

**RULE 460 (Fed. R. Crim.P. 32, 18 U.S.C. § 3153(c))**

**DISCLOSURE OF PRESENTENCE REPORTS, PRETRIAL SERVICES REPORTS  
AND RELATED RECORDS**

**(a) Confidential Character of Presentence Reports, Pretrial Services Reports, and Related Records.** The presentence reports, pretrial services reports, violation reports, and related documents are confidential records of the United States District Court. Unless further disclosure is expressly authorized by order of the Court or this rule, such records shall be disclosed only to the Court, court personnel, the defendant, the defendant's counsel, the defense investigator, if any, and the United States Attorney's Office in connection with the sentencing, detention/release, or violation hearing.

**(b) Requests for Disclosure.** Any applicant seeking an order authorizing further disclosure of a presentence report or pretrial services report maintained by the probation or pretrial services offices shall file a written petition to the Court establishing with particularity the need for specific information in the records. Requests for disclosure made to probation or pretrial services officers are improper. Except as provided in (c) below, no further disclosure shall be made except upon an order issued by the Court.

**(c) Exceptions.** Nothing in this rule is intended to prohibit probation or pretrial services from disclosing records without court order as is authorized by statute, regulation, or formalized national policy.

**(d) Availability of Proposed Presentence Report.** A copy of the probation officer's proposed presentence report, including the probation officer's recommendations, shall be made available to the United States Attorney's Office and to defense counsel not less than thirty-five (35) days before the date set for sentencing hearing.

**(e) Objections to the Report.** Defense counsel shall discuss the presentence report with the defendant. Not less than twenty-one (21) days before the date set for the sentencing hearing, counsel for defendant and the Government shall each deliver to the probation officer and exchange with each other a written statement of all objections they have to statements of material fact, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. ~~These objections are not and shall not become part of the Court file.~~ After receipt of the objections, the probation officer shall conduct any further investigation and make any necessary revisions to the presentence report.

**(f) Submission to the Court.** Not less than fourteen (14) days before the date set for the sentencing hearing, the probation officer shall submit the presentence report, including recommendations, to the sentencing Judge and make it available to counsel for the defendant and the Government. If the presentence report has not been revised, counsel may be so notified and not given a new report.

**(g) Formal Objections to Report.** Not less than seven (7) days before the sentencing hearing, counsel for the defendant and the Government shall each file and serve on each other and the probation officer, a concise memorandum of all objections and facts in dispute to be resolved by the Court. This memorandum must specifically identify each item in the report which is challenged as inaccurate or untrue, must set forth the remedy sought (i.e., specified findings or the Court's agreement to disregard the disputed information), and must set forth the reason that the contested information will affect the sentencing guideline, departure or adjustment in the particular action. This requirement is not satisfied by submission of the written objections to the probation officer as set forth in (d).

**(h) Limitation on Objections.** Except for good cause shown, no objections may be made to the presentence report other than those previously submitted to the probation officer pursuant to (d) and those relating to information contained in the presentence report that was not contained in the proposed presentence report.

**(i) Resolution of Disputes.** Except with regard to objections not yet resolved, the Court may accept the presentence report as accurate. In resolving any disputes concerning the report, the Court may consider any relevant information having sufficient indicia of reliability.

**(j) Sentencing Proceedings.** At the time set for imposition of sentence, if there are no material items in dispute, the Court may proceed with the imposition of sentence. If any material dispute remains with respect to the presentence report, the Court shall afford the parties adequate opportunity to present arguments and information on the matter. If the Court determines that the matter cannot be resolved without an evidentiary hearing, the action may be continued for a reasonable period if necessary to enable the parties to secure the attendance of witnesses and the production of documents at the hearing.