

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

PUBLIC NOTICE OF CHANGES IN THE PROCEDURES FOR HANDLING
MISDEMEANOR DRIVING WHILE IMPAIRED (“DWI”) OFFENSES AT THE FORT
BRAGG MILITARY RESERVATION AND MARINE CORPS BASE CAMP LEJEUNE

25 November 2015

The court is implementing changes to procedures in DWI misdemeanor cases arising under N.C. Gen. Stat. § 20-138.1 at Fort Bragg and Camp Lejeune. The reason for these changes include reduction of the number of defendants who fail to appear, elimination of ambiguity over whether a non-appearing defendant has received notice of the initial court appearance date, and facilitation of timely imposition of appropriate pretrial release conditions. The principal changes are as follows:

1. Court cases will be opened on the basis of violation notices. It is anticipated that the United States Attorney’s Office will subsequently file superseding criminal informations.
2. Defendants will be notified of the date, time, and location of their initial court appearance at the time of their citation by means of the violation notice. The initial court appearance will be within 30 days.
3. There will be interim sessions of court roughly every two weeks between the regularly scheduled sessions for Fort Bragg and Camp Lejeune misdemeanor cases. Each interim court session will be devoted solely to initial appearances in DWI cases. The interim sessions will be held at the Fayetteville courthouse and Camp Lejeune for cases arising from the respective bases, although the presiding magistrate judge will appear by video teleconference, pursuant to defendant consent, from the city where the magistrate judge regularly sits. Schedules for Fort Bragg and Camp Lejeune cases showing both the upcoming regularly scheduled and interim sessions are attached. The first interim sessions are presently scheduled for 23 December 2015 for Fort Bragg DWI cases and 16 December 2015 for Camp Lejeune DWI cases. The other changes described in this notice are expected to be in place by these dates.
4. Attendance by defendants at the initial court appearance of which they are notified at the time of their citation will be **strictly enforced**. Any request for continuance of this initial court appearance can be approved only by a magistrate judge and requires a showing of **extraordinary circumstances**. Any such continued initial court appearance will be rescheduled for the following day or as soon thereafter as possible and may be set in the city in which the presiding magistrate judge regularly sits.
5. The court may include among the conditions of pretrial release imposed at the initial court appearance, or thereafter, seizure of the defendant’s driver’s license and limitations on driving, as warranted.
6. The clerk’s office and/or military officials will undertake appropriate communication with

the division of motor vehicles or comparable agency of a defendant's licensing state regarding the DWI proceedings against the defendant in this court.

7. The changes in procedure described in this notice are subject to modification as circumstances warrant.

Questions regarding the foregoing changes in procedure regarding Fort Bragg and Camp Lejeune DWI cases may be directed to the clerk's office. For Fort Bragg cases, contact Shari Powers at 919-645-1734. For Camp Lejeune cases, contact Babbs Grady at 910-679-2020.

Schedule for Fort Bragg DWI Initial Court Appearances

Date of Arrest	Date of Hearing	Defendant Reports	Session Starts	Judge Location	Defendant Location
11/16/15 to 12/2/15	12/9/15	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
12/3/15 to 12/16/15	12/23/15	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
12/17/15 to 12/30/15	1/6/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
12/31/15 to 1/13/16	1/19/16	9:00 a.m.	10:00 a.m.	Greenville (Video)	Fayetteville
1/14/16 to 1/27/16	2/3/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
1/28/16 to 2/10/16	2/17/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
2/11/16 to 2/24/16	3/2/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
2/25/16 to 3/9/16	3/16/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
3/10/16 to 3/30/16	4/6/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
3/31/16 to 4/13/16	4/20/16	9:00 a.m.	10:00 a.m.	Greenville (Video)	Fayetteville
4/14/16 to 4/27/16	5/4/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
4/28/16 to 5/11/16	5/18/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
5/12/16 to 5/25/16	6/1/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
5/26/16 to 6/8/16	6/15/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
6/9/16 to 6/29/16	7/6/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
6/30/16 to 7/13/16	7/20/16	9:00 a.m.	10:00 a.m.	Greenville (Video)	Fayetteville
7/14/16 to 7/27/16	8/3/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
7/28/16 to 8/10/16	8/17/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
8/11/16 to 8/31/16	9/7/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
9/1/16 to 9/14/16	9/22/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
9/15/16 to 9/28/16	10/5/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
9/29/16 to 10/12/16	10/19/16	9:00 a.m.	10:00 a.m.	Greenville (Video)	Fayetteville
10/13/16 to 10/26/16	11/2/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
10/27/16 to 11/9/16	11/16/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville
11/10/16 to 11/30/16	12/7/16	8:00 a.m.	9:00 a.m.	Fayetteville	Fayetteville
12/1/16 to 12/14/16	12/21/16	9:00 a.m.	10:00 a.m.	Raleigh (Video)	Fayetteville

Note: All hearings are on Wednesday except for the hearings on 1/19/16, which will be on Tuesday, and 9/22/16, which will be on Thursday.

Schedule for Camp LeJeune DWI Initial Court Appearances

Date of Arrest	Date of Hearing	Judge Location	Defendant Location
1/12/16 to 1/13/16	1/20/16	Wilmington	Wilmington
1/14/16 to 2/3/16	2/10/16	Wilmington	Wilmington
2/4/16 to 2/18/16	2/25/16	Wilmington	New Bern (Video)
2/19/16 to 3/2/16	3/9/16	Wilmington	Wilmington
3/3/16 to 3/23/16	3/30/16	Wilmington	New Bern (Video)
3/24/16 to 4/13/16	4/20/16	Wilmington	Wilmington
4/14/16 to 4/28/16	5/5/16	Wilmington	New Bern (Video)
4/29/16 to 5/11/16	5/18/16	Wilmington	Wilmington
5/12/16 to 6/1/16	6/8/16	Wilmington	Wilmington
6/2/16 to 6/22/16	6/29/16	Wilmington	New Bern (Video)
6/23/16 to 7/8/16	7/15/16	Wilmington	Wilmington
7/9/16 to 8/3/16	8/10/16	Wilmington	Wilmington
8/4/16 to 8/24/16	8/31/16	Wilmington	New Bern (Video)
8/25/16 to 9/14/16	9/21/16	Wilmington	Wilmington
9/15/16 to 9/28/16	10/5/16	Wilmington	New Bern (Video)
9/29/16 to 10/12/16	10/19/16	Wilmington	Wilmington
10/13/16 to 11/2/16	11/9/16	Wilmington	Wilmington
11/3/16 to 11/23/16	11/30/16	Wilmington	New Bern (Video)
11/24/16 to 12/14/16	12/21/16	Wilmington	Wilmington

Schedule for Cherry Point DWI Initial Court Appearances

Date of Arrest	Date of Hearing	Judge Location	Defendant Location
1/12/16 to 2/10/16	2/17/16	New Bern	New Bern
2/11/16 to 2/18/16	2/25/16	Wilmington	New Bern (Video)
2/19/16 to 3/9/16	3/16/16	New Bern	New Bern (Video)
3/10/16 to 3/23/16	3/30/16	Wilmington	New Bern (Video)
3/24/16 to 4/6/16	4/13/2016	New Bern	New Bern
4/7/16 to 4/27/16	5/5/16	Wilmington	New Bern (Video)
4/28/16 to 5/11/16	5/18/16	Wilmington	New Bern (Video)
5/12/16 to 6/8/16	6/15/2016	New Bern	New Bern
6/9/16 to 6/22/16	6/29/16	Wilmington	New Bern (Video)
6/23/16 to 7/13/16	7/20/16	Wilmington	New Bern (Video)
7/14/16 to 8/10/16	8/17/2016	New Bern	New Bern
8/11/16 to 8/24/16	8/31/16	Wilmington	New Bern (Video)
8/25/16 to 9/14/16	9/21/16	Wilmington	New Bern (Video)
9/15/16 to 10/5/16	10/12/2016	New Bern	New Bern
10/6/16 to 10/11/16	10/18/16	Wilmington	New Bern (Video)
10/12/16 to 11/2/16	11/9/16	Wilmington	New Bern (Video)
11/3/16 to 11/23/16	11/30/16	Wilmington	New Bern (Video)
11/24/16 to 12/7/16	12/14/2016	New Bern	New Bern