

5. The Defendant desires to issue a subpoena to the following person:

[REDACTED]

6. Based upon counsel's investigation of this matter, the above-named person is an essential witness for the hearing in this matter.

7. This subpoena will be served by the Federal Public Defender's Office.

8. The Defendant requests that this witness be reimbursed in the same manner in which similar costs and fees are paid to witnesses subpoenaed on behalf of the United States.

9. The Defendant further requests that any order issued pursuant to this application granting Defendant's request with respect to this particular witness continue in effect until this action is tried, and Defendant not be required to renew such application on account of any continuance of the trial of this action.

10. Finally, the Defendant respectfully requests that the Court seal both this ex parte application and the corresponding order, thereby according to the Defendant the same dignity and privacy privileges flowing to those persons financially able to subpoena witnesses without court intervention.

11. Following is a summary of the anticipated testimony of

this witness. The Defendant previously sought subpoenas for three other witnesses who would testify that the firearm found in the vehicle which the Defendant was driving on [REDACTED], had been left in the vehicle earlier in the evening by another person. The most crucial two of those three witnesses recanted that testimony and apparently have informed the Assistant United States Attorney that the Defendant threatened them to get them to tell that story at his hearing.

On the afternoon of Wednesday, [REDACTED], the undersigned counsel received a telephone call from [REDACTED], who stated that she previously has been good friends with [REDACTED], one of the witnesses who is now recanting her testimony and stating that she previously lied for the Defendant because he had threatened her and her sister. [REDACTED] will now testify that, several weeks ago, [REDACTED] told her that she would pay her to come to court to verify that she had overheard the Defendant threatening [REDACTED] so that [REDACTED] would lie for the Defendant.

12. [REDACTED] informed the undersigned counsel that it would be difficult for her to be present on Friday at 2:00 PM to testify at the hearing because she has a minor child who has child care issues that afternoon. Therefore, it may be impossible for [REDACTED] to be present at the hearing. It also may be difficult, if not impossible, for an investigator in the Office of the Federal Public Defender to serve this subpoena once the order directing the

issuance of the subpoena has been signed. Nevertheless, out of an abundance of caution, the Defendant is filing this motion requesting an order directing that a subpoena be issued for [REDACTED]

Respectfully submitted, this the 28th day of [REDACTED]

[REDACTED]
Federal Public Defender

s/s [REDACTED]

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