

Virginia

FAIRFAX COUNTY
CIRCUIT COURT

INFORMATION
PAMPHLET
ON MISDEMEANOR
APPEALS



TO UNDERSTAND YOUR APPEAL YOU SHOULD KNOW:

NOTICE TO DEFENDANTS GUIDELINES FOR MISDEMEANOR APPEALS

APPEAL BONDS

1. An appeal bond may be required to insure your appearance in the Circuit Court.

CONTINUANCES

1. Continuance requests will rarely be granted to either the Commonwealth or the Defendant except for very compelling reasons. Serious illness must be verified in writing by a medical doctor. A request for a continuance must be made as soon as possible. Last minute requests are not acceptable.
2. Continuances will be granted for 1-2 weeks.

PROCEDURE TO OBTAIN A CONTINUANCE

1. You may appear in person in the Circuit Court Judges' Chambers on the 5th floor of the Judicial Center. You will be required to fill out a "Request Form Continuance" form. You will have to go to the Commonwealth Attorneys Office and have one of the attorneys accompany you to Judges' Chambers to see the Calendar Control Judge. The Judge is generally available between the hours of 8:30 a.m. - 9:15 a.m. To verify the hours please call Chambers at 703-246-2221.
2. You may seek to obtain a continuance by placing a telephone conference call. You are required to have the Commonwealth Attorney on the line with you. It is your responsibility to make the arrangements for placing a conference call. Your call should be made to Judges' Chambers at 703-246-2221.

JURY

1. Persons requesting a jury trial will be required to appear on Misdemeanor Term Day. This date will be on your notice of appeal. Your appearance at this hearing is mandatory.
2. A jury will add an additional cost of \$390.00 to any fine imposed or court costs assessed if found guilty.
3. You may remove the jury no later than 3:00 pm the day before your trial. This is done by filing a "Case Status Sheet" with the Clerk's Office or you may contact the Criminal Docket Clerk at 703-246-4946.
4. If you do not waive the jury by 3:00 pm the day before your trial you will be assessed the \$390.00 jury fee.

ATTORNEY

1. If you do not have a lawyer, and you want a lawyer, hire one at once. Your case may not be continued at the last minute so that you can retain a lawyer or so that your lawyer has time to prepare.
2. Court Appointed Attorneys are available only for those defendants charged with jailable offenses.

COSTS

1. Fines and costs are due by 4:00 pm on the day of your trial.
2. Payment may be made in cash, money order, check, Visa or Master Card. Please call 703-691-7320 (press 3, then 2) for details on making payment by check or credit card.
3. Additional costs resulting from an appeal:
 - A. Minimum additional costs will be \$76.00. Court costs will be higher for DWI's, drug cases and cases with jail time imposed. On DWI cases an extra \$100.00 is due if blood is drawn.
 - B. Cost of a jury is a minimum of \$390.00.
 - C. Court Appointed Attorney fees may cost up to \$158.00 per charge.
4. Failure to pay fine and costs will result in the suspension of your drivers' license and your case being referred to our collection agent.
5. Failure to pay fine and costs may result in your having to return to Court to explain your failure to pay.
6. Costs are not taxed if charges are dismissed or a finding of not guilty is reached.

FAILURE TO APPEAR

1. If you fail to appear in the Circuit Court for your appeal, you may be tried in your absence or a separate warrant may be issued for your arrest.

WITHDRAW APPEAL PRIOR TO COURT DATE

1. You may withdraw your appeal prior to your trial date by appearing in person in the Criminal Section of the Clerk's Office in the Circuit Court.
2. You should call the Criminal Section of the Circuit Court at 703-691-7320 (press 3 then 2) ahead of time to verify the amount you will owe.
3. Withdrawals must be made no later than 3:00pm the day before your trial date.
4. At the time of withdrawal, the sentence imposed in the General District Court will be affirmed. You must pay all fines and costs, serve any jail time imposed and surrender your drivers' license if required immediately upon withdrawing your appeal.