

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**NOTICE OF PROPOSED AMENDMENTS TO
UNIFORM LOCAL RULES**

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to the Uniform Local Rules of the United States District Courts for the Eastern, Middle and Western Districts of Louisiana. **LCrR32.1W** and **LCrR32.2W** are proposed to be amended with the parts to be deleted stricken and new revisions underlined as follows:

LCrR32.1W Sentencing

A. Not less than 35 days prior to the date set for sentencing, the probation officer shall disclose the presentence investigation report, excluding any sentencing recommendation, to the defendant and to counsel for the defendant and the Government. Within 14 days thereafter, counsel shall communicate to the probation officer any objections they may have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the report. Such communication must be written, but the probation officer may allow oral objection which must be promptly confirmed in writing.

B. After receiving counsel's objections, the probation officer shall conduct any further investigation and make any revision to the presentence report that may be necessary. The officer may require counsel for both parties to meet with the officer to discuss unresolved factual and legal issues.

C. No later than seven (7) days prior to the date of the sentencing hearing, the probation officer shall submit the presentence report to the sentencing judge. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been

resolved, together with the officer's comments thereon. The probation officer shall certify that the contents of the report, including any revisions thereof, but excluding any sentencing recommendations, 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.

D. Except with regard to any objection made under subdivision A that has not been resolved, the report of the presentence investigation may be accepted by the court 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. In resolving disputed issues of fact, the court may consider any reliable information presented by the probation officer, the defendant, or the Government.

E. The times set forth in this rule may be modified by the court for good cause shown, except that any period may be diminished only with the consent of the defendant.

F. As authorized by Federal Rules of Criminal Procedure 32, this court directs that the probation officer not disclose the probation officer's recommendation of sentence to the defendant, the defendant's counsel, or the attorney for the Government.

G. 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 a copy of the report or notice of its availability is

mailed.

~~H. This rule shall only apply in instances where "Guideline Sentencing" is applicable.~~

H. The presentence report and addendum, along with the written statement of reasons of the district court for imposition of sentence as required by 18 U.S.C. §3553(c), shall be filed in the

record under seal by the Court immediately after sentencing.

LCrR32.2W Presentencing Memoranda

~~All presentencing memoranda shall be submitted directly to the sentencing judge within the time frame designated by the sentencing judge with simultaneous, confidential copies to all parties, including the Probation Office. Where an appeal is taken, the Probation Office shall forward the presentencing memoranda, presentence report, and addendum to the Clerk of Court for confidential submission to the Court of Appeals.~~ All presentencing memoranda shall be filed by counsel under seal within the time frame designated by the sentencing judge, with a confidential copy submitted directly to the Probation Office. The submission of a presentencing memorandum does not relieve the parties from the obligation of providing the probation officer with written objections to the presentence report within 14 days from the day of disclosure in accordance with Fed. R. Cr. P.32(f)(1).

Comments may be made in writing addressed to the Clerk of Court, Tony R. Moore, 800 Lafayette Street, Suite 2100, Lafayette, LA 71101, before **December 1, 2010**. You may access this notice at the court's website (**www.lawd.uscourts.gov**).

Lafayette, Louisiana, this ____1st____ day of November, 2010.

____s/Tony R. Moore_____
TONY R. MOORE
CLERK OF COURT