

# **EXHIBIT 1**



U.S. Department of Justice

Matthew M. Graves  
United States Attorney

*District of Columbia*

*Patrick Henry Building  
601 D Street N.W.  
Washington, D.C. 20530*

March 7, 2023

VIA Electronic Mail

Capital One, N.A.  
15000 Capital One Drive  
Richmond, VA 23238-1119  
Attn: Subpoena Coordinator, 12070-7000

Re: U.S. v. Michael Sparks, et al.  
Crim. No. 21-CR-00087 (TJK)  
Trial Subpoena No. TR20230307100034

Dear Capital One, N.A.:

Enclosed is a subpoena that requires your appearance in the U.S. District Court for the District of Columbia in connection with the trial of the above-referenced case. The subpoena directs you to appear via remote /VTC on **4/28/2023** before Judge **Timothy J. Kelly** at **1:30 PM**. The subpoena also requires you to appear with the requested records as described in the attached to the subpoena at that hearing.

In lieu of appearing at the above-referenced status hearing, you may electronically produce the documents requested in the attached subpoena, along with the completed declaration attached to that subpoena, to the United States Attorney's Office, at the contact information provided in the attachment to the subpoena.

If you need instructions on how to access the remote/VTC hearing, please contact the United States Attorney's Office at the number or email address below. Please call me immediately if there are any scheduling problems.

We appreciate your cooperation in this matter. If you have any questions, please contact this office at the number below.

Sincerely,

Matthew M. Graves  
United States Attorney

By: /s/ Emily Allen  
Emily W. Allen  
Assistant United States Attorney  
907-271-4054  
Emily.Allen@usdoj.gov

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America )  
 v. )  
 Michael Sparks, et al. ) Case No. 21-CR-00087 (TJK)  
 )  
 Defendant )

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Capital One, N.A.  
 15000 Capital One Drive  
 Richmond, VA 23238-1119  
 Attn: Subpoena Coordinator, 12070-7000

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

Place of Appearance: Remote/VTC Hearing U.S. District Courthouse for the District of Columbia 333 Constitution Avenue, N.W., Washington, D.C. 20001	Courtroom No.: Remote/VTC (Contact U.S. Attorney's Office or the Court for access instructions) Date and Time: Friday, April 28, 2023 at 1:30 PM
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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**

*(SEAL)*

Date: March 7, 2023

CLERK OF COURT  
  
 Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* the United States of America who requests this subpoena, are:

Emily W. Allen, Assistant United States Attorney  
 United States Attorney's Office for the District of Columbia  
 601 D Street N.W.  
 Washington, DC 20530  
 Phone: 907-271-4054 Fax:  
 Email: emily.allen@usdoj.gov

Subpoena #TR20230307100034  
 USAO #2021R00561  
 In re PVO: 18 U.S.C. §1752  
 Preparer: KCLEMENT

Case No. 21-CR-00087 (TJK)

**PROOF OF SERVICE**

This subpoena for *(name of individual and title, if any)* Capital One, N.A.  
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 \$\_\_\_\_\_.

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.:

**SUBPOENA #TR20230307100034**

**Attachment  
Capital One, N.A.  
Trial Subpoena #TR20230307100034**

Michael Nelson Sparks

Date of Birth [REDACTED]

Social Security Number [REDACTED]

**Account number:** [REDACTED]

Time Period: Nov 1, 2020 – Jan 31, 2021

For any account held by the named customer or account number listed above, please provide the following:

1. Credit Cards: Records pertaining to all open or closed credit card accounts in the name of (including joint accounts) or under signature authority of any of the above individuals or accounts, including:
2. Deposit Accounts: Records pertaining to all open or closed deposit accounts, including checking, savings, or other deposit or checking accounts in the name of (including joint accounts) or under signature authority of the above individuals or accounts, including:
  - a. Account statements;
  - b. Transaction records of all activity on the account, including all available vendor information and data regarding purchases, sales, or deposits.

Please return records to:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**DECLARATION OF CUSTODIAN OF RECORDS**

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is \_\_\_\_\_.  
*(name of declarant)*

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena #TR20230307100034 dated March 7, 2023, signed by Assistant United States Attorney Emily W. Allen, requesting specified records of the business named below.

Attached hereto are \_\_\_\_\_ pages of records regarding \_\_\_\_\_  
*(Brief description of type of documents being subpoenaed)* responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
*(date)*

\_\_\_\_\_  
*(signature of declarant)*

\_\_\_\_\_  
*(name and title of declarant)*

\_\_\_\_\_  
*(name of business)*

\_\_\_\_\_  
*(business address)*

\_\_\_\_\_  
*(business address)*

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.