



Arlington County Bar Association
February 22, 2017

To the members of the Arlington County Bar Association who practice in Criminal Court:

Beginning March 1, all first offense Possession of Marijuana cases set for 2:00 p.m. out of jail arraignments will be pre-screened for eligibility for a deferred disposition under §18.2-251. To be eligible at arraignment, the defendant must have no prior criminal record and have no other charges arising from the same arrest other than non-jailable traffic offenses.

Those defendants who do not meet the above criteria for the deferred disposition on their arraignment date will have their cases set for trial. The Commonwealth's Attorney has advised the Court that they are waiving jail time for anyone charged with first offense Possession of marijuana, therefore those who decide against accepting the pre-trial deferred disposition or those who do not meet the criteria for a deferred disposition at arraignment will not be appointed counsel.

Those who qualify will be advised that upon the entry of a guilty plea or plea of no contest their charge will be dismissed so long as they satisfy certain conditions which will be set out for them in a document they will be provided. Their case will be continued 2 weeks from arraignment for them to consider their options. They will be advised, whether for immigration consequences or otherwise, that they may want to consult an attorney. On the 2 week return date, those who choose not to enter into the pre-trial disposition will be given a trial date.