

OFFICE OF THE FEDERAL PUBLIC DEFENDER  
DISTRICT OF MARYLAND

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JAMES WYDA  
FEDERAL PUBLIC DEFENDER

GARY W. CHRISTOPHER  
CHIEF ASSISTANT FEDERAL PUBLIC DEFENDER

September 14, 2007

Hon. Benson E. Legg  
United States District Court  
United States Courthouse  
101 West Lombard Street  
Baltimore, Maryland 21201

Re: United States v. Defendant, et al.  
Criminal No. L-99-XXXX

Dear Judge Legg:

I enclose an ex parte petition for a subpoena requiring the attendance of a witness at the hearing scheduled for XXXX 1, 2000.

The witness is now incarcerated at the Baltimore City Detention Center. Accordingly, I also enclose a writ of habeas corpus ad testificandum for the witness. While we have asked that our staff be authorized to effect service of the subpoena, I believe that the writ will need to issue directly from the Clerk to the institution (or to the U.S. Marshal). I would be grateful if Your Honor, after signing the Writ, would ask the Clerk to direct the Writ appropriately.

Very truly yours,

Gary W. Christopher

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

THE UNITED STATES OF AMERICA

v.

DEFENDANT, et al.

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Criminal No. L-99-xxxx

**EX PARTE PETITION FOR THE ISSUANCE  
OF SUBPOENA PURSUANT TO RULE 17(b) OF THE  
FEDERAL RULES OF CRIMINAL PROCEDURE (UNDER SEAL)**

The defendant, through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Gary W. Christopher, Chief Assistant Federal Public Defender, respectfully petitions this Court to order the issuance of the attached subpoenas pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure. Said subpoenas are to be issued under seal and at the expense of the United States Government. In support of this petition, the following is asserted:

1. The defendant, has been charged by superseding indictment with bank robbery in violation of 18 U.S.C. § 2113. Trial is set for XXX 4, 1999.
2. The government has indicated its intention to adduce as evidence at trial fruits of a search conducted by officers of the Baltimore City Police Department on XXXX 1, 1998, at 123 West Fayette Street, Baltimore, Maryland. At a hearing on motions scheduled for XXXX 24, 2000, a critical issue will be whether any of the Defendants have constitutional standing to challenge the search of 123 West Fayette Street, Baltimore City, on XXXX 1, 1998
3. The government's discovery and Defendants' investigation has indicated that William Doe, DOB 1/14/68, was present at the time of the search of 123 West Fayette Street, was among several people residing at that residence at the time of the search, and has essential first-hand

information which will establish that at least some of the defendants enjoyed a constitutionally protected right of privacy in the premises.

4. A hearing on defendants' motions to suppress is scheduled for XXXX 24, 2000, at 10:00 a.m. The testimony of William Doe, DOB 1/14/68, is essential to resolution of those motions.

5. The Office of the Federal Public Defender has been appointed to represent Mr. Defendant. It is, therefore, requested that the subpoenas be issued at the expense of the United States Government, that staff of the Federal Public Defender be authorized to serve the subpoena, and that the subpoena require the attendance of William Doe, DOB 1/14/68, at the XXXX 24, 2000, hearing on motions.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender  
for the District of Maryland

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Gary W. Christopher  
Chief Assistant Federal Defender  
100 S. Charles Street  
Tower II, Suite 1100  
Baltimore, Maryland 21201  
(410) 962-3962

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. Rule 17, Federal Rules of Criminal Procedure
2. United States v. Nixon, 418 U.S. 683 (1984)
3. Bowman Dairy Co. v. United States, 341 U.S. 214 (1951)

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Gary W. Christopher  
Assistant Federal Defender

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

THE UNITED STATES OF AMERICA

v.

DEFENDANT et al.

Criminal No. L-

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**ORDER**

Upon the foregoing Ex Parte Petition for the Issuance of Subpoenas filed pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure, it is this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by the United States District Court for the District of Maryland,

**ORDERED**, that the Clerk of this Court shall issue at the expense of the United States Government and pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure, a subpoena to:

William M. Doe, DOB 1/14/68  
Baltimore County Detention Center  
404 Kenilworth Drive  
Towson, MD 21204

and to

requiring the said William M. Doe to appear as a witness for the defendant at the hearing on motions in this case on XXXX 24, 2000. A representative of the Office of the Federal Public Defender is authorized to serve the subpoenas.

**IT IS ALSO ORDERED**, that this Petition, Order and Subpoenas shall be placed under seal.

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Benson E. Legg  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

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THE UNITED STATES OF AMERICA

\*

v.

Criminal No. L-

\*

DEFENDANT, et al.

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TO: WARDEN, BALTIMORE COUNTY DETENTION CENTER

GREETINGS:

YOU ARE HEREBY COMMANDED, to have the body of WILLIAM M. DOE, DOB 1/14/68, by you restrained of his liberty, as it is said, by whatsoever names detained, before the Honorable Benson E. Legg of the United States District Court for the District of Maryland, at the courtroom of said Court, in the City of Baltimore at 9:00 a.m. on the 24th of xxxx, 2000, then and there to do, submit to and receive whatsoever the said Judge shall then and there determine in that behalf; and have you then and there this writ and then return the said inmate to the original place of confinement at the conclusion of the proceedings.

WITNESS, the Honorable  
United States District Judge of Baltimore, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2000.

LET WRIT BE ISSUED AS PRAYED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

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BENSON E. LEGG  
U. S. DISTRICT JUDGE

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CLERK