program even if the issuance of a restricted operating order is not ordered. VASAP will use this form to provide better record-keeping regarding Program participants. If amendments to the order are requested and granted, district court form DC-630, MOTION TO AMEND, should be filed and a new district court form DC-358 issued and marked “amended.”
 - c. The defendant/juvenile should be required to surrender his copy of the pre-existing order (if the pre-existing order permitted the issuance of a restricted operating order) before giving an amended order to the defendant/juvenile.
 - d. The identification information in this format is found on all warrants and summonses, including the Virginia Uniform Summons. It is used to identify the defendant/juvenile who is driving solely on this order.
 - e. If Program meeting time or information concerning Program service provider is unknown when original order is entered, such additional information may be provided on an amended order or by a supplemental document from VASAP.
 - f. Data Element no. 16 may be used to postpone the commencement of the restricted operating order so that the defendant/juvenile has, as a learning experience, a short period of time without being permitted to operate a boat.
 - g. In setting the expiration date in Data Element no. 17, the judge should consider:
 - the estimated successful completion date of Program participation by the defendant/juvenile.
 - The effect of any mandatory or discretionary suspension imposed in this case which comes into effect when the order expires.

No action by the court is required to restore the regular operating powers of the defendant/juvenile when this order expires.

 - h. A camera-ready copy has been provided to each district court clerk’s office for making photocopies as needed.

ENTRY INTO ALCOHOL REHABILITATION PROGRAM

Case No. **1**

(BOAT) VA. CODE §§ 29.1-738.4, 29.1-738.5

2
CITY/COUNTY
3
ACCUSED/JUVENILE
4
ADDRESS
4
CITY STATE ZIP

- Circuit Court
- General District Court
- Juvenile and Domestic Relations District Court

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN **5**

6 OFFENSE DATE **7** Original Order Amended Order

The Accused/Juvenile has been convicted of operating a motorboat or watercraft in violation of Va Code § 29.738 **8** Va. Code § 29.1-738.02

As part of this disposition, the Accused/Juvenile is Ordered:

1. Not to operate a motorboat or watercraft for a period of **9** from the date of this Order unless authorized to do so by a Restricted Operating Order.
2. Subject to the terms and conditions listed below, to enter into this Alcohol Rehabilitation Program (the Program):

10 PROGRAM NAME AND ADDRESS **11** FEE **12** Drugs Alcohol **13** B.A.C.

RESTRICTED OPERATING ORDER

14 Notwithstanding the order not to operate a motorboat or watercraft, the Court conditionally authorizes the Accused/Juvenile to operate a motorboat or watercraft upon the following conditions of probation:

- (1) The Accused/Juvenile shall promptly complete his or her entry into the Program and shall satisfactorily comply with and complete the Program's requirements.
- (2) The Accused/Juvenile shall immediately notify this Court and the Program of any change of residential address.
- (3) While operating a motorboat or watercraft, the Accused/Juvenile shall comply with all laws regulating the operation of a motorboat or watercraft. In particular, the Accused/Juvenile shall not operate a motorboat or watercraft in a reckless manner or while under the influence of alcohol or drugs.
- (4) The Accused/Juvenile shall have in his immediate possession this copy of this Order or other identification document issued by this Court at all times that the Accused/Juvenile is operating a motorboat or watercraft.
- (5) The Accused/Juvenile shall report immediately to the Court the loss or destruction of this copy of this Order prior to the expiration date of this Order.
- (6) **15**

16 Commencement date of this restricted operating order. The operating authorization of this Order is further subject to any conditions, restrictions, suspension, revocation or prohibitions of the authorization to operate a motorboat or watercraft which is imposed by any court or regulatory agency of competent jurisdiction.

17 Expiration date of this restricted operating order unless later modified by this Court.

18 No restricted operating order is granted.

3. Other conditions of Probation are: **19**
20 DATE **21** JUDGE

I have read this order in its entirety and I understand its contents.

22 ACCUSED/JUVENILE

WARNING: Forging or altering this order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169.

Case No. **1**

ENTRY INTO ALCOHOL REHABILITATION PROGRAM (BOAT)

Data Elements

1. Court case number. If form is clipped to file at top of page, put file number at bottom of page; otherwise, put file number at *top* of page.
2. Court jurisdiction. Check applicable type of court.
3. Name of defendant/juvenile.
4. *Current* address of defendant/juvenile.
5. Information describing the defendant/juvenile. See **Using this Form**, 4(d).
6. Date on which offense was committed.
7. Check appropriate box. If this order is an amended order, see **Using this Form**, 4(c).
8. Check appropriate box.
9. Period of time for which the operating powers are suspended.
10. Insert name(s) and address(es) of Alcohol Rehabilitation Program and, if applicable, service providers. Also, include dates and times of meetings (if known at time of issuance) of Program or service providers (Example: "First Wednesday, 7:30 – 4:30 p.m."). Strike through remainder of blank line(s) to prevent unauthorized additions.
11. Net program fee which the defendant/juvenile must pay.
12. Check the applicable box(es) to show whether the conviction was based on intoxication from alcohol, drugs or both.
13. If Data Element no. 12 is checked "alcohol," add the blood alcohol content from test results admitted into evidence in court. If none was admitted, insert "not available."
14. Check this box and complete Data Elements nos. 15 through 17 *if* a restricted operating order *is* to be issued. If *not*, then see Data Element no. 18.
15. Additional conditions of probation regarding the operation of motorboats or watercraft.
16. Date on which restricted operating order commences. See **Using this Form**, no. 4(f).
17. Expiration date of this restriction. See **Using this Form**, no. 4(g).
18. Check this box *if* a restricted operating order *is not* to be issued.
19. Insert additional terms of probation (if any). The terms of a VASAP contract or other program agreement may be incorporated by reference. If no additional conditions are imposed, insert "none."
20. Date of entry of order.
21. Signature of judge.
22. Signature of defendant/juvenile.

Using This Form

1. This is a three-page form. The first page is designated as Form DC-359. The second and third pages, which are used as the second and third pages to a number of the restricted driver's license forms, is Form DC-261. Please see the data elements for Form DC-261 for instruction on how to complete those pages.
2. Copies
 - a. Original (safety paper) – to defendant.
 - b. First copy (canary) – to court.
 - c. Second copy (white) – to Department of Motor Vehicles (DMV).
 - d. Third copy (green) – to drug rehabilitation program.
3. Prepared by clerk, signed by judge and defendant.
4. Attachments – (to DMV copy ONLY).
 - a. Driver's license if suspended or revoked or a restricted license ordered.
 - b. Form DC-210, ACKNOWLEDGEMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE (if judge does not order the issuance of a restricted driver's license).
5. Preparation details
 - a. This order is for use with adult defendants only if charged with drug offenses in Virginia Code §§ 18.2-247 through 18.2-264.1. If a juvenile is found to be delinquent and is ordered into a program for a drug offense, then use form DC-576, DRIVER'S LICENSE DENIAL ORDER (JUVENILE) or form DC-577, DRIVER'S LICENSE SUSPENSION ORDER AND ENTRY INTO SERVICES PROGRAM (JUVENILE), as appropriate.
 - b. The original of this 4-part set is printed on safety paper (like bank checks) to prevent forgery and tampering. Do not try to make corrections as changes cannot be made on safety paper. If an error is made, the entire form must be retyped.
 - c. This form must be used whenever an adult is convicted of an offense found in Va. Code §§ 18.2-247 through 18.2-264.1 or is given a pre-conviction probation prior to conviction as a first-time offender pursuant to Va. Code § 18.2-251 for reporting these events to the Virginia Department of Motor Vehicles as required by Va. Code § 18.2-259.1(B).
 - d. Data Element No. 5 – This identification information in this format is found on all warrants and summonses, including the Virginia Uniform Summons used for abstracting purposes. It is used to identify the defendant who is driving solely on this order pending a re-issuance of his driver's license by the Virginia Department of Motor Vehicles. Verify that the date of birth agrees with birth date shown on the driver's license.

Using This Form, *continued*

- e. Data Element No. 6 – The driver's license number is used by the Virginia Department of Motor Vehicles for driver's license reissuance and records updating. The arresting officer uses it for radio records checks and matching the order to the driver's license.
- f. If the defendant does not have a driver's license, use the offender's social security number followed by "(SSN)." This data requirement does not authorize the issuance of a restricted license order if the defendant does not otherwise have a valid driver's license at the time of conviction.
- g. Data Element No. 8 – The defendant should be required to surrender his copy of the pre-existing order (if the pre-existing order permitted the issuance of a restricted driver's license) before giving an amended order to the defendant. If an amended order is entered, do not prepare an amended abstract of conviction to accompany a copy of the order being sent to the Department of Motor Vehicles. The form DC-630, MOTION TO AMEND, should be filed and indexed as a subsequent motion.
- h. Data Element Nos. 10 – If Program meeting time or information concerning Program service provider is unknown when original order is entered, such additional information may be provided on an amended order or by a supplemental document from such program.
- i. Data Element No. 12 may be used to postpone the commencement of the restricted driving privilege either when required by law for second offenders or so that the defendant has, as a learning experience, a short period of time without being permitted to drive.
- j. In setting the expiration date in Data Element No. 13, the judge should consider:
 - the estimated successful completion date of Program participation by the defendant.
 - the effect of any mandatory or discretionary license suspension imposed in this case which comes into effect when the order expires.

No action by the court is required to restore the regular driver's license of the defendant when this order expires.

- k. If ordered into a drug rehabilitation program, the back of the original of the order is to be completed by the program upon completion of the program enrollment process. The Defendant must present the original to DMV with the reverse properly signed and sealed before DMV will give the Defendant a restricted license. The Defendant is not required to return proof of enrollment to court.

The endorsement on the back of the program copy is for internal program purposes. The program copy is to be sent directly to the program and not through the Defendant.

- l. If the Defendant is not required to participate in a program, DMV will not require an endorsement on the back of the Defendant's copy of the Order, and the program copy of the Order may be discarded.

**FORFEITURE OF DRIVER'S LICENSE AND
RESTRICTED DRIVER'S LICENSE ORDER – DRUG VIOLATION**

Commonwealth of Virginia VA CODE §§ 18.2-259.1

Case No. 1

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
				5					

D.L.# 6 STATE

2
CITY/COUNTY

Circuit Court
 General District Court
 Juvenile and Domestic Relations District Court

3
OFFENDER

4
ADDRESS

4
CITY STATE ZIP

7
OFFENSE DATE

8 Original Order
 Amended Order

9 1. The Court has convicted or found facts sufficient to convict you of violating a law described in Virginia Code § 18.2-259.1. Accordingly, your driver's license or privilege to drive is hereby suspended for a period of six months. You are ordered to surrender your driver's license, if you have a Virginia driver's license.

10 2. You are ORDERED, on the terms and conditions listed below, to enter the following rehabilitation or education Program:

.....
PROGRAM NAME AND ADDRESS

11 3. No restricted license privilege is granted to you by this ORDER.

The court has determined that there are compelling circumstances warranting an exception to the statutory suspension of your driver's license which permit the issuance of a restricted license order. Accordingly, a restricted license is authorized for the purposes enumerated on the second and third pages of this ORDER and subject to the conditions below

CONDITIONS OF RESTRICTED LICENSE: This ORDER is entered and the restricted license is to be issued upon the following conditions:

- (1) **This privilege is subject to any other conditions, restrictions, suspensions or revocations imposed by any court of competent jurisdiction or the Virginia Department of Motor Vehicles. If your license is suspended for other reasons, the privileges of this license may be VOID or modified by the Department of Motor Vehicles. Therefore, the commencement and expiration dates contained in this order may change or the Department of Motor Vehicles may refuse to issue you a restricted license.**
- (2) If ordered to enter a Program, you shall satisfactorily and timely comply with and successfully complete the Program's requirements.
- (3) You shall immediately notify this Court, the Virginia Department of Motor Vehicles, and the Program of any change of residential address; or any change to any of the information listed in items "a" through "m" on pages two and three of this ORDER.
- (4) **12** Commencement date of restricted license privilege. If you are ordered to attend a Program, this privilege EXPIRES 15 DAYS from this date unless proof of enrollment in the Program named above is endorsed on the back of page one of this ORDER. In addition, this privilege EXPIRES 60 DAYS from this date if this ORDER is not accompanied by a restricted license issued by the Virginia Department of Motor Vehicles or by your home state license if you are not a Virginia resident.
- (5) **13** Expiration date of this restricted license Order. Upon expiration of this restricted license order, issuance of a driver's license shall be subject to other conditions, restrictions, suspensions or revocations imposed by any Court of competent jurisdiction or the Virginia Department of Motor Vehicles.
- (6) You shall carry ALL THREE PAGES of this ORDER, and any attachment, at all times while operating a motor vehicle until this restricted license expires.

14 Please see reverse side for other applicable conditions.

WARNING: Forging or altering this Order or possessing a forged or altered order is a separate criminal offense punishable by fines and incarceration. Va. Code §§ 18.2-107, 18.2-168, 18.2-169. Driving outside of these restricted privileges constitutes a separate criminal offense.

NOTE: This is page one of a three-page order.

Data Elements, front, page one

1. Court case number.
2. Court jurisdiction. Check applicable type of court.
3. Name of defendant. Insert name as it appears on driver's license if a restricted driver's license is ordered by the judge to be issued.
4. Current address of defendant. The current address may not agree with the address shown on the driver's license.
5. Information describing the defendant. See Using This Form, 5.d.
6. Driver's license number of the defendant and state of issuance. See Using This Form, 5.e.
7. Date on which offense was committed.
8. Check appropriate box to indicate if this is an original or amended order.
9. Check the appropriate box.
10. If the court orders that the defendant attend a rehabilitation or education program, check box, then enter the name and address of the program.
11. Check appropriate box to indicate if a restricted driver's license is to be issued.
12. Date on which restricted privilege to drive commences. See Using This Form, 5.i.
13. Expiration date of this restriction. See Using This Form, 5.j.
14. Check if other conditions have been imposed.

Other applicable conditions:

1

.....

.....

.....

.....

.....

This is to certify that the offender described on the front of this Order has enrolled in the Program named in this Order.

2

DATE

3

TITLE

4

SIGNATURE

Data Elements, reverse, page one

1. List other applicable conditions.
2. Date that program personnel certified enrollment.
3. Title of program personnel certifying enrollment.
4. Signature of program personnel certifying enrollment.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
2. Prepared by clerk, magistrate or judge.
3. Attachments – none.
4. Preparation details
 - a. This form may be used when anyone violates the terms of a court document (such as a witness ignoring a subpoena) or court order. Therefore, the subject of the Show cause Summons is called the Respondent.
 - b. Because some actions for which a Show Cause summons may be issued are possible violations of more than one statutory section, the citation to the appropriate statute is needed.
 - c. Data Element Nos. 6-10 are not used for charging contempt for failure to comply with an order. For contempt for failure to comply with an order, use Data Element Nos. 12 through 16.
 - d. This form is served on both the surety and on the principal when breach of bail terms is alleged. Show Cause Summonses are issued--one to be served on the principal, the other to be served on the surety.
 - e. If the Respondent is not the defendant, this summons should be treated as a new case. The preparer should also insert in Data Element No. 30 (p.1) the court file number of the case in which the violation occurred.
 - f. Accounting code numbers printed next to fines and costs are for bookkeeping purposes.

Data Elements, page one

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Jurisdiction name. 2. Check type of court. 3. Street address and telephone number of court. 4. Date and time of scheduled appearance on this Show Cause Summons. 5. Insert the applicable statutory citation that applies to the reason for issuing this Show Cause Summons (data Elements Nos. 6 through 22). 6. If the Summons is issued for violation of conditions of suspended sentence, check this box. 7. Insert the sentence and/or fine that was initially ordered suspended. 8. Enter date on which suspended sentence or fine was ordered. 9. Insert offense of which respondent was convicted. 10. Insert reason for issuance of show cause. 11. If summons issued for violation of condition of release, check this box and insert reason for revocation or modification. 12. If Summons issued for a violation described in Data Elements Nos. 13 through 16, check this box and complete Data Elements Nos. 13 through 16 as applicable. 13. If Data Element No. 12 is checked and the respondent failed to appear in court, check this box and insert the date and time that respondent's appearance was required. 14. If Data Element No. 12 is checked and the respondent failed to make a timely payment, check this box and insert the amount of the payment due and its due date. 15. If Data Element No. 12 is checked and respondent failed to pay support, check this box and insert the amount of the current support, the type of payment interval, the arrearage, and the date to which the arrearage was calculated. 16. If Data Element No. 12 is checked and respondent refused to obey some other type of order not covered in one of the other Data Elements, check this box, check and (if applicable) name the court whose order was allegedly violated, and describe the terms of the order that were allegedly violated. 17. If respondent failed to pay his VASAP fee, check this box. | <ol style="list-style-type: none"> 18. If respondent's VASAP participation should be revoked for reasons other than failure to pay VASAP fee, check this box and insert a description of the reason for revocation. 19. If respondent's participation in community-based probation should be revoked, check this box and insert a description of the reason for revocation. 20. If respondent has violated conditions of probation, check this box, indicate if the period or conditions will be modified and insert a description of reason. 21. If respondent's deferral of proceedings should be revoked, check this box and insert reason for revocation. 22. Check and complete this section if other reasons exist for the issuance of this form. Check box and continue on reverse side if necessary. 23. Date of issuance. 24. Signature by the appropriate official. Check the appropriate title box below the signature line. 25. Court case number. 26. Name and address of person to whom service of this Summons is directed. 27. Information describing the respondent. These boxes should be completed in whole or in part <i>only</i> as to those facts that are reasonably certain to be true. 28. Name of plaintiff in case in which the violation occurred. 29. Name of defendant in case in which the violation occurred. 30. If the respondent is not a defendant or plaintiff, insert the court case number of the case to which this Summons is related. Otherwise, leave blank. 31. Insert description of underlying charges. 32. Date and time of service. 33. Signature of serving officer. 34. Badge number of serving officer, employing agency and jurisdiction of officer. 35. If served by deputy sheriff, insert name of sheriff. 36. Insert the unique offense tracking number. 37. Insert the appropriate Virginia Crime Code. 38. Space available for insertion of additional hearing dates and times. |
|--|--|

The Respondent was this day:

- 1 tried in absence
- present

2 PROSECUTING ATTORNEY PRESENT (NAME)

2 RESPONDENT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY

3 ATTORNEY WAIVED

If convicted, no jail sentence will be imposed.

INTERPRETER PRESENT

The Respondent:

denied guilt

4 did not contest guilt

admitted guilt

And was TRIED and FOUND by me:

not guilty of contempt

not guilty

5 guilty of contempt

guilty as charged

See attached Order

I ORDER the charge dismissed with prejudice

I ORDER a nolle prosequi on the prosecution's motion.

I find that Respondent has violated the conditions of his or her recognizance/bail.

I find that the Respondent has violated the conditions of his deferred adjudication/disposition.

I find that the Respondent has violated the conditions of his for her suspended sentence.

I find that the Respondent has violated the conditions of his or her placement in VASAP.

I impose the following Disposition:

7 FINE OF \$ with
..... suspended;

8 JAIL sentence of imposed
with suspended
conditioned upon being of good behavior and keeping
the peace, and paying fines and costs.

9 Revoke Respondent's recognizance/bail.

10 Revoke days/months of previously
suspended jail sentence and resuspending
..... days/months.

11 Revoke \$ of previously suspended
fine and resuspending \$

12 Serve jail sentence beginning
13 on weekends only

14 on PROBATION for

15 Monitoring by GPS/other tracking device

16 DRIVER'S LICENSE suspended

17 Restricted Driver's License revoked

18 Terminated from VASAP.

19 hours of community service to be
performed for
[] to be credited against fines and costs

20 Other:

21 Bail on Appeal \$

22 Remanded for CCRE Report

23 Contact prohibited between defendant and
victim's/victim's family or household members

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN
VIRGINIA SUSPENDED EFFECTIVE IN 30 DAYS IF
FINES, COSTS, FORFEITURES, PENALTIES OR
RESTITUTIONS ARE NOT PAID. VA. CODE § 46.2-395.

24
DATE

25
JUDGE

Offense Tracking No. 26
FINE \$ 27

COSTS

001 INT CRIM CHILD FEE

461 FIXED MISD FEE 28

113 WITNESS FEE

120 CT. APPT. ATTY

121 T.I.A. FEE

137 TIME TO PAY

228 COURTHOUSE
CONSTRUCTION FEE 29

234 JAIL ADMISSION FEE

244 COURTHOUSE
SECURITY FEE

243 LOCAL TRAINING
ACADEMY FEE

OTHER (SPECIFY) 30

..... \$

..... \$

TOTAL \$ 31

Data Elements, page two

1. Check the appropriate box.
2. Complete the appropriate line(s) and/or check the appropriate box.
3. Check if appropriate.
4. Check the appropriate plea.
5. Check the appropriate judgment. If convicted on other than original charge, describe the offense and statutory reference.
6. Check appropriate boxes for orders and findings where appropriate.
7. If fined, check the box and insert the total amount of fine, if any, without offset for portion of fine suspended. Insert amount of fine suspended (if any).
8. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended. In second blank, insert period of jail sentence suspended.
9. Check this box if the respondent's recognizance and/or bail is being revoked.
10. Check this box if revoking previously suspended jail time and enter amount of time. In the second blank, insert any time suspended.
11. Check this box if revoking previously suspended fine and insert amount of fine. Insert any amount suspended in second blank.
12. If jail term to be delayed or to be served on weekends, check this box and insert date and time for commencement of delayed or weekend sentence.
13. Check if serving jail term only on weekends.
14. Check and show period of probation, if applicable.
15. Check if monitoring by GPS/other tracking device is ordered.
16. Check and show period of driver's license suspension, if applicable.
17. Check the box if restricted driver's license is revoked.
18. Check this box if participation in VASAP is terminated.
19. Check the box if community service is ordered, then insert terms of service and check the second box if the community service is to be credited for fines and costs.
20. Insert other terms of judgment.
21. Check if applicable and insert appeal bond amount (even if security not required).
22. Check if remanded for CCRE report.
23. Check if applicable.
24. Date of entry of order.
25. Signature of judge.
26. Insert the unique offense tracking number.
27. Net fine (total fine minus portion of fine suspended).
28. Insert the amount of the appropriate fixed fee.
29. Insert the appropriate costs.
30. Other fees, costs, etc., not listed above.
31. Total of fines and costs.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
2. Prepared by clerk, magistrate or judge.
3. Attachments – none.
4. Preparation details
 - a. This form may be used when an individual violates the terms of a court order (such as a witness ignoring a subpoena or a defendant violating the terms of his recognizance).
 - b. This is a warrant of arrest. The citation to the appropriate statute is required.
 - c. Accounting code numbers printed next to fines and costs are for bookkeeping purposes.

CAPIAS: ATTACHMENT OF THE BODY

VA. CODE §§ 19.2-306; 19.2-123, -132, -135; 16.1-69.24, 18.2-456; 19.2-358; 19.2-305.2; 16.1-278; 46.2-395, 18.2-271.1; 19.2-303.3; 19.2-304; 19.2-130.1

Commonwealth of Virginia

[] General District Court
1 [] Juvenile and Domestic Relations District Court
CITY OR COUNTY

2 []
3
STREET ADDRESS OF COURT TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth forthwith to arrest the Respondent; and to produce the Respondent in this Court when found, or as soon thereafter as this Court may be in session, to show cause, if any, why Respondent should not, pursuant to Va. Code § 4

5 [] serve the 6 sentence/pay the 6 fine previously suspended on 7 for conviction of 8 because 9

10 [] have his/her recognizance revoked or modified because of the following violation of conditions of release

11 [] be imprisoned, fined or otherwise punished for

12 [] failure to appear in this Court on DATE AND TIME 31

13 [] failure to pay fines and/or restitution or an installment thereof: payment due: \$ on

14 [] failure to provide support as ordered: \$ per with \$ arrearage as of

15 [] failure to obey an order of [] this court [] ordering

16 [] have his or her driving privilege revoked for failure to timely pay the VASAP fee

17 [] have his or her VASAP participation revoked because

18 [] have his or her community-based probation revoked or modified because

19 [] have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because

20 [] (Other-explain) 21 [] continued on reverse

22 [] Pursuant to Va. Code § 19.2-130.1, the judge orders that the magistrate shall set the bail terms in accordance with the following, unless circumstances exist that require more restrictive terms: 23

24 AND [] may [] may not set additional terms and conditions.

25 [] The following information is provided to the judicial officer in determining bail:
26 27

DATE ISSUED [] CLERK [] MAGISTRATE [] JUDGE

HEARING DATE AND TIME

CASE NO. 28

ARREST THIS RESPONDENT:

29

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS

ADDRESS

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN 30

CAPIAS: ATTACHMENT OF THE BODY

In connection with the case of

[] Commonwealth of Virginia

[]

v./In re

32

UNDERLYING CASE NO. 33

UNDERLYING CHARGE(S) 34

EXECUTED by arresting the Respondent named above on this day:

35

DATE AND TIME

36, ARRESTING OFFICER

37

BADGE NO., AGENCY AND JURISDICTION

for 38

SHERIFF

OFFENSE TRACKING NUMBER: 39

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code: 40

41

Data Elements, page one

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Jurisdiction name. 2. Check type of court. 3. Street address and telephone number of court. 4. Insert the appropriate statutory citation that applies to the reason for issuing this Capias. 5. If Capias issued for violation of conditions of suspended sentence, check this box. 6. Insert the original sentence and/or fine that was initially ordered suspended. 7. Enter date on which suspended sentence or fine was ordered. 8. Insert offense of which respondent was convicted. 9. Insert reason for issuance of show cause. 10. If Capias issued for violating bail conditions, check this box. 11. If Capias issued for violation described in Data Elements Nos. 12 through 15, check this box and complete Data Elements Nos. 12 through 15 as applicable. 12. If Data Element No. 11 is checked and the respondent failed to appear in court, check this box and insert the date and time that respondent's appearance was required. 13. If Data Element No. 11 is checked and the respondent failed to make a timely payment, check this box and insert the amount of the payment due and its due date. 14. If Data Element No. 11 is checked and respondent failed to pay support, check this box and insert the amount of current support, the type of payment interval, the arrearage, and the date to which the arrearage was calculated. 15. If Data Element No. 11 is checked and respondent refused to obey some other type of order not covered in one of the other Data Elements, check this box, and (if applicable) name the court whose order was allegedly violated, and describe the terms of the order that were allegedly violated. 16. If Capias is issued for failure to pay VASAP fee, check this box. 17. If Capias is issued for violation that could result in revocation of participation in VASAP, check this box and insert description of violation. 18. If Capias issued for violation that could result in revocation of community-based probation, check this box and insert description of violation. | <ol style="list-style-type: none"> 19. If respondent's deferral of proceedings should be revoked, check this box and insert reason for revocation. 20. Check and complete this section if other reasons exist for the issuance of this form. 21. Check this box and continue on reverse side if necessary. 22. Check this box if requiring magistrate to include certain provisions when setting bail terms. 23. Indicate specific provisions that magistrate is required to set bail terms in accordance with. 24. Check appropriate box to indicate whether or not magistrate may set additional terms and conditions of bail. 25. Check box and insert facts which the issuing judicial officer wishes to bring to the attention of the judicial officer conducting the bail hearing regarding the respondent's bail eligibility. 26. Date of issuance. 27. Signature by the appropriate official. Check the appropriate title box below the signature line. 28. Court case number. 29. Name and address of person to be arrested. 30. Information describing the respondent. These boxes should be completed in whole or in part <u>only</u> as to those facts that are reasonably certain to be true. 31. Name of prosecuting jurisdiction in case in which the violation occurred. 32. Name of defendant in case in which the violation occurred. 33. If the respondent is not a defendant or plaintiff, insert the court case number of the case to which this Capias is related. Otherwise, leave blank. 34. Insert underlying charges, if applicable. 35. Date and time of arrest. 36. Signature of arresting officer. 37. Badge number of arresting officer, employing agency and jurisdiction of officer. 38. If served by deputy sheriff, insert name of sheriff. 39. Insert the offense tracking number. 40. Insert the applicable Virginia Crime Code. 41. Hearing date and time. |
|---|--|

Motion to Change Bond on:

- 1 changed to \$
- no change

The Respondent was this day:

- 2 tried in absence
- present

PROSECUTING ATTORNEY PRESENT (NAME)

3

DEFENDANT'S ATTORNEY PRESENT (NAME)

- 4 NO ATTORNEY ATTORNEY WAIVED
- If convicted, no jail sentence will be imposed

INTERPRETER PRESENT

The Respondent:

- 5 denied guilt
- did not contest guilt
- admitted guilt

And was TRIED and FOUND by me:

- 6 not guilty of contempt
- not guilty
- guilty of contempt
- guilty as charged
- See attached Order

7 I ORDER the charge dismissed with prejudice

I ORDER a nolle prosequi on the prosecution's motion

I find that Respondent has violated the conditions of his or her recognizance/bail.

I find that the Respondent has violated the conditions of his deferred adjudication/disposition.

8 I find that the Respondent has violated the conditions of his or her suspended sentence.

I find that the Respondent has violated the conditions of his or her placement in VASAP.

I impose the following Disposition:

9 FINE OF \$ with
..... **10** suspended

11 JAIL sentence of imposed
with **12** suspended
conditioned upon being of good behavior and keeping
the peace, and paying fines and costs.

13 Revoke Respondent's recognizance/bail.

14 Revoke days/months of previously
suspended jail sentence and resuspending
..... **15** days/months.

16 Revoke \$ of previously suspended
fine and resuspending \$ **17**

18 Serve jail sentence beginning

19 on weekends only

20 on PROBATION for

21 Monitoring by GPS/other tracking device

22 DRIVER'S LICENSE suspended

23 Restricted Driver's License revoked

24 Terminated from VASAP.

25 hours of community service to
be performed for

26 to be credited against fines and costs

27 Other:

28 Bail on Appeal \$

29 Remanded for CCRE Report

30 Contact prohibited between defendant and
victim/victim's family or household members

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA
SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS,
FORFEITURES, PENALTIES OR RESTITUTIONS ARE NOT
PAID. VA. CODE § 46.2-395.

31

DATE

32

JUDGE

Offense Tracking No. **33**

FINE \$ **34**

COSTS

461 FIXED MISD FEE **35**

001 INT CRIM CHILD FEE **36**

113 WITNESS FEE **36**

120 CT. APPT. ATTY **36**

121 T.I.A. FEE **36**

228 COURTHOUSE
CONSTRUCTION FEE **36**

137 TIME TO PAY **36**

234 JAIL ADMISSION FEE **36**

244 COURTHOUSE
SECURITY FEE **36**

243 LOCAL TRAINING
ACADEMY FEE **36**

OTHER (SPECIFY) **37**

..... **37** \$

..... \$

TOTAL \$ **38**

Data Elements, page two

- | | |
|---|---|
| <ol style="list-style-type: none">1. Check appropriate disposition box regarding Motion to Change Bond.2. Check the appropriate box.3. Complete the appropriate line(s) and/or check the appropriate box(es).4. Check box if appropriate.5. Check the appropriate plea.6. Check the appropriate judgment.7. Check appropriate box if applicable.8. Check any applicable findings.9. If fined, check the box and insert total amount of fine, if any, without offset for portion of fine suspended.10. Insert amount of fine suspended (if any).11. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended.12. Insert period of jail sentence suspended (if any).13. Check this box if respondent's recognizance and/or bail are revoked.14. If revoking previously suspended jail sentence, check this box and insert total jail sentence.15. If a portion of the jail sentence is re-suspended, insert that amount here.16. If revoking previously suspended fine, check this box and insert total amount of fine.17. If a portion of the fine is re-suspended, insert that amount here.18. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence. | <ol style="list-style-type: none">19. Check this box if serving sentence on weekends.20. Check and show period of probation (if applicable).21. Check if monitoring by GPS/other tracking device is ordered.22. Check and show period of driver's license suspension (if applicable).23. Check the box if the defendant's restricted driver's license is revoked.24. Check if respondent's participation in VASAP is terminated.25. Check the box if community service is ordered, then insert terms of service.26. Check the box if community service is to be credited against fines and costs.27. Insert other terms of judgment.28. Bail amount on appeal (even if security not required).29. Check if remanded for CCRE Report.30. Check if contact prohibited with victim or victim's family or household members.31. Date of entry of order.32. Signature of judge.33. Insert unique offense tracking number.34. Net fine (total fine minus portion of fine suspended).35. Insert applicable fixed fee.36. Insert the appropriate costs.37. Other fees, costs, etc., not listed above.38. Total of fines and costs. |
|---|---|

Data Elements, page one

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Jurisdiction name. 2. Check type of court. 3. Street address and telephone number of court. 4. Insert the appropriate statutory citation that applies to the reason for issuing this Capias. 5. If Capias issued for violation of conditions of suspended sentence, check this box. 6. Insert the original sentence and/or fine that was initially ordered suspended. 7. Enter date on which suspended sentence or fine was ordered. 8. Insert offense of which respondent was convicted. 9. Insert reason for issuance of show cause. 10. If Capias issued for violating bail conditions, check this box. 11. If Capias issued for violation described in Data Elements Nos. 12 through 15, check this box and complete Data Elements Nos. 12 through 15 as applicable. 12. If Data Element No. 11 is checked and the respondent failed to appear in court, check this box and insert the date and time that respondent's appearance was required. 13. If Data Element No. 11 is checked and the respondent failed to make a timely payment, check this box and insert the amount of the payment due and its due date. 14. If Data Element No. 11 is checked and respondent failed to pay support, check this box and insert the amount of current support, the type of payment interval, the arrearage, and the date to which the arrearage was calculated. 15. If Data Element No. 11 is checked and respondent refused to obey some other type of order not covered in one of the other Data Elements, check this box, and (if applicable) name the court whose order was allegedly violated, and describe the terms of the order that were allegedly violated. 16. If Capias is issued for failure to pay VASAP fee, check this box. 17. If Capias is issued for violation that could result in revocation of participation in VASAP, check this box and insert description of violation. 18. If Capias issued for violation that could result in revocation of community-based probation, check this box and insert description of violation. | <ol style="list-style-type: none"> 19. If respondent's deferral of proceedings should be revoked, check this box and insert reason for revocation. 20. Check and complete this section if other reasons exist for the issuance of this form. 21. Check this box and continue on reverse side if necessary. 22. Check this box if requiring magistrate to include certain provisions when setting bail terms. 23. Indicate specific provisions that magistrate is required to set bail terms in accordance with. 24. Check appropriate box to indicate whether or not magistrate may set additional terms and conditions of bail. 25. Check box and insert facts which the issuing judicial officer wishes to bring to the attention of the judicial officer conducting the bail hearing regarding the respondent's bail eligibility. 26. Date of issuance. 27. Signature by the appropriate official. Check the appropriate title box below the signature line. 28. Court case number. 29. Name and address of person to be arrested. 30. Information describing the respondent. These boxes should be completed in whole or in part <u>only</u> as to those facts that are reasonably certain to be true. 31. Name of prosecuting jurisdiction in case in which the violation occurred. 32. Name of defendant in case in which the violation occurred. 33. If the respondent is not a defendant or plaintiff, insert the court case number of the case to which this Capias is related. Otherwise, leave blank. 34. Insert underlying charges, if applicable. 35. Date and time of arrest. 36. Signature of arresting officer. 37. Badge number of arresting officer, employing agency and jurisdiction of officer. 38. If served by deputy sheriff, insert name of sheriff. 39. Insert the offense tracking number. 40. Insert the applicable Virginia Crime Code. 41. Hearing date and time. |
|---|--|

Motion to Change Bond on:

- 1 changed to \$
- no change

The Respondent was this day:

- 2 tried in absence
- present

3 PROSECUTING ATTORNEY PRESENT (NAME)

DEFENDANT'S ATTORNEY PRESENT (NAME)

- 4 NO ATTORNEY ATTORNEY WAIVED
- If convicted, no jail sentence will be imposed

INTERPRETER PRESENT

The Respondent:

- 5 denied guilt
- did not contest guilt
- admitted guilt

And was TRIED and FOUND by me:

- 6 not guilty of contempt
- not guilty
- guilty of contempt
- guilty as charged
- See attached Order

- 7 I ORDER the charge dismissed with prejudice
- I ORDER a nolle prosequi on the prosecution's motion

- I find that Respondent has violated the conditions of his or her recognizance/bail.
- I find that the Respondent has violated the conditions of his deferred adjudication/disposition.
- I find that the Respondent has violated the conditions of his or her suspended sentence.
- I find that the Respondent has violated the conditions of his or her placement in VASAP.

I impose the following Disposition:

- 9 FINE OF \$ with **10** suspended
- 11 JAIL sentence of imposed with **12** suspended conditioned upon being of good behavior and keeping the peace, and paying fines and costs.
- 13 Revoke Respondent's recognizance/bail.
- 14 Revoke days/months of previously suspended jail sentence and resuspending **15** days/months.
- 16 Revoke \$ of previously suspended fine and resuspending \$ **17**
- 18 Serve jail sentence beginning
- 19 on weekends only
- 20 on PROBATION for
- 21 Monitoring by GPS/other tracking device
- 22 DRIVER'S LICENSE suspended
- 23 Restricted Driver's License revoked
- 24 Terminated from VASAP.
- 25 hours of community service to be performed for
- 26 to be credited against fines and costs
- 27 Other:
- 28 Bail on Appeal \$
- 29 Remanded for CCRE Report
- 30 Contact prohibited between defendant and victim/victim's family or household members

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED EFFECTIVE IN 15 DAYS IF FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTIONS ARE NOT PAID. VA. CODE § 46.2-395.

31 **32**
DATE JUDGE

Offense Tracking No. **33**

FINE \$ **34**

COSTS

461 FIXED MISD FEE **35**

001 INT CRIM CHILD FEE

113 WITNESS FEE

120 CT. APPT. ATTY

121 T.I.A. FEE

228 COURTHOUSE CONSTRUCTION FEE **36**

137 TIME TO PAY

234 JAIL ADMISSION FEE

244 COURTHOUSE SECURITY FEE

243 LOCAL TRAINING ACADEMY FEE

OTHER (SPECIFY)

37 \$

\$

TOTAL \$ **38**

Data Elements, page two

- | | |
|---|---|
| <ol style="list-style-type: none">1. Check appropriate disposition box regarding Motion to Change Bond.2. Check the appropriate box.3. Complete the appropriate line(s) and/or check the appropriate box(es).4. Check box if appropriate.5. Check the appropriate plea.6. Check the appropriate judgment.7. Check appropriate box if applicable.8. Check any applicable findings.9. If fined, check the box and insert total amount of fine, if any, without offset for portion of fine suspended.10. Insert amount of fine suspended (if any).11. If sentenced to jail, check the box and insert period of jail sentence, if any, without offset for portion of jail sentence suspended.12. Insert period of jail sentence suspended (if any).13. Check this box if respondent's recognizance and/or bail are revoked.14. If revoking previously suspended jail sentence, check this box and insert total jail sentence.15. If a portion of the jail sentence is re-suspended, insert that amount here.16. If revoking previously suspended fine, check this box and insert total amount of fine.17. If a portion of the fine is re-suspended, insert that amount here.18. If jail term to be delayed or served on weekends, check this box and insert date and time for commencement of jail sentence. | <ol style="list-style-type: none">19. Check this box if serving sentence on weekends.20. Check and show period of probation (if applicable).21. Check if monitoring by GPS/other tracking device is ordered.22. Check and show period of driver's license suspension (if applicable).23. Check the box if the defendant's restricted driver's license is revoked.24. Check if respondent's participation in VASAP is terminated.25. Check the box if community service is ordered, then insert terms of service.26. Check the box if community service is to be credited against fines and costs.27. Insert other terms of judgment.28. Bail amount on appeal (even if security not required).29. Check if remanded for CCRE Report.30. Check if contact prohibited with victim or victim's family or household members.31. Date of entry of order.32. Signature of judge.33. Insert unique offense tracking number.34. Net fine (total fine minus portion of fine suspended).35. Insert applicable fixed fee.36. Insert the appropriate costs.37. Other fees, costs, etc., not listed above.38. Total of fines and costs. |
|---|---|

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to defendant.
 - c. Second copy – to the attorney for
2. Prepared by representative of the law enforcement agency that conducted the computer forensic analysis and that is requesting that the defendant be ordered to pay the cost of such analysis.
3. Attachments – none.
4. Preparation details

If applicable, this form should be submitted to the court by the law enforcement agency upon the defendant being found guilty of a charge in which computer forensic analysis revealed evidence used at the trial of the defendant.

**MOTION AND AFFIDAVIT REQUESTING COSTS
FOR COMPUTER FORENSIC ANALYSIS**

Commonwealth of Virginia VA. CODE §§ 16.1-69.48:1.02; 17.1-275.11:1

Case No. **1**

2
TRIAL HEARING DATE AND TIME

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

3
CITY OR COUNTY

4
COURT ADDRESS

Commonwealth of Virginia **6** v. **5**
DEFENDANT

7
LOCALITY

I, **8** of **9**
LAW-ENFORCEMENT AGENCY REPRESENTATIVE AGENCY AND JURISDICTION

hereby move that this court order the defendant to pay costs in an amount equal to the actual cost of the computer forensic analysis, not to exceed \$100 for each computer analyzed, upon a finding of guilty of a charge in which computer forensic analysis revealed evidence used at the trial of the defendant. In support of the motion, I state under oath as follows:

1. Computer forensic analysis was conducted by **10**
LAW-ENFORCEMENT AGENCY
on **11** computers for purposes of the above-referenced matter.
NUMBER OF COMPUTERS ANALYZED

2. The costs for computer forensic analysis requested by the law-enforcement agency is
as follows (list actual cost for each computer):
12
ACTUAL COST

13
DATE

14
SIGNATURE OF LAW-ENFORCEMENT AGENCY REPRESENTATIVE

Subscribed and sworn to before me this day.

15
DATE

16
 JUDGE CLERK

FOR NOTARY PUBLIC'S USE ONLY: 17
State of City County of
Acknowledged, subscribed and sworn to before me this day of, 20
by
.....
DATE
NOTARY PUBLIC
Notary Registration No. (My commission expires)

Data Elements

1. Court case number.
2. Date and time of trial hearing.
3. Name of court. Check appropriate box to indicate type of court.
4. Address of court named in Data Element No. 3.
5. Name of defendant.
6. Check applicable box.
7. Name of locality, if applicable.
8. Name of law-enforcement agency representative.
9. Name of agency and jurisdiction of law-enforcement agency representative named in Data Element No. 8.
10. Name of law-enforcement agency that conducted computer forensic analysis.
11. Number of computers on which computer forensic analysis was conducted.
12. List actual cost for each computer on which computer forensic analysis was conducted.
13. Date signed by law-enforcement agency representative.
14. Signature of law-enforcement agency representative.
15. Date subscribed and sworn to before judicial official.
16. Signature of judicial official. Check box below signature line to indicate title.
17. If acknowledgment taken by notary public, all enclosed fields must be completed, including notary's registration number and commission expiration date.

Using This Form

1. Copies
 - a. Original – to case file.
 - b. First copy – to Commonwealth’s Attorney.
 - c. Second copy – to accused.
2. Prepared by petitioner, acknowledged by clerk or notary public.
3. Attachments (to both copies of order).

Copy (both sides) of warrant or summons.
4. Preparation details – none.

PETITION OR MOTION FOR EXPUNGEMENT

Commonwealth of Virginia Va. Code § 18.2-186.5, 19.2-392.2

Case No. **1**

Underlying Case No(s). **2**

3 Circuit Court General District Court
CITY OR COUNTY Juvenile & Domestic Relations District Court

4
STREET ADDRESS OF COURT

5 v. COMMONWEALTH OF VIRGINIA
NAME OF PETITIONER/MOVANT

CHECK ONE:

6 I petition the court to expunge the police and court records relating to the charge(s) below based on subsection B of § 19.2-392.2. My name or other identification has been used without my consent or authorization by another person who has been charged or arrested using such name or identification. The identification used without my consent or authorization was:
.....

The name of the person using my identification is: Name Unknown
OR

7 I move the court to expunge the police and court records relating to the charge(s) in the summons, warrant, indictment or presentment, based on subsection H of § 19.2-392.2. I was improperly arrested or charged pursuant to the aforesaid charging document and it has been dismissed because the court found that I was not the person named in the summons, warrant, indictment, or presentment.

8 { COMPLETE THE FOLLOWING:
My date of birth is: The last four digits of my social security number are:
Specific charge(s) to be expunged:
Date of final disposition of charge(s):
Court disposing of charge(s):
Underlying Case No(s).
 A copy of the warrant, summons indictment, or presentment is attached to this PETITION/MOTION.

On this basis, I request that the police and court records relating to this charge be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection I of § 19.2-392.2. I have included with this PETITION/MOTION one complete set of my fingerprints obtained from a law-enforcement agency to accompany such order.

9 **10**
DATE SIGNATURE OF PETITIONER/MOVANT

Filed by: Petitioner/Movant Attorney for Petitioner/Movant **11**
SIGNATURE
12
ADDRESS/TELEPHONE NUMBER OF PETITIONER/MOVANT ATTORNEY

13 { State of City County of
Acknowledged, subscribed and sworn to before me this day of, 20
.....
NOTARY REGISTRATION NUMBER CLERK NOTARY PUBLIC
(My commission expires:)

Data Elements

1. Court case number.
2. Underlying court case number(s).
3. Court name. Check applicable box for court.
4. Street address of court.
5. Insert name of petitioner/movant (accused).
6. Check this box or Data Element No. 7, and provide information requested.
7. Check this box or Data Element No. 6.
8. Provide information regarding petitioner/movant and charges petitioner/movant is requesting to be expunged.
9. Date of signing.
10. Signature of petitioner/movant.
11. Check appropriate box to indicate by whom the petition is filed, with signature of the person who is filing the petition.
12. Address and telephone number of person identified in Data Element No. 11.
13. To be completed by clerk or notary public.

Using This Form

1. Copies (this is a master form and may be photocopied as local needs dictate).
 - a. Original – to court.
 - b. First copy – to the accused.
 - c. Second copy – to the first surety or authorized agent.
 - d. Third copy – to the second surety, if any, or to the authorized agent, if requested.
2. Prepared by clerk or judge. Signed by judge or clerk and the accused and all sureties (if any).
3. Attachments
 - a. Financial statement – optional for use in determining bail and for use in court.
 - b. Arrest documents – attach to form DC-314, WARRANT OF ARREST – MISDEMEANOR (STATE).
 - c. Form DC-332, AFFIDAVIT OF SURETY (if used) – highly recommended when real estate is pledged as security for use in determining if adequate security is pledged or if problems arise concerning the pledged real estate.
4. Preparation details
 - a. The information contained in a finance statement can help the judicial officer in the bail determination process by providing information concerning:
 - i. Family ties
 - ii. Employment
 - iii. Financial resources
 - b. If secured by pledges of government bonds (with endorsements on separate instruments) or similar types of personal property, a listing of such items (with certificate numbers, if any) should be placed on the reverse of the form or placed on a separate sheet and attached to the form.
 - c. If real property is pledged as security, careful attention *must* be given to obtaining an accurate description of the property (Data Element No. 19). The use of form DC-332, AFFIDAVIT OF SURETY, is highly recommended in such cases.
 - d. If additional information is to be typed on the reverse, carbon paper must be inserted when typing.

RECOGNIZANCE AND BOND TO KEEP THE PEACE

Va. Code §§ 15.2-1746, 19.2-21, 19.2-258

General District Court

Juvenile and Domestic Relations District Court

1

I, the Accused, hereby acknowledge the finding of a judge of this Court that good cause has been shown to require that I enter into a recognizance to keep the peace due to one or more of the reasons set forth in Va. Code § 19.2-19. I hereby give my promise to fulfill faithfully the following conditions:

1. To keep the peace and be of good behavior until **3**

2. **4**

5
DATE

6
ACCUSED

WARNING: Failure to fulfill the terms and conditions above or any violation thereof may result in forfeiture of the bond on the lower portion of this document.

BOND

The Accused, and Surety(ies) (if any), each hereby acknowledges himself, his heirs and assigns indebted to the Locality named above in the sum of \$ **7**,

8

UNSECURED cash corporate surety professional bondsman

SECURED by: other solvent surety(ies) having real or personal property

9

(and if secured by other solvent surety(ies) having real or personal property, the undersigned, having demonstrated to the officer taking this bond the nature of their interest in the property, also make oath that the equity of the undersigned in the property equals or exceeds the amount of this bond).

The additional terms printed on the back side of this document are incorporated herein by reference.

10

SURETY

(SEAL)

11

ACCUSED

(SEAL)

SURETY

(SEAL)

ACCUSED

(SEAL)

SURETY

(SEAL)

ACCUSED

(SEAL)

Hearing Date

12

Case No. **13**

RECOGNIZANCE AND BOND TO KEEP THE PEACE

14

ACCUSED

LAST NAME, FIRST NAME, MIDDLE INITIAL

.TEL. NO.

DATE RECEIVED

15

DATE DISBURSED/DISCHARGED

16

BOND AMOUNT

17

RECEIPT NO (IF CASH DEPOSIT)

18

RELEASE: The promise to fulfill the conditions of recognizance and the bond were subscribed and sworn to before me this day after I explained the conditions and warnings to the Accused and, if any, custodian and surety. The Accused is ordered released pursuant to the terms within.

19

CLERK

JUDGE

20

DATE AND TIME

Surety: Names(s) address(es), and if corporate surety, names(s) of authorized agent(s).

21

Data Elements

1. Name of jurisdiction (city or county).
2. Type of court.
3. Insert the time period for keeping the peace ordered by the judge.
4. Insert additional conditions if imposed on the accused.
5. Date of signing by accused.
6. Signature of accused.
7. Amount of bond.
8. If unsecured, check this box.
9. If secured bond, check the appropriate box. If secured by real estate, include location of real estate pledged as security (tax map parcel, street address or other readily identifiable description).
10. Signature(s) of surety(ies). If corporate surety, have authorized agent sign the corporation's name and also sign as the authorized agent.
11. Signature of the accused.
12. Hearing date, if needed to show review date.
13. Court case number.
14. Name, street address and telephone number of the accused.
15. Date form received in clerk's office.
16. Date on which (a) the conditions of release and bond were fulfilled, the bond (if any) voided, *and* the property or money pledged as security were returned, or (b) the bond was forfeited by the court, the security was liquidated and the proceeds were credited to the jurisdiction listed in Data Element No. 1, or (c) on the failure to appear by the accused, the money pledged to secure the bond was applied to fine and costs.
17. Bond amount – same as Data Element No. 7.
18. Court receipt number if cash deposited to secure bond.
19. Signature of person issuing this form. Check the appropriate title box below the signature line.
20. Date and time that accused was let to bail by the issuing officer, not the time that he or she was released from jail.
21. Names and street addresses of all sureties. If corporate surety is involved, insert name of corporate surety, name of authorized agent and street address of authorized agent.

The Accused, and Surety(ies) (if any), each waives all benefit of homestead exemptions as to this debt and further covenants jointly and severally that none of them shall permit or cause title to or possession of the property pledged to secure this bond to be transferred in any manner to any degree or encumbered to the extent of this obligation. The terms of the conditions of Release and Recognizance are hereby incorporated by reference. If the Accused shall faithfully fulfill the conditions of release and recognizance given above, this debt is to be void; otherwise, this debt is to remain in full force and effect until declared void by a court of competent jurisdiction.

Cash Bonds (bonds secured with cash.)

1. If the Accused secures this bond with cash and the Accused otherwise meets the conditions of bail and the Accused is convicted, then the accused consents to having fines and costs deducted from the cash posted to secure this bond. This consent does not apply to cash posted by a surety to secure this bond.
2. If the Accused fails to appear at any time or place or before any court or judge to which this case may be scheduled, rescheduled, continued, transferred, certified or appealed, the Accused waives any right to notice of any proceeding to forfeit this bond for such failure to appear, and the Accused agrees that any notice of a proceeding to forfeit a bond for failure to appear given to the Accused by this court shall not renew a right to such notice.
3. The Code of Virginia requires that when any Accused who posted a cash bond and failed to appear is tried in his absence and is convicted, the court or judge trying the case shall first apply the cash bond, or so much thereof as may be necessary, to the payment of any fines or costs, or both, adjudged against the defendant or juvenile or imposed by law. Any remaining funds shall be forfeited without further notice. However, if a rehearing is granted, the court may remit part or all of such cash bond not applied ultimately to fines or costs, and order a refund of the same by the State Treasurer, or by the treasurer or director of finance of the locality, if the bond was collected by a locality pursuant to § 19.2-136, but only if good cause is shown. If the Accused posted a cash bond and failed to appear, but is tried in his absence, the bond shall be forfeited promptly without further notice. However, if the Accused appears in court within 60 days after the bond is forfeited, the judge may remit part or all of any bond previously forfeited and order refund of the same by the State Treasurer or by the treasurer or director of finance of the locality, if the bond was collected by a locality pursuant to § 19.2-136.

Using This Form

1. Copies
 - a. Original – to case file.
 - b. First copy – to Virginia Department of State Police.
 - c. Second copy – to accused.
2. Prepared by clerk, signed by judge.
3. Attachments (to both copies of order) –
 - a. Copy (both sides) of warrant.
 - b. Form DC-363, PETITION OR MOTION FOR EXPUNGEMENT (if filed).
 - c. A complete set of fingerprints obtained from a law-enforcement agency by petitioner/movant.
4. Preparation details – none.

EXPUNGEMENT ORDER

Commonwealth of Virginia Va. Code § 19.2-392.2

Case No. **1**

Underlying Case No. **2**

..... **3**
CITY OR COUNTY

- Circuit Court
- General District Court
- Juvenile & Domestic Relations District Court

..... **4**
NAME OF PETITIONER/MOVANT

5 [] The petitioner is seeking relief pursuant to subsection B of § 19.2-392.2 because the petitioner’s name or other identification has been used without consent or authorization by another person. The court finds that the petitioner’s name or other identification was used without the petitioner’s consent or authorization by another person who was charged or arrested using such name or identification. Therefore, the court further finds that the petitioner is entitled to the requested relief relating to the charge(s) specified in the petition, and ORDERS that:

- The police and court records, including electronic records, relating to such charge(s) be expunged pursuant to subsection B of § 19.2-392.2.
- The clerk of this court shall send a copy of this ORDER, a copy of the PETITION, and the one complete set of fingerprints obtained from a law-enforcement agency that was filed with the PETITION, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

6 [] The movant is seeking relief pursuant to subsection H of § 19.2-392.2. The court finds that the charge(s) were dismissed because the court found that the movant arrested or charged is not the person named in the summons or warrant. Therefore, the court ORDERS that:

- The police and court records, including electronic records, relating to such charge(s) be expunged pursuant to subsection H of § 19.2-392.2.
- The clerk of this court shall send a copy of this ORDER, a copy of the MOTION, and one complete set of fingerprints obtained from a law-enforcement agency by the person improperly arrested and charged, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

7 [] After conducting a hearing on the PETITION/MOTION, the court ORDERS that the petition/motion be denied.

..... **8**
DATE

..... **9**
JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION OR MOTION FOR EXPUNGEMENT, and the one complete set of fingerprints obtained from a law-enforcement agency, to the Virginia Department of State Police on **10**

..... **11**
CLERK

Data Elements

1. Court case number.
2. Underlying court case number.
3. Court name. Check applicable box for court type.
4. Insert name of petitioner/movant (accused).
5. If applicable, check this box.
6. If applicable, check this box.
7. If petition denied, check this box.
8. Date of signing.
9. Signature of judge.
10. Date on which the clerk forwarded a copy of the order, a copy of form DC-363, PETITION OR MOTION FOR EXPUNGEMENT (if filed), and the one complete set of fingerprints obtained from a law-enforcement agency to Virginia Department of Police.
11. Signature of clerk.

Using This Form

1. Copies
 - a. Original – to court by executing officer after completion of affidavit and return.
 - b. First copy (if used with destruction of controlled substance) – to State Board of Pharmacy by executing officer after completion of affidavit and return.
 - c. Additional copies to others as directed by local practice.
2. Order prepared by judge; affidavit prepared by officer, acknowledged by clerk or judge.
3. Attachments – none.
4. Preparation details – precise descriptions of items to be destroyed should be placed in Data Element No. 6 because the order can serve as prima facie evidence of the drugs and other controlled substances should the conviction be appealed for any reason (Virginia Code § 18.2-253(A)(2)). Use exact descriptions contained in Certificates of Analysis.

**ORDER AND CERTIFICATE OF DESTRUCTION
OF CONTROLLED/CONFISCATED ITEMS**

Commonwealth of Virginia VA. CODE § 19.2-386.23

Case No. 1

- 3** Circuit Court
- General District Court
- Juvenile and Domestic Relations District Court

2
CITY OR COUNTY

COMMONWEALTH OF VIRGINIA

v./in re

4
DEFENDANT/JUVENILE

ORDER

TO: 5
NAME OF OFFICER

I order that the controlled substances, imitation controlled substances, marijuana, or paraphernalia described below be forfeited and destroyed as prescribed below once all rights of appeal have been exhausted:

1. Existence and nature of the substance or paraphernalia or items and quantity seized:

6

2. 7
(LOCATION OF SEIZURE)

3. 8
(PERSON OR PERSONS FROM WHOM SEIZED)

4. Manner whereby such items shall be destroyed:

9

10
DATE

11
JUDGE

AFFIDAVIT AND RETURN

I, the undersigned, certify under oath that I personally destroyed the items listed in this order in the manner described above, after all rights of appeal were exhausted, on

12
DATE AND TIME OF DESTRUCTION

at

13
LOCATION

14
OFFICER

15
BADGE NO., AGENCY AND JURISDICTION

Subscribed and sworn to before me this day.

16
DATE

17
 CLERK MAGISTRATE JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

18

State of City County of

Acknowledged, subscribed and sworn to before me this day of, 20

.....
NOTARY REGISTRATION NUMBER

.....
NOTARY PUBLIC
(My commission expires:)

Data Elements

1. Court case number.
2. Court name.
3. Check type of court.
4. Name of accused in case for which this evidence was obtained.
5. Name of law enforcement officer to whom order is directed.
6. Description of items to be destroyed.
7. Location where items were seized.
8. Name(s) of person or persons from whom items were seized.
9. Method of destruction of items as required by the judge.
10. Date of order.
11. Signature of judge.
12. Date and time when items were destroyed.
13. Location where items destroyed.
14. Signature of officer who destroyed items.
15. Badge number of officer who destroyed items, and agency and jurisdiction of officer.
16. Date of acknowledgment of affidavit.
17. Signature of person acknowledging affidavit. Check the appropriate title box.
18. If acknowledgment is taken by a notary public, all enclosed fields must be completed including notary's registration number and date notary's commission expires.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent. If more than one respondent, provide copies for each respondent.
2. Preparation – Motion portion and style of case prepared by applicant; remainder prepared by clerk or judge.
3. Attachments – none.
4. Preparation details
 - a. This form can be used in criminal, traffic, and civil cases.
 - b. Data Element No. 7 should be used to provide information (facts and legal arguments) justifying the action requested.
 - c. The applicant is the party requesting the reopening, rehearing, or new trial.
 - d. The respondent is the other party or parties in the case.

**MOTION TO REOPEN (CRIMINAL/TRAFFIC)/MOTION TO REHEAR (CIVIL)/
MOTION FOR NEW TRIAL (CIVIL)**

Commonwealth of Virginia VA. CODE §§ 16.1-133.1; 8.01-322; 16.1-97.1

1 **2** General District Court
CITY OR COUNTY Juvenile & Domestic Relations District Court

..... **3**
STREET ADDRESS OF COURT

I, the undersigned,

4 move to reopen the case numbered under Va. Code § 16.1-133.1
in which I was found guilty of It has been
sixty days or less since the date of conviction on

5 move for a rehearing of the civil case numbered under Va. Code § 8.01-322. I was
served by publication and it has been two years or less since the judgment, decree or order and one year or less
since I was served with a copy of the judgment, decree or order.

6 move for a new trial in the civil case numbered under Va. Code § 16.1-97.1. It has
been thirty days or less since the date of judgment in this case.

I am making this motion based on the following reasons:

..... **7**
.....
.....

..... **8**
DATE OF MOTION

..... **9**
APPLICANT'S SIGNATURE

..... **10**
PRINT NAME OF APPLICANT

..... **11**
TITLE OF APPLICANT

NOTICE OF HEARING

TO: **12**
RESPONDENT

A hearing will be held in this Court on **13** m. on this motion.
DATE AND TIME

..... **14**
DATE

..... **15**
 CLERK DEPUTY CLERK

16 It is hereby ORDERED that the motion is granted denied dismissed.

..... **17**

..... **18**
DATE

..... **19**
JUDGE

HEARING DATE 20	CASE NO. 21
MOTION TO REOPEN (CRIMINAL/TRAFFIC) MOTION TO REHEAR (CIVIL) MOTION FOR NEW TRIAL (CIVIL)	
<p>Criminal/Traffic</p> <p>22 <input type="checkbox"/> Commonwealth of Virginia <input type="checkbox"/></p> <p style="text-align: center;">v./In re</p> <p style="text-align: center;">23</p> <p style="text-align: center;">DEFENDANT</p> <p>Civil</p> <p style="text-align: center;">24</p> <p style="text-align: center;">PLAINTIFF(S)</p> <p style="text-align: center;">v./In re</p> <p style="text-align: center;">25</p> <p style="text-align: center;">DEFENDANT(S)</p>	
<p>Service on Respondent type required:</p> <p><input type="checkbox"/> Personal Service only</p> <p>26 <input type="checkbox"/> Personal or Substituted Service only</p> <p><input type="checkbox"/> Mailed on DATE</p>	

Form DC-368 MOTION TO REOPEN (CRIMINAL)/MOTION Form DC-368
TO REHEAR (CIVIL)/MOTION FOR NEW TRIAL (CIVIL)

Data Elements, front

1. Jurisdiction name.
2. Type of court.
3. Street address of court.
4. Check box, if applicable, and insert case number, description of offense, and date of conviction.
5. Check box, if applicable, and insert case number.
6. Check box, if applicable, and insert case number.
7. Reasons for request indicated above.
8. Date of signing of motion.
9. Signature of party making the motion.
10. Printed name of party making the motion.
11. Title of party making the motion.
12. Parties in case other than the person named in Data Element No. 10.
13. Date and time of hearing on motion.
14. Date of issuance of notice.
15. Signature of clerk or deputy clerk. Check box below signature line to indicate title.
16. Check applicable box.
17. Insert additional information regarding Data Element No. 16, if appropriate.
18. Date of order.
19. Signature of judge.
20. Same as Data Element No. 13.
21. Court case number.
22. For criminal or traffic cases, check box and, if applicable, insert name of complaining party.
23. For criminal or traffic cases, name of defendant.
24. For civil cases, name and street address of plaintiff(s).
25. For civil cases, name and street address of defendant(s).
26. Check the appropriate box, depending on type of case:
 - a. Check first box in criminal cases.
 - b. Check second box in civil cases.
 - c. Check third box if mailed to a lawyer of a party in lieu of personal or substitute service and insert date of mailing.

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

	NAME..... 1		
	ADDRESS 2		
	[] PERSONAL SERVICE		Tel. No. 2
3	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
4	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
	..... 5		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
6	[] Not found	..... 7	
		SERVING OFFICER	
	..... 8	for	..... 9
	DATE		

	NAME.....		
	ADDRESS		
	[] PERSONAL SERVICE		Tel. No.
	<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:		
	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.		
		
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)		
	<input type="checkbox"/> Served on Secretary of the Commonwealth.		
	[] Not found	.....
		SERVING OFFICER	
	.....	for	.....
	DATE		

Form DC-368 MOTION TO REOPEN (CRIMINAL)/MOTION Form DC-368
TO REHEAR (CIVIL)/MOTION FOR NEW TRIAL (CIVIL)

Data Elements, *reverse*

1. Name of person to be summoned. If person is a corporation's registered agent, show name of corporation on second line.
2. Address and telephone number of person to be summoned.
3. Check this box if personal service obtained.
4. Serving officer to check the appropriate box to designate type of substitute service.
5. If served by leaving with a family member over age 16, check appropriate box and insert required information.
6. Check this box if unable to serve process.
7. Signature of serving officer.
8. Date of signature.
9. Name of sheriff if served by deputy sheriff.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to defendant.
2. Prepared by clerk, signed by defendant and judge.
3. Attachments

District court form DC-330, **CONDITIONS OF RELEASE, RECOGNIZANCE AND BOND**, if released while the appeal is pending.

4. Preparation details

Data Element No. 26 is completed if the court sets an appeal bond but the appellant cannot meet it at the time that bond is set. This information will be needed if the appellant can make bond later.

NOTICE OF APPEAL – CRIMINAL

Commonwealth of Virginia VA. CODE §§ 16.1-132, 16.1-133

..... **1** General District Court
CITY OR COUNTY

..... **2**
DATE OF CONVICTION OR BAIL DETERMINATION

3 I, the undersigned, appeal my conviction the determination on bail to the Circuit Court of this city or county. I understand that this appeal may be withdrawn at any time prior to the hearing date set for this case. This case is scheduled to be called for hearing on appeal of determination of bail trial **4**

setting of trial date on **5** in the Circuit Court, which is located at
DATE AND TIME OF APPEARANCE

..... **6**
STREET ADDRESS OF CIRCUIT COURT TELEPHONE

7 I am requesting a stay of the execution of the bail determination order.

I understand that if this is an appeal of a conviction and it is withdrawn within 10 days after my conviction in this District Court, no additional costs will be taxed against me; otherwise, additional costs will be incurred in Circuit Court. I also understand that upon withdrawal of that appeal, I am subject to the terms of my sentence.

WARNING—You are subject to trial and conviction in your absence if you fail to appear for your trial in the Circuit Court. Failure to appear for your trial shall be deemed a waiver of your right to trial by jury in this case. Failure to appear may also constitute a separate criminal offense.

I promise to appear before the Circuit Court of this jurisdiction at the date and time shown.

..... **8**
DATE OF APPEAL

..... **9**
APPELLANT DEFENDANT PROSECUTING ATTORNEY

..... **10** by **11**
NAME OF ATTORNEY FOR DEFENDANT APPELLANT ATTORNEY FOR DEFENDANT APPELLANT

NOTICE: Promptly communicate with the Clerk of the Circuit Court of this jurisdiction concerning the subpoenaing of witnesses and any need for interpreters, concerning your right of representation by a lawyer if you do not have a lawyer, and, if you are appealing a conviction, if you wish to request a jury trial. If your case is scheduled for trial, you **MUST** be present and ready for trial at the “date and time of appearance” shown above.

ORDER

The request for stay of execution of bail determination order is
12 Granted, upon good cause shown, and the bail determination order is stayed until
 Denied.
DATE AND TIME

..... **13**
DATE

..... **14**
JUDGE

CASE NO. **15**

NOTICE OF APPEAL

16 Commonwealth of Virginia
 City County Town of

..... **17**

V.

..... **18**
DEFENDANT'S NAME (LAST, FIRST, MIDDLE)

..... **19**
ORIGINAL CHARGE

..... **20**
APPELLANT

..... **21**
ADDRESS

..... **22**
TELEPHONE NUMBER

WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

..... **23**
DATE

..... **24**
APPELLANT

by **25**
ATTORNEY FOR THE APPELLANT

COURT USE ONLY

26 Release on \$
(SECURED)

\$
(UNSECURED)

27 Not eligible for bail.

Data Elements

1. Insert jurisdiction name.
2. Insert date of conviction or bail determination.
3. Check the appropriate box to indicate the purpose of the appeal.
4. Check applicable box to indicate the purpose of the hearing date in circuit court.
5. Check appropriate box and insert date and time of hearing on bail determination, docket call or pre-set trial date in circuit court.
6. Insert street address of circuit court and the telephone number of the circuit court clerk's office.
7. Check this box if a stay of the execution of the bail determination order is being requested.
8. Insert date on which appeal is noted.
9. Signature of defendant appellant or prosecuting attorney if he noted the appeal. Type or print name if appeal noted by attorney. Check box to identify appellant.
10. Insert printed or typed name of attorney noted on behalf of defendant appellant if defendant appealing.
11. Signature of attorney if attorney noting appeal on behalf of defendant appellant.
12. Check applicable box. If request for stay of execution of bail determination is granted, insert date and time for when bail determination order is stayed until.
13. Date signed by judge.
14. Signature of judge.
15. Insert court case number.
16. Check applicable box.
17. Insert name of city, county or town, if applicable.
18. Insert name of defendant.
19. Indicate original charge.
20. Insert name of appellant.
21. Insert address of appellant.
22. Insert phone number of appellant.
23. Insert date on which appeal was withdrawn, if applicable.
24. Signature of appellant withdrawing his appeal if withdrawn by appellant; type or print name if appeal withdrawn by attorney.
25. Signature of attorney when attorney withdraws appeal.
26. If district court sets appeal bond, check this box and complete the appropriate lines. See Using This Form, 4.
27. Check this box if the court does not permit the appellant to be released prior to completion of the appeal.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent. If more than one respondent, provide copies for each respondent.
2. Preparation – Motion portion and style of case prepared by applicant; remainder of form prepared by clerk or judge.
3. Attachments – none.
4. Preparation details
 - a. This form can be used in criminal, traffic, and civil cases.
 - b. Data Element No. 4 should be used to provide information (facts and legal arguments) justifying the action requested.
 - c. The applicant is the party requesting that the court take action.
 - d. The respondent is the other party or parties in the case.

MOTION AND NOTICE OF HEARING

Commonwealth of Virginia

HEARING DATE **15** CASE NO. **16**

1 [] General District Court
CITY OR COUNTY [] Juvenile & Domestic Relations District Court

2
STREET ADDRESS OF COURT

I, the undersigned, respectfully move this Court to take the following action(s) in the case named at right

3
.....

for the following reasons:

4
.....
.....

5
DATE

6
APPLICANT'S TITLE

7
APPLICANT'S SIGNATURE

MOTION AND NOTICE OF HEARING

[] Commonwealth of Virginia
17
[]
.....
.....

v./In re
18
.....
.....
.....

DATE OF ORIGINAL JUDGMENT OR FINAL HEARING
19

NOTICE OF HEARING

TO:
8
RESPONDENT

Service on Respondent type required:
[] Personal Service Only
20
[] Personal or Substituted Service Only
[] Mailed on
DATE

A hearing will be held in this Court on
9
HEARING DATE AND TIME

10
DATE

11
[] CLERK [] DEPUTY CLERK

It is hereby ORDERED that the motion is [] granted [] denied [] dismissed. **12**

13
DATE

14
JUDGE

Data Elements, page one

1. Jurisdiction name. Check box for type of court.
2. Street address of court.
3. Describe action requested by the applicant to be taken by the court.
4. Provide reasons for requested action indicated in Data Element No. 3.
5. Date of signing of motion.
6. Title of party making the motion.
7. Signature of party making the motion.
8. Parties in case other than the person named in Data Element No. 7.
9. Date and time of hearing on motion.
10. Date of issuance of notice.
11. Signature of clerk or deputy clerk. Check box below signature to indicate title.
12. Check the appropriate box.
13. Date signed by judge indicating decision on Motion.
14. Signature of judge.
15. Same as Data Element No. 9.
16. Court case number.
17. Check box and, if applicable, insert name of complaining party.
18. Name and street address of defendant(s).
19. Date of entry of original judgment or final hearing in the case, if applicable.
20. Check the appropriate box, depending on type of case.

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME 1	
ADDRESS 2	
.....	
[3] PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner: 4	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. <div style="text-align: center;">5</div>	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth.	
[6] Not found	7 SERVING OFFICER
..... 8	for 9
DATE	

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above. 	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth.	
<input type="checkbox"/> Not found	SERVING OFFICER
.....	for
DATE	

Data Elements, *page two*

1. Name of person to be summoned. If person is a corporation's registered agent, show name of corporation on second line.
2. Address and telephone number of person to be summoned.
3. Check this box if personal service obtained.
4. Serving officer to check the appropriate box to designate type of substitute service.
5. If served by leaving with a family member over age 16, check appropriate box and insert required information.
6. Check this box if unable to serve process.
7. Signature of serving officer.
8. Date of signature.
9. Name of sheriff if served by deputy sheriff.

Using This Form

1. Copies
 - a. Original – to recipient.
2. Prepared by clerk or deputy clerk.
3. Attachments:
 - a. Copies of documents
4. Preparation details
 - a. This form can be used to authenticate one or more sheets as true copies.
 - b. Use this form only if the user indicates that it will be used in Virginia as this authentication may not be acceptable outside of Virginia.

AUTHENTICATION OF RECORD (In-state Usage)

VA. CODE § 8.01-391

Case No. **1**

..... **2** **3** General District Court
..... Juvenile and Domestic Relations District Court
CITY OR COUNTY

..... **4** In re/V **5**
PETITIONER/PLAINTIFF RESPONDENT/DEFENDANT

District Court Clerk's Authentication

I, the undersigned, clerk or deputy clerk of the above-named Court, authenticate pursuant to Va. Code § 8.01-391 on this date that the attached papers composed of **6** sheets are true copies of records of the above-styled case in this court, made in the performance of my official duties.

..... **7**
DATE

..... **8**
 CLERK DEPUTY CLERK

Case No. **1**

AUTHENTICATION OF RECORD (In-state Usage)

Data Elements

1. Court case number.
2. Jurisdiction name.
3. Check type of court.
4. Name of petitioner/plaintiff.
5. Name of respondent/defendant.
6. Number of sheets of documents being authenticated by this process.
7. Date of signing.
8. Signature of clerk or deputy clerk. Check the appropriate title box.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to alleged victim.
 - c. Second copy – to respondent.
2. Prepared and signed by serving law-enforcement officer.
3. Attachments
 - a. Form DC-653, SUPPLEMENTAL SHEET TO PROTECTIVE ORDER, if applicable.
4. Preparation details
 - a. This form should include the same terms and conditions as are on form DC-382, EMERGENCY PROTECTIVE ORDER.
 - b. After serving this notice, the officer completes the service of process portion, including the description of the respondent.
 - c. The address and telephone number of the alleged victim should not be entered in the service box on the reverse side of this form. This information is to be kept confidential. District court form DC-621, NONDISCLOSURE ADDENDUM, should be used to collect this information.

**NOTICE OF ISSUANCE OF
EMERGENCY PROTECTIVE ORDER**

Commonwealth of Virginia Va. Code §§ 16.1-264; 19.2-152.8

Court Case No. **1**

General District Court
 Juvenile and Domestic Relations District Court

2

ALLEGED VICTIM

3

LAST FIRST MIDDLE

V.

DATE OF BIRTH OF PETITIONER/ALLEGED VICTIM

4

RESPONDENT

5

LAST FIRST MIDDLE

6

RESPONDENT'S ADDRESS/LOCATION

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN **7**

DRIVER'S LICENSE NO. STATE EXP.

8 **CAUTION: Weapon Involved**

NOTICE TO RESPONDENT:

An Emergency Protective Order was issued against you by a judge or magistrate on **9** DATE OF ISSUANCE

after the judge or magistrate made the following findings:

- 10** { There is probable danger of a further act of violence, force, or threat being committed by you against the alleged victim; **OR**
- A warrant petition has been issued charging you with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1.

You have been ORDERED, by the terms of the Emergency Protective Order, to observe the following conditions:

- 11** { You shall not commit acts of violence, force, or threat or criminal offenses resulting in injury to person or property.
- You shall have no contact of any kind with
- except as follows:
- The alleged victim is granted possession of the companion animal described as NAME/TYPE
- It is further ordered that:

12 Conditions and/or information from Supplemental Sheet to Protective Order, DC-653

Receipt of this Notice by the Respondent from a law-enforcement officer shall be deemed to be personal service of the Emergency Protective Order on the Respondent.

THE EMERGENCY PROTECTIVE ORDER EXPIRES ON **13** at 11:59 p.m.
DATE

I personally provided this Notice to the Respondent.

14
DATE AND TIME OF SERVICE

15
SIGNATURE OF SERVING LAW-ENFORCEMENT OFFICER

for **16**

RESPONDENT: SEE WARNINGS ON REVERSE

Data Elements, front

1. Court case number.
2. Name of court. Check appropriate box to indicate type of court.
3. Name of alleged victim.
4. Date of birth of alleged victim.
5. Name of respondent.
6. Address/location of respondent.
7. Enter identifying information for respondent, if known.
8. Check this box if a weapon has been involved in any of the previous altercations between the parties.
9. Date of issuance of form DC-382, EMERGENCY PROTECTIVE ORDER.
10. If ordered, check appropriate box for basis of issuance of the Emergency Protective Order, and insert name of alleged victim.
11. Check appropriate box(es) and insert information for conditions included in the Emergency Protective Order issued by the judicial officer.
12. Check this box and insert conditions and/or information from form DC-653, SUPPLEMENTAL SHEET TO PROTECTIVE ORDER.
13. Expiration date of order.
14. Date and time form given to respondent.
15. Signature of serving law enforcement officer.
16. Jurisdiction/agency of law enforcement officer.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT	
NAME	1
ADDRESS	2
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER:
	3
<input type="checkbox"/> NOT FOUND	
6	
SERVING OFFICER	
for	7
8	
DATE AND TIME	
Respondent's Description (for VCIN entry):	
RACE.....	SEX.....
9	
DOB:	
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features.....	

ALLEGED VICTIM: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
10	
NAME	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	
13	
SERVING OFFICER	
for	14
15	
DATE AND TIME	
<input type="checkbox"/> Copy delivered to	
16	
By	
17	
TITLE	
18	
SIGNATURE	
19	
DATE	

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court.

WARNINGS TO RESPONDENT:

PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER.

IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE.

DEFINITION OF TERMS USED IN THIS ORDER

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

A “law-enforcement officer” means any full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Data Elements, reverse
(pages 1 and 4)

1. Name of respondent.
2. Address of respondent.
3. Telephone number of respondent.
4. Serving officer to check this box if personal service obtained.
5. Serving officer to check this box if unable to serve process.
6. Signature of serving officer.
7. Name of sheriff if served by deputy sheriff.
8. Date and time of signature.
9. Identifying information of respondent (for VCIN entry).
10. Name of alleged victim. Do not include alleged victim's address or telephone information in the service box.
11. Serving officer to check this box if personal service obtained.
12. Serving officer to check this box if unable to serve process.
13. Signature of serving officer.
14. Name of sheriff if served by deputy sheriff.
15. Date and time of signature.
16. If copy delivered to alleged victim instead of being served, check box and insert the name of the person to whom a copy of the order was given.
17. Insert the title of the individual giving a copy of the order to the alleged victim.
18. Signature of individual giving a copy of the order to the alleged victim.
19. Date of delivery.

DEFINITION OF TERMS USED IN THIS ORDER

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

A “law-enforcement officer” means any full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court.

WARNINGS TO RESPONDENT:

PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER.

IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE.

Using this Form

1. Copies
 - a. Original for service of process and court use.
 - b. First copy – to defendant
 - c. Second copy – to Commonwealth’s Attorney
 - d. Third and fourth copies – give to arresting officer, one to be forwarded to requesting jurisdiction.
2. Prepared by magistrate, judge or clerk.
3. Attachments to original copy only when warrant is issued.
 - a. DC-310, CRIMINAL COMPLAINT
 - b. DC-330, RELEASE ORDER, if released on bail after arrest, or DC-352, COMMITMENT ORDER, if committed to jail. The accused may not be admitted to bail if the crime charged in the other state is punishable by death or by life imprisonment.
 - c. DC-375, WAIVER OF EXTRADITION PROCEEDINGS, if accused waives extradition and is held for representatives of the demanding state.
4. Preparation details
 - a. Front of form – describe the reason for the accused being sought – either being a fugitive from another state, escape from confinement or bail, probation or parole violation.
 - b. Front of form – identification blocks – fill in only those blocks for which information is known at the time of issuance with reasonable certainty. All of these elements except social security number are used in interstate criminal information exchanges. Law enforcement offices can fill in blank boxes at a later date.
 - c. Back of form – Data Element No. 3 – the accused may be committed to jail for up to 30 days pending the arrival of the Governor’s Warrant of Extradition. Enter this hearing date in Data Element No. 16 – front also.
 - d. Back of form – Data Elements No. 8 and 9 – if the Governor’s Warrant does not arrive within the time limit set, the accused may be discharged, or rebailed or recommitted by the judge for an additional 60 days until the Governor’s Warrant arrives. If another hearing date is set, enter it in Data Element No. 16 on the front also.
 - e. Back of form – Data Elements No. 11-16 – upon arrival of the Governor’s Warrant of Extradition, the accused may
 - Attempt to test the validity of his arrest by applying for a Writ of Habeas Corpus in the circuit court
 - Not contest extradition and await the arrival of representatives of the demanding state for a hearing.
 - Waive extradition and execute form DC-375, WAIVER OF EXTRADITION PROCESS.

WARRANT OF ARREST FOR EXTRADITION

VA. CODE §§ 19.2-99, 19.2-100

General District Court

Juvenile and Domestic Relations District Court

Circuit Court

1
LOCALITY

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the allegation that the Accused alleged to be within this city or county has, pursuant to the provisions of Virginia Code

3 § 19.2-99 § 19.2-100,

fled justice from _____ on a charge or charges of _____
NAME OF STATE

4 _____ ;
 escaped confinement in _____ after having been convicted of a crime;
NAME OF STATE

broken the terms of bail, probation, or parole in _____
NAME OF STATE

I, the undersigned, have found probable cause to believe that the Accused is a fugitive from justice as alleged above, based upon a certified copy of the sworn charge or charges or upon the sworn statements of the Complainant which have been reduced to writing and attached to the original copy of this warrant.

5
COMPLAINANT

6
DATE AND TIME ISSUED

7

 CLERK MAGISTRATE JUDGE

CASE NO. **8**

ACCUSED: **9**

LAST NAME, FIRST NAME, MIDDLE NAME

ADDRESS/LOCATION

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT		WGT	EYES	HAIR
		MO	DAY	YR	FT	IN			

SSN **10**

DL # _____ STATE _____

COMMONWEALTH OF VIRGINIA WARRANT OF ARREST FOR EXTRADITION

EXECUTED by arresting the Accused named above on this day:

11
DATE AND TIME OF SERVICE

12 _____, Arresting Officer

13
BADGE NO., AGENCY AND JURISDICTION

FOR **14**
SHERIFF

Attorney for the Accused: **15**

Short Offense Description: **16**

Offense Tracking Number: **17**

FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code: **18**

E

HEARING DATE AND TIME

19

Data Elements, front

1. Jurisdiction name.
2. Check type of court.
3. Check applicable box.
4. Check applicable box and insert name of state seeking the return of the accused. Fill in additional information, if necessary.
5. Name of complainant upon whose sworn statement warrant will be issued.
6. Date and time of issuance.
7. Signature of person issuing warrant. Check appropriate box.
8. Court case number.
9. Name and address of accused.
10. Information describing the accused.
11. Date and time of service.
12. Signature of serving officer.
13. Badge number of serving officer, employing agency and jurisdiction of officer.
14. If served by deputy sheriff, insert name of sheriff.
15. Name of attorney for the accused.
16. Insert the short offense description from the standard list.
17. Insert the offense tracking number.
18. Insert the Virginia Crime Code for the offense charged.
19. Hearing date and time.

Attorneys Present:

It appearing to the Court that the Accused has not been arrested under a warrant of the Governor, I order him/her recommitted to jail for appearance before this court on

2 [] PROSECUTING ATTORNEY (NAME)

9

at

DATE

TIME

[] ACCUSED'S ATTORNEY (NAME)

unless arrested under a warrant of the Governor prior thereto. However, the terms and conditions of bail, if any, are continued.

[] NO ATTORNEY

[] ATTORNEY WAIVED

10

DATE

11

JUDGE

It appearing to the Court that the Accused is present and is the person charged, and that he/she has

[] fled justice as stated on this warrant;

3 [] escaped confinement as stated on this warrant;

[] broken the terms of bail, probation or parole, as stated on this warrant;

The Accused having been arrested under a Governor's warrant, and having stated his desire to test the legality of his arrest, this case is continued until

12

at

DATE

TIME

I ORDER that this case be continued until

.....**4** at
DATE TIME

13

DATE

14

JUDGE

at which time I also ORDER that the Accused appear before this Court. I further ORDER the Accused committed to jail until such time, unless the Accused meets the terms and conditions of bail, if any.

Terms and Conditions of Bail:

[] No change in existing bail.

[] Held without bail

5 [] Amount of secured bond: \$

[] Amount of unsecured bond: \$

15

[] The Accused has been arrested on Governor's warrant and is not contesting extradition.

[] The Accused waived extradition and is ordered to be delivered to a duly accredited agent of the demanding state within _____ days, or to be brought forthwith before this Court.

Conditions of release:

6

[] I ORDER the warrant dismissed.

16

DATE

17

JUDGE

7

DATE

8

JUDGE

Data Elements, *reverse*

1. Insert the offense tracking number.
2. Check appropriate box. Enter names of attorneys present, if applicable.
3. Check appropriate box.
4. Enter date and time of hearing.
5. Check appropriate box and enter amount of bond, if applicable.
6. Enter any special conditions of release applicable to bail.
7. Date signed by judge.
8. Judge's signature.
9. Enter date and time of subsequent court hearing if accused not arrested under a Governor's warrant.
10. Date signed by judge.
11. Judge's signature.
12. If accused indicates that a Habeas Corpus petition will be filed in circuit court, enter date and time of continued hearing.
13. Date signed by judge.
14. Judge's signature.
15. Check appropriate box. If accused waives extradition, enter time period in days within which accused to be returned to demanding state, and prepare form DC-375, WAIVER OF EXTRADITION, proceedings.
16. Date signed by judge.
17. Judge's signature.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to agent from demanding state.
 - c. Additional copies as determined by local practice.
2. Prepared by clerk, signed by accused and judge.
3. Attachments – Copy of document (including teletype or telephoto warrant, etc.) to original copy.
4. Preparation details –

Data Elements Nos. 14-16 are used to establish the time of transfer of custody and the last Virginia officer having custody over the accused in the event that a question is raised concerning the treatment of the accused while in Virginia or in transit.

WAIVER OF EXTRADITION PROCEEDINGS

VA. CODE ANN. § 19.2-114

[] General District Court
[] Juvenile and Domestic Relations District Court

..... **1**

I, the undersigned Accused, have been arrested within the Commonwealth of Virginia, and stand charged with the commission of a crime committed in the state of **2**
DEMANDING STATE

The nature of the charge against me is as follows:

..... **3**
.....
.....

I certify that I was brought this day before this Court, and that the Judge of this Court fully explained my rights concerning the issuance and service of the process of extradition, my right to be represented by a lawyer in the extradition proceedings, and my right to petition for a writ of habeas corpus as provided by law.

Having been informed of the nature of the charge against me, and of my rights in extradition proceedings, I nevertheless waive my rights to issuance and service of process of extradition, and all other process or proceedings incidental to extradition, and I voluntarily consent to be extradited and transported from the Commonwealth of Virginia to the demanding state, there to answer the charges against me. I voluntarily submit myself to the custody of the authority designated to transport me to the demanding state.

Seen: **4**
ATTORNEY FOR ACCUSED
..... **5**
ACCUSED

Subscribed and sworn to before me this day.

..... **6**
DATE
..... **7**
JUDGE

CASE NO. **8**

**WAIVER
OF
EXTRADITION PROCEEDINGS**

..... **9**
..... V.
..... **10**
..... ACCUSED

for use by Custodial Officer

AGENT OF DEMANDING STATE DESIGNATED TO TRANSPORT THE ACCUSED.

..... **11**
..... NAME
..... **12**
..... TITLE

GIVEN INTO THE CUSTODY OF DESIGNATED AGENT:

..... **13**
..... DATE AND TIME

by **14**
..... NAME
..... **15**
..... TITLE

Data Elements

1. Court name. Check the type of court in which the matter is heard.
2. Name of state demanding extradition.
3. Charges against the accused filed in the demanding state.
4. Signature of attorney representing the accused.
5. Signature of the accused.
6. Date of acknowledgement.
7. Signature of judge.
8. Court file number.
9. Name of demanding state.
10. Name and residential address of the accused.

The following elements are for use by the custodial officer:

11. Name of agent of transporting state who takes custody of and transports the accused.
12. Title of person named in Data Element No. 11. Include name of city or county employing this agent if he is not an employee of the demanding state.
13. Date and time that agent from demanding state took the accused into his custody.
14. Name of person transferring custody of the accused to the agent of the demanding state.
15. Title of person named in Data Element No. 14.

Using This Revisable PDF Form

1. Copies
 - a. Original – filed by magistrate.
 - b. First copy – attached to original of district court form DC-377, FIRE INVESTIGATION WARRANT.
 - c. Second copy – attached to copy of district court form DC-377, FIRE INVESTIGATION WARRANT to be left with custodian of place investigated.
2. Prepared by applicant-affiant, acknowledged by magistrate.
3. Attachments
 - a. District court form DC-377, FIRE INVESTIGATION WARRANT.
 - b. Additional descriptions for various data elements. See Using This Form, 4(b).
4. Preparation details
 - a. Local fire marshals should consult their local government attorney if assistance is needed in preparing this affidavit.
 - b. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.

Data Elements

1. Date fire or explosion occurred.
2. Check appropriate box and describe place to be inspected.
3. Describe facts supportive of statements made above.
4. Check box if additional sheet(s) attached.
5. Title of applicant.
6. Signature of applicant.
7. Date acknowledgment taken by magistrate.
8. Signature of magistrate taking acknowledgment.
9. Name of applicant-affiant.
10. Title of applicant.
11. Address of applicant.

To be completed by the magistrate or other judicial officer (or his designee):

12. Name of circuit court to whose clerk this affidavit is certified.
13. Date on which this affidavit is certified with circuit court.
14. Title of person certifying this affidavit with circuit court (printed or typed).
15. Signature of person certifying this affidavit to circuit court.
16. Check the appropriate method of delivery.
17. Name of circuit court to whose clerk this affidavit was delivered.
18. Date on which this affidavit was delivered to circuit court identified in data element No. 17.
19. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 17.
20. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 17.
21. Check the appropriate method of delivery, if this section is applicable.
22. Name of circuit court where the warrant is issued if different from data element No. 17.
23. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 22.
24. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 22.
25. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 22.

Using This Form

1. Copies

- a. Original – after execution, filed by fire marshal or arson investigator with the clerk of the circuit court where the warrant was executed.
- b. First copy – to custodian of place searched.
- c. Additional copies – as dictated by local practice.

2. Attachments

District court form DC-376, AFFIDAVIT FOR FIRE INVESTIGATION WARRANT.

3. Preparation details

- a. A fire investigation warrant should be issued only if the contents of the AFFIDAVIT FOR FIRE INVESTIGATION WARRANT provide sufficient proof of probable cause that all three necessary factors are present.
- b. Fire marshal, or arson investigator appointed pursuant to Virginia Code § 27-56, should return executed warrants to the clerk of the circuit court where the warrant was executed. Unexecuted warrants should be returned to the magistrate. When such return of an unexecuted warrant is made, the magistrate should mark the warrant “void for lack of execution.”

FIRE INVESTIGATION WARRANT

Commonwealth of Virginia VA. CODE § 27-32.2

TO THE FIRE MARSHAL, OR ARSON INVESTIGATOR APPOINTED
PURSUANT TO VIRGINIA CODE § 27-56:

You are hereby authorized, in the name of the Commonwealth, to enter the following-
described land, building, vessel, or premises:

1

.....
DESCRIPTION/LOCATION OF PLACE OR OBJECT TO BE INSPECTED
.....
.....
.....
.....

2 [] Continued on attached sheet

for the purpose of determining the origin and source of fire or explosion.

I, the undersigned, found probable cause to believe, based on the statement contained in
the attached affidavit sworn to by **3**, that
NAME OF APPLICANT

- (1) the origin or cause of the fire or explosion on the land, building, or vessel, or
of the object described in the attached affidavit is undetermined; and
- (2) the fire marshal, or arson investigator appointed pursuant to Virginia Code
§ 27-56, was refused admittance or was unable to gain permission to enter
the land, building, or vessel or to examine the object described in the
attached affidavit within 15 days following the extinguishment of the fire
or explosion.

4

.....
DATE AND TIME OF ISSUANCE

5

.....
MAGISTRATE

FIRE INVESTIGATION WARRANT

COMMONWEALTH OF VIRGINIA

In re / v.

6

EXECUTED ON:

7

.....
DATE

8

.....
SIGNATURE

9

.....
NAME AND TITLE

RETURNED TO CLERK OF:

10

.....
CITY OR COUNTY WHERE EXECUTED

Circuit Court

11

on

.....
DATE

12

.....
SIGNATURE

13

.....
NAME AND TITLE

Data Elements

1. Description of place to be inspected.
2. Check box if additional sheets attached.
3. Insert name of affiant from form DC-376, AFFIDAVIT FOR FIRE INVESTIGATION WARRANT, Data Element No. 9.
4. Date and time warrant issued.
5. Signature of magistrate issuing the warrant.
6. Name of entity whose property to be inspected.
7. Date warrant executed.
8. Signature of executing officer(s).
9. Name and title of executing officer(s).
10. Name of circuit court to whose clerk the warrant was delivered.
11. Date on which the warrant was delivered to the circuit court identified in Data Element No. 10.
12. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 10.
13. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 10.

Using This Revisable PDF Form

1. Copies
 - a. Original – filed by magistrate.
 - b. First copy – attached to original of district court form DC-379, DAM INSPECTION WARRANT.
 - c. Second copy – attached to copy of district court form DC-379, DAM INSPECTION WARRANT to be left with custodians of inspected dam.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by applicant-affiant, acknowledged by magistrate.
3. Attachments
 - a. District court form DC-379, DAM INSPECTION WARRANT.
 - b. Additional descriptions for various data elements. See Using This Form, 4(b).
4. Preparation details
 - a. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.

AFFIDAVIT FOR DAM INSPECTION WARRANT

Commonwealth of Virginia

VA. CODE § 10.1-610

The undersigned Applicant states under oath that:

1. The Soil and Water Conservation Board has been refused admittance to the property located at **1** to inspect a dam
DESCRIPTION/LOCATION OF PLACE TO BE INSPECTED
located on that property.
2. Currently, the dam located on the above-described property is not known to be safe.

The facts to support these statements are as follows:

..... **2**

.....

.....

.....

.....

3 [] Continued on attached sheet

I request the issuance of a dam inspection warrant to enter the above-described property to perform an investigation, test, or other action to determine whether the dam located on such property is safe.

..... **4**

TITLE OF APPLICANT

..... **5**

SIGNATURE OF APPLICANT

Subscribed and sworn to before me this day:

..... **6**

DATE AND TIME

..... **7**

MAGISTRATE

AFFIDAVIT FOR DAM INSPECTION WARRANT

Applicant:

..... **8**

NAME

..... **9**

TITLE

..... **10**

ADDRESS

.....

Certified to Clerk of
..... **11** Circuit Court
CITY OR COUNTY

on **12**

DATE

..... **13**

TITLE

..... **14**

SIGNATURE

Original Delivered [] in person [] by certified mail
15 [] by electronically transmitted facsimile
[] by use of filing/security procedures defined
in the Uniform Electronic Transactions Act

to Clerk of **16** Circuit Court
CITY OR COUNTY WHERE EXECUTED

on **17**

DATE

..... **18**

TITLE

..... **19**

SIGNATURE

Complete only if different than above:

Original Delivered [] in person [] by certified mail
20 [] by electronically transmitted facsimile
[] by use of filing/security procedures defined
in the Uniform Electronic Transactions Act

to Clerk of **21** Circuit Court
CITY OR COUNTY OF ISSUANCE

on **22**

DATE

..... **23**

TITLE

..... **24**

SIGNATURE

Data Elements

1. Describe place to be inspected.
2. Describe facts supportive of statements made above.
3. Check box if additional sheet(s) attached.
4. Title of applicant.
5. Signature of applicant.
6. Date acknowledgment taken by magistrate.
7. Signature of magistrate taking acknowledgement.
8. Name of applicant-affiant.
9. Title of applicant.
10. Address of applicant.
11. Name of circuit court to whose clerk this affidavit is certified.
12. Date on which this affidavit is certified with circuit court.
13. Title of person certifying this affidavit with circuit court (printed or typed).
14. Signature of person certifying this affidavit to circuit court.
15. Check the appropriate method of delivery.
16. Name of circuit court to whose clerk this affidavit was delivered.
17. Date on which this affidavit was delivered to circuit court identified in data element No. 16.
18. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 16.
19. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 16.
20. Check the appropriate method of delivery, if this section is applicable.
21. Name of circuit court where the warrant is issued if different from data element No. 16.
22. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 21.
23. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 21.
24. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 21.

Using This Form

1. Copies
 - a. Original – after execution, filed with the clerk of the circuit court where the warrant was executed by those persons who executed the warrant.
 - b. First copy – to custodian of inspected dam.
 - c. Additional copies – as dictated by local practice.
2. Attachments
 - a. District court form, DC-378, AFFIDAVIT FOR DAM INSPECTION WARRANT.
3. Preparation details
 - a. A dam inspection warrant should be issued only if the contents of the AFFIDAVIT FOR DAM INSPECTION WARRANT provide sufficient proof of probable cause.
 - b. The Soil and Water Conservation Board should return executed warrants to the clerk of the circuit court where the warrant was executed. Unexecuted warrants should be returned to the magistrate. When such return of an unexecuted warrant is made, the magistrate should mark the warrant “void for lack of execution.”

DAM INSPECTION WARRANT

Commonwealth of Virginia VA. CODE § 10.1-610

TO THE SOIL AND WATER CONSERVATION BOARD OR ITS AGENT:

You are hereby authorized, in the name of the Commonwealth, to enter the following-described property:

1

.....
DESCRIPTION/LOCATION OF PLACE TO BE INSPECTED
.....
.....
.....
.....

2 [] Continued on attached sheet

for the purpose of performing inspections, tests, or to take all necessary actions to fulfill the responsibilities of the Board under Article 2 of Chapter 6 of Title 10.1 of the Code of Virginia regarding dam safety.

I, the undersigned, found probable cause to believe, based on the statement contained in the attached affidavit sworn to by **3**, that

- (1) the Soil and Water Conservation Board has been refused admittance to the property upon which the dam is located; and
- (2) the dam situated on the above-described property is not known to be safe.

4

.....
DATE AND TIME OF ISSUANCE

5

.....
MAGISTRATE

DAM INSPECTION WARRANT

COMMONWEALTH OF VIRGINIA

In re / v.

6

EXECUTED ON:

7

.....
DATE

8

.....
SIGNATURE

9

.....
NAME AND TITLE

RETURNED TO CLERK OF:

10

..... Circuit Court
CITY OR COUNTY WHERE EXECUTED

11

on
DATE

12

.....
SIGNATURE

13

.....
NAME AND TITLE

Data Elements

1. Description of dam to be inspected.
2. Check box if additional sheets attached.
3. Insert name of affiant from DC-378 AFFIDAVIT FOR DAM INSPECTION, Data Element No. 8.
4. Date and time warrant issued.
5. Signature of magistrate issuing the warrant.
6. Name of entity whose dam to be inspected.
7. Date warrant executed.
8. Signature of executing officers(s).
9. Name and title of executing officer(s).
10. Name of circuit court to whose clerk the warrant was delivered.
11. Date on which the warrant was delivered to circuit court identified in Data Element No. 10.
12. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 10.
13. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No 10.

Using This Revisable PDF Form

1. Copies
 - a. Original – filed by judicial officer in the appropriate circuit court clerk's office.
 - b. First copy – attached to original of the FIRE INSPECTION WARRANT.
 - c. Second copy – attached to copy of the FIRE INSPECTION WARRANT to be left with the custodian of place searched.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by magistrate or judge. Must be signed and sworn to by the affiant in person. If anyone brings in an affidavit signed by a third person, then the person bringing the affidavit should prepare his own affidavit, sign it and swear to it as the affiant.
3. Attachments
 - a. Form DC-339, FIRE INSPECTION WARRANT (*see* 1 above).
 - b. Additional descriptions for various data elements. *See* Using This Form, 4.e.
4. Preparation details
 - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Local fire marshals should consult their local government attorney if assistance is needed in preparing this affidavit.
 - d. On front, if Data Element No. 2.a. is checked, then check and complete Data Element No. 3.a. If Data Element No. 2.b. is checked, then check and complete Data Element No. 3.b.
 - e. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.
 - f. On front, use business address of applicant in Data Element No. 7 if applicant is a government employee.

AFFIDAVIT FOR FIRE INSPECTION WARRANT

VA. CODE § 27-98.2

The undersigned Applicant states under oath that:

1. To determine compliance with the Statewide Fire Prevention Code or regulations and standards adopted in pursuance thereof, an inspection warrant is requested for an inspection or reinspection of buildings, structures, property or premises subject to inspections pursuant to the Statewide Fire Inspection Code, as described below:

1

.....
.....
.....

([] CONTINUED ON ATTACHED SHEET)

2. The purpose(s) for which the inspection, examination, testing or collection of samples for testing are to be made are described as follows:
- a. [] to gather evidence of a particular suspected violation of the Statewide Fire Prevention Code or regulations and standards adopted in pursuant thereof (see 3.a. of this Affidavit)
- 2**
- b. [] to conduct a routine on-site inspection, examination, testing and collection of samples for testing in accordance with written standards and a written inspection procedure and site selection mechanism (see 3.b. of this Affidavit).

3. The material facts constituting probable cause that the search should be made that:
- a. [] the inspection, examination, testing or collection of samples for testing are necessary to insure compliance with the Statewide Fire Prevention Code for the protection of life and property from the hazards of fire or explosion because of the following evidence of a violation of such Code:

3

.....
.....

([] CONTINUED ON ATTACHED SHEET)

- b. [] the inspection request is based on [] legislative or [] administrative standards for selecting buildings, structures, property or premises for inspections, the inspection program is based on reasonable standards, and the standards are being applied to a particular place in a neutral and fair manner, all as described below to perform a routine inspection.

.....
.....
.....

CASE NO. **4**

AFFIDAVIT FOR FIRE INSPECTION WARRANT

APPLICANT:

5

NAME

6

TITLE (IF ANY)

7

ADDRESS

Certified to Clerk of

8

CITY OR COUNTY

Circuit Court

on

9

DATE

10

TITLE

11

SIGNATURE

Original Delivered [] in person [] by certified mail
12 [] by electronically transmitted facsimile
[] by use of filing/security procedures defined
in the Uniform Electronic Transactions Act

to Clerk of **13** Circuit Court
CITY OR COUNTY WHERE EXECUTED

on **14** DATE

15

TITLE

16

SIGNATURE

Complete only if different than above:

Original Delivered [] in person [] by certified mail
17 [] by electronically transmitted facsimile
[] by use of filing/security procedures defined
in the Uniform Electronic Transactions Act

to Clerk of **18** Circuit Court
CITY OR COUNTY OF ISSUANCE

on **19** DATE

20

TITLE

21

SIGNATURE

Data Elements, *front*

1. Describe place to be inspected.
2. Check the applicable box regarding purpose of inspection. See Using This Form, 4.d.
3. Check the applicable box regarding type of probable cause, then complete the description of the facts showing probable cause. In subpart b., also check the appropriate box.
4. Court case number.
5. Name of applicant-affiant.
6. Title of applicant.
7. Address of applicant. See Using This Form, 4.f.
8. Name of circuit court to whose clerk this affidavit is certified.
9. Date on which this affidavit is certified with circuit court.
10. Title of person certifying this affidavit with circuit court (printed or typed).
11. Signature of person certifying this affidavit to circuit court.
12. Check the appropriate method of delivery.
13. Name of circuit court to whose clerk this affidavit was delivered.
14. Date on which this affidavit was delivered to circuit court identified in data element No. 13.
15. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 13.
16. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 13.
17. Check the appropriate method of delivery, if this section is applicable.
18. Name of circuit court where the warrant is issued if different from data element No. 13.
19. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 18.
20. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 18.
21. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 18.

4. In addition to the above, one of the following situations exists:

Consent to inspect, examine, test or collect samples for testing has been sought and refused by

1

who is, on ; or

Facts or circumstances exist which reasonably justify the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspections, examinations, testing or collection of samples for testing, namely

(CONTINUED ON ATTACHED SHEET)

5. I have personal knowledge of the facts set forth in this affidavit AND/OR

2

I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

6. I request the following authority in the execution of the requested inspection warrant:

3

Execution in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises is necessary to effect the purposes of because

STATUTE OR REGULATION

Forcible entry should be authorized because, based on the facts stated below:

there is a reasonable suspicion of an immediate threat to

an occupant of the place to be inspected

4 the general safety and welfare of the public

adjacent buildings, structures, properties or premises

reasonable attempts to serve a previous warrant have been unsuccessful

The facts supporting forcible entry are:

7. I request the issuance of a fire inspection warrant to be effective for days (not to exceed 7 days) because:

5

The statements above are true and accurate to the best of my knowledge and belief.

6

TITLE OF APPLICANT (IF ANY)

7

APPLICANT

Subscribed and sworn to before me this day.

8

DATE AND TIME

9

[] MAGISTRATE [] JUDGE

Data Elements, *reverse*

1. Check one of these boxes, then complete the remaining blanks. In the first check box description, show the name and title of the person who refused to consent to an inspection.
2. Check the appropriate box(es) and, if applicable, complete the lines below.
3. If the applicant seeks to inspect in the absence of the person in control of the place to be inspected, check this box and complete the blanks.
4. If forcible entry is sought, check this box, then check either the box preceding "there is reasonable suspicion..." (and one of the 3 boxes below it) or "reasonable attempts," then insert the appropriate factual description.
5. Insert the number of days for which the search warrant should be valid and describe why that particular length of time is required.
6. Official title of applicant-affiant.
7. Signature of applicant-affiant.
8. Date that this document is signed and sworn to.
9. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.

Using This Form

1. Copies
 - a. Original – after execution, filed with the clerk of the circuit court where the warrant was executed by those persons who executed the warrant.
 - b. First copy – to custodian of place searched.
 - c. Additional copies to others as dictated by local practice.
2. Preparation
 - a. Front – prepared by issuing judicial officer.
 - b. Reverse – prepared by executing and seizing officers.
3. Attachments – district court form DC-380, AFFIDAVIT FOR FIRE INSPECTION WARRANT.
4. Preparation details
 - a. The judicial officer must determine from his own independent judgment whether or not the affidavit provides sufficient proof of probable cause. The assertion of probable cause in form DC-380, AFFIDAVIT FOR FIRE INSPECTION WARRANT, is the belief of the affiant, not a conclusion of law, and is not binding on the judicial officer.
 - b. A search warrant should be issued only if the contents of the AFFIDAVIT FOR FIRE INSPECTION WARRANT, form DC-380, provide sufficient proof of probable cause. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. If forcible entry is authorized, the FIRE INSPECTION WARRANT must be directed to both the fire marshal and (not or) a law-enforcement officer for execution and both officers must complete the return on the front of the FIRE INSPECTION WARRANT.
 - d. The first box correlates to the boxes for Data Element Nos. 2.a. and 3.a. on form DC-380, AFFIDAVIT FOR FIRE INSPECTION WARRANT (page one). The second box correlates to the boxes for Data Element Nos. 2.b. and 3.b. on DC-380, AFFIDAVIT FOR FIRE INSPECTION WARRANT (page one).
 - e. If the FIRE INSPECTION WARRANT is returned with a request for extension of time for enforcement (if made before time in Data Element No. 5 on page one expires) or for renewal (if made after time in Data Element No. 5 on page one expires) and such request meets the statutory requirements, then add the following in Data Element No. 10: “This warrant is extended or renewed to be effective for ___ days from this date” and date and sign this statement. When the return is made the second time, duplicate the judicial officers endorsement provision in the right column.

FIRE INSPECTION WARRANT

VA. Code § 27-98.3

To **1**

You are hereby commanded in the name of the Commonwealth to forthwith inspect or reinspect:

..... **2**
LOCATION/DESCRIPTION OF PLACE TO BE INSPECTED

in order to inspect, examine, test, or collect samples for testing the following place, property or thing pursuant to the Statewide Fire Inspection Code.

- 3** 1. Authorization for execution of this warrant in the absence of the owner, operator or agent in charge of the above-described place is [] granted [] not granted.
- 4** 2. Authorization for forcible entry is [] granted [] not granted.
- 3. The warrant shall be effective for **5** days.

I, the undersigned, have found probable cause to believe that, based on the statement contained in the attached affidavit sworn to by **6**, which
AFFIANT
is hereby incorporated by reference:

- 7** { [] the inspection, examination, testing and collection of samples for testing are necessary to insure compliance with the Statewide Fire Prevention Code for the protection of life and property from the hazards of fire and explosion because of evidence of a violation of such Code.
- [] the inspection request is based on legislative or administrative standards for selecting places for inspection, the inspection program is based on reasonable standards, and the standards are being applied to a particular place in a neutral and fair manner, in order to perform a routine inspection.

..... **8**
DATE AND TIME

..... **9**
[] MAGISTRATE [] JUDGE

10

CASE NO. 11
FIRE INSPECTION WARRANT
COMMONWEALTH OF VIRGINIA
<i>In re /V.</i> 12
Executed on the within-described location on 13 DATE
14 SIGNATURE
15 NAME AND TITLE
14 SIGNATURE
15 NAME AND TITLE
Returned to the Clerk of 16 Circuit Court CITY OR COUNTY WHERE EXECUTED
on 17 DATE
18 SIGNATURE
19 NAME AND TITLE

Data Elements, page one

1. Person(s) to whom the warrant is directed for execution. See Using This Form, 4.c.
2. Description of place to be inspected.
3. Check to show whether authority to inspect in the absence of the person in charge of the property is granted.
4. Check to show whether forcible entry to carry out the inspection is authorized. See Using This Form, 4.c.
5. Insert number of days that warrant is effective (not to exceed 7 days).
6. Insert name of affiant from form DC-380, AFFIDAVIT FOR FIRE INSPECTION WARRANT.
7. Check the applicable box. See Using This Form, 4.d.
8. Date and time the warrant was issued.
9. Signature of person issuing the warrant. Check the appropriate title box below the signature line.
10. If the warrant is extended or renewed, endorse the extension or renewal by the issuing judicial officer in this space. See Using This Form, 4.e.
11. Court case number.
12. Name of entity whose property is being inspected.
13. Date the warrant was executed.
14. Signature of executing officer(s). See Using This Form, 4.c.
15. Name and title of executing officer(s). See Using This Form, 4.c.
16. Name of circuit court to whose clerk warrant was delivered.
17. Date on which the warrant was delivered to circuit court identified in Data Element No. 16
18. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No 16.
19. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No 16.

INVENTORY OF SAMPLES TAKEN

The following samples were taken, and no others:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7. **1**
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Date: **2**

..... **4**
SIGNATURE

..... **5**
NAME AND TITLE

Data Elements, *page two*

1. Separately list and describe each sample taken, and the quantity taken.
2. Date that samples were taken.
3. Signature of person who took the samples and completed this inventory.
4. Name and title of person in Data Element No. 3.

Using This Form

1. Copies
 - a. Original – to judge or magistrate for verification purposes if oral order reduced to writing by law enforcement officer. If verification not necessary, then directly to court.
 - b. First copy – to alleged victim.
 - c. Second copy – to respondent.
 - d. Third copy – to law enforcement officer.
2. Prepared and signed by law enforcement officer, alleged victim, parent of alleged victim, or person in *loco parentis* of alleged victim. If a law enforcement officer requests the form, include badge and code number. If form is requested electronically and an oral order is issued, the officer prepares the form and the magistrate or judge will verify the order later.
3. Attachments – none.
4. Preparation details –
 - a. Data Element Nos. 15 to 17 (front) – If oath taken electronically by judge or magistrate, print name of authorizing authority in Data Element No. 17. If oath taken while officer is physically present, then the judge or magistrate completes the oath.
 - b. Data Element Nos. 18 to 28 (front) – If the judicial officer issues an oral order, the law enforcement officer completes the order as directed by the judge or magistrate, and prints the judge’s or magistrate’s name in Data Element No. 29. If the alleged victim is before the magistrate, the magistrate prepares and signs the order.
 - c. After service of the order on the respondent, the officer completes the return portion of the reverse of the form and returns the oral order to the judge or magistrate who authorized it. After verifying the accuracy of the order, the judge or magistrate completes Data Element Nos. 30 and 31, and forwards the order to the general district court, or the juvenile and domestic relations district court, as appropriate.
 - d. The address and telephone number of the alleged victim should not be entered in the service box on the reverse of this form. This information is to be kept confidential. District court form DC-621, NONDISCLOSURE ADDENDUM, should be used to collect this information.

EMERGENCY PROTECTIVE ORDER
Commonwealth of Virginia Va. Code § 19.2-152.8

Court Case No. 1

2 3 [] General District Court [] Circuit Court
[] Juvenile and Domestic Relations District Court

ALLEGED VICTIM
4
LAST FIRST MIDDLE

DATE OF BIRTH OF ALLEGED VICTIM
5

V.

RESPONDENT
6
LAST FIRST MIDDLE

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

7
RESPONDENT'S ADDRESS/LOCATION

8
SSN
DRIVER'S LICENSE NO. STATE EXP.

9 [] CAUTION: Weapon Involved

REQUEST FOR EMERGENCY PROTECTIVE ORDER

To the individual requesting the order: Please provide information on alleged victim and other requested protected persons on form DC-621, NON-DISCLOSURE ADDENDUM.

I, the undersigned, assert under oath that the alleged victim is being or has been subjected to an act of violence, force, or threat, specifically:
10

Therefore, I respectfully request the 11 [] issuance [] extension of an emergency protective order. In the case of a request for extension, I certify that the person in need of protection is physically or mentally incapable of filing a petition pursuant to Virginia Code § 19.2-152.9 or 19.2-152.10.

12 NAME AND AGENCY/RELATIONSHIP TO VICTIM (If law enforcement officer, badge and code no.)
13 [] ALLEGED VICTIM/PARENT/PERSON IN LOCO PARENTIS [] LAW ENFORCEMENT OFFICER
14 DATE

Subscribed and sworn to before me this day 15 [] in person [] by electronic communication
(If oath taken by electronic communication, print or type name of judge or magistrate taking oath.)

16 DATE
17 [] JUDGE [] MAGISTRATE

EMERGENCY PROTECTIVE ORDER

Based on the above assertion and other evidence, I find that (if checked below):

- 18** [] There is probable danger of a further act of violence, force, or threat being committed by the Respondent against the alleged victim; **OR**
- 19** [] A [] warrant [] petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1.
- It is ORDERED that the request is hereby 20 denied 21 granted and ORDERED that the Respondent shall observe the following conditions:
- 22** [] The Respondent shall not commit acts of violence, force, or threat or criminal offenses resulting in injury to person or property.
- 23** [] In order to protect the safety of the alleged victim or the alleged victim's family or household members, the Respondent shall have no contact of any kind with
[] except as follows:
- 24** [] The alleged victim is granted possession of the companion animal described as
NAME/TYPE
- 25** [] It is further ordered that
- 26** [] Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. Number of supplemental pages

This Order is issued on 27 DATE

THIS ORDER EXPIRES ON 28 DATE at 11:59 p.m.

RESPONDENT: SEE WARNINGS ON REVERSE

(Print or type name of judge or magistrate if oral order is reduced to writing by the law enforcement officer.)

29 [] JUDGE [] MAGISTRATE

VERIFICATION: I have verified this order. 30 DATE

31 [] JUDGE [] MAGISTRATE

Data Elements, front

1. Case number in district court where order is filed.
2. Court jurisdiction.
3. Check appropriate box.
4. Name of alleged victim.
5. Date of birth of alleged victim.
6. Respondent's name.
7. Respondent's address/location.
8. Information describing the respondent.
9. Check box if weapon has been involved in any of the previous altercations between the parties.
10. Facts asserted in support of the request for the issuance of the order.
11. Check appropriate box to indicate if requesting the issuance of an emergency protective order or an extension of an emergency protective order.
12. Name and agency/relationship to victim of person requesting order. If law enforcement officer, include badge and code number.
13. Signature of person requesting order. Check appropriate box.
14. Date of signature.
15. Means by which oath administered. Check appropriate box.
16. Date of signature of person taking oath.
17. Signature of person administering oath, or their printed name if oath taken electronically. Check applicable box.
18. Check if applicable, and insert name of alleged victim.
19. Check if applicable, and check appropriate box to indicate if warrant or petition issued.
20. Check if emergency protective order denied.
21. Check if order granted.
22. Check if applicable.
23. Check if condition of no contact imposed on respondent, insert names of persons with whom contact is restricted, and insert any exceptions to condition of no contact.
24. Check this box if possession of the companion animal is granted. List name and type of companion animal, if applicable.
25. Check if other conditions are imposed on respondent and state the details of such conditions.
26. Check box if form DC-653, SUPPLEMENTAL SHEET TO PROTECTIVE ORDER is attached and insert number of pages.
27. Date order issued.
28. Date order expires.
29. Signature or printed name of person issuing order. See Using This Form, 4.b.
30. Date of verification, if applicable.
31. Signature of judge or magistrate verifying order, if applicable.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT	
NAME	1
ADDRESS	2
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER:
	3
<input type="checkbox"/> NOT FOUND	
6	
SERVING OFFICER	
for	7
8	
DATE AND TIME	
Respondent's Description (for VCIN entry):	
RACE.....	SEX
DOB:	
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features.....	

ALLEGED VICTIM: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME	10
<input type="checkbox"/> PERSONAL SERVICE	
	11
<input type="checkbox"/> NOT FOUND	
	12
13	
SERVING OFFICER	
for	14
15	
DATE AND TIME	
<input type="checkbox"/> Copy delivered to	16
By	
	17
	TITLE
	18
	SIGNATURE
19	
	DATE

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court.

WARNINGS TO RESPONDENT:

PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER.

IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE.

DEFINITION OF TERMS USED IN THIS ORDER

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

A “law-enforcement officer” means any full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Data Elements, reverse, pages 1 and 4

1. Name of respondent.
2. Address of respondent
3. Telephone number of respondent.
4. Check if personal service achieved.
5. Check if not found.
6. Name of serving officer.
7. Jurisdiction/agency. Sheriff's name if served by a deputy sheriff.
8. Date and time of service.
9. Description of respondent.
10. Name of alleged victim.
11. Check if served by personal service.
12. Check if not found.
13. Name of serving officer.
14. Jurisdiction/agency. Sheriff's name if served by a deputy sheriff.
15. Date and time of service.
16. Name of alleged victim if delivered at time of issuance.
17. Name and title of person delivering copy to alleged victim.
18. Signature of person serving or delivering copy to alleged victim.
19. Date delivered to alleged victim.

DEFINITION OF TERMS USED IN THIS ORDER

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

A “law-enforcement officer” means any full-time or part-time employee of a police department or sheriff’s office which is part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff’s office.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

This order will be entered into the Virginia Criminal Information Network. The Respondent may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved modified by the court.

WARNINGS TO RESPONDENT:

PURSUANT TO § 18.2-308.1:4, YOU SHALL NOT PURCHASE OR TRANSPORT ANY FIREARM WHILE THIS ORDER IS IN EFFECT. IF YOU HAVE A CONCEALED HANDGUN PERMIT, YOU MUST IMMEDIATELY SURRENDER THAT PERMIT TO THE COURT ISSUING THIS ORDER.

IF YOU VIOLATE THE CONDITIONS OF THIS ORDER, YOU MAY BE SENTENCED TO JAIL AND/OR ORDERED TO PAY A FINE.

Using This Revisable PDF Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
 - c. Second copy – to petitioner.
2. Prepared by petitioner; if attested, signed by clerk, notary public or in Juvenile and Domestic Relations District Court, by court intake officer.
3. The form must be attested or an affidavit attached only if the petitioner is requesting the issuance *ex parte* of a preliminary protective order.
4. Attachments –
 - a. An affidavit of supporting facts is required for the *ex parte* issuance of a preliminary protective order if the petition is not attested.
 - b. Form DC-384, PRELIMINARY PROTECTIVE ORDER, if issued *ex parte*.
5. Preparation details –
 - a. The petitioner must provide an affidavit of facts, either by a separate affidavit or by having the petition attested, if petitioner is seeking an *ex parte* order.
 - b. The clerk may use data elements 30 to 31 to summon petitioner at the time the petition is filed.
 - c. The address and telephone number of the petitioner should not be entered in the service box on the reverse of this form. This information is to be kept confidential. District court form DC-621, NON-DISCLOSURE ADDENDUM, should be used to collect this information.

PETITION FOR PROTECTIVE ORDER

Commonwealth of Virginia Va. Code §§ 19.2-152.9; 19.2-152.10

Case No. 1

Hearing Date and Time 2

General District Court Circuit Court

3 Juvenile and Domestic Relations District Court

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on 2

at 3 DATE AND TIME for a hearing on this Petition.

NAME AND ADDRESS OF COURT

5
DATE ISSUED

6
 CLERK DEPUTY CLERK

7
PETITIONER

v.

8
RESPONDENT

9
RESPONDENT'S ADDRESS/LOCATION

Telephone no. (H) 10 (W) 11

The undersigned Petitioner respectfully represents to the court that:

- 13** 1. A warrant petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat; OR
- 2. The Respondent is committing or, within a reasonable time, has committed an act of violence, force, or threat, specifically: 14

15 See accompanying affidavit.

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that a preliminary protective order be issued,

16 with without a preliminary protective order being issued prior to the full hearing,

and that any order impose on the Respondent the following conditions

and such other conditions as the judge deems appropriate as allowed by law:

- 17** Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- 18** Prohibiting such other contact with the Petitioner as the judge deems necessary for the health and safety of the Petitioner.
- 19** Prohibiting such other contact with the Petitioner's family or household members named below, as the judge deems necessary for their health and safety. (Please provide on form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender, and race for each family or household member listed.)

NAMES OF FAMILY OR HOUSEHOLD MEMBERS

20 Granting the Petitioner possession of the companion animal described as NAME/TYPE

21 Such other conditions as the judge may deem necessary to prevent acts of violence, force or threat, criminal offenses resulting in injury to person or property, or communication or other contact of any kind by the Respondent, namely:

22
DATE

24
ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

23
PETITIONER

by 25
PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.) Sworn to and affirmed before me this

26 day of, 20

27
 INTAKE OFFICER (JUVENILE ONLY) CLERK
 NOTARY PUBLIC My commission expires:

28 Notary Registration No.

29
DATE AND TIME FILED

TO THE PETITIONER: You are summoned to appear in this court on

31
DATE

30
 CLERK DEPUTY CLERK

32
 CLERK DEPUTY CLERK

Data Elements, page one

To be completed by clerk:

1. Court case number.
2. Hearing date and time.
3. Court jurisdiction and address.
4. Court jurisdiction. Check box of type of court.

To be completed by clerk:

5. Date summons issued.
6. Signature of clerk/deputy clerk. Check appropriate box.

7. Petitioner's name.
8. Respondent's name.
9. Respondent's address.
10. Respondent's home telephone number.
11. Respondent's work telephone number.
12. Information describing respondent.
13. Indicate whether a warrant or a petition has been issued charging the respondent with a criminal offense resulting from the commission of an act of violence, force or threat.
14. State facts justifying the request for a protective order.
15. Check if affidavit of facts supporting the petition is attached in a separate document.
16. Check appropriate box to indicate whether the issuance of a preliminary protective order is being requested prior to the full hearing.
17. Check box if requesting prohibition of further acts of violence, force or threat, or criminal offenses that may result in injury to person or property.
18. Check this box if requesting prohibition of further contact with petitioner as deemed necessary for the health and safety of petitioner.

19. Check if requesting prohibition of contact with petitioner's family or household members and insert names of persons to be subject to such condition. Form DC-621, NON-DISCLOSURE ADDENDUM, should be used to collect additional information.
20. Check this box if requesting possession of the companion animal. List name and type of companion animal, if applicable.
21. Check if requesting other conditions or limitations, and state the specific request.
22. Date petition filled out by petitioner.
23. Signature of petitioner.
24. Petitioner's attorney's address and telephone number, if filed by an attorney.
25. Signature of petitioner's attorney.

To be completed by person acknowledging signature:

26. Date of acknowledgment, if applicable.
27. Signature of clerk, notary public or, if filed in Juvenile and Domestic Relations District Court, intake officer, if applicable. Check appropriate box.
28. If acknowledgment taken by notary public, include date notary public's commission expires, city and state where acknowledgment taken, and notary registration number.

To be completed by clerk:

29. Date and time petition filed.
30. Signature of clerk/deputy clerk. Check appropriate box.
31. Court date and time.
32. Signature of clerk/deputy clerk. Check appropriate box.

Note: Petitioner may be summoned by the clerk at the time of filing using Data Element Nos. 30 to 31 (see Using this Form, 4.b).

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
Name:	2
.....	
Address	3
.....	
Tel. No.	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
4 {	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
5 {	<input type="checkbox"/> Not Found
..... 8 SERVING OFFICER	
..... 6 for 9 DATE	
..... 7 TIME	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
10	
Name:	
<input type="checkbox"/> PERSONAL SERVICE	
Being unable to make personal service, a copy was delivered in the following manner:	
4 {	<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.
	<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)
5 {	<input type="checkbox"/> Not Found
..... 8 SERVING OFFICER	
..... 6 for 9 DATE	
..... 7 TIME	

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Data Elements, page two

To be completed by clerk:

1. Court case number.
2. Name of person served.
3. Address and telephone number of person served.

To be completed by serving officer:

4. Serving officer to check the appropriate box to designate personal service or type of substitute service. If served by leaving a copy with a family member 16 or older, insert required information.
5. Check this box if unable to serve process.
6. Date of service
7. Time of service.
8. Signature of serving officer.
9. Agency or jurisdiction. Sheriff's name if served by deputy sheriff.

10. Name of petitioner. Do not provide the petitioner's address or telephone number (*see Using This Form, 5.c*)

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
 - c. Second copy – to petitioner.
2. Prepared by clerk, signed by judge.
3. Attachments – none.
4. Preparation details
 - a. The order is good for a period of 15 days. It may be issued *ex parte*, and is effective when served on the respondent. Virginia Code § 19.2-152.9.
 - b. The address and telephone number of the alleged victim should not be entered in the service box on page 2 of this form. This information is to be kept confidential. District court form DC-621, NON-DISCLOSURE ADDENDUM, should be used to collect this information.

NOTE: This form is a master and copies must be made by photocopying.

PRELIMINARY PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.9

Case No. **1**

Hearing Date and Time: **2**

3 [] General District Court [] Circuit Court [] Extension of Preliminary Protective Order
[] Juvenile and Domestic Relations District Court **4**

PETITIONER

5

LAST FIRST MIDDLE

And on behalf of minor family or household members:
(list each name and date of birth)

7

PETITIONER'S DATE OF BIRTH

6

Other protected family or household members:
(list each name and date of birth)

8

V.

RESPONDENT

9

LAST FIRST MIDDLE

10

RESPONDENT'S ADDRESS

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

11

DRIVER'S LICENSE NO.

STATE

EXP.

13 [] **CAUTION: Weapon Involved**

Distinguishing features: **12**

THE COURT FINDS that it has jurisdiction over the parties and subject matter, and that

14 [] The Petitioner is, or has been, within a reasonable period of time, subjected to an act of violence, force or threat, **OR**
[] A [] warrant [] petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1; and

2. In order to protect the health and safety of the Petitioner or any family or household member of the Petitioner, a preliminary protective order is warranted.

15 [] *Ex Parte* Proceeding Only: The petition has been supported by an affidavit or sworn testimony before the judge or intake officer, and either the Petitioner is in immediate and present danger of any act of violence, force, or threat or there is sufficient evidence to establish probable cause that an act of violence, force, or threat has recently occurred so as to justify an *ex parte* proceeding.

THE COURT ORDERS that:

16 [] The Respondent shall not commit acts of violence, force, or threat or criminal offenses that may result in injury to person or property.

17 [] The Respondent shall have no contact of any kind with the Petitioner

18 [] except as follows:

19 [] The Respondent shall have no contact of any kind with the family or household members of the Petitioner named above

20 [] except as follows:

21 [] The Petitioner is granted possession of the companion animal described as **21**

NAME/TYPE

22 [] It is further ordered that

It is further **ORDERED** that a full hearing on the petition for a protective order be held at this Court on **23**

at **23** and that notice of this hearing be given to the Respondent.

24 [] It is **ORDERED** that the Preliminary Protective Order is extended

25 [] as the Respondent failed to appear at the protective order hearing set for because the Respondent was not personally served.

26 [] upon motion of the Respondent and for good cause shown.

27 [] Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. No. of supplemental sheets **27**

28

DATE

29

JUDGE

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on **30**

DATE AND TIME

at **31** for a hearing on this Petition.

NAME AND ADDRESS OF COURT

32

DATE ISSUED

33

[] CLERK [] DEPUTY CLERK

Data Elements, page one

1. Court case number.
2. Hearing date and time.
3. Court jurisdiction. Check appropriate box.
4. Check if extension of preliminary protective order.
5. Petitioner's name.
6. Petitioner's date of birth.
7. List the name(s) and date(s) of birth of any minor family or household member who will be covered by the protective order.
8. List the name(s) and date(s) of birth of each other family or household member who will be covered by the protective order.
9. Respondent's name.
10. Respondent's address.
11. Identifying information for respondent, if known.
12. List distinguishing features of the respondent not listed in Data Element No. 11.
13. Check box if weapon has been involved in previous altercations between the parties.
14. Check the applicable box(es) to indicate court's finding(s).
15. Check if applicable.
16. Check if applicable.
17. Check if contact with petitioner is prohibited.
18. Check if there are exceptions to condition of no contact, and insert exceptions.
19. Check if contact with petitioner's family and household members listed in Data Element Nos. 7 and 8 is prohibited.
20. Check if there are exceptions to condition of no contact with petitioner's family and household members listed in Data Element Nos. 7 and 8, and insert exceptions.
21. Check if possession of the companion animal is granted. List name and type of companion animal, if applicable.
22. State other conditions, if applicable.
23. Date and time of protective order hearing.
24. Check if the PRELIMINARY PROTECTIVE ORDER is being issued as a result of an extension.
25. Check if extension because respondent was not personally served and did not appear for the protective order hearing.
26. Check if extension upon motion of respondent and for good cause shown.
27. Check box if a SUPPLEMENTAL SHEET TO PROTECTIVE ORDER, court form DC-653, is attached and indicate number of supplemental pages in the field provided.
28. Date order issued.
29. Judge's signature.
30. Hearing date and time for protective order hearing.
31. Name and address of court.
32. Date summons issued.
33. Signature of clerk/deputy clerk issuing summons. Check appropriate box.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:	
NAME 2	
ADDRESS 3	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NUMBER 4
<input type="checkbox"/> NOT FOUND	
7 SERVING OFFICER	
for 8	
9 DATE AND TIME	
RESPONDENT'S DESCRIPTION (for VCIN entry): 10	
RACE	SEX
DOB:	
HGT	WGT
EYES	HAIR
SSN	
Relationship to Petitioner/Plaintiff	
Distinguishing features	

5

6

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME 11	
<input type="checkbox"/> PERSONAL SERVICE	12
<input type="checkbox"/> NOT FOUND	13
14 SERVING OFFICER	
for 15	
16 DATE AND TIME	
<input type="checkbox"/> Copy delivered to 17	
by 18	
19 SIGNATURE	
20	

WARNINGS TO RESPONDENT:

Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase or transport any firearm while this order is in effect. **If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.** If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine.

This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this order remains in full force and effect unless and until dissolved or modified by the court. **Only the court can change this order.**

DEFINITIONS:

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

Data Elements, page two

1. Court case number.
2. Respondent's name.
3. Respondent's address.
4. Respondent's telephone number.
5. Serving officer to check this box if personal service obtained.
6. Serving officer to check this box if unable to serve.
7. Signature of serving officer.
8. Jurisdiction/agency. Sheriff's name if served by deputy sheriff.
9. Date and time of service.
10. Respondent's description for VCIN entry.
11. Petitioner's name. Do not provide the petitioner's address or telephone number (see Using This Form, 4.b.).
12. Serving officer to check this box if personal service obtained.
13. Serving officer to check this box if unable to serve.
14. Signature of serving officer.
15. Jurisdiction/agency. Sheriff's name if served by deputy sheriff.
16. Date and time of service.
17. If copy delivered to petitioner instead of being served, check box and insert the name of the person to whom a copy of the order was given.
18. Insert title of individual giving a copy of the order to petitioner.
19. Signature of individual giving a copy of the order to the petitioner.
20. Date of delivery.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
 - c. Second copy – to petitioner.
2. Prepared by clerk or judge, signed by judge.
3. Attachments – none.
4. Preparation details
 - a. The order may be entered for a period of up to two years, with the possibility of subsequent extensions. Virginia Code § 19.2-152.10.
 - b. The order may be entered after a hearing on a petition, form DC-383, PETITION FOR A PROTECTIVE ORDER, without the entry of a preliminary protective order.
 - c. The address and telephone number of the petitioner should not be entered in the service box on page 2 of this form. This information is to be kept confidential. District court form DC-621, NON-DISCLOSURE ADDENDUM, should be used to collect this information.

PROTECTIVE ORDER

Commonwealth of Virginia VA. CODE § 19.2-152.10

Case No. **1**

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

2

3 Amended Protective Order **4** Extension of Protective Order **5** Conviction for Violation of Protective Order

PETITIONER

6

LAST FIRST MIDDLE

And on behalf of minor family or household member(s):
(list each name and date of birth)

8

PETITIONER'S DATE OF BIRTH

7

Other protected family or household members:
(list each name and date of birth)

9

V.

RESPONDENT

10

LAST FIRST MIDDLE

11

RESPONDENT'S ADDRESS

RESPONDENT IDENTIFIERS (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN **12**

DRIVER'S LICENSE NO. STATE EXP.

Distinguishing features: **13**

14 CAUTION: Weapon Involved

THE COURT FINDS that it has jurisdiction over the parties and subject matter, that the Respondent was given reasonable notice and an opportunity to be heard, and that

- 15** A warrant petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1, **OR**
- The Respondent has been convicted of
 - a criminal offense resulting from the commission of an act of violence, force, or threat as defined in Va. Code § 19.2-152.7:1.
 - a violation of a protective order pursuant to Va. Code § 18.2-60.4, **OR**
- A full hearing on the petition for a protective order has been held pursuant to Va. Code § 19.2-152.9(D), **OR**
- A hearing has been held pursuant to Va. Code § 19.2-152.10(B) on a motion to extend a protective order.

Accordingly, to protect the health and safety of the Petitioner and family or household members of the Petitioner,

THE COURT ORDERS that:

- 16** The Respondent shall not commit acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- 17** The Respondent shall have no contact of any kind with the Petitioner
- 18** except as follows:
- 19** The Respondent shall have no contact of any kind with the family or household members of the Petitioner named above
- 20** except as follows:
- 21** The Petitioner is granted possession of companion animal described as
NAME/TYPE
- 22** It is further ordered that
- 23** Supplemental Sheet to Protective Order, Form DC-653, attached and incorporated by reference. Number of supplemental pages:
- 24** Final judgment having been rendered on appeal from the juvenile and domestic relations district court, this matter is remanded to the jurisdiction of the juvenile and domestic relations district court in accordance with Virginia Code § 16.1-297.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL

26
DATE

27
JUDGE

25 at 11:59 p.m.
MONTH DAY YEAR

See warnings and notices to Respondent on page two.

Data Elements, page one

1. Court case number.
2. Court jurisdiction. Check appropriate box.
3. Check box to indicate if amended protective order.
4. Check box to indicate extension of existing protective order.
5. Check box to indicate if issued as a result of a conviction for violation of existing protective order.
6. Petitioner's name.
7. Petitioner's date of birth.
8. List the name(s) and date(s) of birth of any minor family or household member that will be covered by the protective order.
9. List the name(s) and date(s) of birth of any other family or household member that will be covered by the protective order.
10. Respondent's name.
11. Respondent's address.
12. Insert identifying information for respondent, if known.
13. List other distinguishing features of respondent not listed in Data Element No. 12.
14. Check box if a weapon has been involved in any of the previous altercations between the parties.
15. Check appropriate box(es) with respect to factual basis for issuance of order.
16. Check if applicable.
17. Check if contact with petitioner is prohibited.
18. Check if there are exceptions to conditions of no contact, and insert exceptions.
19. Check if contact with petitioner's family and household members listed in Data Element Nos. 8 and 9 is prohibited.
20. Check if there are exceptions to condition of no contact with petitioner's family and household members listed in Data Element Nos. 8 and 9, and list exceptions.
21. Check if possession of the companion animal is granted. List name and type of companion animal, if applicable.
22. Check if other conditions are placed on respondent and describe conditions.
23. Check box if form DC-653, SUPPLEMENTAL SHEET TO PROTECTIVE ORDER, is attached and indicate the number of supplemental pages in the field provided.
24. Check box if final judgment has been rendered on appeal from the juvenile and domestic relations district court, and this matter is remanded to the jurisdiction of the juvenile and domestic relations district court in accordance with Virginia Code § 16.1-297.
25. Expiration date of order.
26. Date order issued.
27. Judge's signature.

RETURNS: Each person was served according to law, as indicated below, unless not found.

<p>RESPONDENT:</p> <p>NAME 2</p> <p>ADDRESS 3</p> <p><input type="checkbox"/> PERSONAL SERVICE 3 TELEPHONE NUMBER</p> <p><input type="checkbox"/> NOT FOUND</p> <p>..... 5 SERVING OFFICER</p> <p>for 6</p> <p>..... 7 DATE AND TIME</p> <p>RESPONDENT'S DESCRIPTION (for VCIN entry): 8</p> <p>RACE SEX</p> <p>DOB:</p> <p>HGT WGT</p> <p>EYES HAIR</p> <p>SSN</p> <p>Tel. No.</p> <p>Relationship to Petitioner/Plaintiff</p> <p>Distinguishing features</p>	<p>PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)</p> <p>NAME 9</p> <p><input type="checkbox"/> PERSONAL SERVICE</p> <p><input type="checkbox"/> NOT FOUND</p> <p>..... 5 SERVING OFFICER</p> <p>for 6</p> <p>..... 7 DATE AND TIME</p> <p><input type="checkbox"/> Copy delivered to: 10</p> <p>by 11 TITLE</p> <p>..... 12 SIGNATURE</p> <p>..... 13</p>
---	---

WARNINGS TO RESPONDENT: Pursuant to Code of Virginia § 18.2-308.1:4, Respondent shall not purchase or transport any firearm while this order is in effect. **If Respondent has a concealed handgun permit, Respondent must immediately surrender that permit to the court issuing this order.** If Respondent violates the conditions of this order, Respondent may be sentenced to jail and/or ordered to pay a fine. This order will be entered into the Virginia Criminal Information Network. Either party may at any time file a motion with the court requesting a hearing to dissolve or modify this order; however, this Order remains in full force and effect unless and until dissolved or modified by the court. **Only the court can change this Order.**

Federal Offenses: Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition while subject to a qualifying protective order and under the circumstances specified in 18 U.S.C. § 922(g)(8).

Full Faith and Credit: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. § 2265).

DEFINITIONS:

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Data Elements, page two

1. Court case number.
2. Respondent's name.
3. Respondent's address and telephone number.
4. Indicate either personal service or, if unable to serve process, "not found." (Substituted service not permitted.)
5. Signature of serving officer.
6. Jurisdiction/agency. Sheriff's name if served by deputy sheriff.
7. Date and time of service.
8. Respondent's description for VCIN entry.
9. Petitioner's name if petitioner served with order. Do not put the address and telephone number of the petitioner in the service box. *See Using This Form, 4(c).*
10. If copy delivered to petitioner instead of being served, check box and insert the name of the person to whom a copy of the order was given.
11. Insert title of individual giving a copy of the order to the petitioner.
12. Signature of individual giving a copy of the order to the petitioner.
13. Date of delivery.

Using This Form

1. Copies
 - a. Original filed by the judicial officer with the clerk of the circuit court where the warrant was executed. A copy should also be filed with the clerk of the circuit court where the warrant was issued, if different from where the warrant was executed.
 - b. First copy – attached to original of the PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT.
 - c. Second copy – attached to copy of the PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT to be left with custodian of place searched.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by magistrate or judge. Must be signed and sworn to by the affiant in person. If anyone brings in an affidavit signed by another person, then the person bringing the affidavit should prepare his own affidavit, sign it and swear to it as the affiant.
3. Attachments
 - a. Form DC-387, PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT (see 1 above).
 - b. Additional descriptions for various data elements. See Using This Form, 4.e.
4. Preparation details
 - a. The judicial officer should not become involved in the preparation of the document. However, if the judicial officer believes that the affidavit does not show probable cause, he should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Local officials should consult their local government attorney if assistance is needed in preparing this form.
 - d. On page one, if Data Element No. 2.a. is checked, then check and complete Data Element No. 3.a. If Data Element No. 2.b. is checked, then check and complete Data Element No. 3.b.
 - e. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.
 - f. One page one, use business address of applicant in Data Element No. 6 if applicant is a government employee.

AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT Commonwealth of Virginia VA. CODE § 3.2-3942

The undersigned Applicant states under oath that:

1. To determine compliance with Chapter 39 of Title 3.2 of the Virginia Code or regulations and standards adopted in pursuance thereof, an administrative search warrant is requested for an inspection or reinspection of places, things or persons subject to inspection pursuant to Chapter 39 of Title 3.2 of the Virginia Code, as described below:

..... **1**

.....

.....

([] CONTINUED ON ATTACHED SHEET)

2. The purpose(s) for which the inspection, testing or collection of samples are to be made is described as follows:

- a. [] to gather evidence of a particular condition, object, activity or circumstance suspected in violation of Chapter 39 of Title 3.2 of the Virginia Code or regulations and standards adopted pursuant thereto (see 3.a. of this Affidavit)
- b. [] to conduct a routine on-site inspection, testing and collection of samples in accordance with written standards and a written inspection procedure and site selection mechanism (see 3.b. of this Affidavit)

in order to protect the health and safety of persons or to protect the environment from the hazards of pesticides arising from the improper use of the same.

3. The material facts constituting probable cause that the search should be made are as follows:

- a. [] The inspection, testing or collection of samples are necessary to ensure compliance with Chapter 39 of Title 3.2 of the Virginia Code for the protection of the health and safety of persons or of the environment from the hazards of pesticides because of the following evidence of a violation:
-
-

([] CONTINUED ON ATTACHED SHEET)

- b. [] The inspection request is based upon [] legislative [] administrative standards for selecting pesticide businesses for inspection, the inspection program is based on reasonable standards, and the standards are being applied to a particular place, thing or person in a neutral and fair manner, all as described below to perform a routine inspection:
-
-

(OVER)

([] CONTINUED ON ATTACHED SHEET)

AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT

APPLICANT:

..... **4**

NAME

..... **5**

TITLE (IF ANY)

..... **6**

ADDRESS

.....

Certified to Clerk of

..... **7** Circuit Court

CITY OR COUNTY

on **8**

DATE

..... **9** **10**

TITLE SIGNATURE

Original Delivered [] in person [] by certified mail

11 [] by electronically transmitted facsimile

[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of **12** Circuit Court

CITY OR COUNTY WHERE EXECUTED

on **13**

DATE

..... **14** **15**

TITLE SIGNATURE

Complete only if different than above:

Original Delivered [] in person [] by certified mail

16 [] by electronically transmitted facsimile

[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of **17** Circuit Court

CITY OR COUNTY OF ISSUANCE

on **18**

DATE

..... **19** **20**

TITLE SIGNATURE

Data Elements, page one

1. Describe place to be searched.
2. Check the applicable box regarding purpose of search. See Using This Form, 4.d.
3. Check the applicable box regarding type of probable cause, and then complete the description of the facts showing probable cause. In subpart b, also check the appropriate box.
4. Name of applicant-affiant.
5. Title of applicant.
6. Address of applicant. See Using This Form, 4.f.
7. Name of circuit court to whose clerk this affidavit is certified.
8. Date on which this affidavit is certified with circuit court.
9. Title of person certifying this affidavit with circuit court (printed or typed).
10. Signature of person certifying this affidavit to circuit court.
11. Check the appropriate method of delivery.
12. Name of circuit court to whose clerk this affidavit was delivered.
13. Date on which this affidavit was delivered to circuit court identified in data element No. 12.
14. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 12.
15. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 12.
16. Check the appropriate method of delivery, if this section is applicable.
17. Name of circuit court where the warrant is issued if different from data element No. 12.
18. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 17.
19. Title of person who delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 17.
20. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 17.

Data Elements, page two

1. Check the appropriate box, and then complete the remaining blanks. If the first box is checked, include the name and title of the person who refused consent.
2. Check the appropriate boxes, and, if applicable, complete the lines below.
3. If the applicant seeks to search in the absence of the person in control of the place to be searched, check this box and complete the blanks.
4. If forcible entry is sought, check this box, then check either the box preceding “there is reasonable suspicion...” (and the applicable boxes beside it) or “reasonable attempts...”; then insert the appropriate factual description.
5. Insert the number of days for which the search warrant should be valid and describe why that particular length of time is required.
6. Official title of applicant – affiant.
7. Signature of applicant – affiant.
8. Date and time that this document is signed and sworn.
9. Signature of the judicial officer before whom the affidavit was sworn. Check the appropriate signature box below the signature line.

Using This Form

1. Copies

- a. Original is returned to the judicial clerk of the circuit court where the warrant was executed. All records removed and samples taken should be listed.
- b. First copy – attached to copy of the AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT to be left with custodian of place searched.
- c. Additional copies to others as dictated by local practice.

2. Preparation

- a. Page one – prepared by the issuing judicial officer.
- b. Page two – prepared by the executing and seizing officers.

3. Attachments

- a. Form DC-386, AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT (see 1 above).

4. Preparation details

- a. The judicial officer must determine from his own independent judgment whether or not the affidavit provides sufficient proof of probable cause. The assertion of probable cause in form DC-386, AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT, is the belief of the affiant, not a conclusion of law, and is not binding on the judicial officer.
- b. A search warrant should be issued only if the contents of the AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT, form DC-386, provide sufficient proof of probable cause. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
- c. If forcible entry is authorized, the PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT must be directed to both the Commissioner (or his designee) and (not or) a law enforcement officer for execution, and both officers must complete the return on page one of the warrant. In this case, the inventory of records or samples removed must be signed by both officers.
- d. The first box correlates to the boxes for Data Element Nos. 2.a. and 3.a. on for DC-386, AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT. The second box correlates to the boxes for Data Element Nos. 2.b. and 3.b. on form DC-386, AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT.

PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT

Commonwealth of Virginia

VA. CODE § 3.2-3942

To: **1** [] Commissioner

To: **1** [] Law Enforcement Officer

You are hereby commanded in the name of the Commonwealth to forthwith search:

..... **2**
LOCATION/DESCRIPTION OF PLACE, THINGS OR PERSONS TO BE INSPECTED OR TESTED

in order to inspect, test or collect samples pursuant to Chapter 39 of Title 3.2 of the Virginia Code.

1. **3** Authorization for the execution of this warrant in the absence of the owner, tenant, operator or custodian of the above-described place is [] granted [] not granted.

2. **4** Authorization for forcible entry is [] granted [] not granted.

3. The warrant shall be effective for **5** days (not to exceed 15 days).

I, the undersigned, have found probable cause to believe that, based on the statement contained in the attached affidavit sworn to by **6** , which is hereby incorporated by reference:
AFFIANT

7 { [] the inspection, testing and collection of samples are necessary to ensure compliance with Chapter 39 of Title 3.2 of the Virginia Code for the protection of the health and safety of persons or of the environment because of evidence of a violation.
[] the inspection request is based on legislative or administrative standards for selecting places, things or persons for inspection, the inspection program is based on reasonable standards, and the standards are being applied to a particular place, thing or person in a neutral and fair manner, in order to perform a routine inspection.

..... **8**
DATE AND TIME

..... **9**
[] MAGISTRATE [] JUDGE

**PESTICIDE CONTROL
ADMINISTRATIVE
SEARCH WARRANT**

Commonwealth of Virginia

In re/V.

..... **10**

Executed on the within-described location on

..... **11**

DATE

..... **12**

SIGNATURE

..... **13**

NAME AND TITLE

..... **12**

SIGNATURE

..... **13**

NAME AND TITLE

Returned to the Clerk of

..... **14**

CITY OR COUNTY WHERE EXECUTED

Circuit Court

on **15**

DATE

..... **16**

SIGNATURE

..... **17**

NAME AND TITLE

Data Elements, page one

1. Person(s) to whom the warrant is directed for execution. See Using This Form, 4.c.
2. Description of place to be searched or tested.
3. Check to show whether authority to search in the absence of the person in charge of the property is granted.
4. Check to show whether forcible entry to carry out the search is authorized. See Using This Form, 4.c.
5. Insert number of days that warrant is effective (not to exceed 15 days).
6. Insert the name of the affiant from form DC-386, AFFIDAVIT FOR PESTICIDE CONTROL ADMINISTRATIVE SEARCH WARRANT.
7. Check the applicable box. See Using This Form, 4.d.
8. Date and time the warrant was issued.
9. Signature of the person issuing the warrant. Check the appropriate title box below the signature line.
10. Name of entity whose property is being searched.
11. Date when the warrant was executed.
12. Signature of executing officer(s). See Using This Form, 4.c.
13. Name and title of executing officer(s). See Using This Form, 4.c.
14. Name of circuit court to whose clerk the warrant was delivered after execution.
15. Date on which the warrant was delivered to circuit court clerk identified in Data Element No. 14.
16. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 14.
17. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 14.

INVENTORY OF RECORDS REMOVED OR SAMPLES TAKEN

The following records were removed or samples were taken, and no others:

1. **1**
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

Date: **2**

..... **3**
SIGNATURE

..... **4**
NAME AND TITLE

..... **3**
SIGNATURE

..... **4**
NAME AND TITLE

Data Elements, *page two*

1. Separately list and describe each record removed or sample taken, and the quantity taken.
2. Date that records were removed or samples taken.
3. Signature(s) of person(s) who removed the records or took the samples and completed this inventory.
4. Name and title of the person(s) in Data Element No. 3.

Using This Form

1. Copies
 - a. Original filed by the judicial officer with the clerk of the circuit court where the warrant was executed. A copy should also be filed with the clerk of the circuit court where the warrant was issued, if different from where the warrant was executed.
 - b. First copy – attached to original or the RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT.
 - c. Second copy – attached to copy of the RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT to be left with the custodian of place investigated.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by magistrate. Must be signed and sworn to by the affiant in person. If anyone brings in an affidavit signed by another person, then the person bringing the affidavit should prepare his own affidavit, sign it and swear to it as the affiant.
3. Attachments
 - a. Form DC-389, RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT (see 1 above).
 - b. Additional descriptions for various data elements. See Using This Form, 4.e.
4. Preparation details
 - a. The magistrate should not become involved in the preparation of this document. However, if the magistrate believes that the affidavit does not show probable cause, he should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause
 - b. The magistrate should not rely on additional oral information provided by the affiant. Instead, the magistrate should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Local officials should consult their local government attorney if assistance is needed in preparing this form.
 - d. If Data Element No. 3 is not checked to indicate that authorization for such an investigation has been given by the governing body, an investigation warrant shall not be issued to the fire marshal.
 - e. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.
 - f. On page one, use business address of applicant in Data Element No. 7 if applicant is a government employee.

AFFIDAVIT FOR RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT

Commonwealth of Virginia VA. CODE § 27-37.1

The undersigned Applicant states under oath that:

- 1. To determine compliance with the Virginia Waste Management Act and/or the state water control laws or regulations and standards adopted pursuant to thereof, an investigation warrant is requested for an inspection of property subject to investigation pursuant to the Virginia Waste Management Act and/or the state water control laws, as described below:

1

([] CONTINUED ON ATTACHED SHEET)

- 2. The purpose(s) for which the investigation is to be made is to determine the origin or cause of a release or suspected release of a hazardous material, hazardous waste or regulated substance as defined in § 10.1-1400 or § 62.1-44.34:8 in order to safeguard the community from continued contamination of ground water, surface water or soils by the hazardous material, hazardous waste or regulated substance.

- 3. [] Authorization by the governing body of for such investigations has been given to the fire marshal.
[] Authorization by a governing body for such investigations has not been given.

- 4. The material facts constituting probable cause that the search should be made are that the investigation is necessary to determine the origin or cause of the release or the suspected release of a hazardous material, hazardous waste or regulated substance because of the following evidence of a violation of the Virginia Waste Management Act and/or the state water control laws:

3

([] CONTINUED ON ATTACHED SHEET)

In addition to the above, one of the following situations exists:

- 5. [] Consent to investigate has been sought and refused by
4 who is, on
[] Consent to investigate has been unable to be obtained from
who is, on

AFFIDAVIT FOR RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT

APPLICANT:

5

NAME

6

TITLE (IF ANY)

7

ADDRESS

Certified to Clerk of

8

CITY OR COUNTY

Circuit Court

on

9

DATE

10

TITLE

11

SIGNATURE

Original Delivered [] in person [] by certified mail

12

[] by electronically transmitted facsimile

[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of

13

CITY OR COUNTY WHERE EXECUTED

Circuit Court

on

14

DATE

15

TITLE

16

SIGNATURE

Complete only if different than above:

Original Delivered [] in person [] by certified mail

17

[] by electronically transmitted facsimile

[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act

to Clerk of

18

CITY OR COUNTY OF ISSUANCE

Circuit Court

on

19

DATE

20

TITLE

21

SIGNATURE

Data Elements, page one

1. Describe place to be investigated.
2. Check the applicable box regarding authorization by the governing body; if the first box is checked, also include location of the governing body.
3. Complete the description of the facts showing probable cause.
4. Check the applicable box regarding consent and complete the remaining blanks; include the name and title of the person who refused consent or was unavailable to give consent, and indicate the date(s).
5. Name of applicant-affiant.
6. Title of applicant.
7. Address of applicant. See Using This Form, 4.f.
8. Name of circuit court to whose clerk this affidavit is certified.
9. Date on which this affidavit is certified with circuit court.
10. Title of person certifying this affidavit with circuit court (printed or typed).
11. Signature of person certifying this affidavit to circuit court.
12. Check the appropriate method of delivery.
13. Name of circuit court to whose clerk this affidavit was delivered.
14. Date on which this affidavit was delivered to circuit court identified in data element No. 13.
15. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 13.
16. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 13.
17. Check the appropriate method of delivery, if this section is applicable.
18. Name of circuit court where the warrant is issued if different from data element No. 13.
19. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 18.
20. Title of person who delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 18.
21. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 18.

6. I have personal knowledge of the facts set forth in this affidavit AND/OR

1 I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

1

.....
.....
.....

7. I request the issuance of an administrative investigation warrant to be effective for**2**..... days (not to exceed 7 days) because:

.....

The statements above are true and accurate to the best of my knowledge and belief.

3

.....
TITLE OF APPLICANT

4

.....
APPLICANT

5

.....
DATE AND TIME

6

.....
MAGISTRATE

Data Elements, *page two*

1. Check the appropriate boxes, and if applicable, complete the lines below.
2. Insert the number of days for which the search warrant should be valid and describe why that particular length of time is required.
3. Official title of applicant – affiant.
4. Signature of applicant – affiant.
5. Date and time that this document is signed and sworn.
6. Signature of magistrate before whom the affidavit was sworn.

Using This Form

1. Copies
 - a. Original is returned to the clerk of the circuit court where the warrant was executed.
 - b. First copy – attached to copy of the affidavit to be left with custodian of place investigated.
 - c. Additional copies to others as dictated by local practice.
2. Preparation – prepared by the issuing magistrate.
3. Attachments
 - a. Form DC-388, AFFIDAVIT FOR THE RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT. (See 1 above.)
4. Preparation details
 - a. The magistrate must determine from his own independent judgment whether or not the affidavit provides sufficient proof of probable cause. The assertion of probable cause in form DC-388, AFFIDAVIT FOR THE RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT, is the belief of the affiant, not a conclusion of law, and is not binding on the magistrate.
 - b. An investigation warrant should be issued only if the contents of the AFFIDAVIT FOR THE RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT, form DC-388, provide sufficient proof of probable cause. The magistrate should not rely on additional oral information provided by the affiant. Instead, the magistrate should insist that the affiant put this additional information into writing by including this information in the affidavit.

**RELEASE OF HAZARDOUS MATERIAL OR WASTE OR
REGULATED SUBSTANCE INVESTIGATION WARRANT**

Commonwealth of Virginia

VA. CODE § 27-37.1

To: **1**

You are hereby commanded in the name of the Commonwealth to forthwith enter:

..... **2**
LOCATION/DESCRIPTION OF PROPERTY

in order to investigate the origin and source of a release of hazardous material, hazardous waste or regulated substance pursuant to the Virginia Waste Management Act and/or State water control laws

1. Authorization by the governing body of **3** to enter upon the property to investigate such releases has been given to the fire marshal.

2. The warrant shall be effective for **4** days (not to exceed 7 days).

NOTE: If after granting access, the fire marshal has probable cause to believe that the release was caused by any act constituting a criminal offense, s/he shall discontinue the investigation until a search warrant is obtained or consent is given.

I, the undersigned, have found probable cause to believe that, based on the statement contained in the attached affidavit sworn to by **5** , which is hereby incorporated by reference,
AFFIANT

the investigation is necessary to determine the source of a release or suspected release of hazardous material, hazardous waste or a regulated substance which as entered the ground water, surface water, or soils of

..... **6**
COUNTY, CITY OR TOWN

..... **7**
DATE

..... **8**
MAGISTRATE

**RELEASE OF HAZARDOUS
MATERIAL OR WASTE OR
REGULATED SUBSTANCE
INVESTIGATION WARRANT**

Commonwealth of Virginia

In re/V.

..... **9**

Executed on the within-described location on

..... **10**

DATE

..... **11**

SIGNATURE

..... **12**

NAME AND TITLE

..... **11**

SIGNATURE

..... **12**

NAME AND TITLE

Returned to Clerk of

..... **13**

Circuit Court

CITY OR COUNTY WHERE EXECUTED

on **14**
DATE

..... **15**

SIGNATURE

..... **16**

NAME AND TITLE

Data Elements

1. Person(s) to whom the warrant is directed for execution. See Using This Form, 4.c.
2. Description of place to be investigated.
3. Complete the blank with the location of the governing body that has authorized such investigations.
4. Insert number of days that the warrant is sufficient (not to exceed 7 days).
5. Insert the name of the affiant from form DC-388, AFFIDAVIT FOR THE RELEASE OF HAZARDOUS MATERIAL OR WASTE OR REGULATED SUBSTANCE INVESTIGATION WARRANT.
6. Insert the applicable county, city, or town name.
7. Date and time the warrant was issued.
8. Signature of the magistrate issuing the warrant.
9. Name of entity whose property is being investigated.
10. Date when the warrant was executed.
11. Signatures of the executing officers. See Using This Form, 4.c.
12. Names and titles of the executing officers. See Using This Form, 4.c.
13. Name of circuit court to whose clerk the warrant was delivered.
14. Date on which the warrant was delivered to circuit court clerk identified in Data Element No. 13.
15. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 13.
16. Name and title of person delivering warrant to the circuit court clerk's office identified in Data Element No. 13.

Using This Form

1. Copies
 - a. Original – filed by the magistrate with the clerk of the circuit court where the warrant was executed. A copy should also be filed with the clerk of the circuit court where the warrant was issued, if different from where the warrant was executed.
 - b. First copy – attached to original of form DC-391, BUILDING INSPECTION WARRANT.
 - c. Second copy – attached to copy of form DC-391, BUILDING INSPECTION WARRANT, to be left with custodian of the place searched.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by judge or magistrate. Must be signed and sworn to by the affiant in person. If anyone brings in an affidavit by another person, then the person bringing the affidavit should prepare his own affidavit, sign it and swear to it as the affiant.
3. Attachments –
 - a. Form DC-391, BUILDING INSPECTION WARRANT.
 - b. Additional sheets where necessary to include further descriptions. See Using This Form, 4.d.
4. Preparation details
 - a. The judge or magistrate should not become involved in the preparation of this document. However, if the judge or magistrate believes that the affidavit does not show probable cause, he should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause.
 - b. The judge or magistrate should not rely on additional oral information provided by the affiant. Instead, the judge or magistrate should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Local officials should consult their local government attorney if assistance is needed in preparing this form.
 - d. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.
 - e. On the front of the form, use the business address of the applicant in Data Element No. 5 if the applicant is a government employee.

AFFIDAVIT FOR BUILDING INSPECTION WARRANT

Commonwealth of Virginia

VA. CODE § 36-105

The undersigned Applicant states under oath that:

1. To determine compliance with the Building Code or regulations and standards adopted pursuant thereto, an inspection warrant is requested for an inspection of a building or structure, subject to the Building Code, located at and as described below:

1

.....
.....
.....
.....
.....
.....
.....
.....

[] CONTINUED ON ATTACHED SHEET

2. The inspection is to be done to gather evidence of a particular suspected violation of the Building Code on regulations and standards adopted pursuant thereof.

3. The material facts constituting probable cause that the search should be made are that the inspection is necessary to investigate a suspected violation of the Building Code that poses an immediate and imminent threat to the health and safety of the owner, tenant, or occupants of the building or structure, or the owner, occupant, or tenant of a nearby building or structure based on the following evidence of a violation of such code:

2

.....
.....
.....
.....
.....
.....
.....
.....

[] CONTINUED ON ATTACHED SHEET

AFFIDAVIT FOR BUILDING INSPECTION WARRANT	
APPLICANT:	
..... 3 NAME	.....
..... 4 TITLE (IF ANY)	.....
..... 5 ADDRESS	.....
Certified to Clerk of	
..... 6 CITY OR COUNTY	..... Circuit Court
on .....	..... 7 DATE
..... 8 TITLE	..... 9 SIGNATURE
Original Delivered [] in person [] by certified mail	
10 [] by electronically transmitted facsimile	
[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act	
to Clerk of .....	..... 11 CITY OR COUNTY WHERE EXECUTED
on .....	..... 12 DATE
..... 13 TITLE	..... 14 SIGNATURE
Complete only if different than above:	
Original Delivered [] in person [] by certified mail	
15 [] by electronically transmitted facsimile	
[] by use of filing/security procedures defined in the Uniform Electronic Transactions Act	
to Clerk of .....	..... 16 CITY OR COUNTY OF ISSUANCE
on .....	..... 17 DATE
..... 18 TITLE	..... 19 SIGNATURE

Data Elements, page one of two

1. Describe place to be searched.
2. The affiant should describe the facts which the affiant asserts would constitute probable cause for the issuance of a building inspection warrant.
3. Name of the applicant-affiant.
4. Title of the applicant-affiant.
5. Address of applicant-affiant. See Using This Form, 4.e.
6. Name of circuit court to whose clerk this affidavit is certified.
7. Date on which this affidavit is certified with circuit court.
8. Title of person certifying this affidavit with circuit court (printed or typed).
9. Signature of person certifying this affidavit to circuit court.
10. Check the appropriate method of delivery.
11. Name of circuit court to whose clerk this affidavit was delivered.
12. Date on which this affidavit was delivered to circuit court identified in data element No. 11.
13. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.
14. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.
15. Check the appropriate method of delivery, if this section is applicable.
16. Name of circuit court where the warrant is issued if different from data element No. 11.
17. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 16.
18. Title of person who delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 16.
19. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 16.

In addition to the above, the following situation exists:

4. **1** Consent to inspect has been sought and refused by **1**
who is

5. I have personal knowledge of the facts set forth in this affidavit AND/OR

2

I was advised of the facts set forth in this affidavit, in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

.....
2
.....
.....
.....
.....

The statements above are true and accurate to the best of my knowledge and belief.

..... **3**
TITLE OF APPLICANT

..... **4**
APPLICANT

Subscribed and sworn to before me this day.

..... **5**
DATE AND TIME

..... **6**
 JUDGE MAGISTRATE

Data Elements, *page two of two*

1. Check box if consent to inspect has been refused, and insert the name of the person who refused to consent and their status with regard to the property.
2. Check the appropriate box(es) and, if applicable, complete the lines below.
3. Title of applicant-affiant.
4. Signature of applicant-affiant.
5. Date and time when the affidavit is signed and sworn to.
6. Signature of judge or magistrate before whom the affidavit is signed and sworn to.

Using This Form

1. Copies
 - a. Original – after execution, filed with the clerk of the circuit court where the warrant was executed by those persons who executed the warrant. The original should be marked “original” on the first page.
 - b. First copy – attached to original of form DC-390, AFFIDAVIT FOR BUILDING INSPECTION WARRANT, to be left with custodian of the place searched.
 - c. Additional copies to others as dictated by local practice.
2. Preparation
 - a. First page – prepared by issuing judge or magistrate.
 - b. Second page – prepared by executing and seizing officers.
3. Attachments – form DC-390, AFFIDAVIT FOR BUILDING INSPECTION WARRANT.
4. Preparation details
 - a. The judge or magistrate must determine from his own independent judgment whether or not the affidavit provides sufficient proof of probable cause. The assertion of probable cause in form DC-390, AFFIDAVIT FOR BUILDING INSPECTION WARRANT, is the belief of the affiant, not a conclusion of law, and is not binding on the judge or magistrate.
 - b. The judge or magistrate should not rely on additional oral information provided by the affiant. Instead, the judge or magistrate should insist that the affiant put this additional information into writing by including this information in the affidavit.

BUILDING INSPECTION WARRANT

Commonwealth of Virginia VA. CODE § 36-105

To: **1**

You are hereby commanded in the name of the Commonwealth to forthwith inspect:

..... **2**
LOCATION/DESCRIPTION OF PLACE TO BE INSPECTED

for the purpose of determining whether violations of the Building Code exist that would pose an immediate and imminent threat to the health and safety of the owner, tenant, or occupants of the building or structure, or the owner, occupant, or tenant of a nearby building or structure.

I, the undersigned, have found probable cause and believe that, based on statements contained in the attached affidavit sworn to by **3**,
AFFIANT
which is hereby incorporated by reference:

1. the inspection is necessary to insure compliance with the Building Code for the protection of life and property of the owner, tenant, or occupants of the building or structure or the owner, occupant, or tenant of a nearby building or structure.
2. the local building official or his agent has made reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking issuance of this warrant.

..... **4**
DATE AND TIME

..... **5**
[] MAGISTRATE [] JUDGE

BUILDING INSPECTION WARRANT	
COMMONWEALTH OF VIRGINIA	
<i>In re / V.</i>	
6	
Executed on the within-described location on	
7	
DATE	
8	
SIGNATURE	
9	
NAME AND TITLE	
Returned to Clerk of	
10	
CITY OR COUNTY WHERE EXECUTED	
on	
11	
DATE	
12	
SIGNATURE	
13	
NAME AND TITLE	

Data Elements, front

1. Person(s) to whom the warrant is directed for execution.
2. Description of place to be inspected.
3. Insert the name of the affiant from form DC-390, AFFIDAVIT FOR BUILDING INSPECTION WARRANT.
4. Date and time the warrant was issued.
5. Signature of judge or magistrate issuing the warrant.
6. Name of person or entity whose property is being inspected.
7. Date when the warrant was executed.
8. Signature of executing officer.
9. Name and title of executing officer.
10. Name of circuit court to whose clerk the warrant was delivered.
11. Date on which the warrant was delivered to circuit court identified in Data Element No. 10.
12. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 10.
13. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 10.

INVENTORY OF SAMPLES TAKEN

The following samples were taken, and no others:

1.
2.
3. **1**
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

Date: **2**

..... **3**

SIGNATURE

..... **4**

NAME AND TITLE

Data Elements, *reverse*

1. Separately list and describe each item removed.
2. Date that items were removed.
3. Signature of person who removed items and completed this inventory.
4. Name and title of person in Data Element No. 3.

Using This Form

1. Copies – none. This form is printed on the front of an envelope.
2. Prepared by clerk.
3. Attachments – insert all documents noted on this form into the envelope.
4. Preparation details –
 - a. The DC-392 is a sealed envelope which can be used to seal pretrial service reports and probation documents in traffic or criminal cases as required by Virginia Code §§ 9.1-177.1.
 - b. This form should be used in traffic and criminal cases in which a form DC-301, REQUEST FOR CONFIDENTIALITY has been filed.

SEALED DOCUMENTS – Traffic/Criminal Cases

- Community Based Probation Reports /Pretrial Services § 9.1-177.1; § 19.2-152.4:2

- Victim Confidentiality § 19.2-11.2

-State Probation Pre-Sentencing Report § 19.2-299, §19.2-299.1

Case No(s)**1**.....

Circuit Court

General District Court

Juvenile and Domestic Relations District Court

2

Commonwealth

v.

4

..... **3**

DEFENDANT NAME

SEALED

INSTRUCTIONS TO CLERK:

This envelope contains confidential documents and shall be opened only by authorized court personnel or by order of the Court.

Records contained herein are sealed. Information contained in sealed documents shall not be disclosed except by order of the Court.

ENTER ✓ AS APPROPRIATE	DOCUMENT DESCRIPTION	DATE SEALED	INITIALS OF CLERK/DEPUTY CLERK
5	DC-301, REQUEST FOR CONFIDENTIALITY (Victim/Family)	6	7
	Pretrial Services — Court/Investigation Report		
	Pretrial Services — Progress/Status Report		
	Pretrial Services — Violation Report		
	Pretrial Services Interview Worksheet ¹	Returned to Program _____ Date/Initials	
	Local Probation Investigation Report		
	Community Based Probation — Update Report		
	Community Based Probation — Request for Release		
	Community Based Probation — Show Cause Request		
	Community Based Probation — Violation Report		
	State Probation Pre-Sentence Report		
	Victim Impact Statement		

Above document list may not be inclusive.

¹ Must be sealed upon receipt if filed with the Clerk. Should be returned to program following court use. Reuse envelope if Interview Worksheet is the only record sealed in the case. Affix labels in name/case # field for envelope reuse.

Data Elements

1. Court case number.
2. Insert court name and check appropriate box to indicate the type of court.
3. Check box to indicate Commonwealth or insert appropriate locality.
4. Insert defendant's name.
5. Check column as appropriate upon filing of documents.
6. Insert date in which document was sealed.
7. Insert initials of clerk or deputy clerk placing document(s) in envelope.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to respondent.
 - c. Second copy – to petitioner.
2. Prepared by clerk, signed by judge.
3. Attachments – none.
4. Preparation details

This form can be used when a petition for a protective order is dismissed or when a request for a preliminary protective order is denied but a full hearing is scheduled.

**DENIAL/DISMISSAL ORDER
IN PROTECTIVE ORDER CASE**

Commonwealth of Virginia
Va. Code §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, 19.2-152.10

Case No. **1**

Hearing Date and Time **2**

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

3

4
PETITIONER

v.

5
RESPONDENT

ORDER

6
THE COURT FINDS that it has jurisdiction over the parties and subject matter, based upon the filing of a petition pursuant to Va. Code § 16.1-253.1 § 19.2-152.9.

THE COURT ORDERS that:

- 7** The petition for a protective order is dismissed
- 8** { upon the denial of a preliminary protective order.
 upon the denial of a protective order.
 at the request of the petitioner.
 because the petitioner failed to appear at the preliminary protective order hearing protective order hearing.

9 The request for a preliminary protective order is denied, and a full hearing on the petition for a protective order will be held at this Court on **10** at
DATE TIME

The Clerk shall provide notice of the hearing to the parties.

11
DATE

.....
12
JUDGE

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on **13**
DATE AND TIME

at **14** for a full hearing on the Petition.
NAME AND ADDRESS OF COURT

15
DATE ISSUED

.....
16
 CLERK DEPUTY CLERK

TO THE PETITIONER: You are summoned to appear in this Court for a full hearing on the Petition on

17
DATE

.....
18
 CLERK DEPUTY CLERK

Data Elements, page one

1. Court case number.
2. Hearing date and time.
3. Court jurisdiction. Check appropriate box.
4. Petitioner's name.
5. Respondent's name.
6. Check appropriate box.
7. Check if the petition for a protective order is dismissed.
8. Check the appropriate box indicating the basis for the dismissal of the petition.
9. Check if the request for a preliminary protective order is denied, and a full hearing is scheduled.
10. Insert date and time of full hearing, if applicable.
11. Date order issued.
12. Judge's signature.
13. Insert date and time of full hearing, if applicable.
14. Name and address of court where full hearing is scheduled to occur.
15. Date summons issued.
16. Signature of clerk/deputy clerk. Check appropriate box.
17. Insert date and time of full hearing, if applicable.
18. Signature of clerk/deputy clerk. Check appropriate box.

RETURNS: Each person was served according to law, as indicated below, unless not found.

RESPONDENT:

Name: **1**

Address **2**

Tel. No.

PERSONAL SERVICE

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Not Found

..... **5** for **8**

DATE

..... **6**

TIME

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)

Name: **9**

PERSONAL SERVICE

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Not Found

..... **7**

SERVING OFFICER

..... **5** for **8**

DATE

..... **6**

TIME

Data Elements, page two

1. Name of respondent served.
2. Address and telephone number of respondent.

To be completed by serving officer:

3. Serving officer to check the appropriate box to designate personal service or type of substitute service. If served by leaving a copy with a family member 16 or older, insert required information.
4. Check this box if unable to serve process.
5. Date of service.
6. Time of service.
7. Signature of serving officer.
8. Agency or jurisdiction. Sheriff's name if served by deputy sheriff.

9. Name of petitioner. Do not provide the petitioner's address or telephone number.

Using This Form

1. Copies
 - a. Original – filed by magistrate.
 - b. First copy – attached to original of district court form DC-396, SUMMONS – DANGEROUS DOG OR VICIOUS DOG.
 - c. Second copy – attached to copy of district court form DC-396, SUMMONS – DANGEROUS DOG OR VICIOUS DOG to be left with owner or custodian of dog.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by applicant-affiant; acknowledged by magistrate.
3. Attachments
 - a. District court form DC-396 SUMMONS – DANGEROUS DOG OR VICIOUS DOG.
 - b. Additional descriptions for various data elements. See Using This Form, 4(b).
4. Preparation details
 - a. The animal control officer or law enforcement officer should consult their local government attorney if assistance is needed in preparing this affidavit.
 - b. While DC-396 SUMMONS – DANGEROUS DOG OR VICIOUS DOG has space allotted for application for summons, there is limited space provided on the form. Therefore, form DC-395 AFFIDAVIT FOR SUMMONS FOR DANGEROUS DOG OR VICIOUS DOG may be preferred.
 - c. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.

AFFIDAVIT FOR SUMMONS FOR DANGEROUS DOG OR VICIOUS DOG

Commonwealth of Virginia VA. CODE §§ 3.2-6540, 3.2-6540.1, 3.2-6542

..... **1** General District Court
CITY OR COUNTY

2 I, the undersigned applicant, [] a law enforcement officer [] an animal control officer in the above-named city/county, state under oath that

1. I have reason to believe that the canine or crossbreed described below is a [] dangerous dog [] vicious dog based upon the following:

..... **3**
..... **4**
.....
.....
.....

[] Continued on attached sheet.

2. The canine or crossbreed is described as follows: **5**

3. The canine or crossbreed is at the following location: **6**

4. To the best of my knowledge and belief, the person who is responsible for the canine or crossbreed is

[] the dog's owner, [] the dog's custodian,
7 { [] a minor, whose custodial parent/legal guardian's name is
[]

8 5. [] I have personal knowledge of the facts set forth in this affidavit. [] I was advised of the facts set forth in this affidavit, in whole or in part, by another person whose credibility or the reliability of the information may be determined from the following facts:

..... **9**

I request the issuance of a SUMMONS – DANGEROUS DOG OR VICIOUS DOG to the person(s) identified above pursuant to

10 { [] Virginia Code § 3.2-6540 [] Virginia Code § 3.2-6540.1 [] of
LOCAL ORDINANCE [] COUNTY [] CITY [] TOWN

..... **11**
DATE [] LAW ENFORCEMENT OFFICER [] ANIMAL CONTROL OFFICER

..... **12**
TELEPHONE NUMBER PRINT NAME AGENCY

State of **14** [] City [] County of **15**

Acknowledged, subscribed and sworn to before me this day of **16**, 20

..... **17**
NOTARY REGISTRATION NUMBER

..... **18**
[] MAGISTRATE [] NOTARY PUBLIC
(My commission expires: **18**)

AFFIDAVIT FOR SUMMONS FOR DANGEROUS DOG OR VICIOUS DOG

..... **19**

OWNER OF DOG (LAST, FIRST, MIDDLE NAME) [] MINOR

.....
ADDRESS

.....
ADDRESS TELEPHONE NUMBER

.....
CUSTODIAN OF DOG (LAST, FIRST, MIDDLE NAME)

.....
ADDRESS

.....
ADDRESS TELEPHONE NUMBER

.....
NAME OF PARENT/LEGAL GUARDIAN OF MINOR DOG OWNER

.....
ADDRESS

.....
ADDRESS TELEPHONE NUMBER

Data Elements

1. Insert general district court name.
2. Check appropriate title for applicant.
3. Check whether it is alleged that the do is a dangerous dog or a vicious dog.
4. Insert facts supportive of statement made above.
5. Insert description of dog.
6. Insert location of dog.
7. Check appropriate box and provide name(s) of person or persons responsible for dog, if known.
8. Check if applicant has personal knowledge of facts provided above.
9. Check if appropriate and provide required information.
10. Check appropriate box and, if third box checked, provide local ordinance number and insert name of locality.
11. Date of signing.
12. Signature of applicant. Check appropriate box.
13. Printed name of applicant, applicant's telephone number and name of applicant's agency.
14. Indicate the state in which acknowledgment is taken.
15. Locality in which acknowledgment is taken. Check the applicable box to indicate city or county.
16. Insert date of acknowledgment.
17. Insert notary's registration number.
18. Signature of notary public taking acknowledgment and expiration date of commission.
19. Provide name, address, and telephone number of individuals identified in Data Element No. 7.

Using This Form

1. Copies
 - a. Original – after execution to general district court.
 - b. First copy – to owner or custodian of dog.
 - c. Additional copies to others as dictated by local practice.
2. Preparation
 - a. Front – prepared by issuing judicial officer.
 - b. Reverse – prepared by general district court.
3. Attachments
 - a. District court form DC-395, AFFIDAVIT FOR SUMMONS FOR DANGEROUS DOG OR VICIOUS DOG, if separate form used.
 - b. Affidavit of applicant.
4. Preparation details –
 - a. The summons should be issued only if the contents of the application and/or affidavit provide sufficient proof of probable cause that all factors of animal behavior, ownership or custodianship (if known), and jurisdiction are present.
 - b. Space is provided for hearing return date and continuation dates in Data Element No. 24 (front). Magistrates issuing Summons should insert date in Data Element No. 15 (front).

Data Elements, page one

1. Court case number.
2. General district court name.
3. General district court street address.
4. Check appropriate box and, if box for local ordinance checked, insert code section number and identify locality.
5. Check box indicating whether applicant is alleging dog is a dangerous dog or a vicious dog.
6. Check appropriate box and, if second box checked, attach supportive affidavit.
7. Provide location of dog and check appropriate box and insert name of locality.
8. Describe dog.
9. Provide name(s) of person or persons responsible for dog.
10. Date of signature by applicant.
11. Signature of applicant. Check appropriate box for title of applicant.
12. Printed name of applicant, applicant's telephone number and name of applicant's agency.
13. Check appropriate box and, if box for local ordinance checked, insert code section number, check appropriate box and insert name of locality.
14. Date and time of issuance of Summons.
15. Signature of magistrate issuing Summons.
16. Hearing date and time.
17. Check whether Summons is being issued for allegations of a dangerous dog or a vicious dog.
18. Check appropriate box and insert name of locality in which dog located.
19. Check appropriate box and, if third box checked, insert code section number, check appropriate box and insert name of locality.
20. Name of jurisdiction whose laws are being violated.
21. Provide name, address, and telephone number of respondent owner, custodian, or custodial parent/legal guardian of minor owner of dangerous dog or vicious dog.
22. Name and address of attorney for person(s) identified in Data Element No. 21.
23. Date and time of service of Summons.
24. Signature of officer who served the Summons.
25. Badge number of serving officer, the agency and jurisdiction employing the serving officer.
26. Hearing date and time. *See* Using this Form, 4(b).

Statutory Definitions

Va. Code §§ 3.2-6540, 3.2-6540.1

Case No. **1**

“Dangerous dog” means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog’s owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines that, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

“Vicious dog” means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

DISPOSITION

PRESENT: [] **2** [] named respondent(s)

3 [] The court orders the owner, custodian or harbinger of the animal, namely , to produce the animal and deliver it to the local animal control officer.

FINDINGS: [] The court finds that the owner of the dog is **4**

5 [] The court finds that the dog’s owner is a minor, whose custodial parents/legal guardian is

6 [] The court finds that the canine or crossbreed described in the Application for Summons is a dangerous dog and orders to:

- (1) Obtain a dangerous dog registration certificate from the local animal control officer or treasurer within 45 days of this order, shall affix the tag that is provided by the local animal control officer or treasurer to the animal’s collar, shall ensure that the animal wears the collar and tag at all times, and shall comply with all ongoing registration certificate renewal requirements of Virginia Code § 3.2-6540 or of the applicable local ordinance.
- (2) Confine the dog while on the property of its owner and control the dog when off its owner’s property at all times in a manner that satisfies the requirements of Virginia Code § 3.2-6540 of the applicable local ordinance.
- (3) Provide notice to the local animal control officer of all of the information and circumstances that are required to be provided by the owner of a dangerous dog to the local animal control officer pursuant to Virginia Code § 3.2-6540 or of the applicable local ordinance, within the time frames that are established in the statute.

7 [] The court finds that the canine or crossbreed described in the Application for Summons is a vicious dog and orders the animal euthanized in accordance with the provisions of Virginia Code § 3.2-6562 or of the applicable local ordinance.

8 [] Upon finding the animal to be a dangerous dog or vicious dog, the court orders

[] restitution for actual damages of \$ to be paid to
by DATE by OWNER, CUSTODIAN OR HARBORER

9 [] expenses incurred of \$ for caring and providing for such animal while confined to be paid to COUNTY, CITY OR TOWN by DATE by OWNER

10 [] The court finds that the canine or crossbreed described in the Application for Summons is [] not a dangerous dog [] not a vicious dog and, therefore, this Summons is dismissed.

11

DATE

12

JUDGE

EXECUTED by delivering a true copy of this order to the respondent in person today.

13

DATE AND TIME OF SERVICE

14

, SERVING OFFICER

15

BADGE NO., AGENCY AND JURISDICTION

EXECUTED by delivering a true copy of this order to the respondent in person today.

13

DATE AND TIME OF SERVICE

14

, SERVING OFFICER

15

BADGE NO., AGENCY AND JURISDICTION

Data Elements, page two

1. Case number.
2. Check appropriate box and insert name of person (s) where applicable.
3. Check this box and insert name of owner, custodian or harbinger of the dog if ordering that person to deliver the dog to the local animal control officer.
4. Check box and insert name of owner or the dog, if applicable.
5. Check this box if the owner of the dog is a minor, and insert name(s) of custodial parents or legal guardian.
6. Check this box if the dog, described in the Application for Summons on page 1, is found to be a dangerous dog and insert name of person who is ordered to comply.
7. Check this box if the dog, described in the Application for Summons on page 1, is found to be a vicious dog and order to be euthanized pursuant to Virginia Code § 3.2-6562 or the applicable local ordinance.
8. Check this box if the court is ordering the payment of restitution and/or expenses incurred for confinement of the animal.
9. If Data Element No. 8 is checked, check the applicable boxes and insert the appropriate information to indicate the court-ordered restitution and incurred expenses.
10. Check this box if dog, described in the Application for Summons on page 1, is found not to be a dangerous dog or a vicious dog and the Summons is dismissed.
11. Date of entry of order.
12. Signature of judge.
13. Date and time of service of order.
14. Signature of officer who served the order.
15. Badge number of serving officer, and the agency and jurisdiction employing the serving officer.

Using This Form

1. Copies
 - a. Original – filed by magistrate.
 - b. First copy – attached to original of general district court form DC-398, WARRANT – DEPREDACTION BY DOG.
 - c. Second copy – attached to copy of general district court form DC-398, WARRANT – DEPREDACTION BY DOG to be left with owner or custodian of dog.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by applicant-affiant; acknowledged by magistrate or notary public.
3. Attachments
 - a. District court form DC-398, WARRANT – DEPREDACTION BY DOG.
 - b. Additional descriptions for various data elements. See Using This Form, 4.b.
4. Preparation details
 - a. The animal control officer or law enforcement officer should consult their local government attorney if assistance is needed in preparing this affidavit.
 - b. While DC-398 WARRANT – DEPREDACTION BY DOG has space allotted for application for summons, there is limited space provided on the form. Therefore, DC-397 AFFIDAVIT FOR WARRANT FOR DEPREDACTION BY DOG may be preferred.
 - c. In completing certain data elements, additional sheets of paper may be needed to provide a complete response. When that situation arises, a copy of each additional sheet must be attached to each copy of the affidavit.

AFFIDAVIT FOR WARRANT FOR DEPREDATION BY DOG

Commonwealth of Virginia VA. CODE §§ 3.2-6543, 3.2-6552

I, the undersigned animal control officer, state under oath that

1. Based upon the facts below, I believe that the dog noted below is a livestock killer or has committed acts of depredation on livestock or poultry. I

also believe that **1** is (are) the owner(s) of the dog. If the dog is in the custody of someone other than the owner, the facts below name the custodian and the facts to support my belief that such person is the custodian of such dog.

2

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

[] Continued on attached sheet.

2. The description of the dog is as follows: **3**

.....

3. The dog is at the following location: **4**

.....

54. [] I have personal knowledge of the facts set forth in this affidavit. [] I was advised of the facts set forth in this affidavit, in whole or in part, by another person whose credibility or the reliability of the information may be determined from the following facts:

6

.....
.....

[] Continued on attached sheet.

7I request the issuance of a WARRANT – DEPREDATION BY DOG to the owner or owners and the custodian, if any, pursuant to

[] § 3.2-6552 [] LOCAL ORDINANCE

8

DATE

9

[] ANIMAL CONTROL OFFICER

[]

10

PRINT NAME

AGENCY

TELEPHONE NUMBER

11

State of [] City [] County of **12**

Acknowledged, subscribed and sworn to before me this **13** day of , 20

14

NOTARY REGISTRATION NUMBER

15

[] MAGISTRATE [] NOTARY PUBLIC

(My commission expires:)

AFFIDAVIT FOR WARRANT – DEPREDATION BY DOG

16

OWNER OF DOG (LAST, FIRST, MIDDLE NAME)

ADDRESS

CITY/STATE

TELEPHONE NUMBER

OWNER OF DOG (LAST, FIRST, MIDDLE NAME)

ADDRESS

CITY/STATE

TELEPHONE NUMBER

CUSTODIAN OF DOG (LAST, FIRST, MIDDLE NAME)

ADDRESS

CITY/STATE

TELEPHONE NUMBER

Data Elements

1. Insert name of person(s) identified.
2. Insert facts supportive of statement made above.
3. Insert description of dog.
4. Insert location of dog.
5. Check appropriate box setting forth facts.
6. If second box in Data Element No. 5 is checked, insert facts here.
7. Check appropriate box and, if second box checked, provide code section number.
8. Date of signing.
9. Signature of applicant. Check appropriate box below signature line.
10. Print name of applicant, applicant's telephone number and name of applicant's employing agency.

To be completed by person taking Acknowledgement.

11. Indicate state in which acknowledgement is taken.
12. Locality in which acknowledgement is taken. Check applicable box to indicate city or county.
13. Insert date of acknowledgement.
14. If acknowledgement taken by notary public, insert notary's registration number.
15. Provide signature of person taking acknowledgement. If notary public, provide expiration date of commission.
16. Provide name, address and telephone number of person(s) identified in Data Element Nos. 1 and 2 where appropriate.

Using This Form

1. Copies
 - a. Original – after execution to general district court.
 - b. First copy – to owner or custodian of dog.
 - c. Additional copies to others as dictated by local practice.
2. Preparation
 - a. Front – prepared by issuing judicial officer.
 - b. Reverse – prepared by general district court.
3. Attachments
 - a. District court form DC-397, AFFIDAVIT FOR WARRANT FOR DEPREDATION BY DOG (if separate form used).
 - b. Affidavit of applicant.
4. Preparation details
 - a. The Warrant should be issued only if the contents of the application and/or affidavit provide sufficient proof of probable cause that all factors of animal behavior, ownership or custodianship (if known), and jurisdiction are present.
 - b. Space is provided for hearing return date and continuation dates in Data Element No. 24 (front). Magistrates issuing Warrant should insert date in Data Element No. 13 (front).

Data Elements, page one

1. Court case number.
2. General district court name and street address.
3. Check appropriate box and, if second box checked, insert code section number and identify locality.
4. Check appropriate box and, if second box checked, attach supportive affidavit.
5. Provide location of dog and insert name of locality.
6. Describe dog.
7. Provide name(s) of owner or owners of dog, if known.
8. Provide name of custodian of dog, if known.
9. Date of signature by applicant.
10. Signature of applicant. Check box for title of applicant.
11. Printed name of applicant, applicant's telephone number and name of applicant's employing agency.
12. Check appropriate box and, if second box checked, insert code section number, check appropriate box and insert name of locality.
13. Date and time of hearing.
14. Check appropriate box and insert name of locality in which dog located.
15. Date and time of issuance of warrant.
16. Signature of magistrate issuing warrant.
17. Check appropriate box(es) and insert name of jurisdiction whose laws are being violated, if applicable.
18. Provide name, address and telephone number of defendant owner(s) or custodian of dog.
19. Name and address of attorney for person(s) identified in Data Element No. 18.
20. Insert name of person upon whom warrant and summons served.
21. Date and time of service.
22. Signature of officer who executed the warrant.
23. Badge number of serving officer, the agency and jurisdiction employing the serving officer.
24. Hearing date and time. See Using This Form, 4.b.

DISPOSITION

PRESENT:

1 named defendant(s)

FINDINGS:

2 The court finds that the dog is a livestock killer or has committed acts of depredation on livestock or poultry. Consequently, the court orders

..... to produce the dog and deliver it to the local animal control officer by the following date:

the animal control officer to kill the dog immediately.

..... to kill the dog immediately.

..... to remove the dog to the State/Commonwealth of , which does not border on the Commonwealth of Virginia, by the following date and to prohibit the return of the dog to Virginia.

3 The court finds that the dog is not a livestock killer and has not committed acts of depredation on poultry or livestock and therefore **dismisses** this case.

4
.....
DATE

5
.....
JUDGE

EXECUTED by delivering a true copy of this order to

6 in person today.

7
DATE AND TIME OF SERVICE

8 _____ , SERVING OFFICER

9
BADGE NO., AGENCY AND JURISDICTION

EXECUTED by delivering a true copy of this order to

6 in person today.

7
DATE AND TIME OF SERVICE

8 _____ , SERVING OFFICER

9
BADGE NO., AGENCY AND JURISDICTION

Data Elements, *page two*

1. Check appropriate box and insert name of person(s), if applicable.
2. Check appropriate box(es) and insert name of person(s) and date where applicable.
3. Check if applicable.
4. Date of entry of order.
5. Signature of judge.
6. Insert name of person upon whom order served.
7. Date and time of service of order.
8. Signature of officer who served the order.
9. Badge number of serving officer, the agency and jurisdiction employing the serving officer.

Using This Form

1. Copies
 - a. Original – after execution, filed with the clerk of the circuit court where the warrant was executed by those persons executing the warrant.
 - b. First copy – to custodian of place searched.
 - c. Additional copies – as dictated by local practice.
2. Attachments
 - a. Affidavit submitted by affiant identified in Data Element No. 4 (recommended).
3. Preparation details
 - a. An animal cruelty search warrant should be issued only if submitted request provides sufficient proof of reasonable cause to conclude animal cruelty law has been, is being, or is about to be violated in a particular building or place.
 - b. Officer should return executed warrants to the clerk of the circuit court where the warrant was executed. Unexecuted warrants should be returned to the judge or magistrate who issued the warrant. When return of an unexecuted warrant is made, the judge or magistrate should mark the warrant “void for lack of execution.”

SEARCH WARRANT – CRUELTY TO ANIMALS

Commonwealth of Virginia

VA. CODE § 3.2-6568

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth to forthwith search the following building or place

1

.....
.....
.....
.....
.....
.....
.....
.....

..... to determine whether law(s) relating to cruelty to animals have been, are being, or are about to be violated in the following respect(s):

2

.....
.....
.....
.....
.....
.....
.....

This SEARCH WARRANT – CRUELTY TO ANIMALS is issued in relation to a violation substantially described as follows:

3

.....
.....
.....
.....
.....

I, the undersigned, have found reasonable cause and believe that the law(s) in relation to cruelty to animals have been, are being, or are about to be violated as specified herein in a particular building or place or identified herein and further that the search should be made, based on the statements in the attached affidavit sworn to by

4

.....
NAME OF AFFIANT
 ANIMAL CONTROL OFFICER HUMANE INVESTIGATOR LAW ENFORCEMENT OFFICER
 STATE VETERINARIAN'S REPRESENTATIVE

5

DATE AND TIME

6

MAGISTRATE JUDGE

FILE NO.

7

**SEARCH WARRANT –
CRUELTY TO ANIMALS**

COMMONWEALTH OF VIRGINIA

v./In re

8

EXECUTION

Executed by searching the within described building or place.

9

DATE AND TIME EXECUTED

10

EXECUTING OFFICER

Returned to Clerk of

11

CITY OR COUNTY WHERE EXECUTED

Circuit Court

12

DATE

on

13

SIGNATURE

14

NAME AND TITLE

Data Elements

1. Insert reasonable description of building or place to be inspected.
2. Insert facts supportive of statements above.
3. Insert description of violation.
4. Insert name of affiant and check appropriate box indicating title of affiant.
5. Insert date and time warrant issued.
6. Signature of person issuing the warrant. Check appropriate box below signature line.
7. Insert file number.
8. Name of entity or individual whose property is to be searched.
9. Date and time warrant executed.
10. Signature of executing officer.
11. Name of circuit court to whose clerk the warrant was delivered.
12. Date on which the warrant was delivered to circuit court identified in Data Element No. 11.
13. Signature of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 11.
14. Name and title of person delivering the warrant to the circuit court clerk's office identified in Data Element No. 11.