

\*\*\*\*\*TO BE FILED UNDER SEAL\*\*\*\*\*

*WJ* FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

04 MAR 15 PM 2:58

U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
V.	)	CR00-S-422-S
	)	
ERIC ROBERT RUDOLPH,	)	
	)	
Defendant.	)	

EX PARTE PLEADING – TO BE PLACED UNDER SEAL

EX PARTE PLEADING – TO BE FILED UNDER SEAL

PURSUANT TO THE ORDER OF THIS COURT, THIS DOCUMENT REMAINS PRIVILEGED AND CONFIDENTIAL AND MUST NOT BE DISCLOSED OR INSPECTED BY ANYONE IN ACCORD WITH THE ATTORNEY-CLIENT PRIVILEGE, AKE V. OKLAHOMA, 470 U.S. 68, 83 (1985); UNITED STATES V. NOBLES, 422 U.S. 225 (1975), AMENDMENTS FIVE, SIX, EIGHT AND FOURTEEN OF THE CONSTITUTION OF THE UNITED STATES.

*\*unsealed 4/2/04  
see order doc #172*



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ERIC ROBERT RUDOLPH,	)	
	)	
Defendant.	)	

EX PARTE MOTION FOR ALTERNATIVE PROCEDURE FOR THE  
ISSUANCE OF RULE 17(a) and (c) SUBPOENAS

COMES NOW, the Defendant, Eric Robert Rudolph, by and through his undersigned counsel of record, pursuant to the Due Process Clause of the Fifth Amendment, the Compulsory Process Clause of the Sixth Amendment and Fed. R. Crim. P. 17(c), and hereby makes this ex parte motion for an alternative procedure for the issuance of Rule 17(a) and (c) subpoenas. As grounds for said motion, the Defendant states as follows:

Pursuant to Rule 17, prior to serving a subpoena, an indigent Defendant is required to submit an ex parte showing in order to get Court approval for the issuance of all Rule 17(a) and (c) subpoenas. Such a procedure in a case of this size and scope will be unduly burdensome for the defense and would serve to unnecessarily expend monetary and investigatory resources.

The defense proposes that the Court issue numbered subpoenas (up to 300) for the defense to serve upon witnesses for the defense and for documentary evidence when the defense finds it necessary to the defense of this case. Every thirty (30) days after the

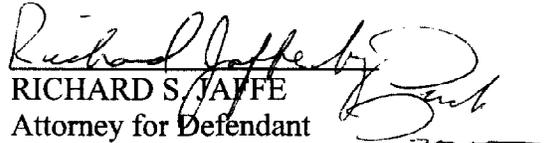
issuance of the first subpoena, the defense proposes that it submit a showing to the court with respect to those subpoenas issued within the past thirty (30) days. Should the Court find that a subpoena should not have been issued, the defense would contact that witness in writing informing the subpoenaed witness he/she is no longer under any obligation under the subpoena.

Such a procedure will prevent an investigator from having to find distant and elusive witnesses twice. Otherwise, our investigators will have to contact witnesses once for an interview and a second time in order to serve the subpoena.

The defense would continue to involve the Court in any Rule 17(c) subpoena requests which require the respondent to comply prior to trial.

RESPECTFULLY SUBMITTED:  
RICHARD S. JAFFE  
BILL BOWEN  
JUDY CLARKE

BY:

  
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**THIS MOTION IS EX PARTE AND IS NOT TO  
BE SERVED ON OPPOSING COUNSEL**