

INDIVIDUAL RULES FOR CRIMINAL CASES FOR JUDGE WILLIAM H. PAULEY III

Chambers:

Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007

Courtroom Deputy:

Jonathan McCann, Esq.
Courtroom 20B
(212) 805-6387
Jonathan_mccann@nysd.uscourts.gov

Unless otherwise ordered, criminal proceedings before Judge Pauley shall be conducted in accord with his individual practices and the following special rules:

I. Conferences

- A. General Rules.** Absent prior permission, counsel of record must appear at all conferences on a case.
- B. Initial Conferences.** Immediately after a case is assigned to Judge Pauley, the AUSA should email copies of the criminal complaint, indictment or information, and any bail conditions to the Deputy. An initial conference will be scheduled promptly.
- C. Detention Hearings.** Two days prior to any detention hearing, counsel seeking a modification shall inform the Court in writing as to the proposed modification and underlying reasons for such modification. Counsel must inform Pre-Trial Services of any detention hearing.
- D. Rule 11 Plea Proceedings.** Judge Pauley generally does not refer pleas to Magistrate Judges. Counsel should contact the Deputy to schedule a Rule 11 proceeding. Two days before the proceeding, the AUSA shall email a copy of the plea agreement or Pimentel letter, any superseding indictment or information, and a letter setting forth a description of the elements of each offense.
- E. Rule 32 and Sentencing Proceedings.** Within fourteen days of the Rule 11 Plea Proceeding, the Government must provide its prosecution case summary to Probation and defense counsel must schedule a Pre-Sentence interview with Probation. Within fourteen days of receiving the initial disclosure of the PSR, counsel must provide to Probation a detailed submission setting forth objections to material facts and any applications of the Sentencing Guidelines or policy statements. Failure to comply with this directive constitutes a waiver of any such argument at sentencing. In advance of sentencing, the Government must provide any restitution information to Probation.

II. Public Filings and Timing

- A. Requirement of Public Filing.** Except as provided in Section III, all sentencing submissions, including any letters or other attachments, must be filed electronically on ECF.
- B. Defendant's Filings.** The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends or relatives. A defendant's sentencing submission shall be filed two weeks in advance of the date set for sentence.
- C. Government's Filings.** The Government is responsible for filing all letters from victims. The Government's sentencing submission, including restitution and forfeiture orders, shall be filed one week in advance of the date set for sentence.
- D. Procedure for Filings.** All filings shall be made through ECF. Letters that are part of the sentencing submission should be filed electronically as attachments to a single document marked "Sentencing Submission" bearing the caption and docket number. Two courtesy copies of all memoranda and sentencing submissions shall be hand-delivered or mailed to Chambers at the time they are filed.

III. Non-Public or Redacted Filings

- A. Controlling Authority.** The E-Government Act of 2002 and the Southern District's ECF Privacy Policy detail what information is not publicly filed.
- B. "Sensitive information."** Sensitive information (*i.e.*, social security numbers, names of minor children, dates of birth, financial account numbers, and home address) shall not be included in sentencing submissions unless necessary.
- C. "Information Requiring Caution."** 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) should not be included in sentencing submissions unless necessary.
- D. Redactions Without Application.** The Parties may redact "sensitive information" as well as the six categories of "information requiring caution" as described in the Privacy Policy, without application.

E. Redactions Upon Application. 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 Deputy Clerk, Jonathan McCann, Esq. at (212) 805-6387.