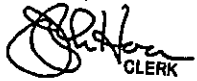


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
AUG 02 2016

CLERK

<p>UNITED STATES OF AMERICA Plaintiff, vs. VAL DEMARS Defendant.</p>	<p>5:15-mj-00130-DW ORDER DENYING DEFENDANT'S MOTION FOR TRANSPORTATION OF WITNESS</p>
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Defendant moves this court for an order directing the United States Marshals Service to transport his witness, Lia Byrnes, from her home in St. Johnsbury, Vermont to Rapid City, South Dakota, to testify at his trial on August 4, 2016. (Doc. 38).

Fed. R. Crim. P. 17(b) requires the court to authorize transportation and witness fees to be paid in the same manner as those paid for witnesses the government subpoenaed, provided that the defendant shows an inability to pay for the witness fees and the necessity of the witness's presence for an adequate defense.

There has been no showing from Mr. Demars that he lacks the ability to pay or the nature of Ms. Byrnes's testimony which would make her presence necessary for an adequate defense. In the alternative, if the defendant seeks to

have witnesses testify by via video conference, the court is inclined to grant such a motion. Accordingly, it is hereby

ORDERED that the defendant's motion for transportation is hereby DENIED.

The clerk shall deliver a copy of this order to the U.S. Marshals.

Dated August 2, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Daneta Wollmann', is written over a horizontal line.

DANETA WOLLMANN
MAGISTRATE JUDGE