

Exhibit 5



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

April 3, 2023

VIA Electronic Mail

Attn: Verizon Security Assistance Team (Vsat)
Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Re: U.S. v. Michael Sparks, et al.
Crim. No. 21-CR-00087 (TJK)
Trial Subpoena No. TR20230403100824

Dear Verizon Wireless:

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 **5/5/2023** before Judge **Timothy J. Kelly** at **1:00 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

AO 89 (Rev. 08/09; DC 4/10) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

District of Columbia

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

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

To: Verizon Security Assistance Team (Vsat)
 Verizon Wireless
 180 Washington Valley Road
 Bedminster, NJ 07921

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: U.S. District Courthouse for the District of Columbia 333 Constitution Avenue, N.W, Washington, D.C. 20001	Courtroom No.: Remote/VTC Date and Time: Friday, May 5, 2023 at 1:00 PM
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You must also bring with you the following documents, electronically stored information, or objects *(blank if not applicable)*

See Attachment

(SEAL)

Date: April 3, 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 #TR20230403100824
 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)* Verizon Wireless
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.:

ATTACHMENT A
VERIZON WIRELESS
TRIAL SUBPOENA TR20230403100824

Michael Nelson Sparks

Date of Birth [REDACTED]

Social Security Number [REDACTED]

Phone Number: [REDACTED]

For any account held by the individual or cell phone account number identified above, please provide, for the time period November 1, 2020 – January 31, 2021, the following records:

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), MSISDN, International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"));
7. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses);
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

Please return records to:
Special Agent [REDACTED]
Federal Bureau of Investigation

[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 #TR20230403100824 dated April 3, 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.