

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

CM 23000372-00

RE: GENERAL PROVISIONS OF COURT

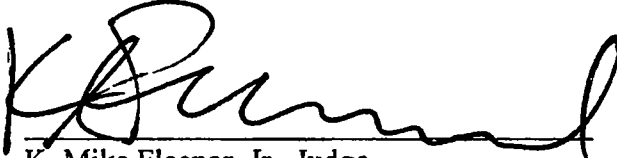
It is hereby ORDERED that the attached General Provisions of Court shall be effective immediately, thereby ending the Local Rules adopted by this Court in its Order dated September 11, 1997.

The Clerk of this Court shall post these general provisions in her office and make available to any person whom requests them.

Enter this 28th day of July 2023.



Robert M. D. Turk, Presiding Judge



K. Mike Fleenor, Jr., Judge

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

GENERAL PROVISIONS OF COURT

1. BUSINESS HOURS, DAYS AND HOLIDAYS

- a. All proceedings shall commence at 9:00 a.m., unless the presiding judge shall designate some other hour.
- b. Excepting holidays, the regular business days of his court for the conduct of its proceedings shall be Monday through Friday of each week.
- c. The regular holidays of this court shall be set forth in Code Section §2.2-3300. In addition, there may be special holidays for this court by entry of order pursuant to Code Section §17-207.
- d. In case of an emergency or other necessity as determined by the court, it may in its discretion set for hearing or hear any matter on another day other than a regular business day.

2. SCHEDULE OF REGULAR DAYS

- a. Term Day. By virtue of Code Section §17.1-517, Term Day for this court shall be as follows:
 - a. The second Tuesday in the months of January, April, July, and October.
 - b. If the first day, known as Term Day, of any Term as scheduled above should fall on a legal holiday, then such Term shall commence, and its Term Day be, on the Tuesday next following.
- b. Grand Juries. Grand Juries convene on the first day of term and the fourth Tuesday of each term.
- c. Misdemeanor Appeals Day. Misdemeanor Appeals Day (misdemeanors and traffic appeals) for this court shall be as follows:
 - a. The day following Term Day, at which time counsel for the Defendant and the Commonwealth, as well as any unrepresented defendant, shall be present in order to set the misdemeanor appeal for trial.
 - b. If a Misdemeanor Appeals Day is on a legal holiday, then said Misdemeanor Appeals Day shall be on the Wednesday next following.
- d. The foregoing schedule of regular days notwithstanding, on an *ad hoc* basis, the date of any one may in case of necessity be omitted, or changed or continued to some other convenient date by timely entry of an order for that purpose.

3. POLICY RELATING TO APPOINTING MARRIAGE OFFICIANTS

Such appointments shall only be made for applicants in one of the following categories:

- a. Individuals that are properly ordained ministers AND have a local church or congregation OR are in communion with a church body that meets regularly at a location in Montgomery County.
- b. Only two (2) individuals that are non-ministers shall be appointed by this court as marriage officiants. Upon a vacancy, a non-minister may petition the Court to be appointed to the position.

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- c. An individual may petition to act as an officiant to perform a single marriage ceremony between two persons on a particular date. Such requests are ordinarily granted but may be denied at the discretion of the Court.

4. POLICY RELATING TO CONCEALED HANDGUN PERMITS

The SP-248 Concealed Handgun Permit Application must be completed and submitted to the Clerk of this Court, along with a copy of your valid, government-issued photo I.D., proof of Montgomery County legal residency, applicable fee, and a document showing proof of firearm competence or training.

The following are examples of acceptable documentation:

- a. Previous Concealed Handgun Permit
- b. Hunter education or hunter safety course certificate of completion (in-person only)
- c. National Rifle Association (NRA) firearms safety or training course certificate of completion (in-person only)
- d. United States Concealed Carry Association or by a USCCA Certified Instructor course certificate of completion (in-person only)
- e. Law enforcement firearms safety or training course letter from agency
- f. Proof of current enrollment in the Armed Forces of the United States
- g. DD-214 form (Military Discharge Form)

Per statute effective January 1, 2021, online training of any sort is no longer acceptable as proof of training for first-time applicants. Applicants who have previously been granted a Concealed Handgun Permit are unaffected by this change and can submit a copy of their current permit to satisfy the proof of training requirement for renewal.

Additionally, all first-time applicants must submit their applications in person and will be required to sign an affidavit stating that their proof of training fulfills the in-person training requirements. The Clerk's Office will continue accepting permit renewals via mail or in-person submission.

Please contact the Clerk's Office if you think you have a document not listed above that may be acceptable for proof.

GENERAL PROVISIONS IN CRIMINAL CASES

1. SCHEDULING AND CASE ASSIGNMENT

When scheduling hearings on motions, trials or pleas in criminal cases, the attorney desiring to schedule such matter must contact the Commonwealth's Attorney's Office for available court dates. Notice of hearings and/or continuance orders must be filed promptly.

Criminal cases are split between the two sitting judges in this court alphabetically by a defendant's last name: A-N and M-Z, unless circumstances occur that a certain case does not follow this general guideline.

2. RESPONSIBILITY FOR COURT ORDERS

In all criminal cases, the Clerk of this Court shall be primarily responsible for drafting and presenting for entry the orders in such cases, a copy of which upon entry the Clerk shall forthwith send counsel of record.

3. COURT REPORTERS – CRIMINAL MATTERS

In accordance with Code Section §19.2-166, the court shall provide and appoint a court reporter to report all criminal and habeas corpus proceedings or to operate mechanical or electrical devices for recording proceedings, to transcribe the report or record of such proceedings, to perform any stenographic work related to such report, record or transcript including work pertinent to the court’s findings of fact and conclusions of law pertinent thereto. Such reporter shall be paid by the Commonwealth on a per diem or work basis as appropriate out of the appropriation of criminal charges. If an attorney wishes to hire their own court reporter for any matter, they must contact the presiding judge’s office prior to the hearing.

4. PLEA COLLOQUY FORM

In any case in which the defendant is entering a plea of guilty and may be receiving a felony disposition, it is this Court’s practice, and preference, to have them complete a Waiver of Rights Form (AKA: Plea Colloquy Form), modeled after Form 6 in accordance with Rule 3A:8 of the Supreme Court of Virginia, with their attorney prior to the hearing for submission with all other court documents at the time of the hearing. See Clerk’s Office to obtain a copy.

GENERAL PROVISIONS IN CIVIL CASES

1. SCHEDULING AND CASE ASSIGNMENT

Civil cases will be assigned to a sitting judge in this Circuit by an alternating list maintained by the Clerk; unless a judge previously heard matters obtaining to the parties involved, then that judge will remain designated to hear the matter(s).

Dates for civil trials and/or hearings shall be requested by contacting the judge’s secretary as to which the case was assigned. Counsel requesting the hearing must contact any and all opposing counsel regarding possible dates and times and advise the secretary of the selected date before submitting a notice of hearing to the court. Notice shall be sent to opposing counsel, the Clerk of this Court, and the Judge’s secretary. If no agreement is reached concerning the setting of the trial or hearing date, the parties may set the date by telephone conference with the Court. If the attorney desiring to schedule a matter is unable to secure contact with opposing counsel of record, he or she may schedule a hearing, etc., within a reasonable period of time and forward the notice of hearing to opposing counsel of record, and the Clerk of this Court, together with a Certificate of Good Faith that a good faith attempt was made to set the matter.

- a. Trials on issues raised by plea must be, in the discretion of the court, heard separately or in conjunction with trial on its merits. Trials will not be set until:
 - a. The parties are at issue on the matters to be tried and the case is matured.
 - b. Pretrial conference, if required, has been had.
 - c. All discovery procedures relating to the issues to be tried have been completed, or a date by which all discovery procedures shall have been completed has been determined by order.
- b. Counsel shall immediately advise the assigned judge’s secretary in the event a trial and/or hearing is cancelled, and that secretary will contact the Clerk’s Office to have it removed from the docket. A confirmation letter to the Court is encouraged, but not required.

2. DISTRICT COURT APPEALS

Civil appeals from the Juvenile and Domestic Relations District Court and the General District Court will be set for a scheduling hearing by the Clerk of each court on the last Friday of the next month following the date of the appeal. Once the appeal has been received and assigned to a judge, their secretary will coordinate with counsel of record to schedule the matter(s) for a hearing. If no counsel is involved in the matter(s), the appeal will be scheduled in accordance with the judge's availability.

3. PREPARATION AND PRESENTMENT OF ORDERS

The party substantially prevailing on a particular matter in a case shall be primarily responsible for drafting and presenting for entry the order, judgment, or decree upon that matter. In other instances, the Court shall determine the responsibility.

4. COURT REPORTERS – CIVIL MATTERS

The party or parties desiring the services of a court reporter for a civil matter shall be responsible for obtaining and compensating the reporter.