

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

:

ISAAC STURGEON v. :

Case No. 21-cr-91 (RCL)

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DEFENDANT'S MOTION FOR VIDEO TESTIMONY OF DEFENSE WITNESS

Isaac Sturgeon, through counsel, respectfully requests that the Court permit one of his defense witnesses, Dr. Ken Hunt, to testify by video teleconference during the currently scheduled trial beginning on May 16, 2023.

Mr. Sturgeon has already disclosed this anticipated witness to government counsel and co-defendant counsel and has provided a brief synopsis of his anticipated testimony. Dr. Ken Hunt will provide opinion testimony regarding Mr. Sturgeon's character for peacefulness. *See U.S. v. Carpenter*, 2023 WL 1860978 *2 (D.D.C. Feb. 9, 2023). Counsel anticipates that his direct examination will take no longer than 15 minutes.

Dr. Hunt resides in Dillon, Montana and is a retired physician. Unfortunately, he has already scheduled travel to Colorado for an important family event during the currently scheduled trial dates. For this reason, Mr. Sturgeon respectfully requests that the Court allow him to testify by video teleconference. Counsel discussed this request with the government, who opposes this request because it feels it will not be able to effectively cross-examine Dr. Hunt. Government counsel did not elaborate on why they will be inhibited from cross-examining an individual by video teleconference. Counsel for Mr. Bingert does not oppose this request.

Such a request is reasonable –especially given the defendants’ desire to proceed by bench trial in this matter. Furthermore, this type of request has been granted before even in jury trials. For example, In the Eastern District of Virginia, Chief Judge Brinkema permitted the government to present an out of state witness in a jury trial by video teleconference. *See United States v. Vera Lutt*, 1:16-cr-130 (LMB), Minute Entry No. 154. This request will also save the courts unnecessary time and expense it would have to incur by arranging and paying for another defense witness’s travel.

Lastly, Dr. Ken Hunt is an essential witness to Mr. Sturgeon’s defense and he should be permitted to present a witness on his behalf even in the face of scheduling and logistical difficulties. This interest outweighs the vague government interest in “effective cross-examination,” of a character witness who will have very limited testimony.

CONCLUSION

For the foregoing reasons, defendant Isaac Sturgeon requests the Court to grant his Motion. In the alternative, Mr. Sturgeon requests a continuance to ensure he is able to present a defense.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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