

Issued: April 9, 2007

Individual Rules of Practice for Criminal Case Sentencing Proceedings
Hon. William H. Pauley III, United States District Judge

The Court requires that every document in a sentencing submission, including letters, be filed in the public record either in paper form or through the ECF system, using the procedures described below. The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims.

In this regard, the parties are referred to the E-Government Act of 2002 and the Southern District's ECF Privacy Policy ("Privacy Policy") and reminded not to include the five categories of "sensitive information" in their submissions (i.e., social security numbers, names of minor children, dates of birth, financial account numbers, and home addresses) unless necessary. Parties may exclude or redact the five categories of "sensitive information" as well as the six categories of "information requiring caution" (i.e., personal identifying number, medical records, treatment and diagnosis, employment history, individual financial information, proprietary or trade secret information, and information regarding an individual's cooperation with the government) as described in the Privacy Policy, without application to the Court.

A defendant's sentencing submission shall be served two weeks in advance of the date set for sentence. The Government's sentencing submission shall be served one week in advance of the date set for sentence. The parties should provide the Court with two courtesy copies of each submission when it is served. At the time of service, a party shall file its sentencing submission following one of the two procedures described here (at counsel's election). (If the criminal case is a non-ECF case, then only a paper filing is allowed.)

Paper Filing

If hard copy letters are part of the sentencing submission, a party shall file all letters together under a single cover marked **SENTENCING MEMORANDUM** with the caption and docket number clearly indicated and submit it to the Clerk's Office.

OR

ECF Filing

If letters are part of the sentencing submission and are filed electronically, they must be filed together as attachments to a single document marked **SENTENCING MEMORANDUM** with the caption and docket number clearly indicated.

If a party seeks to redact or seal information beyond the eleven categories of information identified in the Privacy Policy, an application must be served and filed when the sentencing submission is served. The application should: (a) identify the redaction; (b) explain the reasons for the redaction or sealing; and (c) state whether opposing counsel consents. Applications to redact or seal information will be addressed at the sentencing proceeding.

If you have any questions about these practices, contact the Courtroom Deputy Clerk, Kyle O. Wood (212) 805-6393.