CLERK'S OFFICE, U.S. DIST. CT.
AT ROANOKE, VA
FILED
APR 07 1998
MORGAN E. SCOTT, JR., Clerk
By: Deputy Clerk

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

**IN RE: RULE 58 FORFEITURES OF COLLATERAL IN LIEU OF APPEARANCE IN PETTY OFFENSE CASES**

## STANDING ORDER

Pursuant to Rule 58(d) of the Federal Rules of Criminal Procedure, it is hereby **ORDERED** that the defendant shall appear when charged with a petty offense, as defined in 18 U.S.C. § 19, except for those petty offenses listed in the attached schedules for which payment of a fixed sum may be accepted in lieu of appearance, authorizing termination of the proceedings against the defendant.

It is hereby **ORDERED** that the posting of collateral shall cause a forfeiture of the collateral to the United States; shall signify that the defendant does not contest the charge and waives rights to a hearing; shall constitute a finding of guilt; and in appropriate cases shall cause the Clerk or the Magistrate to certify the record of any traffic conviction to the proper state authority.

It is further **ORDERED** that special assessments imposed pursuant to 18 U.S.C. § 3013 (a)(1) for petty offense misdemeanor convictions shall be satisfied from the collateral forfeited in lieu of appearance pursuant to the terms of this Standing Order.

It is hereby **ORDERED** that a charging officer may designate a mandatory appearance in lieu of posting collateral for any offenses listed in these schedules identified by an asterisk or for which the defendant has been convicted of the same offense within the preceding twelve (12) months.

It is further **ORDERED** that increases, not to exceed the statutory maximum fine, may be made to the schedules attached to this Standing Order by amendments which shall be complete and comprehensive schedules superseding all prior schedules for the amending agency.

This Standing Order supersedes all prior standing orders on forfeitures of collateral in lieu of appearance in petty offense cases.

The Clerk is directed to enter this order in the order books of each division of this Court and send certified copies to the Magistrate Judges and the United States Attorney for this district and to the National Park Service; the United States Forest Service; the United States Army Corps of Engineers; the Department of Veterans Affairs; the Veterans Administration Medical Center, Salem, Virginia; the Department of the Army, Radford Army Ammunition Plant; the United States Fish and Wildlife Service; the Department of the Interior, Bureau of Land Management; and the Central Violations Bureau, San Antonio, Texas.

ENTERED this 7th day of April 1998.

CHIEF UNITED STATES DISTRICT JUDGE

rule58.ord/kfr

A TRUE COPY, TESTE:
MORGAN E. SCOTT, JR., CLERK
BY: [signature]
DEPUTY CLERK