

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 26th day of May, 2023.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective immediately.

Amend Rule 2:103, Part Three A, Form 10 and Part Five, Form 11 as follows:

Rule 2:103. Objections and Proffers.

(a) *Admission or exclusion of evidence.* Error may not be predicated upon admission or exclusion of evidence, unless:

(1) As to evidence admitted, a contemporaneous objection is stated with reasonable certainty as required in Rule 5:25 and 5A:18 or in any continuing objection on the record to a related series of questions, answers or exhibits if permitted by the trial court in order to avoid the necessity of repetitious objections; or

(2) As to evidence excluded, the substance of the evidence was made known to the court by proffer.

(b) *Hearing of jury.* In jury cases, proceedings will be conducted so as to prevent inadmissible evidence from being made known to the jury.

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RULES OF THE SUPREME COURT OF VIRGINIA
PART THREE A
CRIMINAL PRACTICE AND PROCEDURE
APPENDIX

Form 10. Contents of Sentencing Orders.

(Pursuant to the provisions of Code § 19.2-307, all orders wherein an accused is sentenced for a criminal conviction should conform substantially to the following form. In cases where no prior criminal conviction order has been entered of record, state the defendant's plea, the verdict or findings, the adjudication, whether or not the case was tried by a jury, and, if not, whether the consent of the accused was concurred in by the court and the attorney for the Commonwealth.)

SENTENCING ORDER

* * *

The defendant will be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code § 53.1-187. Such credit for time includes any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement.

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RULES OF THE SUPREME COURT OF VIRGINIA
PART FIVE
THE SUPREME COURT
APPENDIX OF FORMS

Form 11. Petition for a Writ of Actual Innocence.

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8. I understand that this petition must contain all relevant allegations of fact that are known to me at this time. I understand that it must include all previous records, applications, petitions, appeals, and their dispositions related to this conviction, as well as a copy of any test results of the scientific evidence described above. I understand that if this petition is not complete, this Court may dismiss the petition or return the petition to me pending the completion of such form. I understand that I am responsible for all statements contained in this petition. I understand that any knowingly or willfully made false statement is a ground for prosecution and conviction of perjury as provided in Virginia Code § 18.2-434. I understand that this Court will not accept this petition unless it is accompanied by a duly executed return of service verifying that a copy of this petition and all attachments have been served on the attorney for the Commonwealth of the jurisdiction where the conviction occurred and on the Attorney General of Virginia.

* * *

A Copy,

Teste:


Clerk