VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 11th day of September, 2020.

IN RE: SECOND CLARIFICATION ORDER CONCERNING TOLLING OF STATUTORY SPEEDY TRIAL DEADLINES DURING THE JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 CRISIS

On March 16, 2020, the Court declared a "judicial emergency" on several grounds, including the fact that the COVID-19 crisis "substantially endangers or impedes . . . the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute," Code § 17.1-330(A). Subsection D of Code § 17.1-330 provides the Court with broad power to suspend various court-related deadlines: "Notwithstanding any other provision of law, such order may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, or filing requirements imposed by otherwise applicable statutes, rules, or court orders in any court processes and proceedings, including all appellate court time limitations." The Speedy Trial Act, Code § 19.2-243, imposes statutory time deadlines on criminal prosecutions subject to various exceptions and tolling provisions.

In its Clarification Order entered on May 1, 2020, this Court unanimously ordered that the tolling provisions of the March 16, March 27, and April 22 emergency orders, as clarified therein, "toll the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia from March 16 until May 17 or later if further extended by this Court."

This tolling of the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia has been continued by this Court's subsequent judicial emergency orders, up to and including the Ninth Order, in effect through September 20, 2020, and the Tenth Order which becomes effective September 21, 2020. This Court unanimously orders that the tolling of the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia is not affected by approval by

a panel of three Justices of this Court of any plan to restart jury trials, and this tolling of the statutory speedy trial period shall continue to be unaffected by approval of such plans, unless amended by future order.

It is so ORDERED.

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Chief Justice Donald W. Lemons