

Guilty Pleas and Sentencing

i. Guilty pleas, generally: The court favors Rule 11(c)(1)(B) pleas and carefully considers any government or joint non-binding sentencing recommendations. The court does not favor, and generally will not accept a Rule 11(c)(1)(c) plea where the agreement uses binding language, e.g. that the sentence cannot exceed a certain level, or cannot exceed a particular point of the applicable guideline range. The court engages in an fairly extensive [Rule 11 colloquy](#) with the defendant in the course of receiving a plea. The court informs the parties in writing or in open court before sentencing if it decides to reject a plea agreement or any of its provisions.

ii. Guideline calculations: The parties may, if they wish, agree to or predict a particular applicable range, but the court will always calculate the final range. In such cases, the court does not permit the defendant to withdraw the plea simply because the guideline range turns out to be higher than counsel have predicted that it would be.

iii. Deadline and final pretrial procedure: The court enforces a negotiated guilty plea cut-off date (usually seven to 14 days before trial). A later negotiated plea will not be accepted without good cause shown. The court will address the defendant on the record at the final pretrial conference and ensure that rejection of a possible plea agreement is his own decision, and that it is done knowingly after considering advice of counsel. To insure that the defendant is fully informed on the record, the court will ask the AUSA to state the proposed plea that is being rejected, including the projected guideline range.

iv. Alford pleas: The court will consider an Alford plea with or without government approval, but acceptance of such a plea is not guaranteed.

v. Nolo Contendere pleas: The court will consider a nolo contendere plea even over government objection, but acceptance of such a plea is not guaranteed.

vi. Presentence reports: The court requires a presentence investigation and report prior to sentencing on each case, including for corporate defendants. Disputes relating to computation of sentencing guidelines are typically resolved by hearing just prior to sentencing. The court will issue an [Order Defining Counsel's Presentence Report Responsibilities](#) upon a defendant's conviction. The order outlines the responsibilities of counsel in preparing for sentence and instructs counsel on the format in which objections to the report are to be stated. The court occasionally attends sentencing council prior to passing sentence and always meets with the probation officer before sentencing.

vii. Self-reporting to custody: The court will, on occasion, permit a defendant to self-report to the custodial facility, particularly if the defendant has provided substantial assistance or if government recommends such treatment. If a defendant who has entered a guilty plea has been free on bond and presented no problems, the court considers such behavior favorably in deciding whether to allow self-reporting, but a guilty plea and proper behavior does not lead to automatic approval.