By Allan Lengel

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WASHINGTON – Ex-FBI agent Mark Rossini, who was busted for leaking a confidential FBI document to his lover, actress Linda Fiorentino, should get probation instead of prison time, federal prosecutors said in a court filing here.

“ As a result of admitting this violation, the defendant has already resigned from the FBI, and has suffered a significant and public fall from grace,” the U.S. Attorney’s Office said in a sentencing memorandum filed Tuesday in U.S. District Court in Washington.

“Taking into account all of these factors, the government feels that a sentence of five years probation, with the general conditions and special conditions…., along with a $10,000 fine, is justified by the serious criminal conduct when measured against the defendant’s contrition and admission of guilt,’ the government document said.

The government document sentencing guidelines call for a sentence of 0 to 6 months in jail and a maximum $10,000 fine.

Sentencing is set for Thursday at 10 a.m.

Rossini, a dapper and colorful character who became fodder for the New York gossip columns when he started dating actress Linda Fiorentino , was accused of accessing the FBI’s Automated Case Support System (ACS) more than 40 times for personal use in Washington and New York between Jan, 3 2007 and July 30, 2007. He pleaded guilty last Dec. 8 to five counts of criminal computer access.

What ended up being his undoing was when he downloaded an FBI document known as a “302 report” on Jan. 26, 2007, and gave it to Fiorentino.

Fiorentino, who according to federal authorities, had a “previous relationship with Anthony Pellicano” provided a copy of the report to a Pellicano attorney in San Francisco, court documents state. The attorneys then used the document in Pellilcano’s trial to say that the government was withholding “exculpatory information from the defense.”

Little did the attorneys know that the judge had privately told the government in an ex-parte communication that it did not have to hand over the document. Pellicano was eventually convicted of running a criminal enterprise that illegally snooped on high profile celebrities.

Rossini resigned from the FBI, and according to the sentencing memorandum, and has landed employment “which was a condition of his plea agreement.”

Under the government’s proposed special conditions of probation, Rossini would be required to perform 250 hours of community service and not seek employment with the federal government or any state, federal or local law enforcement entity while on probation.