

VIRGINIA: IN THE CIRCUIT COURT OF FAUQUIER COUNTY

ORDER:

COVID-19 CONTINGENCY OR ACTION PLAN

FAUQUIER COUNTY CIRCUIT COURT ORDERED PROCEDURES

WHEREAS, the government of the Commonwealth of Virginia has, by executive order, declared a state of emergency; and

WHEREAS, the government of the United States has, by executive order, declared a national emergency; and

WHEREAS, the Court finds it meritorious, just and necessary to promulgate emergency rules of procedure governing the administration of justice in the Fauquier County Circuit Court. The following rules and procedures are effective immediately until further order of the Court.

- A. All criminal matters currently on the Court's docket through April 10, 2020, except for arraignments (to include capias returns and indictment returns) and bond motions, are converted to status as follows:
- i. All matters currently set for Grand Jury / Term Day on Monday, March 23, 2020 are removed from the Court's docket. All witnesses and grand jurors are released from subpoena. These cases are reset to the May 26, 2020 Grand Jury / Term Day.
 - ii. All matters currently set during the weeks of March 16, 2020 and March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 29, 2020, at 9:00 a.m. for status or to be set for hearing, unless otherwise ordered by the Court.
 - iii. All matters currently set during the week of March 30, 2020 and April 6, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 8, 2020, at 9:00 a.m. for status or to be set for hearing, unless otherwise ordered by the Court.
 - iv. Arraignments and bond motions currently on the docket will remain. Arraignments and bond motions may be added to the Court's docket by Emergency motion as set forth below.

- v. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to clerk@fauquiercounty.gov. The Court will determine whether to docket the matter.
- vi. No other criminal motions shall be set prior to April 27, 2020.
- vii. All criminal dockets (pleas, sentencings, probation violations, motions) are cancelled through April 10, 2020.

B. All civil matters on the Court's dockets through April 10, 2020 are removed from the docket and docketed for tracking, as follows:

- i. All matters currently set the week of March 16, 2020 and March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 21, 2020, at 9:00 a.m. for status or to be set for hearing.
- ii. All matters currently set the week of March 30, 2020 and April 6, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 5, 2020, at 9:00 a.m. for status or to be set for hearing.
- iii. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to clerk@fauquiercounty.gov. The Court will determine whether to docket the matter.
- iv. No praecipes for Civil Motions Day on Tuesday April 21, 2020, will be accepted after entry of this Order.

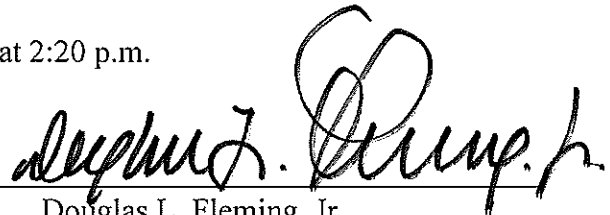
C. Appeals from the district courts shall be docketed in the Circuit Court as follows:

- i. Except for protective orders, any civil matter appealed from the Fauquier County General District Court or the Fauquier County Juvenile and Domestic Relations District Court may be noticed or docketed for scheduling in the Fauquier County Circuit Court on any Civil Motions Docket at 9:00 a.m. beginning with the May 5, 2020 docket or any Civil Motions Docket thereafter.
- ii. Any criminal matter appealed from the Fauquier County General District Court or the Fauquier County Juvenile and Domestic Relations District Court shall be noticed or docketed for Monday May 18, 2020 misdemeanor appeals docket for scheduling in the Fauquier County Circuit Court.

D. Should a party believe any matter must be scheduled and/or heard prior to the dates set out above, the emergency motion procedure should be followed.

- E. Nothing herein changes any statutory or rule-based filing deadlines. All parties are strongly encouraged to liberally consent to extension of deadlines where the law so permits and to submit appropriate consent orders memorializing such agreements. The Court notes, however, consistent with Virginia law, that not all consent orders are legally effectual as they purport to be. For example, agreement of the parties does not serve to confer jurisdiction upon the Court.
- F. To the extent this Order conflicts with any provision of the General Administrative Order (“GAO”) entered March 16, 2020, this Order shall control. Otherwise, the GAO remains in full force and effect.
- G. All aspects of this Order are subject to revision and review by this Court. All aspects of this Order are subordinate to the Order of any Court superior to this Court.

ENTERED this 17th day of March, 2020, at 2:20 p.m.

A handwritten signature in black ink, appearing to read "Douglas L. Fleming, Jr.", written over a horizontal line.

Douglas L. Fleming, Jr.
Chief Judge, 20th Judicial Circuit