NOTICE TO ATTORNEYS REGARDING THE PRESENTENCE REPORT, ADDENDUM, SENTENCING RECOMMENDATION, AND CHARACTER REFERENCE OR OTHER LETTERS

Pursuant to the Local Rules of Practice for the U.S. District Court in the District of Hawaii, effective 10/30/1997 and including amendments received through 01/01/2013:

- Not less than 14 days prior to the sentencing date, the completed Presentence Report shall be submitted to the Court and to all parties under seal. This report shall be accompanied by an addendum containing any unresolved objections, the grounds for these objections, and the Probation Officer's comments on them. Any earlier proposed presentence reports furnished to counsel shall be returned to the Probation Officer. Criminal Local Rule (C.L.R.) 32.1(g).

- At or prior to the sentencing hearing, the Court shall address each controverted matter pursuant to F.R.C.P. 32(i)(3)(B), and rule on the dispute or determine that a ruling is unnecessary because the controverted matter will not affect sentencing or because the Court will not consider the matter in sentencing. The parties shall be prepared at the sentencing hearing to proceed with evidence and argument for the resolution of any remaining disputed matters upon which the Court intends to rely. C.L.R. 32.1(h).

- Except as otherwise ordered by the Court, all copies of Presentence Reports that have been furnished to counsel, including a recommendation by the Probation Officer, shall be returned to the Probation Officer upon the expiration of the time within which to appeal. C.L.R. 32.1(i).

- Except for good cause shown, any motion for a downward departure pursuant to USSG §5K1.1 or 18 U.S.C. § 3553(e) shall be filed not less than 21 days prior to the scheduled sentencing date. A copy of this motion, as well as any memorandum, shall be served on the Probation Office. C.L.R. 32.1(l).

- Except for good cause shown, any sentencing memorandum addressing the 18 U.S.C. § 3553(a) sentencing factors or a motion for downward departure not brought pursuant to USSG §5K1.1 or 18 U.S.C. § 3553(e) shall be filed not less than 7 days prior to the scheduled sentencing date. A copy of this memorandum shall be served on the Probation Office. C.L.R. 32.1(m).

- In a criminal case, a defendant's notice of appeal must be filed within 14 days after entry of the Judgment. Federal Rules of Appellate Procedure, Rule 4(b)(1)(A).

BY ORDER of this Court, the Presentence Report(s), Addendum(s), and Sentencing Recommendation(s) are for use only by the U.S. Attorney, the defendant, and defendant's counsel.

Susan Oki Mollway, Chief Judge
United States District Court, District of Hawaii

DATED: August 07, 2015

NOTICE TO ATTORNEYS REGARDING THE PROPOSED PRESENTENCE REPORT

Pursuant to the Local Rules of Practice for the U.S. District Court in the District of Hawaii, effective 10/30/1997 and including amendments received through 01/01/2013:

- The Probation Officer shall provide a copy of the proposed Presentence Report to counsel for the government and counsel for the defendant. Defense counsel shall be responsible for disclosing the report to the defendant. Criminal Local Rule (C.L.R.) 32.1(e).

- Counsel for the government and counsel for the defendant shall seek to resolve the controverted issues with respect to the contents of the report or items omitted therefrom. C.L.R. 32.1(f).

- Within 14 days after receipt of the draft Presentence Report, no later than _____, counsel for the defendant and the government shall file a Sentencing Statement, which shall include objections, if any, concerning the factual information, sentencing guideline ranges and policy statements that remain in dispute. A copy shall be submitted to the Probation Office and served upon all other counsel. C.L.R. 32.1(f).

    - Each sentencing statement will also include:
        - All sentencing factors, facts, and other matters material to sentencing that remain in dispute, including a statement, and calculation if appropriate, showing how the dispute affects the calculation of the applicable guideline range; and
        - Whether an evidentiary hearing is requested, and, if so, an estimate of the time required for such hearing and a summary of the evidence to be presented. C.L.R. 32.1(f)(1) and (2).

- Any and all proposed Presentence Reports furnished to counsel shall be returned to the probation officer. C.L.R. 32.1(g).

- Except for good cause shown, any motion for a downward departure pursuant to USSG §5K1.1 or 18 U.S.C. § 3553(e) shall be filed not less than 21 days prior to the scheduled sentencing date. A copy of this motion, as well as any memorandum, shall be served on the Probation Office. C.L.R. 32.1(l).

- Except for good cause shown, any sentencing memorandum addressing the 18 U.S.C. § 3553(a) sentencing factors or a motion for downward departure not brought pursuant to USSG §5K1.1 or 18 U.S.C. § 3553(e) shall be filed not less than 7 days prior to the scheduled sentencing date. A copy of this memorandum shall be served on the Probation Office. C.L.R. 32.1(m).

BY ORDER of this Court, the Presentence Report is for use only by the U.S. Attorney, the defendant, and defendant's counsel.

If counsel is unable to meet the above-noted deadline for Sentencing Statements, counsel must submit an explanation in writing to the Sentencing Judge, with a copy to the Probation Office, prior to the above-noted deadline. Counsel requesting an extension may be required to arrange for a continuance of sentencing to give the Probation Officer sufficient time to conduct further investigation and to make any revisions to the Presentence Report.

So that they will be included in the record, all character reference letters and other letters relating to a defendant should be attached by counsel to a Sentencing Statement, Sentencing Memorandum, or Motion for Downward Departure or Variance, or should be filed by counsel in a separate document or included as attachments to a letter or transmittal form filed by counsel and accompanied by the case name and number. If filed separately or as enclosures to a letter or transmittal form, courtesy copies of the letter(s) should be furnished by counsel to the Court and the Probation Office in the same manner as courtesy copies of Sentencing Statements are furnished. Unless otherwise notified by a judge or the Probation Office, counsel should expect that letters sent directly to a judge or to the Probation Office will be referred to counsel for filing and for distribution of courtesy copies. Letters should not be attached to sealed documents such as Sentencing Statements and should not be filed separately under seal unless they contain sensitive information about the defendant, minors, or other third parties (e.g., medical information, confidential details relating to sexual history, and matters of a similarly private nature). Letters in a particular case may need to be split between sealed and unsealed filings.

Susan Oki Mollway, Chief Judge
United States District Court, District of Hawaii

DATED: August 07, 2015