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U.S. DISTRICT COURT
DISTRICT OF MARYLAND
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

In re: Reporting Requirement under the PROTECT Act	:	Misc. No. 00-308

ADMINISTRATIVE ORDER 2003-5

The PROTECT Act of 2003, Pub. L. 108-21, amends 28 U.S.C. § 994(w) and requires the Chief Judge of each district court to "ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines." In addition, the sentencing court must send to the Commission: "(A) the judgment and commitment order; (B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range); (C) any plea agreement; (D) the indictment or other charging document; (E) the presentence report; and (F) any other information as the Commission finds appropriate."

According to the Sentencing Commission, this reporting requirement is satisfied if the court submits the following documents to the Sentencing Commission within 30 days of entry of judgment in any criminal case, not including Class B or C misdemeanors or infractions:

(1) a copy of the judgment order for all original sentencings;

(2) the Statement of Reasons, which shall state with specificity the reasons for the sentence, including reasons for any departure;

(3) the Plea Agreement, if applicable;

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(4) a copy of the original indictment or information and any superceding indictment or information for each defendant;

(5) the Presentence Report, including any addenda, attachments, and face sheets;

(6) if the judgment is amended for any reason subsequent to the original sentencing, a copy of the amended judgment order; and

(7) in each guideline case involving a hearing on revocation of probation or supervised release, whether or not revocation results, (a) violation worksheets submitted to the court; (b) violation report or petition for action; and (c) summary of the violation hearing form. If there is a revocation, the court should also submit a revocation order.

See June 17, 2003 Memorandum from Judge Diana E. Murphy and Judge Sim Lake.

Furthermore, the Sentencing Commission has advised that the requirement of a written report is satisfied by the submission of a cover sheet captioned "Report of Sentence" that indexes the enclosed documents and states that they comprise the basis for the sentence and that any subsequent modification to the sentence will be reported to the Commission. *Id.*

In order to comply with the reporting requirements of the PROTECT Act, William Henry, Chief of the United States Probation and Pretrial Services Office, is hereby **ORDERED** to direct his staff to take the following steps within 30 days after entry of judgment in every criminal case, except Class B or C misdemeanors or infractions:

(1) prepare and sign a written report, in the form attached hereto as Exhibit A; and

(2) send the written report and the following documents to the United States Sentencing Commission at One Columbus Circle, NE, Suite 2-500 Washington, D.C. 20002-8002, Attention: Office of Data Collection:

(a) the judgment order for all original sentencings,
(b) the Statement of Reasons, including reasons for any departure,
(c) the Plea Agreement, if applicable,
(d) a copy of the original indictment or information and any superceding indictment or information for each defendant,

(e) the Presentence Report, including any addenda, attachments, and face sheets,

(f) if the judgment is amended for any reason subsequent to the original sentencing, the amended judgment order, and

(g) in each guideline case involving a hearing on revocation of probation or supervised release, whether or not revocation results, (1) violation worksheets submitted to the court; (2) violation report or petition for action; (3) summary of the violation hearing form; and (4) if there is a revocation, the revocation order.

If the sentencing judge issues an Order Regarding Sentencing Documents, the United States Probation and Pretrial Services Office **SHALL** submit the documents to the Sentencing Commission accompanied by the order.

It is so ORDERED this 15TH day of August, 2003.

Benson Everett Legg

Benson Everett Legg
Chief United States District Judge