

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY J. BALLMER,

Defendant.

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ORDER

11-cr-91-bbc

Defendant Randy J. Ballmer has moved for disclosure of certain information from the presentence reports of other persons convicted in cases involving the manufacturing of methamphetamine. The motion will be denied. The reports are confidential information that is generally made available only to the court, the United States Attorney, the defendant and his or her counsel, unless the requester can demonstrate a compelling and particular need for wider disclosure. Defendant has not made that showing in this case.

Defendant says that he does not want any of the confidential information, simply the advisory offense level and criminal history calculations of the individuals, so that he can argue for a comparable sentence for himself. He says that this request complies with the directive of 18 U.S.C. § 3553(a)(6) that courts should avoid unwarranted disparities in sentencing. The problem for defendant is that granting his request would do little to advance the goal of comparable sentences for comparably-situated defendants.

Knowing the advisory offense level and criminal history calculation for other defendants gives a lawyer and his client only two of the considerations that go into fashioning a sentence. It does not reveal the other factors that influenced the sentence, such as the extent to which the defendant cooperated with the government, the exact extent of the defendant's involvement or aspects of the defendant's personal history, all of which may have led to a lower or higher sentence than those given to other seemingly similar defendants.

In short, I am not persuaded that defendant has shown a compelling and particular need for his requested information from certain presentence reports. If he wants to see the sentencing transcripts of the defendants that are the subject of his motion (and which are likely to reveal more information than the limited amount he is requesting), he is free to request sentencing transcripts or view them online.

#### ORDER

IT IS ORDERED that defendant Randy J. Ballmer's request for information from presentence reports, dkt. #116, is DENIED.

Entered this 24th day of August, 2012.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge