

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.

ORDER CONCERNING SENTENCING PROCEEDINGS

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

Defendant has been found guilty of certain charges in this case and the matter has been referred to the United States Probation Department for preparation of a presentence investigation report. In order to ensure systematic compliance with Fed. R. Crim. P. 32, U.S.S.G. §§ 6A1.1-6A1.3, p.s. (Nov. 2003) and Gen. Ord. 2002—3 (D. Colo. Jan. 16, 2002), it is

ORDERED as follows:

1. The sentencing hearing is set for Friday, **July 27, 2007**, from 9:00 o'clock a.m. until 5:00 o'clock p.m.
2. All parties, counsel, and the United States Probation Department will comply with the deadlines and procedures hereinafter set forth.
3. The United States Probation Department will complete the pre-sentence investigation report and serve it on the parties no later than June 22, 2007. In disclosing the pre-sentence report, the probation department shall withhold the final recommendation as to sentence.
4. **All** sentencing statements (if any party elects to submit same), **all** objections to the pre-sentence investigation report, and **all** motions for a departure from the sentencing guidelines will be stated in writing, filed with the court, and served on all other parties **and the United States**

Probation Department no later than fourteen days after service of the presentence investigation report. (See Fed. R. Crim. P. 45[a] & 45[e] for computation of this time.)

5. After reviewing the materials submitted pursuant to the previous paragraph, the United States Probation Department shall serve its addendum to the presentence investigation report no later than July 18, 2007. Any comment on or objection to matters contained in the addendum shall be asserted at the sentencing hearing.

6. I will treat the failure to file and serve an objection or motion for departure from the sentencing guidelines under the procedures specified in paragraph 5 as a waiver of that objection or motion, unless the objecting or moving party can show good cause as to why the objection or motion was not timely submitted.

7. No variation in the procedures or deadlines set forth herein will be permitted, except on written motion stating good cause for the variation.

Dated: April 20, 2007