

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 03-CR-126-C-01

CHRISTOPHER L. TEMPLE,

Defendant.

**DEFENDANT'S ADDITIONAL ANSWER TO GOVERNMENT'S
PROBATION VIOLATION PETITION**

Christopher L. Temple, (hereinafter "Temple") appearing Pro Se, representing and speaking for himself at all times as is his right protected under the Sixth Amendment to the Constitution, hereby offers and files this additional answer (supplementary to that of his Motion/Answer filed December 13, 2010, which is made a part of this answer in its entirety by reference) to the Government's pending Probation Violation Petition. This is all in furtherance of Temple's obligation as directed and need to assist the Court in her review and "...to show cause why his term of supervised release should not be revoked."

Temple's consulting income and role. Essentially all of the allegations of probation violations stem from Temple's entry into a consulting business with _____ of _____, _____; and, then, his efforts to defend and protect both that business and the income to him from it.

In her own rendition of this matter, Probation Officer Kelley Gustaveson

(hereinafter "Gustaveson") has omitted several important facts. Among other things, they will demonstrate to the Court that 1) Gustaveson knew *well before* the present time that Temple was engaged in this business and 2) that she approved of it.

Attached to and made a part of this Answer as "Exhibit A" is the first page of Temple's Monthly Supervision Report for the month of August, 2010. The Court will note that, disclosed in the section asking for "Other Cash Inflows" is included an amount of \$1,000.00 listed as "non-investment consulting;" an important distinction to which Temple will return later.

Temple met in the Probation Office on or about September 17, 2010 with Gustaveson and her immediate supervisor, Paul Reed. At that meeting, he does not recall what, if anything was discussed about this consulting income or anything related to it (the meeting was regarding another matter.) What he can recall, though, is that there certainly was no issue or problem with either this consulting position or the income that indeed was reported from it more than two weeks prior to his being in that office.

Indeed, that there was no issue -- and no possible way of Temple knowing that there was any problem -- is further evidenced by what is attached to and made a part of this Answer as "Exhibit B." It is a travel permit dated September 22, 2010, signed by Gustaveson, giving him permission to travel to the _____, _____ residence of _____.

The very first thing mentioned as to the purpose of the trip was, "Consulting work..."

Temple reported an additional \$2,000.00 of income from this work on his

Monthly Supervision Report for October, 2010; the first page of it evidencing this is attached to and made a part of this Answer as Exhibit C.

Gustaveson's other contradictions as to her knowledge of all this. On Page 2 of the Government's Petition, Gustaveson admits that, "During a discussion about the separation (referring to that between Temple and his wife)...Mr. Temple stated that he was also doing some consulting work for . in an attempt to help her start a website for a new Internet business." This discussion to which Gustaveson refers is one early in the week of November 8, 2010, when she contacted him by phone (Temple does not recall the exact date, but believes it would have been Wednesday, November 10, as when Gustaveson called he was quite ill, and the date on the prescriptions he received right after that shows November 11.)

Needless to say -- at least in his mind -- Temple viewed this as merely a clarification of what Gustaveson had *already known for more than two months*.

Temple expanded on all this further --and in considerable detail -- when asked by Gustaveson during an approximately 90-minute visit by her to his apartment on November 24, 2010.

Gustaveson asks the Court to believe that she only knew about Temple's consulting activities via his letter to her of December 7, 2010 regarding her denial of a travel permit to go back to . (that four-page letter is attached to and made a part of this Answer as Exhibit D, Pages D-1 - D-4.) After referencing that letter, she states further in the Government's Petition that, "Prior to this written response, Mr.

Temple never told this officer that he was being paid consulting fees or that he had started a business with"

That statement is quite clearly false, as evidenced by all of the preceding, including Gustaveson's own admission referenced earlier (and stated earlier in her Petition) that she had been previously told by Temple that he was engaged in this activity.

The accusation regarding maintaining unsupervised employment. Also in regard to Temple's consulting work for (which she has *also* clarified to Gustaveson), P.O. Gustaveson suggests that this activity violates the special condition of supervised release "...which requires him to refrain from seeking or maintaining any unsupervised employment *related to financial matters* without the prior approval of the probation officer." (*Emphasis added.*)

Suggesting that his supposed failure to disclose his consulting work with properly violates this, Ms. Gustaveson gratuitously adds, "It appears that Mr. Temple wants to determine his own level of compliance with the probation office and is not fully amenable to supervision."

First, Temple respectfully reminds the Court as to the relevance and design (and suggests that she remind Gustaveson) of what "related to financial matters" means. Temple was convicted of one count each of mail fraud and money laundering related to what is commonly described as a "Ponzi scheme" he was running. The special condition of supervised release at issue contemplates activity, for instance, where Temple would in any way have any "hands-on," or fiduciary duties, or have some ability to have access to money in the course of his duties.

When disclosing his consulting income back in his August report to Gustaveson, Temple was quite deliberate in accurately labeling it as "non-investment consulting" income. He of course is well aware of this special condition; and has not violated it.

Indeed, Temple's past conduct reveals that -- far from "determin(ing) his own level of compliance," -- he has met or exceeded this provision. He trusts Gustaveson will recall a point when, during a home visit earlier during his term of supervised release, he did make her aware of an opportunity he had been presented with and was investigating that *did* have at least something to do with financial matters. He informed Gustaveson that he had been approached by a company called _____, Inc. to, essentially, license his newsletter content and recommendations to that company for its use in exchange for a fee. After further investigation, he decided against that particular venture.

Temple further reminds the Court here of his respect for this particular special provision evidenced by his *exceeding* what was asked of him by Gustaveson in regard to another special condition; that of his public notification (see Page 7 of that Motion/Answer filed December 13, 2010.)

Allegation of failure to provide proof of consulting income. As Temple will explain and document for the Court if she deems it necessary at a hearing, Temple has for many months reported his income each month essentially the same way; with nary a peep from Gustaveson until most recently.

As the Court can plainly see via the makeup of the Monthly Supervision Report (Exhibits A and C) there is a line entitled "Net earnings from employment;" underneath that it states "*(Attach Proof of Earnings).*" Each and every month Temple has reported his

wages from here, and has indeed on each occasion attached and/or enclosed copies of his pay stubs with his report.

Under that Temple has each month reported his *gross* self-employment income; that from his newsletter, *The National Investor*, and, most recently, his consulting work for

The only indication Temple has been given that -- after months of this regimen -- Gustaveson required more information *now* was when she in an e-mail on November 2, 2010 asked for copies of all of Temple's bank statements going back to November, 2009. (see the e-mail and Temple's response attached to and made a part of this Answer as Exhibit E.) During her phone conversation with him on or about November 10, Gustaveson told Temple that this was for the purpose of "verifying deposits."

Temple copied and delivered all those bank statements to Gustaveson as directed; *statements which contain proof of the deposits of his consulting income.*

Temple hopes the Court will require some explanation from Gustaveson as to why the *entirety* of the circumstances of his reporting of this additional consulting work/income was not made known to the Court; and why actions which, for many weeks, were approved by Gustaveson are now the cause of a Probation Violation Petition.

Temple's failure to report to the Probation Office on December 10, 2010.

This leaves us with what Temple suggests was the capricious act of Probation Officer Paul Reed to essentially manufacture a violation by giving Temple a "direction" that any reasonable person would agree could be one either very difficult or impossible to immediately meet.

After several days' efforts of trying to resolve the denial of his travel permit and interruption of his duties with . . . (which, among other things, has cost them both time and, in Temple's immediate case, further income) the first response Temple received from his entreaties via e-mail to Mr. Reed was an e-mail Friday morning, December 10, directing him to be in the Probation Office at 10:00 a.m. Temple promptly replied that it was not possible for him to go down there on such short notice. He nevertheless attempted to find an alternative time to report to Reed. Not hearing back from him, Temple even attempted to arrange a meeting and find some resolution to the dispute that caused all this with Chief U.S. Probation Officer Kent Hanson, but was rebuffed. (e-mails pertinent to this are attached to and made a part of this Answer as Exhibit F, Pages F-1 - F-3.)

The Government seeks to portray Temple as "...want(ing) to determine his own level of compliance with the probation office..." In capriciously *forcing*, in his view, Temple into such a technical violation as it did here, the Government is also being selective in portraying to the Court the entirety of his conduct while on supervision; specifically, his conduct in *past* such circumstances.

One example Temple cites is that -- when what he also at the time viewed as an arbitrary and destructive action on Gustaveson's part was at issue -- he was asked to meet with both her and Reed and agreed to do so. That meeting was scheduled for the early afternoon of September 17, 2010. A short time prior to that (thankfully, not a mere couple of hours) Gustaveson contacted Temple asking him if he could report instead around 9:00 a.m., as she had other duties she needed to attend to that afternoon. Having

been given more notice and wishing to cooperate with and accommodate her -- *and, on that particular day, having the ability to change his plans on fairly short notice* -- he went down to Eau Claire earlier as asked.

IN SUMMATION, Temple has responded here to the specific charges in the Government's Petition. He trusts he will have the opportunity at a judicial hearing to answer as well other information presented in the Petition by Gustaveson which, at best, paints an incomplete picture of (among other things) his financial situation and his *continuing* occasional duties to care for his oldest son, .

Finally, having here refuted the purported factual basis of the Government's Petition, Temple will further show cause in a Memorandum which will shortly follow this answer why, as a matter of law, this Court must dismiss the Government's Petition.

Dated: December 20, 2010

Respectfully submitted,

/s/

Christopher L. Temple
1190 Valley Rd.
Spooner, WI 54801

(715) 939-1200