

VIRGINIA
EIGHTH JUDICIAL CIRCUIT



RULES
of the
**HAMPTON CIRCUIT
COURT**

Last Revised: March 23, 2026

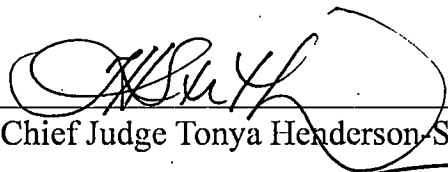
VIRGINIA: IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT

In re: LOCAL RULES & PREFERRED PRACTICES


ORDER ADOPTING LOCAL RULES & PREFERRED PRACTICES

Pursuant to Virginia Code Section 8.01-4 and Rule 1:15 of the Rules of the Virginia Supreme Court, the judges of the Eighth Judicial Circuit unanimously adopt the attached Local Rules and Preferred Practices, having determined they are necessary to promote proper order and decorum of matters before the Eighth Judicial Circuit Court.

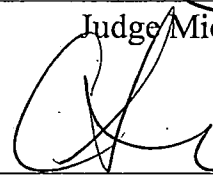
ENTERED this 23rd day of March, 2026



Chief Judge Tonya Henderson-Stith



Judge Michael A. Gaten



Judge Corry N. Smith

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Rule 1.1 – Terms, Title, and Construction:

- A. **Terms:** There shall be six (6) terms of this Court, which shall commence on the first Monday of February, April, June, August, October, and December.
- B. **Title:** These rules are known as the Eighth Judicial Circuit Local Rules (hereinafter “Rules”) and may be cited as “8th Cir. R.”
- C. **Purpose:** The judges of the Eighth Judicial Circuit unanimously adopt these rules to promote uniformity for practitioners, to assist the parties, counsel, and the Court, and to expedite hearings. In addition, all parties, whether *pro se* (self-represented) or with counsel should have equal access to information governing proceedings before the Court. These Rules are promulgated in part to promote equal access to information by all who appear before the Court.
- D. **Applicability:** These Rules apply to all parties – including self-represented litigants, attorneys, and any attorney appointed as a guardian *ad litem* – that appear in the Eighth Judicial Circuit Court of Virginia. If a party is acting *pro se*, reference in these rules to “counsel” means self-represented litigants, except where otherwise provided.
- E. **Construction:** These rules are issued pursuant to Virginia Code Section 8.01-4 and Rule 1:15 of the Rules of the Virginia Supreme Court, this Court having determined they are necessary to promote proper order and decorum of matters before the Eighth Judicial Circuit Court. These rules are not intended to be exhaustive and may be supplemented by local practice or modified in a particular case at the discretion of the presiding judge. In accordance with Rule 1:15 of the Rules of the Supreme Court of Virginia, a copy of these orders with the dates of entry shall be posted in the Clerk’s Office, filed with the Executive Secretary of the Supreme Court of Virginia, and made available to attorneys practicing before this court. All prior rules of this Court not contained herein are revoked. In addition to these local rules, the Court expects all parties to follow all applicable Rules of the Supreme Court of Virginia.

Rule 1.2 – General Provisions:

- A. **Sanctions:** Failure to follow any of these Rules may result in sanctions at the discretion of the presiding judge.
- B. **Punctuality:** All counsel appearing in cases listed on the docket are expected to arrive punctually in the appropriate courtroom at the beginning of the docket. When selecting dates, the attorney and parties are expected to be able to appear in Circuit Court at the scheduled time, to allow the court to address all matters timely. A pattern of unexcused tardiness or ill preparedness may result in removal from the court-appointed list or other sanctions. In the event of tardiness, attorneys and parties must notify the respective

Executive Assistant to the Part in which they are scheduled to appear and the Clerk's Office.

Rule 2.1 – Holidays:

- A. In accordance with the provisions of Virginia Code § 2.2-3300, enumerating the legal holidays observed in the Commonwealth of Virginia, the Court and the Clerk's Office of the Circuit Court of the City of Hampton shall be closed on:
- a. January 1 – New Year's Day;
 - b. The third Monday in January – Martin Luther King, Jr. Day;
 - c. The third Monday in February – George Washington Day;
 - d. The last Monday in May – Memorial Day;
 - e. June 19 – Juneteenth;
 - f. July 4 – Independence Day;
 - g. The first Monday in September – Labor Day;
 - h. The second Monday in October – Columbus Day and Yorktown Victory Day;
 - i. The Tuesday following the first Monday in November – Election Day;
 - j. November 11 – Veterans Day;
 - k. The fourth Thursday in November and the Friday next following – Thanksgiving Day; and
 - l. December 25 – Christmas Day;

Or, whenever any of such days fall on Saturday, the Friday next proceeding such day, or whenever any of such days fall on Sunday, the Monday next following such day; and any day so appointed by the Judicial Council of Virginia, the Governor of this Commonwealth, or the President of the United States, shall be a legal holiday as to the transaction of all business or until modified by further order of this Court.

Rule 3.1 – Courtroom Decorum:

- A. The purpose of the following protocol is to emphasize, not supplant, certain portions of the ethical principles applicable to an attorney's conduct in the courtroom and to preserve the dignity of the courtroom and judicial process.
- B. In all professional functions an attorney should be competent, prompt, and diligent. The best standards for courtroom decorum in all situations consist of common sense, courtesy, and good manners. Attorneys are officers of the court and they should conduct themselves accordingly. These standards are also intended to further efficient and orderly Court operation and to ensure that all parties who come before the Court receive a fair trial.

C. Counsel shall at all times conduct and comport themselves with dignity, propriety, and civility; this includes, but is not limited to:

1. Counsel should be on time for each Court session or appointment. Court engagements take precedence over any other business. Settlement or plea negotiations should take place before the day of trial.
2. Counsel should come prepared for each Court session. This includes having made sufficient contact with their client and witnesses, and being prepared to argue any points of law that may arise and having reviewed any applicable colloquies with the client. Failure to interview or otherwise make contact with a client may not be an acceptable basis for a continuance.
3. All persons, unless physically unable, should stand when Court is opened, recessed, or adjourned. When addressing, or being addressed by the Court, counsel shall rise unless excused therefrom by the Court. Statements and communications to the Court shall be clearly and audibly made from a standing position at the counsel table facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.
4. Attire for counsel shall be professional, restrained, and appropriate to the dignity of a Court of the Commonwealth of Virginia.
5. Counsel should address all remarks, other than examination of a witness, to the Court, not to opposing counsel or the opposing party.
6. Counsel shall refer to all persons, including witnesses (except children), other counsel, and the parties, by their surnames and not by their first or given names, unless otherwise permitted by the Court.
7. Counsel shall refrain from disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses. Bickering between counsel during the course of a hearing or trial is impermissible.
8. Counsel shall refrain from making – and shall admonish all persons at the counsel table who make – gestures, facial expressions, audible comments, or the like; as manifestations of approval or disapproval during the testimony of witnesses, during argument of counsel, after a ruling of the Court, and at any other time; this behavior is strictly prohibited and may be deemed contempt pursuant to Virginia Code Section 18.2-456, and/or a violation of Virginia Rule of Professional Conduct 3.5(E).

9. Examination of witnesses shall be conducted by counsel standing behind the counsel table or podium. Counsel must receive permission from the Court to approach the witness for any purpose, including for presenting, inquiring about, or examining the witness with respect to an exhibit. Only one attorney for each party may participate in the examination or cross-examination of a witness.
 10. Only material related to the Court's business may be read at counsel table. Non-court related reading (such as newspapers, books, or magazines) are prohibited at counsel table. Electronic devices are permitted at counsel table only for counsel to consult calendars, for scheduling purposes, or other information related to a case or other court business; all other uses shall only occur in the gallery or outside the courtroom. Cellular telephones and other noise-making electronic equipment must be placed in silent mode or turned off while Court is in session.
 11. Counsel shall refrain from having conversation in the courtroom and from approaching someone at counsel table while Court is in session. All movement in and out of the courtroom shall be in a quiet and non-disruptive manner.
 12. Counsel shall be mindful that Virginia Rule of Professional Conduct 3.3(a)(3), with regard to candor toward a tribunal, mandates that an attorney shall not knowingly fail to disclose to the Court any controlling legal authority in the Commonwealth known to the attorney to be adverse to the position of their client and not disclosed by opposing counsel.
 13. All objections shall be made promptly with the legal ground(s) for the objection stated. Speaking objections are not permissible.
- D. It is the expectation of the Court that all professionalism exhibited in Court will also be exhibited to all court personnel.

Rule 4.1 – Civil Docketing Procedures:

- A. Any party who desires to have a civil action or cause set for trial will notify the Clerk of Court by filing a praecipe (see Appendix Form 1). Only those cases in which a praecipe has been received and filed by the Clerk will be set. After the praecipe is filed, the Clerk will forward a letter to all counsel and/or unrepresented parties requesting that they coordinate their available dates and contact the Executive Assistant for the assigned Court to set the trial date or a hearing on any exception.

- B. All other matters (i.e., motions, pretrial conferences, pendente lite hearings) shall also be set by contacting the Executive Assistant for the assigned Court for a date.
- C. All Juvenile and Domestic Relations Court Civil Appeals will be set on Wednesdays at 1 p.m., except for the Wednesday that falls on the week of Grand Jury.

Rule 4.2 – Pretrial Judicial Settlement Conferences:

- A. In accordance with Rule 1:19, this Court utilizes Judicial Settlement Conferences for all contested civil matters set before it.

Rule 4.3 – Civil Motions Practice:

- A. Consistent with Virginia Supreme Court Rule 4:15 – All civil case motions will be set with the Executive Assistant for the Part in which the case is scheduled. No motions, pleadings, notices, or other documents are to be transmitted to the Executive Assistants without leave of court or otherwise prior approval.
- B. Reasonable notice of the presentation of a motion must be served on all counsel of record. Absent leave of court, and except as provided in paragraph (c) of this Rule, reasonable notice must be in writing and served at least seven (7) days before the hearing. Counsel of record must make a reasonable effort to confer before giving notice of a motion to resolve the subject of the motion and to determine a mutually agreeable hearing date and time. The notice must be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to decrease, in every way possible, the filing of unnecessary motions, and to narrow the issues to be decided by the court. Absent binding authority to the contrary, a duty to confer to resolve a dispute without court action – whether imposed by the Rules of the Supreme Court or by order – will be interpreted to require consultation in person or by telephone to explore the possibility of resolving or narrowing the matters in controversy. Every Notice of Hearing must include the amount of time that has been allotted by the Court. Best practices in this Court would be for the notice of hearing to be served as soon as the hearing is scheduled.
- C. **Do not include the Executive Assistants or Court staff on any electronic messages unless said message is initiated by Court staff with instructions to respond by return message or otherwise authorized in advance.**
- D. This Court requires all parties to file briefs in support of or in opposition to a motion. Any such briefs should be filed with the court and served on all counsel of record sufficiently before the hearing to allow consideration of the issues involved. Absent leave of court, if

a brief in support of a motion is five (5) or fewer pages in length, the required notice and the brief must be filed and served at least fourteen (14) days before the hearing and any brief in opposition to the motion must be filed and served at least seven (7) days before the hearing. If a brief will be more than five (5) pages in length, an alternative hearing date, notice requirement, and briefing schedule may be determined by the court. Absent leave of court, the length of a brief may not exceed twenty (20) pages, double spaced. All briefs should be in twelve (12) point font size in Times New Roman font. Best practices in this Court would be for all motions and briefs in support to be filed at the time the hearing date is selected.

- E. Exhibits: Documents filed with the Court pursuant to these Rules or otherwise are not evidence until properly admitted at a hearing. Counsel must confer regarding evidentiary exhibits to avoid the admission of identical or otherwise duplicative documents.

Rule 4.4 – Civil Orders:

- A. In all civil cases where a party is represented by an attorney, the attorney will prepare the final order for the Court to sign. The Court will give the attorney at least two weeks to prepare the Order. If more time is needed, an extension can be requested and granted at the Court's discretion.
- B. In all civil cases, any order drafted by an attorney memorializing a ruling of the Court must include, beneath the judge's signature line, the name of the judge who made the ruling.
- C. Except as dispensed with in the Court's discretion pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia, all orders must be endorsed by all counsel of record or by the parties if not represented by counsel, and include the name of each attorney or party typed or printed below their respective endorsement.
- D. All civil orders must list the names of all parties involved (No 'et al'). Failure to do so creates an issue when recording judgments and land records and could cause your case to be dismissed incorrectly.

Rule 4.5 – Transcripts and Statements of Facts and Testimony:

- A. The Court encourages counsel and parties to arrange for a court reporter at hearings and trial for civil matters.

Rule 4.6 – Child Support and Spousal Support Guidelines:

- A. If a party is represented by an attorney in a Child Support or Spousal Support case, the attorney will calculate and provide Child Support and Spousal Support guidelines. If neither party is represented by an attorney but a *guardian ad litem* is involved in the case, the *guardian ad litem* will calculate and provide guidelines for the Court to consider.

Rule 4.7 – Guardians Ad Litem for Children – Filing of Reports:

- A. The guardian ad litem (“GAL”) appointed in the district court shall continue to serve on the appeal of the case in this Court unless relieved by order of this Court.
- B. In all cases involving child custody, visitation, or parenting time, where a GAL has been appointed for the child(ren), the GAL shall abide by the Standards to Govern the Performance of Guardians Ad Litem for Children promulgated by the Supreme Court of Virginia, which are in effect at the time of representation.
- C. In all such cases, the guardian ad litem shall file with the Court a written report containing the GAL’s findings with recommendations, and the basis for those recommendations. The original written report must be filed with the Clerk of Court, with copies delivered to Judges’ Chambers and to all parties, **at least ten (10) days in advance** of a scheduled hearing at which custody, visitation, or parenting time is at issue.

Rule 4.8 – Remote Participation in Civil Hearings:

- A. Consistent with Virginia Supreme Court Rule 1:27, a written motion must be filed with the Clerk’s Office for an attorney or witness for a party to appear remotely, at least 15 days in advance of the trial or hearing. Any party opposing a written motion must file any objections in writing 5 days after service of such motion, unless a different schedule is set by the court. Please use Appendix Form 2 to request remote participation.
- B. Any oath administered to a party or witness testifying by means of audiovisual technology shall be deemed to have been administered within the Commonwealth.

Rule 5.1 – Criminal Docketing Procedures:

- A. When a case is ready to be set for trial in the Circuit Court, counsel or litigants, if they are self-representing, shall coordinate in General District Court or Juvenile and Domestic Relations Court an Arraignment date in Circuit Court. At the Arraignment date, the Defendant can either enter into a plea agreement with the Commonwealth or set the case for trial by jury or trial by a judge and handle any other relevant motions. Other than bail hearings and probation violations, the case must proceed in the particular Part in Circuit Court as assigned at arraignment without leave of the Judge. It is strongly encouraged that a Scheduling and Discovery Order (see Appendix Form 3) be entered at this date.
1. Bench Trials will be set at 10:30 a.m. on Mondays, Tuesdays, Thursdays, and Fridays, except for the first full week of the month.
 - a. Protracted Bench Trials dates will need to be coordinated in advance of the duty docket with the Part that the case is assigned to. Protracted Bench Trial dates are set at either 9 a.m. or 2 p.m., depending on the Judge's availability.
 2. Jury Trials will be set with the Part where the case is assigned.
- B. All General District Court Commonwealth Attorney and City Attorney Appeals will be set on the first Wednesday of the first full week of the month at 10:30 a.m. for City Attorney Appeals and 1 p.m. for Commonwealth Attorney Appeals.
- C. The Circuit Court will have general dockets, or "duty dockets" Mondays, Tuesdays, Thursdays, and Fridays each week, except for the first full week of the month. On the first full week of the month, the Court will have duty dockets on Monday, Wednesday, and Friday. Duty dockets will begin promptly at 9 a.m.
1. Sentencings that are protracted will be set at 10:30 a.m. or 2 p.m., depending on the availability of the Court. Please contact the Executive Assistant of the Part that the Sentencing will be heard to coordinate a protracted sentencing date.
 2. Motions to Suppress will be heard at 10:30 a.m. or 2 p.m., depending on the availability of the Court. Motions to Suppress will not be heard on the 9 a.m. docket. Please contact the Executive Assistant of the Part that the case is assigned to coordinate a date. **Do not schedule a motion to suppress prior to filing your motion either physically or electronically with the Clerk of Court. Notice must be given to the opposing party.** All motions will be filed on or before **ten (10) days** prior to trial, all responses to said motions will be filed on or before **seven (7) days** prior to trial, and any unresolved motion(s) will be set for hearing no later than **three (3) business days** before the trial date. This does not apply to relevant motions *in limine* or motions to dismiss based on speedy trial. This

further does not limit counsel from making timely objections, motions at trial for issues that may arise, or any motions that are allowed before or during trial consistent with Va. Sup. Ct. R. 3A:9(b)(1) and 3A:9(c). A trial date will not be changed to a motions hearing without an order of the Court. Do not transmit any motions to the Executive Assistants without prior authorization.

3. Revocation Hearings – Once a capias is executed, the Criminal Clerks will set a First-In hearing as soon as possible. The Commonwealth’s Attorney’s Office, Court Deputies, Defense Attorneys, and Probation will be notified. If desired, and all participants are present, a Revocation hearing may go forward at the First-In hearing. If not, an agreeable date will be set on the next available court date.
 4. Bond Hearings – Defense counsel will call the Docket Coordinator to obtain a date. Bond Hearing Appeals will be scheduled within seven (7) days of their appeal. The Docket Coordinator will contact the Commonwealth’s Attorney and Court Deputies so that arrangements can be made for the hearing. Pursuant to Virginia Code § 19.2-158, Bond Hearings initiated in Circuit Court will be held as soon as practicable but in no event later than three (3) calendar days, unless requested otherwise. If you have scheduled a Bond Hearing and wish to withdraw your bond hearing, please fill out Appendix Form 4 and submit it to the Court in advance of the hearing date. **Do not include the Executive Assistants on messages for the Docket Coordinator unless authorized by that Executive Assistant.**
 5. A person arrested on a capias will be set the next business day, or as soon thereafter as possible. Lock-up will fax the executed capias to the Criminal Division of the Circuit Court, immediately, so that a defendant is placed on the docket promptly. Criminal Clerks will confirm a date with the Commonwealth’s Attorney and defense attorney. New counsel will be appointed, if necessary.
- D. Grand Jury will take place on the first Monday of each month, except for holidays, then it will be held the first Monday thereafter.

Rule 5.2 – Preferred Criminal Practices:

A. New Counsel

1. Individuals appearing in Circuit Court have the opportunity to retain their own counsel, to have the Court appoint an attorney to represent them if they are indigent, or, with Court's permission, to waive counsel and represent themselves.
2. If a private attorney is retained, the attorney is required to file a letter of representation with the Court in advance of the hearing date, coordinate a new hearing date with the Commonwealth's Attorney Office, and send a motion to remove the currently scheduled hearing from the docket.

B. Withdrawal of Counsel

1. When there is an ethical concern regarding the representation of a client where an attorney can no longer represent a client, it is the expectation of the Court that a motion to withdraw be filed as soon as possible so new counsel can be appointed to represent the accused.
2. Any attorney wishing to withdraw from a case should notify the Criminal Division of the Circuit Court, by written motion, as expeditiously as possible, with a clear statement of the reason, to ensure that new counsel is quickly appointed or retained. If the withdrawal is granted, a Withdrawal of Counsel Order Form (Appendix Form 5) must be completed in Court and submitted accordingly. New counsel will be appointed or retained counsel will be marked as attorney of record. Counsel of record shall not withdraw from a case except by leave of the Court, pursuant to Rule 1:5 of the Rules of the Supreme Court of Virginia, and withdrawal will only be permitted for good cause.
3. **In the circuit court, court-appointed counsel who is granted leave of court to withdraw and who terminates the representation prior to the conclusion of the case, is eligible for the statutory fee and the supplemental statutory waiver amount, but is ineligible for a fee for additional waiver.**

C. Substitution of Counsel

1. Any attorney who wishes to be substituted as counsel in a pending case must present an order endorsed by a Commonwealth's Attorney to the Criminal Division of the Circuit Court. If a new hearing date is required, the substituted counsel will coordinate a new date with the Commonwealth's Attorney and will submit a continuance form with the endorsement of all parties.

Rule 5.3 – Plea Agreement Procedures:

- A. Consistent with Rule 3A:8(c)(2), all plea agreements between the Commonwealth and the accused in felony cases must be reduced to writing. Consistent with Va. Code § 19.2-298.01, the parties will provide the Court with sentencing guidelines, submitted prior to Court on SWIFT, in all felony cases to include those involving deferred findings.
- B. All plea agreements will be typed and prepared prior to court. A continuance to type up a plea agreement may not be considered good cause.
- C. Defense counsel will discuss and complete the plea colloquy form with the accused in advance of court (see Appendix Form 6). Consequences for failing to complete the form in advance will be at the discretion of each Judge. Defendants may sign and initial the form at counsels' table only. Any further review of the form may result in the matter being re-scheduled. As the Court recognizes that several inmates are housed in locations that require a great distance to travel, the attorney room will be available while court is in session and space permits.
- D. Counsel should always be prepared to explain their rationale for a plea agreement, especially if the recommended sentence is outside the sentencing guidelines.
- E. If the Court rejects the plea agreement, the accused will be allowed to withdraw their plea of guilty. A continuance will be ordered to provide sufficient time for summoning witness and setting the case with a different judge. Any plea agreement offered to the Court after the rejection of an earlier plea agreement shall state that a previous plea agreement has been submitted.

Rule 5.4 – Grand Jury Waiver Procedures:

- A. When a plea agreement has been reached in the Hampton General District Court or the Hampton Juvenile and Domestic Relations District Court parties may waive indictment by a Grand Jury and set the matter as quickly as possible in Circuit Court for a plea (see Appendix Form 7).

Rule 5.5 – Transportation of Defendant:

- A. Consistent with Va Code § 19.2-240, **both** parties can request the transportation of the accused, if incarcerated (see Appendix Form 8). If neither party issues a transportation order when the accused needs to be present, the resulting continuance will be on joint motion and will not count towards speedy trial calculations. If a transportation order is issued and the Sheriff's Office or this Court are at fault for the accused not being

transported, then the continuance will count against the Commonwealth as the Sheriff's Office and the Court are part of the Commonwealth.

- B. Transportation orders issued within seventy-two (72) hours of a hearing are honored at the discretion of the Sheriff's Office. If a transportation order is issued at least seventy-two (72) hours in advance of a hearing and the Sheriff's Office cannot honor it, then the resulting continuance will be on joint motion and will not count towards speedy trial calculations.

Rule 5.6 – Criminal Division of Circuit Court:

- A. Most information should be communicated to the Criminal Division located in the Hampton Circuit Court Clerk's Office. Motions, Case Status Reports, Discovery Orders, Probation Reports, and all pertinent written documentation or orders will be received by the Criminal Division. All information may be faxed, except Probation Reports, with the understanding that originals of orders and motions must be received timely. The Criminal Clerks will receive and respond to phone calls when matters arise which need immediate attention, or other information is needed. Criminal files will remain in their current location, and the Criminal Clerks will be available to assist when needed.

Phone Numbers: 727-6105

Fax Number: 728-3367

- B. Forms mentioned in these Rules will be available at the clerk's office as well as online. Attorneys are encouraged to keep a supply on hand in their offices.
- C. **Note:** Emailing a copy of any filing does **not** count as proper filing. A physical copy must be filed with the clerk's office and the date and time stamp given to that physical filing is what will count for timeliness of filings. **Do not email the Executive Assistant without prior approval.**

Rule 6.1 – Jury Trial Procedures:

- A. Criminal Jury Trial Procedures:
 - 1. This Court utilizes Jury Status Check ("JSC") Hearings to resolve all possible issues prior to a jury being impaneled. JSC hearings will be set whenever a jury trial is scheduled. Attorneys or parties must confirm whether a jury must be impaneled. The Court also expects the parties to have both endorsed a Jury Status Checklist Form (see Appendix Form 9). If a jury is still needed and there are no issues, then no appearance is required by the parties as long as the Court is

informed of such, and the Jury Status Checklist form has been endorsed by the parties. If there is an issue, motion, or plea for the upcoming jury, the attorneys or parties must appear at the JSC to schedule accordingly.

2. Voir dire and proposed jury instructions should be exchanged in advance of the JSC hearing so any objections can be discussed at the JSC hearing, notwithstanding any that may arise as the trial proceeds.
3. The Court will consider a continuance request after a jury has been impaneled, and any such court costs incurred may be included as court costs at the conclusion of the case.
4. If a jury is not necessary after the Jury Status Check Hearing, the parties will email, as soon as possible, ideally no less than 48 hours prior to the jury start date, the following people to withdraw the request to impanel the jury: (1) the Executive Assistant of the part in which the jury is assigned, (2) the Court Administrator, (3) the Jury Coordinator, and (4) the Criminal Division of the Clerk's Office.

B. Civil Jury Trial Procedures:

1. Counsel for all parties, unless compliance is waived by the court, must, two days before a civil jury trial date, submit to the court a copy of all instructions such counsel proposes to request – in electronic or paper form as directed by the court – and noting thereon the authority or authorities relied upon for such instructions. Counsel may be required to exchange copies of proposed instructions. This rule does not preclude the offering of additional instructions at the trial. Va. Supreme Ct. Rule 1:15(c).

Rule 7.1 – Continuances:

- A. It is the formal policy of this Court to grant continuances only for good cause. All continuance requests are considered on a case-by-case basis.
- B. **Criminal case continuances** should be requested by written motion (see Appendix Form 10). Continuances should be requested as far in advance as possible of the hearing date. Motions for continuance on the morning of trial will be considered, and may result in the assessment of court costs at the conclusion of the case. If you are moving to continue a jury trial, said motion should be made in advance of trial to allow for timely notice to the venire people. If there is an objection to continuing a case, a hearing should be held in advance of the set trial date.

- C. **Civil case continuances** shall be requested by written motion. Counsel shall prepare and submit an endorsed order either before or at the hearing requesting the continuance. The order shall state upon whose request the continuance is granted; the date from which the trial or hearing is being continued; the new trial or hearing date; and any such other terms as the Court may require. If you are moving to continue a jury trial, the Court will expect you to make that motion in advance of trial. If there is an objection to continuing a case, a hearing should be held in advance of the set trial date.
- D. **Witness and Attorney availability** should be brought to any and all continuance request hearings so that a new trial date can be selected as quickly as possible without having to set a “To Be Set” hearing and delay the timely resolution of cases.

Rule 8.1 – Release of Witnesses under Subpoena:

- A. Counsel may release witnesses under subpoena **only** when counsel have agreed on all material terms of a plea agreement and the defendant has assented to the proposed plea agreement in writing; or if the defendant has assented to the proposed plea agreement orally **and** the case has been advanced on the docket.

Rule 9.1 – Court Appointed Counsel – Time Sheets:

- A. Court appointed attorneys shall submit their time sheets for services rendered at the conclusion of the hearing, so court costs can be finalized and assessed accordingly.
- B. **In the circuit court, court-appointed counsel who is granted leave of court to withdraw and who terminates the representation prior to the conclusion of the case, is eligible for the statutory fee and the supplemental statutory waiver amount, but is ineligible for a fee for additional waiver.**
- C. If you would like to submit your voucher online you may do so at this link:
<https://eapps.courts.state.va.us/dc40/landing>

Rule 10.1 – Clerk Worksheets; Notes of Judges and Court Staff To be Sealed:

- A. In all cases, any clerk worksheets and any notes of judges or court staff that are to be retained with the file for administrative purposes, shall be retained in the file under seal and not made a part of the record.

Rule 11.1 – E-Filing and OCRA:

- A. The Hampton Circuit Court utilizes the Judicial Information System Officer of the Court Remote Access System (OCRA) as well as E-Filing. For account creation, maintenance, support, and questions, please contact the Clerk’s Office.

Rule 11.2 – Clerk’s Office Deadlines and Information

- A. The cut-off time for E-Filing, Deed Recording, and Marriage Licenses is 3:30 p.m.
- B. Prior to issuing a marriage license, a final divorce decree must be provided to the clerk’s office.
- C. Faxed or Emailed pleadings for Civil Matters are not accepted. For emergency matters, you will need to contact the Judge’s Executive Assistant that is assigned to the case.
- D. All divorce petitions filed in the Hampton Circuit Court must include the original marriage certificate or a certified copy of the marriage certificate.
- E. **Note:** Emailing a copy of any filing does **not** count as proper filing. A physical copy must be filed with the clerk’s office and the date and time stamp given to that physical filing is what will count for timeliness of filings.

Rule 11.3 – Discharge of Fines and/or Costs by Community Service

- A. The Court has established the following program to provide an option for individuals who are unable to pay Court costs and/or fines to discharge all or part of the imposed costs and/or fines by earning credits for the performance of community service work:
 - 1. A defendant who owes fine and/or costs, whether the account is in default or not, who is unable to pay fines and/or costs, may apply to the Court for the option of discharging all or part of the fines and/or costs (not restitution) by performing community service. Only community services performed through the Court’s established program may count toward the discharge of fines and costs.
 - 2. If the defendant has more than one account delinquent or in default, the defendant may only apply to discharge the fines and/or costs in one delinquent case at a time. After such fines and/or costs have been discharged, the defendant may then apply for another delinquent account.
 - 3. A defendant who wishes to apply should submit an application form (see Appendix Form 11) to the Clerk. The Clerk will process the application and send

it to the Judge for approval. Once approved or denied, you will be contacted by the Clerk's office and be informed of such. After being informed of your approval, you can then begin your community service. Additional information about the program and additional requirements can be found in Appendix Form 12.

4. A defendant ordered to perform a specific number of community service hours as a condition of a sentence or required by a statewide program shall **not** be able to apply those hours to fines and costs.
5. The option of performing community service applies **only** to the discharge of fines and costs, **not to restitution**.

Rule 12.1 – Use of Artificial Intelligence

- A. The use of artificial intelligence (“AI”) is not prohibited in this Court. However, all attorneys and *pro se* litigants alike shall henceforth provide a disclosure in the form of a certification at the end of, or attached to, filings disclosing the use of AI in any pleading, exhibit to any pleading, memoranda, sketch order, or any other filing. Henceforth, all attorneys and *pro se* litigants shall also, ten (10) days before any trial or evidentiary hearing, file a certification disclosing the use of AI in any proposed exhibits (including demonstrative exhibits).
- B. Consistent with Virginia Code § 8.01-271.1(B), all parties employing AI bear the burden of exercising due care in reviewing filings before their submission to the Court to ensure they are “hallucination-free” and are otherwise well grounded in fact and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law. Accordingly, the failure to properly review filings that have been drafted, created, enhanced, or modified in any way by generative AI tools may violate the certification standard set forth in Va. Code § 8.01-271.1(B).
- C. Below is the model disclosure that meets the requirements set out above:
 - a. I hereby certify that artificial intelligence (“AI”) tools were utilized in the drafting, creation, enhancement, or modification of the instant filing. Pursuant to the duty found in Va. Code § 8.01-271.1(B), notwithstanding the assistance from AI tools, to the best of my knowledge, the content of this filing is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law. I acknowledge that this certification only applies to the instant filing.

APPENDIX

Form 1: Praecipe Form

Form 2: Remote Appearance Form

Form 3: Scheduling and Discovery Order Form

Form 4: Bond Withdraw Form

Form 5: Withdrawal of Counsel Order Form

Form 6: Plea Colloquy Form

Form 7: Grand Jury Waiver Form

Form 8: Transportation Order Form

Form 9: Jury Status Checklist Form

Form 10: Continuance Form

Form 11: Application for Community Service in Lieu of Paying Fines & Costs

Form 12: Community Service in Lieu of Paying Fines & Costs Information Sheet

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

Plaintiff

v.

Case No. _____

Defendant

PRAECIPE

I certify that the above styled matter is matured and ready for trial on its merits and request the Clerk to set it on the docket for trial with () or without () a jury.

Respectfully submitted:

Signature of requesting party/counsel

Printed Name of requesting party/counsel

Mailing Address

City/State/Zip

Telephone number

CERTIFICATE

I hereby certify that on the ____ day of _____, 20____, a true copy of the foregoing Praecipe was mailed or hand delivered to all counsel of record herein pursuant to Rule 1:12 of the Rules of the Supreme Court of Virginia, and served a true copy upon parties not represented by counsel, if any.

Signature of requesting party/counsel

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

_____,
Petitioner/Plaintiff,

v.

Case No. _____

_____,
Respondent/Defendant.

MOTION AND ORDER FOR REMOTE APPEARANCE UNDER RULE 1:27

THIS DAY, came the Attorney for the [] Petitioner/Plaintiff or [] Respondent/Defendant, upon their motion to allow [] themselves or [] a witness(es) to appear remotely for a hearing set on _____, 20__ at _____ A.M./P.M.

Person(s) wishing to appear remotely: _____

Contact information for person wishing to appear remotely:

Phone Number: _____

Email: _____

Contact information for person wishing to appear remotely:

Phone Number: _____

Email: _____

The reason for permitting the remote testimony is:

[] Consent of All Parties

[] A lay witness is at a greater distance than 100 miles from the place of trial or hearing, or is out of the Commonwealth, unless it appears that the absence of the witness was procured by the party offering the testimony

[] The witness is a superintendent of a hospital for the insane more than 30 miles from the place of trial, or is a physician, surgeon, dentist, chiropractor, registered nurse, physician's assistant or nurse practitioner who, in the regular course of his or her profession, treated or examined any party to the proceeding, or is in any public office or service the duties of which prevent his or her attending court; provided, however, that if the witness is subject to the jurisdiction of the court, the court may, upon a showing of good cause or sua sponte, order the witness to attend and to testify ore tenus.

WHEREAS, it appearing to the Court that such motion is proper and should be granted,
it is therefore **ORDERED** that _____ is allowed to
appear remotely for the hearing set on _____, 20__ at
_____ A.M./P.M.

ENTERED:

This _____ day of _____, 20__

JUDGE

Attorney for the Plaintiff/Petitioner

Attorney for the Defendant/Respondent

Signature

Signature

Printed Name

Printed Name

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,

v.

Case No. _____

_____,
Defendant.

SCHEDULING AND DISCOVERY MOTION AND ORDER

COMES NOW this day the Attorney for the Defense or the Defendant if proceeding pro se and the Attorney for the Commonwealth, upon **MOTION** of the Defense, hereby enter into the following agreements concerning the scheduling of trial, discovery, and certain incidents thereto:

1. The parties agree that speedy trial begins on this case on _____, 20__.
2. At this time, the Defendant anticipates that they: [] will plead guilty or [] will not plead guilty.
3. The Defendant requests trial: [] by jury or [] by the Court without a jury.
4. This case will be tried at 9:00 a.m. on _____, 20__. **The parties will be prepared to try the case on this date.** Counsel may excuse witnesses only after the defendant unequivocally indicates an intention to plead guilty or the Court has heard a motion to continue in advance of trial and has granted such motion.

****IF TRIAL BY JURY IS SCHEDULED, DEFENSE COUNSEL, THE COMMONWEALTH'S ATTORNEY, AND THE DEFENDANT WILL APPEAR IN CIRCUIT COURT BY 9:00 A.M. ON THE TRIAL DATE****

5. Counsel estimate that the trial will require _____ days / hours / minutes.
6. If a continuance is requested, an appropriate written motion will be made as far in advance of the trial date as practicable.
7. If trial by jury is requested, counsel must appear before the Court on _____, 20__, for a jury status hearing, unless written correspondence of both parties is sent to the Court in advance of this date stating that the jury trial will proceed as scheduled and no pre-trial issues remain for the Court to hear in advance of trial.
8. All motions will be filed on or before **ten (10) days** prior to trial, all responses to said motions will be filed on or before **seven (7) days** prior to trial, and any unresolved motion(s) will be set for hearing no later than **three (3) business days** before the trial date. This does not apply to relevant motions *in limine* or motions to dismiss based on speedy trial. This further does not limit

counsel from making timely objections, motions at trial for issues that may arise, or any motions that are allowed before or during trial consistent with Va. Sup. Ct. R. 3A:9(b)(1) and 3A:9(c). A trial date will not be changed to a motions hearing without an order of the Court.

The following is hereby ORDERED:

9. The Commonwealth's Attorney will provide, **not later than twenty-one (21) days before trial**, all discovery detailed below to the accused.

i. **Continuing Duty to Disclose:** If, after disposition of a motion under Rule 3A:11, counsel or a party discovers before or during trial additional material previously requested or falling within the scope of this Order or any other discovery order previously entered, that is subject to discovery or inspection under Rule 3A:11 but has not previously been disclosed, the party will promptly notify the other party or their counsel or the Court of the existence of the additional material. Va. Sup. Ct. R. 3A:11(h).

ii. If at any time during the pendency of the case it is brought to the attention of the Court that a party has failed to comply with this Order or another order issued pursuant to Rule 3A:11, the Court will order such party to permit the discovery or inspection of materials not previously disclosed and may grant such other relief authorized by Virginia law as it may in its discretion deem appropriate. Va. Sup. Ct. R. 3A:11(h).

10. Defense Counsel will provide, **not later than fourteen (14) days before trial**, all reciprocal discovery detailed below to the Commonwealth.

11. Any discoverable material (including witnesses not timely identified on a witness list) not forwarded in accordance with the deadlines established in this Order will not be received in evidence, except in rebuttal or for impeachment, or unless the admission of such material would cause no surprise or prejudice to the opposing party and the failure to turn over such material was through inadvertence.

12. This Scheduling and Discovery Order will apply to the charges pending and/or presented as of the date of the Defendant's preliminary hearing and to any additional charges that exist from the same act(s), occurrence(s), and/or transaction(s) presented to the Grand Jury at the time of this Order going into effect. Any additional charges sought and brought either through direct indictment or through an additional preliminary hearing that was presented to a different Grand Jury that may be joined to these charges after this Scheduling and Discovery Order is entered will be required to have another Scheduling and Discovery Order signed and entered by the parties.

Pursuant to Supreme Court of Virginia Rule 3A:11, the parties agree and are ORDERED to conduct discovery as follows:

Discovery by the Defendant

A. Reports: The Commonwealth will permit the accused, to inspect and review any relevant reports prepared by law enforcement officers made in connection with this case, including any written witness statements or written summaries of oral witness statements contained within such reports, that are known to the Commonwealth's attorney to be in the possession, custody, or control of the Commonwealth. Nothing in this Order requires that the Commonwealth provide the accused with copies of the relevant law enforcement reports, although it may do so in its discretion. The court's order providing for inspection and review of these reports is subject to the provisions of Section I or J of this Order regarding redaction and restrictions on dissemination of designated material. Va. Sup. Ct. R. 3A:11(b)(1).

B. Statements: The Commonwealth will permit the accused to inspect, review, and copy or photograph any written or recorded statements, or the substance of any oral statements, made by the accused to any law enforcement officer, or copies thereof, that are known to be within the possession, custody, or control of the Commonwealth. The Commonwealth will permit the accused, to inspect, review, and copy or photograph any such written or recorded statements, or the substance of any oral statements or confessions, made by the accused to any other person other than a law enforcement officer that the Commonwealth intends to introduce into evidence against the accused at trial; and any written or recorded statements, or the substance of any oral statements, made by a co-defendant or co-conspirator that the Commonwealth intends to introduce into evidence against the accused at trial. Va Sup. Ct. R. 3A:11(b)(2)(A), (B), and (C).

C. Reports of Examinations: The Commonwealth will permit the accused to inspect, review, and copy or photograph any written reports of autopsy examinations; ballistics tests; fingerprint analyses; handwriting analyses; blood, urine, and breath tests; other scientific reports, and written reports; or physical or mental examinations of the accused or the alleged victim(s) made in connection with this case that are known by the Commonwealth to be in its possession, custody, or control. Va. Sup. Ct. R. 3A:11(b)(2)(D).

D. Physical Items: The Commonwealth will permit the accused to inspect, review, copy, or photograph designated books, papers, documents, tangible objects, recordings, buildings or places, or copies or portions thereof, which are known to be within the possession, custody, or control of the Commonwealth, and which upon a showing that the items sought may be material to the preparation of the accused's defense, that the request is reasonable. Va. Sup. Ct. R. 3A:11(b)(3).

E. Criminal Record: The Commonwealth will make available to the accused, pursuant to Va. Code § 19.2-389, the accused's prior criminal record, if any, as is within the possession, custody, or control of the Commonwealth.

F. Designation of Expert Witnesses: The Commonwealth will notify the accused in writing, **not later than fourteen (14) days prior to trial**, that the Commonwealth intends to introduce expert testimony at trial or sentencing and provide to the accused: (i) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if no

such report exists, a written summary of the expected expert opinion testimony setting forth the witness's opinions and the bases and reasons for those opinions the Commonwealth intends to use at trial, unless the expert testimony is to be offered in response to a previously noticed expert of the accused, in which case the disclosure pursuant to this section must be provided **not later than five (5) business days prior to trial**, and (ii) the witness's qualifications and contact information. Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in Va. Code § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination will satisfy the requirements of this paragraph. Providing a report of autopsy issued by the Office of the Chief Medical Examiner, signed by hand or by electronic means, by the person performing the examination will satisfy the requirements of this paragraph. Va. Sup. Ct. R. 3A:11(b)(4)(A).

i. Nothing in Section F of this Order renders inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases and reasons disclosed pursuant to this Order, or the expert witness's qualifications, just because the further explanatory language was not included in the notice and disclosure provided under this Order.

G. Other Witnesses: The Commonwealth will disclose to the accused a written list of witnesses, **not later than ten (10) days before trial**, including names and addresses unless otherwise redacted as "Restricted Dissemination Material" ("RDM") or covered under any protective orders entered by the court authorized in this Order, expected to testify for the Commonwealth at trial or sentencing, EXCEPT that identification of confidential informants whom the Commonwealth does not intend to call at trial need not be disclosed. Va. Sup. Ct. R. 3A:11(b)(5) and (7).

H. Work Product: The Commonwealth is not required to disclose work product of the Commonwealth's Attorney, including internal memoranda, reports, witness statements, correspondence, legal research, or other internal documents prepared by the office of the Commonwealth's Attorney, or its agents, in anticipation of trial. Va. Sup. Ct. R. 3A:11(b)(6).

I. Redactions: The Commonwealth may redact the residential address, telephone number, email address and place of employment of any witness or victim, or any member of a witness's or victim's family, who satisfies the conditions outlined in § 19.2-11.2 of the Code of Virginia. The Commonwealth may redact the date of birth and social security number of any person whose information is contained in material or evidence provided pursuant to this Order. Va. Sup. Ct. R. 3A:11(c)(1)(A).

i. If the Commonwealth redacts personal identifying information pursuant to this subpart of the Order, the accused may file a motion seeking disclosure, it may order the Commonwealth to provide the redacted information. Should the court find good cause for disclosure, it may order the Commonwealth to provide the redacted information. In its discretion, the court ordering the provision of redacted personal identifying information may order that the information be identified as "Restricted Dissemination Material" pursuant to Section J of this Order. Va. Sup. Ct. R. 3A:11(c)(1)(B).

J. Restricted Dissemination Material (“RDM”)

i. The Commonwealth may designate evidence or disclosed materials as RDM by prominently stamping or otherwise marking items as such. Va. Sup. Ct. R. 3A:11(c)(2).

ii. The Commonwealth may designate any evidence or material subject to disclosure pursuant to this Order as RDM, without supporting certification, if the accused’s attorney agrees to the designation. Va. Sup. Ct. R. 3A:11(c)(2)(A).

iii. In the absence of an agreement by the attorney for the accused, the Commonwealth may designate any evidence or material as RDM by stamping or otherwise marking it as such. The Commonwealth will provide a certification in writing, upon information and belief, that (1) the designated material relates to the statement of a child victim or witness; (2) disclosure of the designated material may result in danger to the safety or security of a witness or victim, danger of a victim or witness being intimidated or tampered with, a risk of compromising an ongoing criminal investigation, or confidential law enforcement technique; (3) autopsy photographs, unless intended to be used as evidence; or (4) photos from SANE reports that show a victim’s intimate parts as defined in Va. Code § 18.2-67.10, unless intended to be used as evidence. Va. Sup. Ct. R. 3A:11(c)(2)(B).

iv. RDM may only be disclosed to the attorney for the accused, employees or agents of that attorney, or an expert witness. The accused’s attorney may orally communicate the content of the RDM to the accused or allow the accused to view the content of the RDM but will **not** provide the accused with copies of or permit the accused to reproduce, copy, or disseminate the RDM in any manner. Va. Sup. Ct. R. 3A:11(c)(2)(C).

v. If the Commonwealth designates evidence or material as RDM pursuant to Section J of this Order, the accused may at any time file a motion seeking to remove that designation from such evidence or material. Should the court find good cause to remove the designation, it may order that the evidence or material no longer be designated RDM. Va. Sup. Ct. R. 3A:11(c)(2)(D).

vi. **Within 21 days of the entry of a final order by this Court**, or upon the termination of the representation of the accused, the accused’s attorney will return to the court all originals and copies of any RDM disclosed pursuant to this Rule. The court will maintain such returned RDM under seal. Any material sealed pursuant to this subpart will remain available for inspection by counsel of record. For good cause shown, the court may enter an order allowing additional access to the sealed material as the court in its discretion deems appropriate. Va. Sup. Ct. R. 3A:11(c)(2)(E).

vii. If the accused is not represented by an attorney, the Commonwealth may file a motion seeking to limit the scope of discovery pursuant to this Rule. For good cause show, the court may order any limitation or restriction on the provision of discovery to any accused who is unrepresented by an attorney as the court in its discretion deems appropriate. Va. Sup. Ct. R. 3A:11(c)(2)(F).

Discovery by the Commonwealth

K. Reports: The accused will permit the Commonwealth to inspect and copy or photograph any written reports of autopsy examinations, ballistics tests, fingerprint analyses, handwriting analyses, blood, urine, and breath analyses, and other scientific testing within the possession, custody, or control of the accused that the defense intends to proffer or introduce into evidence at trial or sentencing. Va. Sup. Ct. R. 3A:11(d)(1).

L. Alibi: The accused will disclose to the Commonwealth whether the accused intends to offer a **defense of alibi**, and, if so, disclose the place at which the accused claims to have been at the time the alleged offense was committed. Va. Sup Ct. R. 3A:11(d)(2).

M. Findings of Insanity: Pursuant to Va. Code § 19.2-169.5, the accused will provide a copy of any results or reports of physical or mental examinations made in connection with the particular case if the accused intends to rely upon the **defense of insanity**, pursuant to Chapter 11 of Title 19.2 of the *Code of Virginia*; provided, however, that no statement made by the accused in the course of such an examination disclosed pursuant to this section will be used by the Commonwealth in its case-in-chief, whether the examination was conducted with or without the consent of the accused.

N. Designation of Expert Witnesses: The accused will notify the Commonwealth in writing, **not later than fourteen (14) days prior to trial** of the intent to introduce expert opinion testimony at trial or sentencing and provide to the Commonwealth: (i) any written report of the expert setting forth the witness's opinions and the bases and reasons for those opinions, or, if no such report exists, a written summary of the expected expert opinion testimony setting forth the witness's opinions and the bases and reasons for those opinions, the accused intends to use at trial, even if the expert testimony is to be offered in response to a previously-noticed expert of the Commonwealth, and (ii) the witness's qualifications and contact information. Va. Sup. Ct. R. 3A:11(d)(4)(A).

i. Nothing in Section N renders inadmissible an expert witness's testimony at the trial or sentencing further explaining the opinions, bases and reasons disclosed pursuant to this Order, or the expert witness's qualifications, just because the further explanatory language was not included in the notice and disclosure provided under this Order. Va. Sup. Ct. R. 3A:11(d)(4)(B).

ii. Providing a copy of a certificate of analysis from the Virginia Department of Forensic Science or any other agency listed in Virginia Code § 19.2-187, signed by hand or by electronic means by the person performing the analysis or examination, satisfies the requirements of Section O. Va. Sup. Ct. R. 3A:11(d)(4)(B).

O. Other Witnesses: The accused will disclose to the Commonwealth in writing, **not later than ten (10) days prior to trial** a written list of all witnesses, including their addresses, expected to testify for the accused at trial or sentencing. The defense attorney may redact the personal identifying information of any witness if so authorized by a protective order entered by the court pursuant to this Order. Va. Sup. Ct. R. 3A:11(d)(5).

P. Diminished Capacity Defense: Pursuant to Va. Code § 19.2-271.6, the accused will follow all notice and inspection requirements according to this code section, however, none of the statements made in the examination can be used by the Commonwealth in its case-in-chief, whether the examination was conducted with or without the consent of the accused.

Brady/Giglio Material

It is further **ORDERED** that the Commonwealth will comply with its obligations to promptly produce exculpatory material as required by *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), and *Giglio v. United States*, 405 U.S. 150 (1972). The constitutional and statutory duties of the Commonwealth's Attorney to provide exculpatory and/or impeachment evidence to the accused supersede any limitation or restriction on discovery provided pursuant to this Order.

Protective Order

Upon motion of either party and for good cause, the court may enter a protective order with regard to the discovery or inspection required by this Order. The court in its discretion may order any condition that it deems necessary to the orderly adjudication of the case or to the fair administration of justice. These conditions may include, but are not limited to: (i) a requirement that the parties not disclose the contents of any material or evidence disclosed or discovered pursuant to this Order in any public forum, including any website; (ii) a requirement that the parties not disclose the contents of any material or evidence disclosed or discovered pursuant to this Order to any third-party who is not an agent or employee of the parties or an expert witness; (iii) authorization to either party to withhold the residential address, telephone number, email address or place of employment of any witness not covered by the terms of Section J of this Order; or (iv) authorization for either party in appropriate circumstances to withhold from disclosure or place additional restrictions on dissemination of information otherwise discoverable but not exculpatory.

Should either party believe in good faith that the terms of a protective order entered by this court have been violated, such party may move the court to enforce the order and to impose any necessary and appropriate sanction authorized by Virginia law. Va. Sup. Ct. R. 3A:11(g).

Voir Dire and Jury Instructions

Both the Commonwealth and the Defense shall make all reasonable efforts to exchange Voir Dire and Jury Instructions **prior** to the jury status hearing date so any issues can be resolved or heard by the court **BEFORE** the day of trial.

Now the Court, **ORDERS** that the foregoing agreement be and hereby is adopted by the Court, and the parties are **ORDERED** to comply faithfully with same.

ENTERED:

This _____ day of _____, 20____

JUDGE

Attorney for the Commonwealth

Signature

Printed Name

Attorney for the Defense

Signature

Printed Name

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,

v.

Case No. _____

_____,
Defendant.

MOTION AND ORDER TO WITHDRAW BAIL HEARING

This day came the Attorney for the Commonwealth for the City of Hampton,
_____, and the Attorney for the Defense, _____
upon motion by the Defense to withdraw the above-styled matter.

WHEREAS, it appearing to the Court that such motion is proper and should be granted, it is therefore **ORDERED, ADJUDGED AND DECREED** that the above-styled case is hereby withdrawn on Defense motion.

Defendant was present for today's hearing: Yes No

This matter was before the Circuit Court on appeal from the General District Court. Therefore, this matter is removed from the docket of this Court and remanded back to the General District Court for any further consideration that may be required.

This matter was before the Circuit Court on appeal from the Juvenile and Domestic Relations District Court. Therefore, this matter is removed from the docket of this Court and remanded back to the Juvenile and Domestic Relations General District Court for any further consideration that may be required.

This matter originated in the Circuit Court and will be removed from the Circuit Court docket.

The Defendant's next court date is _____, 20____ at _____ A.M./P.M. in
 General District Court Juvenile and Domestic Relations District Court Circuit Court

ENTERED:

This _____ day of _____, 20____

JUDGE

Attorney for the Commonwealth

Attorney for the Defense

Signature

Signature

Printed Name

Printed Name

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,
Complainant,

v.

Case No(s). _____

_____,
Defendant.

FELONY PLEA COLLOQUY FORM (Modeled after Rule 3A:8; Form 6)

Answer "Yes" or "No" or "N/A" where indicated

- 1. What is your full name and date of birth?
a. What is the highest level of education you have received?
b. What other education, if any, have you received?
c. Can you read, write, and understand the English language?
If not, is this form being read to you and by whom?
2. Have you consumed any alcohol, drugs or medication that might affect your ability to understand these proceedings or answer these questions truthfully?
3. Are you the person charged/named in the indictment, information or warrant with the commission of the offense(s) of:
4. Do you fully understand the charge(s) against you, and have you had enough time to discuss the charge(s) and their elements with your attorney?
5. Do you understand what the Commonwealth must prove before you may be found guilty of the charge(s) and have you had enough time to discuss with your attorney any possible defenses?
6. Have you discussed with your attorney whether you should plead guilty, no contest (nolo contendere) or not guilty?
7. [If the crime involves possession/distribution of drugs] Have you discussed with your attorney whether the defense of accommodation may apply in this case?
8. After that discussion, did you decide for yourself that you should plead guilty or no contest (nolo contendere)?
9. FOR GUILTY PLEAS: Are you entering the plea of guilty because you are, in fact, guilty of the crime(s) charged?
10. Are you entering the plea of guilty freely and voluntarily?
- If your answer is "no" or an Alford Plea
a. Are you pleading guilty because this is the Commonwealth's evidence, and you do not wish to take the risk that you will be found guilty beyond a reasonable doubt?
11. FOR NO CONTEST / NOLO CONTENDERE PLEAS:
a. Do you understand that under your plea of no contest / nolo contendere you do not contest your guilty to the crime(s) charged?
b. Do you understand that a plea of nolo contendere is an implied confession of guilty for the purpose of this charge (these charges) and can subject you to a finding of guilt, the same punishment that can be imposed by a plea of guilty, and the loss of the same constitutional rights as if you had pled guilty?
12. Do you understand that because of this plea, you are not entitled to a trial by jury?
13. Do you understand on a plea of not guilty, you would be entitled to a trial by jury?
a. And that the Commonwealth would have to prove your guilty beyond a reasonable doubt?
b. And that the jury would be composed of 12 people who must be unanimous in their finding?
c. And that, if they found you guilty, you could request for them to fix your punishment?

INITIAL-DEFENDANT

14. Do you understand that because of this plea, you waive your right not to incriminate yourself? _____
15. Do you understand that because of this plea, you waive your right to confront and cross-examine your accuser? _____
16. Do you understand that because of this plea, you waive your right to defend yourself? _____
17. Are you in prison, on parole, or probation under a suspended sentence? _____
- a. **IF YES:** Do you understand that conviction may affect your right to parole, or cause revocation of your parole, probation, or suspended sentence? _____
18. If you are not a citizen of the United States, do you understand that a guilty conviction could impact your immigration status in the United States to potentially include deportation? _____
19. Has anyone connected with your arrest and prosecution, such as the police or the Commonwealth's Attorney, or any other person, in any such manner threatened, forced, or coerced you to enter this plea? _____
- a. Have they made any promises concerning your plea, other than those contained in a written plea agreement? _____
- b. Has your attorney promised you anything? _____
20. Do you understand that the maximum punishment for the crime(s) you are charged with is _____ years/months/days of imprisonment and a fine of up to \$ _____ plus all court costs and (if applicable) restitution if sentenced consecutively? _____
- a. **[If you are charged with a crime(s) that carries a mandatory minimum]** Do you understand that, on a charge of _____ if you are found guilty, this Court must impose a sentence of at least _____ years/months/days?
- i. If so, do you understand that the Court cannot suspend any portion of that mandatory minimum sentence? _____
21. Do you understand that the criminal conviction(s) that will result from this guilty plea may, in addition to confinement and/or a fine, carry a wide variety of consequences, including but not limited to: deportation, civil commitment, civil forfeiture, the loss of the right to vote, disqualification from public benefits, ineligibility to possess firearms, dishonorable discharge from the Armed Services, loss of driving privileges, and loss of business licenses? _____
22. Do you understand that a person convicted of a felony must submit to DNA testing and may be required to submit to substance abuse screening? _____
23. Have you discussed the sentencing guidelines with your attorney? _____
24. Do you understand that the Court is not required to follow these guidelines? _____
25. Are you aware that there is no parole in Virginia? _____
26. Do you understand that by pleading guilty, you may waive any grounds you have to appeal your case? _____
27. Have you entered into a Plea Agreement with the Commonwealth's Attorney in this case? _____
- a. Have you read the Plea Agreement? _____
- b. Do you fully understand the content and meaning of the Plea Agreement? _____
- c. Does it contain the full and complete agreement entered into among you, your attorney, and the Commonwealth's Attorney? _____
- d. Are there any other written or oral agreements that are not reflected in this Plea Agreement? _____
- e. Did you sign this Plea Agreement? _____
- f. Do you understand that if the Court accepts the Plea Agreement, everyone who has signed the document will be bound by its content? _____

_____ **INITIAL-DEFENDANT**

- Complete only if you have a WRITTEN PLEA AGREEMENT WITH AN AGREED UPON SENTENCE

- a. Do you understand that the Court may accept the agreement, reject the agreement, or may defer any decision to either accept or reject the agreement until there has been an opportunity to consider a Presentence Report? _____
- b. Do you understand that if the Court accepts the agreement, the Court will include in its judgement and sentence the sentence provided for in the agreement? _____
- c. Do you understand that if the Court rejects the agreement, you will not be bound by the agreement and you will be given an opportunity to withdraw your plea of guilty, and if you do, your trial may be conducted by another judge or jury of this court? _____
- d. Do you understand that if you should plead guilty after the court rejects the plea agreement, the sentence in the case may be more severe than the disposition contained in the plea agreement? _____

- Complete only if you have a PLEA AGREEMENT WITHOUT AN AGREED UPON SENTENCE:

- a. Do you understand that this agreement only provides for the Commonwealth's Attorney (to make a recommendation) (to agree not to oppose a request for) a particular sentence, that this recommendation or request is not binding on the Court and if the Court does not accept the recommendation or does not go along with the request, you have no right to withdraw your plea of guilty unless the Commonwealth fails to perform its part of the agreement? _____
 - b. Do you understand that the sentence the Court imposes may be more severe than the sentence (recommended) (requested)? _____
28. Are you entirely satisfied with the services of your attorney? _____
29. Did you review all the questions on this form with your attorney? _____
30. Did you understand all the questions on this form and any questions that may have been asked of you, and all of the answers that you gave? _____
31. Have your answers been truthful? _____
32. Do you have any questions for the Court? _____
- a. If so, please write your questions: _____

Presented and Reviewed in open court on this _____ day of _____, 20____

COUNSEL FOR DEFENDANT

DEFENDANT

CIRCUIT COURT JUDGE

INITIAL-DEFENDANT

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA

v.

Case No. CR _____

D.O.B.: _____

S.S.N.: xxx-xx-_____

WAIVER OF INDICTMENT

COMES THIS DAY, the Defendant, _____, who is represented by counsel, _____, and represents to the Court that pursuant to §19.2-217 of the Code of Virginia (1950) as amended, the Defendant hereby waives their right to have an indictment presented to the grand jury charging them with _____ () felonies, to wit:

- 1) _____, in violation of § _____ of the Code of Virginia (1950) as amended; Date of Offense: _____;
- 2) _____, in violation of § _____ of the Code of Virginia (1950) as amended; Date of Offense: _____.

By waiving their right to have an indictment presented to the grand jury, the Defendant acknowledges that the Commonwealth shall be moving forward on the warrants alone, and the Defendant intends to plead guilty to _____ () of the felony warrant(s), alleging they _____.

Judge

I ASK FOR THIS:

Defendant

Date

Attorney for the Defendant

Date

Attorney for the Commonwealth

Date

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,
Complainant,

v.

Case No. _____

_____,
Defendant.

ORDER FOR TRANSPORTATION

WHEREAS, this matter came upon the request for an Order for in-person transportation of the Defendant.

WHEREAS, it appearing to the Court that such motion is proper and should be granted, it is therefore **ORDERED** that the Hampton Sheriff's Office transport the Defendant from the _____ to the Hampton Circuit Court for in-person presence in Court for his next hearing on _____, 20__ at _____ A.M./P.M.

ENTERED:

This _____ day of _____, 20__

JUDGE

Attorney for the Commonwealth

Attorney for the Defense

Signature

Signature

Printed Name

Printed Name

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,
Complainant,

v.

Case No. _____

_____,
Defendant.

JURY STATUS CHECKLIST FORM

This day came the Attorney for the Commonwealth for the City of Hampton,
_____, and the Attorney for the Defense, _____ for a jury status check for a jury
currently set before this court on _____.

The parties certify the following:

Proposed Jury Instructions and Voir Dire have been exchanged.

The parties are in good contact with their victim/witnesses and there are no issues with the victim or witnesses
being available on the day of trial.

If the Defense is not in good contact with the Defendant, a representation of such, but
nothing more, will be made at the Jury Status Check.

All subpoenas for necessary witnesses have been timely issued.

A Transportation Order for the Defendant, if in custody, has been completed by either the Commonwealth or the
Defense.

All Discovery Orders, if one has been entered, have been complied with.

All plea negotiations have been made and received and that there are no outstanding plea negotiations and neither
party anticipates a plea agreement.

The parties do not have any unresolved motions.

The Defense has clothes available for the Defendant ready for the day of trial if the Defendant is in custody.

Attorney for the Commonwealth

Attorney for the Defense

Signature

Signature

Printed Name

Printed Name

ENTERED: This _____ day of _____, 2026

JUDGE

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

COMMONWEALTH OF VIRGINIA,
Complainant,

v.

Case No. _____

_____,
Defendant.

MOTION AND ORDER FOR CONTINUANCE

This day came the Attorney for the Commonwealth for the City of Hampton,
_____, and the Attorney for the Defense, _____ upon
 Commonwealth motion Defense motion Joint motion to continue the above-style
matter(s) With objection Without objection By agreement of the parties.

UPON CONSIDERATION WHEREOF, it appearing to the Court that for good cause
shown said motion be granted, it is **ORDERED, ADJUDGED AND DECREED** that the above-
styled case is hereby continued on Commonwealth motion Defense motion Joint
motion, With objection Without objection By Agreement of the parties from
_____, 20___, to _____, 20___, at ___ A.M./P.M. for
 Bench Trial Jury Trial Guilty Plea TBS Check Status Check Restitution
 Check MHE PSR Check Attorney _____

The good cause is: _____
Defendant was present for today's hearing: Yes No
Defendant's presence is waived for the next hearing: Yes No

ENTERED:

This _____ day of _____, 20___

JUDGE

Attorney for the Commonwealth

Attorney for the Defense

Signature

Signature

Printed Name

Printed Name

Community Service in Lieu of Paying Fines & Cost Information Sheet

In compliance with Virginia Code § 19.2-354(C) the Hampton Circuit Court has established a program to allow defendants to perform community service hours in lieu of paying fines and costs. Community Service may only be applied to fines and costs. **Restitution that is Ordered CANNOT be offset by community service and MUST be paid to the Clerk's Office.**

Applying for this program does **not** guarantee acceptance into this program. If approved, you must locate a non-profit that will allow you to perform this service. Upon completion of hours, you must submit your completed hours on Company letterhead and must be signed by a supervisor. We will need contact information for said non-profit to verify your hours.

Once your hours are received by the Court, we will give you credit at a rate of \$12.77 an hour. (Ex. 40 hours of community service x \$12.77 an hour = \$510.80 in credit).

To be eligible for this program, you must meet certain criteria outlined in the Code of Virginia. Those criteria are as follows:

1. You have not yet started your sentence (such as a withheld finding) or have finished your sentence. It should be noted, if a condition of your withheld finding was to do community service, the community service hours going towards fulfilling that condition cannot also go towards paying your fines and costs.
2. You are part of a Community Corrections Alternative Program which is defined in § 19.2-316.4.
3. You are part of a State Work Release Program which is defined in § 53.1-60
4. You are part of a Local Prisoner Workforce which is defined in § 53.1-128
5. You are part of a Local Work Release Program which is defined in § 53.1-131
6. You are part of a Prisoner Work by Judicial Order Program which is defined in § 53.1-129
7. You are part of a Prisoner Public Works Project which is defined in § 53.1-59

Please Note: Pursuant to Virginia Code § 19.2-354(c)(ii) and *Vanmeter v. Commonwealth*, 80 Va. App. 324 (2024), inmates are not entitled to offset fines or costs with community-service credits for work performed for the Virginia Department of Corrections at the prisons that house them.

If you believe you are eligible for this program, please fill out an application in the Clerks Office. Proof of being in a program outlined in numbers 2-7 above will be required upon applying.

Application for Community Service in Lieu of Paying Fines & Cost

If you wish to perform community service hours in lieu of paying fines and cost, you may complete the information below and submit for approval. Community Service may only be applied to fines and cost. **Restitution that is Ordered must be paid to the Clerk's Office and cannot be offset by community service.**

If approved, you must locate a non-profit that will allow you to perform this service. Upon completion of hours, you must submit your completed hours on letterhead for the non-profit and must be signed by supervisor. We will need contact information for said non-profit to verify hours.

Once your hours are received by the Court, we will give you credit at a rate of \$12.77 an hour. (Ex. 40hrs x \$12.77 = \$510.80)

Select which Code Section is applicable:

§ 19.2-354(C)(i) – I have not yet started my sentence or have finished my sentence

§ 19.2-316.4 – Community Corrections Alternative Program

§ 53.1-60 – State Work Release Program

§ 53.1-128 – Local Prisoner Workforce

§ 53.1-131 – Local Work Release Program

§ 53.1-129 – Prisoner Work by Judicial Order

§ 53.1-59 – Prisoner Public Works Projects

Please Note: Pursuant to Virginia Code § 19.2-354(c)(ii) and *Vanmeter v. Commonwealth*, 80 Va. App. 324 (2024), inmates are not entitled to offset fines or costs with community-service credits for work performed for the Virginia Department of Corrections at the prisons that house them.

By checking this box, you are affirming that you are not currently held in the Virginia Department of Corrections and that the Community Service that you performed is not for the Virginia Department of Corrections at the prison that you are housed.

Date: _____ Defendant's Name: _____

Charge (s): _____ Case No.(s): _____

Approved Denied

Judge's Signature