

**FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT \_\_\_\_\_

UNITED STATES OF AMERICA            )  
  )  
v.    )  
  )  
\_\_\_\_\_    )  
  )

Case No.:  
Judge:

**EX PARTE MOTION FOR ISSUANCE OF SUBPOENAS**

The defendant, \_\_\_\_\_, by and through counsel, pursuant to Rule 17(b)-(d) of the Federal Rules of Criminal Procedure, states as follows:

1. The undersigned was appointed to be counsel for \_\_\_\_\_. A trial in this matter is scheduled for \_\_\_\_\_, \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ .m.

2. The below noted witnesses and records are necessary for an adequate defense at the trial of this case. [Insert summary of the specific testimony of the witness(es) and/or records, explaining the necessity of the witness(es) and/or records for an adequate defense, and showing that the testimony of the requested witness(es) and/or records is relevant. To satisfy this preliminary showing, the defendant must do more than offer generalities about the necessity of the witness. *United States v. Barker*, 553 F.2d 1013, 1020-21 (6<sup>th</sup> Cir. 1977).]

3. A subpoena should be issued and costs incurred by the process and fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in the case of a witness subpoenaed on behalf of the government under Rule 17(b) of the Federal Rules of Criminal Procedure.

4. Counsel requests the expeditious service of the requested subpoenas. It is requested that a subpoena be issued for these individuals and requested records and the costs be

paid in accordance with Rule 17(b) of the Federal Rules of Criminal Procedure as outlined above. Said subpoenas are attached.

5. The witnesses to be subpoenaed are as follows:

6. Counsel further requests that this Motion and the tendered Order be placed under seal. Under Rule 16 of the Federal Rules of Criminal Procedure, the United States is not entitled to a witness list from the defense. Unless this motion is sealed, the government will have been given a witness list of the defense. Therefore, counsel requests that this Motion and tendered Order be placed under seal in accordance with the spirit of Rule 16 of the Federal Rules of Criminal Procedure.

WHEREFORE, the defendant \_\_\_\_\_, respectfully requests this Court to authorize the issuance of the requested subpoenas and to serve said subpoenas at government expense via Federal Defender Services of Eastern Tennessee, Inc., or the United States Marshal Service, and all other necessary relief as requested above. This is not an all-inclusive list of the subpoenas expected to be requested.

Respectfully submitted,

By:\_\_\_\_\_