

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 88-23

IN RE: IMPLEMENTATION OF :  
SENTENCING PROCEDURES PURSUANT :  
TO THE COURT'S EN BANC DECISION :  
IN UNITED STATES OF AMERICA :  
VS. BEVERLY BOGLE :  
DOCKET NO. 87-856-Cr-MARCUS :

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FILED BY \_\_\_\_\_  
1988 JUN 30 10 00 AM '88

THIS MATTER AROSE upon the Court's En Banc Decision, United States of America vs. Beverly Bogle, 87-856-Cr-MARCUS, et al. It is the Order of the Court that effective June 30, 1988, sentencing procedures shall be as follows:

1. ORDERED AND ADJUDGED that the Probation Office prepare all presentence investigations as to content and format as existed prior to the implementation of the sentencing guidelines. This shall not apply to any presentence reports prepared prior to June 30, 1988. In no instance shall reports be prepared in both formats.

2. IT IS FURTHER ORDERED AND ADJUDGED to provide adequate time for the preparation of the presentence reports (PSI), disclosure, the filing of submissions by the parties, and such other procedures, sentencing proceedings shall be scheduled by each District Judge no earlier than forty-five (45) days following entry of a guilty plea or a verdict of guilty.

3. IT IS FURTHER ORDERED AND ADJUDGED that a copy of the presentence report prepared by the Federal Probation department shall be made available to the counsel of record for disclosure to his client and to the prosecutor ten (10) days prior to sentencing unless the minimum period is waived by the defendant and counsel for the government.

4. IT IS FURTHER ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or facts material to sentencing, or seeks the inclusion of additional factors or facts material to sentencing in the presentence investigation, it is mandatory that the complaining party seek administrative resolution of such factors or facts through opposing counsel and the United States Probation Office prior to sentencing.

5. IT IS FURTHER ORDERED AND ADJUDGED that any unresolved objections to the presentence investigation shall be submitted in writing to the assigned probation officer, opposing counsel, and the court three (3) days prior to sentencing. Only such written objections shall be resolved by the court during the sentencing hearing.

6. IT IS FURTHER ORDERED AND ADJUDGED that the presentence report is to be returned to the probation department on the date of sentencing unless the court, in its discretion, otherwise directs. Failure to comply with this order or any other unauthorized dissemination of the presentence investigation report or information contained therein shall be an act in contempt of court and be punished accordingly.

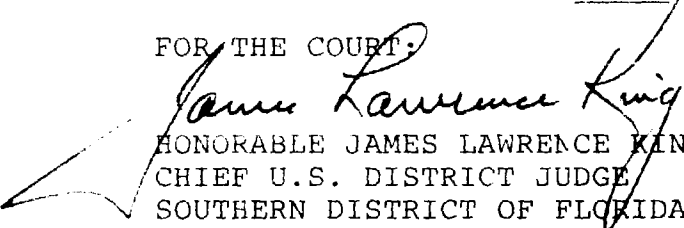
7. IT IS FURTHER ORDERED AND ADJUDGED that Judgment and Commitment Orders for defendants sentenced for offenses occurring after November 1, 1987 state:

"The sentence imposed by the Court is under the pre-November 1, 1987 parole statutes and the post-November 1, 1987 good time allowance statutes."

8. IT IS FURTHER ORDERED AND ADJUDGED that the United States Probation Department and Clerk of the Court establish procedures necessary to implement this order.

DONE and ORDERED at the United States Courthouse, Federal Courthouse Square, Miami, Florida, this 1st day of July, 1988.

FOR THE COURT:

  
HONORABLE JAMES LAWRENCE KING  
CHIEF U.S. DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: All Southern District Judges  
All U. S. Magistrates  
U.S. Attorney's Office  
Federal Public Defender's Office  
Clerk of Court  
Court Executive