

STATEMENT OF POLICY REGARDING CONTINUANCE OF CRIMINAL TRIALS FOR THE VIRGINIA BEACH CIRCUIT COURT

The court views the scheduling of a trial date as a requirement for all counsel to be prepared to conduct the trial on the date scheduled. Continuances therefore will only be granted by the court for good cause shown. The mere agreement of counsel to continue a case will not be deemed good cause. Continuance motions on the day of trial are discouraged.

Procedure

All continuance requests shall be made by written motion stating the specific grounds for the requested continuance. The use of Form No. CCJ 2-2 (commonly known as the continuance order) will satisfy this requirement.

I. **Uncontested Motions for Continuances**

Uncontested motions for continuances of a trial or hearing date may be submitted to the court for consideration prior to the scheduled trial or hearing date. If the motion is denied, counsel may schedule a hearing with the court pursuant to the procedures set forth in section II below.

II. **Contested Motions for Continuances / Hearings on Denied Uncontested Motions to Continue**

All contested motions for continuances should be set for a hearing with the court as soon as practicable after the reason for the continuance is discovered. All hearing requests on denied uncontested motions as set forth in section I above shall be set as soon as practicable after the denial of the motion. Hearings shall be scheduled on the regular criminal docket. A hearing with the duty judge may be requested if circumstances do not permit scheduling on the regular criminal docket.

III. **Motions for Continuances on the day of trial**

Continuance motions on the day of the trial or hearing are disfavored and discouraged. In the event that a motion must be made on the day of the trial or hearing, such motion must be made on the record.