

**Subject: CWA- Data Related to First-Time Marijuana Offenses**

**FY 2018 Proposed Budget  
Budget Work Session Follow-up**

**3/28/2017**

The following information is provided in response to a request made by Mr. Christian Dorsey at the work session on 3/7/2017, regarding data related to first-time marijuana offenses tracked by the Commonwealth Attorney.

This question relates to the new General District Court (GDC) policy, issued on March 1, 2017, which states that the Court will not appoint a lawyer to first-time marijuana offenders who have no criminal record. Under GDC's new policy, eligible defendants are informed at their initial arraignment that they may choose to receive a deferred disposition under VA Code §18.2-251. A disposition under §18.2-251 allows the defendant to avoid a criminal conviction by complying with certain enumerated conditions. To be eligible, defendants must have no prior criminal record. At the initial arraignment, eligible defendants are given a document outlining the conditions that they must meet to receive the benefit of the deferred disposition. They are advised that they may wish to consult an attorney before making a decision. In addition, individuals who are not citizens are specifically advised by the court that a plea of guilty could have immigration consequences. The cases are then continued for at least two weeks to the marijuana return docket. The defendants appearing on the return docket either accept the deferred disposition or have their cases set for a trial on a later date.

The Commonwealth Attorney (CWA) does not specifically track data on first-time possession of marijuana offenders or the circumstances surrounding the issuance of Virginia Uniform Summonses (VUS). However, CWA has reviewed the GDC's post-March 1, 2017 first-offender possession of marijuana return dockets. From March 1-March 16, 2017, only seven defendants appeared on the marijuana return dockets.

First-time possession of marijuana offenders who are ineligible for the deferred disposition, because of a prior criminal history and/or the existence of additional criminal charges, are given trial dates at the initial arraignment. In reviewing the court's arraignment dockets, CWA estimates approximately 15 to 20 defendants per month will fall in this category (i.e. first offenders who are ineligible for a disposition under §18.2-251).