

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	Case No. ____ -cr- ____
Plaintiff,)	
)	
v.)	
)	
DEFENDANT,)	
)	
Defendant.)	

**MOTION TO SCHEDULE CASE FOR PREPARATION
OF A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND
TO SCHEDULE A CHANGE OF PLEA AND A SENTENCING HEARING**

Defendant _____, through attorney _____, asks the court to schedule a date for a guilty plea colloquy and a subsequent sentencing hearing. Under Federal Rules of Criminal Procedure 32.1(e)(1), the defendant also consents to the pre-plea preparation of the presentence investigation report. In support of the motion, the defendant states that

1. The defendant has been charged with _____.
2. The parties have reached a plea agreement, or the defendant desires to enter a guilty plea without a plea agreement. In the case of a plea agreement, the plea agreement letter has been signed by the Assistant United States Attorney and the Defendant and Defense Counsel, or the defendant has not yet signed the plea letter, but he has verbally consented to the same. Defense Counsel has personally discussed all these matters with the defendant, and the defendant has instructed the defense lawyer to so proceed with this Motion and with the immediate commencement of a pre-plea presentence investigation and report.

3. The defendant asks the court to schedule a plea colloquy at eight (8) weeks and a sentencing hearing at 16 weeks from the date the court grants this motion.

4. The defendant asks the court to direct the United States Probation Office to prepare a presentence investigation report under Fed. R. Crim. P. 32(d) and Crim. LCrR 32 (W.D. PA). The defendant has discussed with counsel the fact that under Fed. R. Crim. P. 32(e)(1), the probation office may not submit the presentence report to the court or anyone else until after the defendant has pled guilty, unless the defendant has consented to early disclosure in writing. As such, unless the Defendant consents in writing, the Presentence Investigation Report will be delivered to defense counsel and to the AUSA upon the later of the Defendant's change of plea or the completion of the report.

5. Assistant United States Attorney _____ does not object to this motion.

6. The defendant submits that the time delay during the preparation of the Presentence Investigation Report and until the change of plea hearing and the sentencing hearing in accordance with this request will serve the ends of justice and outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. §§3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv), and that the court may exclude from the Speedy Trial calculation the time between the filing of this motion and the date of sentencing.

Dated in _____, Pennsylvania this ____ day of _____, 2020.

By: _____

Counsel for the Defendant

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Defendant..)	

ORDER

And Now, following consideration of the defense *Motion to Schedule Case for Preparation of a Pre-Plea Presentence Investigation Report and to Schedule a Change of Plea Hearing and a Sentencing Hearing*, it is Ordered as follows:

1. The United States Probation Office shall forthwith begin preparation of a Presentence Investigation Report for the above defendant and case.
2. The Change of Plea Hearing for the above defendant and case is scheduled for _____.
3. Absent further order of court, the Presentence Investigation Report shall be delivered to Defense Counsel and the AUSA upon the later of the entry of Change of Plea or upon the completion of the Presentence Investigation Report. Further, the Presentence Investigation Report shall not be otherwise disclosed prior to entry of the change of plea.
4. Sentencing Hearing for the above Defendant and case is scheduled for _____.
5. The extension of time caused by this Motion and Order (_____ through Sentence date_____) is deemed excludable under the Speedy Trial Act 18 U.S.C. § 3161 et seq. Specifically, the court finds that the ends of justice served by granting this Motion outweigh the best interest of the public and the defendant to a speedy trial, 18 U.S.C. § 3161 (h)(7)(A), since, for the reasons stated in the defendant’s motion, the failure to grant such continuance would unreasonably deny counsel for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161 (h)(7)(B)(iv).

Dated: _____, 2020

By the Court,

United States District Court