UNITED S	TATES DISTRICT	Court
(EXEMPT)	DISTRICT OF	(EXEMPT)
TO: (EXEMPT)		
10. (LACTIFI)	STIRPO	ENA TO TESTIFY
		E GRAND JURY
		(rupap)
	SUBPOENA FO	R: (EXEMPT)  DOCUMENT(S) OR OBJECT(S)
YOU ARE HEREBY COMMANDED to ap	pear and testify before the Gra	nd Jury of the United States District Cour
at the place, date, and time specified below.		
PLACE		COURTROOM
United States Courthouse		2310
(EXEMPT)		DATE AND TIME
		9:00 a.m., Wed., 06/07/06
See	Attachments to Subpoena.	
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☐ Please see additional information on reverse		
e e e e e e e e e e e e e e e e e e e		
This subpoena shall remain in effect until you of the court.	are granted leave to depart by	the court or by an officer acting on behalf
CLERK	DATE	
(EXEMPT)		
(By) Deputy Clerk	Мау	y 10, 2006
This subpoena is issued on application of the United States of America	NAME, ADDRESS AND PHONE N	NUMBER OF ASSISTANT U.S. ATTORNEY



<sup>\*</sup> If not applicable, enter "none".

# ATTACHMENT ADVICE OF RIGHTS

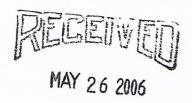
### Subpoena No. **EXEMPT**

 The grand jury is conducting an investigation of possible violations of federal criminal laws involving:

## Violations of the federal tax laws.

- You may refuse to answer any question if a truthful answer to the question would tend to incriminate you.
- Anything you do say may be used against you by the grand jury or in a subsequent legal proceeding.
- 4. If you have retained counsel, the grand jury will permit you a reasonable opportunity to step outside the grand jury room to consult with counsel if you so desire.

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WESTERN DISTHIGT

(EXEMPT)

#### UNITED STATES DISTRICT COURT

In the matter of:	Case No. EXEMPT
(EXEMPT) SUBPOENA TO ) TESTIFY BEFORE THE GRAND JURY )	MOVE TO QUASH SUBPOENA
	Fed.R.Crim.Pro. 17(c)(2)

moving this Court Quash the Subpoena to testify before a grand jury with prejudice. This motion is being filed in accordance with the Federal Rules of Criminal Procedure 17(c)(2) and other applicable court rules. This Court will find that the Petitioner would be unduly prejudiced, as compliance is unreasonable, oppressive and violates the Petitioner's Fifth Amendment Constitutionally protected right not to be a witness against himself, as he would be compelled to his prejudice to invoke the Fifth Amendment as to each and every question, if commanded by this Court to testify or to produce books and records not in his personal possession.

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#### IN THE UNITED STATES DISTRICT COURT FOR THE

IN THE MATTER OF FEDERAL GRAND JURY SUBPOENA (FKEMPT) : SERVED ON (EXEMPT)	) ) ) )	UNDER SEAL  Miscellaneous Action No.  (EXEMPT)
(EXEMPT)	)	

# UNITED STATES' RESPONSE TO (EXEMPT) MOTION TO QUASH FEDERAL GRAND JURY SUBPOENA (EXEMPT)

The United States of America, through (EXEMPT) United States Attorney for the EXEMPT is, submits this response to witness (EXEMPT) notion to quash federal grand jury subpoena number that was served on him in May 2006. The motion was filed with the Court on May 26, 2006.

In his motion to quash and supporting declaration, witness (EXEMPT) s states (1) he does not possess and does not have the ability to recover or gain access to records sought by federal grand jury subpoena (EXEMPT) see paragraphs 24 and 27(d) of the motion and paragraphs 1.13 through 1.15 of the declaration), and (2) that, if required to appear before the federal grand jury, he intends to refuse to answer each and every question based on his Fifth Amendment privilege (see the introductory paragraph and paragraph 8 of the motion and paragraphs 1.16 and 1.17 of the declaration).

The testimony and records sought by federal grand jury subpoena (EXEMPT) 5 relate to transfers of funds to or on behalf of (EXEMPT) 3 for what the United States

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suspects are college and personal living expenses. The United States suspects these transfers are gifts to (EXEMPT). If the transfers are gifts, it is difficult to understand how the transfers could incriminate (EXEMPT). Hence, the United States suspects (EXEMPT) Fifth Amendment privilege would not permit him to refuse to testify or produce records about the transfers in question because truthful answers to questions about these transfers would not tend to incriminate him.

In addition, a witness generally is not entitled to claim the Fifth Amendment privilege as a blanket defense, but rather must invoke the privilege in response to specific questions or requests for documents. See United States v. Vernon, 187 F.3d 884, 887 n.5 (8th Cir. 1999); cf United States v. Ortiz, 82 F.3d 1066, 1072-73 (D.C. Cir. 1996).

However, at this point in the grand jury's investigation in this matter, the information sought by subpoena (EXEMPT) is not sufficiently important to merit the use of the Court's resources to resolve the question of whether (EXEMPT) Fifth Amendment privilege applies to the testimony and records sought by the subpoena. Hence, the United States (1) accepts as true for the time being (EXEMPT) assertions that he does not possess or control records that are responsive to the subpoena, and that truthful answers to any question about the transfers of funds described in the subpoena would tend to incriminate him, and (2) will request that the federal grand jury excuse (EXEMPT) from appearing pursuant to subpoena on the basis of those assertions. In the event the importance to the grand jury's

investigation of the information sought by subpoena (EXEMPT) increases in the future and requires resolution of the applicability of (EXEMPT) Fifth Amendment privilege to the

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