

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**VICTORIA CHARITY WHITE,
Defendant.**

Criminal Action No. 21-563 (JDB)

ORDER

Before the Court is the government’s unopposed motion requesting that the Court issue a subpoena under Federal Rule of Criminal Procedure 17(c) requiring GiveSendGo.com to produce documents related to an account purportedly run by defendant Victoria Charity White on its platform.

Under Federal Rule of Criminal Procedure 17(c), a court may permit issuance of a subpoena which would “order the witness to produce any books, papers, documents, data, or other objects the subpoena designates” prior to trial, and the Court “may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence.”¹ The government seeks such a subpoena, commonly called an “early-return subpoena.” See Mot. at 1–2. Subpoenas should be used only “to obtain evidentiary materials,” and the Court has discretion in deciding whether to issue a subpoena. United States v. Libby, 432 F. Supp. 2d 26, 30 (D.D.C. 2006) (internal quotation marks omitted). The party seeking the subpoena “must clear three hurdles: (1) relevancy; (2) admissibility; and (3) specificity.” Id. (quoting United States v. Nixon, 418 U.S. 683, 700 (1974)).

¹ Under Rule 17(c), the producing party may be commanded to appear in court to produce the documents. However, the government “requests permission to invite the subpoenaed party to produce the documents to the government electronically in lieu of appearing at the status hearing.” United States’ Unopposed Mot. for Early Return of Trial Subpoena(s) Pursuant to Fed. R. Crim. P. 17(c) [ECF No. 73] (“Mot.”) at 4. The Court agrees that route would be easier on all parties and will permit the documents to be produced electronically.

The government seeks to subpoena GiveSendGo.com, a crowd-sourced fundraising platform. See Mot. at 3. At least one account on GiveSendGo.com “makes several claims about the defendant and her actions on January 6, 2021” and sought “donations for the defendant’s legal fund.” Id. The government accordingly seeks “subscriber, user, and transactional information” which would be used to “attribute th[ose] accounts to the defendant.” Id.

Particularly in light of the fact that the government’s motion is unopposed, the Court agrees that the subpoena meets the requirements under Rule 17(c). The material requested—information that would help attribute statements about January 6 to the defendant—is relevant; business records such as those requested are likely admissible under the Federal Rules of Evidence; and the subpoena seeks a specific, narrow set of information. And the Court agrees that an early-return subpoena “will facilitate the orderly progress of trial by allowing the parties to litigate or resolve any issues of admissibility arising from the document production before trial begins.” See Mot. at 3 (citing Bowman Dairy Co. v. United States, 314 U.S. 214, 219–20 (1951)). The Court will thus issue the government’s proposed early-return subpoena.

* * *

For the reasons stated herein, and upon consideration of the United States’ motion for early return of trial subpoena pursuant to Federal Rule of Criminal Procedure 17(c), and the entire record herein, it is hereby

ORDERED that GiveSendGo, LLC (GiveSendGo.com) is required to comply with Trial Subpoena No. TR20230519102623 by producing records as described in the Attachment to that subpoena, a redacted copy of which was appended to the government’s motion; it is further

ORDERED that GiveSendGo, LLC (GiveSendGo.com), in lieu of appearing in court with the requested records, may provide them directly to the U.S. Attorney's Office for the District of Columbia before June 14, 2023; it is further

ORDERED that the United States shall produce any subpoena results received promptly to the defendant through the discovery process; and it is further

ORDERED that the United States may grant either of the entities subpoenaed any requested necessary extensions of time to comply with the subpoenas.

SO ORDERED.

/s/

JOHN D. BATES
United States District Judge

Dated: May 30, 2023