

# **EXHIBIT 5**



**U.S. DISTRICT COURT  
U.S. PROBATION & PRETRIAL SERVICES  
DISTRICT OF DELAWARE**



**MARGARET M. BRAY**  
Chief U.S. Probation Officer

**CENTRAL OFFICE LOCATION:**

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302-252-2950

**ROBERT HENDERSON**  
Deputy Chief U.S. Probation Officer

July 19, 2023

**BRANCH OFFICE LOCATION:**

1218 FORREST AVE  
DOVER, DE 19904  
302-677-0633

Leo J. Wise, Esquire  
Derek E. Hines, Esquire  
Benjamin L. Wallace, Esquire  
U.S. Attorney's Office  
Hercules Building  
1313 North Market Street  
P.O. Box 2046  
Wilmington, DE 19801

**RE: BIDEN, Robert Hunter**  
**Docket No. 1:23CR00061-001**

Dear Defense Counsel:

Enclosed, please find the Pretrial Diversion Report for the above-named defendant. A copy of the report has been sent to defense counsel also.

Should you have any questions, please feel free to contact me.

Sincerely,

Margaret M. Bray  
Chief U.S. Probation Officer

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MMB/tk  
Enclosure

cc: Christopher J. Clark, Esquire  
Clark Smith Villazor LLP  
250 West 55th Street  
New York, NY 10019

PS 28  
(4/95)

**NAME: Robert Hunter Biden**

[ \* \* \* \* ]

RE: Biden, Robert Hunter

**ASSESSMENT**

35. The defendant has accepted responsibility for his actions in the instant offense and does not contest the Government's version of events.
36. Mr. Biden has cooperated with the pretrial diversion investigation, including providing requested forms and documents and allowing a home inspection. As indicated, housing and employment are stable, and the Probation and Pretrial Services office in the Central District of California has visited the home. The defendant has reportedly refrained from the use of illicit substances since June of 2019.

**RECOMMENDATION**

37. The United States Probation Office recommends the defendant as a candidate for a 24-month term of Pretrial Diversion.
38. If all parties agree, the following conditions of Pretrial Diversion are recommended:
  - 1) You shall not commit another state, federal, or local offense.
  - 2) You shall be subject to pretrial diversion supervision as directed by the U.S Probation and Pretrial Services Office in this District.
  - 3) You shall continue or actively seek employment.

RE: Biden, Robert Hunter

- 4) You shall refrain from the use of or unlawful possession of a firearm, ammunition, or destructive device, (as that term is defined by Title 18, United States Code, Section 921(a)(3)), and you shall not attempt to purchase any firearms or ammunition.
- 5) You shall consent to a permanent entry in the National Instant Criminal Background Check System (“NICS”), such that you will be denied via NICS if you attempt to illegally purchase another firearm.
- 6) You shall refrain from the use and/or the unlawful possession of a narcotic drug, unless prescribed by a licensed medical professional. You shall not use alcohol.
- 7) You shall submit to drug/alcohol testing and/or treatment and following any treatment recommendations as directed by Pretrial Services.
- 8) You shall communicate in writing any international travel plans (and provide supporting documentation, if requested), to both the U.S. Probation Office in the District of Delaware and the U.S. Probation Office in the district in which you reside.
- 9) You shall submit to fingerprinting by the Federal Bureau of Investigation (FBI). The fingerprint card will be submitted to the FBI for placement in their identification files. Upon successful completion of the term of Pretrial Diversion, the FBI will be notified to mark their records that pretrial diversion was successfully completed. The fingerprint cards will be withdrawn from the FBI records three years after completion of pretrial diversion in accordance with FBI policy.

Respectfully submitted,



Margaret M. Bray  
Chief U.S. Probation Officer

July 19, 2023

Date