

Fourth Revised Memorandum Regarding Alexandria Circuit Court
Ordered COVID-19 Temporary Procedures

Amendment dated 6/17/20

E. Criminal Cases

11. Criminal Bench Trials - For all criminal bench trials scheduled through September 7, 2020, counsel and pro se parties should contact Judges' Chambers as soon as feasible to advise whether the trial may be done remotely and, if not, whether the trial may be continued. For any such trial that may not be done remotely or be continued, the Court will, on a case-by-case basis, determine whether the trial may proceed in-person.

In cases where the defendant is in custody, if defense counsel makes a written request no later than 12:00 p.m. on the Wednesday prior to the Commonwealth Day, or one week before the scheduled hearing if a day other than Commonwealth Day that the defendant be physically present in the courtroom, and the court finds good cause to grant such request, the Court will work with the Sheriff's Office to transport the defendant to and from the jail and the Courthouse in a manner that protects the health and safety of the defendant, the Sheriff's deputies and any other necessary personnel, taking into consideration, *inter alia*, that only a limited number of incarcerated defendants may be transported on any given day, that the Circuit Court, GDC and JDR Court need to accommodate the Sheriff's limited ability to transport multiple incarcerated defendants to the Courthouse on any given day, that there is limited space within the Courthouse for incarcerated defendants to be maintained, that there is the need to isolate the defendant for a period of days upon his/her return to the jail, and that there are more logistical considerations when transporting defendants from other jurisdictions. Written requests shall be emailed to CircuitCourtChambers@alexandriava.gov.

In cases where counsel believes that the speedy trial rights of an incarcerated defendant are implicated, it shall be incumbent on counsel to bring the issue to the attention of the Commonwealth and the Court in advance of the existing trial date to allow the Court to make an appropriate decision.

12. Criminal Proceedings On Commonwealth Day or a Date Certain

- b. For pleas, felony sentencings and probation violations, and contested non-evidentiary criminal motions, the following procedures shall apply:

- 1) **In cases where the defendant is incarcerated** at the Alexandria Adult Detention Center and, *if all parties and witnesses agree to do so*, the attorney for the Commonwealth, defense counsel and the court reporter shall appear in person in Courtroom #4, and the defendant shall appear via the Polycom audio/video conferencing system. If defense counsel requests that the defendant be physically present in the courtroom, **such written request having been received by Judges' Chambers prior to 12:00 p.m. on the Wednesday prior to the Commonwealth Day, or one week before the scheduled hearing if a day other than Commonwealth Day**, the same procedures as set forth in Section E (11) above apply. **Written requests shall be emailed to CircuitCourtChambers@alexandriava.gov.**