

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF _____

COMMONWEALTH OF VIRGINIA,

v.

Case Nos.

_____,
Defendant.

AGREED DISCOVERY ORDER

THIS DAY comes the Commonwealth and the Defendant, _____, by counsel, and hereby agree to conduct discovery pursuant to Rule 3A:11 of the Rules of the Supreme Court of Virginia. In accordance with Rule 3A:11 the parties agree as follows:

Discovery by the Accused:

1. Not later than **THIRTY** days before trial, the Defendant through counsel shall be permitted to:
 - a. Inspect and review any relevant reports prepared by law enforcement officers and made in connection with the above-referenced case, including written witness statements and written summaries of oral statements contained therein, that are known to the Commonwealth's Attorney to be in the possession, custody or control of the Commonwealth;
 - b. Inspect, review and copy or photograph any relevant statements of the accused known to the commonwealth including any written, recorded, or oral statements of the accused to law enforcement; any such statements of the accused to any other person that the Commonwealth seeks to introduce at trial; and any statements of co-defendants or co-conspirators which the Commonwealth intends to introduce against the accused at trial;
 - c. Inspect, review and copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim made in connection with the particular case, that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth; and
 - d. Inspect, review and copy or photograph designated books, papers, documents, tangible objects, recordings, buildings or places, or copies or portions thereof,

that are known by the Commonwealth's attorney to be within the possession, custody, or control of the Commonwealth.

2. Not later than **TWENTY-ONE** days before trial, the Commonwealth shall provide to the attorney for the defendant, a list of any expert witnesses that are intended to be called at trial or sentencing. The notice shall provide the identity of any such experts and comply with the report provisions of Rule 3A:11(b)(4)(A).
3. Not later than **FOURTEEN** days before trial, the Commonwealth shall provide to the attorney for the defendant, a list of the names and addresses, if known, of all persons who are expected to testify at trial or sentencing on behalf of the Commonwealth.
4. The parties agree that copies of all relevant law enforcement reports will be provided to defense counsel and are designated Restricted Dissemination Material pursuant to Rule 3A:11(c).
5. The parties agree that the witness list provided by the Commonwealth is designated Restricted Dissemination Material pursuant to Rule 3A:11(c). Defense counsel agrees not to disclose the listed address of any person on the Commonwealth's witness list with the defendant without the express consent of the Commonwealth or the Court.
6. The parties agree that copies of any physical evidence provided to defense counsel, including crime scene photos, body camera footage, dash camera footage and other recordings shall be designated Restricted Dissemination Material pursuant to Rule 3A:11(c). This designation shall expire at the conclusion of the case.
7. Upon request of the Commonwealth, at the conclusion of the matter, counsel for the defendant agrees to certify that any copies of materials designated Restricted Dissemination Material, whether physical or electronic, which have not been returned to the court under seal, have been destroyed or deleted.

Discovery by the Commonwealth:

1. Not later than **TEN** days before trial, the Defendant agrees to permit the Commonwealth to:
 - a. Inspect and copy or photograph any written reports of autopsy examinations, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath analyses, and other scientific testing within the defendant's possession, custody or control that the defense intends to proffer or introduce into evidence at trial or sentencing;
 - b. Disclose whether the defendant intends to introduce evidence to establish an alibi and, if so, disclose the place at which the defendant claims to have been at the time the alleged offense was committed; and

- c. Inspect, copy or photograph any written reports of physical or mental examination of the accused made in connection with the case if the accused intends to rely upon the defense of insanity pursuant to Chapter 11 of Title 19.2.
2. Not later than **FOURTEEN** days before trial, the Defense shall provide to the attorney for the Commonwealth, a list of any expert witnesses that are intended to be called at trial or sentencing. The notice shall provide the identity of any such experts and comply with the report provisions of Rule 3A:11(b)(4)(A).
3. Not later than **SEVEN** days before trial, the defense shall provide to the attorney for the Commonwealth, a list of the names and addresses, if known, of all persons who are expected to testify at trial or sentencing on behalf of the defense.

The parties are under a continuing duty to promptly disclose additional discovery materials should it become known subsequent to the times provided within this agreement. Any issues not specifically agreed to in this order shall be handled in accordance with Rule 3A:11 of the Rules of the Supreme Court of Virginia. This agreement may be modified by written agreement of the parties at any time, subject to approval of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Clerk of Court is directed to mail a copy of this order to all counsel for both parties.

ENTERED: _____

Judge

SEEN AND AGREED:

Counsel for Defendant

SEEN AND AGREED:

Attorney for the Commonwealth