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
	§	
JEFFREY K. SKILLING	§	

ORDER

Defendant, Jeffrey K. Skilling, is scheduled to be resentenced on June 21, 2013, at 1:30 p.m., in Court Room 9-B, 9th Floor, United States Courthouse, 515 Rusk Avenue, Houston, Texas.

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 former Enron employees, owners of Enron securities, and other persons who were harmed as a result of the crimes for which the defendant will be resentenced. The court concludes that allowing each victim to speak at the defendant's resentencing hearing could unduly prolong and

complicate the sentencing of the defendant. Moreover, if a large number of victims intend to attend the resentencing hearing, 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 resentencing hearing. All persons who believe that they are victims of crimes committed by Mr. Skilling shall notify the court by June 7, 2013, if they wish to be heard at the resentencing hearing, and will briefly explain why they are a crime victim and summarize what they wish to say at the hearing. 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 resentencing hearing.

Any victim who wishes to waive his or her right to be heard at the resentencing hearing but instead wishes to submit a written victim statement may do so by submitting a written victim statement by June 7, 2013, which states in its caption: "This victim impact statement is submitted in lieu of the right to be heard at the sentencing hearing of Jeffrey K. Skilling." Victim impact 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 impact 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, TX 77208
Reference: Enron H-04-025;

and copies mailed by the victim to the

United States Probation Office
Attention: Enron Case
P.O. Box 61207
Houston, TX 77208-1207;

and to

Pam Washington
Fraud Section, Criminal Division
United States Department of Justice
1400 New York Avenue, N.W.
Washington, D.C. 20530
Phone: 1-888-549-3945
E-mail: victimassistance.fraud@usdoj.gov

and 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 court will allow the defendant to speak and present any information that may mitigate

the sentence. The court will then 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 promptly publish a copy of the Sentencing Agreement and this Order on the Department of Justice website. 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 8th day of May, 2013.

SIM LAKE
UNITED STATES DISTRICT JUDGE