

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

Mandatory Filing Requirement
of Sentencing Memoranda in
Criminal Cases before Judge
Garcia-Gregory

STANDING ORDER

This Standing Order applies to every criminal defendant that enters either a straight plea or one under FED. R. CRIM. PROC. 11(e)(1)(B). This Order also applies in all cases where the defense reserves the right to argue for a lesser sentence, or where there exist particular sentencing issues that, in the interest of justice, require briefing prior to sentencing. In the situations mentioned above, the Court is vested with ample discretion in fashioning an appropriate sentence. Such a crucial decision must not be made in a vacuum. Accordingly, the Court requires that both parties express their respective positions regarding the sentence through a sentencing memorandum. Specifically, the parties shall address how the sentencing factors under 18 U.S.C. § 3553 apply to the defendant, and whether any downward departure or variance is warranted.

These memoranda are mandatory; the Court will not sentence a defendant without the benefit of the same. The defendant's memorandum is due 30 days after the change of plea hearing is held. The Government's memorandum is due 30 days thereafter. **All parties are forewarned that failure to file the required memoranda will result in sanctions, monetary or otherwise.**

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 28th day of November, 2012.

S/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge