



- The Clerk of the trial court is not required to transmit exhibits of unusual bulk, weight or character with the record unless directed to do so by a party or by the clerk of the appellate court. *Rule 5A:10(b)(4)*. The party desiring to make such exhibits part of the record must arrange for their transportation and receipt.
4. Petition for Appeal. *Rule 5A:12; §17.1-406*
- Due 40 days after record is filed with the clerk of the Court of Appeals. *§17.1-408*
  - Filed in the Clerk's office of the Court of Appeals.
  - Original plus three copies required.
  - Appellant must indicate whether oral argument before a panel of judges is requested.

After the petition for appeal is filed, the Commonwealth's Attorney may file a brief in opposition. If oral argument before a panel of three judges is requested, the appellant will be notified of the time and place for argument. (The appellee is not entitled to be heard.) Otherwise, appellant will likely not hear anything from the Court of Appeals until the petition has been decided. Notification of the disposition of the case is always in writing. If the appeal is granted, further steps must be taken to pursue the appeal:

5. File Appendix and Opening Brief. *Rules 5A:19, 20 & 25*
- Due 40 days after the certificate of appeal from the Court of Appeals.
  - Filed in the Court of Appeals Clerk's office.
  - Seven (7) copies must be filed; three (3) copies must be sent to opposing counsel.
  - Contact Court of Appeals for cover and binding requirements.
6. Appellee's brief is due 25 days after the opening brief is filed.
7. Oral argument is automatically scheduled on appeals unless counsel sends written notification that counsel waives the hearing, *Rule 5A:28* or the Court summarily affirms the trial court. *Rule 5A:27*.

Note: Copies of all documents filed must be sent to opposing counsel. *Rule 5A:1(b)(10)*.

**\*\*These are minimum requirements. Your case may have other requirements. Please read all of the applicable rules and statutes.\*\***

Rules of the Supreme Court of Virginia, published in Volume 11, Code of Virginia Annotated.

**Court of Appeals of Virginia  
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Richmond, Virginia 23219  
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