AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Bud Smith, Director
EBCI Housing and Community Development
687 ACquoni Road
Cherokee, NC 28719

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. Federal Courthouse 100 Otis Street Asheville, NC 28801	Date and Time: February 7, 2017

YOU MUST also bring with you the following documents, electronically stored information, or objects (blank if not applicable): See attached list of documents to produce

Date: January 5, 2017

SUBPOENA

Frank G. Johns, Clerk
United States District Court

Frank G. Johns
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, are:

Richard Edwards
100 Otis Street Room 233 Asheville, NC 28801
828-271-4661
usanew.alsunitavl@usdoj.gov

FBI Special Agent Andy Romagnuolo 828-712-4179

U.S. Department of Justice
United States Attorney
Western District of North Carolina

Headquarters:
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, North Carolina 28202
(704) 344-6222
Fax: (704) 227-0197
Reply to: Asheville Office

Branch:
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801
(828) 271-4661
Fax: (828) 271-4670

To Whom It May Concern:

A federal Grand Jury is conducting a criminal investigation of a suspected felony. Please complete and submit the attached Certificate of Authenticity of Business Records Affidavit pursuant to Federal Rules of Evidence 902(11). By submitting this affidavit with the requested documents, you may avoid the need to appear before the Grand Jury and other court proceedings to testify to the authenticity of these records.

Sincerely yours,

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

Attachment: Certificate of Authenticity Affidavit

U.S. Department of Justice
United States Attorney
Western District of North Carolina

Headquarters:
Suite 1650, Carillon Building
227 West Trade Street
Charlotte, North Carolina 28202
(704) 344-6222
Fax: (704) 227-0197

Branch:
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801
(828) 271-4661
Fax:(828) 271-4670

Reply to: Asheville Office

Dear Custodian of Records:

You have been served with a Grand Jury subpoena to produce records before the Grand Jury in Asheville, North Carolina at the date and time listed on the attached subpoena.

You may personally appear before the Grand Jury to present the requested records. Alternatively, to minimize your inconvenience in complying with this subpoena, you may email or mail the requested documents to the United States Attorney's Office to the attention of the "ALS Unit" in accordance with the "Waiver Instructions" in this packet to the electronic or physical addresses listed on the waiver instruction. **Although you may choose to physically mail the records, you must produce in electronic format (at least) all those records kept or available in electronic format.**

Should you decide to provide the documents other than through personal appearance before the Grand Jury, the records custodian responsible for complying with this subpoena must execute the enclosed Waiver and Certificate of Authenticity. This Waiver and Certificate must accompany the documents being forwarded. Please note that submission of the enclosed waiver affidavit will not excuse your personal appearance should it be required under a separate subpoena.

Please read the enclosed **Notice to Financial Institutions** carefully and bill our office according to the directions outlined on the Notice. A copy of the subpoena should be attached to the USA-211 form (attached) for reimbursement. To assure prompt payment, please bill within 45 days of the compliance of the subpoena. You are only authorized to bill for costs not to exceed the amount noted on the enclosed authorization form (USA-211), and any supplemental authorizations approved by this office. Approval to exceed the originally authorized amount is required ***prior*** to incurring additional costs. **DO NOT submit the invoice to the agent**. No reimbursement will be made for partial compliance. Submit the properly completed invoice to the United States Attorney's Office at 100 Otis Street, Room 233, Asheville, NC 28801.

If you have any questions regarding the subpoena or the method by which the subpoena may be satisfied, please contact the AUSA listed on the bottom left hand side of the subpoena at (828) 271-4661, or the agent who served you with the subpoena.

Sincerely,

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

Encl: Grand Jury Subpoena with attachments
Financial Privacy Act Payment Instructions
Waiver Instructions
Waiver of Appearance and Receipt for Records
Non-Disclosure Notice
Certificate of Authenticity of Business Records
USA-211 Form (invoice)