

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

**UNITED STATES OF AMERICA** :  
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 v. : **Case No: 21-CR-087 (TJK)**  
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**MICHAEL SPARKS, et al.,** :  
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 :  
 **Defendants.** :

**UNITED STATES' SUPPLEMENT TO UNOPPOSED MOTION  
FOR EARLY RETURN OF TRIAL SUBPOENAS**

The United States of America, by and through undersigned counsel, respectfully supplements its request for authorization to invite five subpoenaed entities to produce early return of records in response to trial subpoenas issued pursuant to Federal Rule of Criminal Procedure 17(c), *see* Dkt. 57 (filed Apr. 17, 2023). The Court has not yet ruled on that motion, which is not opposed by counsel for Michael Sparks.

By this supplement, the United States provides notice to the Court that, due to a miscommunication between the undersigned Assistant U.S. Attorney and the investigating agent with the Federal Bureau of Investigation, two of the five requested subpoenas were served on the subpoenaed entities earlier this week, along with a cover letter inviting the subpoenaed entities to return records directly to the FBI in advance of the return date. It was the intention of the undersigned that the subpoenas would be served only *after* this Court assessed and, if appropriate, granted the government's request for early return of records. However, in discussing the service of the subpoenas with the FBI case agent, the need to delay service until a Court order was issued was misunderstood. For that reason, the requested subpoenas to Verizon (for Sparks's cell phone records) and T-Box Tactical (for Sparks's January 4, 2021, purchase records) have already been served. No records have yet

been received from either entity. (Three other retailers have not been served.)

The undersigned learned of this miscommunication on Friday, April 21, 2023, and promptly discussed the matter with the FBI case agent. The FBI case agent has agreed to refrain from serving the three remaining trial subpoenas. In addition, the FBI has been asked not to review any records they might receive from Verizon or T-Box Tactical unless and until this Court has authorized the early return.

For the same reasons set forth in the government's Motion for Early Return of Trial Subpoenas, Dkt. 57, the requested records remain relevant and of evidentiary value, and their early production will allow for both parties to properly prepare for trial; they meet all of the requirements of Rule 17(c). Accordingly, the government requests that the Court enter the proposed order submitted with its Motion (at Dkt. 57, and re-attached here) and allow the subpoenaed entities to produce the designated items or by providing them directly to the U.S. Attorney's Office or the FBI before the pretrial conference scheduled for May 5, 2023.

Respectfully submitted,

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