

Using This Revisable PDF Form

1. Copies
 - a. Original – to court.
 - b. Copy – to law enforcement agency.
 - c. Copy – to defendant or defendant’s attorney.
 - d. Additional copies – as local needs dictate.
2. Prepared largely by defendant or counsel for the defendant, signed by defendant or his or her counsel, and order section completed and signed by judge.
3. Preparation details

Virginia Code § 19.2-188.1 permits a law enforcement officer to testify at trial as to the results of a marijuana field test when the identity of plant material is at issue provided that, prior to trial, the defendant was given written notice of his right to request a full chemical analysis of the alleged plant material. A request for a full chemical analysis of the alleged plant material would be made by motion to the court where the case is pending and, upon such motion, the court must order that the Department of Forensic Science perform such chemical analysis.

This form was developed for use as notice of the right to request full chemical analysis, a motion for request of chemical analysis, and an order for chemical analysis of alleged plant material.

NOTICE, MOTION AND ORDER FOR CHEMICAL ANALYSIS OF ALLEGED PLANT MATERIAL

COMMONWEALTH OF VIRGINIA

VA. CODE §§ 19.2-187, 19.2-188.1

Case No. **1**

NOTICE TO ACCUSED

The Code of Virginia provides that if you are accused of a violation of § 18.2-250.1, you have a right to request a full chemical analysis of plant material which is alleged to be marijuana to determine whether or not the plant material is marijuana. Such a request may be made by motion prior to trial before the court in which the charge is pending.

..... **2** General District Court Circuit Court
CITY OR COUNTY Juvenile and Domestic Relations District Court

..... **3**
COURT ADDRESS

Commonwealth of Virginia **4** v.
DEFENDANT

.....
LOCALITY

..... **5**
OFFENSE DATE

..... **6**
TRIAL HEARING DATE AND TIME

MOTION

I hereby request that this court order the Department of Forensic Science to perform a full chemical analysis on plant material, the identity of which is at issue, to determine whether the plant material is marijuana.

..... **7**
DATE

..... **8**
 DEFENDANT ATTORNEY FOR DEFENDANT

..... **9**
PRINT NAME

..... **10**
ADDRESS/TELEPHONE NUMBER OF DEFENDANT ATTORNEY FOR DEFENDANT

ORDER

11 The motion is granted. The Department of Forensic Science is directed to perform a full chemical analysis of plant material, the identity of which is at issue in this case, to determine whether the plant material is marijuana. The plant material shall be delivered or mailed to the Department of Forensic Science by an agent/representative of the investigating law enforcement agency with a copy of this Order. The Department of Forensic Science shall return the plant material to the submitting law enforcement agency upon completion of the chemical analysis and transmit a copy of the certificate of analysis to the Commonwealth's attorney.

Other: **12**

13 The motion is denied.

..... **14**
DATE

..... **15**
JUDGE

Data Elements

1. Case number.
2. Name of the court in which the case is pending. Check the appropriate box for the type of court.
3. Court address.
4. Style of the case.
5. Date of the offense.
6. Date and time of trial hearing.
7. Date of request.
8. Signature of defendant or defendant's attorney. Check appropriate box.
9. Printed name of signatory.
10. Address and telephone number of the defendant, if the defendant is not represented by counsel, or address and telephone number of defendant's attorney, if defendant is represented by counsel.
11. Check this box if motion is granted.
12. Space is provided for additional orders upon grant of motion.
13. Check this box if motion is denied. Space is provided for written basis of denial.
14. Date of entry of order.
15. Signature of judge.