

The Presentence Disclosure Process

All Presentence Investigation Reports (Report) prepared for the Western District of North Carolina will be filed by the U. S. Probation Office under seal (with an Applicable Party Restriction) via the Court's Case Management/Electronic Case Files (CM/ECF) system. Upon each filing the parties of record (AUSA and Defense Counsel noted in ECF) will receive a notice of electronic filing (NEF) via email, and will have access to this sealed document. The NEF will be the only notification of filing, and CM/ECF will be the only method of delivery of the documents.

The initial filing (Draft Report) is labeled "**Presentence Investigation Report (Draft)**." The NEF will indicate the due date for filing objections. The parties of record will have access to this sealed document. Criminal defendants will continue to receive the Report via U.S. Mail, and each report will include a summary of these local rules.

Any objections or corrections to the Report, or proposed variances from the guideline sentence under Booker ("**Objection to Presentence Investigation Report**"), filed on or after February 1, 2008, must be filed via CM/ECF within 14 days of the filing of the Draft Report. Objections in Judge Whitney's cases must be in the format specified in [Misc. Order 3:08-mc-00003](#).

Necessary corrections to the Report will be included in a Final Report ("**Presentence Investigation Report (Final)**") filed via CM/ECF. Unresolved issues will be addressed in the Addendum to the Report. The Addendum will also describe any changes made since filing of the Draft Report, as well as serve as notice when no revisions have been made and/or no unresolved issues remain. The NEF will indicate the date on or after which the defendant may be scheduled for sentencing.

Should a Final Report require revision after filing with the Court, the Probation Office may file a Revised Final Report ("**Presentence Investigation Report (Revised Final Report)**").

Should pertinent, additional information become available to the Probation Office after the Final Report has been filed, but that does not necessitate a Revised Final Report, a Supplement to the Report ("**Presentence Investigation Report (Supplement)**") may be filed. Should further information need to be conveyed, a "**Presentence Investigation Report (2nd Supplement)**" may be filed.

The Probation Officer's Recommendation to the Court will be filed as a separate document ("**Presentence Investigation Report Recommendation**") and will be accessible only by the Court. This filing will not generate an NEF.

04/12/2012