

Nov 13 2012

United States District Court
Northern District of Ohio
General Order

AMENDED GENERAL ORDER NO. 2012-18

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

APPROVAL OF THE ILLEGAL
REENTRY FAST-TRACK PROGRAM
AND POLICY FOR THE NORTHERN
DISTRICT OF OHIO

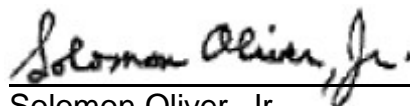
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ORDER NO. 2012-18-1

At the regularly scheduled meeting on November 13, 2012, the Committee on Civil and Criminal Practice and Rules approved modifications to the Waiver and Consent form used for the Illegal Reentry Fast-Track Program.

IT IS SO ORDERED.

FOR THE COURT



Solomon Oliver, Jr.
Chief Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	MAGISTRATE JUDGE
)	
-vs-)	
)	
_____,)	<u>WAIVERS AND CONSENTS</u>
)	<u>RELATED TO FAST-TRACK</u>
Defendant.)	<u>PROGRAM</u>
)	

I, _____, request to have my case resolved pursuant to the
(Name of Defendant)

Northern District of Ohio Fast-Track Program. I understand that to accomplish an expedited resolution of my criminal matter, there are a number of waivers and consents associated with the program. By signing this document, I voluntarily agree to the waivers and consents provided below.

WAIVER OF DETENTION HEARING

I, the above-named defendant, having been accused of violating Title 8, United States Code, Section 1326(a), being advised of the nature of the charge and of my rights and under advice of counsel, hereby waive in open court my right to a detention hearing and consent that I be held without bail pursuant to 18 U.S.C. § 3142. I reserve the right to have a hearing at a later time if I choose not to participate in the Fast-Track Program or the United States withdraws its

offer to proceed under the Fast-Track Program. I understand that I will be detained in the custody of the U.S. Marshal.

WAIVER OF PRELIMINARY HEARING

I, the above-named defendant, understand that I have been charged with an offense in a criminal complaint filed in this court. A magistrate judge has informed me of my right to a preliminary hearing under Fed. R. Crim. P. 5. I agree to waive my right to a preliminary hearing under Fed. R. Crim. P. 5. I reserve the right to request the hearing at a later time if I choose not to participate in the Fast-Track Program or if the United States, prior to the filing of an indictment or information, withdraws its offer to proceed under the Fast-Track Program.

**DEFENDANT'S CONSENT TO COURT'S INSPECTION OF PRESENTENCE REPORT
PRIOR TO PLEA OF GUILTY, NOLO CONTENDERE, OR FINDING OF GUILT**

I, the above-named defendant, hereby consent to a presentence investigation by the probation office of the United States District Court and review of my presentence report by a judge at any time, including the time prior to entry of a plea of guilty or nolo contendere or a finding of guilt.

I have read, or had read to me, the foregoing consent and fully understand it. No promise has been made to me as to what the final disposition of my case will be.

**DEFENDANT'S CONSENT TO WAIVE TIMELINE
REQUIREMENTS IN LOCAL RULE 32.2**

I, the above-named defendant, hereby agrees to waive the timeline requirements set out in Local Rule 32.2 regarding presentence report and sentencing proceedings. Additionally, I agree to waive the objection period and agree to handle all objections at sentencing.

I have read, or had read to me, the forgoing consent and fully understand it. No promise has been made to me as to what the final disposition of my case will be.

**DEFENDANT'S CONSENT TO WAIVE TIMELINE REQUIREMENT FOR
FILING OF INDICTMENT OR INFORMATION AND EXTENSION OF TIME**

I, the above-named defendant, hereby agree to waive the 30-day timeline requirement set out in 18 U.S.C. § 3161(b) regarding the filing of any information or indictment following the arrest of an individual on criminal charges. Additionally, I agree to a 15-day extension of the time period for a total of 45 days from the date of my criminal arrest on the complaint charging me with illegal reentry following deportation for the filing of the criminal information or indictment to allow counsel for both sides additional time to review participation in the fast track program.

I have read, or had read to me, the foregoing consent and fully understand it. No promise has been made to me as to what the final disposition of my case will be.

Defendant

Counsel for Defendant

Defendant is ordered detained in custody of U.S. Marshal.

The matter is bound over to the Grand Jury.

The interests of the Defendant and the United States in having additional time to review participation in the fast track program serve the ends of justice and outweigh the interests of the public and the Defendant in having an Indictment or Information filed within 30 days of the Defendant's arrest.

It is so ordered that any criminal information or indictment be filed within 45 days of the criminal arrest of the defendant.

APPROVED AND ORDERED:

United States Magistrate Judge

Date