IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
v.	§	CRIMINAL NUMBER H-04-025-SS
	§	
RICHARD A. CAUSEY and	§	
JEFFREY K. SKILLING	§	

ORDER

Defendant Richard A. Causey is scheduled to be sentenced on October 19, 2006, at 2:00 p.m., in Court Room 9-B, 9th Floor, United States Courthouse, 515 Rusk Avenue, Houston, Texas. Defendant, Jeffrey K. Skilling, is scheduled to be sentenced on October 23, 2006, at 1:00 p.m., in Court Room 9-B.

18 U.S.C. § 3771(a) affords crime victims the right to be reasonably heard at sentencing hearings. Section 3771(e) defines a "crime victim" as "a person directly and proximately harmed as a result of the commission of a Federal offense. . . ." Section 3771(d)(2) states: "In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." Potential crime victims in the case include thousands of former Enron employees, owners of Enron securities, and other persons who were harmed as a result of the crimes for which defendants will be

sentenced. The court concludes that allowing each victim to speak at the defendants' sentencing hearings could unduly prolong and complicate the sentencings of defendants. Moreover, if a large number of victims intend to attend the sentencing hearings, it will be necessary for the court to make arrangements for adequate seating.

The court is therefore initiating the following procedures to protect the rights of crime victims while not unduly complicating or prolonging the sentencing hearings. All persons who believe that they are victims of crimes committed by Mr. Causey and/or Mr. Skilling shall notify the court by September 15, 2006, if they wish to be heard at either or both of the sentencing hearings, and will briefly explain why they are a crime victim and summarize what they wish to say at the hearings. If one or more victims wish to appear through counsel, their counsel will be responsible for submitting this notification. If it appears that multiple victims wish to make the same points, the court may limit the number of victims who speak in order not to unduly complicate or prolong the sentencing hearing. Any victim who wishes to waive his or her right to be heard at the sentencing hearings and to submit instead a written victim statement may do so by submitting a written victim statement by September 15, 2006, which states in its caption: "This victim statement is submitted in lieu of the right to be heard at the sentencing hearing of [Richard A. Causey and/or

Jeffrey K. Skilling]." Victim statements will be made available to the court, the probation officer, and to counsel for the parties. The court has previously received letters from a number of victims. These letters will be made available to the probation officer and counsel; victims do not need to resubmit them.

All notifications of intent to appear and be heard and all written victim statements in lieu of an appearance must be filed with the

Clerk of the Court
Attention: Judge Lake's Case Manager
P.O. Box 61010
Houston, Texas 77208
Reference: Enron H-04-025;

and copies mailed by the victim to the

United States Probation Office
Attention: Enron Case
P.O. Box 61527
Houston, Texas 77208-1527;

and to

Sean Berkowitz
Enron Task Force
1400 New York Avenue, N.W.
4th Floor
Washington, D.C. 20530.

If the notice of intention to appear and be heard or the victim statement in lieu of appearance relates to Richard A. Causey, copies will also be mailed by the victim to

David Fragle
Steptoe & Johnson, L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036.

If the notice of intention to appear and be heard or the victim statement in lieu of appearance relates to Jeffrey K. Skilling, copies will also be mailed by the victim to

Daniel M. Petrocelli
O'Melveny & Myers, L.L.P.
1999 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067.

The procedure for sentencing defendants is governed by Federal Rule of Criminal Procedure 32. The sentencing hearings of defendants, and in particular of defendant Skilling, may last more than one day. The court will first rule on any objections by the defendant or the Enron Task Force to the presentence report. Because of the complexity of the case, this process may include the taking of evidence. The court will then allow the defendant to speak and present any information that may mitigate the sentence. After this, the court will allow victims to be heard, subject to the limitations stated above. The court cannot predict when in the course of a sentencing hearing it will become appropriate for victims to be heard. Victims who wish to speak should therefore plan on attending and being available when the opportunity to speak arises.

The responsibility of notifying victims of the rights provided by section 3771 rests with the United States Department of Justice. Accordingly, the Department of Justice is **ORDERED** to publish a copy of this Order in The Houston Chronicle within the next two weeks and in one national newspaper within the next two

weeks. A copy of this Order will also be posted on the court's website (www.txs.uscourts.gov) and may be accessed by clicking on "Notable Cases" and then "USA v. Causey and Skilling."

SIGNED at Houston, Texas, on this the 28th day of July, 2006.

SIM LAKE
UNITED STATES DISTRICT JUDGE