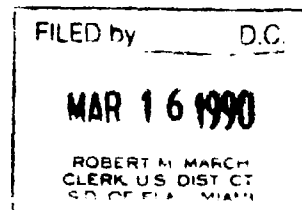


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 90-26

IN RE: IMPLEMENTATION OF :
SENTENCING PROCEDURES :
UNDER THE SENTENCING :
GUIDELINES AND SENTENCING :
REFORM ACT OF 1984 :
_____ :



THIS MATTER arose upon the Report and Recommendation of the Sentencing Guidelines Administration Committee of the United States District Court for the Southern District of Florida pursuant to Administrative Order 87-36. Upon consideration of the Committee's Report to provide adequate time for the United States Probation Office's preparation of the Presentence Investigation (PSI), disclosure of the PSI to the parties, and the filing of the presentence submissions by the parties, the following procedures are hereby established to govern sentencing procedures within the Sentencing Reform Act of 1984. Accordingly, it is hereby ORDERED AND ADJUDGED that

1. The sentencing proceedings shall be scheduled by each District Judge no earlier than sixty (60) days following entry of a guilty plea or a verdict of guilty.

2. The PSI, including guideline computations, shall be completed and made available for disclosure to the attorneys for the parties at least twenty-five (25) days prior to the scheduled sentencing proceeding, unless otherwise directed by the Court;

3. If a party reasonably disputes any matters or guideline computation in the PSI, or seeks the inclusion of additional or clarifying matters in the PSI, it is the obligation of the complaining party to contact opposing counsel and the United States Probation Office for the Southern District of Florida as soon as possible after the PSI disclosure date. The parties should resolve disputed material matters by conferring with opposing counsel and United States Probation Officer (USPO) by telephone or otherwise. If counsel for the parties and USPO are unable to agree on controverted matters, the objecting party shall file and serve written objections upon opposing counsel and the USPO no later than fifteen (15) days prior to sentencing.

4. Ten (10) days prior to sentencing, the USPO shall prepare an addendum to the PSI identifying factual matters or guideline computations which remain in dispute for the Court to resolve at sentencing and transmit to the sentencing Judge and make available to all counsel the PSI, including guideline computations, and the addendum.

5. Counsel for the parties shall confer no later than seven (7) days prior to the scheduled sentencing proceeding with respect to the anticipated length of the sentencing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing proceeding will exceed thirty (30) minutes, that party shall file a notice with the Clerk of the Court and shall hand deliver a courtesy copy to the United States Probation Office no later than five (5) days prior to the sentencing

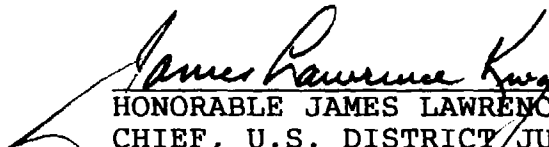
proceeding. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing proceeding. Additionally, counsel for the parties shall file within the same time period any notice for enhancement of sentence or requests for departure.

6. Counsel for the parties may retain the PSI in their custody, and counsel for the Defendant shall provide a copy to the Defendant. However, the PSI is a confidential document and neither the parties nor their counsel are authorized to duplicate or disseminate it to third parties without prior permission of the Court. It is further

7. ORDERED AND ADJUDGED that failure to comply with any of these procedures may result in the imposition of sanctions.

8. A copy of this Order shall be distributed to each attorney of record or pro se Defendant by the Courtroom Deputy together with the Notice of Sentencing following a finding of guilt.

DONE AND ORDERED in Chambers this 15th day of March, 1990.


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

Copies furnished to:

Chief Judge Gerald Bard Tjoflat
Sr. Circuit Judge David W. Dyer
Circuit Judge Peter T. Fay
Chief Judge James Lawrence King
All Southern District Judges
All Southern District Magistrates
Keenan G. Casady, District Executive
Matthew Balch, Acting Clerk of Court
Karen Eddy, Clerk, Bankruptcy Court
Roberto Febles, Chief Pretrial Services
Carlos Juenke, Chief Probation Officer
Dexter Lehtinen, United States Attorney
Theodore Sakowitz, Federal Public Defender
Daniel J. Horgan, United States Marshal
Linda Collins-Hertz, President, Federal Bar Association
(155 S. Miami Avenue, Miami, FL 33130)
All Members Sentencing Guidelines Administration Committee