

NEWS FROM U.S. DISTRICT COURT
October 9, 2014

**THIS NEWSLETTER IS SPECIFICALLY FOR ATTORNEYS PRACTICING
CRIMINAL LAW IN THE UNITED STATES COURT FOR SOUTH DAKOTA.**

Beginning Wednesday, October 15, 2014, the Probation Office will start filing Presentence Reports (PSRs) and related documents in CM/ECF using the following events:

- Draft Presentence Report
- Final Presentence Report
- Addendum to Final Presentence Report
- Draft Supplemental Presentence Report
- Final Supplemental Presentence Report
- Addendum to Final Supplemental Presentence Report
- Resentencing Report

Attorneys will also start filing PSR related documents in unsealed cases in CM/ECF using the following events*:

- Sealed Objections to Presentence Report
- Notice of No Objections to Presentence Report
- Sealed Letter(s) of Support
- Sealed Victim Impact Statement(s)
- Sealed Allocution Statement (only if NOT signed by the defendant)

Documents filed using any of the foregoing events will either be sealed or access to them will be restricted. Since attorneys cannot access sealed documents, **sealed documents filed using any of these events must be manually served on the appropriate parties by the attorney who filed them.** Court users, including chambers' staff, Clerks Office staff, and Probation Office staff can access sealed documents in CM/ECF. Access to restricted documents filed using any of the PSR related document events will be limited to attorneys for the defendant who is the subject of the PSR, government attorneys, and court users. (For a reminder on how to access restricted documents in CM/ECF, please see the attachment entitled How to Access Restricted Documents in CM/ECF.)

The Probation Office will file a draft PSR in CM/ECF. The draft PSR will be restricted. If an attorney has objections to the draft PSR, the attorney should file his or her objections in pleading format in CM/ECF using the Sealed Objections to Presentence Report event. The objections will be sealed. **This will mark the first time attorneys have been able to file sealed documents in CM/ECF.** Permission is not required for attorneys to file sealed documents using any of the four sealed PSR related document events. Attorneys must, however, still seek permission to file other types of sealed documents in CM/ECF.

If an attorney has no objections to the draft PSR, the attorney should indicate such by using the Notice of No Objections to Presentence Report event. This event is similar to the Notice of

Filing Error event and does not require preparation of a document. It simply puts a notation that there are no objections on the docket sheet.

After the Probation Office files a final PSR and addendum in CM/ECF, attorneys should collect all letters of support or victim impact statements they receive and legibly scan them as one document and file them in CM/ECF using the appropriate sealed PSR related document event. Attorneys should NOT scan these documents as separate documents or submit hard copies of them to the court or the Probation Office since court users will be able to access them in CM/ECF. To make documents legible for filing, they may first have to be darkened on a copier.

Other PSR related documents should be filed in CM/ECF as needed using the correct PSR related event. **It is very important that PSR related documents be filed using the correct event so that the documents are sealed or access to them is restricted.**

Sentencing Scheduling Orders currently in effect may direct attorneys to submit PSR related documents to the Probation Office. NOTWITHSTANDING THE DIRECTIVES CONTAINED IN THESE SENTENCING SCHEDULING ORDERS, EFFECTIVE ON OCTOBER 15 ATTORNEYS SHOULD IMMEDIATELY BEGIN FILING ALL PSR RELATED DOCUMENTS IN UNSEALED CASES IN CM/ECF. Attorneys are advised to still adhere to all established deadlines in these scheduling orders. If you have any questions or concerns, please contact the Clerk' Office.

*Attorneys cannot file documents in sealed cases in CM/ECF. Attorneys must continue submitting PSR related documents in sealed cases to the Probation Office.