

Petersburg Circuit Court: Docket Control Procedures in Criminal Cases

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A. Grand Jury:

1. **General.** Grand Jury meets on the third Thursday of every month, the Term Day on which trial dates are set.
2. **Defendant's appearance.** It is mandatory that each defendant on bond appear for Term Day. A defendant incarcerated in Petersburg City Jail or Riverside Regional Jail is transported for Term Day if he or she needs to elect a jury or bench trial.
3. **Scheduling procedures.** Trial dates will be set within the term of court, but the setting of a case may be postponed to a later term for good cause shown.
4. **Failure to appear.** Bench warrants will be issued for those who fail to appear on Term Day. If the defendant fails to appear for an appeal, he or she may be tried in his or her absence or a separate warrant may be issued for an arrest.

B. Continuance Policy: Once a case has been set for trial, a continuance of that trial date will be granted only for good cause. All requests for continuances should be made and scheduled for hearing at the earliest possible time in advance of the trial date. Please see Continuance Policy posted on this site.

C. Motions and Other Pretrial Matters:

1. **Scheduling.** Motions are scheduled at docket call when the trial date is set.
2. **Filing.** A written motion and notice should be filed with the Clerk with copies to opposing counsel.
3. **Bond appeal.** A copy of the warrant from the lower court must accompany the written motion. The motion must state the case number(s) from the General District Court or Juvenile Court, the next court date and hearing time, the date of the alleged offense(s), and the present bond for each of the charges.

4. **Plea offers and motions to *nolle prosequere*.** If the Commonwealth's Attorney intends to move to *nolle prosequere* or otherwise dismiss the charge or to make a plea offer, defense counsel should be so advised at the earliest possible date.

D. Transportation Orders

1. **Responsibility of defense counsel.** It is primarily the responsibility of defense counsel to advise the Clerk and the Commonwealth's Attorney in a timely fashion of the facility in which the defendant is incarcerated, if the defendant is incarcerated other than in the Petersburg City Jail, Riverside Regional Jail, or the City Jail Annex.

2. **Responsibility of Commonwealth's Attorney.** It is primarily the responsibility of the Commonwealth's Attorney to prepare the transportation order and provide it to the Clerk for presentation to the Court for entry.

F. Interpreters

It is the responsibility of the defense attorney who becomes aware that his or her client or witness does not speak English or is hearing impaired to contact the Clerk at 804-733-2367 to request an interpreter. The request should be made at the earliest possible opportunity, but no later than five (5) business days before the trial or hearing. The Clerk must be advised of defendant's name, the court date and the language (and dialect, if necessary) of the non-English speaking defendant/witness.