

Last amended by Order dated March 1, 2011; effective May 2, 2011.

**RULES OF SUPREME COURT OF VIRGINIA
PART THREE A
CRIMINAL PRACTICE AND PROCEDURE**

Rule 3A:23. ~~Effective Date~~ Electronic Filing.

~~The Rules set forth in this Part Three A shall be effective July 1, 1984. They shall govern all out of court criminal proceedings on or after that day, all criminal proceedings brought before courts on or after that day and, except to the extent that in the opinion of the court their application would not be feasible or would work injustice, all criminal proceedings pending before courts on that day.~~

In any circuit court which has established an electronic filing system for criminal cases pursuant to Rule 1:17:

(a) Any criminal proceeding may be designated as an Electronically Filed Case upon consent of the Commonwealth and all defendants in the case.

(b) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other instruments in an Electronically Filed Case shall be formatted, served and filed as specified in the requirements and procedures of Rule 1:17; provided, however, that when any document listed below is filed in the case, the filing party shall notify the clerk of court that the original document must be retained.

(1) Any pleading or affidavit required by statute or rule to be sworn, verified or certified as provided in Rule 1:17(e)(5).

(2) Any check or other negotiable instrument.

(3). Any handwritten statement, waiver, or consent by a defendant or witness in a criminal proceeding.

(4) Any form signed by a defendant in a criminal proceeding, including any typed statements or a guilty plea form.

(5) Any document that cannot be converted into an electronic document in such a way as to produce a clear and readable image.