

FEB 25 1988

DISTRICT COURT FOR THE
NORTHERN MARIANA ISLANDS For The Northern Mariana Islands
By A
(Deputy Clerk)

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4 IN RE:) GENERAL ORDER
5 IMPLEMENTATION OF SENTENCING)
6 PROCEDURES UNDER THE SENTENCING) No. 88-1
7 REFORM ACT OF 1984.)
8 _____)

9 This order is issued in view of the provisions of 18
10 U.S.C. §3553(c) and §3742(c), which became effective November 1,
11 1987. It applies to all cases in which sentence is imposed under
12 the provisions of the Sentencing Reform Act of 1984 (Public Law
13 98-473, Title II, c. II, §§211-239). 18 U.S.C. §3551-note (Supp.
14 1987).

15 WHEREAS, to provide adequate time for the United States
16 Probation Office's preparation of the presentence investigation
17 report (PSI), disclosure of the PSI to the parties, the filing of
18 presentence submissions by the parties, and such other and
19 further procedures contemplated by the Sentencing Guidelines and
20 this Order,

- 21 1. IT IS HEREBY ORDERED that sentencing proceedings shall be
22 scheduled by the District Judge no earlier than seventy (70)
23 days following entry of a guilty plea, a nolo contendere
24 plea, or a verdict of guilty.
25 2. IT IS FURTHER ORDERED that the presentence investigation
26 report, including guideline computations, shall be completed

1 and transmitted to the parties no later than forty (40) days
2 from the date of assignment and at least thirty (30) days
3 prior to the scheduled sentencing proceeding, unless the
4 minimum period is waived by the Defendant.

5 3. IT IS FURTHER ORDERED that within ten (10) days after
6 disclosure of the presentence investigation report to the
7 parties, counsel for the Defendant and the government, or
8 the pro se defendant shall file with the Clerk of this
9 District Court, and serve on the Probation Office and all
10 parties, one of the following:

11 a) a pleading entitled, "Position of Parties with
12 Respect to Sentencing Factors", which shall indicate the
13 sentencing factors to be relied upon at sentencing, any
14 factor important to the sentencing determination which is
15 reasonably in dispute, any objections to the PSI report, and
16 a certification from counsel that all parties and the U.S.
17 Probation Officer have conferred in a good faith effort to
18 resolve the disputed matter(s);

19 b) a written statement adopting the findings of the
20 presentence report; or

21 c) a written stipulation in which the parties agree to
22 adopt the findings of the presentence report or to adopt
23 such findings subject to certain exceptions or additions.

24 4. IT IS FURTHER ORDERED that the United States Probation
25 Office shall within fifteen (15) days from the submission of
26 counsel's written statements make any necessary revisions to

1 the PSI report and prepare and certify an addendum, which
2 shall indicate any unresolved written factual disputes or
3 objections by the parties with respect to the application of
4 the Guidelines. The U.S. Probation Office shall within
5 fifteen (15) days of the sentencing proceeding transmit the
6 complete PSI report, including guideline computations and
7 the certified addendum to the sentencing judge and the
8 parties.

9 5. IT IS FURTHER ORDERED that when there are disputed factors
10 or facts, the sentencing judge will advise the parties, five
11 (5) working days prior to the scheduled sentencing
12 proceeding, through the U.S. Probation Office, as to its
13 "tentative findings" under Sec. 6A1.2.-.3 of the Final Draft
14 of the Sentencing Guidelines and Policy Statements (Oct.
15 1987). It is the affirmative obligation of defense counsel
16 and prosecutors to contact the U.S. Probation Office five
17 (5) working days prior to the scheduled sentencing
18 proceeding in order to obtain copies of the Court's
19 tentative findings regarding any disputed factors or facts.

20 6. IT IS FURTHER ORDERED that the aggrieved parties must
21 respond in writing to the sentencing judge's notice of
22 tentative findings regarding disputed factors or facts
23 within three (3) working days prior to the scheduled
24 sentencing proceeding.

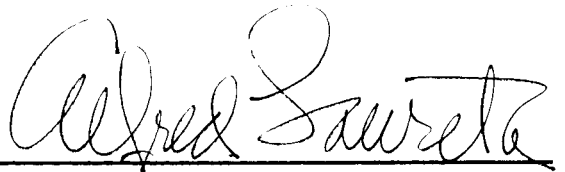
25 7. IT IS FURTHER ORDERED that each sentencing judge shall,
26 before imposing sentence, notify the parties as to the

1 Court's tentative findings concerning disputed factors or
2 facts under Sec. 6A1.3(b) of the Final Draft of the
3 Sentencing Guidelines and Policy Statements (Oct. 1987) and
4 provide a reasonable opportunity for oral objections by
5 either party prior to the imposition of sentence.

6 10. IT IS FURTHER ORDERED that all copies of the presentence
7 investigation report provided to the parties shall be
8 returned to the U.S. Probation Office immediately after
9 completion of the sentencing proceeding. No copies or any
10 dissemination of the PSI, which is deemed a confidential
11 court document, or information contained therein shall be
12 made. Unauthorized copying or disclosure will be an act in
13 contempt of court and be punished accordingly.

14 IT IS SO ORDERED.

15 DATED THIS 25TH day of February, 1988.

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20 Alfred Laureta
21 Judge
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