

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN PETERSON,

Defendant.

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ORDER

12-cr-87-bbc

The government has moved for two orders. The first is one directing the probation office to disclose all financial records and documents provided to it by defendant Christian Peterson in connection with the preparation of the presentence report the office has filed with the court. This motion will be denied.

The probation office is an arm of the court, not an agent of either the government or the defendant. For that reasons, it should not be required to turn over information to the government except through the means of the presentence report. Any other course would give it the appearance of an investigator for the government and undermine its effectiveness as an aid to the court. It can perform its work for the court best if it confines its work to preparing a fair and thorough a report of the offense and of the offender and is seen as neutral and unbiased in that regard.

Although it is conceivable that there would be exceptional circumstances in which the

office might want to alert the government to information it has come across in the process of preparing a presentence report, this is not one of them. In the unlikely event such circumstances were to occur, the probation office could seek leave of the court to make the information known to law enforcement.

The government's second motion is for early disclosure of subpoenaed documents under Fed. R. Crim. P. 17(c). That motion will be granted, on the understanding that it does not authorize the government to subpoena documents from the probation office.

#### ORDER

IT IS ORDERED that the government's motion directing the probation office to disclose all financial records and documents provided to it by defendant Christian Peterson in connection with the preparation of the presentence report is DENIED. The government's motion for early disclosure of subpoenaed documents under Fed. R. Crim. P. 17(c) is GRANTED; all such documents are to be produced within two weeks of the date of service of subpoena. No subpoena shall issue to the probation office.

Entered this 29th day of September, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge