

Commonwealth of Virginia

COUNTY OF FAIRFAX

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04/24/2020

TEMPORARY PROCEDURE FOR PROCESSING TRAFFIC CASES IN GDC DURING COVID-19 OUTBREAK

Information for the Bar regarding traffic and criminal pleas in GDC during Covid-19.

The Fairfax GDC has instituted a procedure to allow the processing of pleas on GDC traffic and criminal cases where defendants are not in custody AND there will be no jail, suspended jail, probation or restitution. As such, the number of cases eligible to be heard under this procedure will be limited. Also, there will be no court appearances by anyone, and everything will be handled on paper.

To facilitate this process, the Office of the Commonwealth Attorney will follow the procedures listed below, with the cooperation of defense counsel:

- 1) Counsel desiring to use this process should email the office at CWA-Covidtraffic@fairfaxcounty.gov and include:
 - A) The name of the defendant;
 - B) The charges, date of offense, and name of the officer; and
 - C) Any proposed resolution.
- 2) The case will then be assigned to an ACA for review and to obtain and distribute any videos prior to making an offer.
- 3) The assigned ACA will evaluate the case and proposed agreement and negotiate a plea where appropriate and then communicate that to counsel. Defense counsel should communicate only with the assigned ACA.
- 4) If an agreement is reached, defense counsel should prepare a signed blue sheet and then drop it off at the Commonwealth office for signature by a duty attorney who will then notify counsel to pick up the blue sheet within 1 week. There will be no appearance by the Commonwealth either in person or by digital means in this process.
- 5) If the court rejects the agreement or suggests a modification, the case will remain on the open docket for resolution when the court is open again.
- 6) Counsel should understand that cases which were not appropriate for this kind of resolution prior to the Covid-19 outbreak will remain so.

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