

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

IN RE:)
) **SENTENCING PROCEDURES**
ADMINISTRATIVE ORDER)

ADMINISTRATIVE ORDER

Whereas, to provide adequate time for the U.S. Probation Office's preparation of the presentence report ("PSR"), disclosure of the PSR to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the sentencing guidelines, Title 18 U.S.C. § 3553(a) and this order,

IT IS HEREBY ORDERED that:

1. Sentencing procedures shall be scheduled by each District Judge no earlier than 63 days following entry of a guilty plea or a verdict of guilty except when otherwise required by law, or upon the request of all parties and with the Court's concurrence after consultation with the U.S. Probation Office, for good cause shown.
2. Acceptance of a plea may be delayed by the District Judge pending receipt of the PSR pursuant to Fed.R.Crim.P. 11 (c)(3)(A).
3. At the time of a plea, or the offer of a plea agreement, unless otherwise ordered by the Court, counsel for the defendant and the government will submit a written stipulation of facts relevant to sentencing which will set forth the relevant facts and circumstances of the actual offense conduct and offender characteristics; not contain misleading facts; and set forth with meaningful specificity the reasons why the sentencing range resulting from the plea of guilty is appropriate. To the extent that the parties disagree about any facts relevant to sentencing, the stipulation shall identify the facts that are in dispute. The Court will not be bound by the stipulation unless it is a binding plea agreement pursuant to Fed.R.Crim. P. 11(c)(1)(C).

4. Upon acceptance of a guilty plea by the Court or a finding of guilt by the judge or jury, the Court shall fix and announce a sentencing date after conferring with the U.S. Probation Office as to how quickly an accurate and complete PSR can be furnished.

To the extent possible, defense counsel shall be available for the PSR interview the day of the plea or guilty verdict. At the time of the PSR interview or within 5 days after plea or verdict of guilty, the defendant shall provide the financial affidavit required by 18 U.S.C. § 3664 (d)(3).

Not less than 35 days before the sentencing hearing, the PSR, including guideline computations, shall be completed and a copy electronically delivered via CM/ECF to counsel for the defendant and the government. It is the responsibility of the defendant's attorney to provide a copy of the presentence report to the defendant. Except for the recommended conditions, the U.S. Probation Office's recommendation as to sentence will not be disclosed.

5. At the plea hearing, or within 5 days of an acceptance by the Court of a plea, or a finding of guilt by the judge or jury the government shall file with the Court, on a form provided by the Clerk, a restitution questionnaire for each defendant setting forth the victims' names, addresses, dates of birth and social security numbers, and specific amount of restitution due to each victim. No unidentified victims shall be listed on the restitution questionnaire. Any supplemental documentation shall be appended to the restitution questionnaire. The questionnaires shall be filed electronically via CM/ECF under seal, to avoid disclosure of personal identifiers in the public file. Counsel for the government shall forward a copy of the restitution questionnaire to the U.S. Probation Office and the Finance department of the District Court and a redacted copy to defense counsel in accordance with the Local Rules for the Eastern District of Missouri.

6. If a party disputes sentencing factors or facts material to sentencing, or seeks the inclusion of additional factors or facts material to sentencing in the PSR, it is the obligation of the complaining party first to seek administrative resolution of such factors or facts through opposing counsel and the U.S. Probation Office prior to filing the pleading referenced in paragraph 8, *infra*. This requirement is mandatory except when sentencing factors or facts are not in dispute.

Disputes concerning factors or facts material to sentencing should be resolved, to the extent practicable, through informal procedures, including telephone conferences, promptly confirmed in writing by the complaining party.

7. Within 14 days after receiving the presentence report, if there are unresolved disagreements as to material sentencing factors, the party objecting shall file a pleading entitled "Objection to Presentence Report." The pleading will specify unresolved objections in numbered paragraphs, e.g.:

The following fact(s) or factor(s) important to the sentencing determination, remain(s) in dispute, to wit: 1, 2, etc.

In the pleading the complaining party will certify that the party has conferred with opposing counsel and with the U.S. Probation Office in a good faith effort to resolve the disputed matter(s). The pleading will be filed under seal with the Clerk of the Court and contemporaneously served upon opposing counsel.

8. Any objections not timely filed in accordance with this order and any supplemental objections shall likewise be filed under seal and must be accompanied by a motion for leave to file. If leave is granted, at the time of filing, copies are to be contemporaneously served upon opposing counsel.

9. Within 14 days after receiving the presentence report, if a party has no objections to the PSR, such a party shall so signify by filing a statement such as "accepted" or "no objection". The statement will be filed electronically with the Clerk of the Court and contemporaneously served upon opposing counsel.

10. Not later than seven days before the sentencing hearing, the U.S. Probation Office shall transmit the PSR to the Sentencing Judge, and to counsel for the defendant, and counsel for the government. This report shall include the PSR with guideline computations, and an addendum indicating any unresolved factual disputes or objections by the parties with respect to the application of the guidelines. It is the responsibility of the defendant's attorney to provide a copy of the presentence report to the defendant.

11. To minimize and, if possible, to avoid invasion of privacy and to prevent unnecessary and unjust defamation, degradation, or discrediting of the defendant or contributing agencies and individuals or corporations, the parties and their counsel shall not disseminate the PSR, a confidential court document, or information contained therein. Unauthorized dissemination will be an act in contempt of court and may be punished accordingly.

12. The U.S. Probation Office, with the approval of the Court, will formulate policies and procedures with respect to the implementation of the Order.

13. The following standard conditions of supervision are adopted by this Court:

a. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame. [For probation cases, the condition is: You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.]

b. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

c. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

d. You must answer truthfully the questions asked by your probation officer.

e. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

f. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

g. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

h. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

i. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

j. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

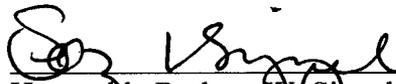
k. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

l. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

m. You must follow the instructions of the probation officer related to the conditions of supervision.

14. This order replaces the December 13, 2010, Administrative Order concerning sentencing guideline procedures. This Order shall apply to sentencing proceedings conducted on and after February 1, 2017.

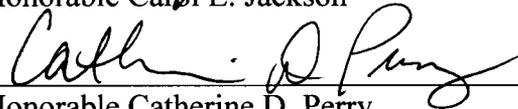
Dated this 20th day of January, 2017.



Honorable Rodney W. Sippel, Chief Judge



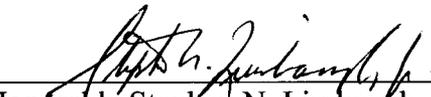
Honorable Carol E. Jackson



Honorable Catherine D. Perry



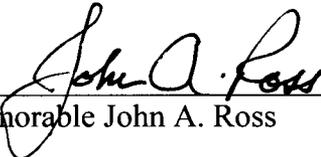
Honorable Henry E. Autrey

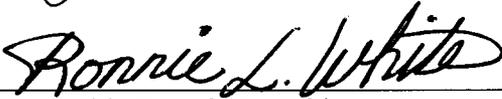


Honorable Stephen N. Limbaugh, Jr.



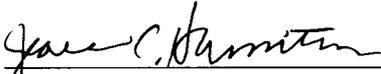
Honorable Audrey G. Fleissig


Honorable John A. Ross


Honorable Ronnie L. White


Honorable E. Richard Webber


Honorable Charles A. Shaw


Honorable Jean C. Hamilton