

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
MISCELLANEOUS NO. 3:99MC78-Mu

RE: POLICIES AND PROCEDURES)
GOVERNING THE PROSECUTION AND)
ADJUDICATION OF PETTY OFFENSES IN) AMENDING ORDER
THE WESTERN DISTRICT OF NORTH)
CAROLINA)
_____)

THE COURT HEREBY AMENDS the Policies and Procedures Governing the Prosecution and Adjudication of Petty Offenses in the Western District of North Carolina, 3:99-mc-78 (November 22, 1999), as follows:

Paragraph 9, entitled "Probation in Petty Offense Cases," is stricken.

In lieu thereof, the following is inserted:

9. Sentences for Petty Offenses. A sentence for a petty offense should be sufficient but not greater than necessary to accomplish the goals of sentencing, and no sentence should be disproportionate to the crime, considering the defendant's history and characteristics, and shall otherwise comply in all respects with the provisions of Title 18 United States Code section 3551. While judicial officers imposing sentences may consider the costs of any particular type of punishment, in no case should a judicial officer increase the severity of a sentence to save judicial or executive resources, except that a fine may be based on the cost of punishment. On the other hand, while judicial officers may decrease the severity of a sentence to save judicial or executive resources, the judicial officer should insure the sentence imposed is just punishment for the offense. The judicial officer has available to him/her the full array of sentencing options, including incarceration (including incarceration at the violator's expense), probation, fine, restitution and/or prohibition from federal land, as provided by law.

FOR THE BOARD OF JUDGES, IT IS SO ORDERED, this the 28th day of October, 2014.



FRANK D. WHITNEY
CHIEF UNITED STATES DISTRICT JUDGE