FILED

FEB 2 3 2020

PETER A. _____ JR., CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

IN RE:)
)
)   **STANDING ORDER**

PROCEDURES FOR PRELIMINARY)
PROCEEDINGS IN CRIMINAL CASES)

After careful consideration, the court finds that the procedures set forth in this Standing Order will promote efficiency and judicial economy in preliminary proceedings in criminal cases in this district. The court accordingly adopts the following procedures for these proceedings:

1. **Rescission of Prior Standing Order.** This Standing Order supersedes Standing Order 19-SO-4, which is rescinded in its entirety.

2. **Scope.** The scheduling and waiver procedures provided for in this Standing Order:

a. shall be followed in all cases before the court in Raleigh, New Bern, Elizabeth City, and Wilmington, subject to variation in individual cases pursuant to paragraph 6 below; and

b. may be followed in individual cases pursuant to paragraph 6 below before the court in Greenville, where circumstances do not presently warrant across-the-board application as elsewhere in the district.

3. **Scheduling of Identity, Preliminary, and Detention Hearings.** Absent contrary order, identity, preliminary, and detention hearings in Raleigh will be scheduled three business days after the defendant's initial appearance to help ensure that the defendant has sufficient time to prepare for the hearing. If a party wishes to have a hearing scheduled for a different date, the party shall move the court orally or in writing for such relief at the initial appearance.

4. **Preparation of Pretrial Services Reports.** The United States Probation Office shall prepare a Pretrial Services Report ("PTSR") for each defendant charged with a felony offense

who is the subject of a motion for detention. The PTSR shall be filed no later than one hour before the scheduled start of the session at which the detention hearing will be held.

5.   **Out-of-Court Waiver of Identity, Preliminary, and Detention Hearings.**

a.   A defendant may waive his or her right to an identity, preliminary, or detention hearing without appearing in court by filing the appropriate, duly executed court-approved waiver form by 1:00 p.m. on the last business day before the date set for the hearing.

b.   If the appropriate, duly executed waiver form for a hearing is filed by the deadline in subsection (a), the hearing will be cancelled, and the waiver shall be effective without any in-court proceeding on it.

c.   If counsel for a defendant wishing to make an out-of-court waiver of a hearing is unable to meet with the defendant and obtain the appropriate, duly executed waiver form in time to comply with the filing deadline in subsection (a) above, the defendant's counsel may move for a one-week continuance of the hearing using the court-approved continuance motion form. The duly executed continuance motion form shall be filed by 1:00 p.m. on the last business day before the date set for the hearing. The court will rule promptly on the continuance motion.

d.   If a defendant is subject to an identity, preliminary, or detention hearing, the court will advise the defendant at his or her initial appearance that he has the right to waive such hearing(s) in court, but that he or she may instead waive the hearing(s) out of court by completing and filing the appropriate court-approved waiver form(s) by the applicable deadline prior to the date set for the hearing(s).
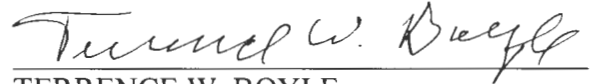
6.   **Variation in Individual Cases.** The court retains the discretion in individual cases to vary from the procedures set forth in this Standing Order for good cause.

7.   **Court-approved Forms.** The Clerk shall make available on the court's external

website the court-approved forms referenced in this Standing Order.

8.   **Effective Date.**   This Standing Order shall apply to defendants whose initial appearances are held after the date of its entry.

SO ORDERED. This _08_ day of _Feb_ 2020.

Terrence W. Boyle
TERRENCE W. BOYLE
Chief United States District Judge