

Presentence Investigation Report (PSI or PSR)

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This article elaborates on the importance of the Presentence Investigation Report (PSI), and suggests steps defendants should consider as they prepare for sentencing.

After a felony conviction, the next important event in the criminal justice machine is the presentence investigation. This procedure is one that nearly every felony offender endures. In the federal system, on which many state criminal justice systems are based, Rule 32 of the *U.S. Rules of Criminal Procedure* governs the presentence investigation. A probation officer conducts the investigation, which the law mandates in order to help the sentencing judge and others in the criminal justice system evaluate the offender. It culminates with an all-important presentence investigation report (PSI) that the sentencing judge will consider when imposing sentence.

Besides the importance of the PSI for sentencing purposes, the investigation demands careful attention from the offender because the report also will play a significant role in the individual's life if he is sentenced to a term of imprisonment within the Federal Bureau of Prisons (BOP) or a state prison system. Indeed, the information presented in the PSI will determine how the prisoner is classified throughout his journey through the criminal justice system. In order to preserve his rights and to ensure he is not subjected to more severe conditions of imprisonment than are necessary, the offender should understand everything about the presentence investigation before it begins.

I cannot emphasize enough how important the PSI is for those about to be imprisoned. Prisoners ought to understand the process well *before* the sentencing hearing, or even the investigation.

Offenders should be wary if their defense attorney fails to stress the importance of this document. The PSI is the only document from court by which prison administrators will judge the offender. Case managers will use the PSI to consider the severity of the offense; counselors will use the PSI to determine who can visit the offender; educational administrators will use the PSI to determine whether the prisoner is *required* to participate in programs; psychologists will turn to the PSI to see whether the individual is eligible for beneficial programs; and medical personnel will turn to the PSI to determine whether the prisoner merits medical attention. The document is crucial, and once accepted by the court, it virtually becomes written in stone.

Beginning the Investigation

The probation officer assigned to the case will begin the investigation by becoming familiar with the government's version of the offense. Then, the probation officer will meet with the prisoner. The PSI meeting will take place in the facility where the offender is being held, or if the offender is in the community, either at the probation office or at an agreed upon location. During this meeting, which lasts several hours, the probation officer will seek to obtain as much information from the offender as possible.

The probation officer will record whatever the offender has to say about his accounting of the offense, but he also will solicit information about the offender's personal background. Among other things, the probation officer will inquire about the offender's family history, his education, his criminal background, employment history, substance-abuse background, medical condition, and his financial status.

Never forget that the person conducting the investigation is a law-enforcement officer. That means probation officers have huge caseloads, they earn bureaucratic salaries, and as officers of the court they may be biased against defendants, tending to perceive all defendant statements with an air of cynicism. Individuals should be certain that the officer will seek to confirm all information provided by the offender. The investigator will interview the offender's

family members, check the offender's school records, and obtain official records of the offender's previous legal problems. The probation officer also will speak with previous employers, check with creditors, and search for information to verify the offender's statements about his medical condition.

The offender should realize that if the probation officer believes that the offender has provided false or misleading information, or if he believes the offender has tried to influence others before they speak with him, the probation officer may recommend the offender receive an *upward* departure from the sentencing guidelines the judge will follow at sentencing; the probation officer will not hesitate to charge the offender with obstruction of justice if he is convinced the offender tried in some way to interfere with, manipulate, or subvert the presentence investigation. With such a recommendation, the judge may add extra years to a defendant's sentence.

The offender may reserve his right to remain silent during the investigation, but if he chooses to communicate, he should understand that any lies or attempts to mislead the probation officer could result in a longer or more severe sentence. Accordingly, if the offender chooses to speak with the probation officer during the investigation, I recommend that he be precisely truthful.

Some offenders refuse to provide any information to the probation officer, and valid reasons may exist for doing so. An offender's silence will result in the probation officer's writing a report that reflects only the government's version of events. Appellate strategy may require one to remain silent regarding aspects of his offense. If that is the case, the offender ought to explain courteously to the officer that for appellate reasons he cannot discuss the case, but that he will cooperate with the investigation in ways that will not jeopardize his rights. Unless the offender has good reason, he ought to help the probation officer record his background accurately, because the PSI document will play such a significant role during the individual's confinement.

Prison administrators rely on the PSI for initial classification, visiting lists, access to lower-bunk passes, pre-qualification to participate in certain prison programs, and for other issues pertinent to the offender's life once prison gates close behind him. The prisoner will appear before a *unit team* at least twice each year, and the only document the team will consider (besides the record a prisoner accumulates during his confinement) will be the PSI report. For those reasons, the offender ought to consult competent counsel, endeavor to understand the myriad ways the PSI will influence his prison term, then determine whether it is in his best interest to provide more, rather than less information.

Offenders who have pled guilty should understand that the probation officer has the authority to recommend a significant downward adjustment from the sentencing guidelines. Generally, offenders will not receive that downward adjustment unless the probation officer is convinced the offender provided a full and candid description of his criminal actions and demonstrated genuine remorse for his criminal behavior. The probation officer's recommendation is not binding on the judge, but it is influential; offenders who express remorse for their actions and persuade the court that their criminal behavior represents an aberration rather than a pattern of behavior or a criminal lifestyle usually receive lower sentences than those who refuse to cooperate with the presentence investigation. Likewise, those who choose to exercise their rights to silence may be portrayed as recalcitrant, and the judge may take that into consideration at sentencing.

In summary, Rule 32 of the *Federal Rules of Criminal Procedure* mandates that a "probation officer must make and submit a report to the court before the sentence is imposed" except in rare circumstances when enough information about the offender exists on the record. Most state systems will require a similar document. The offender may have counsel present during his meeting with the probation officer; whether or not counsel is present, however, the

offender should consult with his attorney in advance of the meeting and make every effort to understand the significance of the presentence investigation prior to meeting with the officer.

The PSI Report Itself

Once the officer finishes the investigation, court rules require him to write his complete report "in a non-argumentative style." After describing the details of the offense and other identifying data, a model PSI from the Southern District of New York contains headings as follows.

Offense Conduct

In this section, the probation officer writes the government's version of events and may describe discrepancies that the offender wanted inserted in the document.

Victim Impact Statement

If the crime had an identifiable victim, the probation officer may give the victim an opportunity to describe how the offense impacted him (or her).

Defendants' Participation

If the offender was convicted along with others in the offense, the probation officer may detail the conduct of each defendant in the case under this heading. This can be prejudicial, because some participants may be much more culpable than others. Offenders ought to be sure to challenge any information that erroneously attributes the egregious behavior of others to oneself, because the prison staff members who evaluate an offender may lack the inclination to make any distinction between and among participants. If the PSI indicates that one member of the offense was violent and predatory in nature, that information may have a material influence on all members of the offense as far as prison classifications are concerned.

Obstruction of Justice Adjustment

If the offender obstructed justice in any way, the probation officer will recommend that the offender's sentencing guidelines be enhanced. Examples of obstruction of justice include

when an offender tries to influence what others will say during a government investigation. If the offender calls an individual and says, "Don't talk, or else...." the officer not only may charge the individual with obstruction of justice, but also indicate that the offender used a violent threat. If so, prison administrators will characterize the offender as being violent in nature, which will prohibit participation in certain beneficial programs.

Acceptance of Responsibility Adjustment

If the offender is candid about his responsibility in his offense, the probation officer may recommend that the offender receive a downward departure from his sentencing guidelines. The level of the downward departure will depend upon *when* the offender accepts responsibility; offenders who plead guilty early in the criminal justice procedure receive the largest downward departures for acceptance of responsibility as a reward for saving the government the time and expense of preparing for trial. Those who proceeded through trial will have a higher burden to meet in order to receive consideration for responsibility, but going to trial does not *necessarily* preclude an offender from receiving this sentencing adjustment. Individuals should have their attorneys consult the relevant case law on this issue.

Offense Level Computation

This information is compiled from the statutes which the offender was convicted of violating. It is an objective score, depending on the seriousness of the offense. Offenders may read about these scores by studying the *U.S. Sentencing Guidelines Manual* which is available in all federal prison law libraries. Those who do not have access to prison law libraries may ask their attorneys for a book.

Criminal History

Again, this information comes from the offender's history of criminal convictions. Points are assigned to those who have been convicted in the past, and those points count against an offender. These points are explained in Chapter Four of the *U.S. Sentencing Guidelines Manual*.

Offender Characteristics

In this section, the probation officer will describe what he learned about the offender through his presentence investigation. It's a subjective description. The offender's family responsibilities also will be discussed as well as the offender's community ties.

Substance Abuse

This section will describe whether the offender suffered from any substance abuse problems in the past. It is an extremely important section for anyone who may be sentenced to federal prison. The reason this section is so crucial is because the U.S. Congress has empowered the BOP to reduce an individual's term of confinement through administrative means by as much as one year if the offender completes a comprehensive drug treatment program during his incarceration in the BOP. In order to qualify for this year off, the BOP will require the offender to provide documentation that he did in fact suffer from a substance-abuse problem during the 12-month period preceding his confinement. The substance-abuse section of the PSI report is the best documentation.

If an offender tells his probation officer during the investigation that he suffered from problems with alcohol, or that he smoked marijuana occasionally to relieve stress, that statement may qualify him for a one-year reduction of his sentence if he successfully completes the comprehensive drug treatment program. Many offenders do not receive this information about the possible sentence reduction until it's too late (after they're in prison and the PSI report has been completed). In most cases, the PSI must indicate that the substance abuse problem was present during the 12 months prior to confinement.

Some offenders foolishly try to conceal their history of substance abuse because they believe it will reflect badly on them at sentencing. Hiding one's history of substance abuse only hurts the offender by limiting his access to programs. It's one of the curious ironies of the federal

criminal justice system. Only those with a history of drug abuse are capable of advancing their release date through merit.

Physical Condition

Here the probation officer describes whether the individual has a health problem or medical condition. If the offender suffers from a bad back, has weak knees, or any ailments that may have an impact on his ability to climb onto a top bunk or perform certain duties, he should detail those ailments so the probation officer can document them in the PSI report. It also would be helpful to provide a letter from one's physician and medical records. Indeed, if the offender can support his medical condition, he will eliminate many problems that the prisoner otherwise will encounter once his term of imprisonment begins. For example, a doctor's letter verifying a bad back or weak knees will help an offender secure a coveted lower-bunk pass; that can be a blessing for an individual who lacks the strength to climb onto a top bunk. Past medical histories, like hepatitis, automatically will preclude an individual from kitchen duty, too.

Education and VT Skills

The probation officer will speak with institutions where the offender had previously matriculated. It is important for the offender to help the probation officer by providing him with accurate information about his education record and his skills. If the offender has graduated from high school or earned a high-school equivalency certificate (GED), he should ensure that the probation officer receives verification of this accomplishment. Those who cannot prove a high school education will be required to attend prison-sponsored GED course work for at least 240 hours; they also will receive lower wages from their prison work details, and their participation in GED classes may have an impact on their ability to earn good time. Do not make the mistake of thinking that a college degree absolves one from having a GED.

Prison administrators frown upon prisoners who have computer experience. Therefore, if possible, individuals ought not to mention *any* computer experience. If the PSI indicates that an

individual has computer skills, prison administrators may deny that individual access to coveted clerical jobs by placing *computer ban* on his file; some individuals have been denied camp placement because of their knowledge of computers and wireless networks. Defendants should realize they are about to enter an abnormal society, one where rational thought frequently is sacrificed for security purposes.

Employment Record

The probation officer will check with the offender's prior employers to obtain an evaluation of the offender's work habits. The information presented here will have little impact on the individual's period of incarceration, but may be helpful in influencing the sentencing judge if the offender shows a history of working as a contributing citizen.

Financial Condition

This section of the report is important. An individual should consider all financial liabilities and responsibilities when meeting with the probation officer who is preparing the report. Most criminal convictions result in monetary fines; all felony criminal convictions result in criminal-assessment fees. In some cases, sentencing courts have been imposing cost-of-confinement fees. The only people who are excused from criminal fines and cost-of-confinement fees are those offenders whom the sentencing court finds to be incapable of paying. Criminal assessment fees always must be paid.

Too many offenders are remiss in reporting their actual financial position, and the court then has no basis on which to excuse the offender from paying these hefty monetary penalties. The result is that throughout one's period of incarceration, BOP counselors will demand the offender's commissary account be debited in monthly installments in order to apply regular payments toward these interest-bearing monetary penalties imposed at sentencing.

If a criminal fine becomes part of the sentence, the offender's attorney ought to ask the judge to specify that the fine is not to be collected until *after* the offender's release from

confinement. Unless the PSI makes this specification, the offender will be harassed by counselors throughout his term for monthly installments. If they fail to make a payment, the counselor will place the prisoner on *FRP-refuse* status, and the consequences can include change of quarters, and/or loss of commissary, telephone, and visiting privileges. The only way to avoid constant harassment is through an order from the judge stating the fine or restitution is not due until after release.

Sentencing Options

The probation officer discusses options the judge may consider when imposing sentencing. The options are rather limited in that they only offer a monetary fine, probation, or incarceration in some form—either house arrest, confinement in a community corrections center, or imprisonment. Many crimes, particularly offenses related to the distribution of drugs, require mandatory-minimum sentences that preclude sanctions less than imprisonment. The most current edition of *Federal Sentencing Law and Practice* by Thomas W. Hutchison, et al, published by West Group, provides a better understanding of federal sentencing options.

Factors that May Warrant Departure

The federal sentencing guidelines—once mandatory—are now advisory, allowing judges to use their discretion when sentencing offenders. The probation officer will describe factors that may warrant either a downward or upward departure from the sentencing guidelines. The most common downward departure is when an offender cooperates with the government in the investigation and provides assistance in the prosecution of others. Prison is a rumor factory, though, and those whom other prisoners suspect of being government informants may endure harsh treatment from their fellow prisoners. In rare instances, downward departures may be applied in particular cases where the offender can demonstrate that his situation is markedly different from that which those who wrote the sentencing guidelines anticipated. It is a high burden, but a small percentage of offenders are able to receive downward departures for issues

other than cooperating in the prosecution of others. Upward departures, on the other hand, occur when the sentencing judge is convinced that the sentencing guidelines do not reflect the seriousness of the offender's conduct.

The Completed PSI Report

Following completion of the PSI, the probation officer will deliver copies of the report to the prosecutor and the offender's counsel. Both parties will have time to review the document. If inaccuracies appear, each party will have an opportunity to object to the perceived errors. Once the objections are noted, the probation officer will determine whether the objections are valid. If so, changes to the PSI will follow; otherwise, the PSI will remain as originally written.

If the probation officer refuses to make changes that either party wants, that party can bring the matter up with the sentencing judge. The judge will listen to both sides and each side may present evidence to bolster its position. After hearing the arguments, the judge will make a determination on what the PSI will reflect. Sometimes, though, the judge may sentence the offender according to his findings at the hearing, but not order the PSI itself to be amended. Offenders must be vigilant in their insistence that the PSI be amended to reflect accurately the judge's findings, as the BOP will use the PSI it receives from the court when classifying the offender.

Particular PSI Problems of Which to Beware

The offender, absolutely, must review his PSI carefully. Again, this is a critical responsibility. Some of the factors the offender must especially be concerned about include whether the PSI report inaccurately reflects that the offender was a "leader" in the criminal offense. Any allusion to the word "leader" or "organizer" may result in the offender being treated more severely by prison administrators. If the PSI suggests or identifies the offender as being a leader, and the offender believes such an accusation to be inappropriate, then it behooves him to

object strenuously and urge his defense counselor to insist on an amendment to the inaccurate report.

Another important factor drug offenders should review is the quantity of drugs for which they are being held accountable in the PSI. Frequently, people who played relatively minor roles in drug distribution networks come to prison. The PSI report may suggest that the offender was responsible for all the drugs involved in a large conspiracy, when, in fact, the offender occupied only a courier role. Regardless of the conviction, once the prisoner is in the custody of the BOP, case managers and those who are responsible for classifying the prisoner will rely upon the PSI report. If it suggests the offender is responsible for large quantities of drugs, he will be classified accordingly. This may result in a loss of eligibility for camp placement and the denial of halfway house time at the end of his sentence. The offender must be diligent in ensuring that his PSI report accurately reflects his culpability in the offense.

Besides leadership roles and high drug quantities, other significant problems for PSI reports include indications of violence, use of weapons, or ties to organized crime. If the PSI report reflects these serious charges, and the offender is convinced such implications are inappropriately attributed to him, then the offender must battle to have the PSI report corrected. When those charges are not removed, prison administrators may apply a Public Safety Factor (PSF) to the prisoner's classification scoring. Any public safety factor prohibits eligibility for camp placement.

Indeed, the offender would be well advised to retain outside counsel who understands the seriousness of these charges and has the competence to persuade the sentencing judge to order PSI amendments that remove these very damaging attributions.

Some attorneys mislead their clients by telling them the PSI is not terribly relevant. Such advice may reflect the attorney's eagerness to conclude his representation in the case. For those offenders going to prison, however, inaccurate PSI reports will result in problems for the entire

duration of confinement, such as the prisoner serving his sentence in a harsher environment, and loss of access to special programs. Some offenders serve more time in prison than is necessary because of inaccurate PSI reports. Once the report is submitted to the BOP, changing the PSI is—for all practical purposes—unlikely.

The best time to change an inaccurate report is immediately after the offender reads it and has the opportunity to suggest corrections to the probation officer who prepared it. If the probation officer refuses to amend the PSI, then the next best time to object is at sentencing. The offender should request the sentencing judge to order the necessary corrections. If that opportunity passes, the offender may be stuck with the inaccuracies for the duration of his sentence. And that's a bad thing.

Offenders who do not take the time to understand the significance of the PSI frequently encounter problems that could have been avoided had the probation officer written a complete and accurate PSI. Even if errors were made in the initial draft, the offender must not underestimate the importance of having all errors corrected and ensuring that the court orders the erroneous report destroyed.

Again, offenders who have the resources might consider hiring a post-conviction specialist to advise them of all issues regarding PSI reports, and perhaps to prepare a sentencing package for the judge to consider. A defendant must make every possible effort to ensure that he is portrayed accurately and in a favorable way, not only for the sentencing judge, but also for the BOP.

Examples

Raymond

Raymond, an offender who was convicted of conspiracy to distribute cocaine, played a minor role in his offense. He allowed others to use his telephone to facilitate their drug transactions. Raymond was not privy to the quantity of drugs being sold, nor to the number of

transactions that took place over his telephone line. Yet the PSI report indicated over 20 kilograms of cocaine were sold and that all conspirators, including Raymond, were equally culpable.

The sentencing judge had listened to all the testimony at trial. He knew that Raymond was a minor player in the conspiracy. He found Raymond less culpable than the others and gave him a downward departure from the sentencing guidelines because of his minor role. The judge did not, however, order an amendment of the PSI. As a result, in using the PSI as its reference point, the BOP classifies Raymond as a serious offender and denies him camp placement. Raymond has tried to have his PSI amended several times during his confinement, but the judge has ruled the matter moot because Raymond received the downward departure at sentencing.

This term represents Raymond's first experience in the criminal justice system. He did not appreciate the significance of his PSI at sentencing and relied on his attorney in all matters. The attorney was successful in persuading the judge that the PSI inaccurately portrayed Raymond as an equal participant in the conspiracy, but made no attempt to change the PSI itself. Accordingly, Raymond was sentenced appropriately, but he serves his sentence in more severe conditions than other similarly situated offenders because his PSI remains inaccurate.

Raymond has made efforts to show his case manager the sentencing transcripts where the judge clearly ruled that Raymond was less culpable than the others and sentenced him accordingly. Such evidence is irrelevant to the case manager, however, as the PSI governs all classification decisions. Consequently, Raymond serves his sentence in a higher-security facility than one to which he should be assigned, and he may be denied access to halfway house placement toward the conclusion of his term.

Carlos

Carlos owns a small chain of retail stores in New Jersey. He was convicted of tax evasion and sentenced to serve four years in prison. When he was interviewed during the presentence

investigation, his probation officer asked Carlos whether he had any problems with substance abuse. Thinking that admitting to any form of substance abuse would result in an unfavorable impression, Carlos told the probation officer that he did not abuse drugs.

In fact, Carlos has smoked marijuana occasionally for fifteen years, and he drank alcohol regularly. Had he admitted this substance abuse to the probation officer, his PSI would have reflected Carlos' experience with controlled substances, including alcohol. Instead, the PSI stated what Carlos indicated during the investigation no history of substance abuse.

When Carlos began serving his sentence, he learned about the drug treatment programs. He also learned that nonviolent offenders who completed the comprehensive program successfully may leave prison 18 months sooner than the stated release date. Carlos wanted to apply for the program. He therefore approached the psychologist who administered the drug treatment program for an interview.

When the psychologist read Carlos' PSI, however, she noted no indication of substance abuse. Accordingly, she told Carlos that he would not be eligible for any time off his sentence as a result of his completing the comprehensive drug treatment program.

Carlos explained that he had used marijuana for 15 years but that he didn't want to admit to the probation officer he was a drug user. The psychologist was sympathetic, but affirmed that all decisions were based on the PSI. She said that had Carlos told his probation officer that he even suffered from a drinking problem, that statement would have been sufficient for him to enroll in the program and qualify for the time off his sentence. Because he remained silent on the issue at a critical time, Carlos does not qualify for time off his sentence.

Randall

Randall is a 64-year old medical doctor. For the past 30 years he has operated his own cardiology practice on Manhattan's Upper East Side. Randall recently began serving a 36-month sentence for receiving prescription kickbacks. Randall's PSI reflects that he holds a college

degree from Columbia University and a medical degree from the Albert Einstein School of Medicine. It does not mention that he graduated from high school.

During his first week in prison, Randall was ordered to report to the education department. The teacher told Randall that he had to participate in a GED class. Randall said such a request was silly, as he has practiced as a physician for over 30 years. The BOP staff member said, "That doesn't mean anything. A lot of people have advanced degrees but don't have a GED. We require all our inmates who lack a high school diploma to participate in the GED program."

Randall thought the order absurd and told the teacher that he would show her his PSI, which verified his educational credentials. The teacher said she was not interested in reading about those credentials. Since Randall's PSI did not indicate that he had a GED, the teacher was requiring him to participate in the class. Randall refused and was promptly taken to segregation for refusing an order. He also was sanctioned with loss of commissary.

Rich

Rich pled guilty to an indictment charging several defendants with organized crime involving extortion and murder. Rich's role, however, was minor and he was sentenced to serve approximately five years as a result of his conviction. Other codefendants who were charged on Rich's same indictment received sentences of life imprisonment.

Rich's probation officer conducted the presentence investigation for all defendants on the indictment. When Rich appeared for his interview, he was accompanied by his defense counsel. The defense counsel heard everything said during Rich's interview, and Rich was cooperative throughout the proceeding. When the report was completed and given to Rich and his attorney for review, however, it was clear that the probation officer had confused some of Rich's codefendants' defiant statements and inappropriately applied them to Rich. The PSI insinuated that Rich was involved in murders, domestic abuse, and drug sales. In fact, none of that information was accurate.

At the sentencing hearing, Rich's attorney succeeded in showing the clear error in the PSI. The judge ordered the PSI to be amended, and it was changed. Rich was sentenced appropriately.

When Rich reported to prison, however, he learned that his case manager was using the original, erroneously prepared PSI. Consequently, the case manager told Rich that he would never be eligible for camp placement and that he may not be eligible for halfway house placement, either.

Rich contacted his attorney, who then initiated legal action to force the BOP to use the corrected version of the PSI. The court has thus far refused to grant the order, though, stating that such issues should have been resolved at the sentencing hearing. As a result of Rich's attorney's error in not requesting the original, erroneously prepared PSI destroyed, Rich continues to serve his sentence under the misclassification wrought by an inaccurate PSI.

Final Word

In order to avoid suffering with problems like Raymond, Carlos, Randall, Rich, and many other federal prisoners, every individual who has been convicted of a felony ought to put forth significant effort to understand the presentence investigation. The information provided through this chapter is a good start, and offenders also might want to read Rule 32 of the *Federal Rules of Criminal Procedure* (or the equivalent rule in a state system) to grasp the intended purpose of the presentence investigation. And in order to understand some of the problems inaccurate PSI reports can cause, convicted offenders ought to spend time in a law library researching case law that has been published on matters pertaining to the presentence investigation. The law librarian will help inexperienced researchers find appropriate cases to read.

Wise offenders will protect themselves by relying on competent counsel, but they also will make efforts to understand proceedings so vital to their lives. Because the presentence investigation plays a crucial role in the sentencing process, and because the report that it

generates will continue to have influence over offenders for the duration of time they spend in the criminal justice system, every effort should be made to understand the procedure and ensure that the PSI report accepted by the court accurately reflects the offender's culpability, background, and mitigating circumstances.

Another thought that offenders ought to consider before sentencing is providing the sentencing judge with a written statement. Remember, the judge is used to hearing defense counsel extol the virtues of their clients. What the judge may hear less frequently is a defendant who genuinely expresses remorse for having violated the laws of this country. I suggest that defendants think about writing a letter to the judge prior to sentencing. During more than twenty years of imprisonment, I've seen many instances where those letters resulted in an individual's receiving a significantly lower sentence. Those who do write a letter, however, may consider consulting with an attorney first.