

**UNITED STATES DISTRICT COURTS
FOR THE
EASTERN DISTRICT OF KENTUCKY
EASTERN DISTRICT OF TENNESSEE
WESTERN DISTRICT OF VIRGINIA**

AND

**UNITED STATES ATTORNEY'S OFFICES
FOR THE
EASTERN DISTRICT OF KENTUCKY
EASTERN DISTRICT OF TENNESSEE
WESTERN DISTRICT OF VIRGINIA**

AND

**SUPERINTENDENT FOR THE
CUMBERLAND GAP NATIONAL HISTORICAL PARK
UNITED STATES DEPARTMENT OF INTERIOR**

**MEMORANDUM OF UNDERSTANDING FOR THE
REFERRAL AND TRIAL OF CASES BEFORE THE
UNITED STATES MAGISTRATE JUDGES
FROM THE CUMBERLAND GAP NATIONAL HISTORICAL PARK**

This Memorandum of Understanding ("MOU") relating to the referral and trial of cases before the United States Magistrate Judges in the Eastern District of Kentucky, the Eastern District of Tennessee, and the Western District of Virginia from the Cumberland Gap National Historical Park ("CGNHP") is entered into in order to provide for the maximum cooperation and coordination between the federal Districts since the three federal Districts have jurisdiction in their respective sections of the Cumberland Gap National Historical Park.

In order to provide a uniform and efficient system for the processing and prosecution of petty offenses and misdemeanor offenses originating in the CGNHP's boundaries, the parties deem it appropriate to consolidate all matters and cases arising in the CGNHP to a single district for a period of three years to be rotated to each of the remaining districts every three years.

In order to accomplish these objectives, the parties agree to do the following:

A. Responsibilities of the Courts:

The Chief Judge of each District will ensure that reciprocity jurisdiction is obtained from the other two districts to allow its United States Magistrate Judges to receive and dispose of cases referred to each respective district by the enforcement agencies associated with the "CGNHP."

Each district will handle the docket of petty offenses and misdemeanor offenses within the jurisdiction of the United States District Courts for a period of three years, at the end of which it would rotate to another District.

The CGNHP docket which began on July 16, 2008, is assigned to the United States District Court for the Eastern District of Kentucky for a period of three years, ending on July 19, 2011.

The CGNHP docket will rotate to the Eastern District of Tennessee on July 20, 2011; and to the Western District of Virginia on July 16, 2014, and the rotations will continue thereafter in like fashion.

The parties agree that the docket will be held on the third Wednesday of each month at a designated location in each district.

B. Responsibilities of the United States Attorney's Offices

The United States Attorneys in each district will ensure that Assistant United States Attorneys assigned to the CGNHP docket are designated as Special Assistant United States Attorneys in the other two districts to prosecute cases in each of the three jurisdictions.

The United States Attorneys from each respective district will represent the United States before the United States District Courts concerning all matters referred for prosecution on the United States District Court docket from the CGNHP during the three year rotation.

The United States Attorneys will coordinate the transfer of prosecutorial responsibility as outlined in this Memorandum of Understanding with the Superintendent or designee from the CGNHP in order to effect an orderly transfer of cases and matters referred to the receiving District and receiving United States Attorney's Office. This responsibility shall include the timely notification of the Central Violations Bureau (CVB) or its successor and proper coding for violation notices and outstanding warrants for arrest and other matters associated with the docket due to the transfer of prosecutorial responsibility.

C. Responsibilities of the Superintendent, Cumberland Gap National Historical Park

The Superintendent or designee will coordinate the filing of warrants, violation notices and other judicial process with the Courts and the United States Attorney's Offices in conformity with this Memorandum of Understanding.

The Superintendent or designee will ensure the timely transfer of notifications to the CVB or its successor and proper coding for violation notices and warrants for arrest and other matters associated with the United States District Court dockets due to the transfer of prosecutorial responsibilities.

The Superintendent of the CGNHP or designee will ensure that all law enforcement personnel associated with CGNHP follow the procedures and time lines outlined in this Memorandum of Understanding.

D. Administration

This Memorandum of Understanding may be amended by written agreement of the parties. The parties agree to meet as needed to discuss modification of this MOU resulting from changes in law, policy, procedures, or other reasons.

Memorandum of Understanding
Eastern District of Kentucky
Eastern District of Tennessee
Western District of Virginia

Page 4

E. Authorizing Signatures

Date: 4/30/09

s/ Jennifer B. Coffman
JENNIFER B. COFFMAN
Chief United States District Judge
Eastern District of Kentucky

Date: 3-2-09

s/ Curtis L. Collier
CURTIS L. COLLIER
Chief United States District Judge
Eastern District of Tennessee

Date: 5/5/09

s/ James P. Jones
JAMES P. JONES
Chief United States District Judge
Western District of Virginia

Date: 12/2/08

s/ James A. Zerhusen
JAMES A. ZERHUSEN
United States Attorney
Eastern District of Kentucky

Date: 12-1-08

s/ James R. Dedrick
JAMES R. DEDRICK
United States Attorney
Eastern District of Tennessee

Date: 12/15/08

s/ Julia Campbell Dudley
JULIA CAMPBELL DUDLEY
United States Attorney
Western District of Virginia

Date: 02/12/09

s/ Mark L. Woods
MARK L. WOODS
Superintendent
Cumberland Gap National Historical Park