

FILED

AUG 29 1988

IN THE UNITED STATES DISTRICT COURT CLERK, U. S. DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA EASTERN DISTRICT OF CALIFORNIA
BY DB DEPUTY CLERK

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IN THE MATTER OF) ORDER AMENDING
SENTENCING PROCEDURES UNDER THE) GENERAL ORDER NO. 225A
SENTENCING REFORM ACT OF 1984)

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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 *five 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

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*new matter bolded & underlined

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,
6 the probation officer shall conduct any further investigation
7 and make any revisions to the presentence report that may be
8 necessary.

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

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

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

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

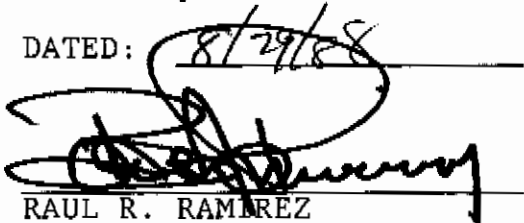
13 (g) Resolution of Disputes. Except with regard to any
14 objection made by counsel that has not been resolved, the
15 presentence report may be accepted by the Court as accurate.
16 In resolving any dispute concerning the presentence report, the
17 Court may consider any relevant information having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

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

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

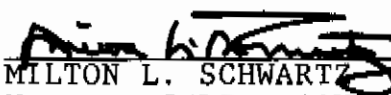
arguments and information regarding that matter. If the Court determines the dispute cannot be resolved without an evidentiary hearing, the case shall be continued for a reasonable period of time to enable the parties to secure the attendance of witnesses and the production of relevant documents at the hearing.

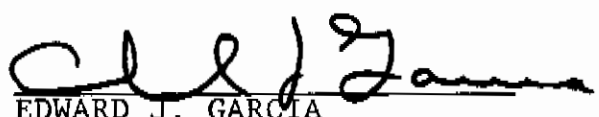
DATED: 8/29/88


RAUL R. RAMIREZ
U. S. DISTRICT COURT JUDGE


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


ROBERT E. COYLE
U. S. DISTRICT COURT JUDGE


MILTON L. SCHWARTZ
U. S. DISTRICT COURT JUDGE


EDWARD J. GARCIA
U. S. DISTRICT COURT JUDGE


EDWARD D. PRICE
U. S. DISTRICT COURT JUDGE

UNITED STATES OF AMERICA,

Plaintiff,

versus

CR. NO. _____

Schedule for Disclosure of
Presentence Report and for
Filing of Objections to the
Presentence Report.

The Probation Officer and all parties shall adhere to this schedule
unless it is later modified by this Court.

Date of Referral to Probation Officer

(Date of plea or verdict)

The Proposed Presentence Report Shall
be Disclosed to Counsel no Later Than

(4 weeks after plea)

Counsel's Written Objections to the
Presentence Report Shall be Delivered
to the Probation Officer & Opposing
Counsel no Later Than

(6 weeks after plea)

The Presentence Report Shall be Filed
with the Court and Disclosed to Counsel
no Later Than

(7 weeks after plea)

Motion for Correction of the Presen-
tence Report Shall be Filed with the
Court and Served on the Probation
Officer & Opposing Counsel no Later
Than

(8 weeks after plea)

Judgment and Sentencing Date

(9 weeks after plea)