

**Continuance Requests for Felony and Misdemeanor Traffic and Criminal Cases  
Pending in the Roanoke City General District Court**

Dear Members of the Roanoke City Bar:

Recently, the judges of the General District Court for the City of Roanoke examined the court's method of processing continuance requests for traffic and criminal felony and misdemeanor cases. Currently, if a continuance is requested prior to trial on a felony or misdemeanor case, counsel prepares a written request and submits the same directly to the Clerk with a copy to the Commonwealth Attorney's office. Typically, the Clerk continues the case to defense counsel's suggested date with no response from the Commonwealth Attorney's office.

To achieve greater efficiency in processing our docket, the judges have implemented the following new procedure effective immediately regarding a continuance request on a felony or misdemeanor case. Requests for a continuance may be made in writing submitted to the Clerk prior to the trial date. Defense counsel should confer with the Commonwealth Attorney or his assistant prior to submitting the request. If there is no objection to the request, please make reference to that conference in your letter and include the agreed upon new trial date. Upon receipt of the letter, the court will continue the case to the agreed upon date. No appearance by counsel is necessary once the court approves the request. Should the Commonwealth Attorney or his assistant object to counsel's request; counsel should schedule a hearing for the court to rule upon the merits of the motion. To be clear, the Clerk will no longer continue the case on counsel's written request submitted directly to the Clerk with a copy to the Commonwealth Attorney's office.

Requests for a continuance may be made orally prior to the trial date. Please confer with a prosecuting attorney prior to conferring with a judge so as to avoid an ex parte proceeding. As above, if there is no objection to the request, the court will continue the case to the agreed date.

If the request is submitted in writing or made orally and approved by the court prior to the trial date, then counsel must advise the defendant to report to the Clerk's window as soon as possible to sign a recognizance. If the defendant does not report to the Clerk's window within five working days after the court approves the request, then the court shall issue a *caipias*.

The judges are advised that all assistant Commonwealth Attorneys for the City of Roanoke are assigned designated weeks to appear in traffic or criminal court. The secretary in the Commonwealth Attorney's office has access to that information and should direct you to the attorney who is scheduled to appear in a specific court during the week your case is set. Should members of the Bar find, after reasonable efforts, the prosecuting attorney does not respond to your inquiry, please notify the court in writing of your efforts, provide your available dates, copy the Commonwealth Attorney's office, and the court will consider your request without a hearing. The Clerk or Deputy Clerk will notify you of the court's decision.

The new continuance procedure should reduce inconvenience to the public, counsel, the defendant and the court.

Very truly yours,

Jacqueline F. Ward Talevi,  
Judge

Francis W. Burkart, III  
Judge

M. Frederick King  
Judge

09/18/07