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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA, )

11 Plaintiff, )

12 vs. )

13 KARL F. THOMPSON, JR., )

14 Defendant. )

09-CR-00088-FVS

Application for Order  
Requiring Testimony

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16  
17 THE UNITED STATES OF AMERICA, by and through MICHAEL C.  
18 ORMSBY, United States Attorney for the Eastern District of Washington, and  
19 Timothy M. Durkin and Aine Ahmed, Assistant U.S. Attorneys, Victor Boutros,  
20 United States Department of Justice, Civil Rights Division, hereby makes  
21 application to this Court, pursuant to §§ 6001 et seq., of Title 18 of the United  
22 States Code (Code Section addressing Witness Immunity Applications), for an  
23 Order requiring the above-named witness to give testimony and provide other  
24 information which he refuses to give or provide on the basis of his privilege  
25 against self-incrimination, as to all matters about which he may be interrogated.

1 As grounds in support thereof, the Government sets forth the following facts  
2 and circumstances:

3 (1) The said witness, Timothy Moses, has been subpoenaed to testify for  
4 the prosecution at the trial of United States v. Karl Thompson, 09-CR-00088-FVS  
5 on Thursday, October 20, 2011;

6 (2) In the judgment of the undersigned, the testimony or other  
7 information from said witness may be necessary to the public interest;

8 (3) We are advised by Mr. Moses's counsel Chris Bugbee that Mr.  
9 Moses' testimony may be inconsistent with sworn testimony that he previously  
10 provided in front of the Grand Jury, in and for the Eastern District of Washington,  
11 on June 16, 2009. It is the United States' understanding that the apparent material  
12 change between Mr. Moses' anticipated and his previously sworn testimony  
13 occurred after having conferred with the Defendant and having later met with  
14 Defendant's counsel while then unrepresented by Mr. Bugbee.

15 (4) Thus, Mr. Bugbee has advised that absent an order compelling his  
16 client's testimony, Timothy Moses is likely to refuse to provide testimony on the  
17 basis of the privilege against self-incrimination and will invoke his 5<sup>th</sup> Amendment  
18 right and privilege against self-incrimination;

19 (5) This application is made with the approval of Roy L. Austin, Jr.,  
20 Deputy Assistant Attorney General (DAG), Civil Rights Division, United States  
21 Department of Justice, pursuant to the authority vested in him by 18 U.S.C.  
22 Section 6003 and 28 C.F.R. 0.175(a). A copy of the letter expressing approval is  
23 attached hereto.

24 WHEREFORE, THE UNITED STATES requests that this Court issue an  
25 Order requiring the said witness, Timothy Moses, to appear forthwith as directed  
26 before the aforementioned jury, stated herein to give testimony and to provide  
27

1 other information concerning the said matters under inquiry in accordance with the  
2 provisions of §§ 6001 et seq. of Title 18 of the United States Code.

3  
4 Dated: October 20, 2011

Respectfully submitted,

5 *MICHAEL C. ORMSBY*  
6 United States Attorney

7 *s/Timothy M. Durkin*

8 Timothy M. Durkin  
9 Assistant United States Attorney

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11 **ECF Certification**

12 I hereby certify that on October 20, 2011, I electronically filed the foregoing with  
13 the Clerk of the Court using the CM/ECF System which will send notification of  
such filing to the following, and/or I hereby certify that I have mailed by United  
States Postal Service the document to the following non-CM/ECF participant(s):

14 Carl Oreskovich  
15 Bank of Whitman Building, Second Floor  
618 West Riverside Avenue  
16 Spokane, WA 99201

17 Chris A. Bugbee  
18 Attorney at Law  
1312 North Monroe  
Spokane, WA 99201

19 *s/Timothy M. Durkin*

20 Timothy M. Durkin  
21 Assistant United States Attorney  
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EASTERN DISTRICT OF WASHINGTON

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11 KARL F. THOMPSON, JR., )

12 Defendant. )

09-CR-00088-FVS

Order Requiring Testimony

13  
14 THIS MATTER coming before the Court upon Application by the United  
15 States for Order Requiring Testimony, the Court having considered the motion and  
16 the Court being fully advised in the premises,

17 IT IS HEREBY ORDERED that the United States' Application for Order  
18 Requiring Testimony is granted.

19 IT IS FURTHER ORDERED that a said witness Timothy Moses appear  
20 forthwith to give testimony and provide other information concerning the said  
21 matters under inquiry in this code in accordance with the provisions of §§ 6001 et  
22 seq. of Title 18 of the United States Code.

23  
24 DATED this \_\_\_\_\_ day of October, 2011.

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26 \_\_\_\_\_  
27 Honorable Fred Van Sickle  
Senior United States District Judge