

**Using This Revisable PDF Form**

1. Copies
  - a. Original – filed by judicial officer or his designee/agent in the appropriate circuit court clerk’s office where the search is made. Virginia Code § 19.2-54 requires this document to be filed within seven (7) days after issuance of the search warrant.
  - b. First copy – delivered by judicial officer or his designee/agent to the appropriate circuit court clerk's office where the search warrant is issued if different from above.
  - c. Second copy – attached to original of the Search Warrant.
  - d. Third copy – attached to copy of the Search Warrant to be left with custodian of place searched.
  - e. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by clerk (if authorized to issue warrants), magistrate or judge. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in an affidavit signed by a third person, then the law enforcement officer should prepare his or her own affidavit, sign it and swear to it as the affiant.
3. Attachments – form DC-339, SEARCH WARRANT (*see* 1(c) above).
4. Preparation details
  - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he or she should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
  - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
  - c. Law enforcement officer should consult the Commonwealth's Attorney if assistance is needed in preparing this affidavit.



**Data Elements, page one**

1. Description of offense.
2. Description of what is to be searched.
3. Description of the things or persons sought to be discovered in the search.

To be completed by the clerk:

4. Court case number.

5. Name, official title (if any) and street address of applicant.

To be completed by the magistrate or other judicial officer (or his designee):

6. Name of circuit court to whose clerk this affidavit is certified.
7. Date on which this affidavit is certified with circuit court.
8. Title of person certifying this affidavit with circuit court (printed or typed).
9. Signature of person certifying this affidavit to circuit court.
10. Name of circuit court to whose clerk this affidavit was delivered, and check the appropriate method of delivery.
11. Date on which this affidavit was delivered to circuit court identified in data element No. 10.
12. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
13. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 10.
14. Name of circuit court where the warrant is issued if different from data element No. 10. Check the appropriate method of delivery.
15. Date on which a copy of the affidavit was delivered to circuit court identified in data element No. 14.
16. Title of person delivered a copy of the affidavit to the circuit court clerk's office identified in data element No. 14.
17. Signature of person who delivered this affidavit to the circuit court clerk's office identified in data element No. 14.

4. The material facts constituting probable cause that the search should be made are:

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**1**  
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5. The object, thing or person searched for constitutes evidence of the commission of such offense.

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6. [ ] I have personal knowledge of the facts set forth in this affidavit AND/OR

[ ] I was advised of the facts set forth in this affidavit in whole or in part, by one or more other person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information provided may be determined from the following facts:

**2**  
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.....

The statements above are true and accurate to the best of my knowledge and belief.

.....  
**3**  
TITLE OF APPLICANT

.....  
**4**  
APPLICANT

Subscribed and sworn to before me this day.

.....  
**5**  
DATE AND TIME

.....  
**6**  
[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

**Data Elements, *page two***

1. Set of facts that the applicant believes constitutes probable cause for the issuance of a search warrant.
2. Check the appropriate box(es) and fill in the required information.
3. Official title of applicant, if any.
4. Signature of applicant.

To be completed by magistrate or other judicial official:

5. Date that this document is signed and sworn to.
6. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.