

Judge Nuffer Sentencing Hints

Docket entry at the time of plea or verdict **requires documents in advance** of sentencing:

06/28/2018	581	DOCKET TEXT ORDER as to Timote Fangupo No attached document IT IS HEREBY ORDERED that all letters, victim impact statements and restitution claims (including names, addresses, amounts) must be submitted to the presentence investigation officer ten days before the sentencing hearing. If restitution is contested or if other sentencing related matters will require more than 15 minutes, a motion should be filed for a separate hearing before the sentencing date to determine the contested matter, or to provide additional time on the calendar. Signed by Judge David Nuffer on 6/28/2018.(asb) (Entered: 06/28/2018)
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Have restitution resolved before the sentencing hearing. I cannot enter a judgment and order of conviction until all elements, including restitution, are set.

Make timely objections to the PSR. Don't surprise the probation officer or me with guideline issues. Raise them as objections, raise them in your memo, and raise them in the hearing if they still are valid.

A sentencing memorandum should **deal with the highlights of 3553(a) factors** that support your position. Don't list all of them in statutory sequence but make an attempt to discuss the most important first.

Discuss concurrency with opposing counsel and arrive at an agreement or a clear statement of the issues.

Object, as needed, to **proposed supervised release conditions or lack of them** in the PSR.

At times **I may continue sentencing** to gather more information, to allow a defendant to perform better on release, for medical reasons, etc.

Presence of victim and family is important.

Defense Counsel –

If **background** not in the PSR is important, ask that it be in the PSR.

Prepare your client to **allocute** – or not; don't let me know that he has never heard of this right.

Be sure your client is **familiar** with the plea agreement and admitted conduct.

Talk with your client about **designation** – and the reasons why – so that I can make a record and include that information in the PSR.

Review **supervised release conditions** with the defendant.