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

Pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit, defendant Jeffrey K. Skilling will be resentenced on July 30, 2009, at 2:00 p.m., in Court Room 9-B, 9th Floor, United States Courthouse, 515 Rusk Street, Houston, Texas.

The government and Skilling may file a sentencing memorandum by June 19, 2009, and responses to each other's sentencing memorandum by July 10, 2009. Neither party may file anything else after July 10, 2009.

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 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 resentencing of the defendant. Moreover, if a large number of victims intend to attend the 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 May 29, 2009, 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 and to submit instead a written victim statement may do so by submitting a written victim statement by May 29, 2009, which states in its caption: "This victim statement is submitted in lieu

of the right to be heard at the resentencing hearing of Jeffrey K. Skilling." Victim statements will be made available to the court, the probation officer, and to counsel for the parties.

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

Steven A. Tyrrell
Chief, Fraud Section, Criminal Division
United States Department of Justice
1400 New York Avenue
Washington, D.C. 20530;

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. 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 the 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 month and in one national newspaper within the next month. 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 "United States of America v. Richard A. Causey, Jeffrey K. Skilling, Kenneth L. Lay."

SIGNED at Houston, Texas, on this 26th day of March, 2009.

SIM LAKE
UNITED STATES DISTRICT JUDGE