VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 17th day of July, 2026.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective September 15, 2026.

Amend Rules 1:1C, 3A:25, 5:5, 5A:3, and 5A:31 as follows:

Rule 1:1C. Jurisdictional Transfer During Appeal of Interlocutory Orders.

When an appeal has been sought from an interlocutory order under Code §§ 8.01-626, 8.01-670.2, 8.01-670.3, 17.1-405(A)(4), or 17.1-405(A)(5), the appellate court has exclusive jurisdiction over the appealable interlocutory order and the circuit court retains jurisdiction over any part of the case that has not been appealed, unless the circuit court or the appellate court enters an order staying the proceedings in the circuit court. Upon motion of a party for good cause shown, the appellate court may permit the circuit court to withdraw or modify any such interlocutory order.

Rule 3A:25. Special Rule Applicable to Post-Conviction Proceedings: Inmate Filings in the Trial Courts Under Code § 8.01-654.

In actions brought under Code § 8.01-654, filed by an inmate confined to an institution, a paper is timely filed if deposited in the institution's internal mail system on or before the last day for filing. Timely filing of a paper by an inmate confined to an institution may be established by (1) an official stamp of the institution showing that the paper was deposited in the internal mail system on or before the last day for filing, (2) if there is no official stamp of the institution, an official postmark dated no later than three business days after the last day for filing, or (3) a notarized statement signed by an official of the institution showing that the paper was deposited in the internal mail system on or before the last day for filing.

Rule 5:5. Filing Deadlines; Post Trial Proceedings Below; Timely Filing by Mail; Filings by Incarcerated Individuals; Extension of Time.

(a) *Filing Deadlines.* — The times prescribed for filing a notice of appeal (Rules 5:9(a), 5:14(a), 5:21(a)(3), and 5:21(b)(2)), a petition for review pursuant to Code § 8.01-626 (Rule 5:17A) and a petition for rehearing (Rules 5:20 and 5:37), are mandatory. A single extension not to exceed 30 days may be granted if at least two Justices of the Supreme Court of Virginia concur in a finding that an extension for papers to be filed is warranted on motion for good cause shown.

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(c) *How to File in a Timely Manner.* — Filing must be accomplished electronically as provided in Rule 5:1B. For any party exempt from the e-filing requirements under Rule 5:1B(b), any document required to be filed with the clerk of this Court is deemed to be timely filed if (1) it is transmitted expense pre-paid to the clerk of this Court by priority, express, registered, or certified mail via the United States Postal Service, or by a third-party commercial carrier for next-day delivery, and (2) if the official receipt therefore be exhibited upon demand of the clerk of this Court or any party and it shows such transmission or mailing within the prescribed time limits. This rule does not apply to documents to be filed in the office of the clerk of the trial court or clerk of the Virginia Workers' Compensation Commission or clerk of the State Corporation Commission.

(d) *Filings by Incarcerated Individuals*. —

(1) *Timeliness.* — A paper filed by an individual confined in an institution, including a prison, jail, or the Virginia Center for Behavioral Rehabilitation, is timely filed if deposited in the institution's internal mail system on or before the last day for filing. Timely filing of a paper by an individual confined in such an institution may be established by (i) an official stamp of the institution showing that the paper was deposited in the internal mail system on or before the last day for filing, (ii) if there is no official stamp of the institution, an official postmark dated no later than three business days after the last day for filing, or (iii) a notarized statement signed by an official of the institution showing that the paper was deposited in the internal mail system on or before the last day for filing.

(2) *Extension of Time for Lack of Notice.* — Notwithstanding Rule 5:5(a), if an individual confined in an institution did not receive a copy of the final order until after the appellate filing deadline expired because the lower tribunal either (i) mailed the final order to the wrong address or (ii) mailed it 30 days or more after entry, the individual may move for an extension of the filing deadline. The motion must be accompanied by a copy of the lower tribunal envelope displaying the postmark, a copy of the notice of appeal the individual filed in the lower tribunal after receiving the final order, and either (i) an official copy of the institution's mail records or (ii) a notarized statement signed by an official of the institution showing the date the individual received the order. The motion must be filed no later than 30 days after the individual received the order. In evaluating the motion, the Court may consider record information showing a failure to timely mail the final order and other information that may be supplied by the lower tribunal.

(e) *Extensions Generally*. — Except as provided in paragraph (a) of this Rule, a motion for an extension of time is timely if filed either within the original filing deadline or within any extension period specified by the governing rule. Filing the motion within the original filing deadline or within the specified extension period does not toll the original filing deadline or further extend the period of extension.

Rule 5A:3. Filing Deadlines; Post Trial Proceedings Below; Timely Filing by Mail; Filings by Incarcerated Individuals; Extension of Time.

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(e) *Filings by Incarcerated Individuals*. —

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an official of the institution showing that the paper was deposited in the internal mail system on or before the last day for filing.

(2) *Extension of Time for Lack of Notice*. — Notwithstanding Rule 5A:3(a), if an individual confined in an institution did not receive a copy of the final order until after the appellate filing deadline expired because the lower tribunal either (i) mailed the final order to the wrong address or (ii) mailed it 30 days or more after entry, the individual may move for an extension of the filing deadline. The motion must be accompanied by a copy of the lower tribunal envelope displaying the postmark, a copy of the notice of appeal the individual filed in the lower tribunal after receiving the final order, and either (i) an official copy of the institution's mail records or (ii) a notarized statement signed by an official of the institution showing the date the individual received the order. The motion must be filed no later than 30 days after the individual received the order. In evaluating the motion, the Court may consider record information showing a failure to timely mail the final order and other information that may be supplied by the lower tribunal.

Rule 5A:31. Mandate.

(a) *Time*. — When there can be no further proceedings in this Court or in the Supreme Court with respect to a decision of this Court, the clerk of this Court must forward its mandate promptly to the clerk of the court or commission from which the appeal proceeded. When this Court disposes of an appeal through an order for which no separate mandate issues, the clerk of this Court will not return the record or transmit the order to the court or commission from which the appeal proceeded until there can be no further proceedings in this Court or in the Supreme Court.

(b) *Opinions.* — If the judgment or order is supported by an opinion, a certified copy of the opinion must accompany the mandate.

A Copy,

Teste:

Clerk