

10 A RESOLUTION CONCERNING
20 THE REPEAL OF VIRGINIA’S 21-DAY RULE IN CAPITAL CASES

30 WHEREAS: Rule 1:1 of the Virginia Supreme Court explicitly states that trial courts lose
40 jurisdiction over their cases 21-days after an individual has been sentenced; and,

50 WHEREAS: Trial courts are the only place that evidence can be introduced in the
60 Commonwealth’s court system; and,

70 WHEREAS: After 21-days individuals can not present new evidence in their defense; and,

80 WHEREAS: This rule applies to capital cases, thus innocent individuals may be put to death
90 if they do not receive a clemency, pardon or commutation; and,

100 WHEREAS: Executive clemency, pardons, and commutations are intended to show mercy
110 not provide justice to the wrongly accused; and,

120 WHEREAS: In 2003, SB1143 and SB705, two measures which would have extended and
130 eliminated the window to introduce new evidence, both failed to pass
140 out of committee in the Virginia House of Delegates.

150 THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the Virginia
160 General Assembly to amend Virginia Supreme Court Rule 1:1 to allow more
170 time for the convicted to introduce new evidence in their defense.

180 MANDATES: Governor Mark Warner
190 Lieutenant Governor Tim Kaine
200 Attorney General Jerry Kilgore
210 State Senator John Chichester
220 State Senator Thomas Norment Jr.
230 Speaker William Howell
240 Delegate Melanie Rapp

Sponsor:

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