

Friday 12th December, 2008.

It is ordered that the Rule heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective immediately.

Amend Rule 5:7B to read as follows:

Rule 5:7B. Petition for a Writ of Actual Innocence.

* * *

(b) *Time for Filing.* - A petition under this Rule shall be filed in the office of the Clerk of this Court within 60 days after the date upon which exculpatory test results are obtained by the petitioner or his counsel of record from the Department of Forensic Science for any tests conducted on human biological evidence pursuant to Code § 19.2-327.1.

* * *

(i) *Appointment of Counsel.* - In any petition filed pursuant to this Rule, petitioner shall be entitled to the appointment of counsel subject to the provisions of Code § 19.2-157 et seq. Any request for counsel in this Court must be made on the form provided by this Court, entitled REQUEST FOR COUNSEL - PETITION FOR A WRIT OF ACTUAL INNOCENCE, and must include: (i) all the information required by the in forma pauperis affidavit attached to the request for appointment of counsel, and (ii) an attested copy of the order of the circuit court ordering that testing of human biological evidence on the

petitioner's behalf be conducted by the Department of Forensic
Science pursuant to Code § 19.2-327.1.

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A Copy,

Teste:

Clerk