Pleas and Sentencing

The Court has not accepted an *Alford* plea. The Court will accept a *nolo contendere* plea, however, not over Government objection. The Court invariably requires a presentence investigation and report prior to sentencing unless both the Government and defendant agree to waive it. Disputes between the Government and defense counsel relating to computation of sentencing guidelines are typically resolved by a hearing prior to sentencing. If the AUSA and defense counsel agree on computation of sentencing guidelines, but the Probation Officer disputes their conclusion, the Court holds a hearing. The Court regularly meets with the Probation Officer prior to sentencing. The Court's practice in this regard has not changed since the adoption of the Sentencing Guidelines.

The Court may permit a convicted individual to self-report to the custodial facility but not always. If the Court decides to reject a Rule 11 plea agreement, the Court may inform the parties in open Court or prior thereto on the sentencing date. The Court will accept a sentencing guideline plea where the plea agreement uses languages to that effect, *e.g.*, the sentence will not exceed three months above the minimum of the applicable guideline range. A defendant will not be allowed to withdraw the plea if the guideline range turns out to be higher than he argued it should be. The Court has a firm plea cutoff date that will be enforced.

Motions relating to sentencing, sentencing memoranda, and all other documents relating to sentencing are optional but must be filed no later than *one (1) week* before the date set for sentencing. The filing party shall furnish a copy of all filed documents to the probation officer. Any such motion, memoranda or other document **shall and will be struck** by the Court if not timely filed.