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WASHINGTON, D.C. 20544

June 9, 2006

MEMORANDUM TO ALL: **JUDGES, UNITED STATES COURTS OF APPEALS**
JUDGES, UNITED STATES DISTRICT COURTS
UNITED STATES MAGISTRATE JUDGES
CIRCUIT EXECUTIVES
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES COURTS OF APPEALS
CLERKS, UNITED STATES DISTRICT COURTS
CHIEF PROBATION OFFICERS
CHIEF PRETRIAL SERVICES OFFICERS

SUBJECT: Statutory Requirement to Use the Statement of Reasons Form in Judgment
in a Criminal Case (AO 245B and AO 245C, Rev. 06/05) (**IMPORTANT**
INFORMATION)

On March 9, 2006, the President signed into law the USA PATRIOT Improvement and Reauthorization Act, Pub. L. 109-177, which contains provisions relating to federal sentencing documentation required to be submitted to the United States Sentencing Commission. Specifically, section 735 of the Act amended 28 U.S.C. § 994(w) to require that the statement of reasons for the sentence imposed be "stated on the written statement of reasons form issued by the Judicial Conference and approved by the United States Sentencing Commission."

The Judicial Conference and the Sentencing Commission have taken the requisite steps under the statute to make use of the Statement of Reasons form for individual defendants mandatory. Sentencing courts now are statutorily required to use and submit to the Sentencing Commission AO Form 245B/C, Rev. 06/05 for individual defendants, along with the other sentencing documentation required under 28 U.S.C. § 994(w). After receiving input from federal judges, court staff, and the Sentencing Commission, the Executive Committee distributed the revised Statement of Reasons form for individual defendants in June 2005 to reflect the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005). The Judicial Conference has informed the Commission that the June 2005 revision of the Statement of Reasons form constitutes "issuance" for purposes of section 994(w) as amended. The Sentencing Commission approved that form on May 15, 2006. A Statement of Reasons form for organizational defendants has not yet been issued or approved for purposes of section 994(w).

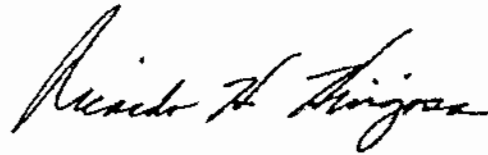
The Statement of Reasons form is available on the judiciary's intranet at http://jnet.ao.dcn/Forms/AO_National_Forms.html. An accompanying explanatory booklet is available at http://jnet.ao.dcn/Probation_and_Pretial_Services/Investigation_and_Supervision_Topics/Investigation/Statement_of_Reasons_for_Use.html.

Compliance with this new statutory requirement by sentencing courts is important because standardized collection of sentencing data is critical for the sound evaluation of federal sentencing practices. Uniform and complete utilization of the revised Statement of Reasons form is an essential step toward achieving uniformity and accuracy in sentencing documentation. The Sentencing Commission, the Administrative Office, and the Criminal Law Committee will continue to explore ways to achieve this goal.

Thank you for your attention to this important issue.



Paul G. Cassell
Chair, Committee on Criminal Law
of the Judicial Conference
of the United States



Ricardo H. Hinojosa
Chair, United States Sentencing Commission