

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FILED

JUL 07 2000

AT 8:30
WILLIAM T. WALSH M
CLERK

In Re

Guideline Sentencing

STANDING ORDER

IT IS on this 7th day of July, 2000, on the Court's own motion in accordance with the Sentencing Reform Act of 1984 and Rule 32 of the Federal Rules of Criminal Procedure, with respect to offenses committed on or after November 1, 1987;

ORDERED that the following Standing Order shall constitute the rule for guideline sentencing:

(a) Not less than 50 calendar days prior to the date set for sentencing, the probation officer shall disclose a preliminary presentence investigation report to the defendant and to counsel for the defendant and the government. Within 14 calendar days of receiving that report, the parties through their counsel shall communicate in writing to the probation officer and all other counsel (unless the Court provided otherwise) any objections they may have as to any material information, sentencing classification, sentencing guideline ranges and policy statements contained in or omitted from the report. If there are no such objections and the parties reach an agreement concerning all Sentencing Guidelines issues, adjustments, and departures, the probation officer shall be advised, and with the probation officer's concurrence, the parties may ask the Court to accelerate the schedule set for sentencing.

(b) After receiving objections, the probation officer may meet with the defendant, the defendant's counsel, and the attorney for the government to discuss those objections. The probation officer may also conduct a further investigation and revise the presentence report as

appropriate.

(c) Not less than 25 calendar days prior to the date of the sentencing hearing, the probation officer shall submit the final presentence investigation report to the sentencing judge, the government, the defendant and all counsel. If resolution of counsel's objections makes it impossible to meet this deadline, the probation officer shall confer with the sentencing judge concerning a revision of the sentencing schedule. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the officer's comments thereon.

(d) Within 3 calendar days after the submission of the final presentence investigation report, the government and counsel for the defendant(s) shall confer to determine if an agreement can be reached concerning all Sentencing Guidelines issues, adjustments, and departures. If such agreement is made, the parties may ask the Court to accelerate the schedule set for sentencing.

(e) Except with regard to any objection made under subdivision (a) that has not been resolved, the final presentence investigation report may be accepted by the court as its findings of fact. The sentencing hearing, including the resolution of any objections to the presentence investigation report, shall be conducted in conformity with Rules 32(c)(1) and (c)(2) of the Federal Rules of Criminal Procedure.

(f)(1) Not less than 15 calendar days prior to the date for sentencing, the government shall submit its sentencing memorandum and any motions for departure to the Court, to the probation officer and to defense counsel. The motions for departure shall include motions based upon U.S.S.G § 5K1.1 and/or 18 U.S.C. § 3553(e). The sentencing memorandum shall include any arguments concerning the application of guideline adjustments.

(2) Not less than 10 calendar days before the date for sentencing, the defendant shall submit his/her sentencing memorandum and motions for departure to the Court, to the probation officer, and to the government. The sentencing memorandum shall include any response to the government's departure motions as well as any arguments concerning the application of guideline adjustments.

(3) Not less than 5 calendar days before the date for sentencing, the government shall submit any response to the defendant's downward departure motions or arguments concerning the application of any guideline adjustments, to the Court, to the probation officer, and to the defendant.

(4) Absent prior order of the Court, sentencing memoranda must exclude those matters excluded from the presentence report under Rule 32(b)(5) of the Federal Rules of Criminal Procedure.

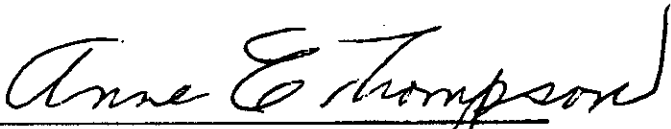
(g) The time periods set forth in this Rule may be modified by the Court for good cause shown, except that the 50-day period set forth in subsection (a) may be diminished only with the consent of the defendant.

(h) Nothing in this Order requires the disclosure of any portions of the presentence report that are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure; and, more particularly, pursuant to subsection (b)(6)(A) of that Rule, the Court directs that, unless the sentencing judge otherwise orders in an individual case, the probation officer shall not disclose his or her recommendation on the sentence to be imposed.

(i) The presentence report shall be deemed to have been disclosed when a copy of the report is physically delivered or 3 days after a copy of the report is mailed.

(j) Any and all references to counsel aforesaid are applicable to and include pro se litigants.

(k) This order supersedes this Court's prior Standing Orders of December 1, 1994, January 28, 1999 and February 11, 1999 and shall remain in full force and effect pending further modification as deemed necessary by the Court.


ANNE E. THOMPSON, Chief Judge
United States District Court
for the District of New Jersey