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January 29, 2019

Today, the Court has entered an order delaying the effective date of the new criminal discovery rules until July 1, 2020.

Reform of criminal discovery rules is long overdue. The rules adopted by the Supreme Court of Virginia had a delayed effective date in deference to coordinate branches of our government.

The use of body cameras by state and local police has imposed additional responsibilities upon Commonwealth's Attorneys. Some localities do not employ these devices and others have extensive usage. The additional responsibilities are not primarily because of the proposed rules; rather, they are imposed by the obligations required by the United States Supreme Court under the case of *Brady v. Maryland* and its progeny. These obligations require disclosure to a criminal defendant of exculpatory evidence in the possession of the Commonwealth. These obligations exist independently of the proposed criminal discovery rules and would be required with or without the rules.

Having received requests from the chairs of the Senate Finance Committee and the House Appropriations Committee to delay the effective date of the criminal discovery rules to allow further assessment of this significant issue, the Court agreed to postpone the effective date of the rules until July 1, 2020.

While the Court continues to recognize that criminal discovery reform is overdue, it also recognizes that when separate branches of government work cooperatively, it benefits the citizens of the Commonwealth. For this reason, the Court delays implementation of its rules.

A handwritten signature in blue ink, appearing to read "Donald W. Lemons".

Donald W. Lemons
Chief Justice
Supreme Court of Virginia