

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID FRANKLIN,

Defendant.

ORDER

06-cr-0189-bbc

In response to this court's order to show cause why he should not be ordered to return documents to defendant David Franklin, his former client, Anthony Delyea has filed a response, attesting to the fact that he has sent Franklin most of the documents he was seeking. Delyea has included an explanation for not sending defendant three items he was seeking: a copy of his presentence report (defendant is not permitted to have a copy in prison but may view the report in his counselor's office on request); a copy of the one pretrial motion that Delyea filed on defendant's behalf, which pertained only to an emergency visit and has nothing to do with any substantive issue; and a copy of the transcript of the plea hearing (because it is not in Delyea's possession). In addition, Delyea has advised defendant that Delyea would provide defendant a compact disc containing

defendant's complete file if defendant would simply advise Delyea where the disc should be sent.

It is evident from Delyea's response that he is not withholding any documents from defendant. He has shown cause why no order need be entered requiring anything of him. Therefore, defendant's motion for the production of documents will be denied.

ORDER

IT IS ORDERED that Anthony Delyea has shown cause why he should not be compelled to forward documents to defendant David Franklin. Accordingly, defendant's order to compel defense counsel to forward relevant documents from the record, dkt. #35, is DENIED.

Entered this 2d day of July, 2008.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge