

## **Amend Local Criminal Rule 32.2**

The section of LCR 32.2 now reads:

### **LCrR 32.2** Disclosure of Presentence or Probation Records.

To comply with Federal Rule of Criminal Procedure 32 and 18 U.S.C. § 3552, the probation officer shall, as soon as practical, but no later than twenty-five (25) calendar days after the entry of a plea of guilty or verdict of guilty after trial, provide a copy of the preliminary draft of the presentence report to counsel for the defense and counsel for the government. Counsel for the defense shall disclose the presentence report to the defendant. Neither the preliminary draft nor the final presentence report provided to counsel for the defense and government shall be reproduced, except that, pursuant to 18 U.S.C. § 3552(d), the attorney for the government shall provide a copy of the presentence report to an attorney in the Financial Litigation Unit of the United States Attorney's Office for use in collecting any assessment, criminal fine, forfeiture and/or restitution imposed. The preliminary draft of the presentence report shall be returned to the probation officer immediately upon receipt of the revised presentence report. Counsel for the defense and counsel for the government shall have fourteen (14) calendar days from the date of the receipt of the preliminary draft of the presentence report to file objections with the probation officer. Thereafter, the probation officer shall have calendar days from the date of the receipt of counsel's objections to provide a copy of the final presentence report to the Court and counsel for the defense and the government. The final presentence report shall include an addendum advising the Court of any unresolved issues. The sentencing hearing shall be held as provided by law.

The rule is amended to read:

### **LCrR 32.2** Disclosure of Presentence or Probation Records.

To comply with Federal Rule of Criminal Procedure 32 and 18 U.S.C. § 3552, the probation officer shall, as soon as practical, but no later than twenty-five (25) days after the entry of a plea of guilty or verdict of guilty after trial, provide a copy of the preliminary draft of the presentence report to counsel for the defense and counsel for the government. Counsel for the defense shall disclose the presentence report to the defendant. Neither the preliminary draft nor the final presentence report provided to counsel for the defense and government shall be reproduced, except that, pursuant to 18 U.S.C. § 3552(d), the attorney for the government shall provide a copy of the presentence report to an attorney in the Financial Litigation Unit of the United States Attorney's Office for use in collecting any assessment, criminal fine, forfeiture and/or restitution imposed. The preliminary draft of the presentence report shall be returned to the probation officer immediately upon receipt of the revised presentence report. Counsel for the defense and counsel for the government shall have fourteen (14) days from the date of the receipt of the preliminary draft of the presentence report to file objections with the probation officer. Thereafter, the probation officer shall have fourteen (14) days from the date of the receipt of counsel's objections to provide a copy of the

final presentence report to the Court and counsel for the defense and the government. The final presentence report shall include an addendum advising the Court of any unresolved issues. The sentencing hearing shall be held as provided by law.

All other sentences of the rule will remain unchanged. Change is in effect December 1, 2009.

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### **Amend Local Criminal Rule 32.6**

The section of LCR 32.6 now reads:

#### **LCrR 32.6** Notice to Defendants.

(b) Within ten (10) days after such notice by the Clerk, the United States Marshal shall notify the defendant when and where to report to the institution designated by the Bureau of Prisons to abide the sentence. Upon failure of the defendant to surrender as directed, the Marshal shall report such fact to the United States Attorney, and the bond of such defendant shall be subject to forfeiture without further notice.

The rule is amended to read:

#### **LCrR 32.6** Notice to Defendants.

(b) Within fourteen (14) days after such notice by the Clerk, the United States Marshal shall notify the defendant when and where to report to the institution designated by the Bureau of Prisons to abide the sentence. Upon failure of the defendant to surrender as directed, the Marshal shall report such fact to the United States Attorney, and the bond of such defendant shall be subject to forfeiture without further notice.

All other sentences of the rule will remain unchanged. Change is in effect December 1, 2009.

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