Using This Form

1. Copies

   a. Original – to serving officer for execution, then to court.

   b. First copy – to the accused.

   c. Additional copies as dictated by local practice.

2. Prepared by clerk or judge.

3. Attachments – none.

4. Preparation details –

   a. Data Element No. 6 should be completed as a sentence and reference a code section (e.g., § 19.2-306 for probation violation, § 19.2-128 for failure to appear, etc.).

   b. Data Element Nos. 7 through 9 – Used by judge to direct magistrate to set bail terms pursuant to Va. Code § 19.2-130.1. Check one of the boxes in Data Element Number 9 to indicate whether magistrate may or may not set other or additional terms and conditions of bail.

   c. Data Element No. 10 – May be used by judge to provide information to assist magistrate in making bail determination.

   d. Data Element No. 14 – If capias is upon direct indictment, presentment or information or involves a charge certified by the district court at the preliminary hearing that was not accompanied by a CCRE report, and the charge involves an offense for which a CCRE report is required (see Va. Code § 19.2-390), check this box.

   e. Data Element No. 15 – Enter return date. Used to notify magistrate of next court date.

CAPIAS TO SHOW CAUSE

COMMONWEALTH OF VIRGINIA

Case No. ....**1**...........................

....**2**... Circuit Court

DEFENDANT:

4 COMPLETE DATA BELOW IF KNOWN

....................**3**....................

....

....

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									

TO: ....**5**... or any other authorized officer:

DESIGNATION OF OFFICER

You are hereby commanded in the name of the Commonwealth to forthwith arrest the defendant and bring him/her before a judicial officer to show cause why he/she should not:

6

[ ] ....

DESCRIBE CHARGE

....

....

[ ] be imprisoned, fined or otherwise punished for:

   [ ] failure to appear in this Court on...

DATE AND TIME

   [ ] failure to pay fines, costs and/or restitution or an installment thereof:

    payment due: $.. on ....

....

   [ ] failure to obey an order of [ ] this court [ ] ....

    ordering..

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7 [ ] Pursuant to Va. Code § 19.2-130.1, the judge orders that the magistrate shall set the bail terms in accordance with the following:

....

....................**8**....................

....

AND [ ] may **9** [ ] may not set other/additional terms and conditions.

Information to consider in determining bail:

....

.......................**10**.......................

....

....

....

....

....................**11**....................

DATE ISSUED

_____**12**_____

[ ] JUDGE   [ ] CLERK   [ ] MAGISTRATE

by _____**13**_____

DEPUTY CLERK

14 [ ] CCRE Report Needed (if checked)

Return Date (Circuit Court Use Only) ....**15**...

(For Administrative Use Only)
Virginia Crime Code:

Offense Tracking Number:

....................**16**....................

....................**17**....................

EXECUTED by arresting the defendant named above on this day: ....**18**...................

DATE AND TIME

_____**19**_____

ARRESTING OFFICER

_____**20**_____

BADGE NO., AGENCY AND JURISDICTION

for _____**21**_____

SHERIFF

_____**22**_____

DATE

FORM CC-1356 MASTER 05/10

Data Elements

1.   Court case number.

2.   Court name.

3.   Name and address of the accused.

4.   Information describing the accused. **Note**: these boxes should be completed in whole or in part <u>only</u> as to those facts which are reasonably certain to be true.

5.   Law enforcement agency that will serve capias.

6.   Description of reason for the defendant being brought to court. See Using This Form, 4.

7.   Check this box to indicate that magistrate is to set bail terms as provided in capias.

8.   Indicate specific bail terms for magistrate pursuant to Va. Code § 19.2-130.1.

9.   Check appropriate box to indicate whether or not magistrate may set additional terms and conditions of bail.

10. Brief description of facts affecting statutory requirements for determining bail as provided by judge.

11. Date of issuance.

12. Signature of judge, clerk or magistrate who executed form, if applicable. If deputy clerk executed this form, print or type the clerk's name. Check appropriate box under the line.

13. Signature of deputy clerk if deputy clerk executed this form.

14. Check box if CCRE report is needed.

15. List return date.

16. Insert court's offense tracking number.

17. Insert the Virginia Crime Code for the offense charged.

18. Date and time of execution of capias.

19. Signature of arresting officer.

20. Badge number of serving officer, employing agency and jurisdiction of arresting officer.

21. If capias served by deputy sheriff, insert name of sheriff.

22. Date signed by person who executed capias.