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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:)
) GENERAL ORDER
SENTENCING PROCEDURES)
)

The following procedures will be followed in each case for which a presentence investigation and report have been ordered.

(1) Not less than 28 days before the sentencing hearing, the United States probation officer shall furnish the presentence report to the defendant, the defendant's counsel and the attorney for the Government. Not less than 14 days before the sentencing hearing, the parties shall communicate in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. After receiving objections, the probation officer may require the defendant, the defendant's counsel, and the attorney for the Government to meet with the probation officer to discuss unresolved factual and legal issues. The probation officer may also conduct a further investigation and revise the presentence report as appropriate.

Not less than seven (7) days before the sentencing hearing,

the probation officer shall submit the presentence report, as revised, together with any addendum, setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections and the sentencing recommendations, to the Court, the defendant, the defendant's counsel and the attorney for the Government.

(2) Counsel shall inform the probation officer and Clerk's Office whether or not an evidentiary hearing will be necessary at the sentencing and, if so, whether witnesses will be called, who they will be, and an estimated length of the hearing.

(3) If the Government intends to file a § 5K1.1 motion for substantial assistance, the motion must be served on all counsel and filed under seal fourteen (14) days prior to sentencing. In such event, the Government must also serve and file under seal a written statement of the nature and extent of the defendant's cooperation. Any motion under § 5K1.1 and the supporting written statement must also be provided to the probation officer who has prepared the presentence report. If the Government files a § 5K1.1 motion requesting that the Court depart from the Guidelines, the defendant may file, in response, his or her version of the defendant's cooperation. Any such response by the defendant must be filed at least four (4) court days prior to sentencing and may be included in the defendant's sentencing memorandum.

(4) In the event the defendant wishes to provide a written statement accepting responsibility, the statement should be signed by the defendant. The original should be provided to the United States Probation Office with a copy to the United States Attorney

at least fourteen (14) days prior to sentencing.

(5) Counsel for the United States or for a defendant shall serve copies of any sentencing memorandum or related documents upon all other parties and upon the United States Probation Office at least four (4) court days prior to sentencing.

(6) The court's General Order entitled "Sentencing Guidelines Procedures" dated February 29, 1988, is vacated.

(6) The Clerk of Court is directed to serve copies of this General Order on the Federal Public Defender, United States Attorney, and all members of the Criminal Justice Act Panel.

Dated this 15th day of July, 1993.

BARBARA J. ROTHSTEIN
CHIEF UNITED STATES DISTRICT JUDGE

JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

CAROLYN R. DIMMICK
UNITED STATES DISTRICT JUDGE

ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

WILLIAM L. DWYER
UNITED STATES DISTRICT JUDGE

THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE