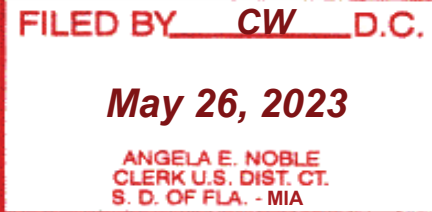


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2023-37

**IN RE: AMENDED SENTENCING PROCEDURES
UNDER THE SENTENCING GUIDELINES AND
SENTENCING REFORM ACT OF 1984 AND
AMENDMENTS TO RULE 32, DECEMBER 1, 1994**



THIS MATTER arose upon the request of the Chief Probation Officer, United States District Court, Southern District of Florida, that Administrative Order 95-02 be amended to provide adequate time for the United States Probation Office's preparation of Presentence Investigation Reports (PSI[s]); and establish procedures for disclosure of the PSI to the parties, including the Recommendation and the Initial Interview with the defendant, as well as the filing of presentence submissions by the parties. Upon consideration and vote of the District Judges and Senior Judges eligible to vote and in attendance at a regularly scheduled Judges' Meeting, the procedures governing sentencing proceedings within the Sentencing Reform Act of 1984 and the Amendments to Rule 32, effective December 1, 1994, are accordingly amended. It is hereby

ORDERED AND ADJUDGED that

1. Sentencing hearings shall be scheduled to take place no earlier than eighty (80) days following entry of a guilty plea or a verdict of guilty unless a District Judge orders otherwise.
2. The PSI, including guideline computations, shall be completed and made available for disclosure to the parties at least thirty-five (35) days prior to the scheduled sentencing hearing, unless the defendant waives this minimum period.

3. Within five (5) days following entry of a guilty plea or a verdict of guilty, counsel for the defendant or an unrepresented defendant and the probation officer will make arrangements for the initial interview of the defendant for the PSI.

4. Within fourteen (14) days of receipt of the report, counsel for the defendant or an unrepresented defendant and the government must communicate any objections, in writing, to each other and to the probation officer. The probation officer may meet with counsel or the unrepresented defendant to discuss the objections and may conduct a further investigation and review the report as appropriate.

5. Seven (7) days prior to the sentencing hearing, the probation officer must submit to the Court the final report and an addendum containing unresolved issues. The PSI, if revised, and the addendum will also be made available to all counsel and/or unrepresented defendants.

6. Counsel for the defendant (and/or unrepresented defendant(s)) and the Government shall confer no later than seven (7) days prior to the scheduled sentencing hearing with respect to the anticipated length of the hearing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing hearing will exceed one (1) hour, the party shall file a notice with the Clerk of the Court and shall submit a courtesy copy to the United States Probation Office no later than five (5) days prior to the hearing. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing hearing. Additionally, counsel for the parties (and/or unrepresented defendant(s)) shall file within the same time period any notice for enhancement of sentence or requests for departure or variance.


7. The recommendation as to sentencing made to the Court by the United States Probation Office shall remain confidential.

8. 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.

9. Failure to comply with any of these procedures may result in the imposition of sanctions.

10. A copy of this Order shall be distributed to each attorney of record or unrepresented defendant by the Courtroom Deputy together with the notice of sentencing hearing following a guilty plea or a verdict of guilty.

DONE AND ORDERED in Miami, Florida, this 26th day of May 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

c: Hon. William H. Pryor, Jr., Chief Judge, Eleventh Circuit
All Southern District of Florida District Judges and Magistrate Judges
Ashlyn D. Beck, Circuit Executive
Markenzy Lapointe, United States Attorney
Michael Caruso, Federal Public Defender
Angela E. Noble, Court Administrator · Clerk of Court
Riselda Ruiz, Chief Probation Officer
Library