

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Case No. 13-0291 (RBW)
)	
JEROME JETER,)	
)	
Defendant.)	
)	

ORDER

This matter is before the Court on the defendant's Unopposed Motion to Compel Disclosure of Recommendation. After careful consideration, the defendant's motion is denied for the following reasons.

The undersigned member of the Court finds that disclosure of the United States Probation Office's sentencing recommendation is inappropriate. The Probation Office is an arm of the Court, and, like any other court staff, including the Court's law clerks, its advice to the undersigned is intended to be confidential and is not subject to disclosure. Maintaining this confidentiality protects the officers' ability to be candid in their recommendations to the Court.

The Probation Office itself is opposed to the disclosure of its sentencing recommendations because of the tension that may arise in the Office's later supervision of defendants based on the earlier sentencing recommendation, a concern that the undersigned shares. It is no answer that this district's Probation Office is structured so that officers who provide sentencing recommendations are separate from those that provide subsequent supervision because interference in the defendant's supervision may result from distrust of the entire institution, rather than the individual officer who provided the recommendation.

Moreover, this district's Probation Office may alter its structure in the future and in fact individual officers sometimes move throughout the organization so that there can be no real assurance that the officers who provide sentencing recommendations will not overlap with those who work with defendants on probation or supervised release.

The undersigned's prior experience with the disclosure of sentencing recommendations bears out these apprehensions. When the undersigned previously granted a similar request, defense counsel used the information to challenge the officer's sentencing recommendation. While the undersigned appreciates that other courts and even other members of this Court have reached different conclusions regarding the propriety of disclosing the Probation Office's sentencing recommendation to the parties, in the undersigned's opinion, the disclosure may very well inhibit the formation of a productive relationship with the Probation Office during supervision with very little benefit to the defendant at sentencing. The defendant is already privy to the factual information on which the sentencing recommendation is based, which is contained in the Presentence Report. Disclosure of the sentencing recommendation thus provides the defendant with little more than an opportunity to disagree with the recommendation, potentially fostering resentment towards the Probation Office and impairing the Office's ability to help the defendant successfully complete supervision.

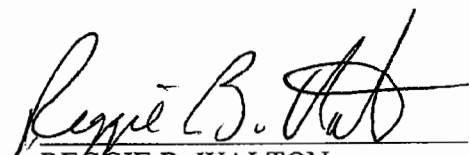
Federal Rule of Criminal Procedure 32 expressly permits this Court to prohibit the disclosure of the Probation Office's sentencing recommendation, and no authority in this Circuit precludes this Court from doing so. See Fed. R. Crim. P. 32(e)(3). And this Court has reviewed both the Presentence Report and the sentencing recommendation and finds only one factual matter about the defendant's case in the recommendation that has not been included in the

Presentence Report already disclosed to the parties.¹ For all of the reasons set forth above, this Court finds that the balance of interests here weighs in favor of maintaining the confidentiality of the Probation Office's sentencing recommendation in this case.

Accordingly, it is hereby

ORDERED that the motion is **DENIED**.

SO ORDERED this 29th day of May, 2014.


REGGIE B. WALTON
United States District Judge

¹ The only information the Court has identified in the recommendation that is not included in the Probation Office's Presentence Report is the representation that the street value of the drugs recovered during the defendant's arrest is approximately \$4,000.