

# **Petersburg Circuit Court: Continuance Policy**

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## **Docket Control Procedures regarding Continuances**

A continuance will be granted in a civil case if a case with priority is still scheduled within seven days of trial. Otherwise, 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 at the **earliest** possible time in advance of the trial date.

### **Grounds for Continuances Generally Deemed Sufficient**

- a. sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;
- b. a party did not receive notice of the setting of the trial date through no fault of that party or that party's counsel;
- c. the case was inadvertently set on a religious high holy day, if the continuance request is made substantially in advance of the trial date;
- d. in the case of a defendant's trial where the existence of a plea agreement calls for the defendant to testify against a co-defendant at the co-defendant's trial;
- e. facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled.

### **Grounds for Continuance Generally Deemed Insufficient**

- a. the case has not previously been continued;
- b. the case probably will settle if a continuance is granted;
- c. discovery has not been completed;

- d. new counsel has entered an appearance in the case or a party wants to retain new counsel;
- e. unavailability of a witness who has not been subpoenaed;
- f. plaintiff has not yet fully recovered from injuries when there is no competent evidence available as to when plaintiff will be fully recovered;
- g. a party or counsel is unprepared to try the case for reasons including, but not limited to the party's failure to maintain necessary contact with counsel;
- h. the failure to schedule suppression motions on a timely basis unless the Commonwealth failed to comply with a discovery order; or
- i. a police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date.