



## **UNITED STATES DISTRICT COURT** *District of Rhode Island*

### **EXPEDITED PRESENTENCE INVESTIGATION REPORT PROGRAM**

The District Court for the District of Rhode Island will now allow certain criminal matters that meet the criteria outlined in this notice and upon consent of the parties to participate in an expedited presentence investigation report program. This program is designed to expedite the sentencing process, resulting in a quick and efficient disposition of a criminal matter before this Court. In order to qualify for this program, the following guidelines must be met:

- The case is either a re-entry matter or a first time, non-violent or misdemeanor case whereby the case is likely to encompass either a 0-6, 1-7, or 2-8 month sentencing guideline range, and deportation and/or no community supervision requirement is anticipated. Defense counsel may petition the Court to expedite processing for other matters on a case-by-case basis.
- Prior to arraignment, defense counsel will notify the probation office that counsel believes the case meets the specified criteria as outlined above, that the defendant will sign a waiver entitled, "Defendant's Approval to Institute a Presentence Investigation before Conviction or Plea of Guilty," and that the defendant intends to plead guilty to the indictment.
- Defense counsel will permit the probation officer to interview the defendant prior to or immediately following the arraignment, at which time the probation officer will provide a verbal pretrial report and recommendation to the Magistrate Judge.
- Either before or after the arraignment, defense counsel will electronically file a "Notice of Intent to Plead" with the Court. Following the filing of the "Notice of Intent to Plead," the Court will schedule a combined change of plea and sentencing hearing no sooner than 30 days or the earliest opportunity thereafter. In the event the Presentence Investigation Report is completed sooner, defense counsel may file a motion to reschedule the combined change of plea and sentencing hearing sooner, should the calendar permit.
- No later than ten (10) days following the arraignment, the government will provide the probation officer with the Offense Conduct section for the Presentence Investigation Report.

- The Presentence Investigation Report will be abbreviated and not include the level of detail customarily provided in Presentence Reports. The probation officer will exclude extraneous information deemed not to be relevant to the proceedings.
- The Probation Office will make a reasonable attempt to disclose the Presentence Investigation Report at least three (3) days prior to the Change of Plea/Sentencing Hearing. When such is not possible, the parties will be notified, and the Court will either conduct the Change of Plea Hearing as scheduled and reschedule the Sentencing Hearing, or the Court will continue the matter until at least three (3) days after the anticipated disclosure date of the Presentence Investigation Report.
- The parties agree to waive their rights pursuant to Fed. R. Crim. P. 32(f)(1). If one of the parties wishes to object, it will notify the Court and the probation officer so the objections can be filed and responded to by opposing counsel in accordance with Fed. R. Crim. P. 32(f)(1). The Probation Office will make an effort to resolve any objections prior to sentencing. Unresolved issues could result in the continuance of sentencing.

August 12, 2013

DAVID A. DIMARZIO  
Clerk of Court