



principles set forth in *Croxford* to sentence Defendants. *See id.* at \*13-\*15.<sup>1</sup> The court will, however, make one modification to the *Croxford* court's decision. The court will announce only one sentence based on an indeterminate scheme instead of announcing both an indeterminate sentence and a sentence calculated under the Guidelines. *See id.* at \*19. Given the court's conclusion that the Guidelines, as applied to this case, are unconstitutional, a sentence calculated under the Guidelines is not needed.

Although the court will be applying an indeterminate sentencing scheme, a hearing on the amount of loss is necessary to make a full examination of the relevant evidence. Therefore, **IT IS HEREBY ORDERED THAT:**

1) A joint hearing on the amount of loss will be held on the following dates and at the following times:

a) Monday, August 16, 2004, from 9:00 a.m. to 12:30 p.m. and 1:30 p.m. to 4:30 p.m.; and

b) Tuesday, August 17, 2004, from 9:00 a.m. to 12:30 p.m.

2) The hearing will be held in Courtroom No. 3, Eighth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: July 19, 2004.

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<sup>1</sup>The court notes that the Sentencing Reform Act of 1984 ("the Act") mandates that courts apply the Guidelines to federal sentences. *See* 18 U.S.C. § 3553(b); *see also United States v. Pineiro*, No. 03-30437, 2004 WL 1543170, at \*6 (5th Cir. July 12, 2004). However, the court concludes that post-*Blakely*, the Guidelines are unworkable. To sever the enhancements from the Guidelines would flout congressional intent and produce absurd results. *See Croxford*, 2004 WL 1521560, at \*12. Likewise, convening a "sentencing jury" is not practical and would require the court to revise the Guidelines' sentencing scheme, "a task uniquely left to Congress." *Id.* \*10. These considerations render the Act's mandate a nullity.