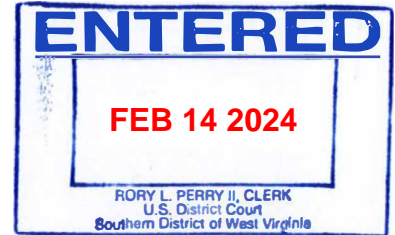


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

IN RE: PLEA HEARING REFERRALS AT THE
BECKLEY POINT OF HOLDING COURT



STANDING CONDITIONAL REFERRAL ORDER

For reasons appearing to the Court, in any criminal matter in which the Defendant desires to plead guilty to a charged offense -- whether by indictment or information -- and waives his or her right to proceed before the Undersigned for the hearing thereon, he or she may consent to proceed for purposes of the plea hearing before the Honorable Omar J. Aboulhosn. The subject waiver shall be taken only after an appropriate colloquy advising, *inter alia*, of the right to withhold consent without adverse substantive consequences. Magistrate Judge Aboulhosn under such circumstances is hereafter designated to conduct the Rule 11 plea hearing and enter his proposed findings of fact and conclusions of law pursuant to 28 U.S.C. § 636(c)(1).

In any case the parties desire the setting of a plea hearing, the United States is **DIRECTED** to file a motion requesting the hearing, with the parties' signed plea agreement, if any, attached. The period from the filing of the motion through the date upon which the proposed findings of fact and conclusions of law are adopted, is excluded in computing the time within which trial must commence, in accordance with the provisions of 18 U.S.C. § 3161(h)(1)(G). The aforementioned motion by the United States shall be filed in sufficient time so that a plea hearing may be scheduled by Magistrate Judge Aboulhosn not later than **TWO** weeks before the scheduled trial. Furthermore, the parties are **NOTICED** that should a proposed plea hearing not be

completed, the Court will not entertain a motion to continue the trial based upon the parties not being prepared for trial.


In making this standing conditional referral, the Court relies upon, *inter alia*, 28 U.S.C. § 636(b)(1)(A) and (B) and *Local Rule of Criminal Procedure* 59.6, with the understanding that any proceeding conducted as permitted herein will be followed by disposition before the Undersigned.

This Standing Referral Order is effective only for those criminal cases pending before the Undersigned at the Beckley point of holding Court.

The Clerk is directed to send a copy of this Standing Conditional Referral Order to the Honorable Thomas E. Johnston, Chief Judge, Magistrate Judge Aboulhosn, United States Attorney William S. Thompson, Federal Public Defender Wesley P. Page, and Meagan A.P. McClure, Criminal Justice Act Attorney Advisor, for distribution to the affected Panel members.

ENTER: February 14, 2024




Frank W. Volk
United States District Judge