

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 15th day of February, 2017.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective May 1, 2017.

Amend Part Five to read as follows:

**RULES OF SUPREME COURT OF VIRGINIA
PART FIVE
THE SUPREME COURT**

* * *

APPENDIX OF FORMS.

Notes:

1. **Each of the Part Five Forms 1 through 8 should be used in conjunction with the Form for Execution and Acknowledgment of All Bonds, set forth as Form 9.**
2. **As provided in Code §§ 1-205 and 8.01-676.1(S), if the party required to post an appeal or suspending bond tenders such bond together with cash in the full amount required, no surety shall be required.**

Form 1. Bond for Costs Alone — Appeal of Right From Circuit Court to Court of Appeals (including further appeal to the Supreme Court).

(Circuit Court case caption)

Plaintiff/Petitioner)	
v.)	No. _____
Defendant/Respondent)	

The Appellant(s), _____, having appealed from a judgment of this Court rendered on _____, 2____, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and

severally, to Appellee(s), _____, in the sum of \$_____, to satisfy all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the Court of Appeals and in the Supreme Court, if it takes cognizance of the claim.

Form 2. Bond for Costs and Suspension — Appeal From Circuit Court to Appellate Court.

(Circuit Court case caption)
Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, (intending to appeal) (having appealed from) a judgment of this Court rendered on _____, 2____, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the judgment, or such portion of the judgment as may be affirmed in whole or in part, or if the appeal is dismissed, refused, or not timely prosecuted, and to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and in the Supreme Court, if it takes cognizance of the claim) (Supreme Court).

Form 3. Bond for Costs Alone Required by Appellate Court on Appeal From Circuit Court.

(Circuit Court case caption)
Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2____, and the (Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2____, awarded an appeal from the judgment on the condition that Appellant(s), or someone on Appellant's/Appellants' behalf, file an appeal bond with sufficient security in the clerk's office of this Court in the penalty of _____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and Supreme Court, if it takes cognizance of the claim) (Supreme Court).

Form 4. Bond for Suspension Alone Required by Appellate Court on Appeal From Circuit Court.

	(Circuit Court case caption)	
Plaintiff/Petitioner)	
v.)	No. _____
Defendant/Respondent)	

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2____, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2____, suspended execution of the judgment on the condition that _____, or someone on (his) (her) (their) (its) behalf, file an appeal bond with sufficient security in the clerk's office of this Circuit Court, in the penalty of \$_____, within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs.

Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the judgment or such portion of the judgment as may be affirmed in whole or in part, and to pay all actual damages incurred in consequence of the suspension.

Form 5. Bond for Costs and Suspension Required by Appellate Court on Appeal From Circuit Court.

	(Circuit Court case caption)	
Plaintiff/Petitioner)	
v.)	No. _____
Defendant/Respondent)	

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2____, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2____, awarded an appeal (and suspension) from the judgment on the condition that Appellant(s), or someone on Appellant's/Appellants' behalf, file a bond with sufficient security in the clerk's office of this Court in the penalty of \$_____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and Supreme Court, if it takes cognizance of the claim) (Supreme Court), and all actual damages incurred in consequence of the suspension.

Form 6. Additional Bond Required by Appellate Court on Appeal From Circuit Court.

(Circuit Court case caption)

Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2____, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2____, required an additional bond to be filed in the clerk's office of this Court in the penalty of \$_____, and with the following additional requirements: _____, within fifteen (15) days of the date of that order, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the judgment or such portion of the judgment as may be affirmed in whole or in part, and to pay all actual damages incurred in consequence of the suspension.

Form 7. Bond for Costs Alone — Required by Supreme Court on Appeal of Right From State Corporation Commission.

(State Corporation Commission caption)

Petitioner)
v.) No. _____
Respondent)

The Appellant(s), _____, appealed from a final order of this Commission entered on _____, 2____, and the Supreme Court of Virginia, on _____, 2____, awarded an appeal on the condition that Appellant(s), or someone on Appellant's/Appellants'

behalf, file an appeal bond with sufficient security in the clerk's office of this Commission, in the penalty of \$_____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the Supreme Court.

Form 8. Bond for Costs and Suspension — Required by Supreme Court on Appeal of Right From State Corporation Commission.

(State Corporation Commission caption)

Petitioner _____)
 v. _____) No. _____
 Respondent _____)

The Appellant(s), _____, appealed from a final order of this Commission entered on _____, 2____, and the Supreme Court of Virginia, on _____, 2____, awarded an appeal on the condition that Appellant(s), or someone on Appellant's/Appellants' behalf, file an appeal bond with sufficient security in the clerk's office of this Commission, in the penalty of \$_____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the Commission's order or the portion on which

proceedings are stayed, in case such order or such part be affirmed in whole or in part, and to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the Supreme Court.

Form 9. Form for Execution and Acknowledgment of All Bonds.

_____, as principal, and _____, as surety,
hereby execute this instrument with our signatures and our seals.

Executed on: _____

Principal

Address
(SEAL)

Commonwealth of Virginia

City/County of _____

The foregoing instrument was acknowledged before me on _____,
2___, by _____.

Notary Public

My commission expires: _____

Executed on: _____

Surety

Address
(SEAL)

Commonwealth of Virginia

City/County of _____

The foregoing instrument was acknowledged before me on _____,
2___, by _____.

Notary Public

My commission expires: _____

Form 10. Irrevocable Letters of Credit.

* * *

Form 11. Petition for a Writ of Actual Innocence.

* * *

Amend Part Five A to read as follows:

**RULES OF SUPREME COURT OF VIRGINIA
PART FIVE A
THE COURT OF APPEALS**

* * *

APPENDIX OF FORMS.

Notes:

1. Each of the Part Five A Forms 1 through 7 should be used in conjunction with the Form for Execution and Acknowledgment of All Bonds, set forth as Form 8.
2. As provided in Code §§ 1-205 and 8.01-676.1(S), if the party required to post an appeal or suspending bond tenders such bond together with cash in the full amount required, no surety shall be required.

Form 1. Bond for Costs Alone — Appeal of Right From Circuit Court to Court of Appeals (including further appeal to the Supreme Court).

(Circuit Court case caption)

Plaintiff/Petitioner)	
v.)	No. _____

Defendant/Respondent)

The Appellant(s), _____, having appealed from a judgment of this Court rendered on _____, 2____, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to satisfy all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the Court of Appeals and in the Supreme Court, if it takes cognizance of the claim.

Form 2. Bond for Costs and Suspension — Appeal From Circuit Court to Appellate Court.

(Circuit Court case caption)

Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, (intending to appeal) (having appealed from) a judgment of this Court rendered on _____, 2____, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the judgment, or such portion of the judgment as may be affirmed in whole or in part, or if the appeal is dismissed, refused, or not timely prosecuted, and to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and in the Supreme Court, if it takes cognizance of the claim) (Supreme Court).

Form 3. Bond for Costs Alone Required by Appellate Court on Appeal From Circuit Court.

(Circuit Court case caption)
Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2___, and the (Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2___, awarded an appeal from the judgment on the condition that Appellant(s), or someone on Appellant's/Appellants' behalf, file an appeal bond with sufficient security in the clerk's office of this Court in the penalty of _____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and Supreme Court, if it takes cognizance of the claim) (Supreme Court).

Form 4. Bond for Suspension Alone Required by Appellate Court on Appeal From Circuit Court.

(Circuit Court case caption)
Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2___, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on

_____, 2___, suspended execution of the judgment on the condition that _____, or someone on (his) (her) (their) (its) behalf, file an appeal bond with sufficient security in the clerk's office of this Circuit Court, in the penalty of \$_____ within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to perform and satisfy the judgment or such portion of the judgment as may be affirmed in whole or in part, and to pay all actual damages incurred in consequence of the suspension.

Form 5. Bond for Costs and Suspension Required by Appellate Court on Appeal From Circuit Court.

	(Circuit Court case caption)	
Plaintiff/Petitioner)	
v.)	No. _____
Defendant/Respondent)	

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2___, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2___, awarded an appeal (and suspension) from the judgment on the condition that Appellant(s), or someone on Appellant's/Appellants' behalf, file a bond with sufficient security in the clerk's office of this Court in the penalty of \$_____, within fifteen (15) days of the date of the certificate of appeal, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s),

_____, in the sum of \$ _____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the (Court of Appeals and Supreme Court, if it takes cognizance of the claim) (Supreme Court), and all actual damages incurred in consequence of the suspension.

Form 6. Additional Bond Required by Appellate Court on Appeal From Circuit Court.

(Circuit Court case caption)

Plaintiff/Petitioner)
v.) No. _____
Defendant/Respondent)

The Appellant(s), _____, appealed from a judgment of this Court rendered on _____, 2____, and (the Supreme Court of Virginia) (Court of Appeals of Virginia), on _____, 2____, required an additional bond to be filed in the clerk’s office of this Court in the penalty of \$ _____, and with the following additional requirements: _____, within fifteen (15) days of the date of that order, with condition as the law directs. Accordingly, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$ _____, to perform and satisfy the judgment or such portion of the judgment as may be affirmed in whole or in part, and to pay all actual damages incurred in consequence of the suspension.

Form 7. Bond for Costs Alone — Appeal of Right From Virginia Workers’ Compensation Commission to Court of Appeals (including further appeal to the Supreme Court).

(Virginia Workers’ Compensation Commission caption)

Petitioner)
v.) No. _____
Respondent)

The Appellant, _____, (intending to appeal) (having appealed from) an award of the Virginia Workers' Compensation Commission rendered on _____, 2____, we _____, as principal and _____, as surety, bind ourselves, our heirs, successors, personal representatives and assigns, jointly and severally, to Appellee(s), _____, in the sum of \$_____, to pay all damages, costs, and fees that may be awarded against (him) (her) (them) (it) in the Court of Appeals and Supreme Court, if it takes cognizance of the claim.

Form 8. Form for Execution and Acknowledgment of All Bonds.

_____, as principal, and _____, as surety, hereby execute this instrument with our signatures and our seals.

Executed on: _____

Principal

Address
(SEAL)

Commonwealth of Virginia

City/County of _____

The foregoing instrument was acknowledged before me on _____, 2____, by _____.

Notary Public

My commission expires: _____

Executed on: _____

Surety

Address

(SEAL)

Commonwealth of Virginia

City/County of _____

The foregoing instrument was acknowledged before me on _____,
2____, by _____.

Notary Public

My commission expires: _____

Form 9. Irrevocable Letters of Credit.

* * *

Form 10. Petition for a Writ of Actual Innocence Based on Nonbiological Evidence.

* * *

A Copy,

Teste:



Clerk