

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

14-cr-26-wmc

v.

TYLER R. PERKINS,

Defendant.

The court is in receipt of the Motion for Disclosure of Presentence Investigation Report (dkt. #29) filed by defendant's state court counsel and by an Assistant District Attorney for Marathon County, Wisconsin, neither of whom are members of this court's bar, counsel of record in this case, or even admitted *pro hac vice*. The court might be willing to ignore all of these technical defects were the motion itself not ill-advised as well.

First, the typical practice in this court is for the state *probation agent*, here apparently Alyssa Burke, to direct a disclosure request to her federal counterpart. In the past, this court has regularly authorized the release of the report to the state agent (or less typically, state judge) to assist with preparation of in the state PSR, *provided* that: (1) the report is not made part of the state court file; (2) the report is neither copied nor redistributed; and (3) the report is returned to the federal probation office or the federal probation office is provided written verification that the report was destroyed after its approved use. Although some of the *underlying information* contained in the federal report would find its way into the state report, it has *not* been the practice of this court to

disclose the actual report to defense counsel or the district attorney because such a release might result in the loss of control over a sealed document.

Second, this typical practice is far less cumbersome and serves the efficient transfer of relevant information, something the movants here claim is a priority.

Third, even if the court were inclined to depart from its usual practice in an appropriate case, the federal PSR requested here focuses on a firearms offense and only contains a brief statement about the methamphetamine and drug paraphernalia recovered from the home that is apparently the focus of the pending state charge. In any event, whatever useful information there may be for state sentencing can be gleaned by the state probation officer and incorporated into her PSR without the federal court losing control over the federal report itself.

ORDER

IT IS ORDERED that the Motion for Disclosure of Presentence Investigation Report (dkt. #29) is DENIED without prejudice to the state probation officer directing a similar request to her federal counterparts.

Entered this 9th day of February, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge