

LOCAL CRIMINAL RULE 32

NONDISCLOSURE OF PROBATION OFFICER'S SENTENCING RECOMMENDATION

The probation officer's sentencing recommendation is a confidential record and shall not be disclosed to anyone other than the Court except pursuant to Court order. The sentencing recommendation shall not contain any fact not otherwise disclosed in the presentence report. If any additional facts are contained in the sentencing recommendation, they will be disclosed prior to the sentencing if the Court intends to rely on those facts.

JUSTIFICATION FOR NEW LOCAL CRIMINAL RULE 32

The Court proposes enacting Local Criminal Rule 32 to codify the established practice that sentencing recommendations from the probation office are considered confidential records and shall not be disclosed to anyone other than the Court except by Court order. This Rule also requires that if additional facts are contained in the confidential sentencing recommendation that were not included in the presentence report provided to the parties and the Court intends to rely on those additional facts in sentencing, those additional facts will be disclosed to the parties prior to sentencing.

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