

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 23 2004

GENERAL ORDER NO. 04- 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DAVID J. MALAND, CLERK
BY DEPUTY David Maland

GENERAL ORDER REGARDING PRESENTENCE INVESTIGATION INTERVIEWS

The following rules and procedures shall be in effect for all cases in which the defendant has either pled guilty or been found guilty of a criminal offense and a presentence investigation is ordered by the Court.

The probation officer must conduct a presentence investigation and submit a report to the Court before it imposes sentence. Immediately following a plea of guilty or a finding of guilt, the time frame in which the probation officer has to complete the presentence investigation begins. The probation officer who interviews the defendant as part of a presentence investigation must, on request, give the defendant's attorney notice and a reasonable opportunity to attend the interview, pursuant to Fed.R.Crim.P. 32(c)(2).

Considering the factors involved in the presentence process and the time constraints under which the probation officer is working, the Court has determined that seven (7) working days notice provides defense counsel a reasonable opportunity to attend the presentence interview. In those rare cases when defense counsel cannot attend the interview within the allotted time frame and is unable to reach an agreement with the probation officer as to an alternate date for the interview, it is the responsibility of the defense counsel to petition the Court requesting an extension of the sentencing date.

Signed this 20th day of February, 2004

FOR THE COURT:


THAD HEARTFIELD
CHIEF JUDGE