

Circuit Court and Records

80-04-Criminal Court Management

Fund/Agency: 001/80	Circuit Court and Records	
Personnel Services	\$401,740	<p>CAPS Percentage of Agency Total</p> <p>6.6%</p> <p>93.4%</p> <p>■ Criminal Court Management ■ All Other Agency CAPS</p>
Operating Expenses	\$180,527	
Recovered Costs	\$0	
Capital Equipment	\$0	
Total CAPS Cost:	\$582,267	
Federal Revenue	\$0	
State Revenue	\$0	
User Fee Revenue	\$0	
Other Revenue	\$145,341	
Total Revenue:	\$145,341	
Net CAPS Cost:	\$436,926	
Positions/SYE involved in the delivery of this CAPS	12/12	

► CAPS Summary

In criminal cases, the Circuit Court has jurisdiction over the trial of felonies offenses (punishable by confinement in prison) and of those misdemeanors (offenses carrying a penalty of not more than 12 months in jail) originating from grand jury indictments. The Circuit Court also has jurisdiction over juveniles, age 15 and older, who are charged with felonies and whose cases have been certified by the judge of a Juvenile and Domestic Relations District Court for trial in Circuit Court.

The Circuit Court has appellate jurisdiction over all appeals from General District Court and Juvenile and Domestic Relations District Court in criminal cases in matters originating in those courts. Appeals are heard *de novo*, that is, cases from these district courts are tried from the beginning as though there had not been a previous trial.

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► Method of Service Provision

Merit County employees comprise the staff of the Criminal Court Management section.

Misdemeanors are appealed to the Circuit Court for a trial *de novo* by the defendant. Felony cases are brought to the Grand Jury by the Commonwealth. The Grand Jury decides whether there is sufficient evidence for indictment. The following day, all defendants and their attorneys appear at Criminal Term Day, before the Chief Judge. At that time, a trial date is set for all indictments presented by the grand jury. Trial dates are all set within the 'term' of court (a 'term' of court consists of 60 days; there are 6 terms per year).

Criminal Court Management is ultimately responsible for monitoring and processing all criminal cases from initiation through final disposition. This entails indexing all felony and misdemeanor cases, issuing subpoenas, preparing records for Grand Jury and Criminal Term Day, answering correspondence, processing files after each court hearing, collecting and monitoring of fines, court costs and restitution. In addition, duties include disbursing restitution payments to victims, preparing court orders, filing, retention and destruction of all criminal evidence, preparing monthly reports to DMV, processing and preparing criminal files appealed to the Court of Appeals and the Supreme Court of Virginia and assisting the public at the counter and answering phone inquiries. Coordination and preparation of the daily criminal docket, the criminal sentencing docket, and the motions docket are also associated responsibilities of this staff.

► Performance/Workload Related Data

No data is available.

► Mandate Information

This CAPS is Federally or State mandated. The percentage of this CAPS' resources utilized to satisfy the mandate is 76 - 100%. The specific Federal or State code and a brief description of the code follows:

- Code of Virginia 16.1-133 Withdrawal of Appeal
- Code of Virginia 16.1 Jurisdiction of appeals procedure
- Code of Virginia 18.2-253 Disposal of seized substances
- Code of Virginia 18.2-310 Forfeiture of certain weapons used in commission of criminal offense
- Code of Virginia 19.2-240 Clerk shall make out criminal docket
- Code of Virginia 19.2-267 Provisions applicable to witnesses in criminal as well as civil cases; obligation to attend summons
- Code of Virginia 19.2-299 Investigations and reports by probation officers in certain cases (confidentiality)

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- Code of Virginia 19.2-305 Requiring fines, costs, restitution for damages, support or community services from probationer
- Code of Virginia 19.2-310 Transfer of prisoners to custody of Director of Department of Corrections; clerk fined \$100 if copy of order not sent within 30 days of judgment.
- Code of Virginia 19.2-349 Responsibility for collections; clerk to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; assistance by the Office of the Attorney General
- Code of Virginia 19.2-368 Course of proceeding when relief asked of the Governor.
- Code of Virginia 19.2-390 Reports to be made by clerks of court to Central Criminal Records Exchange of....any adjudication of delinquency based upon an act which, if committed by an adult, would require fingerprints to be filed.
- Code of Virginia 46.2-383 Courts to forward abstracts of records or furnish abstract data of convictions by electronic means in certain cases.
- Code of Virginia 58.1-520 Setoff Debt Collections Act
- Forwarding certified copies of the order of trial and complete final order to the Dept. of Corrections.