

What Happens After Conviction: Traffic and Criminal Divisions



The Wilson Law Firm
WHEN RESULTS MATTER

Table of Contents

Fines and Costs.....	3
License Suspension.....	3
Interest.....	4
Unpaid Fines.....	4
Collection	4
Bond Refunds	4
Motions.....	5
Appeals.....	5

Fines and Costs

The court has no discretion when assessing court costs - they are **required by law in the Code of Virginia**. Court costs will be automatically added to most fines before payment can be made. Therefore, if the judge tells you that your fine amount is \$100.00, the total amount due will be \$100.00 plus the amount of court costs.

Even if the judge suspends your fine, you still have to pay the court costs. Court costs can not be suspended by the court. Always check with the Clerk's Office to find out the exact amount of your fine and costs, as failure to pay the fine and court costs in full will have negative consequences, including a suspension of your driver's license.

There are additional costs assessed in cases involving conviction for **drug and alcohol offenses**.

If you **failed to appear** in court on your trial date and you were **tried and found guilty in your absence**, an additional **fee** was probably assessed.

If you were represented by a public defender or court appointed attorney and were convicted (found *guilty*), you will be required to pay additional costs to offset the expense to the Commonwealth of providing the lawyer to you. If you were represented by a public defender or court appointed attorney and were acquitted (found *not guilty*), you will not be required to pay for the services of the public defender or court appointed lawyer.

All fines and costs are due and owing to the court **on the date of conviction**. Arrangements may be made with the court Clerk if additional **time to pay** is needed; however, an additional fee will be assessed. Failure to make timely payments of fine and/or court costs will result in a suspension of your driver's license.

License Suspension

If the judge imposes a sentence which includes a suspension of your driver's license, you **must** surrender your license to the court or the Department of Motor Vehicles (DMV).

Until the license is surrendered, additional days (up to 180 days) will be added to the suspension period. Essentially, the clock doesn't start running on your suspension until you surrender your license. This does not mean that you are not suspended until you surrender your license. It

means by not surrendering your license you are increasing the period of time you are suspended.

Interest

Interest is charged on all unpaid fines and costs **after 40 days**. Currently, the legal rate of interest is **6 percent** per year.

Unpaid Fines

If time to pay is not requested, and any amount remains unpaid **after 40 days**, the unpaid debt will be sent to the **court's collection agency**. Also, the Department of Motor Vehicles (DMV) will be notified **to suspend your driver's license** or privilege to drive in Virginia if your **fines, costs and any applicable fees are not paid within 15 days** of the conviction date, unless a deferred payment plan has been approved.

The suspension will remain in place until:

- 1) All fines, costs, and fees are paid to the court, or a deferred payment plan is approved, AND
- 2) A reinstatement fee is paid to DMV.

Collection

The **Virginia Tax Department** administers a program to collect outstanding debts owed to state agencies such as courts. In order to **collect** past due fines and costs:

- A portion of **your wages can be garnished**, or
- Your **state income tax refund can be withheld** and sent to the court.

Bond Refunds

Refund of a **cash** appearance bond may be requested at the appropriate Clerk's Office immediately following the defendant's appearance and the conclusion of the case in court.

The bond can only be refunded to the **person who is listed on the cash bond receipt as having paid the bond**. A photo ID is required. Often times it will take several days to receive the refund check.

If no refund is requested following the conclusion of the case, **a cash bond posted by the defendant will be applied to fines and costs**.

Motions

Motions to Rehear must be filed and heard within **60 calendar days** of conviction.

A Motion to Rehear does not take the place of an appeal, and does not extend the period to appeal. If you want a new trial, the only way to be sure you will get it is to file an appeal.

Appeals

Defendants in criminal and traffic cases tried in both the General District Court and the Juvenile and Domestic Relations District Court have an automatic right to appeal convictions and have a new trial in the Circuit Court on some future date. The appeal must be noted by the defendant, or counsel, in **writing within ten calendar days** (not just business days) of conviction. The day after conviction is counted as day one.

When noting the appeal the defendant, or counsel, must request either a **jury trial** or a **non-jury trial**, and a **new court date** will be assigned at the time of appeal. The new court date may be an actual Circuit Court **trial date** or simply a **return date** to appear in the Circuit Court, check the status of the case, select a trial date and schedule further proceedings such as a date to hear pre-trial motions.

When an appeal from the General District Court or the Juvenile and Domestic Relations District Court to the Circuit Court is noted, the defendant's current bond status is often continued. However, if a jail sentence was to be served as part of the original sentence, or if there have been other changes in circumstances, the judge may elect to increase the bond amount. If increased, the defendant (not counsel) must come to the Clerk's Office to sign any new bond forms.