UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

POLICY FOR GUIDELINE SENTENCING

STANDING ORDER # 03-5

Effective October 31, 2003, Standing Order #94-6 of the U.S. District Court for the Middle District of Pennsylvania is amended to read as follows:

(a) After consultation with the Probation Officer, the Court, after a verdict of guilty or the entry of a plea of guilty or nolo contendere, may set a date by which the Probation Officer shall disclose the Presentence Report to the defendant, the defendant's counsel, and the attorney for the Government. The Presentence Report will ordinarily be disclosed no later than fifty-five (55) days after a verdict of guilty or the entry of a plea of guilty or nolo contendere, and sentencing will occur within one hundred (100) days after the verdict of guilty, or the entry of a plea of guilty or nolo contendere. In the event the Probation Officer is unable to meet the disclosure date set by the Court, the Probation Officer shall inform the Court in writing.

(b) The Probation Officer shall provide Defense Counsel with notice and a reasonable opportunity to attend any interview of the defendant by a Probation Officer in the course of a presentence investigation. In order to enable the timely completion of the Presentence Report, Defense Counsel shall be available for an interview with the Probation Officer and the defendant immediately but no more than five (5) working days following a verdict of guilty or the entry of a plea of guilty or nolo contendere, unless granted an extension by the Court. If possible, Defense Counsel should request such an extension at the time of the verdict of guilty or the entry of a plea of guilty or nolo contendere.

(c) Within seven (7) working days after a verdict of guilty or the entry of a plea of guilty or nolo contendere, the attorney for the Government shall provide to the Probation Office a comprehensive Statement of Offense Conduct, supporting investigative reports, and the names, addresses, and telephone numbers of all identified victims and a listing of the amounts subject to restitution. The Statement of Offense Conduct shall address all Chapter Two and Chapter Three adjustments of the United States Sentencing Commission Guidelines Manual which are necessary to calculate the sentencing guidelines. In the event the attorney for the Government is unable to comply with this requirement, the attorney for the Government shall inform the Court in writing.

(d) Not less than thirty-five (35) days before the Sentencing Hearing, unless waived by the defendant, the Probation Officer shall furnish the Presentence Report to the defendant, the defendant's counsel, and the Attorney for the Government. The Probation Officer shall not disclose any recommendation as to the sentence unless so ordered by the Court. The Presentence Report shall be deemed to have been disclosed: (1) when a copy of the Report is physically delivered; (2) one day after the Report's availability for inspection is orally communicated; or (3) three days after a copy of the Report or notice of its availability is mailed. Defense Counsel shall ensure that the defendant has a copy of the report.

(e) Within fourteen (14) days after receiving the Presentence Report, the parties shall communicate in writing to the Probation Officer, and to each other, any objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report. The written communication shall contain detailed information regarding any disputed issues. After receiving any objections, the Probation Officer may require counsel for both parties as well as the defendant and/or case agent to meet with the Probation Officer to discuss unresolved factual and legal issues. The Probation Officer may also conduct any further investigation and revise the Presentence Report as appropriate.

(f) Not later than seven (7) days before the Sentencing Hearing, the Probation Officer shall submit the final Presentence Report to the Court, together with an Addendum setting forth any unresolved objections, the grounds for those objections, and the Probation Officer's comments on the objections. At the same time, the Probation Officer shall transmit the final Presentence Report and the Addendum to the defendant, the defendant's counsel, and the Attorney for the Government. Defense counsel shall ensure that the defendant has a copy of the final report and Addendum.

(g) Except for any unresolved objection under Rule 32, the Court may, at the hearing, accept the Presentence Report as its findings of fact. For good cause shown, the Court may allow a new objection to be raised at any time before imposing sentence.

(h) The time limits set forth in this Rule may be modified by the Court for good cause.

Thomas I. Vanaskie, Chief Judge

A. Richard Caputo, U.S. District Judge

James M. Munley, U.S. District Judge

Yvette Kane, U.S. District Judge

Christopher C. Conner, U.S. District Judge

John E. Jones III, U.S. District Judge

William J. Nealon, U.S. District Judge

Malcolm Muir, U.S. District Judge

Richard P. Conaboy, U.S. District Judge

Sylvia H. Rambo, U.S. District Judge

William W. Caldwell, U.S. District Judge

Edwin M. Kosik, U.S. District Judge

James F. McClure Jr., U.S. District Judge