

DATE: February 24, 2012

TO: Thomas M. Gould, Clerk of Court
Edward L. Stanton, III, United States Attorney
Stephen B. Shankman, Federal Public Defender
Criminal Justice Act (CJA) Panel Attorneys
Carolyn W. Moore, Chief U. S. Pretrial Services Officer
Alice R. Conley, Chief U. S. Probation Officer
Jeffrey T. Holt, United States Marshal

FROM: Jon P. McCalla, Chief United States District Judge
James D. Todd, Senior United States District Judge
Samuel H. Mays, Jr., United States District Judge
J. Daniel Breen, United States District Judge
S. Thomas Anderson, United States District Judge
Diane K. Vescovo, United States Magistrate Judge
Tu M. Pham, United States Magistrate Judge
Charmiane G. Claxton, United States Magistrate Judge
Edward G. Bryant, United States Magistrate Judge

SUBJECT: INITIAL APPEARANCE PROCEDURES FOR THE WESTERN DIVISION (MEMPHIS)

The following procedures apply to initial appearances before the United States Magistrate Judges in the Western Division (Memphis) of the Western District of Tennessee. The arresting agency is required to comply with Rule 5 of the Federal Rules of Criminal Procedures which mandates that an arrested person be brought before a magistrate judge "without unnecessary delay."

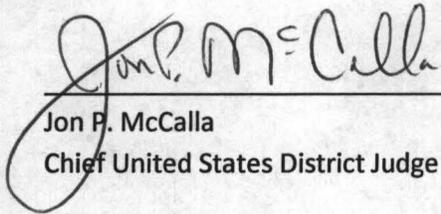
1. In regard to new arrests by an agency other than the U. S. Marshals Service, scheduling of initial appearances shall begin with contact with U. S. Pretrial Services and the U. S. Attorney's Office. Arresting agents shall notify U. S. Pretrial Services and the U. S. Attorney's Office of the arrest as well as the approximate time of arrival.
2. Upon notification from the arresting agency, the U. S. Attorney's Office will contact the case manager for the duty U. S. Magistrate Judge. The case manager will schedule the initial appearance and enter the setting on the court calendar.
3. In regard to new arrests by the U. S. Marshals Service, a representative from the U. S. Marshals Service will contact the case manager for the duty U. S. Magistrate Judge, U. S. Pretrial Services and the U. S. Attorney's Office. The case manager will schedule the initial appearance and enter the setting on the court calendar.

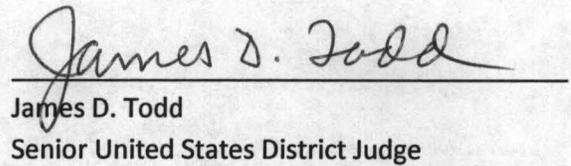
4. The case manager for the duty U. S. Magistrate Judge will notify U. S. Pretrial Services and the Federal Public Defender's Office of the initial appearance setting. If the initial appearance involves a probation or supervised release violation, then the case manager shall also notify the U. S. Probation Office of the Initial Appearance setting.
5. When notifying U. S. Pretrial Services of a new arrest, the arresting agency or a representative from the U. S. Marshals Service (depending upon which agency is responsible for the new arrest) shall provide U. S. Pretrial Services with the name of the defendant and any identifiers, the charge(s) against him or her, and the time the defendant will be brought to the U. S. Marshals Service cellblock **(no later than 12:30 p.m.**)** The U. S. Attorney's Office or a representative from the U. S. Marshals Services shall provide the charging document to the case manager at least 45 minutes prior to the initial appearance start time.
6. Initial appearances will be set for 2:00 p.m. unless special circumstances, in the discretion of the duty U. S. Magistrate Judge, warrant a different time. Arresting agencies, including the U. S. Marshals Service, shall have the defendant at the designated U. S. Marshals Service cell block at the earliest possible arrival time, beginning at 9:00 a.m., and shall call U. S. Pretrial Services with notification that the defendant is available for an interview. **Defendants must be at the designated U. S. Marshal Service cellblock no later than 12:30 p.m. Failure to have the defendant at the designated location by 12:30 p.m. may result in the initial appearance being reset for the following day and will require the arresting agency to transport the defendant back for a rescheduled initial appearance. ****

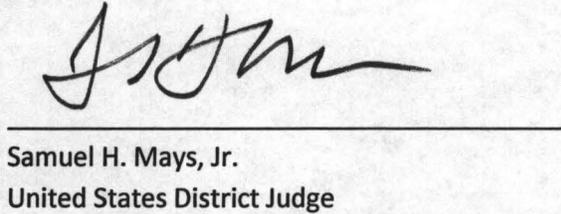
**** If, as a result of an early notification from the arresting agency, U. S. Pretrial Services has already interviewed the defendant in the arresting agency's holding facility, then no cut-off time applies. The arresting agency shall have the defendant in the courtroom prior to the start of the initial appearance.**
7. Upon notification by the arresting agency or a representative from the U. S. Marshals Service, Pretrial Services will interview the defendant as soon as practicable. U. S. Pretrial Services shall also ensure the Financial Affidavit is prepared (in applicable cases) in advance of the initial appearance and shall present this document to the case manager prior to the initial appearance start time.
8. The case manager will make arrangements for interpreters to be available at the initial appearance.
9. A duty U. S. Magistrate Judge will be available to sign Complaints, Affidavits, etc. at least 30 minutes prior to the initial appearance start time. These documents, including the appropriate number of copies, shall be presented by the arresting agency (including the U. S. Marshals

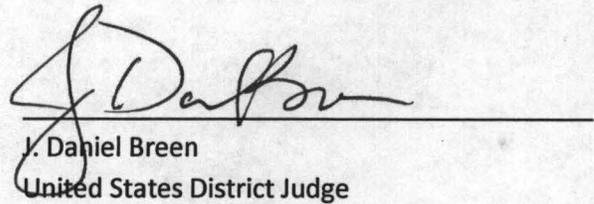
Service) to the duty U. S. Magistrate judge at least 30 minutes before the initial appearance and filed with the Clerk's Office immediately thereafter.

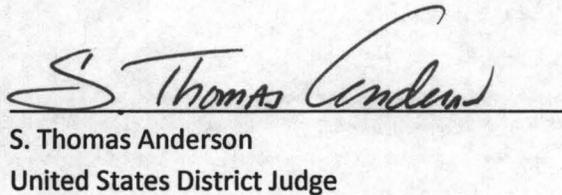
10. Detention hearings will be scheduled beginning at 2:30 p.m. barring special circumstances, in the discretion of the duty U. S. Magistrate Judge, that warrant a different time.

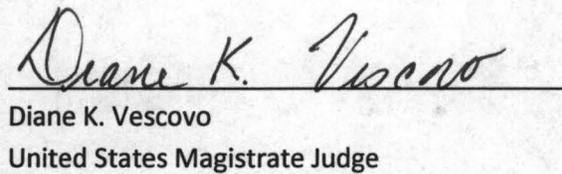

Jon P. McCalla
Chief United States District Judge

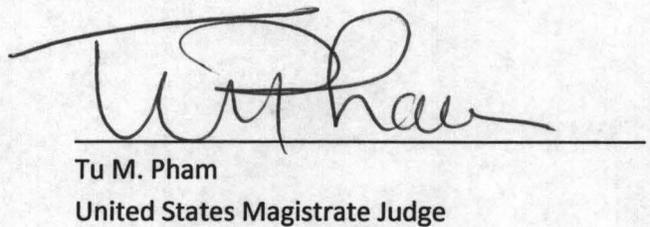

James D. Todd
Senior United States District Judge

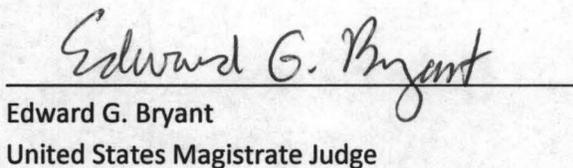

Samuel H. Mays, Jr.
United States District Judge

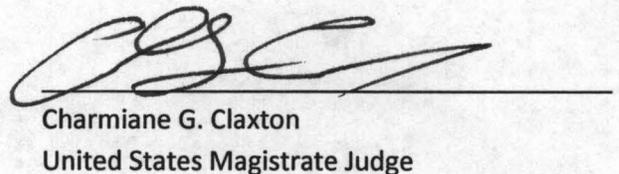

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