

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:)
)
Local Rule 8 of the Time Limits)
and Procedures for Achieving)
Prompt Disposition of)
Criminal Cases)

ORDER

WHEREAS, Rule 32 of the Federal Rules of Criminal Procedure is amended effective June 1, 2011;

Now, therefore, this 2nd day of May, 2011,

IT IS ORDERED that Local Rule 8 of the Time Limits and Procedures for Achieving Prompt Disposition of Criminal Cases, adopted by this Court on December 3, 1987, and amended on December 6, 1994, is amended to read as follows:

8. *Sentencing*

(a) Date of Sentencing. Unless the Court directs that the sentence be imposed on an earlier date, sentencing will occur not less than 100 calendar days following a defendant's plea of guilty or nolo contendere, or upon being found guilty.

(b) Presentence Investigation and Reports.

(1) A presentence investigation may be commenced prior to a Plea of guilty or nolo contendere or a conviction, if a defendant and defense counsel consent thereto in writing.

(2) Not more than fifty (50) calendar days prior to the date set for sentencing, the probation officer shall disclose the presentence investigation report to the defendant, defendant's counsel, and the attorney for the government. The presentence report shall be deemed to have been disclosed to a party when a copy of the report is electronically sent to the party's counsel, at the email address on file with the U.S. District Court Clerk's Office. Unless otherwise directed by the court, the probation officer's recommendation for sentence will not be disclosed to the parties or made part of the public record.

(3) Within fourteen (14) calendar days after receiving the presentence report, counsel for the parties shall communicate in writing to the probation officer, and to each other, any objections as allowed under Fed.R.Crim.P.32(f)(1). Likewise, counsel shall notify the probation officer in writing within the aforesaid time limits if they have no objections to the presentence report. In the absence of good cause, any objection not submitted within the time limits herein shall be waived.

(4) After receiving the objections of counsel, the probation officer may conduct any further investigation and make any revisions to the presentence report as consistent with and authorized by Fed.R.Crim.P. 32(f)(3).

(5) No later than twenty (20) calendar days before the sentencing

hearing, the probation officer shall submit the final draft of the presentence report to the parties.

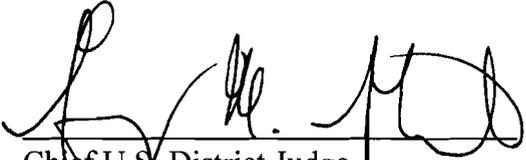
(6) No later than fourteen (14) calendar days before the sentencing hearing, any Sentencing Memorandum seeking departure from the Sentencing Guidelines or raising 3553 variance claim shall be filed directly with the Court. The submission of the Sentencing Memorandum may be filed under Seal only with the prior approval of the Court. If a party believes that the resolution of any departure or variance motion requires an evidentiary hearing, it shall so notify the Court in writing at the time the motion (or its response, if the hearing is requested by the responding party) is submitted to the Court. If a party believes that the resolution of an objection to the presentence report requires a hearing, it shall so notify the Court in writing no later than (14) days before the sentencing hearing.

(7) No later than eight (8) days prior to the sentencing hearing, any response to the Sentencing Memorandum by the opposing party shall be filed with the Court.

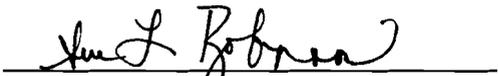
(8) No later than five (5) days prior to the sentencing hearing, the probation officer shall submit presentence report, with the Recommendation, to the Court. The report shall contain an addendum setting forth any objections made by defendant's counsel or the government that remain unresolved, together with the officer's comments therein.

(9) Except for the unresolved objections, as reported in the addendum, the presentence report may be accepted by the Court as its findings of fact.

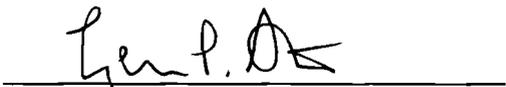
(10) Nothing in this rule permits disclosure of any portions of the presentence report except as authorized by Rule 32 of the Federal Rules of Criminal Procedure. The provisions of Fed.R.Crim.P. 32 shall apply to any matter not covered herein.



Chief U.S. District Judge
The Honorable Gregory M. Sleet



U.S. District Judge
The Honorable Sue L. Robinson



U.S. District Judge
The Honorable Leonard P. Stark