

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 95-02

**IN RE: IMPLEMENTATION OF SENTENCING
PROCEDURES UNDER THE SENTENCING
GUIDELINES AND SENTENCING REFORM ACT
OF 1984 AND AMENDMENTS TO RULE 32,
DECEMBER 1, 1994**

THIS MATTER arose upon the Request of the Executive Committee, United States District Court, Southern District of Florida that Administrative order 90-26 be amended to provide adequate time for the United States Probation Office's preparation of the Presentence Investigation (PSI); establish procedures for disclosure of the PSI, including the Recommendation and the Initial interview with the Defendant to the parties; and the filing of the presentence submissions by the parties. The following procedures are hereby established to govern sentencing procedures within the Sentencing Reform Act of 1984 and the Amendments to Rule 32, effective December 1, 1994. Accordingly, it is hereby ORDERED AND ADJUDGED that

1. The sentencing proceedings shall be scheduled by each District Judge no earlier than seventy (70) days following entry of a guilty plea or a verdict of guilty.
2. The PSI, including guideline computations, shall be completed and made available for disclosure to the attorneys for the parties at least thirty-five (35) days prior to the scheduled sentencing proceedings, unless the defendant waives this minimum period.

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3. Within five (5) days following entry of a guilty plea or a verdict of guilty, counsel for the defendant and the probation officer will have made arrangements for the initial interview of the defendant for the PSI.

4. Within fourteen (14) days of receipt of the report, counsel for the defendant and the government must communicate any objections, in writing, to each other and to the probation officer. The probation officer may meet with counsel and the defendant to discuss the objections and may conduct a further investigation and revise the report as appropriate.

5. Seven (7) days prior to the sentencing hearing, the probation officer must submit to the court the final report and an addendum containing unresolved issues. The PSI, if revised, and the addendum will also be made available to all counsel.

6. Counsel for the parties shall confer no later than seven (7) days prior to the scheduled sentencing hearing proceeding with respect to the anticipated length of the sentencing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing proceeding will exceed one (1) hour, the party shall file a notice with the Clerk of the Court and shall hand deliver a courtesy copy to the United States Probation Office no later than five (5) days prior to the sentencing proceeding. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing proceeding. Additionally, counsel for the parties shall file within the same time period any notice for enhancement of sentence or requests for departure.

7. The recommendation as to sentencing made to the Court by the United States Probation Office shall remain confidential.

8. Counsel for the parties may retain the PSI in their custody, and counsel for the defendant shall provide a copy to the defendant. However, the PSI is a confidential document and neither

the parties nor their counsel are authorized to duplicate or disseminate it to third parties without prior permission of the Court.

9. ORDERED AND ADJUDGED that failure to comply with any of these proceedings may result in the imposition of sanctions.

10. A copy of this Order shall be distributed to each attorney of record or pro se defendant by the Courtroom Deputy together with the Notice of Sentencing following a finding of guilt.

DONE AND ORDERED in chambers at the United States Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida, this 20 day of January, 1995.



NORMAN C. ROETTGER
CHIEF UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: Honorable Gerald B. Tjoflat, Chief Judge, Eleventh Circuit
All Southern District Judges and Magistrate Judges
Norman E. Zoller, Circuit Executive, Eleventh Circuit
Carlos Juenke, Court Administrator/Clerk of Court
Frank Schwartz, Chief Probation Officer
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