

# Fairfax Circuit Court

## DWI 3<sup>rd</sup> Offense OR Habitual Offender Determination

*Forms must be neat and legible.*

### Filing Fees: **SEE CURRENT FEE SCHEDULE**

- Filing fee
- \$24.00 Sheriff service fee, to serve DMV and Commonwealth Attorney

### Code of Virginia:

- Habitual Offender: 46.2-358, 46.2-359, 46.2-360, 46.2-361
- DWI - Third Offense: 46.2-391

### Documents to be filed:

- \_\_\_\_\_ Petition (Original plus 4 copies – copies **must** also include the following)
  - \_\_\_\_\_ Petition signed by Plaintiff
  - \_\_\_\_\_ Address of Plaintiff
  - \_\_\_\_\_ Daytime Phone Number
- \_\_\_\_\_ Self-addressed Stamped Envelope (for certified copy of final order)
- \_\_\_\_\_ Current DMV Transcript (Original plus 4 copies)  
(DMV Transcript **must** be dated within 30 days of the filing date)
- \_\_\_\_\_ Friday Motions Docket Praecipe/Notice form (Original plus 4 copies)  
(Copies **must** include Petitioners address and daytime phone number)
  - \_\_\_\_\_ 10:00 a.m. docket
  - \_\_\_\_\_ Petitioner must choose a Friday date for Motion to be heard  
(Hearing date **no sooner** than 45 days from the time of filing)
- \_\_\_\_\_ Proposed Order
- \_\_\_\_\_ Service on DMV and Commonwealth Attorney
- \_\_\_\_\_ Need Interpreter (Yes / No) Language \_\_\_\_\_

### **NOTE:**

If petition is based on a ***DWI-Third Offense OR if Habitual Offender Determination*** was based at least in part on offense convictions for *DWI*, a Virginia Alcohol Safety Action Program VASAP Evaluation is **required** to be filed at least 10 days prior to the hearing.

- \_\_\_\_\_ Virginia ASAP Evaluation –Virginia Alcohol Safety Action Program Evaluation is **required** to be filed at least 10 days prior to the hearing and **must** be dated within 90 days of the hearing date.