



United States District Court
Eastern District of North Carolina
Office of the Clerk
Post Office Box 25670
Raleigh, North Carolina 27611

Julie A. Richards
Clerk of Court

**NOTICE OF NEW LOCAL CRIMINAL RULE 58.2
AND SOLICITATION OF PUBLIC COMMENT**

On November 5, 2013, the Honorable James C. Dever III, Chief United States District Judge, entered Standing Order 13-SO-4, *In Re: Adoption of Local Criminal Rule 58.2*. The standing order and Local Criminal Rule 58.2 are posted on the court's website at www.nced.uscourts.gov. Copies are also available at the Office of the Clerk of Court in Greenville, New Bern, Raleigh, and Wilmington.

The new rule provides as follows:

Rule 58.2 Forfeiture of Collateral in Lieu of Appearance

As provided in Fed. R. Crim. P. 58(d)(1), a person who is charged with a petty offense or other misdemeanor, whether it is a violation of a federal statute or regulation, or a violation of an assimilated state law, may be permitted, in lieu of appearance, to post collateral for the offense, waive appearance before the court, and consent to forfeiture of the collateral. The offenses for which collateral may be posted and forfeited in lieu of appearance and the amount of collateral to be posted are set out in written schedules approved by the court, on file with the clerk, and posted on the court's website. Collateral may not be forfeited in lieu of appearance with respect to any offense for which appearance is specified as mandatory in a schedule or any offense the citation for which specifies that appearance is required.

Pursuant to 28 U.S.C. § 2071(e), the court provides Notice to the Bar and Public and Solicitation of Comment on Local Criminal Rule 58.2. Comments, including recommended changes to the rule, may be submitted in writing by December 23, 2013, to NCED_Local_Rules@nced.uscourts.gov or to the Clerk of Court, Terry Sanford Federal Building and United States Courthouse, 310 New Bern Avenue, Raleigh, North Carolina 27601.

November 8, 2013