

Guilty/Alford/Nolo Contendere Plea Questions to be asked Defendant by Court

1. (a) What is your full name? _____
- (b) What is your date of birth? _____
- (c) What is your social security number? _____
- (d) What is your last residence address? _____
- (e) What was the last grade in school you completed? _____
- (f) What other education have you received? _____

[For defendants who don't have at least a high school education or a GED]:

- Are you able to read, write and understand the English language? _____
2. Are you under the influence of any drugs or alcohol? _____
 3. Are you the person charged with the offense(s) of:

 4. Do you fully understand the charge(s) against you? _____

Have you discussed the charge(s) and (its) (their) elements with your lawyer and do you understand what the Commonwealth must prove beyond a reasonable doubt before you may be found guilty of the charge(s)? _____
 5. Have you had enough time to discuss with your lawyer any possible defenses to the charge(s)? _____
 6. Have you discussed with your lawyer whether you should plead not guilty, guilty or nolo contendere? _____
 7. After the discussion, did you decide for yourself that you should plead guilty (*nolo contendere*)? _____
 8. Are you entering your plea(s) of [] guilty [] nolo contendere freely and voluntarily? _____

[If the plea is nolo contendere]: Do you understand that a plea of nolo contendere still subjects you to a finding of guilt, to the same punishment and other consequences as if you had pleaded guilty, and to the loss of the same constitutional rights as if you had pleaded guilty? _____
 9. Are you entering your plea(s) of guilty because you are, in fact, guilty of the crime(s) charged? _____

[If the answer is "no"/Alford Plea]: Are you pleading guilty based upon: your written/oral stipulation of the Commonwealth's evidence; because you do not wish to take the risk associated with trial; and because you believe it is in your best interests to enter the Alford plea of guilty? _____
 10. Do you understand that, by pleading guilty, you are NOT entitled to a trial by jury? _____
 11. Do you understand that, by pleading guilty, you waive your right not to incriminate yourself? _____

12. Do you understand that, by pleading guilty, you waive your right to confront and to cross-examine your accusers and you waive your right to defend yourself? _____
13. Do you understand that if you are on parole, on probation, or under a suspended sentence that a conviction may affect your parole, probation, or suspended sentence? _____
14. (a) Do you understand that if you are not a United States citizen, and if you plead guilty plea or are 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? _____
- (b) Do you understand that the conviction(s) resulting from your guilty plea(s) may carry a variety of consequences including the loss of the right to vote and the right to possess firearms? _____
15. Do you understand that, by pleading guilty, you may waive any right to appeal the decision of this Court? _____
16. Do you understand that there is no parole in Virginia? _____
17. **[If the crime involves possession/distribution of drugs]:** Have you discussed with your lawyer whether the defense of accommodation may apply in this case? _____
18. **[If the accused may be sentenced under the habitual offender statute]:** Have you discussed with your lawyer the possibility that there may be mitigating circumstances that would permit this court not to impose the mandatory sentence? _____
19. Do you understand that the maximum punishment for this crime is _____ years imprisonment and \$_____ fine plus all court costs? _____.
- [If more than one offense]:**
Do you understand that if you are sentenced consecutively, the maximum punishment for these offenses is _____ years imprisonment [and a maximum fine of \$ _____]? _____
- [For mandatory minimum sentences]:** Do you understand that there is a mandatory minimum penalty of _____ days/months/years of imprisonment [and a mandatory fine of \$ _____ [and a mandatory loss of your driver's license]? _____
20. Have you discussed the sentencing guidelines with your attorney? _____. Do you understand that the Court is not required to follow those guidelines and may sentence you to more than the guidelines suggest so long as the Court does not exceed the maximum punishment provided by law? _____
21. (a) Has anyone connected with your arrest or with your prosecution, such as the police or the Commonwealth's attorney, or any other person, in any manner threatened you or forced you to enter your guilty plea? _____
- (b) [Other than what may be contained in the written plea agreement] Has anyone made any promises to you in exchange for your guilty plea(s)? _____.

22. Have you entered into a plea agreement with the Commonwealth's attorney in this case? _____

[If the answer is "yes"]: Does it contain the full and complete agreement entered into among you, your lawyer, and the Commonwealth's attorney? _____.

[If the answer is "yes", also complete either (a) or (b) below, whichever is appropriate]:

(a) [To be asked if the Commonwealth's attorney has agreed that a particular sentence is appropriate.]

(1) Do you understand the court may accept the agreement, reject the agreement, or may defer a decision to either accept or reject the agreement until there has been an opportunity to consider a presentence report? _____

(2) Do you understand that if the court accepts the agreement, the court will include in its judgment and sentence the sentence provided for in the agreement? _____

(3) 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, you will have the right for your trial to be conducted by another judge of this court? _____

(4) Do you understand that if the court rejects the plea agreement, and you still plead guilty, the sentence imposed may be more severe than the disposition in the rejected plea agreement? _____

(b) [To be used if the Commonwealth's attorney merely recommends, or agrees not to oppose a request for, a specific sentence.]

(1) Do you understand that this agreement only provides for the Commonwealth's attorney to make a recommendation or 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? _____

(2) Do you also understand that the sentence the court imposes may be more severe than the sentence recommended or requested? _____.

23. [To be asked if the defendant was a juvenile at the time of the offense] or [] Not applicable.

Do you understand that if you were tried for this offense and found guilty by a jury, the Judge and not the jury would set the sentence? _____

24. Are you entirely satisfied with the service of the lawyer [] appointed [] retained to represent you? _____

25. Did you discuss and review all of these questions with your attorney? _____

26. Do you have any questions you wish to ask the court? _____

27. Did you understand all of these questions and did you answer all of these questions truthfully? _____

Signature of Defendant

Signature of Defendant's Attorney

QUESTIONS TO A DEFENDANT WHO PLEADS NOT GUILTY

[Ask these questions on the record]

Before accepting your plea of not guilty, I will ask you certain questions. If you do not understand any question, please ask me to explain it to you.

1. What is your full name? _____
2. What is your age? _____
3. Are you the person charged with the commission of the offense(s) to which you have pleaded not guilty? _____
4. Do you fully understand the charge(s) against you? _____
5. Have you discussed the charge(s) with your lawyer? _____
6. Have you had enough time to discuss with your lawyer any possible defense you may have to the offense(s)? _____
7. Have you discussed with your lawyer the names of any witnesses on your behalf? _____. If there are any witnesses on your behalf, are they present or otherwise available for trial? _____
8. Are you entirely satisfied with the services of your lawyer? _____
9. Are you entering your plea(s) of not guilty freely and voluntarily? _____
10. Are you ready for trial today? _____
11. Are you under the influence of any drugs or alcohol today, including any drug that you have a prescription for? _____. If "yes" for prescription drugs: Does the fact that you have taken prescription drugs in any way affect your ability to talk to your attorney or to understand the proceedings here today? _____
12. Do you understand that you are entitled to a trial by jury, but that you can consent to trial by a judge without a jury? _____. Have you discussed with your lawyer the advisability of trial by a jury or by a judge without a jury? _____. Do you wish to be tried by a jury or by a judge without a jury? _____
13. [To both counsel:] Have there been any plea offers made by the Commonwealth in this case? _____
[If "yes", to defense counsel:] Have all plea offers been communicated to the defendant? _____
[If "yes", to the defendant:] Have you discussed with your lawyer the advisability of accepting or rejecting any plea offers made by the Commonwealth? _____. After discussing any offer with your lawyer, did you decide that it was in your best interest to reject the offer and proceed with trial? _____
14. [For juveniles certified as an adult] Do you understand that if you are found guilty, the court and not the jury will set the sentence? _____
15. Did you understand all of the questions I just asked you? _____

Signature of defendant

Signature of attorney representing defendant

These questions were asked in open court in the absence of a jury.

JUDGE

Misdemeanor Proceeding In Circuit Court

Form When Taking Pleas of Guilty or Nolo Contendere to a Misdemeanor Charge Punishable by Confinement in Jail (Rule 3A:8 and Rule 7C:6)

1. I understand the charge(s) against me.
2. I am entering the plea freely and voluntarily.
3. I understand that by pleading guilty or no contest I am waiving my right to have my case heard by a jury and the right to confront the witnesses against me and the right to avoid being required to give evidence against myself.
4. I understand that the prosecutor CHECK ONE [] will [] will not recommend a sentence.
5. I understand that if I am not a citizen of the United States and I plead guilty or 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.

Counsel for Defendant

Defendant

Filed on _____, _____, JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

COMMONWEALTH OF VIRGINIA

vs

_____, DEFENDANT

WAIVER OF INDICTMENT upon warrant (s) charging the defendant
with _____

I, the above named defendant, waive by right to prosecution by an
indictment or presentment found by a grand jury of this City, as provided by
Virginia Code Section 19.2-217.

DATE: _____

Signature of Defendant

Signature of Judge

Signature of Defense attorney

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH

vs

CASE NO. _____

_____, DEFENDANT

WAIVER OF JURY

I, _____, stand charged in this
court with the offense(s) of _____

I understand that I am entitled to be tried by a jury for the above offense(s) but
that I may waive that right and agree to be tried by a judge sitting without a jury. I
understand my right to trial by a jury and wish to WAIVE that right and agree to be tried
by a judge sitting without a jury.

Signed in open court this _____ day of _____, 20____.

Defendant

Age of Defendant _____ years

School Grades Completed _____

Attorney for the Defendant

Jury Waived:

JUDGE

Attorney for Commonwealth/City

POSTCONVICTION PETITION FOR A RESTRICTED LICENSE UPON BELOW CONVICTIONS

This Court form is only for use for the below stated convictions.

Case Number: CR _____

Defendant: _____

Full Address: _____

Telephone Number: _____

1. Date of Conviction Order: _____.

2. **ATTACHED** is a current DMV compliance summary [needed by the Court to determine that you are “otherwise eligible” for a restricted license].

3. I ask this Court to grant the issuance of a restricted license for the following conviction:

- A. **DUI 1st or 2nd conviction.**
- B. **Drug conviction.** Code § 18.2-259.1.
- C. **Guilty of Refusal.** Code § 18.2-268.3.
- D. **Reckless or aggressive driving.** Code 46.2-392.
- E. **Unlawful purchasing or possessing alcoholic beverages.** Code § 4.1-305; 4.1-306.
- F. **Person under age 21 driving after illegally consuming alcohol.** Code § 18.2-266.1.

4. I understand I must appear on the below date and time for this petition to be considered by the Court.

DATE: _____

Signature of defendant

CLERK COMPLETE THE BELOW NOTICE OF HEARING

HEARING DATE: Thursday, _____ TIME: 09:30 AM.
Set on Thursday at least 5 days from the date of this petition

Copy delivered to the attorney for the Commonwealth. _____, Clerk’s initials

Copy provided to defendant. _____, Clerk’s initials

DATE: _____, Deputy Clerk

REQUESTING RESTRICTED LICENSE FOR THE FOLLOWING PURPOSE(S):

- (a) travel to and from place of employment for which I shall maintain written proof of hours of employment (or work log) on my person.
- (b) **ONLY AVAILABLE if ordered to enter ASAP on the conviction.** travel to and from an alcohol rehabilitation or safety action program.
- (c) travel during the hours of employment as required by employer for which I shall maintain written proof on my person.
- (d) travel to and from school for which I shall maintain written proof of enrollment on my person.
- (e) travel for health care services for: me an elderly parent or a person residing in my household for which I shall maintain on my person a written verification of need by a licensed health professional.
- (g-1) travel necessary to transport a minor child under my care to and from school.
- (g-2) travel necessary to transport a minor child under my care to and from day care.
- (g-3) travel necessary to transport a minor child under person's care to and from facilities housing medical service providers.
- (h) travel to and from court-ordered visitation with my child or children.
- (i-1) travel to and from appointments with my probation officer for which I shall maintain written proof on my person.
- (i-2) travel and from programs required by court or as a condition of probation for which I shall maintain written proof on my person.
- (j) travel to and from a place of religious worship one day per week. COMPLETE FOLLOWING:
Name of place of religious worship: _____
Location/address of place of religious worship: _____
Specific (one) day of week: _____
The travel Time to and from place of religious worship: _____ to _____
- (k) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on my person.
- (m) travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.
- (n) travel to and from a job interview for which I shall maintain on my person written proof from the prospective employer of the date, time, and location of the job interview.
- (q) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

In addition, travel to and from court appearances subpoenaed as a witness or a party, which subpoena shall be maintained on his/her person.

Printed Name of Defendant

Signature of Defendant

Virginia Beach Circuit Court Guidelines for Fines and Costs in Criminal and Traffic Cases Date of Revision:

July 1, 2024

1.0 Initial payment plan if the defendant is unable to pay in full at sentencing.

- a. The court shall order the defendant to pay in deferred payments. Code § 19.2-354(A). No down payment shall be required. The payment of costs shall not be a condition of probation or suspension of sentence.
- b. The initial deferred due date for payment shall be as follows:
 - a. In cases in which no active time is imposed – 6 months from the sentencing date.
 - b. In cases in which active time is imposed – 6 months from the length of the active time imposed. A defendant sentenced to a community corrections alternative program shall be considered a 1-year active sentence.
 - c. In cases in which a deferred finding is entered pursuant the first offender statute – 1 year or probationary return date.

2.0 Subsequent extensions if unable to pay in full by deferred due date:

- a. If the deferred due date for payment has not expired, or the due date has expired but the delinquent account has not yet been sent to Collections, clerk may extend the due date upon the defendant making a minimum payment to demonstrate commitment to paying the fine and costs pursuant to Code § 19.2-354.1(E). For each \$25 increment paid, the due date may be extended by one month (i.e. 1 month-\$25; 2 months-\$50; 3 months-\$75) if due date is within 6 months or by request of defendant.
- b. A defendant may request a waiver or reduction of the down payment. The defendant shall be required to a file a petition upon a Court provided form to determine the financial condition of the defendant. The form for a waiver or reduction of the down payment is posted on this Court’s criminal page website.

3.0 If the unpaid fines and costs are delinquent and have been sent to a collection agency, the following shall apply:

- a. The attorney for the Commonwealth has entered into a contract for the collection of unpaid fines and costs with the City Treasurer pursuant to § 19.2-349. Such contract provides that each account shall be transferred to the City Treasurer until the account is collected in full.
- b. The defendant may enter into an installment payment agreement with the City Treasurer in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full. The City Treasurer may require a down payment pursuant to § 19.2-354.1 (E). Any required down payment shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. The City Treasurer is authorized to approve a lesser down payment based on the financial condition of the defendant. In assessing the defendant’s ability to pay, the City Treasurer may require the defendant to provide a written financial statement setting forth the defendant’s financial resources and obligations or conduct an oral examination of the defendant to determine the defendant’s financial resources and obligations pursuant to § 19.2-354.1 (D).

4.0 Community service option to discharge all or part of the fine and costs pursuant to § 19.2-354 subsection C:

- a. The Court may approve the discharge of all or part of the fine or costs by the performance of community service work before or after imprisonment by submitting a court provided application form. For community service work performed before or after imprisonment, only the portion of community service work completed after Court approval shall be credited to the obligation.
- b. The Court may approve the discharge of all or part of the fine or costs for community service work performed

on or after July 1, 2020 during imprisonment in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 provided the defendant submits a certification by the superintendent, warden, or other official in charge of a correctional facility that such work during imprisonment was performed in accordance with the provisions of one of the aforesaid enumerated sections. The rate at which credits are earned shall be based on the Virginia basic minimum rate per hour less DOC pay rate received by inmate. The Court has developed a form to carry out this program.

- c. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment., § 19.2-354
- d. An agency that accepts a defendant to perform community service must agree to provide proper documentation required to the court.
- e. A defendant ordered to perform a specific number of community service hours as a condition of a court-ordered sentence shall not be able to apply those hours to fines and costs.
- f. If the defendant has more than one account, the defendant may only apply to discharge the fine and costs in one account at a time. After such fine and costs have been discharged the defendant may then apply for another account.

5.0 Interest on Fines and Costs

- a. Interest shall accrue on past due/delinquent fines and costs pursuant to Code § 19.2-353.5. Pursuant to § 19.2-353.5, the court has the statutory authority to waive or stop the accrual of interest (i) during a period of incarceration or (ii) during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the court.
- b. To apply for waiver of interest owed during a period of incarceration, the defendant must submit to the clerk FORM DC-366A (Request for Waiver of Interest on Fines and Costs) and FORM DC-366 (Certification of Incarceration Period) certified by the superintendent, warden, or other official in charge of a correctional facility. In addition, the clerk is authorized to accept written confirmation from a probation officer of this Court. The DC-366A and DC-366 are posted on this Court's criminal page website.
- c. To apply for a waiver to stop the accrual of interest if fines and cost have been referred to collections and the defendant has entered into a new or subsequent payment plan with the City Treasurer, the defendant must file with the clerk a written request, along with a copy of the payment plan entered into with the City Treasurer, for the court to enter an order to cease or stop the accrual of interest during the period the fine and costs are being paid in accordance with new or subsequent payment plan.

6.0 SS/SSI Income

- a. If the defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then they are not required to pay fines and costs until they have another resource or income. If their income remains unchanged, the defendant's account will not go to collections. It is the responsibility of the defendant to notify the court in writing if his/her sole financial resource is a Social Security benefit or Supplemental Security Income.
- b. Any restitution ordered is not included in this exemption of payment and would be due as the court ordered.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff(s)

v.

Defendant(s)

Case No.: _____

Uniform Pretrial Scheduling Order (Supreme Court Rule 1:18)

I. Trial.

The trial date is _____ (with a jury) or (without a jury).

The estimated length of trial is _____.

II. Discovery.

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts.

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's, and cross-claimant's experts shall be identified on or before 90 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 60 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties, identification of experts shall be designated no later than 45 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

IV. Dispositive Motions.

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

V. Exhibit and Witness List.

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to

opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

VI. Pretrial Conferences.

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

VII. Motions in Limine.

Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.

VIII. Witness Subpoenas.

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

IX. Continuances.

Continuances will only be granted by the court for good cause shown.

X. Jury Instructions.

Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be Used at Trial.

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 30 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the non-designating parties of any such designated deposition to file any objection or counter-designation within seven days after the proponent's designation. Further, it becomes the obligation of the non-designating parties to bring any objections or other unresolved issues to the court for hearing no later than 5 days before the day of trial.

XII. Waiver or Modification of Terms of Order.

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTER: _____

JUDGE: _____

Counsel for the plaintiff(s)

Counsel for the defendant(s)

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff(s)

v. CL _____

Defendant(s)

Uniform Condemnation Scheduling Order

It is hereby ORDERED that:

I. The trial date is: _____.
Body determining compensation: ____ Commissioners ____ Jury or ____ Court.
Estimated trial time is: _____.

II. Discovery: The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of the Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts: Plaintiff's, counter-claimant's, third-party plaintiff's, and cross-claimant's experts shall be identified on or before 150 days before trial. Defendant's and all other opposing experts shall be identified on or before 105 days before trial. Experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 60 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior response pursuant to Rule 4:1(e).

IV. Dispositive Motions: All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions no more than 60 days after being filed.

V. Exhibit and Witness List: Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in

rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

VI. Pretrial Conferences: Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard. If requested by any party not later than 90 days before trial, a judicial settlement conference shall occur between 30 and 60 days before trial, unless otherwise agreed by the parties and the Court.

VII. Motions in Limine: Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard **before** the day of trial.

VIII. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

IX. Continuances: Continuances will only be granted by the Court for good cause shown.

X. Jury Instructions: Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be used at Trial: Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing **before** the day of trial.

XII. Waiver or Modification of Terms of Order: Upon motion, the time limits and prohibitions contained in this Order may be waived or modified by leave of court for good cause shown.

ENTER: _____

JUDGE

Seen and Agreed:

_____ p.q.

_____ p.d.

**CIVIL JURY JUDICIAL ASSIGNMENT REQUEST FORM
VIRGINIA BEACH CIRCUIT COURT**

- PLEASE SUBMIT THIS COMPLETED ASSIGNMENT REQUEST FORM TO THE COURT VIA EMAIL TO dutyjudg@vbgov.com.
- STATE IN SUBJECT FIELD OF EMAIL: "JURY ASSIGNMENT"

_____.v._____
PLAINTIFF DEFENDANT

CASE NO.: _____ CASE TYPE: _____

LIST ALL COUNSEL OF RECORD AND ANY PRO SE PARTY:

PLAINTIFF COUNSEL: _____ EMAIL: _____

PLAINTIFF COUNSEL: _____ EMAIL: _____

DEFENSE COUNSEL: _____ EMAIL: _____

DEFENSE COUNSEL: _____ EMAIL: _____

PRO SE PARTY: _____ EMAIL: _____

PRO SE PARTY: _____ EMAIL: _____

Form submitted by: _____ Email: _____ Phone: _____

FOR COURT USE ONLY

NOTIFICATION OF JUDICIAL ASSIGNMENT

This civil jury has been assigned to the Honorable _____, who will preside over all further proceedings in this case.

Please contact the Judge's assistant as indicated below for all scheduling matters.

- | | | | |
|--------------------------|----------------|---|---------------------|
| <input type="checkbox"/> | Norma L. Catoe | Email: nlcatoe@vbgov.com | Phone: 757-385-8680 |
| <input type="checkbox"/> | Debra L. Sager | Email: dlsager@vbgov.com | Phone: 757-385-4262 |
| <input type="checkbox"/> | Kim M. Moison | Email: kmoison@vbgov.com | Phone: 757-385-8693 |

• Upon completion of this section of this form, the judge's assistant will provide a copy to all counsel of record/pro se parties as listed above.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

PLAINTIFF v. DEFENDANT

CASE NO.: _____

LIST ALL COUNSEL OF RECORD AND ANY PRO SE PARTY:

COUNSEL: _____ EMAIL: _____

COUNSEL: _____ EMAIL: _____

COUNSEL: _____ EMAIL: _____

PRO SE PARTY: _____ MAILING ADDRESS: _____

PRO SE PARTY: _____ MAILING ADDRESS: _____

CONTINUANCE REQUEST OF TRIAL DATE IN A CIVIL CASE

CURRENT TRIAL DATE: _____ FORM SUBMITTED BY: _____

- Check this box if case scheduled for trial by JURY. Note: Must be set on a Monday, Tuesday or Wednesday only.
Check this box if case is a Protective Order appeal.
Check this box for all other cases on appeal from the juvenile and domestic relations district court.
Check this box if case is a Contested Divorce.

REQUESTED BY: [] JOINT [] PLAINTIFF [] DEFENDANT [] GAL

CHECK ONE:

All Counsel/Parties AGREE to this continuance and a new trial date of: _____ at 9:30 AM. This date has been pre-approved by the Court.

OR

Continuance request is not by agreement (objected to). Therefore, a hearing is required. Submit this completed form order via email to Dutyjudg@vbgov.com prior to your hearing date and time.

REASON FOR CONTINUANCE: _____

SUBMIT THIS CONTINUANCE ORDER TO THE COURT via email to Dutyjudg@vbgov.com. STATE IN SUBJECT FIELD OF EMAIL: CONTINUANCE REQUEST.

FOR COURT USE ONLY: The Court ORDERS that the motion to continue in this case is:

[] GRANTED. The NEW TRIAL DATE is _____ at 9:30 A.M.

[] DENIED.

DATE ENTERED: _____ JUDGE: _____

- COMPLETED BY JUDICIAL ASSISTANT: Copy transmitted by electronic transmission to above counsel and trial date put on Trial Docket Calendar.
TO THE CLERK'S OFFICE: The clerk's office shall mail a copy to any pro se party noted above.

VIRGINIA BEACH CIRCUIT COURT MOTION FOR WEBEX HEARING

It is the responsibility of the requesting party to ensure:

All parties and witnesses agree to a remote hearing AND have the ability to connect in the manner requested.

Case No. _____

Current Court Date: _____

V.

Petitioner/Plaintiff

Defendant/Respondent

Reason for remote hearing request:

Parties appearing remotely and respective email addresses:

Requesting Party and Contact Information: _____

Petitioner/Plaintiff

Defendant/Respondent

Attorney

COURT USE ONLY

ORDER

Granted Denied

Other _____

Entered: _____ Judge: _____

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff

v.

Case No. CL _____

Defendant

ALL COUNSEL OF RECORD:

_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____

Certificate of Setting Agreed Trial Date Outside of Docket Call

Is this case a Contested Divorce? NO YES. If YES, the Court requires that the Virginia Beach Divorce Pretrial Order be entered before the case can be set for trial. The Virginia Beach Divorce Pretrial Order was entered on _____. is being submitted simultaneously with this form.

This is to certify that a trial date has not been set, that all counsel of record have agreed to the below trial date and that counsel has secured the approval of the Circuit Court Judges' Office for the setting of such trial date.

Trial Date is _____ (with a jury) (without a jury) at 9:30 AM.

Note: A Scheduling Order **must** be submitted simultaneously with this form to confirm the selected trial date. If case is trial with a jury, the trial date must be a Monday, Tuesday or Wednesday.

Date Submitted: _____

Name of Counsel preparing this certificate: _____

Signature of Counsel: _____

SUBMIT THIS FORM TO THE COURT via email to Dutyjudg@vbgov.com. STATE IN SUBJECT FIELD OF EMAIL: CERTIFICATE OF AGREED TRIAL DATE.

TO BE COMPLETED BY JUDGES' OFFICE

Forward to Clerk's Office for filing and updating in Case Management System. In addition, transmit copy by email to above counsel and mark trial calendar. APPROVED by _____, Judicial Assistant

DUTY JUDGE HEARING REQUEST FORM

(Revised 5/22/2023 - Refer to Online Manual for further questions regarding Duty Judge Motion Docket)

All Duty Judge Motion Docket hearings will be "In-Person." All parties/counsel must be present in court. A WebEx Hearing may be requested but a WebEx hearing **REQUIRES THE DUTY JUDGE'S APPROVAL.**

NAME OF CASE: _____ v. _____
OR IN RE: _____
CASE NO.: CL _____ - _____

List all counsel of record & Email - Email Addresses are required for ALL participants.

Plaintiff Atty: _____	Email: _____
Plaintiff Atty: _____	Email: _____
Defense Atty: _____	Email: _____
Defense Atty: _____	Email: _____
GAL: _____	Email: _____
Pro Se Party: _____	Email: _____
COURT REPORTER'S EMAIL (if parties are using court reporter): _____	

List of Motions to be heard. Please be specific	Party who filed Motion

ORAL ARGUMENT ONLY OR EVIDENCE TO BE PRESENTED. EXHIBITS MUST BE FILED IN ADVANCE IN THE CLERK'S OFFICE.

Name of Person Submitting this Request: _____ Phone Number: _____
Email Address: _____ Date Request Submitted: _____

REQUESTED HEARING DATE & TIME This date & time <u>must</u> be agreed to by all counsel and any pro se parties.	LENGTH OF HEARING Not to exceed one hour.
____ / ____ / ____ @ _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> 30 Minutes <input type="checkbox"/> 1 Hour

Check if applicable: Requesting that above hearing be by WebEx for the following reason(s): Reason(s) must be set forth below

Duty Judge: WebEx hearing Approved OR Not Approved for WebEx hearing and this matter will be set for an "In Person" hearing.

Duty Judge: _____

SUBMIT COMPLETED FORM TO: dutyjudg@vbgov.com

FOR COURT USE ONLY

Date: _____ In person hearing set or WebEx hearing set _____ Judges' Staff

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

v.

Case No.: _____

ORDER OF DESIGNATION AND REFERRAL TO JUDICIAL SETTLEMENT CONFERENCE

Upon request of all counsel of record, or in its own discretion, the court ORDERS that the above case is referred for a Settlement Conference to a Settlement Judge, for which there will be no cost to the parties. The settlement judge will submit a settlement conference per diem and travel expense reimbursement voucher to the Supreme Court to be paid for his or her services.

Pursuant to Virginia Code Section 17.1-105, the Honorable _____, a Retired Judge and a qualified Judicial Settlement Conference Judge by the Virginia Supreme Court is designated to conduct a Settlement Conference only, to assist the judges of this Court in the performance of their duties, on:

(MUST BE COMPLETED BY COUNSEL): IMPORTANT NOTE: If location is the Virginia Beach Circuit Court, you must first check *Judicial Settlement Conference Calendar* to determine if the date is available. If date is noted as FULL do not set any further cases on that day. This calendar is on the Court's website at courts.virginiabeach.gov under Related Links.

DATE: _____

TIME: _____

LOCATION [SPECIFY NAME OF COURT OR OFFICE, along with street address]:

Counsel shall provide any case documents or other correspondence required by the settlement judge.

In the event the case does not settle during the settlement conference, all parties shall appear on any current scheduled trial date ready to proceed with trial. Should the case settle during the settlement conference, counsel shall submit a final order to this court to remove the case from the pending docket.

List of counsel [endorsements dispensed with]:

FAX: _____
FAX: _____
FAX: _____
FAX: _____

The Clerk's Office of this Court shall provide a copy of this order to counsel of record noted above by facsimile and mail a copy of this order to the Settlement Judge.

ENTER: _____

JUDGE: _____

Submit to Judges' Office for entry via electronic transmission to Dutyjudg@vbgov.com

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH

In re: _____

Circuit Court Case No. : _____

Assessment/Payment Order¹ -- Costs of services of GAL for a child

After review of the DC-40, the total amount allowed to the appointed guardian *ad litem* is \$_____.

Payment determinations of the parents for guardian *ad litem* services are as follows [GAL TO COMPLETE]:

The **father** is to pay \$0.00. Father determined to be indigent based on the Federal Poverty Guidelines; OR

The **father** is to pay \$_____. The payment due date is: _____

Name of father: _____

Address of father: _____

The **mother** is to pay \$0.00. Mother determined to be indigent based on the Federal Poverty Guidelines; OR

The **mother** is to pay \$_____. The payment due date is: _____

Name of mother: _____

Address of mother: _____

[AND/OR]

The party with a legitimate interest is to pay \$_____. The payment due date is: _____

Name of party: _____

Address of party: _____

The payment to the guardian ad item shall be as follows [GAL TO CHECK ONE]:

The guardian ad litem shall be paid from Commonwealth funds. The parent or parents shall reimburse the Commonwealth in the amount stated above. Payment shall be made to the Circuit Court Clerk, 2425 Nimmo Parkway, Virginia Beach, Virginia 23456-9017. Personal checks are not accepted. PRINT name and case number on the money order, certified or cashier check. **If payment is not enclosed:** (i) the assessed costs shall be docketed immediately as a judgment in the judgment lien docket book of the clerk's office of this city and the judgment will be released as soon as payment is made and (ii) *if no due date for payment is stated above, then payment is due within 60 days from the date of entry of this order.* Failure to pay shall result in the unpaid amount being forwarded to a collection agent utilized by the Commonwealth. An additional collection remedy is authorized by the Setoff Dent Collection Act.

By agreement, the parent or parents shall make payment directly to the guardian ad litem in the amount and by the payment date stated above. In the event payment is not made, the guardian ad litem may notice the parent(s) and this court for an order directing the payment from the Commonwealth, in which case a judgment may be docketed against the parent(s).

The Clerk of this Court shall mail a copy of this order to the parent(s) or other party at the above address *if payment required*.

ENTER: _____, JUDGE

ENDORSEMENT: _____, Guardian Ad Litem

Revised May 22, 2018-GAL for Child Reimburse Order

¹ This order must be SUBMITTED by the GAL TO THE COURT WHEN DC-40 IS SUBMITTED. DC-40 will not be processed until there has been a determination of payment by the parents. The recommended practice is to provide this order at the conclusion of the court hearing for determination. See Chapter 7-OES Manual *Guidelines for Payment of Guardians Ad Litem for Children*.

**REQUEST FOR TELEVISION MEDIA COVERAGE OF JUDICIAL PROCEEDINGS
IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH**

Pursuant to Virginia Code §19.2-266, the undersigned hereby requests cameras in the courtroom on **(Date)** _____, for coverage of the proceedings in the following case:

_____ v. _____
Case No.: _____

Media Organization Making Request: _____
Name of Representative: _____
Phone #: _____ **Email:** _____

I understand that if there are multiple requests for media coverage in this case, the court will refer all second and subsequent requests to the Regional Coordinator, listed below, as designated by the Virginia Association of Broadcasters and/or the Virginia Press Association, who will facilitate all pooled coverage.

Regional Coordinator: Typhanny I. Wiggins
Organization: WAVY TV 10/FOX 43 TV
Phone: 757-396-6180
Email: Typhanny.Wiggins@wavy.com

I agree to abide by all of the requirements of Virginia Code §19.2-266 concerning media coverage of judicial proceedings.

Date _____
Name of Person making request

EMAIL REQUEST TO: nlcatoe@vbgov.com

FOR COURT USE ONLY _____

- APPROVED. First (or only one) request made.
- POOLED COVERAGE APPROVED. A prior (or multiple) request(s) made for the same judicial proceeding. Your request is referred to the above-named Regional Coordinator who will facilitate the pooled coverage and who will be the sole contact with the court.
- DENIED.

Date _____
Name of Judge