

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT PADUCAH**

**CRIMINAL ACTION NO. 5:06 CR-00019-R**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**STEVEN D. GREEN**

**DEFENDANT**

**ORDER**

The Court having considered the United States' Motion for Order Authorizing Access to Confidential Communications Between Defendant and Psychotherapist, and the Court being sufficiently advised, the motion shall be and hereby is GRANTED.

By filing notice pursuant to Rule 12.2(a), the defendant has placed his mental health at issue in this case. In doing so, he has waived his psychotherapist-patient privilege. *Maday v. Public Libraries of Saginaw*, 480 F.3d 815, 821 (6th Cir. 2007). Accordingly, the United States may seek access to the defendant's confidential communications made to Dr. E. B.

However, the United States may not seek introduction of (1) any statement made by the defendant to Dr. E. B. during the course of Green's examination or treatment, (2) any testimony by Dr. E. B. based on Green's statements, or (3) any fruits of the statements except on an issue regarding mental condition on which the defendant has (i) introduced evidence of incompetency or evidence requiring notice under Rule 12.2(a) or (b)(1), or (ii) has introduced expert evidence in a capital sentencing proceeding requiring notice under Rule 12.2(b)(2). *See* Rule 12.2(c)(4).