

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Thursday *the* 1st *day of* November, 2012.

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 immediately.

Amend a portion of Rule 3A:17.1 to read as follows:

Rule 3A:17.1. Proceedings in Bifurcated Jury Trials of Non-Capital Felonies and Class 1 misdemeanors.

* * *

(h) *Non-Unanimous Jury at the Penalty Phase.* -- Should the jury fail to reach unanimous agreement as to punishment on any charge for which it returned a verdict of guilty, the court shall impanel a different jury to ascertain punishment, unless the defendant, the attorney for the Commonwealth and the court agree that the court shall fix punishment in the manner provided in Section 19.2-257, for the offense upon which the jury unanimously returned a verdict of guilty.

A Copy,

Teste:

John L. Harrison

Clerk