

Amended by Order dated November 1, 2013; effective November 1, 2013.

RULES OF SUPREME COURT OF VIRGINIA
PART FIVE
THE SUPREME COURT
E. PERFECTING THE APPEAL

Rule 5:20. Petition for Rehearing After Refusal of Petition for Appeal or Disposition of an Original Jurisdiction Petition.

(a) *Petition for Appeal.* When a petition for appeal is either refused or dismissed, the clerk of this Court shall mail a copy of the order denying the appeal to counsel for the appellant and counsel for the appellee. Counsel for the appellant may, within 14 days after the date of this order, file in the office of the clerk of this Court a petition for rehearing. Attempts to incorporate facts or arguments from the petition for appeal are prohibited. Oral argument on the petition for rehearing will not be allowed. No responsive brief shall be filed unless requested by this Court. The clerk of this Court shall notify counsel for the appellant and counsel for the appellee of the action taken by this Court on the petition for rehearing.

(b) *Original Jurisdiction Petition.* When a petition filed pursuant to this Court's original jurisdiction (habeas corpus, mandamus, prohibition, or actual innocence) is decided, the clerk of this Court shall mail a copy of the order to counsel for the petitioner and counsel for the respondent. Counsel for either party may, within 30 days after the date of this order, file in the office of the clerk of this Court a petition for rehearing. Oral argument on the petition for rehearing will not be allowed. No responsive brief shall be filed unless requested by this Court. The clerk of this Court shall notify counsel for the petitioner and counsel for the respondent of the action taken by this Court on the petition for rehearing.

(c) *When Electronic Filing is Required.* Except for petitions for rehearing filed by pro se prisoners or with leave of this Court, a petition for rehearing shall be filed as an Adobe Acrobat Portable Document Format (PDF) document attached to an e-mail in compliance with Rule 5:20A. Petitions filed by pro se prisoners or with leave of this Court shall be filed in compliance with this Rule.

(d) *Length and Number of Copies.* The petition for rehearing shall not exceed the longer of 15 pages or 2,625 words in length. The petition shall state that a copy has been mailed or delivered to counsel for the appellee. Ten copies shall be filed.

(e) *Attorney's Fees.* Upon denial of a petition for appeal and any petition for rehearing, any appellee who has received attorney's fees and costs in the circuit court may make application in the circuit court for additional fees and costs incurred on appeal pursuant to Rule 1:1A.