

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

CM 26-360

RE: GENERAL PROVISIONS OF COURT

It is hereby ORDERED that the attached General Provisions of Court shall be effective immediately.

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

Enter this 1st day of July 2026.

SIGNATURE REDACTED PURSUANT
TO VIRGINIA CODE § 17.1-293 (B)
SEE CLERK'S OFFICE FOR
ORIGINAL SIGNATURE

Robert M. D. Turk, Judge

SIGNATURE REDACTED PURSUANT
TO VIRGINIA CODE § 17.1-293 (B)
SEE CLERK'S OFFICE FOR
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K. Mike Fleenor, Jr., Judge

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GENERAL PROVISIONS OF COURT

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GENERAL PROVISIONS

BUSINESS HOURS, DAYS AND HOLIDAYS

All proceedings shall commence at 9:00 a.m., unless the presiding judge shall designate some other hour.

With the exception of holidays, the regular business days of this court for the conduct of its proceedings shall be Monday through Friday of each week.

The regular holidays of this court shall be set forth in Virginia Code § 2.2-3300. In addition, there may be special holidays for this court by entry of order pursuant to Virginia Code § 17-207.

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.

SCHEDULE OF REGULAR DAYS

Term Day.

By virtue of Virginia Code § 17.1-517, Term Day for criminal cases in 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.

Grand Juries.

Grand Juries convene on the first day of term and the fourth Tuesday of each term.

Misdemeanor Appeals Day.

Misdemeanor Appeals Day (including traffic infractions) 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 appeal for trial.
- b. If Misdemeanor Appeals Day falls on a legal holiday, then said Misdemeanor Appeals Day shall be on the Wednesday next following.

The foregoing schedule of regular days notwithstanding, on an *ad hoc* basis, the date of any hearing 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.

GENERAL PROVISIONS (CONTINUED)

POLICY RELATING TO 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 at any given time. Upon a vacancy, a non-minister may petition the Court to be appointed to the position.
- 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.

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)

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

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 will be required to sign an affidavit stating that their proof of training fulfills the in-person training requirements. The Clerk's Office will accept both first time applicants and renewals via online, mail, or in-person submission.

[Link to Online Application](#)

GENERAL PROVISIONS IN CRIMINAL CASES

SCHEDULING AND CASE ASSIGNMENT

Scheduling: 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.

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

PREPARATION AND PRESENTMENT OF ORDERS

In all criminal cases, the Judicial Assistant (and/or the Clerk of this Court), shall be primarily responsible, but not solely responsible, for drafting and presenting for entry the orders in such cases, a copy of which the Clerk shall forthwith send to counsel of record upon entry.

COURT REPORTERS – CRIMINAL MATTERS

In accordance with Virginia Code § 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 retain the services of their own court reporter for any criminal matter, they must contact the Court prior to the hearing and advise accordingly.

COURT APPOINTED LIST

If an attorney should wish to be added or removed from the Court Appointed List, they shall submit a written request to the attention of the Judge and/or the Clerk to review. All attorneys on the Court Appointed List shall maintain good standing with the Virginia Indigent Defense Commission (VIDC).

Pursuant to Virginia Code § 17.1-267 (E), any attorney currently on the Court Appointed List is provided Office of the Court Access (OCRA) for free. VIDC Certificate is required. Access may be terminated for abuse or failure to continue accepting appointments.

PLEA COLLOQUY FORM

In any case in which the defendant is entering a plea of guilty and 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 of the current Plea Colloquy Form.

GENERAL PROVISIONS IN CIVIL CASES

SCHEDULING AND CASE ASSIGNMENT

Civil cases will be assigned to one of the two sitting judges in this court by an alternating list maintained by the Clerk, unless a judge previously heard or is hearing matters pertaining to the parties involved, then that judge will remain designated to hear the matter.

Dates for civil trials and/or hearings shall be scheduled through the Judicial Assistant as to which the case was assigned. Counsel requesting the hearing must contact all opposing counsel regarding possible dates and times and advise the Assistant 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 Assistant in accordance with the rules. 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, they 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, 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.
- b. 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.

Counsel shall immediately advise the Judicial Assistant in the event a trial and/or hearing is cancelled, and the Assistant will then contact the Clerk to have it removed from the docket. A confirmation letter is encouraged but not required.

PREPARATION AND PRESENTMENT OF ORDERS

The party substantially prevailing on a particular matter in a civil 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.

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.

DISTRICT COURT APPEALS

Civil appeals from the Juvenile and Domestic Relations District Court and the General District Court shall be scheduled by the Judge's Assistant. Once the appeal has been received and assigned to a Judge, their Assistant will coordinate with any counsel of record to schedule the matter(s) for a hearing. If no counsel is involved in the matter, the appeal will be scheduled in accordance with the Judge's availability.