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MALCOLM MUIR
U. S. DISTRICT JUDGE

PER DONALD R. BERRY
Donald R. Berry
DEPUTY CLERK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

AMENDED POLICY FOR GUIDELINE SENTENCING

As a result of the required use of guideline sentencing effective November 1, 1987, pursuant to the Sentencing Reform Act of 1984, the following is adopted as the policy to be followed in this District for guideline sentencing.

After a verdict of guilty, or the entry of a plea of guilty or nolo contendere, the sentencing procedure will be as follows:

(a) Within seven working days, the Attorney for the Government shall provide to the Probation Office a Statement of Relevant Facts, and any other pertinent documents pursuant to the Federal Rules of Criminal Procedure Rule 32(c)(2).

(b) After consultation with the Probation Officer, the Court, promptly after a verdict of guilty or acceptance of a plea of guilty or nolo contendere, shall set a date by which the Probation Officer shall disclose the Presentence Investigation Report to the defendant, to counsel for the defendant and the government. Within fifteen (15) days after such disclosure, counsel shall communicate to the Probation Officer any objections they may have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the Report. Such communication may be oral or written, but the Probation Officer may require that any oral objection be promptly confirmed in writing.

(c) After receiving counsel's objections, the Probation Officer shall conduct any further investigation and make any revisions to the Presentence Report that may be necessary. The Officer may require counsel for both parties to meet with the Officer to discuss unresolved factual and legal issues.

(d) Prior to the date of the sentencing hearing, the Probation Officer shall submit the Presentence Report to the sentencing Judge. 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. The Probation Officer shall certify that the contents of the Report, including any revisions thereof, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the addendum has been communicated to counsel, and that the addendum fairly states any remaining objections.

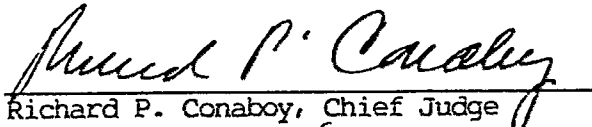
(e) Except with regard to any objection made under subdivision (b) that has not been resolved, the report of the presentence investigation may be accepted by the Court as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed issues of fact, the Court may consider any reliable information presented by the Probation Officer, the defendant, or the Government.

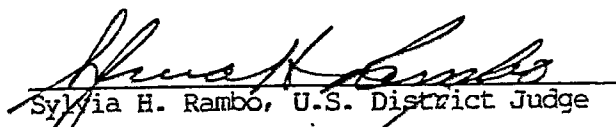
(f) The times set forth in this rule may be modified by the Court for good cause shown, except that the fifteen day period set forth in subsection (b) may be diminished only with the consent of the defendant (see Footnote 1).

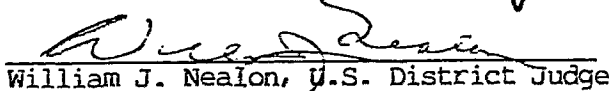
(g) Nothing in this Rule requires the disclosure of any portions of the Presentence Report that are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure.

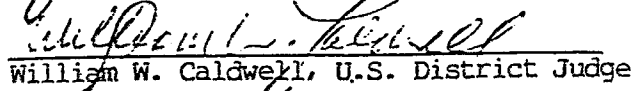
(h) The Presentence Report shall be deemed to have been disclosed: (1) when a copy of the Report is physically delivered; (2) one day after the Report's availability for inspection is orally communicated; or (3) three days after a copy of the Report or notice of its availability is mailed.

¹It is anticipated that the Presentence Report will be disclosed about forty (40) days after the verdict of guilty, or the entry of a plea of guilty or nolo contendere, and that sentence will be imposed within eighty-five (85) to one hundred (100) days after the verdict of guilty, or the entry of a plea of guilty or nolo contendere, depending upon whether objections are filed by counsel. It is the desire of this Court to have prompt sentencing following the verdict of guilty, or the entry of a plea of guilty or nolo contendere, and these time periods are set to allow compliance with the Act.


Richard P. Conaboy, Chief Judge


Sylvia H. Rambo, U.S. District Judge


William J. Nealon, U.S. District Judge


William W. Caldwell, U.S. District Judge


R. Dixon Herman, U.S. District Judge


Edwin M. Kosik, U.S. District Judge


Malcolm Muir, U.S. District Judge

Effective date: July 1, 1989