

AMENDMENT TO LOCAL CRIMINAL RULE 32.1D

D. Presentencing Procedure. In addition, the following procedure shall be followed prior to the date set for sentencing:

1. Not less than thirty-five (35) days prior to the date set for sentencing, the Probation Officer shall disclose the Presentence Investigation Report to the defendant and to counsel for the defendant and the government. Within fourteen (14) days thereafter, counsel shall submit to the Probation Officer, in writing, any objections they may have with supporting legal authority, as to any material information, sentencing classifications, sentencing guideline ranges, or policy statements contained in or omitted from the report. Written objections shall be made a permanent attachment to the Presentence Report. Objections to the Presentence Report shall not be filed with the United States Court Clerk, in order to preserve the confidentiality of the Presentence Report.
2. If objections are submitted to the U.S. Probation Office by either counsel for the government or counsel for the defendant, the opposing counsel shall respond in writing to those objections within five (5) days. Said response(s) prepared by the parties shall be submitted to the U.S. Probation Office to be made a permanent attachment to the Presentence Report, and shall not be filed with the United States Court Clerk, in order to preserve the confidentiality of the Presentence Report. After receiving counsel's objections and responses from opposing counsel, the Probation Officer shall conduct any further

investigation and make any revisions to the Presentence Report as may be necessary. The Probation Officer, as a representative of the Court, may require counsel for both parties to meet at a designated time and place with the officer to discuss unresolved factual and legal issues.

3. Subsequent to the receipt of the written objections and responses from all parties, the U.S. Probation Office shall complete an Addendum to the Presentence Report to include a summary of the parties' objections and the U.S. Probation Office's response to each objection. A copy of this Addendum shall be distributed to counsel for the government, counsel for the defendant, and the defendant at least seven (7) days prior to the sentencing date. Not later than seven days prior to the date of the sentencing hearing, the Probation Officer shall submit the Presentence Report, including the Addendum and copies of all objections and responses, to the sentencing Judge. The Probation Officer shall certify that the contents of the report, including any revisions thereof, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the Addendum has been communicated to counsel, and that the Addendum fairly states any remaining objections. However, such certification does not relieve the necessity of compliance with Rule 32(c)(3)(A), Federal Rules of Criminal Procedure, and at the sentencing hearing defense counsel should be prepared to state on the record that the defendant has personally read the Presentence Report and has discussed it with

counsel.

4. (No changes)
5. The times set forth in this Rule may modified by the Court for good cause shown, except that the thirty-five (35) day period set forth in subsection (1) may be diminished only with the consent of the defendant by formal motion filed with the United States Court Clerk. All other such requests for modification of the time frames set forth herein shall be made in writing to the sentencing Court and filed with the United States Court Clerk.
6. (No changes)
7. (No changes)
8. (No changes)