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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

IN THE MATTER OF
SENTENCE AND JUDGMENT:
-TIME FOR SENTENCING
-DISCLOSURE OF PRESENTENCE REPORT

Misc. No. 03-52

ORDER

Sentence and judgment shall be imposed without unnecessary delay. Sufficient time between adjudication and sentencing is required to enable the parties to review the completed presentence report, offer their respective objections as well as for the probation officer to revise the report where appropriate and attempt to resolve disputed facts. Therefore, the sentencing date shall be set for ten (10) weeks following entry of a guilty plea or verdict. The time limits prescribed herein shall be shortened or lengthened for good cause.

Time Requirements for Disclosure and Objections:

(a) No less than thirty-five (35) calendar days prior to the sentencing date, the probation officer shall provide a copy of the presentence report to the attorney for the government and to defense counsel. Defense counsel shall be responsible for disclosing the report to the defendant.

(b) Within fourteen (14) calendar days after receiving the report, counsel shall communicate any objections concerning factual information, sentencing classifications, sentencing guideline ranges and policy statements contained in or omitted from the report to each other and the probation officer. Upon receipt of any such objections, the probation officer shall conduct any further investigation and make any revisions to the presentence report that are deemed necessary. It may be necessary for the probation officer to meet with counsel to discuss unresolved issues.

(1) As a part of the plea agreement, the parties may wish to stipulate to certain factors which effect the sentencing computation. Any such stipulations shall be set forth in a manner prescribed by the Sentencing Commission Policy Statement contained in Section 6B1.4 of the Guideline Manual.

(2) The probation officer shall report the facts disclosed by his/her investigation in the presentence report.

(c) Objections which are not submitted to the probation officer or the Court prior to sentencing may be raised at the sentencing hearing only for good cause shown.

(d) The probation officer shall prepare presentence report addendum setting forth any objections raised by counsel which are unresolved. The revised presentence report and the addendum shall be disclosed to counsel no less than seven (7) days prior to the sentencing date.

(e) On the Wednesday preceding the week of the sentencing date, the presentence report, including the addendum and any written materials provided by the parties in support of their respective positions shall be submitted to the Court. (This means delivered not mailed.)

(f) At sentencing, the Court shall address each controverted matter pursuant to Rule 32(c)(1) and make a finding as to the allegation or a determination that no such finding is necessary because the controverted matter will not be taken into account in sentencing.

(g) The courtroom deputy shall be responsible for recording any such finding and determinations and shall prepare an appropriate record of any such findings which will thereafter be appended to all copies of the presentence report.

Waiver of Disclosure and Objection Time Requirements:

(a) The defendant may, at the time of plea or verdict, elect to waive the minimum disclosure periods required by Rule 32 FRCrP and this local order. If approved by the Court, the sentencing date shall be set for seven (7) weeks following entry of guilty plea or verdict (calculated from Monday to Monday or the following Monday if conviction occurs on a different day of the week).

(b) Should the Court approve the defendant's waiver of time requirements, disclosure of the presentence report shall occur seventeen (17) calendar days before sentencing. Counsel shall submit objections directly to the Court not later than seven (7) calendar days prior to sentencing. On the Wednesday preceding the week of sentencing, the presentence report and any documents provided by counsel in support of their position shall be submitted to the Court. Unless directed by the Court, the probation officer will not be required to respond to any objections to the presentence report or otherwise prepare an addendum to the report.

DATED this 25 day of August, 2003, on behalf of the Court at the direction of the Chief Judge.

Ancer L. Haggerty
Chief U.S. District Judge