

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to the adult.
 - c. Second copy – to court-appointed lawyer, if one is appointed.
2. Prepared by clerk or judge.
3. Attachments
 - a. District court form DC-333, FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, if the accused claims to be indigent. See preparation details.
4. Preparation details
 - a. This form is for requesting appointment of counsel for adults only.
 - b. Data Element No. 15 is located so that this form, when completed, can be folded and inserted into a window envelope for mailing to the attorney (if he is not in court to receive a copy of the order of appointment). Because windows on all window envelopes are not the same size, the clerk should experiment with a few samples to determine the best way to use this form with the window envelopes in stock.
 - c. If the adult requests the appointment of a lawyer by the court, then the adult must execute a FINANCIAL STATEMENT-ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, DC-333, to verify the claim of indigency. The use of this financial statement is required by statute and is used to help the judge elicit financial information required by Va. Code § 19.2-159.

REQUEST FOR APPOINTMENT OF A LAWYER

Case No. 1

Commonwealth of Virginia VA. CODE ANN. §§ 16.1-266, 267 §§ 19.2-159, 160, 163

- [] Circuit Court
[] General District Court
[] Juvenile and Domestic Relations District Court

2

CITY OR COUNTY

3

Adult

4

ADDRESS

TELEPHONE NUMBER

TO THE ADULT: You have been charged with an offense punishable by death or confinement in a state correctional facility or in jail, including charges for revocation of suspension of imposition or execution of sentence or probation; or you are a party in a case involving allegations of abuse and/or neglect or a case in which you may be subjected to termination of your residual parental rights and responsibilities. You have the right to be represented by a lawyer with respect to this matter. In addition, the court shall consider appointing counsel to represent the parent or guardian of a child who is the subject of a foster care plan, foster care review or permanency planning hearing. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the judge appoints a lawyer to represent you, the lawyer will be paid with public funds whether or not you are convicted. However, if you are convicted, you shall pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. You may also waive your right to a lawyer.

REQUEST FOR APPOINTMENT OF A LAWYER—STATEMENT OF INDIGENCY

I, the undersigned, have been advised this day by this Court of my right to be represented by a lawyer in the case involving me; I certify that I am without means to employ a lawyer and I hereby request the Court to appoint a lawyer for me. My financial statement accompanies this request.

I have been informed that the lawyer appointed for me will be paid with public funds, but if I am convicted of a criminal offense, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in this case in all state courts until relieved or replaced by another lawyer. If the court finds me to be not indigent, and if the court then declines to appoint a lawyer to represent me, I understand that I may employ my own lawyer. But, if I appear without counsel on the trial date, I may be deemed to have waived my right to counsel.

5

DATE

6

ADULT

The Court was advised that 7, a lawyer, has been retained to represent the accused in this Court.

This information was provided by:

8 [] the above-named person [] the lawyer []

9

DATE

10

[] JUDGE [] CLERK

ORDER OF APPOINTMENT OF COUNSEL

THE REQUEST FOR APPOINTMENT OF A LAWYER WAS EXECUTED UNDER OATH. HAVING EXAMINED THE ADULT AND CONSIDERED OTHER COMPETENT EVIDENCE, I FIND THAT

[] the Adult is indigent and not entitled to representation by a court-appointed attorney.

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- [] the Adult is indigent within the guidelines set forth in the law and is entitled to representation by a court-appointed counsel;
[] the Adult is not indigent and the Adult refuses to either employ counsel or waive his right to representation by a lawyer, but that the following circumstances and the ends of justice require the appointment of counsel:

Therefore I appoint the lawyer indicated below to represent the adult at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer. [] The Clerk shall send a copy of this Order to the Indigent Defense Commission as notice that the lawyer indicated below is not on the list maintained by the Commission, but has otherwise demonstrated to the Court an appropriate level of training and experience.

NAME, ADDRESS OF COURT APPOINTED LAWYER

15

12 NEXT HEARING DATE AND TIME

13

DATE

14 JUDGE

Data Elements

1. Court case number.
2. Court jurisdiction. Check the type of court.
3. Name of adult.
4. Address and telephone number of defendant.
5. Date of signing by adult.
6. Signature of adult.
7. Name of privately-retained lawyer.
8. Check box and fill in blank (if needed) to indicate source of information.
9. Date of signing by judge or clerk.
10. Signature of judge or clerk.
11. Check the appropriate boxes and, if applicable, describe special circumstances.
12. Date and time of next hearing.
13. Date of entry of order.
14. Signature of judge.
15. Name and address of court-appointed lawyer.