

## **RULE CR-5A. PRETRIAL SERVICES INTERVIEW AND REPORT**

### **(a) Interview.**

(1) ***Notice to Defendant.*** Before conducting a pretrial services interview, the pretrial services officer must notify the defendant of:

(A) the circumstances under which the information the defendant provides must be disclosed; and

(B) the defendant's rights during the interview, including:

(i) the defendant's right not to be questioned regarding the charges in the case;

(ii) the defendant's right to decline to speak or provide any information to the officer; and

(iii) the defendant's right to counsel during the interview.

(2) ***Notification Form.*** A form notifying the defendant of the rights set out in subsection (a)(1) is appended to this rule.

(3) ***Presence of Counsel.*** If the defendant wishes to have the assistance of counsel during the interview, the pretrial services officer must afford a reasonable opportunity for counsel to be present.

### **(b) Use and Disclosure of Pretrial Service Report and Related Information.**

(1) ***In General.*** The use and disclosure of the pretrial services report, and any information obtained by the pretrial services officer in the course of performing the pretrial services function, are governed by 18 U.S.C. § 3153(c). The pretrial services officer must limit disclosure to the minimum information and the minimum number of persons necessary to carry out the purpose of the disclosure.

(2) ***Disclosure of the Pretrial Services Report.*** The pretrial services report must be disclosed to the attorney for the defendant and the attorney for the government. The report should not be re-disclosed to other persons by the attorney for the defendant or the attorney for the government.

(3) ***Disclosure of the Pretrial Services Recommendation.*** Unless otherwise ordered by the court, the pretrial services officer's recommendation as to the propriety and conditions of release will be disclosed to the parties with the pretrial services report.

## **Committee Notes**

1. Rule CR-5A is a new rule that prescribes procedures for pretrial services' interview and report, and the management of defendants on supervision who are confidential informants.
2. Subsection (a) ensures that a defendant knows of his rights, and has the opportunity to invoke them, before being interviewed by the pretrial services officer. Appended to the rule is a form pretrial services uses to notify the defendant of his rights, and to advise the defendant that no adverse inference will be drawn from his invocation of his rights.
3. Subsection (b) provides the parties with easier access to pretrial services information, subject to the confidentiality requirements of 18 U.S.C. § 3153(c). The Committee believes that it is consistent with the statute for the pretrial services officer to provide a copy of the pretrial services report and recommendation to both the government and defense attorneys, and that the statute does not require the return of the report at the conclusion of any bail or other pretrial hearing. Cf. 12 Administrative Office of the U.S. Courts, Guide to Judiciary Policies and Procedures, Ch. 3, Pt. A(4)(D)(1) (1999) (subject to district court's practice and procedure, report must be returned to pretrial services officer at conclusion of hearing).



**TRIBUNAL DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMERICA  
DISTRITO OESTE DE TEXAS**

**AVISO A LOS ACUSADOS**

Yo, \_\_\_\_\_, sé que un Agente de Servicios Previos al Juicio me está haciendo preguntas acerca de mi mismo. No me interrogará acerca de los cargos en mi contra y por el momento deberé evitar hablar de ellos. Comprendo que no estoy obligado a dar información alguna y puedo declinar contestar alguna pregunta en particular o todas las preguntas. Sin embargo, también comprendo que el Agente de Servicios Previos al Juicio está obligado a presentar un informe al tribunal. Este informe tratará de mis antecedentes personales ya sea que yo decida darle o no darle información en este momento. Además, comprendo que la falta de información acerca de mis antecedentes personales para la consideración del tribunal podría afectar la posibilidad de obtener libertad previa al juicio. Además, comprendo que el informe presentado al tribunal será puesto a la disposición de mi abogado y la del abogado del gobierno.

Cualquier respuesta a estas preguntas será usada por el tribunal para decidir si seré puesto en libertad o si permaneceré encarcelado mientras esté pendiente mi juicio y si tendré que participar en programas de tratamiento, por ejemplo, por abuso de drogas o alcohol.

Las declaraciones que yo le dé al Agente de Servicios Previos al Juicio durante el curso de las funciones de esos servicios no podrán ser usadas en mi contra con respecto a la decisión de culpabilidad en un procedimiento judicial penal. Cualquier información podría afectar la decisión respecto a la aptitud para recibir la libertad previa al juicio.

Si hay fallo de culpabilidad, ya sea después de un juicio o después de haberme declarado culpable, la información que yo le dé al Agente de Servicios Previos al Juicio se pondrá a la disposición del Agente de Libertad Condicional para los propósitos de investigar mis antecedentes personales y para preparar un informe precondenatorio y esa información podría afectar mi sentencia.

Sé que tengo el derecho de hablar con un abogado antes de contestar cualquier pregunta. Si no puedo costear los servicios de un abogado, se me asignará uno para que me represente durante el interrogatorio.

He leído este formulario o me lo han leído y entiendo mis derechos.

\_\_\_\_\_  
**Fecha**

\_\_\_\_\_  
**Firma del (de la) Acusado(a)**

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**Hora            AM    PM**

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**Firma del Agente de Servicios Previos al Juicio**

**Effective: December 1, 2002  
Revised: March 21, 2007**