

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

No. [REDACTED]

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EX PARTE MOTION FOR A PROTECTIVE ORDER
(SEALED)

The Defendant, by and through counsel, hereby respectfully applies, ex parte, to this Honorable Court, for an order permitting his firearms expert to perform experiments necessary to prepare his defense, and to do so with impunity. In support of this motion, the Defendant shows unto the Court the following:

1. Count Three of the indictment in this matter charges the Defendant with using a short barrel 12-gauge shotgun during and in relation to a crime of violence resulting in the death of the deceased, in violation of Title 18, United States Code, Sections 924(c)(A)(iii), 924(c)(1)(B), 924(j)(1) and 2.

2. The United States has alleged in its Notice of Intent to Seek the Death Penalty that the Defendant shot the victim at close range with a shotgun.

3. As a result of the allegation that the victim was shot at close range with a shotgun, and the fact that the shotgun is alleged to have been a short barrel shotgun, it is necessary for the Defendant to have tests performed in order to defend against such allegation.

4. The Defendant has secured the services of [REDACTED] of [REDACTED], [REDACTED], [REDACTED], a licensed firearms dealer and firearms expert, to perform tests in an attempt to determine the distance from which the shotgun was fired. In order to perform such test, it will be necessary for him to test fire a short barrel shotgun similar to the one involved in this case. He will be required to cut off the barrel of a 12-gauge shotgun to the length of the one involved in this case and in doing so would be required to register the firearm pursuant to Title 26, United States Code, Sections 5861(d) and 5871, unless this Court grants him permission to possess the firearm and perform the tests with impunity.

5. Upon completion of any tests conducted with such shotgun, [REDACTED] would be required to destroy the weapon.

WHEREFORE, the Defendant respectfully requests that the Court enter a protective order allowing [REDACTED] of [REDACTED], [REDACTED], [REDACTED], to cut off the barrel of a 12-gauge shotgun to a length of 18 inches or shorter and an overall length of less than 26 inches, and to possess such firearm in connection with his performing tests for the Defendant for a period of time not to exceed thirty (30) days from the signing of a protective order by this Court, after which time, or upon completion of said tests, [REDACTED] would be ordered to destroy the weapon.

Respectfully requested, this 25th day of [REDACTED].

/s/ [REDACTED]
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