

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 21st day of November, 2023.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective January 20, 2024.

Amend Rules 5A:6, 5A:8 and 5A:10 as follows:

Rule 5A:6. Notice of Appeal.

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(d) *Certificate.* — The appellant must include with the notice of appeal a certificate stating:

(1) the names and addresses of all appellants and appellees, the name, Virginia State Bar number, mailing address, telephone number (including any applicable extension), facsimile number (if any), and e-mail address (if any) of counsel for each party; and the mailing address, telephone number, facsimile number (if any), and e-mail address (if any) of any party not represented by counsel; and

(2) that a copy of the notice of appeal has been transmitted, mailed, or delivered to all opposing counsel; and

(3) in a criminal case, (i) a statement whether counsel for defendant has been appointed or privately retained; and (ii) a statement that the notice of appeal, in addition to being sent to the attorney for the Commonwealth who prosecuted the case, has been sent by e-mail to noticesofappeal@oag.state.va.us or, if the appellant does not have access to email, mailed to Notices of Appeal, Office of the Attorney General, 202 North Ninth Street, Richmond, Virginia 23219; and

(4) that in the event a transcript is to be filed a copy of the transcript has been ordered from the court reporter who reported the case or is otherwise already in the possession of appellant, or was previously filed in the proceedings.

* * *

(g) *Notice of Appearance by the Commonwealth in Criminal Cases.* — Within 10 days of the filing of the trial court record in a criminal case in the Court of Appeals, the Attorney General, or the attorney for the Commonwealth who prosecuted the underlying criminal case, acting

pursuant to Code § 2.2-511 and with the consent of the Attorney General, must file a notice of appearance identifying the attorney(s) representing the Commonwealth in the appeal. The notice of appearance must identify the name, Virginia State Bar number, mailing address, telephone number (including any applicable extension), facsimile number (if any), and e-mail address (if any) of counsel who is to represent the Commonwealth in the appeal. If the notice is being filed by the attorney for the Commonwealth who prosecuted the underlying criminal case, it must include a certification that the Attorney General has consented to the representation. A copy of the notice of appearance must be served on counsel for the appellant.

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Rule 5A:8. Record on Appeal: Transcript or Written Statement.

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(e) *Criminal cases.* — In criminal cases, the appellant must contemporaneously serve a copy of all notices required by this Rule on the attorney for the Commonwealth who prosecuted the case.

Rule 5A:10. Record on Appeal: Preparation and Transmission.

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(e) *Notice of Filing.* — The clerk of this Court must promptly notify all counsel of the date on which the record is filed in the office of the clerk of this Court. In criminal cases in which the Commonwealth is the named appellee, such notification will be sent to the attorney for the Commonwealth who prosecuted the case and also to the Office of the Attorney General at oagcriminallitigation@oag.state.va.us.

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A Copy,

Teste:


Clerk