

In accordance with the Emergency Declarations of the Supreme Court of Virginia necessitated by the COVID pandemic, for the past several months the Fairfax County General District Court has maintained a segmented docket format with case number and courtroom occupancy limitations, as well as a liberal continuance policy. This has resulted in a growing backlog that has prevented the Court from being able to timely schedule and adjudicate cases. This is particularly evident in the Court's preliminary hearing dockets of Monday through Wednesday.

This memo is written to clarify the Court's policy regarding preliminary hearings and to reduce the delays that have arisen between the date of arrest and the date of adjudication for preliminary hearings. These procedures were originally published by bar blast on June 28, 2017 and were the culmination of consultation with and input from the Office of the Commonwealth's Attorney, the Public Defender's Office, the General District Court Committee of the Fairfax Bar Association, the General District Court Clerk's Office and the Sheriff's Office. The Court's modified policy, as clarified to incorporate COVID-related circumstances, is as follows:

1. Upon Advisement, a preliminary hearing date will be scheduled for a date no later than 90 days from the date of arrest.
2. On the preliminary hearing date, if the case is not resolved and upon motion, the case will be continued only upon good cause shown. Consistent with the Emergency Declarations of the Supreme Court of Virginia, COVID-related continuances will continue to be liberally granted. If the motion to continue is granted and if the matter is a non-DFS certificate of analysis case, the next preliminary hearing date will be set on the closest available date, which currently is 12-14 weeks out. If the matter is a DFS certificate of analysis case, the next preliminary hearing date will be set on a date after which the parties expect that any certificate of analysis will be returned and timely filed.
3. Absent extraordinary circumstances, which would include COVID-related circumstances, the case will not be continued again.
4. If a misdemeanor disposition is reached prior to the scheduled preliminary hearing date, the parties are expected to set the case for disposition on the Court's morning criminal motions docket in courtroom 2J. Due to current courtroom occupancy limitations, the Court will no longer continue the prior practice of setting a status hearing date on the morning criminal motions docket in anticipation of a possible disposition at the same time the preliminary hearing date is also being continued.
5. Except as set forth herein, in-court motions to continue are disfavored. Motions to continue filed for review in Judges Chambers should be filed reasonably in advance of the next court date and will only be considered by the Court consistent with the policy set forth herein.
6. The Commonwealth, defense counsel, officers and other witnesses are encouraged to be present at the assigned courtroom no later than 1:30 p.m. and prepared to discuss their respective cases. When the docket is called at 2:00 pm, the parties are expected to advise the Court of the status of their case.
7. The number of cases per courtroom will be reviewed and maintained to best effectuate this policy.

8. The Court's current policy regarding virtual appearances by inmate defendants remains in effect.
9. Parties with a case going to preliminary hearing must be ready to begin the hearing no later than 3:00 p.m.