

PROCEDURES FOR THE ELECTRONIC FILING OF
PRESENTENCE INVESTIGATION REPORTS,
MOTIONS FOR DEPARTURE AND/OR VARIANCE,
SENTENCING MEMORANDA AND OTHER
SENTENCING RELATED DOCUMENTS



* updated October 2022

The following procedures apply to filing of presentence investigation reports, motions for variance and downward departure, sentencing memoranda, and other sentencing documents in cases before Judge J. Randal Hall, Judge Lisa Godbey Wood, and Judge William T. Moore, Jr. Each attorney is directed to read these instructions carefully upon the filing of any Presentence Investigation Report. Please contact the assigned Presentence Officer of the United States Probation Office with any questions regarding these instructions. For questions regarding filing in CM/ECF, please contact the Help Desk at (912) 650-4010.

I. Presentence Investigation Reports and Responses

Presentence investigation reports and any response, objections, and addenda to such reports as well as any sentencing recommendations and other documents pertaining to any sentencing hearing must be submitted to the Court using the Court's Case Management and Electronic Case Filing system ("CM/ECF"). Due to the nature of the information contained in these filings and their purpose to the Court, presentence investigation reports and any related filings are CONFIDENTIAL and should only be made accessible to the Court, the United States Attorney's Office and the defendant who is the subject of the presentence investigation report. No person shall otherwise disclose, copy, reproduce, deface, delete from or add to any presentence investigation report.

The United States Probation Office will timely file all initial and final presentence investigation reports, along with any addendums to the report and sentencing recommendations. The Probation Office **will not** provide a physical paper copy of any presentence investigation report to counsel. It will be the responsibility of the United States Attorney's Office and counsel for the defendant to timely file any response to the presentence investigation report. Instructions for filing responses using the Court's CM/ECF system are listed below. PLEASE FOLLOW THESE INSTRUCTIONS CAREFULLY. Improper filings will be stricken from the record.

A. ORDER DIRECTING THE PREPARATION OF THE PRESENTENCE INVESTIGATION REPORT

Upon entry of a conviction by guilty plea or verdict, the Judge will issue an order on the record directing that a presentence investigation report be prepared in anticipation of sentencing.

B. RESPONSE TO PRESENTENCE INVESTIGATION REPORT

1. Counsel for the United States and the defendant **MUST** each file a response to the initial presentence investigation report in CM/ECF using the Criminal Event, "Response to Presentence Investigation Report." This event is located under Criminal → Other Filings → Other Documents → Response to Presentence Investigation Report (*pictured below). Even when a party does not have an objection to the presentence investigation report, the party must file a statement of no objections on the record.

ECF Civil ▾ Criminal ▾ Query Reports ▾ Utilities ▾ Search Logout

Other Documents

Start typing to find another event.

Available Events (click to select events)

- Forfeiture Agreement
- No Objection to Presentence Investigation Report
- Notice of Intent to Request Redaction
- Objection
- Objection to Presentence Investigation Report
- Objection to Report and Recommendations
- Objection to Trial Exhibits
- Pretrial Memorandum
- Redaction Request - Transcript
- Remark
- Response to Order to Show Cause
- Response to Presentence Investigation Report**
- Sentencing Memorandum
- Status Report
- Transcript Request

Selected Events (click to remove events)

2. When filing a response in CM/ECF, counsel will have the option to file either: Objections to the Presentence Investigation Report; No Objections to the Presentence Investigation Report; or Comments (no objection) to the Presentence Investigation Report.

ECF Civil ▾ Criminal ▾

Other Documents

[4:18-cr-00111-RSB-GRS USA v. Smith](#)

Response Type:

Objection

No Objection

Comments (no objection)

After selecting your response type, you will be prompted to enter who is filing the response. As the filer, you should enter either “USA” or “Defendant” in the text box provided.

The screenshot shows the ECF interface for 'Other Documents' in case 4:18-cr-00111-RSB-GRS USA v. Smith. At the top, there are tabs for 'Civil' and 'Criminal'. Below the case title, there is a 'Filed by:' text box with 'USA' entered. At the bottom of the form, there are 'Next' and 'Clear' buttons.

3. When prompted, please make sure to **ONLY** select the applicable parties who should have access to the filed document. To select both the USA and the Defendant, press the Ctrl key while selecting (“left-clicking on”) each party who should have access.

The screenshot shows the 'Other Documents' page with a red warning message: 'ATTENTION FILER!! Presentence Investigation Reports and any Objections thereto are CONFIDENTIAL and should only be made accessible to the United States Attorney's Office and the Defendant who is the subject of the Presentence Investigation Report. Therefore, you should only select below the USA and the Defendant who is the subject of the Presentence Investigation Report. Selecting any other party provides access to the document and is in violation of the Court's Order to maintain Presentence Investigation Reports in confidence.' Below the warning, there is a 'Select the Party:' dropdown menu with 'USA [pla]', 'Smith, John [dft]', and 'Doe, Jane [dft]' options. 'USA [pla]' and 'Smith, John [dft]' are selected. There are 'Next' and 'Clear' buttons at the bottom.

(REMEMBER: presentence investigation reports and any related documents are CONFIDENTIAL and should only be made accessible to the United States Attorney's Office and the defendant who is the subject of the presentence investigation report. **Therefore, you should only select the USA and the Defendant who is the subject of the presentence investigation report.** Selecting any other party provides access to the document and is in violation of the Court's Order to maintain presentence investigation reports in confidence.)

4. Confirm that the “Docket Text: Final Text” is correct. If it is not correct, go back through the event using your browser’s back arrow to ensure you have properly selected the correct information on each screen.

ECF Civil Criminal Query Reports Utilities Search Logout

Other Documents
4:18-cr-00111-RSB-GRS USA v. Smith

Docket Text: Final Text
NO OBJECTION TO PRESENTENCE INVESTIGATION REPORT by USA as to John Smith (test, Wills)

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):
C:\fakepath\Test Document - Copy (3).pdf pages: 1

Next Clear

II. PLEADINGS PERTAINING TO A DEFENDANT’S COOPERATION INCLUDING MOTIONS FOR DOWNWARD DEPARTURE PURSUANT TO U.S.S.G. § 5K1.1, MOTIONS FOR VARIANCE PURSUANT TO 18 U.S.C. § 3553(e), MOTIONS FOR SENTENCE REDUCTION PURSUANT TO FED. R. CRIM. P. 35, SENTENCING MEMORANDA AND OTHER SENTENCING RELATED DOCUMENTS¹

1. If the parties wish to file sentencing memoranda and similar sentencing materials in a restricted manner on the record of the case, the requesting party must file a motion for leave to file such a pleading under seal pursuant to the Court’s Local Rule 79.7 (Sealed Documents).

¹ These instructions regarding sentencing memoranda also pertain to other sentencing-related documents such as victim impact statements, character letters, and bench briefs.