

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 25<sup>th</sup> day of January, 2018.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective April 1, 2018.

Amend Part One to read as follows:

**RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
GENERAL RULES APPLICABLE TO ALL  
PROCEEDINGS**

\* \* \*

**APPENDIX OF FORMS.**

**1. Praecipe (Rule 1:15(b)).**

VIRGINIA: IN THE CIRCUIT COURT OF THE

.....,  
Plaintiff

CASE NO. . . .

.....,  
Defendant

**PRAECIPE**

I certify that the above styled cause is matured for trial on its merits and request the Clerk to place it on the docket to be called on ..... to be set for trial  
date of next docket call

*with ( ) or without ( ) a jury.*

Dated this .....day of ....., 20....

.....  
Counsel for .....

**CERTIFICATE OF SERVICE**

I certify that on the ..... day of ....., 20...., I mailed or delivered a true copy of the foregoing praecipe to all counsel of record herein pursuant to the provisions of 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.

.....  
Counsel for .....

\* \* \*

Amend Part Three A to read as follows:

**PART THREE A  
CRIMINAL PRACTICE AND PROCEDURE  
APPENDIX OF FORMS.**

**Form 1. Criminal Complaint (Rule 3A:3).**

DC-311, CRIMINAL COMPLAINT, is one of the court forms created for use in criminal proceedings in Virginia courts. This form and others similarly used can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

**Form 2. Statement of Witness for Arrest Warrant (Rule 3A:3).**

A complainant's sworn statement of facts is captured on DC-311, CRIMINAL COMPLAINT. This form and others used in criminal proceedings in Virginia courts can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

**Form 3. Summons (Rule 3A:4(b)).**

DC-319, SUMMONS, is one of the court forms created for use in criminal proceedings in Virginia courts. This form and others similarly used can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

CC-1302, SUMMONS, the summons often used by the circuit courts, can be found online at <http://www.vacourts.gov/forms/circuit/cc1302inst.pdf>.

\* \* \*

**Form 5. Capias (Rule 3A:7).**

DC-361, CAPIAS, is one of the court forms created for use in criminal proceedings in Virginia courts. This form and others similarly used can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

CC-1301, CAPIAS, often used by the circuit courts, can be found online at <http://www.vacourts.gov/forms/circuit/cc1301inst.pdf>.

\* \* \*

**Form 8. Subpoena (Rule 3A:12(a)).**

DC-326, SUBPOENA FOR WITNESS, is one of the court forms created for use in criminal proceedings in Virginia courts. This form and others similarly used can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

CC-1342, SUBPOENA FOR WITNESS, often used by the circuit courts, can be found online at <http://www.vacourts.gov/forms/circuit/cc1342.pdf>.

**Form 9. Subpoena Duces Tecum (Rule 3A:12(b)).**

DC-336, SUBPOENA DUCES TECUM, is one of the court forms created for use in criminal proceedings in Virginia courts. This form and others similarly used can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

CC-1337, SUBPOENA DUCES TECUM, often used by the circuit courts, can be found online at <http://www.vacourts.gov/forms/circuit/cc1337inst.pdf>.

**Form 10. Contents of Sentencing Orders.**

(Pursuant to the provisions of Code § 19.2-307, all orders wherein an accused is sentenced for a criminal conviction shall conform substantially to the following form. In cases where no prior criminal conviction order has been entered of record, state the defendant's plea, the verdict or findings, the adjudication, whether or not the case was tried by a jury, and, if not, whether the consent of the accused was concurred in by the court and the attorney for the Commonwealth.)

**SENTENCING ORDER**

VIRGINIA: IN THE CIRCUIT COURT OF .....

FEDERAL INFORMATION  
PROCESSING  
STANDARDS CODE: .....

Hearing Date: .....

Judge: .....

COMMONWEALTH OF VIRGINIA

v.

....., DEFENDANT

This case came before the Court for sentencing of the defendant, who appeared in person with his attorney, ..... The Commonwealth was represented by .....

On ..... the defendant was found guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR	OFFENSE DATE	VA. CODE SECTION	VIRGINIA CRIME CODE REFERENCE
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

The presentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Code § 19.2-299.

Pursuant to the provisions of Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of: ..... for ....., and ..... for ..... The total sentence imposed is .....

This sentence shall run (concurrently/consecutively) with .....

The defendant shall pay costs of .....

A fine of \$ ..... for .....

The defendant's license has been suspended for a period of ..... (or indefinitely).

A restricted driver's license was issued by separate order.

The Court SUSPENDS ..... of the ..... sentence and ..... of the ..... sentence, ..... fine for a period of ....., for a total suspension of ....., upon the following condition(s):

**Good behavior.** The defendant shall be of good behavior for ... from the defendant's release from confinement.

**Restitution.** The defendant shall make restitution as set forth in the attached form DC-317, RESTITUTION ORDER.\*

**Supervised probation.** ..... of the sentence of incarceration is suspended. The defendant

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\* Form DC-317, RESTITUTION ORDER, and others used in criminal proceedings in Virginia courts can be found online at <http://www.vacourts.gov/courtadmin/aoc/legalresearch/resources/manuals/dcforms/dc300scriminal.pdf>.

is placed on probation to commence ..... under the supervision of a Probation Officer for ..... or unless sooner released by the court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

**Community-based Corrections System Program pursuant to Virginia Code § 19.2-316.2 or 19.2-316.3.** The defendant shall successfully complete the ..... program. Successful

program completion shall be followed by a period of intensive probation supervision of ..... and followed by a period of supervised probation of (at least one year). (If applicable: The defendant shall remain in custody until program entry.)

**Registration.** Pursuant to Code § 9.1-903, registration is required for individuals convicted of offenses defined in § 9.1-902.

**DNA and Fingerprints.** The defendant shall provide a DNA sample and legible fingerprints as directed.

**Special Conditions.** The defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Probation Officer, as well as the following conditions:

.....

**Other Special Conditions:** .....

.....

**Post-Incarceration supervision following felony conviction pursuant to Virginia Code § 18.2-10 and 19.2-295.2.**

**A. Post-Incarceration Supervised Probation:** The court has imposed above a term of ..... of incarceration and has suspended (at least 6 months) of the term of incarceration. The defendant is placed on supervised probation to commence upon release from incarceration for a period of (at least 6 months), unless released earlier by the court. The defendant shall comply with all the rules and requirements set by the Probation Officer.

**OR**

**B. Post-Incarceration Post-release Supervision:** In addition to the above sentence of incarceration, the court imposes an additional term of (not less than 6 months nor more than 3 years) of incarceration. This term is suspended and a period of post-release supervision of (not less than 6 months nor more than 3 years), which is to commence upon release from incarceration. The defendant shall comply with all the rules and requirements set by the Probation Officer.

**Credit for time served.** The defendant shall be given credit for time spent in confinement while

awaiting trial pursuant to Code § 53.1-187.

.....  
DATE

ENTER: .....  
JUDGE

**DEFENDANT IDENTIFICATION:**

Name: .....

Alias: .....

SSN: ..... DOB: ..... Sex: .....

**SENTENCING SUMMARY:**

TOTAL INCARCERATION SENTENCE IMPOSED: .....

TOTAL SENTENCE SUSPENDED: .....

TOTAL SUPERVISED PROBATION TERM: .....

TOTAL POSTRELEASE TERM IMPOSED and SUSPENDED: .....

TOTAL FINE IMPOSED: \$ ..... TOTAL FINE SUSPEND

A Copy,

Teste:

*John L. Harrison*

Clerk