

Public Defender's Handbook

On May 18, 1995, a joint memorandum issued by the Director, Executive Office of U.S. Attorneys, and the Director, U.S. Marshals Service (USMS) revised Fact Witness Procedures to be followed by both agencies. In this memorandum, the U.S. Marshals agreed to assume responsibility and serve as the focal point for assisting the Public Defender or court-appointed attorneys with witness reimbursement issues. Provisions of the Criminal Code provide the Fees and Expenses of Witnesses Appropriation (FEW) for witness payments for Public Defender and court appointed attorneys.

This information is in response to numerous requests for materials and guidance on Criminal Justice Act (CJA)/Public Defender witnesses and what the USMS can, and cannot, pay.

These guidelines apply **only** to Fact Witnesses and do **not** apply to expert witnesses and fees for psychiatric examinations or testimony. If other defense services are required, they are approved by the presiding judge or magistrate pursuant to guidelines of the Administrative Office of the U.S. Courts.

Signature cards (**USM-376A**) of all Assistant Public Defenders must be certified by the Public Defender and be on file with the USMS. A Government employee must be designated to authorize witness vouchers (Form DOJ-3).

For additional information, please contact your local **U.S. Marshal's office**.

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- Fact Witness Voucher
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- Non-Custodial Transportation of Defendants

Forms:

- Request for Advance for International Witness (DOJ-44)
 - Request for Federal Government or Military Employee Witness (Form DOJ-426)
 - Instructions for Fact Witnesses, Appearing on Behalf of the United States Government (Form OBD-2)
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 - Witness Certificate for Advance (Form USM-24)
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Subpoenas

The United States Marshal (USM) serves subpoenas for the government and for defendants of Public Defenders or Criminal Justice Act (CJA) court-appointed attorneys, if so ordered by the Court. CJA (specifically FEW) funds are **not** available to pay for private process servers and **attorneys** should **not** hire a process server to serve these subpoenas. (Refer to Federal Rule of Criminal Procedure 17(b).)

Before subpoenas can be served at government expense, it is necessary for a **CJA attorney** to provide:

- a certified court order (in compliance with the terms of Federal Rules of Criminal Procedure 17 (b)) listing the names of the witnesses to be subpoenaed and their addresses. The Order should be accompanied by the completed subpoenas ready for issuance by the court.

The Court will return a confirmed copy of the certified order signed by the Judge authorizing issuance and service of the subpoena, and payment of the costs and fees by the government. A copy of the certified order allowing for witnesses to testify at government expense will be sent by the court to the U.S. Marshal's office and the subpoena will then be served.

The U.S. Marshal's office should have at least 10 working days for service.

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Notice to Fact Witnesses (OBD-2)

It is the responsibility of the U.S. Marshal's office to provide adequate information to CJA/Public Defender witnesses on:

- hotels, taxi cabs and availability of government lodging near the court facility, and
- **Form OBD-2**, Instructions for Fact Witnesses Appearing on Behalf of the United States Government (or Subpoenaed on Behalf of Indigent Defendant). This form, provided with the subpoena, details allowable expenses for attendance, transportation, lodging and meals, and should be customized for the city in which they are to appear.

The USMS can reimburse witnesses only at the rates applicable to the Federal Government as indicated on the Form OBD-2. The U.S. Marshal can provide a current Form OBD-2 and answer questions about current per diem rates.

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Travel, Lodging, Meals and Incidental Expenses

Fact witnesses are entitled to reimbursement for necessary transportation by the **least** expensive method available, and reimbursement for meals and lodging when required to remain away from their residence overnight.

Common Carrier. When commercial transportation is required outside the local commuting area:

1. **The CJA/Public Defender** must inform the witness to contact the U.S. Marshal's office on how to make travel arrangements and to obtain government transportation rates.
2. The U.S. Marshal's office will make prepaid travel arrangements using contracted government rates or other rates that are deemed most advantageous to the government.
3. When the witness arranges their own travel they will be reimbursed using the contracted government coach fare or lower. Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the government. All reimbursement for common carrier must be supported by receipts.
4. The U.S. Marshal's office will **not** reimburse witnesses for first class air fare and/or for fares that are not a result of direct transportation to and from the court city.

To and From Currier Terminals. Receipts are required for all single items costing over \$75.00. Expenditures for taxicab and airport limo fares are reimbursed. However, when courtesy transportation is provided by hotels/motels, the witness should be made aware of their requirement to use them.

Rental cars. Rental cars are **not** reimbursable, except under special/unusual circumstances pre-approved by the presiding officer of the Court or the Clerk of the Court. By law, parking receipts are required to reimburse witnesses for any parking expense.

Lodging. All reimbursement for lodging must be supported by Hotel/Motel receipts. Reimbursement will be for the actual cost of lodging and will **not** exceed the allowable rates for the city. The witness will be required to provide copies of lost/destroyed receipts from the lodging establishments before receiving reimbursement.

If lodging is required by the witness:

- The **attorney** will make the reservations, or have the witness make his own room reservations, not to exceed the maximum allowable lodging rates for that court city.
- If the lodging receipt shows a charge for double occupancy, one-half of the double occupancy charge will be allowable for each witness. If the person sharing the room is not a witness, the witness will be allowed the single-room rate not to exceed the maximum allowed.
- When a witness obtains lodging from friends or relatives with or without charge, no lodging expense will be authorized. *Meals and Incidental Expenses.* Receipts for food are not required. The maximum per diem rates include a fixed allowance for meals and incidental expenses, when an overnight stay is required. The fixed allowance varies with each court city. Fact Witnesses are entitled to one-half the daily meals and expense allowance for the day of departure, and one-half the allowance for the day of return. Full days at the place of attendance will be at the full meals and incidental expense allowance rate for each court city.

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Travel by Privately Owned Vehicle (POV)

If the witness uses a POV for their convenience, they will be paid as if they traveled by common carrier. However, if the presiding officer of the Court or the Clerk of the Court authorizes the use of a POV, then a reasonable minimum daily travel distance is 300 miles one way. If a witness leaves their residence earlier than necessary, they will be paid only for the travel time to the court city.

If the witness wishes to commute to and from home, and it is more expensive than obtaining lodging in the court city, then the witness will be paid whichever is lesser to the government.

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Appearance

For each day the witness is away from home to appear as a witness they are entitled to a \$40 witness fee, plus expenses as outlined in the **Travel, Lodging, Meals and Incidental Expenses** section.

1. The Public Defender or court appointed attorneys may authorize payments for Pretrial Conferences not to exceed three days (five days if a weekend is included) with non-local witnesses between the scheduling of a trial, hearing or grand jury proceeding and a witness' appearance.
2. Pretrial days caused by scheduling changes in trial, hearing or grand jury proceeding dates require a written explanation by an attorney. The explanation should be attached to the witness voucher.
3. Separate pre-trial travel for conferences are restricted unless approved by the presiding officer of the Court or the Clerk of the Court. For unusual circumstances see the **Presiding Officer of the Court section**.

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Fact Witness Voucher

Once a witness is advised that his or her attendance is no longer required, a Fact Witness Voucher (DOJ-3) is obtained from the U.S Marshals Service for each witness subpoenaed.

PART I - GENERAL INFORMATION (To be completed by the Trial Office)

This form shall be completed for a fact witness or an authorized travel companion. The travel companion must complete a separate voucher. Attendance fees are not to be paid to the travel companion. Answer each question to indicate if:

- Select Fact Witness or Travel Companion.
- The witness or travel companion was/was not a United States citizen at the time he/she appeared to testify. If you are not a citizen, required to show proof of his/her resident or visitor status.
- The witness or travel companion was/was not a federal employee at the time he/she appeared to testify. Under current policy, the fees allowances on this voucher do not apply to federal employees who are out of the district. If the witness or travel companion is a federal employee, please follow the instructions in the Guiding Principles for reimbursement.
- The witness or travel companion did/did not receive a check or cash advance for his/her expenses in traveling to court. If the witness received an advance, enter the amount and issuing office here.
- Include the witness' name when completing the form for a travel companion.

Indicate and/or verify the witness' or travel companion's Name, Social Security Number, Passport/Visa Number (if applicable), Alien Registration Record Number (if applicable), Address, Telephone Number and E-mail Address to ensure that they are correct.

ACCEPTABLE IDENTIFICATION: One or more of the following items is mandatory in order to receive fees and expenses.

- Social Security Number
- Alien Registration Record Number
- Passport Number
- Visa Number
- Court Order Classifying a Deportable Witness and/or Material Witness
- Valid Photo Identification

This information will be used to identify an individual who can be compensated in accordance with 28 U.S.C. 1821, 28 CFR 21 and 18 U.S.C. 3144. Failure to provide this information may result in delay or rejection of compensation.

PART II - ATTENDANCE CERTIFICATION

Section B of Part II must be signed by an employee of the office that requested the appearance of the witness and/or travel companion.

PART III - ALLOWANCES

All receipts for claims made in Part III must be attached to the Form DOJ-3 before it is transmitted to the United States Marshals Service for payment. This claim for reimbursement cannot be processed until the witness or travel companion furnishes all receipts for expenses that he/she is claiming on this Fact Witness Voucher.

- All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification Without Receipt Form must be submitted.

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- If the witness or travel companion parked at an airport or has not yet paid his/her hotel/motel bill or other item requiring a receipt, necessary for the witness or travel companion to send his/her receipts, a letter requesting reimbursement, and a copy of a valid photo ID to the trial office.
- If the witness or travel companion departs the trial district and does not sign the DOJ-3, a letter requesting reimbursement of expenses a valid photo ID must be sent to the trial office.
- Gratuities are limited to taxi and shuttle services up to 15% of the total fare.

PART IV - CERTIFICATION

Verify that all items under Part III are correct. Any changes to Part III must be effected and signed by the Federal government employee assigned to assist the witness. The witness or travel companion must sign his/her full legal name and the date. If the witness or travel companion is not a United States citizen, the witness or travel companion must show proof of his/her resident or visitor status.

PART V - CLAIM VERIFICATION

Part V must be signed by an employee of the requesting office attesting the accuracy and completeness of the expenses claimed by the witness or travel companion before the form is transmitted to the U.S. Marshals Service for payment. The U.S. Marshals Service will process the Fact Witness Voucher and MAIL payment to the witness or travel companion at the address indicated on the first page of this form. International witnesses and international travel companions are paid prior to their departure from the United States.

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Presiding Officer of the Court

The U.S. Marshal is only authorized to reimburse travel expenses from the place the subpoena was served to the court city and return. The U.S. Marshal's office is **not** authorized to reimburse expenses greater than normal government travel rates. Some special situations arise that can be addressed by the presiding officer of the Court or the Clerk of the Court.

Should a witness have special needs for which reimbursement is anticipated, please contact the presiding officer of the Court or the Clerk of the Court before incurring expenses. The U.S. Marshal's office **cannot** pay without written approval of the Court. Special situations may include and are **not** limited to:

- first class air travel
- rental cars
- baby sitters
- pet care
- ambulance or nursing attendants' fees

The following types of expenditures are **not** authorized:

- phone calls
- dry cleaning
- room service
- bar tabs

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Special Situations

Travel Advances. At least 2 weeks advance notice to the U.S. Marshal's office is required for travel advances. These advances are limited to extreme need cases. The U.S. Marshal's office will advance Meals, Incidental Expenses and Lodging for the first day only. To receive a travel advance, the witness must sign a Witness Certificate for Advance (**Form USM-24**) and deliver it to the U.S. Marshal's office. The U.S. Marshal's office does **not** deliver advances and the attorney must arrange for it to be picked up if the witness cannot. Contact the U.S. Marshal's office for specific local procedures.

Federal Government Employees as Witnesses. Federal government employees (including tribal police officers, military and criminal investigative officers) do **not** receive witness fees, travel, or lodging if their agency is involved with their testimony (i.e., an officer testifying in an official capacity).

Witness fees will only be paid to government employees if they are in a non-pay status, such as on leave without pay, a seasonal or temporary worker, or a former employee. Call the U.S. Marshal's office if there are any questions.

If the witness' government agency is **not** involved, the witness will receive the lodging and travel, but will **not** receive the witness fees because the government is paying their salary. Witness fees are then handled as follows:

Witnesses within District. Standard Form-1164 is completed along with a statement that the case does **not** involve the employing agency. File the form with the U.S. Marshal's office for payment. Before lodging is allowed, Federal Travel Regulations require the traveler be in travel status more than 10 hours and 50 miles or more. Government employees will be paid mileage and parking only, but no per diem or witness appearance fees.

Out-of-District Witnesses:

Federal Government or Military Witnesses. CJA or Federal Public Defenders should complete a Request for Federal Government or Military Employee Witness (**Form DOJ-426**) and forward the form to Special Authorizations Unit for processing. Travel reimbursement payments to Federal Government agencies may be made via **Form SF-1012** or electronically, agency-to-agency.

International Witnesses. CJA or Federal Public Defenders should complete a Request for Advance for International Witness (**Form DOJ-44**). International Witnesses are entitled to and paid the same fees and allowances as regular fact witnesses. However, special coordination with the Department of State, Office of Special Consular Services is required. The attorneys should contact the State Department, Office of Consular Affairs for assistance regarding procedures to follow when obtaining foreign witnesses. Although standard fees and allowances are generally acceptable, a foreign national may occasionally require additional allowances. The Simplified Acquisition Service (SAS) will also process foreign witness requests for indigent defendants and will request an advance from the Department of State. The U.S. Marshals Service should provide round-trip transportation to foreign witnesses. Contact the **Department of Justice, Special Authorizations Unit at (202) 307-1943** or **email special.authorizations@usdoj.gov** for more information.

Prisoners as Witnesses. A petition for issuance of a writ, an order, or a writ of Habeas Corpus ad Testificandum must be prepared **by the attorney** and signed by the Judge before an incarcerated witnesses can appear on behalf of a defendant. The court staff will give the writ to the U.S. Marshal's office and file the order. The U.S. Marshal's office should be contacted for time frames on the movement of prisoners. Time frames vary throughout the United States but average time frames are:

| | |
|------------|---|
| 4-7 days | Execution of a local area writ within the commuting area. |
| 10-14 days | Execution of a non-local writ within the USMS District. |

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4 weeks Notice for an out-of-district writ.

NOTE: THE DOJ-3 MUST NOT BE HANDLED BY THE FACT WITNESS OTHER THAN FOR SIGNATURE PURPOSES

PART I - GENERAL INFORMATION

This Voucher is for: Fact Witness Travel Companion Federal Government or Military Employee Witness

This Voucher is from:

Please answer each question below.

The Fact Witness/Travel Companion:

- Was Was Not a United States Citizen at the time of attendance.
- Was Was Not a Federal Government or Military employee at the time of attendance.
- Did Did Not receive a cash or check advance. Advance Amount: \$ _____ From: _____

Witness Name:

Travel Companion Name (if applicable):

For U.S. Citizen or Legal Resident - Social Security Number: _____ - _____ - _____

For Non-U.S. Citizen - Passport/Visa No.: _____ Alien Registration Record No.: _____

Address: _____ City: _____

State: _____ Country: _____ ZIP: _____

Phone No.: _____ E-Mail Address: _____

Court Doc. No.: _____ Case Name/No.: _____

District: _____ Court Location: _____

GTA: N/A Transportation Lodging

PART II - ATTENDANCE CERTIFICATION

NOTE: Retention of these fees is considered taxable income and reportable to IRS.

| A. Attendance | FEES | | | OBJECT CLASS UFMS/FMIS | AMOUNTS (Dollars) |
|--|-------------------|----|--------|---------------------------|----------------------|
| | Deposition Dates: | to | \$40 @ | | |
| Grand Jury / Trial Attendance Date / Hearing (Including Travel): | | to | \$40 @ | Days | 11804 / 1156 |
| Civil Investigative Demand: | | to | \$40 @ | Days | 11804 / 1156 |
| Pretrial Attendance Dates (Including Travel): | | to | \$40 @ | Days | 11804 / 1194 |
| Detained Dates - Citizen/Visitor in Custody: | | to | \$40 @ | Days | 11804 / 1193 |
| Detained Dates - Deportable Alien in Custody: | | to | \$1 @ | Days | 11804 / 1195 |

TOTAL FEES:

B. Attendance Attestation: I attest that the witness named above attended in the case or matter indicated and is entitled to the statutory allowance for attendance and travel.

Printed Name _____ Signature _____ Date _____

Title of Authorized Federal Government Official _____

A copy of Form USM-376A, Signature/Designation Form for Approving Officer must be on file with the USMS (A new signature form is required as updates occur).

PART III - ALLOWANCES

| | OBJECT CLASS UFMS / FMIS | AMOUNTS (Dollars) |
|---|---------------------------------------|----------------------|
| C. Travel by Carrier (Receipts over \$75.00 required if paid by witness or travel companion. DO NOT claim if paid by Government.) Check One: <input type="checkbox"/> Train <input type="checkbox"/> Bus <input type="checkbox"/> Airplane | 21011 / 2191 2108 | |
| D. Travel by Privately Owned Vehicle: Round Trip Mileage: _____ @ \$ _____ Per Mile Total Number of Trips: _____ Less Advance Received: _____ | 21015 / 2192 | |
| E. Local Transportation & Other Expenses (e.g. subway, bus, taxi, tolls, parking, baggage fees, etc.) ** All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification Without Receipt Form must be submitted. List Expenses and Value of the Expenses Authorized to be Paid: | 21001 / 2193 2133 | |
| F. Meals and Lodging: 1. Travel Days <small>(3/4 M&IE for Federal/Military Employee, 1/2 M&IE for non-Federal/Military Employee)</small> @ \$ _____ x _____ Day(s) = \$ _____ 2. Days Away from Home <small>(full day's M&IE per day)</small> @ \$ _____ x _____ Day(s) = \$ _____ 3. Actual Cost of Lodging, Not to Exceed \$ _____ @ \$ _____ * x _____ Day(s) = \$ _____ <small>(Do not claim if paid by GTA) *The Actual Cost of Lodging cannot be greater than the Not to Exceed lodging amount.</small> | 21013 / 2194 21013 / 2194 21012 | |
| NET AMOUNT PAID (Fees plus totals of Sections C, D, E, and F minus Advance Received from top of Page 1): | | |

PART IV - CERTIFICATION

SOCIAL SECURITY NUMBER/PRIVACY ACT NOTICE: Disclosure of your Social Security number is mandatory for Federal income tax reporting purposes under the authority of 26 CFR Section 301-6109-1, in order to ensure the accuracy of income computation by the Internal Revenue Service. This information will be used to identify an individual who is compensated by funds of the Department of Justice. Failure to provide this information may result in delay of your compensation, and the Department of Justice will be required to notify the Internal Revenue Service that your number is unknown. This information is being provided on Form 1099 to the Internal Revenue Service.

Falsification of an item may constitute a forfeiture of claim (28 U.S.C., Section 2514) and may result in a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 U.S.C. 287).

CERTIFICATION: I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me.

Signature Date

PART V - CLAIM VERIFICATION

VERIFICATION: Based upon the above information and receipts furnished by the witness or travel companion, I verify the above information is true and correct to the best of my knowledge.

Signature Date

Title of Authorized Federal Government Official E-mail Address (To receive copy of final DOJ-3)

PART VI - CERTIFICATION / DISBURSEMENT (For JMD or USMS Use Only)

CERTIFICATION: This voucher is certified correct and proper for payment.

Printed Name Signature Date

Title of Authorized Certifying Official Component

INSTRUCTIONS FOR COMPLETING FORM DOJ-3

PART I - GENERAL INFORMATION

(To be completed by the Trial Office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.)

This voucher is for:

- Fact Witness Travel Companion Federal Government/Military Employee Witness

The travel companion must have a separate voucher from the fact witness or Federal government/military employee witness. A memo or an Order from the court approving the travel companion's expenses must be attached to the voucher. Attendance fees are not to be paid to the travel companion or Federal government/military employee witness.

Include the fact witness's or Federal government/military employee witness's name when completing the voucher for a travel companion.

This voucher is from:

- ATR CIV CJA CRT ENRD FPD TAX USAO

Answer each question to indicate if:

- Select Fact Witness, Travel Companion, or Federal Government/Military Employee Witness.
- The fact witness, travel companion was/was not a United States citizen at the time he/she appeared to testify. If not a citizen, he/she will be required to show proof of his/her legal residence status or visitor status.
- The fact witness, travel companion, was/was not a Federal government/military employee witness at the time he/she appeared.
- The fact witness, travel companion, or Federal government/military employee witness did/did not receive a check or cash advance for his/her expenses in traveling to court. If an advance was received, enter the amount and issuing office here.

Indicate and/or verify the fact witness's, travel companion, or Federal government/military employee witness's Name, Social Security Number, Passport/Visa Number (if applicable), Alien Registration Record Number (if applicable), Address, Telephone Number and E-mail Address to ensure that they are correct.

ACCEPTABLE IDENTIFICATION OR DOCUMENTS: One or more of the following items is mandatory in order to receive fees and expenses.

- Social Security Number (Legal Citizen or Resident of the U.S.)
- Alien Registration Record Number (Alien Who Is Legally Permitted In the U.S.)
- Passport Number (International Fact Witness Only)
- Visa Number (International Fact Witness Only)
- Court Order Classifying a Deportable Witness
- Material Witness Warrant
- Valid Photo Identification
- Subpoena
- USA-150 or Letter in lieu of Subpoena (DOJ Only)
- Court Order Requesting the Appearance and Expenses of a Fact Witness (Federal Public Defender/Criminal Justice Act Attorney Only)
- Court of Appointment (Federal Public Defender/Criminal Justice Act (CJA) Attorney Only)
- DOJ-44 (International Witness)
- Funding Cable (International Fact Witness Only)
- DOJ-426 (Federal Government/Military Employee Witness)
- Memo Explaining Unusual Circumstances
- Memo Approving Miscellaneous Expenses (DOJ Only)

This information will be used to identify an individual who can be compensated in accordance with 28 U.S.C. 1821, 28 CFR 21, 5 U.S.C. 5751 and 18 U.S.C. 3144. Failure to provide this information may result in delay or rejection of compensation.

INSTRUCTIONS FOR COMPLETING FORM DOJ-3

PART II - ATTENDANCE CERTIFICATION

Section B of Part II must be signed by a Federal employee of the office who can attest the appearance of the fact witness, travel companion or Federal government/military employee witness. CJA attorneys are prohibited from signing this voucher. CJA attorneys must obtain signature from the Clerk of the Court, U.S. Magistrate Judge, or Federal Public Defender, or Assistant Federal Public Defender. The Federal employee signing in this part must have a USM-376A (Signature Form) on file with the U.S. Marshals Service.

PART III - ALLOWANCES

All receipts for expenses over \$75.00 made in Part III must be attached to the DOJ-3 before it is transmitted to the United States Marshals Service for payment. This claim for reimbursement cannot be processed until the fact witness, travel companion or Federal government/military employee witness furnishes all receipts for expenses over \$75.00 that he/she is claiming on this Fact Witness Voucher.

- All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification-Without-Receipt Form must be submitted.
- If the fact witness, travel companion or Federal government/military employee witness parked at an airport or has not yet paid his/her hotel/motel bill or other item requiring a receipt, it will be necessary for the fact witness, travel companion or Federal government/military employee witness to send his/her receipts, a letter signed by the fact witness, travel companion or Federal government or military employee witness requesting reimbursement of expenses, and a copy of a valid photo ID to the trial office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.
- If the fact witness, travel companion or Federal government/military employee witness departs the trial district and does not sign the DOJ-3, a letter signed by the fact witness, travel companion or Federal government or military employee witness requesting reimbursement of expenses and a copy of a valid photo ID must be sent to the trial office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.
- Gratuities are limited to taxi and shuttle services up to 15% of the total fare.
- In Section F. (Meals and Lodging), you must manually calculate $\frac{1}{4}$ M&IE for Federal/Military Employee or $\frac{1}{2}$ M&IE for non-Federal/Military Employee. M&IE is based on the Federal Travel Regulations.

PART IV - CERTIFICATION

Verify that all items under Part III are correct. Any changes to Part III must be effected and signed by the Federal government employee assigned to assist the fact witness, travel companion, or Federal government/military employee witness. The fact witness, travel companion, or Federal government/military employee witness must sign his/her full legal name and provide the date the DOJ-3 is signed. If the fact witness, travel companion is not a United States citizen, the fact witness or travel companion must show proof of his/her legal residence status or visitor status.

PART V - CLAIM VERIFICATION

Part V must be signed by a Federal government employee of the requesting office validating the accuracy and completeness of the expenses claimed by the fact witness, travel companion before the voucher is transmitted to Justice Management Division (Federal government/military employee witness only) or the U.S. Marshals Service for payment. The Justice Management Division (Federal government/military employee witness only) or the U.S. Marshals Service will process the Fact Witness Voucher and MAIL payment to the fact witness, travel companion, or Federal government/military employee witness at the address indicated on the first page of this voucher. International fact witnesses and international travel companions are paid on-the-spot, prior to departing from the United States.

FORM DISTRIBUTION:

Original - USMS Financial System

Copy 1 - Government Employee Signing in Part V (Claim Verification)

Copy 2 - USMS District Office in Witness' Location (if applicable)

Copy 3 - Fact Witness, Travel Companion, or Federal Government/Military Employee Witness

PART III - ALLOWANCES

| | OBJECT CLASS UFMS / FMIS | AMOUNTS (Dollars) |
|--|---------------------------------------|----------------------|
| C. Travel by Carrier (Receipts over \$75.00 required if paid by witness or travel companion. DO NOT claim if paid by Government.) Check One: <input type="checkbox"/> Train <input type="checkbox"/> Bus <input type="checkbox"/> Airplane | 21011 / 2191 2108 | |
| D. Travel by Privately Owned Vehicle: Round Trip Mileage: <u>260 miles</u> @ \$ <u>.535</u> Per Mile Total Number of Trips: <u>1</u> Less Advance Received: <u>0</u> | 21015 / 2192 | |
| E. Local Transportation & Other Expenses (e.g. subway, bus, taxi, tolls, parking, baggage fees, etc.) ** All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification Without Receipt Form must be submitted. List Expenses and Value of the Expenses Authorized to be Paid: <u>N/A</u> | 21001 / 2193 2133 | |
| F. Meals and Lodging: 1. Travel Days (3/4 M&IE for Federal/Military Employee, 1/2 M&IE for non-Federal/Military Employee) @ \$ <u>1</u> x <u> </u> Day(s) = \$ <u> </u> 2. Days Away from Home (full day's M&IE per day) @ \$ <u> </u> x <u> </u> Day(s) = \$ <u> </u> 3. Actual Cost of Lodging, Not to Exceed \$ <u> </u> @ \$ <u> </u> * x <u> </u> Day(s) = \$ <u> </u> (Do not claim if paid by GTA) *The Actual Cost of Lodging cannot be greater than the Not to Exceed lodging amount. | 21013 / 2194 21013 / 2194 21012 | |
| NET AMOUNT PAID (Fees plus totals of Sections C, D, E, and F minus Advance Received from top of Page 1): | | |

PART IV - CERTIFICATION

SOCIAL SECURITY NUMBER/PRIVACY ACT NOTICE: Disclosure of your Social Security number is mandatory for Federal income tax reporting purposes under the authority of 26 CFR Section 301-6109-1, in order to ensure the accuracy of income computation by the Internal Revenue Service. This information will be used to identify an individual who is compensated by funds of the Department of Justice. Failure to provide this information may result in delay of your compensation, and the Department of Justice will be required to notify the Internal Revenue Service that your number is unknown. This information is being provided on Form 1099 to the Internal Revenue Service.

Falsification of an item may constitute a forfeiture of claim (28 U.S.C., Section 2514) and may result in a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 U.S.C. 287).

CERTIFICATION: I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me.

X Lela Conrad 11/27/2017
 Signature • WITNESS • LELA CONRAD Date

PART V - CLAIM VERIFICATION

VERIFICATION: Based upon the above information and receipts furnished by the witness or travel companion, I verify the above information is true and correct to the best of my knowledge.

X SRR 11/27/2017
 Signature • SRR Date

FEDERAL PUBLIC DEFENDER dick_rubin@fd.org
 Title of Authorized Federal Government Official DIST OF ID E-mail Address (To receive copy of final DOJ-3)

PART VI - CERTIFICATION / DISBURSEMENT (For JMD or USMS Use Only)

CERTIFICATION: This voucher is certified correct and proper for payment.

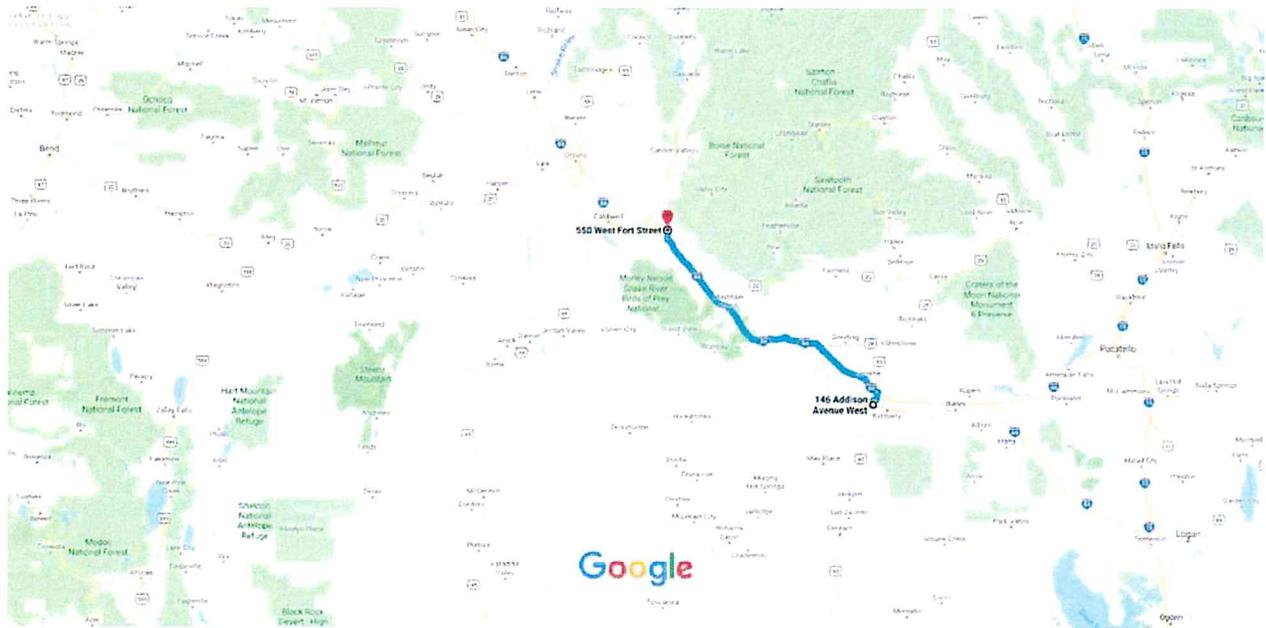
 Printed Name Signature Date

 Title of Authorized Certifying Official Component



146 Addison Ave W, Twin Falls, ID 83301
to 550 W Fort St, Boise, ID 83724

Drive 130 miles, 2 h 3 min



Map data ©2017 Google 20 mi

via I-84

Fastest route, the usual traffic

2 h 3 min

130 miles

If the Mileage is more than 250, then you need to compare the cost of a flight (if available), or do a google maps print out of mileage

United States District Court

District of Idaho

UNITED STATES OF AMERICA
v.

SUBPOENA IN A
CRIMINAL CASE

MARK EUGENE TIMPERLEY,
Defendant.

CASE NO: CR-17-0061-S-BLW

TO: LELA CONRAD

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

| | |
|---|--|
| PLACE UNITED STATES DISTRICT COURT DISTRICT OF IDAHO 550 West Fort Street Boise, ID 83724 | COURTROOM JUDGE B. Lynn Winmill |
| | DATE AND TIME MONDAY, NOVEMBER 27, 2017 AT 1:30 PM ***SEE BELOW*** |

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

***The SENTENCING in this case begins on MONDAY, NOVEMBER 27, 2017 AT 1:30 PM. Upon receipt of this subpoena, please contact Denise Arellano and leave a phone number where you can be reached on the day of the SENTENCING & the day before the appearance date noted above. Denise Arellano will contact you to come to court on a specific date and time. However, you may need to wait until it is your turn to testify. THIS SUBPOENA REMAINS IN EFFECT IF THIS CASE IS POSTPONED. YOU WILL BE NOTIFIED OF THE NEW DATE. If you have any questions, please contact Denise Arellano or TOM MONAGHAN at (208) 331-5500. You may call collect. Thank you. ***

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

Stephen W. Kenyon

(BY) DEPUTY CLERK

Sunny Trumbull



United States Courts
District of Idaho

ISSUED

Sunny Trumbull
on Nov 21, 2017 1:48 pm

ATTORNEY'S NAME, ADDRESS, AND PHONE NUMBER

Thomas Monaghan, Counsel for MARK EUGENE TIMPERLEY

Federal Defender Services of Idaho
702 West Idaho, Suite 1000
Boise, ID 83702
Phone: (208) 331-5500 (please call collect)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
(HONORABLE B. LYNN WINMILL)

| | |
|-----------------------------|--------------------------------|
| UNITED STATES OF AMERICA,) | 1:17-CR-061-BLW |
|) |) |
| Plaintiff,) | ORDER AUTHORIZING |
|) | ISSUANCE OF SUBPOENA |
| vs.) | AND WITNESS FEES |
|) |) |
| MARK EUGENE TIMPERLEY,) | <u>FILED UNDER SEAL</u> |
|) |) |
| Defendant.) |) |
|) |) |

The Court has before it defendant's ex parte application for a Rule 17(b) subpoena and witness fees for a witness who can provide relevant testimony at the sentencing currently scheduled for November 27, 2017 [Dkt No. 25]. The Court observes that the US Marshal Service need not serve the subpoena for the named witness, as the Federal Defender Services of Idaho has indicated their intention to do so themselves.

Based upon the information contained in the defendant's application, the Court finds good cause for the defendant's request. Accordingly,

IT IS HEREBY ORDERED that the application [Dkt No. 25] is hereby **GRANTED** and that the United States Marshals shall provide witness fees and travel expenses to the following witness:

Lela Conrad for her testimony with respect to the Court hearing scheduled for Monday, November 27, 2017.

IT IS FURTHER ORDERED that this ex parte application order remain sealed and shall be served solely upon defense counsel.



DATED: November 20, 2017

B. Lynn Winmill
B. Lynn Winmill
Chief Judge
United States District Court