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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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IN THE MATTER OF)
SENTENCING PROCEDURES UNDER THE)
SENTENCING REFORM ACT OF 1984)

GENERAL ORDER NO. 225

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IT IS HEREBY ORDERED that the following procedures are adopted for all sentencing proceedings conducted in the Eastern District of California under the provisions of the Sentencing Reform Act of 1984.

(a) Confidential Character of Report. The presentence report is a confidential record of the United States District Court and shall be disclosed only to the Court, Court personnel, the defendant, the defendant's counsel, the defense investigator, if any, and the United States Attorney's Office unless further disclosure is authorized by order of the Court.

(b) Availability of Proposed Report. A copy of the probation officer's proposed presentence report including recommendations shall be made available to the United States Attorney's Office and to defense counsel not less than six weeks prior to the date set for the sentencing hearing.

(c) Objections to Report. Defense counsel shall discuss the presentence report with the defendant, and, not less than three weeks prior to the date set for the sentencing hearing, counsel for the defendant and counsel for the government shall each deliver to the probation officer and to each other a written

1 statement of all objections they may have to statements of material
2 fact, sentencing classifications, sentencing guideline ranges,
3 and policy statements contained in or omitted from the presentence
4 report. These objections are not and do not become part of the
5 Court file. After receipt of those objections from counsel, the
6 probation officer shall conduct any further investigation and
7 make any revisions to the presentence report that may be necessary.

8 (d) Submission to Court. Not less than two weeks prior
9 to the date set for the sentencing hearing, the probation officer
10 shall submit the presentence report and recommendations to the
11 sentencing judge and make it available to counsel for the defendant
12 and for the government. If the presentence report has not been
13 revised, counsel may be given a notice to that effect in lieu
14 of a new report.

15 (e) Formal Objections to Report. Not less than one week
16 prior to the sentencing hearing, counsel for the government and
17 counsel for the defendant shall each file with the Court and
18 personally serve on the opposing party and the probation officer
19 a concise memorandum of all objections and facts in dispute which
20 each believes must be resolved by the Court. The service
21 requirement may also be satisfied by sending a copy of the
22 memorandum to the opposing party and the probation officer by
23 express mail not later than eight calendar days prior to the
24 sentencing hearing. This memorandum must specifically identify
25 each item in the report which is challenged as inaccurate or untrue,
26 must set forth the remedy sought (i.e., specified corrections

1 or the Court's agreement to disregard the information), and must
2 set forth the reason that the contested information will affect
3 the sentencing guideline (or departure or adjustment) in the
4 particular case. The requirement of filing this memorandum with
5 the Court is not satisfied by the written objections forwarded
6 to the probation officer referred to in paragraph (c) above.

7 (f) Limitation on Objections. Except for good cause shown,
8 no objections may be made to the presentence report except those
9 already submitted to the probation officer under paragraph (c)
10 and those relating to information contained in the presentence
11 report that was not contained in the proposed presentence report.

12 (g) Resolution of Disputes. Except with regard to any
13 objection made by counsel that has not been resolved, the
14 presentence report may be accepted by the Court as accurate. In
15 resolving any dispute concerning the presentence report, the Court
16 may consider any relevant information having sufficient indicia
17 of reliability to support the report's probable accuracy.

18 (h) Modification of Timing or Procedures. The times and
19 procedures set forth in this rule may be modified by the Court
20 for good cause shown.

21 (i) Sentencing Proceedings. At the time set for the
22 imposition of sentence, if there are no material items in dispute,
23 the Court may proceed with the imposition of sentence. If any
24 material dispute remains with respect to the presentence report,
25 the Court shall afford the parties adequate opportunity to present
26 arguments and information regarding that matter. If the Court

1 determines the dispute cannot be resolved without an evidentiary
2 hearing, the case shall be continued for a reasonable period of
3 time to enable the parties to secure the attendance of witnesses
4 and the production of relevant documents at the hearing.

5 DATED: February 3, 1988

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7 RAUL R. RAMIREZ
8 U. S. DISTRICT COURT JUDGE


LAWRENCE K. KARLTON, CHIEF
U. S. DISTRICT COURT JUDGE

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10 ROBERT E. COYLE (per LKK)
11 U. S. DISTRICT COURT JUDGE


MILTON L. SCHWARTZ
U. S. DISTRICT COURT JUDGE

12 
13 EDWARD J. GARCIA
14 U. S. DISTRICT COURT JUDGE


EDWARD D. PRICE (per LKK)
U. S. DISTRICT COURT JUDGE

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