

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NOTICE REGARDING LOCAL RULES

Proposed revisions to the following Local Rule have been posted on the USDC website:

Local Criminal Rule 32 – Disclosure of Presentence Reports

The Rules can be reviewed in their entirety at: www.ctd.uscourts.gov

Comments are welcomed by the Court and should be directed to:

Dinah Milton Kinney, Clerk
141 Church Street
New Haven, CT 06510

or sent by email to:

commentstotheclerkofcourt@ctd.uscourts.gov

To be considered, comments must be received by December 4, 2025.

RULE 32

DISCLOSURE OF PRESENTENCE REPORTS

(Amended ~~November 4~~ ____, 2020~~5~~)

(a) Initial Disclosure of Presentence Reports

Unless otherwise ordered by the Court, the Probation Officer shall, not more than 6 weeks after the verdict or finding of guilt, disclose the presentence investigation report, including the worksheets utilized to calculate sentencing guideline ranges, to the defendant and to counsel for the defendant and the government. Within 14 days thereafter, counsel shall communicate in writing to the Probation Officer and to opposing counsel any objections they may have as to any of the following items contained in or omitted from the report:

- (i) factual inaccuracies;
- (ii) other material information;
- (iii) guideline calculations and sentencing ranges;
- (iv) sentencing classifications;
- (v) sentencing options; and
- (vi) bases for ~~departure~~variance.

(b) Revisions to Report

After receiving counsel's objections, the Probation Officer shall conduct any further investigation and make any revisions to the presentence report that may be necessary. Any counsel or the Probation Officer may request a meeting to discuss unresolved factual and legal issues.

(c) Submission of Revised Presentence Report

No later than ten (10) days after the deadline for counsel's objections, the Probation Officer shall submit the presentence report to the sentencing judge and disclose the revised presentence report to the defendant and counsel for the defendant and the government. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the Probation Officer's comments thereon, and shall have attached thereto any written objections submitted to the Probation Officer pursuant to Local Rule 32(b). The Probation Officer shall certify that the contents of the report, including any revisions to the report, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the addendum and the Probation Officer's comments on unresolved issues have been communicated to counsel, and that the addendum fairly states any remaining objections.

(d) Objections to Revised Presentence Report

Except with regard to any objection made under subdivision (a) that has not been resolved, the final presentence report may be accepted as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence.

(e) Scheduling Order

In accordance with Fed. R. Crim. P. 32(b)(2), the Court shall issue a scheduling order that sets the following deadlines for the sentencing process, with all dates calculated from the date of guilty plea or guilty verdict:

Initial disclosure of the presentence report:	Day 42
Objections to the presentence report:	Day 56
Disclosure of revised presentence report:	Day 66
Defendant's sentencing memorandum:	Day 70
Government's sentencing memorandum:	Day 77
Any reply sentencing memorandum (optional):	Day 80
Sentencing:	Day 84

The Court may postpone issuance of a sentencing scheduling order under this Rule for good cause. In cases in which the parties have agreed that an extended schedule is necessary, and the Court has agreed to postpone issuance of a sentencing scheduling order accordingly, the deadlines set forth above shall be calculated from the date the Court orders the preparation of the presentence report.

(f) Modification of Time Limits

The times and sequence for the filing of sentencing memoranda set forth in this Rule may be modified by the judge to whom the case is assigned. The times set forth in this Rule may otherwise be modified by the Court for good cause shown, except that the 6 week period set forth in subsection (a) may be enlarged only with the consent of the defendant. If a party proposes that sentencing be continued beyond 84 days for any reason, that proposal shall be accompanied by a proposed scheduling order establishing dates for initial disclosure of the presentence report, objections by counsel, disclosure of the revised report, sentencing memoranda and responsive sentencing memoranda. In any case in which the Court does not issue an order for preparation of a presentence report at the time of the guilty verdict or guilty plea, the Court may establish a report date at which time counsel must report back to the Court as to the status of the case. At the report date, the Court can consider whether to set a sentencing date and enter a scheduling order pursuant to Local Rule 32(e) or set another report date.

(g) Non-disclosable Information

Any information that the Probation Officer believes, consistent with Fed.R.Crim.P. 32(b)(5), should not be disclosed to the defendant (such as diagnostic opinions, sources of information obtained upon a promise of confidentiality, or other information the disclosure of which might result in harm, physical or otherwise, to the defendant or other persons) shall be submitted on a separate page from the body of the report and marked "confidential." The sentencing Judge in lieu of making the confidential page available, exclusive of the sentencing recommendation, shall summarize in writing the factual information contained therein if it is to be relied on in determining the sentence. The summary may be provided to the parties *in camera*. The Judge must give the defendant and defendant's counsel a reasonable opportunity to comment on the information. Nothing in this Rule requires disclosure of portions of the presentence report that are not disclosable under Fed.R.Crim.P. 32.

(h) Date of Disclosure

The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after notice of its availability is mailed.

(i) Limitations on Disclosure by the Government and the Defense

Disclosure of the presentence report is made to the government and to the defense, subject to the following limitations:

1. The attorney for the government shall not disclose the contents of the presentence report to any person other than to the case agent, experts or consultants hired by the government and to the Financial Litigation Unit of the United States Attorney's Office when a fine, assessment or order of restitution is imposed.
2. The attorney for the defendant shall not disclose the contents of the presentence report to any person other than the defendant or experts or consultants hired by the defense. The defendant shall not disclose the contents of the presentence report to any person other than his or her attorney and spouse.
3. The defendant or his or her attorney may take notes regarding the contents of the presentence report; however, such notes are subject to the same prohibition against disclosure as applies to the report itself.
4. The defendant and the attorney for the defendant and the government may retain their copies of the presentence report, subject to the same limitations on disclosure set forth in this rule.
5. Nothing in this rule shall limit the authority of any detention facility or prison to impose restrictions on the receipt or handling of any presentence report within the facility.

The presentence report shall remain a confidential Court document, disclosure of which is controlled by the Court. A violation of any of the above conditions shall be treated as a contempt

of Court and may be punished by any appropriate sanction, including action by the Grievance Committee pursuant to Rule 1 of these Local Rules of Criminal Procedure and Rule 83.2 of the Local Rules of Civil Procedure.

(j) Appeals

On the date of sentencing, a copy of the presentence report shall provisionally be made a part of the district court record and shall be placed under seal. If a notice of appeal is not filed in the district court, the Clerk's Office shall return the report to the Probation Office.

(k) Disclosure to Other Agencies

1. Any copy of a presentence report which the Court makes available, or has made available, to agencies other than the Federal Bureau of Prisons and the U.S. Parole Commission constitutes a confidential Court document and shall be presumed to remain under the continuing control of the Court during the time it is in temporary custody of such other agencies. Such copy shall be lent or made available for inspection only for the purpose of enabling other agencies to carry out their official functions and shall be returned to the Court after such use, or upon request.

2. The following legend shall be stamped on the face of those reports lent to all agencies except the Bureau of Prisons and U.S. Parole Commission:

CONFIDENTIAL
PROPERTY OF U.S. COURTS
SUBMITTED FOR OFFICIAL USE ONLY.
TO BE RETURNED AFTER USE.

3. Authorized agencies which may have access to a presentence report or summary thereof include the following:

- (a) United States Probation Offices outside this district.
- (ii) United States Pretrial Services Officers.
- (iii) The Federal Bureau of Prisons.
- (iv) The United States Parole Commission.
- (v) The United States Sentencing Commission.

4. The following legend shall be stamped on those reports sent to the Federal Bureau of Prisons and United States Parole Commission:

CONFIDENTIAL
U.S. PROBATION OFFICE

5. In addition to the above, the Court may authorize disclosure of a presentence report, or a summary thereof, with the written authorization of the defendant, to other agencies that are currently involved in the treatment, rehabilitation or correction of the defendant such as, but not

limited to, mental or physical health practitioners, social service and vocational rehabilitation agencies, state or county Courts or probation/parole departments, and correctional institutions.

6. For situations other than those described above, requests for disclosure shall be handled on an individual basis by the Court, and shall be granted only upon a showing of compelling need for disclosure in order to meet the ends of justice.

SENTENCING PROCEDURES

(l) The Role of Defense Counsel

Defense counsel shall read the presentence report prior to sentencing and review the report with the defendant prior to submitting objections pursuant to Rule 32(a) of these Local Rules and prior to sentencing.

Defense counsel may submit a "Defendant's Version of the Offense" to the Probation Officer and, in that event, shall serve a copy on the attorney for the government. Subject to the restrictions of Fed. R. Crim. P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the defendant shall promptly make available to the attorney for the government all documents provided to the Probation Officer that were not provided to the government in discovery, unless otherwise excused by the Court for good cause shown.

(m) The Role of the United States Attorney

The United States Attorney or an Assistant United States Attorney may advise the Judge, on the record or confidentially in writing, of any cooperation rendered by the defendant to the Government. If such information is given in written form, the memorandum shall be submitted by the U.S. Attorney and it shall be revealed to defense counsel unless the United States Attorney or his or her assistant shows good cause for non-disclosure.

The attorney for the government shall not make any agreement with the defendant or defense counsel regarding the information to be included in the presentence report, including the information conveyed to the probation office in the government's version of the offense. The attorney for the government shall state on the record at any change of plea or sentencing proceeding the government's understanding of the amount of possible restitution based upon consultation with, inter alia, the victim.

The attorney for the government may submit a "Government's Version of the Offense" to the Probation Officer and, in that event, shall serve a copy on counsel for the defendant. Subject to the restrictions of Fed.R.Crim.P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the government shall promptly make available to the attorney for the defendant all documents that are provided to the Probation Officer that were not provided to the defense in discovery, unless otherwise excused by the Court for good cause shown.

(n) The Role of the Probation Officer

1. In preparing presentence reports, the Probation Officer is responsible to the Court, and is not bound by the terms of any agreement made between the United States Attorney and the defendant or defense counsel.

2. In connection with the preparation of the presentence report, the Probation Officer shall:

- i. Consider any sentence or correctional proposals that the defendant or defendant's counsel may suggest;
- ii. Consider any specific factual and opinion evidence submitted by the defendant or defense counsel relating to defendant's physical and mental condition;
- iii. Pursuant to 18 U.S.C., ~~Section §~~ 3664(ba), include in the presentence report information concerning any damage or injury that the defendant caused to any victims of the offense as provided in 18 U.S.C. § 3663, and results of the financial investigation information including information concerning the defendant's ability to make restitution, including and information about the defendant's family obligations;
- iv. Include the information required by Fed.R.Crim.P. 32(b)(4d), including sentencing guideline calculations, the sentencing range, the kinds of sentences s available, and an explanation of any aggravating or mitigating factors that may warrant departure a variance under 18 U.S.C. § 3553(a).
- v. Notify defense counsel, in advance and without request, of any interview of the defendant or the defendant's spouse, whether in person or by telephone, and provide said counsel with a reasonable opportunity to attend and/or participate in the interview.
- vi. Include in the presentence report all facts known about the offense charged, as related by both the defendant and the government;
- vii. Notify defense counsel and the attorney for the government, without request, of the availability of the presentence report as provided in Local Rule 32;

3. In regard to presentence hearings and the sentencing hearing itself, the Probation Officer shall:

- i. Attend such hearings when requested by the Judge;
- ii. Consult with the Judge regarding any queries that the latter may have;
- iii. Make specific sentence recommendations to the Judge when requested.

(o) Sentencing Memoranda

Counsel for the defense and the government may submit sentencing memoranda to the Court addressing (i) any factual inaccuracy in the presentence report; (ii) the guidelines calculations; (iii) the available sentencing options, including alternatives to incarceration; (iv) any restitution issues; (v) any bases for departure a variance under 18 U.S.C. § 3553(a); and (vi) any other factual or legal issue relevant to sentencing. Any sentencing memorandum shall be filed according to the schedule as set forth in Local Rule 32(e) unless the Court has provided other deadlines for these memoranda by scheduling order.

Except by order of the Court, memoranda shall be double-spaced (except headings, footnotes, and block quotes) and shall be no more than forty (40) 8 1/2" by 11" printed pages, exclusive of pages containing a table of contents, table of statutes, rules or the like. E-filed memoranda shall conform with the Electronic Filing Policies and Procedures. Unless otherwise ordered by the Court, text shall appear in at least 12 point font; footnotes shall appear in at least 10 point font. Any motion seeking permission to depart from these limitations shall be filed at least seven (7) days before the deadline for the filing of the memorandum at issue. A motion for permission not in compliance with this Rule will ordinarily be denied.

(p) Presentence Conference

In his or her discretion, the sentencing Judge, prior to the sentencing hearing, may confer with the attorney for the government and defense counsel together (and with the Probation Officer, when requested by the Judge):

1. To be informed of any agreement;
2. To consider questions regarding the presentence report;
3. To define contested issues in the presentence report and, in the discretion of the Judge, establish an appropriate procedure for resolving material factual disputes;
4. To evaluate the significance of data in the presentence report on the issue of whether the data would support a determination to impose probation, home confinement, community confinement, intermittent confinement, or incarceration;
5. To consider the appropriateness of further study of the defendant, including psychiatric evaluation and/or presentence diagnostic commitment to a correctional facility;
6. To review the extent and value of defendant's cooperation with authorities; and to
7. To consider any other matters deemed appropriate or necessary by the Judge.

(q) Confidentiality of Communications to Sentencing Judge

In his or her discretion, the sentencing Judge may hold in confidence any oral or written communication directed to any judicial officer regarding any matter relating to sentencing, any matter relating to a motion filed pursuant to Rule 35, Fed.R.Crim.P., and any inquiry from a defendant or other person relating to the status of the defendant, the defendant's custodial conditions, or the defendant's probation or parole. This Rule shall apply whether such communications are made before, during or after sentencing or the making of a motion pursuant to Rule 35, Fed.R.Crim.P. The sentencing Judge may also hold in confidence any communication made at any time by the United States Probation Officer assigned the case.

(r) Binding Plea Agreements

The Court may accept a plea of guilty offered by a defendant pursuant to Fed.R.Crim.P. 11(c)(1)(C). The plea agreement shall be reduced to writing and submitted to the Court for its approval. The agreement may provide for a specific sentence or an applicable Guideline sentencing range. The Court may accept or reject the agreement, or may defer its acceptance

or rejection until there has been an opportunity to consider the presentence report. If the Court accepts the agreement it shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or will impose a sentence within the agreed upon range. If the court rejects the plea agreement, it shall inform the parties of this fact on the record; advise the defendant personally in open court or, on a showing of good cause, *in camera*, that the court is not bound by the agreement; afford the defendant the opportunity to then withdraw the plea; and advise the defendant on the record that if the defendant persists in a guilty plea or plea of nolo contendere, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

RULE 32

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(Amended ____, 2025)

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- (i) factual inaccuracies;
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(b) Revisions to Report

After receiving counsel's objections, the Probation Officer shall conduct any further investigation and make any revisions to the presentence report that may be necessary. Any counsel or the Probation Officer may request a meeting to discuss unresolved factual and legal issues.

(c) Submission of Revised Presentence Report

No later than ten (10) days after the deadline for counsel's objections, the Probation Officer shall submit the presentence report to the sentencing judge and disclose the revised presentence report to the defendant and counsel for the defendant and the government. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the Probation Officer's comments thereon, and shall have attached thereto any written objections submitted to the Probation Officer pursuant to Local Rule 32(b). The Probation Officer shall certify that the contents of the report, including any revisions to the report, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the addendum and the Probation Officer's comments on unresolved issues have been communicated to counsel, and that the addendum fairly states any remaining objections.

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Except with regard to any objection made under subdivision (a) that has not been resolved, the final presentence report may be accepted as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence.

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Any reply sentencing memorandum (optional):	Day 80
Sentencing:	Day 84

The Court may postpone issuance of a sentencing scheduling order under this Rule for good cause. In cases in which the parties have agreed that an extended schedule is necessary, and the Court has agreed to postpone issuance of a sentencing scheduling order accordingly, the deadlines set forth above shall be calculated from the date the Court orders the preparation of the presentence report.

(f) Modification of Time Limits

The times and sequence for the filing of sentencing memoranda set forth in this Rule may be modified by the judge to whom the case is assigned. The times set forth in this Rule may otherwise be modified by the Court for good cause shown, except that the 6 week period set forth in subsection (a) may be enlarged only with the consent of the defendant. If a party proposes that sentencing be continued beyond 84 days for any reason, that proposal shall be accompanied by a proposed scheduling order establishing dates for initial disclosure of the presentence report, objections by counsel, disclosure of the revised report, sentencing memoranda and responsive sentencing memoranda. In any case in which the Court does not issue an order for preparation of a presentence report at the time of the guilty verdict or guilty plea, the Court may establish a report date at which time counsel must report back to the Court as to the status of the case. At the report date, the Court can consider whether to set a sentencing date and enter a scheduling order pursuant to Local Rule 32(e) or set another report date.

(g) Non-disclosable Information

Any information that the Probation Officer believes, consistent with Fed.R.Crim.P. 32(d)(3), should not be disclosed to the defendant (such as diagnostic opinions, sources of information obtained upon a promise of confidentiality, or other information the disclosure of which might result in harm, physical or otherwise, to the defendant or other persons) shall be submitted on a separate page from the body of the report and marked "confidential." The sentencing Judge in lieu of making the confidential page available, exclusive of the sentencing recommendation, shall summarize in writing the factual information contained therein if it is to be relied on in determining the sentence. The summary may be provided to the parties *in camera*. The Judge must give the defendant and defendant's counsel a reasonable opportunity to comment on the information. Nothing in this Rule requires disclosure of portions of the presentence report that are not disclosable under Fed.R.Crim.P. 32.

(h) Date of Disclosure

The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after notice of its availability is mailed.

(i) Limitations on Disclosure by the Government and the Defense

Disclosure of the presentence report is made to the government and to the defense, subject to the following limitations:

1. The attorney for the government shall not disclose the contents of the presentence report to any person other than to the case agent, experts or consultants hired by the government and to the Financial Litigation Unit of the United States Attorney's Office when a fine, assessment or order of restitution is imposed.
2. The attorney for the defendant shall not disclose the contents of the presentence report to any person other than the defendant or experts or consultants hired by the defense. The defendant shall not disclose the contents of the presentence report to any person other than his or her attorney and spouse.
3. The defendant or his or her attorney may take notes regarding the contents of the presentence report; however, such notes are subject to the same prohibition against disclosure as applies to the report itself.
4. The defendant and the attorney for the defendant and the government may retain their copies of the presentence report, subject to the same limitations on disclosure set forth in this rule.
5. Nothing in this rule shall limit the authority of any detention facility or prison to impose restrictions on the receipt or handling of any presentence report within the facility.

The presentence report shall remain a confidential Court document, disclosure of which is controlled by the Court. A violation of any of the above conditions shall be treated as a contempt

of Court and may be punished by any appropriate sanction, including action by the Grievance Committee pursuant to Rule 1 of these Local Rules of Criminal Procedure and Rule 83.2 of the Local Rules of Civil Procedure.

(j) Appeals

On the date of sentencing, a copy of the presentence report shall provisionally be made a part of the district court record and shall be placed under seal. If a notice of appeal is not filed in the district court, the Clerk's Office shall return the report to the Probation Office.

(k) Disclosure to Other Agencies

1. Any copy of a presentence report which the Court makes available, or has made available, to agencies other than the Federal Bureau of Prisons and the U.S. Parole Commission constitutes a confidential Court document and shall be presumed to remain under the continuing control of the Court during the time it is in temporary custody of such other agencies. Such copy shall be lent or made available for inspection only for the purpose of enabling other agencies to carry out their official functions and shall be returned to the Court after such use, or upon request.

2. The following legend shall be stamped on the face of those reports lent to all agencies except the Bureau of Prisons and U.S. Parole Commission:

CONFIDENTIAL
PROPERTY OF U.S. COURTS
SUBMITTED FOR OFFICIAL USE ONLY.
TO BE RETURNED AFTER USE.

3. Authorized agencies which may have access to a presentence report or summary thereof include the following:

- (a) United States Probation Offices outside this district.
- (ii) United States Pretrial Services Officers.
- (iii) The Federal Bureau of Prisons.
- (iv) The United States Parole Commission.
- (v) The United States Sentencing Commission.

4. The following legend shall be stamped on those reports sent to the Federal Bureau of Prisons and United States Parole Commission:

CONFIDENTIAL
U.S. PROBATION OFFICE

5. In addition to the above, the Court may authorize disclosure of a presentence report, or a summary thereof, with the written authorization of the defendant, to other agencies that are currently involved in the treatment, rehabilitation or correction of the defendant such as, but not

limited to, mental or physical health practitioners, social service and vocational rehabilitation agencies, state or county Courts or probation/parole departments, and correctional institutions.

6. For situations other than those described above, requests for disclosure shall be handled on an individual basis by the Court, and shall be granted only upon a showing of compelling need for disclosure in order to meet the ends of justice.

SENTENCING PROCEDURES

(l) The Role of Defense Counsel

Defense counsel shall read the presentence report prior to sentencing and review the report with the defendant prior to submitting objections pursuant to Rule 32(a) of these Local Rules and prior to sentencing.

Defense counsel may submit a "Defendant's Version of the Offense" to the Probation Officer and, in that event, shall serve a copy on the attorney for the government. Subject to the restrictions of Fed. R. Crim. P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the defendant shall promptly make available to the attorney for the government all documents provided to the Probation Officer that were not provided to the government in discovery, unless otherwise excused by the Court for good cause shown.

(m) The Role of the United States Attorney

The United States Attorney or an Assistant United States Attorney may advise the Judge, on the record or confidentially in writing, of any cooperation rendered by the defendant to the Government. If such information is given in written form, the memorandum shall be submitted by the U.S. Attorney and it shall be revealed to defense counsel unless the United States Attorney or his or her assistant shows good cause for non-disclosure.

The attorney for the government shall not make any agreement with the defendant or defense counsel regarding the information to be included in the presentence report, including the information conveyed to the probation office in the government's version of the offense. The attorney for the government shall state on the record at any change of plea or sentencing proceeding the government's understanding of the amount of possible restitution based upon consultation with, inter alia, the victim.

The attorney for the government may submit a "Government's Version of the Offense" to the Probation Officer and, in that event, shall serve a copy on counsel for the defendant. Subject to the restrictions of Fed.R.Crim.P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the government shall promptly make available to the attorney for the defendant all documents that are provided to the Probation Officer that were not provided to the defense in discovery, unless otherwise excused by the Court for good cause shown.

(n) The Role of the Probation Officer

1. In preparing presentence reports, the Probation Officer is responsible to the Court, and is not bound by the terms of any agreement made between the United States Attorney and the defendant or defense counsel.

2. In connection with the preparation of the presentence report, the Probation Officer shall:

- i. Consider any sentence or correctional proposals that the defendant or defendant's counsel may suggest;
- ii. Consider any specific factual and opinion evidence submitted by the defendant or defense counsel relating to defendant's physical and mental condition;
- iii. Pursuant to 18 U.S.C. § 3664(a), include in the presentence report information concerning any damage or injury that the defendant caused to any victims of the offense as provided in 18 U.S.C. § 3663, and results of the financial investigation including, information concerning the defendant's ability to make restitution, and information about the defendant's family obligations;
- iv. Include the information required by Fed.R.Crim.P. 32(d), including sentencing guideline calculations, the sentencing range, the kinds of sentences available, and an explanation of any aggravating or mitigating factors that may warrant a variance under 18 U.S.C. § 3553(a).
- v. Notify defense counsel, in advance and without request, of any interview of the defendant or the defendant's spouse, whether in person or by telephone, and provide said counsel with a reasonable opportunity to attend and/or participate in the interview.
- vi. Include in the presentence report all facts known about the offense charged, as related by both the defendant and the government;
- vii. Notify defense counsel and the attorney for the government, without request, of the availability of the presentence report as provided in Local Rule 32;

3. In regard to presentence hearings and the sentencing hearing itself, the Probation Officer shall:

- i. Attend such hearings when requested by the Judge;
- ii. Consult with the Judge regarding any queries that the latter may have;
- iii. Make specific sentence recommendations to the Judge when requested.

(o) Sentencing Memoranda

Counsel for the defense and the government may submit sentencing memoranda to the Court addressing (i) any factual inaccuracy in the presentence report; (ii) the guidelines calculations; (iii) the available sentencing options, including alternatives to incarceration; (iv) any restitution issues; (v) any bases for a variance under 18 U.S.C. § 3553(a); and (vi) any other factual or legal issue relevant to sentencing. Any sentencing memorandum shall be filed according to the schedule as set forth in Local Rule 32(e) unless the Court has provided other deadlines for these memoranda by scheduling order.

Except by order of the Court, memoranda shall be double-spaced (except headings, footnotes, and block quotes) and shall be no more than forty (40) 8 1/2" by 11" printed pages, exclusive of pages containing a table of contents, table of statutes, rules or the like. E-filed memoranda shall conform with the Electronic Filing Policies and Procedures. Unless otherwise ordered by the Court, text shall appear in at least 12 point font; footnotes shall appear in at least 10 point font. Any motion seeking permission to depart from these limitations shall be filed at least seven (7) days before the deadline for the filing of the memorandum at issue. A motion for permission not in compliance with this Rule will ordinarily be denied.

(p) Presentence Conference

In his or her discretion, the sentencing Judge, prior to the sentencing hearing, may confer with the attorney for the government and defense counsel together (and with the Probation Officer, when requested by the Judge):

1. To be informed of any agreement;
2. To consider questions regarding the presentence report;
3. To define contested issues in the presentence report and, in the discretion of the Judge, establish an appropriate procedure for resolving material factual disputes;
4. To evaluate the significance of data in the presentence report on the issue of whether the data would support a determination to impose probation, home confinement, community confinement, intermittent confinement, or incarceration;
5. To consider the appropriateness of further study of the defendant, including psychiatric evaluation and/or presentence diagnostic commitment to a correctional facility;
6. To review the extent and value of defendant's cooperation with authorities; and to
7. To consider any other matters deemed appropriate or necessary by the Judge.

(q) Confidentiality of Communications to Sentencing Judge

In his or her discretion, the sentencing Judge may hold in confidence any oral or written communication directed to any judicial officer regarding any matter relating to sentencing, any matter relating to a motion filed pursuant to Rule 35, Fed.R.Crim.P., and any inquiry from a defendant or other person relating to the status of the defendant, the defendant's custodial conditions, or the defendant's probation or parole. This Rule shall apply whether such communications are made before, during or after sentencing or the making of a motion pursuant to Rule 35, Fed.R.Crim.P. The sentencing Judge may also hold in confidence any communication made at any time by the United States Probation Officer assigned the case.

(r) Binding Plea Agreements

The Court may accept a plea of guilty offered by a defendant pursuant to Fed.R.Crim.P. 11(c)(1)(C). The plea agreement shall be reduced to writing and submitted to the Court for its approval. The agreement may provide for a specific sentence or an applicable Guideline sentencing range. The Court may accept or reject the agreement, or may defer its acceptance

or rejection until there has been an opportunity to consider the presentence report. If the Court accepts the agreement it shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or will impose a sentence within the agreed upon range. If the court rejects the plea agreement, it shall inform the parties of this fact on the record; advise the defendant personally in open court or, on a showing of good cause, *in camera*, that the court is not bound by the agreement; afford the defendant the opportunity to then withdraw the plea; and advise the defendant on the record that if the defendant persists in a guilty plea or plea of nolo contendere, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.