

VIRGINIA:

IN THE GENERAL DISTRICT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA	:	Case No.
	:	
vs.	:	Officer Name:
	:	
	:	Officer Number:
	:	
_____ ,	:	Current Court date:
Accused	:	

DISCOVERY AND INSPECTION ORDER UNDER RULE 7C:5

WHEREAS this matter came on a motion by the Accused, through Counsel, for an order pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia governing in this matter;

WHEREAS the Office of the Commonwealth’s Attorney has chosen not to prosecute this case and the law enforcement officer is the representative of the Commonwealth for Discovery purposes under Rule 7C:5, it is therefore

ORDERED that the law enforcement officer whose name is listed on the warrant or summons in this case is to provide the following discovery to the Accused:

- (1) The law enforcement officer is to allow the accused to hear, inspect, copy, or photograph any relevant written or recorded statements or confessions made by the accused, or copies thereof and the substance of any oral statements and confessions made by the accused to any law enforcement officer when intended for use in court. This includes any in-car video or body worn camera footage that may have captured any such statements.
- (2) Any criminal and/or traffic record of the accused.
- (3) Any information that is known to the law enforcement officer or other agents of the Commonwealth that is exculpatory, mitigating, or would serve as impeachment for any witness. Exculpatory means any information that tends to show the accused is not guilty of the crime. Mitigating means any information that would show the accused is guilty of a lesser offense or grade of offense or that would be useful to the accused in sentencing. Impeachment means any information that shows a contradiction in the testimony of the witness, shows they could not perceive what they claim to have perceived, or reveals any bias or prejudice they may have.

It is further ORDERED that any body worn camera or in car video provided to the attorney for the accused pursuant to this order shall not be given to any person outside of the defense team. The video may not be used for any purpose other than the litigation of this case, including, but not limited to, posting on media or social media sites. If either party wishes to disclose the video outside of the litigation in this case, the party must move the court for relief from this provision and notify the police officer of the motion.

Timing of Discovery- Discovery shall be provided on the following timelines:

- A) If the Accused files the order at least twenty-one (21) days before trial- The attorney for the Accused must file this order with the Court and drop off a copy of the order to Police Liaison at the Fairfax County Courthouse. If the order is provided to Police Liaison at least twenty-one (21) days before trial, the officer must provide the discovery detailed above no later than seven calendar days before the trial.

- B) If the Accused files the order less than twenty-one days before trial- The attorney for the Accused must file this order with the Court and drop off a copy of the order to Police Liaison at the Fairfax County Courthouse. If the order is provided to Police Liaison less than twenty-one (21) days before trial, the officer must provide the discovery to the attorney for the accused no later than thirty (30) minutes before the trial.

- C) Discovery may be provided in whole or in part by email. Discovery may also be left in hard copy with Police Liaison for pick up provided that the officer calls or emails the attorney for the accused when it is available. Criminal history and/or traffic record of the accused will be provided no later than thirty (30) minutes before trial regardless of when the Discovery order is signed unless the attorney and the officer agree otherwise.

Scope of this order- This order may only be used in criminal misdemeanor cases involving the Fairfax County Police Department (FCPD) as representative for the Commonwealth. Agreed orders must use this form with no alterations or substitutions. For a case involving another law enforcement agency, or if counsel wishes to modify this order in any way, counsel must file a motion and properly notice the law enforcement officer.

Waiver of Police Department Signature- Pursuant to the memorandum from the Office of the County Attorney dated August 6, 2020, and filed with this court, the signature of the individual police officer on this order is waived under Supreme Court Rule 1:13, provided that there are no modifications to the order and that the officer is employed by the FCPD on the date that the motion is filed.

ENTERED this _____ day of _____, 20__.

Judge

I ASK FOR THIS:

AGREED:

Name:

VSB#

Email:

Fax:

Address:

signature waived (see above)

Police Officer

Fairfax County Police Department