

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

LOCAL RULE AND STANDING ORDER ON CRIMINAL DISCOVERY

Pursuant to the authority granted by Virginia Supreme Court Rule 1:15, it shall be the local rule of this Court that:

- (A) All motions for criminal discovery filed pursuant to Rule 3A:11(b) should be accompanied by a sketch order on discovery for consideration by the Court. The accompanying sketch order must include all language required by Rule 3A:11, including a specification of the time, place, and manner of discovery.¹ If the parties are in dispute as to the language of the order, the parties should docket a hearing according to the docketing procedures of the Court.
- (B) In any case in which a motion for criminal discovery was filed pursuant to Rule 3A:11(b) without an accompanying sketch order, the below **STANDING ORDER** shall be the discovery order for that case:

IT IS HEREBY ORDERED:

- 1) that the Commonwealth will tender to defense counsel any information or material specified in Rule 3A:11(b) of the Rules of the Supreme Court of Virginia and exculpatory information or material pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny that is within the Commonwealth's knowledge, possession, custody, or control, or which the Commonwealth could obtain by due diligence; and
- 2) counsel for the defense will tender to the Commonwealth's Attorney any discoverable information or material specified in Rule 3A:11(d) of the Rules of the Supreme Court of Virginia that is within the defense counsel's knowledge, possession, custody, or control or which defense counsel could obtain by due diligence.
- 3) Discovery shall be provided pursuant to the following deadlines:
 - a. All materials subject to disclosures as required by Rule 3A:11(b), except for witness lists and expert disclosures, shall be provided by the Commonwealth to defense counsel no later than **sixty (60) days** prior to trial.

¹ See Va. Sup. Ct. R. 3A:11(f).

- b. All materials subject to disclosure as required by Rule 3A:11(d), except for witness lists, expert disclosures, and alibi notice, shall be provided by defense counsel to the Commonwealth no later than **thirty (30) days** prior to trial.
 - c. The Commonwealth shall provide expert disclosures as required by Rule 3A:11(b)(4) to defense counsel no later than **forty (40) days** prior to trial.
 - d. The Defense shall provide expert disclosures as required by Rule 3A:11(d)(4)(a) to the Commonwealth no later than **twenty (20) days** prior to trial.
 - e. The Commonwealth shall provide witness lists as required by Rule 3A:11(b)(5) to defense counsel no later than **fourteen (14) days** prior to trial.
 - f. The Defense shall provide any notice of alibi as required by Rule 3A:11(d)(2) and witness lists as required by Rule 3A:11(d)(5) to the Commonwealth no later than **ten (10) days** prior to trial.
- 4) Any pretrial motions shall be docketed and heard no later than **five (5) days** prior to trial.
 - 5) Both parties are bound by the continuing duty to disclose as outlined in Rule 3A:11(h) of the Rules of the Supreme Court of Virginia.

As required by Rule 1:15, the Clerk is hereby **DIRECTED** to forthwith: (1) spread this order upon the order book; (2) post a copy with the date of entry in the clerk's office; (3) file a copy with the Executive Secretary of the Supreme Court; and (4) furnish a copy of this order to attorneys regularly practicing before this Court by publishing it on the websites associated with this Court. The Court Administrator is hereby **DIRECTED** to furnish a copy of this order to attorneys regularly practicing before this Court by forwarding it to the Richmond Bar Association for distribution to its membership list.

It is so **ORDERED**.

ENTER:

5-9-24


W. Reilly Marchant, Chief Judge