

ELECTRONIC DISCOVERY RELEASE

COMMONWEALTH OF VIRGINIA,

v.

_____, Defendant.

MUST ENTER ALL AREAS - (*) AREAS ARE OPTIONAL

POLICE CC #: _____ *

OCA/LYN Case #: _____ *

Date of Arrest: _____

Date of Incident (if different): _____

Court Case #: _____

DOB: _____ *If Available

***Check-off Required**

Court case assigned to: _____ General Dist. _____ J&D (Adult) _____ J&D (Juv) _____ Circuit // _____ *APPEAL

Charge(s): _____

Next Court Date: _____ Highest Level of Charges: _____ Felony _____ Misdemeanor _____ Traffic

This case was transferred from another Defense Attorney _____. Name of Attorney _____

Electronic Discovery Requesting:

Videos: BWC & InCar/DashCam/Photos: _____ **Documents:** Digitized Case Documents: _____ ***Check-off Required**

I, _____, counsel for the above referenced defendant, (or authorized agent of counsel for such defendant) hereby acknowledge acceptance of the terms of "Electronic Discovery" with the Lynchburg Commonwealth's Attorney Office. I agree that prior to requesting or receiving Electronic Discovery, I must file a Motion for Discovery and/or have a Discovery Order entered according to the Virginia Supreme Court Rule for the applicable court and procedural posture of the case. This Motion must be filed in a reasonable period to allow the necessary amount of time to fulfill such request prior to the next scheduled Court hearing date.

In some cases, it may be necessary to redact some materials requested, through either visual and/or auditory means, due to the presence of personal identifying information, sensitive conversations or visualizations that are not pertinent to the case, (nor contain any exculpatory evidence), that may impact, affect or jeopardize the safety, security or privacy of victims, witnesses, or others, as well as possessions or property. Any redaction performed, does not affect the "original" footage, which is maintained without redaction, and is available by seeking disclosure through a Court Order.

Although the Commonwealth is required to allow me to inspect exculpatory evidence, I agree that, with the exception of those materials described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), the Commonwealth is not required to provide me with copies of any evidentiary materials or to allow me to copy any evidentiary materials.

In consideration of the Commonwealth providing me with access to the evidentiary materials, other than those described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), I agree that, until this case is concluded, I will not copy, or allow these materials to leave my possession or control. Any copies required for submission as evidence to the Court, will be made by the Commonwealth Attorney's Office in exchange for me providing the necessary digital copying materials. The Commonwealth Attorney's Office will retain possession of such digital copied materials until submission of such materials to the Court. While I have the right to share and show the contents of these materials to my client, I agree to not give these materials in whole or in part, except the materials described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), to my client.

I understand that, although I may review my client's criminal and DMV records in the Commonwealth's Attorney's office, the Commonwealth Attorney is prohibited from giving me these records absent a specific court order.

I understand that certain discovery materials may be particularly sensitive, and that the Commonwealth is providing me access to materials other than those described in Rule 3A:11(b)(1); Rule 7C:5; Rule 8:15(a); or Rule 8:15(b), for my convenience. In consideration of the Commonwealth providing me with such access, rather than merely allowing me to inspect them, I agree to allowing the Commonwealth Attorney's Office to digitally delete them prior to, or soon after the conclusion of my representation of the defendant, pursuant to LE Op. 1864 (2012).

OCA BWC USE ONLY:

DATE RECD: _____

DATE BWC SENT: _____

Exp: _____ # Videos: _____

Prosecutor: _____ Sent: _____

PO _____

Entered Omni: _____ E Drive: _____

BY: _____

**DO NOT REQUEST FOR A "NON-JAILABLE" OFFENSE AND/OR TRAFFIC INFRACTION
DO NOT REQUEST FOR CLASS 3 or 4 MISDEMEANORS, PAROLE OR PROBATION VIOLATIONS**

Dated: _____

Signed: _____

Counsel for the Defendant **(Written or Digital Signature)**

Email Address: _____

OCA BWC USE
ONLY NOTES

REV 7/22