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CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY JK Deputy

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**

**United States of America** *

**v.** * **Criminal Case No. RDB-23-0027**

**KEVIN DAVIS** *

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## REGULAR SENTENCING ORDER

(1) On or before March 5, 2024 ***(not more than 40 days from the date of this order)***, the Probation Officer shall provide the initial draft of the presentence report to counsel for the Defendant for review with the Defendant. If the Defendant is in pretrial detention, defense counsel may not provide a copy of the recommendations section of the presentence report to the Defendant in advance of meeting to review the presentence report, and may not leave the recommendations section of the presentence report with the Defendant once the review has taken place. The Probation Officer shall also provide the initial draft of the presentence report to counsel for the Government.

(2) On or before March 19, 2024 ***(not less than 14 days from date in paragraph 1)***, counsel shall submit, in writing, to the Probation Officer and opposing counsel, any objections to any material information, sentencing classifications, advisory sentencing guideline ranges, or policy statements contained in or omitted from the report.

(3) After receiving counsel's objections, the Probation Officer shall conduct any necessary further investigation and may require counsel for both parties to meet with the Probation Officer to discuss unresolved factual and legal issues. The Probation Officer shall make any revisions to the presentence report deemed proper, and, in the event that any objections made by counsel remain unresolved, the Probation Officer shall prepare an addendum setting forth those objections and any comment thereon.

(4) On or before April 1, 2024 ***(not less than 11 days from date in paragraph 2)***, the Probation Officer shall file the report (and any revisions and addendum thereto) through CM/ECF.

(5) If counsel for either party intends to call any witnesses at the sentencing hearing, counsel shall submit, in writing, to the Court and opposing counsel, on or before April 3, 2024 ***(not less than 14 days before sentencing)***, a statement containing (a) the names of the witnesses, (b) a synopsis of their anticipated testimony, and (c) an estimate of the anticipated length of the hearing.

(6) Sentencing memoranda are not required unless a party intends to request a sentence outside the advisory guidelines range on the basis of a non-guideline factor. If submitted, they shall be filed with the Clerk and a copy delivered to chambers on or before April 3, 2024 ***(not less than 14 days before sentencing)***. Opposing or responding memoranda are not required. If submitted, they shall be delivered to chambers on or before April 10, 2024 ***(not less than 7 days before sentencing)***. Copies of all memoranda must be sent to the Probation Officer. Sentencing memoranda are not sealed documents. If the memoranda or attachments contain sensitive material, they should be filed under seal and accompanied by a motion to seal.

(7) If the Government intends to seek restitution, a memorandum requesting restitution and all supporting documentation shall be filed on or before April 3, 2024 ***(not less than 14 days before sentencing)***. Failure to provide the restitution information or an explanation for why the restitution information is not yet ascertainable by this date may result in an order to show cause why the information could not have been timely provided and may result in the Court denying or delaying restitution until after a hearing not to exceed 90 days after sentencing.

(8) Sentencing shall be on **Wednesday, April 17, 2024 at 11:00am.**

(9) The presentence report, any revisions, and any proposed findings made by the Probation Officer in the addendum to the report shall constitute the tentative findings of the Court under section 6A1.3 of the sentencing guidelines. In resolving disputed issues of fact, the Court may consider any reliable information presented by the Probation Officer, the Defendant, or the Government, and the Court may issue its own tentative or final findings at any time before or during the sentencing hearing.

(10) Nothing in this Order requires the disclosure of any portions of the presentence report that are not disclosable under Federal Rules of Criminal Procedure 32.

January 25, 2024
Date

Richard D. Bennett
United States District Judge