

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 367

An Act to amend and reenact § 17.1-407 of the Code of Virginia, relating to Court of Appeals; procedure on appeal; criminal cases.

[H 1553]

Approved March 24, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-407 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-407. Procedures on appeal.

A. The notice of appeal in all cases within the jurisdiction of the court shall be filed with the clerk of the trial court or the clerk of the Virginia Workers' Compensation Commission, as appropriate, and a copy of such notice shall be mailed or delivered to all opposing counsel and parties not represented by counsel; *and* to the clerk of the Court of Appeals; ~~and to the Attorney General in criminal cases.~~ The clerk shall endorse thereon the day and year he received it.

B. Appeals pursuant to § 17.1-405 and subsection A of § 17.1-406, other than petitions for appeal by the Commonwealth in criminal cases, are appeals of right. The clerk of the Court of Appeals shall refer each case for which a notice of appeal has been filed to a panel of the court as the court may direct.

C. Each petition for appeal by the Commonwealth in a criminal case shall be referred to one or more judges of the Court of Appeals as the court shall direct. A judge to whom the petition is referred may grant the petition on the basis of the record without the necessity of oral argument. The clerk shall refer each appeal for which a petition has been granted to a panel of the court as the court shall direct.

D. Before a petition for appeal by the Commonwealth is denied, counsel for the Commonwealth shall be entitled to state orally before a panel of the court the reasons why its appeal should be granted. If all of the judges of the panel to whom the petition is referred are of the opinion that the petition ought not be granted, the order denying the appeal shall state the reasons for the denial. Thereafter, no other petition in the matter shall be entertained in the Court of Appeals.