

1 THE COURT: You want to do it ex parte, or
2 in camera?

3 MR. BLACKWELDER: I think I can do it now without --

4 MS. JACKSON: Only the U.S. marshals and probation.

5 THE COURT: Apparently family members, including the
6 defendant's wife.

7 MR. BLACKWELDER: I would like to ask that a portion
8 of the presentence report be deleted, specifically Section
9 88. I think the Court is aware this is a fairly readily
10 accessible document within the Bureau of Prisons, and I think
11 the Court can also understand his concern that this kind of
12 information would be aired to the general population.

13 THE COURT: Well, let's see. In terms of providing
14 a copy to the Bureau of Prisons, is it possible to delete
15 paragraph 88 and still comply with any needs that the Bureau
16 of Prisons has?

17 PROBATION OFFICER ROEMBKE: Yes, Your Honor.

18 THE COURT: I'll direct --

19 CHIEF PROBATION OFFICER HALL: Your Honor, one thing
20 the counsel didn't mention. In the Bureau of Prisons the
21 defendant would be afforded additional security because of
22 that paragraph. So leaving it in, it actually would be
23 somewhat of a benefit to him from a staff standpoint. It
24 would not be, obviously, from an inmate standpoint. So if he
25 prefers it out, we will comply.

1 THE COURT: Do you concur with Mr. Blackwelder's
2 portrayal of these presentence reports in the institution as
3 being sort of open for public view?

4 CHIEF PROBATION OFFICER HALL: Well, the only public
5 view that would occur is that the defendant gets a copy of
6 the presentence report. He would be allowed to have it in
7 his living quarters in the institution. So in that regard it
8 would be an accessible. As far as the staff is concerned, it
9 is only kept in the central records area.

10 MR. BLACKWELDER: Judge, I'm not sure it is
11 available for public view, but I believe every institution
12 uses inmate clerks, typists, and labor. I assume the Court
13 is aware of the problem that the Indiana Department
14 Corrections have had with inmates working as keypunch
15 operators, finding out the names and addresses and phone
16 numbers and vital information on inmates' wives and kids, and
17 all other kinds of personal information.

18 THE COURT: Well, I'm not going to compare the
19 Indiana Department of Corrections with the Federal Bureau of
20 Prisons, but it is true that there are some inmate staff in
21 certain areas of records parts of prisons, federal prisons.
22 However, I'll leave it up to you, though. I'll either direct
23 that paragraph 88 be deleted from any copies that go to the
24 Bureau of Prisons or retained in there.

25 MR. BLACKWELDER: Notwithstanding the possible

1 benefits of staff protection, we would like it deleted.

2 THE COURT: Miss Roembke, if you could make sure
3 that any copy that goes to the Federal Bureau of Prisons, or
4 to this defendant for that matter, have paragraph 88 deleted.

5 PROBATION OFFICER ROEMBKE: He already has his copy
6 of this report, Your Honor.

7 THE COURT: All right. Then if you would delete
8 that yourself, Mr. Norman, and then we will take care of the
9 ones that go to the Bureau of Prisons. So paragraph 88 will
10 not be included.

11 MR. BLACKWELDER: Judge, the defendant has one other
12 request to make of the Court.

13 THE COURT: Yes.

14 DEFENDANT NORMAN: It is hard to talk.

15 THE COURT: Yes. Take your time.

16 MR. BLACKWELDER: Mr. Norman would like to request
17 the Court he be given the privilege and opportunity for
18 voluntary surrender. He has been locked up for six months.
19 He has had no contact with his wife, not able to help his
20 parents. The forfeiture order only gives the defendant 30
21 days in which to coordinate the getting of personal items out
22 of the house in Texas and California, and he would like to be
23 able to be temporarily released from custody and will commit
24 to the Court that he will stay with his parents in Akron,
25 Ohio, and that he will follow any other special conditions of