

UNITED STATES DISTRICT COURT  
for the  
Eastern District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Custodian of Records  
North Carolina Division of Motor Vehicles

**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.

REQUEST FOR DOCUMENTS ONLY

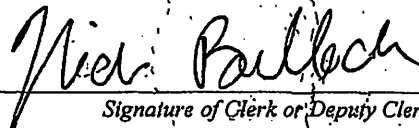
Place: U.S. District Court, EDNC Lennon Federal Building 2 Princess Street Wilmington, NC 28401	Date and Time: September 25, 2018 at 8:00am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

\*\*\*\* PLEASE SEE ATTACHMENT \*\*\*\*

Date: August 31, 2018

CLERK OF COURT

  
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:

Sebastian Kielmanovich, AUSA ✕  
U.S. Attorney's Office, EDNC  
310 New Bern Ave., Suite 800  
Raleigh, North Carolina 27601  
(919) 856-4530

USAO # 2017R00240(3)

### PROOF OF SERVICE

This subpoena for *(name of individual or organization)* \_\_\_\_\_  
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: \_\_\_\_\_

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:

**ATTACHMENT TO SUBPOENA ISSUED TO:**

**CUSTODIAN OF RECORDS**

**NORTH CAROLINA DIVISION OF MOTOR VEHICLES**

**DOCUMENTS REQUESTED:**

Any and all North Carolina voter registration applications and supporting documents that were completed, filed, received, or maintained by the North Carolina Division of Motor Vehicles (DMV) from January 1, 2010 through August 30, 2018, that include one or more of the following parameters:

- A. Any and all applications for voter registration while applying for DMV benefits where the applicant indicated a state of birth, other than the fifty (50) United States and the District of Columbia (D.C.), or a country of birth other than the United States.
- B. Any and all applications for voter registration while applying for DMV benefits, where the applicant indicated that the applicant does not have a driver's license and/or a Social Security card.
- C. Any and all applications for voter registration while applying for DMV benefits, where the applicant indicated that they are not a citizen of the United States.
- D. Any and all applications for voter registration where the applicant listed a North Carolina identification card (not a driver's license).
- E. Any and all applications for voter registration where the driver's license application or identification card included but was not limited to:
  - a. United States Citizenship and Immigration Services (USCIS) employment authorization cards, lawful permanent resident alien cards, non-immigrant visas, non-immigrant I-94 documents, and any other documents issued by USCIS that reflect the applicant was not a United States citizen.
- F. Any and all applications for voter registration where the driver's license application or identification card application included but was not limited to a foreign passport or other foreign identity document.
- G. Any and all voter registration applications that have been denied, rescinded, revoked, or otherwise have been found to be fraudulent, incorrectly filed, ineligible, or were found to have other irregularities.
- H. Any and all voter registration applications that were completed in a language other than English.

INSTRUCTIONS FOR SUBMITTING GRAND JURY DOCUMENTS

**UNLESS OTHERWISE REQUESTED, ALL FINANCIAL RECORD REQUESTS SHOULD BE  
DELIVERED IN ELECTRONIC FORMAT**

IN LIEU OF PERSONAL APPEARANCE BEFORE THE GRAND JURY TO DELIVER THE DOCUMENTS, YOU MAY COMPLY WITH THE TERMS OF THE GRAND JURY SUBPOENA THE FOLLOWING SHIPPING PROCEDURES:

1. Mail Electronic Media: Electronic media (DVDs, CDs, flash drives, etc.) may be physically mailed to the address identified on the subpoena. The mailed media must be packaged securely by sending either 1) by a dedicated courier such as FedEx, UPS, etc., or 2) standard U.S. Postal mail. All media mailed using these this method must be shipped using a dual-container configuration. This means media must be packaged in two nested, or double wrapped, containers; e.g., an inner envelope packed within an outer shipping envelope. The recipient's name and "To be Opened by Addressee Only" should be clearly annotated on the inner envelope. When using these mailing methods, the electronic media itself does not need to be encrypted.

Special Agent Jahaira Torrens  
HSI-ICE  
140 Centrewest Court  
Cary, NC 27513  
  
(919) 332-4166

A COPY OF THE SUBPOENA MUST BE INSERTED INSIDE THE SEALED ENVELOPE OR PACKAGE.

When the size, weight or nature of the grand jury material precludes the use of envelopes or standard packaging, the material used for packaging shall be of sufficient strength and durability to protect the information from unauthorized or accidental disclosure. Grand Jury material may be transmitted through reliable mail and courier services only if specifically requested in paper form and properly protected by following the dual-container configuration.

OR

2. In-Person Delivery: If the documents are too voluminous to securely ship following one of the procedures above, you may release the documents requested in-person to the agent serving this subpoena upon you.

If you choose to follow either of the procedures above, it will not be necessary for anyone associated with your office to physically appear before the grand jury.



U. S. Department of Justice

*Robert J. Higdon, Jr.*  
*United States Attorney*  
*Eastern District of North Carolina*

*Terry Sanford Federal Building*  
*310 New Bern Avenue*  
*Suite 800*  
*Raleigh, North Carolina 27601-1461*

*Telephone (919) 856-4530*  
*Criminal FAX (919) 856-4487*  
*Civil FAX (919) 856-4821*  
*www.usdoj.gov/usao/nce*

August 31, 2018

Custodian of Records  
North Carolina Division of Motor Vehicles

Re: Grand Jury Subpoena No. 2017R00240(3)

Dear Sir/Madam:

You may comply with the subpoena by personally appearing before the Grand Jury or furnishing copies (originals, if specified) of the requested materials to Special Agent Jahaira Torrens prior to the grand jury date. If you choose to mail the documents, an instruction for mailing grand jury documents is attached.

We are also requesting that you complete the Business Record Affidavit pursuant to Rule 902(11) of the Federal Rules of Evidence, as amended December 1, 2000. By submitting this affidavit with the requested documents, you may avoid the need to appear at trial to testify to the authenticity of these records.

We appreciate your cooperation in this matter.

Sincerely,

ROBERT J. HIGDON, JR.  
United States Attorney

SEBASTIAN KIELMANOVICH  
Assistant United States Attorney  
Criminal Division

Enclosures

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

IN RE:

Grand Jury Subpoena  
2017R00240(3)

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**BUSINESS RECORD AFFIDAVIT**  
**FED. R. EVID 902(11)**

I am personally acquainted with the facts stated herein and make this statement under penalty of perjury.

I am the custodian of records for \_\_\_\_\_ (herein after referred to as "Agency"). The documents made by the Agency and produced in compliance with the subpoena duces tecum (consisting of \_\_\_\_\_ pages attached hereto) are memoranda, reports, records or data compilations of acts, events, conditions, opinions or diagnoses that were made at or near the time, by or from information transmitted by a person with knowledge and that have been kept in the course of the Agency's regularly conducted business activity. It has been the Agency's regular practice in that business activity to make those memoranda, reports, records or data compilations. Neither the source of information, nor the method or circumstances of preparation, indicate a lack of trustworthiness for those memoranda, reports, records or data compilations.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me  
this the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_