



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In the Matter of:
AMENDMENTS TO LOCAL CRIMINAL
RULES RE SENTENCING
PROCEDURES.

GENERAL ORDER NO. 325

WHEREAS, the Judges of this Court have adopted a new Local Rule to govern sentencing proceedings; and

WHEREAS, the proposed new local rule regarding sentencing proceedings was published for public comment, pursuant to 28 U.S.C. § 2071(b) and Fed. R. Crim. Proc. 57, and such comments as were made having been considered by the Court;

NOW, THEREFORE,

IT IS ORDERED that, effective immediately, new Local Criminal Rule 6 is adopted, as follows:

LOCAL CRIMINAL RULE 6
SENTENCING PROCEEDINGS

RULE 6 SENTENCING.

6.1 POLICY - It is the policy of the Court to impose sentence

promptly in all cases. Sentencing proceedings shall be set at the earliest practicable date consistent with this policy and consistent with the rights of the defendant under applicable law.

6.2 PRESENTENCE INVESTIGATION REPORTS - In compliance with F.R.Crim.P. 32(c)(3)(A), the presentence investigation report (PSI Report) shall be made available to the defendant 10 days before the date set for sentencing, unless this time is waived by the defendant. The PSI Report shall have endorsed on its cover sheet the date when it is made available to the parties. It is the obligation of both the United States Attorney and defense counsel to determine from the Probation Officer when the PSI Report is or will be made available.

6.2.1 If counsel's address of record is not within the Central District of California, the Probation Officer shall send the PSI Report to such counsel by Express Mail or equivalent overnight service.

6.2.2 It is the duty of defense counsel to provide the PSI Report to the defendant for review by the defendant, and to arrange for an interpreter, if one is needed.

6.3 OBJECTIONS AND POSITIONS OF THE PARTIES - Any party who objects to any portion of a PSI Report shall file and serve a written Statement of Objection(s) at least five (5) days before the date set for sentencing, or by such other date as the Court may order. The failure timely to file an objection may be deemed by the Court to be a waiver of such objection. Whether or not a party has any such objections, the party may, but is not required to,

file and serve a written Position re Sentencing. If the filing party deems that any such Statement or Position paper contains confidential material which should not be disclosed on the public record, the document may be filed under seal.

All Statements of Objection(s) and Positions re Sentencing shall be served on the Probation Officer, as well as on opposing counsel.

6.4 MINIMUM CUSTODY CASES - The Probation Officer shall make a tentative determination of the Guideline sentencing range as soon as practicable after the case is referred for preparation of the PSI Report. If the probable sentencing range for the offense(s) of conviction is unlikely to exceed 4 - 10 months of imprisonment and the defendant is detained, the Probation Officer shall:

(a) Give priority to the expedited preparation of the PSI Report.

(b) Promptly inform the Court of such determination and of the completion date of the expedited PSI Report so that the Court can determine whether or not the sentencing date should be advanced.

IT IS FURTHER ORDERED that General Order No. 295, Local Criminal Rule 10.8.1 and Local Criminal Rule 10.8.2 are hereby repealed.

Dated: MAY 02 1991

Judge Manuel L. Roal

Hon. W. Matthew Byrne, Jr.