

Using This Revisable PDF Form

1. Copies
 - a. Original – to court.
 - b. First copy – to attorney for the Commonwealth.
2. Data Element Nos. 1-16 prepared by the defendant or counsel for the defendant. Data Element Nos. 17-21 prepared by judge.
3. Preparation details

This is a form for requesting that the appearance of the defendant and counsel for the defendant at the originally scheduled trial or hearing be waived pursuant to Virginia Code § 19.2-266.3.

MOTION TO WAIVE COURT APPEARANCE

Commonwealth of Virginia VA. CODE § 19.2-266.3

Case No(s) **1**

2
CITY OR COUNTY

General District Court Circuit Court
 Juvenile and Domestic Relations District Court

3
COURT ADDRESS

Commonwealth of Virginia v. **5**
DEFENDANT

4
 LOCALITY

Date of originally scheduled trial or hearing: **6**

Pursuant to Virginia Code § 19.2-266.3, the defendant moves the court to waive the appearance of the defendant at the originally scheduled trial or hearing. The defendant, by his or her signature below, promises to appear in court on

7
DATE AND TIME OF NEW TRIAL OR HEARING

If this date, time, or place is changed for any reason by any court or judge, the defendant also promises to appear as so directed.

8
SIGNATURE OF DEFENDANT

Subscribed and sworn to before me this day.

9 DATE **10**
[] JUDGE [] CLERK [] DEPUTY CLERK

FOR NOTARY PUBLIC'S USE ONLY: 11
State of [] City [] County of
Acknowledged, subscribed and sworn to before me this day of, 20
by
DATE NOTARY PUBLIC
Notary Registration No. (My commission expires)

12
ADDRESS OF COUNSEL FOR DEFENDANT

13
NAME OF COUNSEL (IF APPLICABLE)

14
TELEPHONE NUMBER OF COUNSEL FOR DEFENDANT

15
SIGNATURE OF COUNSEL (IF APPLICABLE)

CERTIFICATE

I hereby certify that I have provided a copy of this MOTION TO WAIVE APPEARANCE OF DEFENDANT to the attorney for the Commonwealth by **16** on **17**
METHOD OF DELIVERY DATE

18
SIGNATURE OF [] DEFENDANT [] COUNSEL FOR DEFENDANT

ORDER

The court, having considered the motion,

19 [] grants the motion to waive appearance of the defendant and counsel for the defendant at the originally scheduled trial or hearing.

20 [] denies the motion to waive appearance of the defendant at the originally scheduled trial or hearing, as the defendant **21** [] is in violation of the terms of his pretrial release [] has previously failed to appear at a court proceeding, and the appearance of the defendant at the originally scheduled trial or hearing is a condition of the continuance granted.

22
DATE

23
JUDGE

Data Elements

1. Insert case number(s).
2. Court jurisdiction. Check appropriate box for type of court.
3. Street address of court.
4. Check appropriate box. Insert name of locality, if applicable.
5. Insert name of defendant.
6. Insert date of originally scheduled trial or hearing.
7. Insert date and time of new trial or hearing.
8. Signature of defendant.
9. Insert date on which this motion was subscribed and sworn.
10. Signature of person to which this motion was subscribed and sworn. Check box to indicate signature.
11. If acknowledged by a notary public, all enclosed fields must be completed by notary public, including notary's registration number and commission expiration date.
12. Street address of counsel for defendant, if applicable.
13. Name of counsel for defendant, if applicable.
14. Telephone number for counsel for defendant, if applicable.
15. Signature of counsel for defendant, if applicable.
16. Indicate how the notice was provided to the attorney for the Commonwealth.
17. Insert date on which notice was provided to the attorney for the Commonwealth.
18. Signature of defendant or counsel for defendant. Check box below line to indicate signature.
19. Check box if motion is granted.
20. Check box if motion is denied.
21. Check applicable box if motion denied.
22. Date signed by judge.
23. Signature of judge.