

2026 EDITION

# Virginia Criminal Practice Forms

---



Continuing Legal Education by the Virginia Law Foundation

VIRGINIA LAWYERS PRACTICE FORMS BOOK

# VIRGINIA CRIMINAL PRACTICE FORMS

*Fourth Edition*

 Virginia CLE<sup>®</sup>  
Publications





## Virginia Criminal Practice Forms

Copyright © 2014, 2018, 2020, 2025  
Virginia Law Foundation. All rights reserved.

This electronic book is licensed for use on a single personal computer only. It must be treated in the same way as the print edition. It may not be copied, made accessible on a computer network, or otherwise shared by electronic or optical means. No derivative works may be made, but the purchaser may electronically copy short passages to include in memoranda, briefs, and similar documents.

This publication is presented with the understanding that the authors, the reviewers, and the publisher do not render any legal, accounting, or other professional service. It is intended for use by attorneys licensed to practice law in Virginia. Because of the rapidly changing nature of the law, information contained in this publication may become outdated. As a result, an attorney using this material must always research original sources of authority and update information to ensure accuracy when dealing with a specific client's legal matters. In no event will the authors, the reviewers, or the publisher be liable for any direct, indirect, or consequential damages resulting from the use of this material. The views expressed herein do not necessarily represent those of the Virginia Law Foundation.

Citations to statutes, rules, and regulations are to the versions in effect at the time the material was written, unless otherwise noted. An effort has been made to ensure the material is current as of the time the material was written, unless otherwise noted.

Click the left mouse button twice on the link below to view tips on using Virginia CLE Electronic Books (requires Adobe® Reader version 6 or later).

## TABLE OF CONTENTS

Chapter 1 ATTORNEY-CLIENT RELATIONSHIP .....	1
1.1 Initial Client Interview Checklist .....	1
1.2 Fee Agreement Letter .....	32
1.3 Felony Fee Agreement .....	35
1.4 Misdemeanor Fee Agreement.....	38
1.5 Memorandum of Advice to Client.....	41
1.6 Release of Information Form .....	45
1.7 Codefendants' Conflict Waiver .....	46
1.8 Cooperative Defense Agreement .....	47
1.9 Motion to Withdraw as Counsel .....	50
1.10 Order Permitting Withdrawal as Counsel.....	52
Chapter 2 ARRAIGNMENT AND BAIL .....	55
2.1 Questionnaire for Bail Information.....	55
2.2 Motion to Set/Reduce Bond.....	68
2.3 Motion to Amend Bond .....	70
2.4 Appeal of Bond Determination .....	72
Chapter 3 MOTIONS TO DISMISS.....	75
3.1 Affidavit and Agreement Based Upon Accord and Satisfaction.....	75
3.2 Motion to Dismiss Based on Accord and Satisfaction .....	77
3.3 Motion to Dismiss—Statute of Limitations .....	79



---

TABLE OF CONTENTS

---

3.4	Motion to Dismiss—Not a Lesser Included Offense .....	81
3.5	Motion to Dismiss Indictment on Constitutional Grounds .....	83
Chapter 4 BILLS OF PARTICULARS .....		85
4.1	Motion for a Bill of Particulars Pursuant to Section 19.2-230 .....	85
4.2	Motion for Bill of Particulars Pursuant to Section 19.2-266.2 .....	87
Chapter 5 MOTIONS TO SUPPRESS OR LIMIT EVIDENCE .....		93
5.1	Motion to Suppress; Motion in Limine .....	93
5.2	Notice and Motion to Suppress .....	95
5.3	Motion to Suppress Unlawful Pat-Down Evidence .....	98
5.4	Motion to Suppress—Unlawful Search of Residence .....	102
5.5	Memorandum in Support of Motion to Suppress Evidence from Unlawful Search of Residence .....	104
5.6	Memorandum in Support of Motion to Suppress Evidence from Unlawful Search of Computer .....	109
5.7	Memorandum in Support of Motion to Suppress Evidence from Warrantless Search .....	117
5.8	Memorandum in Support of Motion to Suppress Evidence from Unlawful Stop .....	121
5.9	Motion in Limine to Prevent Prosecutorial Comment .....	125
5.10	Motion in Limine to Prevent Cross-Examination .....	127
5.11	Motion to Quash Search Warrant .....	129
5.12	Motion in Limine—Introduce Defendant’s Whole Statement .....	131

---

TABLE OF CONTENTS

---

5.13	Motion to Suppress Defendant's Statements.....	133
5.14	Motion to Suppress Statements—Long Form .....	135
5.15	Motion in Limine to Preclude Testimony Regarding Collateral Evidence .....	138
5.16	Motion in Limine to Exclude 911 Tape .....	140
5.17	Motion in Limine to Limit Presentation of Photographs.....	142
5.18	Motion in Limine to Have the Defendant Presented In the Courtroom Not In Handcuffs and Jail Uniform .....	144
5.19	Motion In Limine to Limit the Presence of Law Enforcement Personnel in the Courtroom .....	146
Chapter 6 IDENTIFICATION PROCEDURES .....		149
6.1	Motion for Non-Suggestive Identification Procedure ....	149
6.2	Motion to Suppress Unduly Suggestive Identification .....	154
6.3	Memorandum Based on New Jersey v. Henderson.....	156
Chapter 7 DISCOVERY.....		179
7.1	Notice and Motion to Clarify Commonwealth's Discovery Obligations .....	179
7.2	Motion for Discovery and Inspection—Short Form.....	182
7.3	Motion for Discovery and Inspection—Long Form.....	185
7.4	Defendant's Motion to Compel .....	195
Chapter 8 EXPERTS .....		197
8.1	Motion for Appointment of Experts.....	197
8.2	Memorandum in Support of Motion for Appointment of Experts.....	199

---

TABLE OF CONTENTS

---

8.3	Motion for Appointment of Mental Health Expert .....	203
8.4	Motion For Leave to File and Present Ex Parte Motions for the Appointment of Necessary Expert Witnesses .....	205
8.5	Motion for Funds to Secure Expert Consultation and Testimony.....	209
8.6	Defense Notice of Intent to Introduce Evidence of Defendant's Mental Condition Pursuant to Virginia Code Section 19.2-271.6.....	217
8.7	Motion for Ex Parte Hearing for Expert Funds .....	219
Chapter 9 PRELIMINARY HEARINGS .....		221
9.1	Motion for Closure of Preliminary Hearing.....	221
Chapter 10 CONTINUANCES .....		225
10.1	Motion for Continuance.....	225
10.2	Continuance Order .....	227
Chapter 11 SUBPOENAS, NOTICES, AND OTHER PROCESS.....		229
11.1	Notice of Motion .....	229
11.2	Petition for Certificate for Out-Of-State Witness .....	231
11.3	Certificate for Attendance of Out-Of-State Witness ....	234
11.4	Order to Secure Attendance of Out-Of-State Witnesses .....	236
Chapter 12 PLEAS .....		239
12.1	Defendants Pleading Guilty/No Contest-Waiver of Rights Form .....	239



## TABLE OF CONTENTS

---

12.2	Suggested Questions to Be Put by the Court to an Accused Who Has Pleaded Not Guilty (Rule 3A:8) .....	245
12.3	Misdemeanor Proceedings in District and Circuit Courts (Rule 3A:8(b)(2); Rule 7C:6; and Rule 8:18).....	247
Chapter 13	JURIES.....	253
13.1	Juror Questionnaire.....	253
Chapter 14	RECUSALS.....	265
14.1	Motion for Recusal .....	265
Chapter 15	SEPARATE TRIALS .....	267
15.1	Motion for Separate Trial as to Charges.....	267
15.2	Motion for Separate Trial as to Codefendant .....	269
15.3	Order Granting Separate Trial from Codefendant.....	271
Chapter 16	MOTIONS TO RECONSIDER .....	273
16.1	Motion to Reconsider.....	273
Chapter 17	APPEALS.....	275
17.1	Notice of Appeal from Trial Court (Rule 5A:6) .....	275
17.2	Bond for Costs and Suspension on Appeal .....	277
17.3	Affidavit to Withdraw a Criminal Appeal.....	279
17.4	Motion for Extension of Time to File Transcripts .....	281
Chapter 18	DUI AND OTHER SERIOUS TRAFFIC OFFENSES ...	285
18.1	Client Intake and Interview Forms .....	285
18.2	Sample Letter Transmitting Fee Agreement .....	301

---

TABLE OF CONTENTS

---

18.3	Sample Fee Agreement Form.....	302
18.4	Motion to Suppress Evidence and Memorandum in Support.....	305
18.5	Motion to Suppress .....	310
18.6	Memorandum in Support of Motion to Suppress .....	312
18.7	Response to Memorandum in Support of Suppression of Evidence.....	319
18.8	Notice and Motion for Discovery-General District Court.....	323
18.9	Order for Discovery-General District Court.....	325
18.10	Defendant's Motion to Compel Discovery-General District Court.....	328
18.11	Model Circuit Court Discovery Order.....	330
18.12	Motion for Bill of Particulars (General District Court).....	343
18.13	Motion for Bill of Particulars (Circuit Court).....	346
18.14	Objection to Introduction of Certificate of Analysis.....	349
18.15	Sample Letter to Department of Forensic Science.....	351
18.16	Sample Closing Letter (Long form).....	353
18.17	Sample Closing Letter (Short form).....	356
Chapter 19 JUVENILE PROCEEDINGS .....		357
19.1	Letter to Client's Parent or Parents When Client Is Detained .....	357
19.2	Letter to Client's Parent or Parents When Client Is Free .....	358
19.3	Initial Client Interview Form.....	359

## TABLE OF CONTENTS

---

19.4	Initial Parent Interview Form.....	373
19.5	Medical Records Release.....	377
19.6	Request and Authorization for Educational Records.....	378
19.7	Sample Transfer/Social History Report .....	379
19.8	Sample Evaluation Summary .....	394
19.9	Example of Psychological Evaluation .....	418
19.10	Sample Substance Abuse Evaluation.....	421
19.11	Petition Pursuant to § 16.1-285.1(F).....	425
19.12	Serious Offender Progress Report.....	427
Chapter 20 CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS.....		435
20.1	Respondent's First Interrogatories and Request for Productions of Documents .....	435
20.2	Petitioner's Response to Discovery Order .....	445
20.3	Discovery Order.....	449
20.4	Sexually Violent Predator Evaluation .....	451



## CHAPTER 9

### PRELIMINARY HEARINGS

#### 9.1 *Motion for Closure of Preliminary Hearing*

VIRGINIA:

IN THE \_\_\_\_\_ COURT FOR THE [CITY] [COUNTY] OF \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

v. CASE NO. \_\_\_\_\_

[Defendant's name],  
Defendant.

#### **MOTION FOR CLOSURE OF PRELIMINARY HEARING**

The Defendant, [Defendant's name], by counsel, pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section 8 of the Virginia Constitution, and section 19.2-266 of the Virginia Code, for [his] [her] Motion for Closure of Preliminary Hearing, states as follows:

#### **[Set forth supporting facts, for example:**

1. [Defendant's name] is charged in [jurisdiction] with [number and nature of offenses].
2. Since [Defendant's name]'s arrest, [his] [her] case has received substantial attention in the media.
3. Immediately after [Defendant's name]'s arrest, the media reported that [Defendant's name] "confessed" to the crimes and that [he] [she] did so after having been advised of [his] [her] rights.
4. Defense counsel anticipates that the Defendant's statements to the police will be offered for the court's consideration at the preliminary hearing.

5. There is a substantial probability that there will be further publicity regarding a so-called “confession.”

6. [Defendant’s name]’s statements to the police and other evidence will likely be the subject of suppression motions both in this court and in subsequent circuit court proceedings.

7. Publicity regarding “confessions” poses a special risk of unfairness. Inculpatory information may come out at the preliminary hearing that could eventually be deemed inadmissible at trial.

8. Potential jurors should not be exposed to information before its admissibility is finally determined.

9. Other motions in this case have been heard in open court. The proceedings have been reported in the media. The Defendant’s motion is limited to a specific hearing and is narrowly tailored to protect [his] [her] right to a fair trial.

10. Under the Sixth Amendment to the United States Constitution and Article I, Section 8 of the Virginia Constitution, [Defendant’s name] has a right to a fair trial by an impartial jury. Given the likelihood of additional pretrial publicity regarding [his] [her] statements to the police, the right can be protected only by closing the preliminary hearing.]

WHEREFORE [Defendant’s name] moves the court to make a finding on the record that closure of the preliminary hearing is essential to preserve [his] [her] right to a fair trial, that the closure is narrowly tailored to serve that interest, and that alternatives will not protect [his] [her] fair-trial right, and to enter an order consistent with these findings.

Respectfully submitted,

[Defendant’s name]  
By Counsel

COUNSEL:

---

[Name of Attorney]  
Virginia State Bar No. \_\_\_\_\_  
[Name of Firm]

[Address]  
[City, State, and Zip Code]  
[Telephone Number]  
[Fax Number]  
[Email Address]

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing was [hand delivered] [sent by first-class mail postage prepaid] to [name and address of Commonwealth's Attorney]; [name and address of television station]; [name and address of newspaper publisher]; [name and address of attorney]; and [name and address of radio station news director] on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Attorney's name]



## CHAPTER 10

### CONTINUANCES

#### 10.1 *Motion for Continuance*

VIRGINIA:

IN THE \_\_\_\_\_ COURT FOR THE [CITY] [COUNTY] OF \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

v. CASE NO. \_\_\_\_\_

[Defendant's name],  
Defendant.

#### MOTION FOR CONTINUANCE

[Defendant's name], by counsel, respectfully moves the court to grant [him] [her] a continuance and reschedule [his] [her] case from [Present trial date] to be reset at the [Date of next] docket call.

The basis for this continuance is that the undersigned will be [participating as lead counsel in the trial of an aggravated murder case on [Present trial date] in the Circuit Court for [Jurisdiction]].

Respectfully submitted,

[Defendant's name]  
By Counsel

COUNSEL:

\_\_\_\_\_  
[Name of Attorney]  
Virginia State Bar No. \_\_\_\_\_  
[Name of Firm]  
[Address]  
[City, State, and Zip Code]  
[Telephone Number]

[Fax Number]  
[Email Address]

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing was [hand delivered] [sent by first-class mail postage prepaid] to [name and address of Commonwealth's Attorney] on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Attorney's name]

A large, light blue diagonal watermark reading "SAMPLE" is overlaid on the page. To the left of the word "SAMPLE" is a circular icon containing a stylized building with columns.

**10.2 Continuation Order**

VIRGINIA:

IN THE \_\_\_\_\_ COURT FOR THE [CITY] [COUNTY] OF \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

v. CASE NO. \_\_\_\_\_

[Defendant's name],  
Defendant.**ORDER**On motion of the Defendant, [Defendant's name], the above case is  
ORDERED continued from \_\_\_\_\_, 20\_\_ to be reset at the  
\_\_\_\_\_, \_\_\_\_\_ docket call.ENTER: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

I ASK FOR THIS:

COUNSEL:

\_\_\_\_\_  
[Name of Attorney]  
Virginia State Bar No. \_\_\_\_\_  
[Name of Firm]  
[Address]  
[City, State, and Zip Code]  
[Telephone Number]  
[Fax Number]  
[Email Address]



SEEN:

\_\_\_\_\_  
[Name of Commonwealth's Attorney]

Virginia State Bar No. \_\_\_\_\_

[Name of Firm]

[Address]

[City, State, and Zip Code]

[Telephone Number]

[Fax Number]

[Email Address]

A large, light blue diagonal watermark spanning the center of the page. It features a stylized building icon on the left and the word "SAMPLE" in a serif font to its right.

## CHAPTER 11

### SUBPOENAS, NOTICES, AND OTHER PROCESS

#### 11.1 *Notice of Motion*

VIRGINIA:

IN THE \_\_\_\_\_ COURT FOR THE [CITY] [COUNTY] OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

v. CASE NO. \_\_\_\_\_

[Defendant's name],  
Defendant.

#### NOTICE

Please be advised that the Defendant, [Defendant's name], intends to object to \_\_\_\_\_ on the grounds and for reasons stated in the attached motion, and that the court shall hear the Defendant's motion on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ [a.m.] [p.m.], or as soon thereafter as counsel may be heard in the Circuit Court for the [City] [County] of \_\_\_\_\_.

Respectfully submitted,

[Defendant's name]  
By Counsel

COUNSEL:

\_\_\_\_\_  
[Name of Attorney]  
Virginia State Bar No. \_\_\_\_\_  
[Name of Firm]  
[Address]  
[City, State, and Zip Code]  
[Telephone Number]

[Fax Number]  
[Email Address]

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing was [hand delivered] [sent by first-class mail postage prepaid] to [name and address of Commonwealth's Attorney] on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Attorney's name]

A large, light blue diagonal watermark reading "SAMPLE" is overlaid on the page. To the left of the word "SAMPLE" is a circular icon containing a stylized building with columns.

**11.2 *Petition for Certificate for Out-Of-State Witness***

VIRGINIA:

IN THE \_\_\_\_\_ COURT FOR THE [CITY] [COUNTY] OF \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

v. CASE NO. \_\_\_\_\_

[Defendant's name],  
Defendant.

**PETITION FOR A CERTIFICATE TO SECURE THE  
ATTENDANCE OF AN OUT-OF-STATE WITNESS**

Comes now, Defendant, [Defendant's name], by counsel, and moves this court to certify the materiality of a certain witness who may be found in [Responding state], pursuant to the provisions of the Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Proceedings, sections 19.2-272 through 19.2-282 of the Virginia Code and codified in [Responding state] as [Responding state's code section(s)]. In support of this motion, the Defendant states as follows:

1. Defendant is charged with [Numbers of counts and charges] in violation of [Code sections for charges].
2. A bench trial is scheduled before this Court on [Date of trial] at [Time of trial] [a.m.] [p.m.] Defense counsel has identified [Name of witness] as a witness in this matter. Counsel has a good faith basis to believe that the testimony of [Name of witness] is material to the defense of this case.
3. The witness, [Name of Witness], may be found at [Witness address].
4. The responding state, [Name of state], has enacted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings as [Responding state code section].
5. The laws of the Commonwealth of Virginia exempt said witness from arrest or service of process, civil or criminal, while the witness is in the Commonwealth of Virginia pursuant to summons pertaining hereto in connection

with matters that arose before said witness's entrance into the Commonwealth under summons.

6. The witness's appearance will be required for no more than [Number of] days.

7. The witness's appearance in Virginia will not work a hardship upon [him] [her].

8. Virginia law allows for the reimbursement of the witness for additional reasonable expenses incurred during [his] [her] attendance in response to the requested subpoena.

WHEREFORE, the Defendant moves this court for the issuance of a certificate under seal of this court directed to [Name of Clerk], Clerk of [Responding Court] of the State of [Responding state] certifying [Witness name], presently residing in [Responding state], is a material witness to these proceedings and that [his] [her] attendance is required before this court on [date and time of trial].

Respectfully submitted,

[Defendant's name]  
By Counsel

COUNSEL:

\_\_\_\_\_  
[Name of Attorney]

Virginia State Bar No. \_\_\_\_\_

[Name of Firm]

[Address]

[City, State, and Zip Code]

[Telephone Number]

[Fax Number]

[Email Address]