

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Edward W. Nottingham**

Criminal Case No. 05-cr-00545-EWN

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOSEPH P. NACCHIO,

Defendant.

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**ORDER CONCERNING PRE-SENTENCE INVESTIGATION AND REPORT**

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EDWARD W. NOTTINGHAM, Judge  
Jamie L. Hodges, Secretary

The Probation Department has been directed to make a pre-sentence investigation in this case and to report the results of the investigation to the court before the imposition of sentence, as required by 18 U.S.C.A. § 3552(a) (West 1985) and rule 32(c)(1) of the Federal Rules of Criminal Procedure. The court finds that it is necessary for the pre-sentence investigation to include an independent investigation of the offense conduct, in order for the report to comply fully with the provisions of rule 32(c)(2)(B) of the Federal Rules of Criminal Procedure and in order for the court to (1) make its findings concerning the nature and circumstances of the offense under 18 U.S.C.A. § 3553(a)(1) (West 1985) and (2) make all the determinations required by the United States Sentencing Guidelines. The court further finds that the interest in preparation of a full and accurate report requires disclosure of any information in the Government's file which might otherwise be protected under Fed. R. Crim. P. 6(e). The court concludes that disclosure is authorized in connection with this judicial proceeding, all parties to the proceeding having been given notice and a reasonable opportunity to be heard. Accordingly, it is

ORDERED that the Probation Department, in making the pre-sentence investigation in this case, shall conduct an independent investigation of the offense conduct and shall include the results of this investigation in the pre-sentence report. It is further

ORDERED that the United States Attorney's Office shall cooperate in the pre-sentence investigation and shall provide the probation officer with timely access to the investigative reports

and all related materials contained in its files, including any materials otherwise protected by rule 6(e) of the Federal Rules of Criminal Procedure. The probation officer shall use such materials only in the preparation of the presentence report.

Dated: April 20, 2007