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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,)
8 Plaintiff,) NO. C-05-0180-LRS
9 vs.) MEMORANDUM IN SUPPORT
10 DIXIE ELLEN RANDOCK,) OF MOTION FOR
11 Defendant.) DEPOSITIONS
12)

13 FRCrP 15 provides in pertinent part:

14
15 A party may move that a prospective witness be deposed in order to
16 preserve testimony for trial. The court may grant the motion because of
17 exceptional circumstances and in the interests of justice. (FRCrP 15 (1))

18
19 While the defendants have a right to be present, (FRCrP 15(c)(2)) it is expected
20 that each defendant will waive his right to be present. The deposition is to be taken in the
21 same manner as a deposition in a civil action, except that the scope and manner must be
22 the same as would be allowed during trial. (FRCrP (e)). Grounds for objections must be
23 stated during the deposition.(FRCrP(g)).

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25 The trial court has broad discretion in deciding whether to order a deposition in a
26 criminal case. U.S. v. Olafson, 213 F. 3d 435 (9th Cir. 2000). It is not necessary that a
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MEMORANDUM IN SUPPORT OF
MOTION FOR DEPOSITIONS

1 judicial officer be present. Torres-Ruiz v. U.S. District Court, 120 F. 3d 993, (9th Cir.
2 1997).

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4 The rule does not require any conclusive showing of unavailability or materiality,
5 before a deposition can be ordered. It only requires that the trial court find that due to
6 exceptional circumstances, it is in the interests of justice that the testimony of a
7 prospective witness be taken and presented for possible use at trial. U.S. v. Omene, 143
8 F. 3d 1167, (9th Cir. 1998).

9
10 In addition to the specific allegations in the indictment, the secret service report
11 lists Abdullah Dunbar as an "offender" (Bates No.360501). Resident Agent In Charge
12 Kevin Miller stated that Mr. Dunbar, a Liberian embassy official, "had reportedly
13 authorized St. Regis University to be accredited by the Liberian government." (Bates
14 No.360520). Furthermore, Dr. Isaac Roland and Ambassador Prince Porte attended a
15 meeting with U.S. State Department officials approximately January 28, 2005 along with
16 defendant Richard Novak. The meeting was held with U.S. Embassy officials because
17 Liberian education officials had been told that the United States would withhold future
18 assistance if St. Regis issues were not carefully addressed. (Bates No.360524). Dr.
19 Roland issued formal statements on St. Regis accreditation (Bates No. 360529), and
20 expressed disagreement with a later Liberian Embassy letter that "disassociated" it from
21 St. Regis (Bates No.360547).

22
23 In addition, Mr. Dunbar was videotaped in a meeting with Mr. Novak and
24 undercover officers in which cash payments were agreed upon (Bates No.360603). Mr.
25 Novak is expected to testify that he bribed these officials.
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1 The expected testimony of Dr. Roland, Mr. Dunbar, Mr. Porte, and Mr. Ja'neh
2 will refute the expected testimony of Mr. Novak. They will explain and detail the efforts
3 made by these defendants to obtain accreditation by the Liberian government.
4

5 These men are all beyond the court's subpoena power. Travel from Liberia to
6 Spokane is burdensome. Their testimony is central and vital to the defense. Every effort
7 will be made to secure their appearance at trial. However, the information is so important
8 that the defendants cannot risk that they may fail to appear.

9 It is therefore requested that the court order these depositions. Through Liberian
10 council, we are hopeful that Dr. Kandakai will cooperate and we additionally request
11 authorization for her deposition
12

13 Respectfully submitted this 7th day of December, 2007.

14
15 *s/ Phillip J. Wetzel*
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CERTIFICATE OF SERVICE

22 I hereby certify that on December 5, 2005, I electronically filed the foregoing
23 with the Clerk of the Court using the CM/ECF System which will send notification of
24 such filing to the following:

25 Mr. George Jacobs
26 Assistant United States Attorney
27 Post Office Box 1494
28 Spokane, WA 99210-1494

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