

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
14-JP-1-RN

FILED

DEC 10 2014

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

IN RE:)
)
PROCEDURES FOR HANDLING CASES)
CHARGING MISDEMEANOR OFFENSES)
AT THE FORT BRAGG MILITARY)
RESERVATION, DEPARTMENT OF)
VETERANS AFFAIRS FAYETTEVILLE)
MEDICAL CENTER, AND MILITARY)
OCEAN TERMINAL SUNNY POINT)

**CONSOLIDATED
JUDICIAL PREFERENCE ORDER**

For the reasons specified, the following provisions shall apply to cases coming before the undersigned charging misdemeanor offenses at the Fort Bragg Military Reservation, Department of Veterans Affairs Fayetteville Medical Center, and Military Ocean Terminal Sunny Point:

1. To facilitate determination of the need for and performance of the calculation provided for under the Speedy Trial Act, 18 U.S.C. § 3161, all criminal informations charging the assimilated offense of impaired driving under N.C. Gen. Stat. § 20-138.1 shall specify if the government seeks Level One or Level Two punishment under N.C. Gen. Stat. § 20-179.

2. To promote the efficient disposition of cases:

a. No more than six continuances will be allowed a defendant without the defendant's counsel or, if pro se, the defendant personally demonstrating to the court's satisfaction at a hearing that exceptional circumstances warrant a further continuance.

b. In all cases in which a defendant pleads not guilty, the trial will be held before the magistrate judge taking the plea at the courthouse where the magistrate judge is stationed or such other location as the magistrate judge designates on a date the magistrate judge sets, which will typically be within 30 days of the plea.

3. The court will accept a waiver of appearance of a defendant pleading guilty to an offense for which supervision of the defendant by the United States Probation Office may be imposed as part of a sentence only if:

a. the waiver is accompanied by a written statement containing the current address for the defendant and the certification of the defendant's counsel that such counsel has confirmed within seven days of the plea that the address provided is accurate; and

b. (i) the defendant lives outside the Fayetteville area or (ii) the defendant lives in the Fayetteville area, but makes a showing satisfactory to the court that exceptional circumstances justify the defendant's not appearing.

4. The court reserves the discretion to vary from the provisions herein as it deems appropriate.

SO ORDERED, this 10th day of December 2014.

s/ Robert T. Numbers, II
Robert T. Numbers, II
United States Magistrate Judge