

Petersburg Circuit Court: Docket Control Procedures in Criminal Cases

The content of this page was provided by the Petersburg Circuit Court and has been posted on Virginia's Judicial System website as a courtesy to the Petersburg Circuit Court.

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. Incarcerated individuals do not appear for Term Day and counsel is required to notify the client of the trial date.
3. **Attorney's appearance.** The attorney's appearance will be waived if he/she schedules his/her cases with the Office of the Commonwealth's Attorney prior to Term Day.
4. **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. The defendant will be recognized for his trial and/or motions dates and allowed to leave.
5. **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 may be tried in his/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 by contacting Cheryl Wilson, Deputy Commonwealth's Attorney at (804) 861-8899 or Tucker Kile, Court Administrator, at (804) 733-2423.
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.

5. **Failure of defendant to maintain contact with defense counsel and appear at all court appearances.** An attorney who has not had contact with the defendant, notwithstanding counsel's efforts to make contact, may contact the Commonwealth's Attorney and request that the case be docketed for a date in advance of the trial date to determine its status. Counsel should write and call the defendant to advise of this court date. If the defendant does not appear, the case may be removed from the trial docket and a bench warrant issued.

D. **Plea agreements reached at preliminary hearing:** If a plea agreement is reached at preliminary hearing and the defendant waives grand jury indictment, the case can be docketed within two weeks after the preliminary hearing. Defense counsel should contact Cheryl Wilson in the Commonwealth's Attorney's Office to set a date for a hearing on the guilty plea and waiver of grand jury in Circuit Court. Defense counsel shall notify his or her client of the date.

E. **Transportation Orders**

1. **Responsibility of defense counsel.** It is primarily the responsibility of defense counsel to advise timely the Court and the Commonwealth's Attorney if the defendant is incarcerated other than in the Petersburg City Jail, Riverside Regional Jail, or the City Jail Annex. Defense counsel should promptly notify the Clerk and the Commonwealth's Attorney of the defendant's name; the trial, hearing or sentencing date; and the facility in which the defendant is incarcerated.

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**

1. **Responsibility of defense attorney.** It is the responsibility of the defense attorney who becomes aware that his/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 business days before the trial or hearing.

2. **Information required.** 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.

Page last modified 2/10