

RULE CR32.1
PRESENTENCE REPORTS

(a) When a presentence investigation and report are made under Fed. R. Crim. P. 32(b)(1) the sentencing hearing shall be scheduled no earlier than seventy (70) days following entry of guilty plea or a verdict of guilty.

(b) Delivering the defendant's copy to the defendant's counsel shall satisfy the requirement of furnishing the presentence report to the defendant for purposes of Fed. R. Crim. P. Rule 32(b)(6)(A)&(C). The probation officer's recommendation, if any, on the sentence shall not be disclosed.

(c) After the final version of the presentence report has been provided to the parties, but no later than five (5) days prior to the sentencing date, the attorney for the government and/or the attorney for the defendant may file with the court a written statement setting forth their respective positions in regard to the sentencing factors, and facts which have not been resolved, in accordance with Guideline 6A1.2 and 6A1.3 and any amendments of the United States Sentencing Commission Guidelines Manual.

(d) Reports Made Available to U. S. Parole Commission or Bureau of Prisons.
Any copy of a presentence report which the court makes available or has made available to the United States Parole Commission or to the Bureau of Prisons, constitutes a confidential court document and shall be presumed to remain under the continuing control of the court during the time it is in the temporary custody of the those agencies. Such copies shall be provided to the Parole Commission and the Bureau of Prisons only for the purpose of enabling those agencies to carry out their official functions, including parole release and supervision, and shall be returned to the court after such use, or upon request.

(e) Disclosure Under Subpoena.

When a demand for disclosure of presentence and probation records is made by way of subpoena or other judicial process to a probation officer of this court, the probation officer may file a petition seeking instruction from the court with respect to responding to the subpoena. No disclosure shall be made except upon an order issued by this court.

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Renumbered 6/95. Formerly Rule 305.