

FILED

MAR - 1 1995

NANCY DOHERTY, CLERK
By *[Signature]*
Deputy

IN THE UNITED STATES COURT FOR
THE NORTHERN DISTRICT OF TEXAS

SPECIAL ORDER NO. 2-31

The attached amendment to Local Rule 10.9 (b), (d), (h), (i), (j), and (k) was considered and adopted by the United States District Judges for the Northern District of Texas. This amendment is effective as of the date of this Order.

The Clerk of the Court is directed to make the necessary distribution of this amendment.

SO ORDERED.

DATED: March 1, 1995

[Signature]

JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Rule 10.9: Procedures for Guideline Sentencing

Unless otherwise directed by the Presiding Judge, the following procedures shall apply to sentencing for criminal cases filed on or after December 1, 1994 in which the Sentencing Reform Act of 1984 applies:

* * *

(b) **Objections to Presentence Report.** Within 14 days after receiving the presentence report, counsel for the defendant and the government shall deliver to the probation officer and to the Presiding Judge either

- (1) a written statement of all objections they have to the presentence report, including any objections to material information, sentencing classifications, sentencing guideline ranges and policy statements that are contained in, or omitted from, the presentence report; or
- (2) a written statement adopting the findings of the presentence report, or adopting such findings subject to certain specified exceptions or additions.

* * *

(d) **Addendum to Presentence Report.** Not less than 15 days before the date set for sentencing, the probation officer shall deliver to the Presiding Judge, the defendant, the defendant's counsel, and the attorney for the government an addendum

- (1) which identifies any revisions that have been made in the presentence report, and
- (2) which sets forth any objections to the report that have not been resolved with counsel, together with the officer's comments on each remaining objection, and
- (3) which certifies that the presentence report, the revisions, and the addendum have been disclosed to the defendant and to counsel for the defendant and the government, and that the addendum fairly describes the remaining objections to the report.

* * *

(h) **Resolutions of Objections.** The Presiding Judge shall resolve the disputed sentencing factors in accordance with any pertinent statute and rule and may consider any reliable information presented by the probation officer, the defendant, or the government.

(i) **Extensions of Time.** The times set forth in this rule may be modified by the Presiding Judge for good cause shown, except that the defendant shall not, without the defendant's consent, be given less time to undertake an action than is afforded to the defendant by Fed. R. Crim. P. 32.

(j) **Definition of Disclosure.** The presentence report and the addendum shall be deemed to have been disclosed by the probation officer

- (1) when a copy is physically delivered, or
- (2) one day after the availability of the report or the addendum is orally communicated, or
- (3) three days after a copy of the report or the addendum is mailed, or three days after notice of its availability is mailed.

"Disclosure" shall mean the same as the term "furnish" in Fed. R. Crim. P. 32(b)(6)(A).

(k) **Non-Disclosure.** The probation officer shall not disclose the probation officer's recommendation, if any, on the sentence.