

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

APR 9 1986

JOHN W. WILLIAMS, CLERK
U. S. DISTRICT COURT

IN RE:) MISCELLANEOUS NUMBER M86-4
)
PROSECUTION OF PETTY OFFENSES)
WHICH OCCUR ON MILITARY BASES)
WITHIN THE DISTRICT OF)
SOUTH CAROLINA) ORDER

It appears that the procedure for the appearance of Special Assistant United States Attorneys before this court as set out in the attached Petition is an efficient and effective method for handling petty offenses as defined by Title 18, United States Code, Section 1(3), occurring on military reservations within the District of South Carolina under the special maritime and territorial jurisdiction of the United States as defined in Title 18, United States code, Section 7(3).

W.A.P.
#1

It further appears that it is desirable to have a uniform policy concerning the appearance of Special Assistant United States Attorneys from the various military installations in the District of South Carolina before this Court.

IT IS THEREFORE ORDERED that the procedure set forth in the attached Petition for the appearance of Military Judge Advocates before this Court is hereby adopted.

That those Judge Advocates appointed by the United States Attorney's Office as Special Assistant United States Attorneys are authorized to appear before this Court so long as they are in compliance with the procedures set out in the attached Petition.

That Special Assistant United States Attorneys must initially appear with a member of the United States Attorney's staff or a Special Assistant United States Attorney who has previously been certified in writing by the United States Magistrate before whom he or she appears to be qualified to handle petty offense cases without assistance.

That Special Assistant United States Attorneys who have been so certified are authorized to appear before this Court as outlined in the attached Petition and represent the United States in those petty offense cases arising within the special maritime and territorial jurisdiction of the United States.

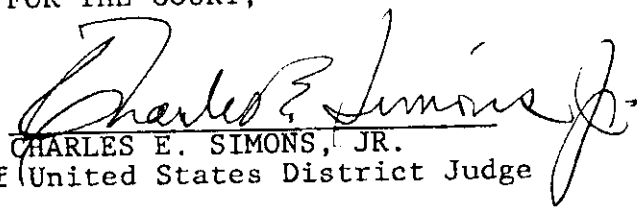
That Special Assistant United States Attorneys may appear in United States District Court in those limited circumstances set out in the attached Petition.

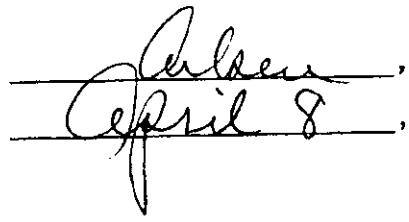
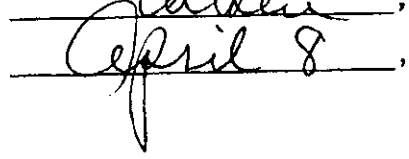
That the United States Attorney is responsible for insuring that the procedures in the attached Petition are complied with as well as the overall quality and performance of the Special Assistant United States Attorney program.

That this Order shall remain in full force and effect until further order of the Court.

IT IS SO ORDERED.

FOR THE COURT,


CHARLES E. SIMONS, JR.
Chief United States District Judge

, S. C.
, 1986

#3.

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

APR 2 1986

JOHN W. WILLIAMS, CLERK
U. S. DISTRICT COURT

IN RE:) MISCELLANEOUS NUMBER ms6-4
)
PROSECUTION OF PETTY OFFENSES)
WHICH OCCUR ON MILITARY BASES)
WITHIN THE DISTRICT OF)
SOUTH CAROLINA) PETITION

Comes now the United States of America through its undersigned counsel and requests this honorable Court to issue its order approving the following procedure for the prosecution of petty offenses within the meaning of Title 18, United States Code, Section 1, on military reservations, within the District of South Carolina, under the special maritime and territorial jurisdiction of the United States, as defined in Title 18, United States Code, Section 7(3).

1. Heretofore, under the Special Assistant United States Attorney program, the United States Attorney's office for the District of South Carolina has undertaken to appoint qualified military judge advocates to appear before United States Magistrates in the District of South Carolina for the purpose of representing the United States in the prosecution of trespass cases in violation of Title 18, United States Code, Section 1382.

2. In the implementation of this program, it has become apparent that the Special Assistant United States

Attorney program is an effective and efficient means of handling petty offenses within the meaning of Title 18, United States Code, Section 1, before United States Magistrates in the District of South Carolina.

It is further apparent that each military installation within the District of South Carolina, which has property within the special maritime and territorial jurisdiction of the United States as defined in Title 18, United States Code, Section 7(3), must have an effective remedy in dealing with civilians who violate Federal law on Federal property while beyond the authority of the State of South Carolina.

4. It appears advisable to have a uniform policy concerning the appearance of military Judge Advocates before United States Magistrates in the District of South Carolina. In furtherance of that policy, the United States Attorney for the District of South Carolina shall be responsible for appointing those Judge Advocates at each of the military installations within the District of South Carolina who are best qualified to represent the interest of the United States.

5. The United States Attorney for the District of South Carolina will be responsible for assuring that each Special Assistant United States Attorney who appears before a United States Magistrate in the District of South Carolina has the requisite skill and knowledge to conduct such

matters in a manner appropriate to the dignity and decorum of the District Courts of the United States.

6. The United States Attorney for the District of South Carolina will approve all cases to be handled by a Special Assistant United States Attorney prior to its initiation.

7. A member of the United States Attorney's staff or an experienced Special Assistant United States Attorney will appear in all cases with a new Special Assistant United States Attorney until the Magistrate before whom the Special Assistant United States Attorney appears certifies in writing that the Special Assistant United States Attorney is qualified to appear alone before the Court.

8. Those Special Assistant United States Attorneys who have been certified by the United States Magistrate before whom they have appeared will be allowed to appear before the United States District Court for the District of South Carolina to represent the United States in those cases which the Special Assistant has handled before a United States Magistrate and which are appealed to United States District Court.

9. Certified Special Assistant United States Attorneys will be authorized to appear in United States District Court in the discretion of the United States Attorney, or a member of his staff, to assist in the

prosecution of cases which arise from the military installation which the Special Assistant United States Attorney represents.

10. Certified Special Assistant United States Attorneys will be authorized to appear in United States District Court to represent the United States in those petty offense cases in which the Special Assistant United States Attorney is representing the United States before a United States Magistrate and the defendant elects to be tried by a United States District Judge, pursuant to Title 18, United States Code, Section 3401(b).

11. To insure proper implementation of these procedures, the United States Attorney's Office may issue such rules and regulations as it deems necessary to govern the conduct of the Special Assistant United States Attorney program so long as those regulations are in conformity with all applicable rules and regulations of the District Courts of the United States and the local rules of the District Court of the United States for the District of South Carolina.

Respectfully submitted,



VINTON D. LIDE
UNITED STATES ATTORNEY

Columbia, South Carolina

March 31, 1986