IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN AND SOUTHERN DISTRICTS OF IOWA

FILED
CEDAR RAPIDS HDQTRS OFFICE
NORTHERN DISTRICT OF IOWA
DEC 5 1994
WILLIAM J. KANAK - Clerk
By: C. Scott
Deputy

IN THE MATTER OF	)	ADMINISTRATIVE ORDER
	)	(Supersedes
GUIDELINE SENTENCING	)	S.D. ORDER FILED 3/20/89 and
PROCEDURES	)	N.D. ORDER FILED 3/21/89)

1. This order governs procedures for imposing sentences under the Sentencing Reform Act of 1984 and Rule 32, Fed.R.Crim.P.

2. The sentencing hearing shall be scheduled no earlier than eighty (80) calendar days following entry of a plea of guilty, or nolo contendere, or verdict of guilty.

3. Within two (2) working days following entry of plea of guilty, or nolo contendere, verdict of guilty, or the filing of a written waiver by the defendant of Rule 32, counsel for the defendant shall notify the U.S. Probation Office of counsel's desire to attend any interview of the defendant conducted by a probation officer in the course of a presentence investigation. The initial interview with the defendant by the probation officer shall occur no later than five (5) calendar days after the determination of guilt or the filing of a written waiver by the defendant of Rule 32. Extensions may be granted if counsel for the defendant or the probation officer can show good cause. Subsequent interviews shall occur within reasonable time frames.

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4. Within fourteen (14) calendar days following entry of a plea of guilty, or nolo contendere, or verdict of guilty, or the filing of a written waiver by the defendant of Rule 32, counsel for the government shall provide and counsel for the defendant may provide to the probation office and serve upon opposing counsel a written statement, consisting of consecutively numbered paragraphs, of the defendant's offense conduct in the case, including a synopsis of all proof which the party relies upon in its calculation of the applicable guideline range, including the proof it has bearing upon specific offense characteristics and adjustment criteria. If counsel for a party later becomes aware of further relevant information not known at the time of the initial written statement, such information shall be provided immediately to the probation office and opposing counsel in a supplement to the original statement.

5. (a) The Presentence Investigation Report (PSIR) required by Rule 32(c)(2) shall be completed and disclosed to the parties not less than thirty-five (35) calendar days before the date set for sentencing. Disclosure of the initial PSIR to counsel for the defendant shall mean the PSIR has been furnished to the defendant for purposes of Rule 32(b)(6)(A). Within fourteen (14) calendar days after the PSIR's disclosure, counsel shall communicate to the probation officer in writing, with a copy served on opposing counsel, any

objections counsel may have to any material facts, information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the PSIR.

(b) After receiving counsel's objections, the probation officer shall conduct any further investigation the officer deems necessary and may make revisions to the PSIR. In order to resolve the objections raised by counsel, the officer may meet with the defendant, the defendant's counsel, and the attorney for the government to discuss those objections.

(c) Not later than seven (7) calendar days prior to the sentencing date, the probation officer shall submit the final PSIR to the parties and sentencing judge. Disclosure of the final PSIR to counsel for the defendant shall mean the final presentence report has been furnished to the defendant for purposes of Rule 32(b)(6)(C). If there are remaining unresolved objections to the PSIR from either side, the PSIR shall be accompanied by an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. The probation officer shall certify that the contents of the PSIR, including any revisions to it, have been disclosed to the defendant and to counsel for the defendant and the Government, that the content of any addendum has been disclosed to counsel,

and that the addendum fairly states any remaining unresolved objections. The probation officer shall provide the judge an estimate as to the length of the sentencing hearing.

(d) Except for any objection made under subparagraph (a) above that has not been resolved, the PSIR submitted to the sentencing judge may be accepted as the sentencing judge's findings of fact and guidelines determinations. The Court may, however, for good cause shown, allow a new objection to be raised at any time before the imposition of sentence. Any such new objection shall be filed with the Court and served upon opposing counsel, with a copy sent to the probation office, as soon as the objection becomes known.

(e) The time limits set forth in this order may be modified by the Court for good cause shown except that the PSIR must be disclosed at least seven (7) calendar days before the sentencing date unless this minimum period is waived by the defendant.

(f) Nothing in this order requires the disclosure of any portions of the PSIR that are not disclosable under Rule 32, Fed.R.Crim.P.

(g) The probation office shall not disclose the confidential sentencing recommendation which is provided to the Court along with the final version of the PSIR.

(h) For the purpose of this order a PSIR is deemed to have been disclosed (1) when a copy of it is physically delivered, (2) one day after the PSIR's availability for inspection is orally communicated, or (3) three days after a copy of it or notice of its availability is mailed.

Done and Ordered this 2nd day of December, 1994.

Michael J. Melloy, Chief Judge
United States District Court
Northern District of Iowa

Charles R. Wolle, Chief Judge
United States District Court
Southern District of Iowa

Mark W. Bennett, Judge
United States District Court
Northern District of Iowa

Harold D. Vietor, Judge
United States District Court
Southern District of Iowa

Ronald E. Longstaff, Judge
United States District Court
Southern District of Iowa