

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE: )  
)  
Local Rule 8 of the Time Limits )  
And Procedures for Achieving )  
Prompt Disposition of )  
Criminal Cases )  
)  
)  
)

**ORDER**

At Wilmington on this 23<sup>rd</sup> day of April in 2024,

IT IS HEREBY ORDERED that Local Rule 8 of the Time Limits and Procedures for Achieving Prompt Disposition of Criminal Cases, adopted by this Court on December 3, 1987 and amended on December 6, 1994 and May 2, 2011, is amended to read as follows:

8. *Sentencing*

(a) Date of Sentencing. Unless the Court directs that the sentence be imposed on an earlier date, sentencing will occur not less than 100 calendar days following a defendant's plea of guilty or nolo contendere, or upon being found guilty.

(b) Presentence Investigation Reports.

(1) The United States Probation Office may commence a presentence investigation prior to a plea of guilty or nolo contendere or a conviction if a defendant and defense counsel consent thereto in writing.

(2) No later than fifty calendar days prior to the date set for sentencing, the probation officer shall disclose the presentence investigation report to the defendant, defendant's counsel, and the attorney for the government. The presentence report shall be deemed to have been disclosed to a party when a copy of the report is electronically sent to the party's counsel, at the email address on file with the U.S. District Court Clerk's Office. Unless otherwise directed by the court, the probation officer's recommendation for sentence will not be disclosed to the parties or made part of the public record.

(3) Within fourteen calendar days after receiving the presentence report, counsel for the parties shall communicate in writing to the probation officer, and to each other, any objections as allowed under Fed. R. Crim. P. 32(f)(1). Likewise, counsel shall notify the probation officer in writing within the aforesaid time limits if they have no

objections to the presentence report. In the absence of good cause, any objection not submitted within the time limits herein shall be waived.

(4) After receiving the objections of counsel, the probation officer may conduct any further investigation and make any revisions to the presentence report as consistent with and authorized by Fed. R. Crim. P. 32(f)(3).

(5) No later than twenty calendar days before the sentencing hearing, the probation officer shall submit the final draft of the presentence report to the parties.

(6) No later than fourteen calendar days before the sentencing hearing, any Sentencing Memorandum seeking a departure or variance from the Sentencing Guidelines, or containing any objections to the Guidelines as set forth in the most recently revised version of the final draft of the presentence report, shall be filed directly with the Court. Any response is due seven days prior to the sentencing hearing.

(7) Any Sentencing Memorandum that does not seek a departure, variance, or contain an objection to the Guidelines as set forth in the most recently revised version of the final draft of the presentence report, shall be filed with the Court no later than seven days prior to the sentencing hearing.

(8) The submission of a Sentencing Memorandum may be filed under Seal only with the prior approval of the Court.

(9) If a party believes that the resolution of any departure motion, variance request, Guideline objection, presentence investigation report objection, or any issue of fact requires an evidentiary hearing, it shall so notify the Court in writing no later than fourteen calendar days before the sentencing hearing.

(10) No later than seven calendar days prior to the sentencing hearing, the probation officer shall submit the most recently revised version of the presentence report, with the officer's sentencing recommendation, to the Court. The report shall contain the addendum setting forth any objections made by defendant or the government that remain unresolved and the officer's comments regarding such objections.

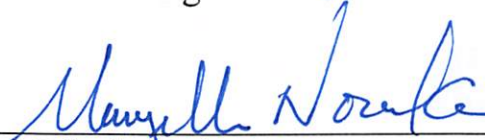
(11) Except for the unresolved objections reported in the addendum, the presentence report may be accepted by the Court as its findings of fact.

(12) Nothing in this rule permits disclosure of any portions of the presentence report except as authorized by Rule 32 of the Federal Rules

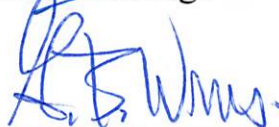
of Criminal Procedure. The provisions of Fed. R. Crim. P. 32 shall apply to any matter not covered herein.



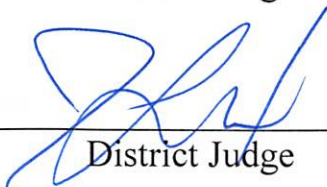
Chief Judge



District Judge



District Judge



District Judge



Senior District Judge