

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 1:17-cr-00006-2
	)	Judge Trauger
	)	
BRANDY JANINE ROQUE	)	

**MEMORANDUM AND ORDER**

The defendant's Motion for Discovery to Reveal Co-Conspirator Statements (Docket No. 197), to which the government has filed a Response in opposition (Docket No. 210), is DENIED.

The defendant is clearly not entitled to co-conspirator statements before trial, and this judge and other judges in this district have almost uniformly followed the third approach discussed in *U.S. v. Vinson*, 606 F.2d 149, 153 (6<sup>th</sup> Cir. 1979). The court will admit the co-conspirator statements subject to the government's establishing, by a preponderance of the evidence during its case in chief, that the charged conspiracy existed, that the defendant was a member of the conspiracy, and that the statement was made in the course and in furtherance of the conspiracy. The statements will be admitted subject to the defendant's continuing objection, which will be ruled upon at the end of the government's case in chief.

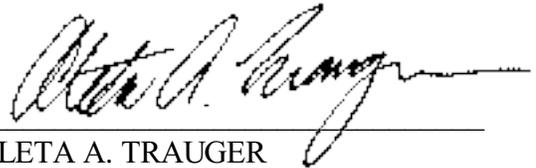
The defendant has also filed a Motion for Discovery to Allow Access to Presentence Investigation Reports (Docket No. 198), to which the government has filed a Response in opposition (Docket No. 211). The defendant's motion is DENIED without prejudice.

The defendant has no absolute right to review the presentence reports of cooperating witnesses. *US v. Sherlin*, 67 F.3d 1208, 1218 (6<sup>th</sup> Cir. 1995). This court typically follows the

line of cases holding that, once the defendant identifies the potential exculpatory or impeachment material he or she expects to find in a cooperating witness's presentence report, the court will review that presentence report *in camera* in order to determine whether any parts of it should be disclosed to the defense. See *U.S. v. Johnson*, 299 F. Supp. 3rd 909, 916 (M.D.Tenn. 2018). The defendant has not so identified any information, in that she does not know who the government's witnesses are to be at trial. When and if she raises the possibility of such material being contained within a specific presentence report, if that report has been prepared for the court, the court will review it *in camera*.

It is so **ORDERED**.

ENTER this 5<sup>th</sup> day of July 2018.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER  
U.S. District Judge