

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

IN THE MATTER OF )  
CONDUCTING SENTENCING HEARINGS ) Administrative Order 2007-8  
IN GRAND JUNCTION OR DURANGO )  
JURY DIVISIONS )

In criminal cases originating from the Grand Junction or Durango Jury Divisions of this Court, crime victims, family members, and other interested parties may experience travel hardships if appearing at sentencing hearings at the federal courthouse in Denver. The same may hold true for criminal defendants and their family members.

The federal Crime Victims' Rights Act affords crime victims in cases before the district court the right to be reasonably heard at a public proceeding, including a defendant's sentencing hearing. Department of Justice personnel have the primary responsibility to see that crime victims are notified of, and accorded, the rights under the Act, including the right to be reasonably heard. The court also has an obligation to ensure that the crime victim is afforded those rights. 18 U.S.C. § 3771 (a)-(e). Under the rules of criminal procedure, the court also must allow a victim of a crime of violence or sexual abuse, or the appropriate legal guardian or family member, to speak or submit information at the time of sentencing. Fed. R. Crim. P. 32(i)(4)(B)

A criminal defendant, at the time of sentencing, has the right to allocute and submit information to mitigate the sentence. Fed. R. Crim. P. 32(i)(4)(A)(ii). Often that information includes statements of support by family members and is used by the court in considering the characteristics of the defendant when imposing the sentence. 18 U.S.C. § 3553(a)(1).

Accordingly, in light of the responsibility of the court to afford crime victims the right to be heard, and criminal defendants the right to allocute, it is now

ORDERED as follows:

(1) In criminal cases originating from the Grand Junction or Durango Jury Divisions of this Court and assigned to a district judge, the United States Attorney's Office shall make reasonable efforts to determine if the crime victim(s), legal guardian, family members, or other interested persons intend to appear at the sentencing hearing. In a writing to be filed no later than thirty-five days before sentencing, the United States Attorney's Office shall notify the court of the result of these reasonable efforts, including the names and city of residences of any person(s) wanting to be heard, the number and location of other persons who have made known a desire to attend the sentencing hearing, and any other information pertaining to the location of the sentencing hearing. The Government shall also state in the writing whether it wants the sentencing to occur in Durango or Grand Junction.

(2) After appropriate consultation with defendant, defendant's family members, and other persons who may wish to attend the sentencing hearing, counsel for defendant shall, no later than twenty-five days before the date set for the sentencing hearing, file a written statement concerning the location of such persons and defendant's position on the location of the sentencing hearing.

(3) After considering the submissions of both sides, the court's schedule, caseload, other demands, and other pertinent matters, the judicial officer to whom the case is assigned shall determine whether to conduct the sentencing hearing at the courthouse in either Grand Junction or Durango.

Dated this 14<sup>th</sup> of November, 2007.

BY THE COURT:

s/ Edward W. Nottingham

Edward W. Nottingham, Chief Judge