

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

United States of America,

Case No. 9:22-cr-00658-RMG

v.

Russell Lucius Laffitte,

Defendant.

**DEFENDANT'S MOTION AND MEMORANDUM IN SUPPORT
THEREOF FOR AUTHORIZATION TO ISSUE A SUBPOENA DUCES TECUM FOR
THE PRODUCTION BEFORE TRIAL OF CERTAIN RECORDS AND DOCUMENTS**

Pursuant to Federal Rule of Criminal Procedure 17(c), the Defendant, Russell Lucius Laffitte, hereby moves this Court for the authorization to issue a subpoena duces tecum for the pre-trial production of documents and communications of The Hobbes Group, P.A. (hereinafter "Hobbes Group"), related to the topics listed in the proposed subpoena, which is attached to this motion as Exhibit 1. Notice was provided to the United States Attorney and has no objection.

The Defendant's subpoena is a narrowly drawn, good faith attempt to obtain documents admissible in his defense, which are not accessible to the Defendant in any other way. Access to these documents in advance of trial is necessary in order to avoid delays at trial and to ensure that the Defendant will have access to these documents in time to adequately prepare his defense. The Defendant has met the requirements for this Court to authorize the issuance of a subpoena duces tecum for these records.

For the foregoing reasons, the Defendant respectfully moves this Court for authorization to issue a subpoena duces tecum for the pre-trial production of certain records and documents regarding PMPED. A proposed order is attached as Exhibit 2.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ E. Bart Daniel

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Attorneys for Russell Lucius Laffitte

Charleston, South Carolina

October 17, 2022

UNITED STATES DISTRICT COURT
for the
District of South Carolina

United States of America)	
v.)	
)	Case No. 9:22-cr-00658-RMG
<u>RUSSELL LUCIUS LAFFITTE</u>)	
<i>Defendant</i>)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To:

THE HOBBS GROUP, PA*(Name of person to whom this subpoena is directed)*

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Any and all correspondence, reports, memorandum, or other relevant documentation related to The Hobbes Group, PA's forensic investigation on behalf of The Parker Law Group f/k/a Peters Murdaugh Parker Eltzroth & Detrick from January 1, 2021 through the present.

Place: Nelson Mullins Riley & Scarborough, LLP Attn: E. Bart Daniel 151 Meeting Street, Suite 600 Charleston, SC 29401	Date and Time:
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Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

Robin L. Blume, Clerk
CLERK OF COURT

*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Russell Lucius Laffitte, who requests this subpoena, are: u

E. Bart Daniel, Nelson Mullins Riley & Scarborough, LLP, 151 Meeting Street, Suite 600, Charleston, SC 29401
bart.daniel@nelsonmullins.com / (843) 534-4123

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case (Page 2)

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PROOF OF SERVICE

This subpoena for (*name of individual and title, if any*) _____
was received by me on (*date*) _____.

I served the subpoena by delivering a copy to the named person as follows: _____

on (*date*) _____ ; or _____

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)**(c) Producing Documents and Objects.**

- (1) In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.
- (2) Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.
- (3) Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.
- (d) Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

- (1) In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.
- (2) In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.
- (g) Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

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v.

Russell Lucius Laffitte,

[proposed] ORDER

Defendant.

Upon consideration of the Defendant's *Motion and Memorandum in Support Thereof for Authorization to Issue a Subpoena Duces Tecum for the Production Before Trial of Certain Records and Documents* ("Motion") filed October 17, 2022, and any responses thereto, the Court being fully informed, it is this ____ day of October, 2022.

ORDERED that the Motion is hereby **granted**, and it is further

ORDERED that the Defendant is granted authorization to issue the subpoena *duces tecum* attached to the Motion as Exhibit 1.

RICHARD M. GERGEL
UNITED STATES DISTRICT JUDGE

Charleston, South Carolina

October ___, 2022