

Pleas and Sentencing

a. Pleas

The Court will not accept an *Alford* plea except under extenuating circumstances and never over Government objection. The Court will sometimes accept a *nolo contendere* plea over Government objections.

b. Sentencing

The Court requires a presentence investigation and report prior to sentencing even if there is no custodial sentence imposed, although it may not be necessary for corporate defendants. A presentence investigation and report may be waived if both the Government and the defendant agree, for example, if the defendant is going to be immediately deported. If the Court waives preparation of a presentence report but the individual (whether individual or corporation) requests it, the Court will order it. Disputes between the Government and defense counsel relating to the computation of sentencing guidelines will typically be resolved by a hearing held prior to the sentencing. If the AUSA and defense counsel agree on the computation of sentencing guidelines, but the Probation Officer disputes their conclusion, a conference with all parties present will be used to resolve the issue. The Court meets with the Probation Officer prior to sentencing. Sentencing memorandums should be submitted to the Court one week prior to sentencing.

c. Miscellaneous

Depending upon the individual defendant and the crime of conviction, the Court will typically permit a convicted individual to self-report to the custodial facility if the person has been on personal bond and has reported to all agencies and adhered to all Court dates as directed. If the Court rejects a Rule 11 plea agreement, it will inform the parties in open Court. The Court will determine on a case-by-case basis whether this occurs prior to the sentence date. Depending on the plea and the crime charged, a defendant may be allowed to withdraw a plea if the guideline range turns out to be higher than he or she argued it should be. The Court has a firm plea cutoff date that it enforces.