

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR 17-50033
)	MOTION FOR SUBPOENA OF
)	VICTIM INFORMATION
STANLEY PATRICK WEBER,)	
)	
Defendant.)	

MOTION FOR SUBPOENA OF VICTIM INFORMATION

Comes now the Defendant, Stanley Patrick Weber, by and through his undersigned counsel, and moves this court for a subpoena for information relating to the alleged victims in this case, pursuant to Federal Rule of Criminal Procedure 17(c), and in support would show:

1. This is an action wherein Defendant Stanley Patrick Weber (“Weber”) is charged with violations of §18 USC et al. Specifically, the allegations concern alleged sexual abuse of three purported victims while Weber served as their doctor.
2. Weber is investigating the allegations raised by the victims. In furtherance of that investigation, Weber seeks information concerning the possibility that the three alleged victims may have coordinated their stories or been influenced by someone inciting accusations.
3. As such, Weber desires to obtain the following information concerning the alleged victims:
 - a. As to alleged victim “PTB”, who is incarcerated, the names of visitors he had in jail from October, 2014 to December, 2016.
 - b. As to alleged victim “PTB”, the dates of any medical visits to Pine Ridge Hospital from October, 2014 to December, 2016.
 - c. As to alleged victim “PTB”, the names of people who accessed his medical charts from October 2014 to December 2016 and the duration of the viewing.

d. As to alleged victim “EHH”, the dates of any medical visits to Pine Ridge Hospital in 2016.

e. As to alleged victim “EHH”, the names of people who accessed his medical charts from October 2014 to December 2016 and the duration of the viewing.

f. As to alleged victim “FG”, the dates of any medical visits to Pine Ridge Hospital in 2016.

g. As to alleged victim “FG”, the names of people who accessed his medical charts from October 2014 to December 2016 and the duration of the viewing.

4. If Weber can demonstrate that an instigator visited each of the alleged victims just prior to their accusations being made, or identifies that the same person or people had accessed their medical charts at the times these accusations were being made (and when none of the alleged victims had reason to be at the Pine Ridge Hospital), it would provide an exculpatory explanation for any common accusations made by each victim and would undermine the credibility of any outcry witness.

5. Federal Rule of Criminal Procedure 17(c)(3) authorizes Weber to request from the court an order to obtain “personal or confidential information about a victim”. Weber hereby requests such an order.

“Rule 17(c) implements the Sixth Amendment guarantee that an accused have compulsory process to secure evidence in his favor...A party seeking pretrial production of documents must demonstrate (1) relevancy, (2) admissibility, and (3) specificity with respect to the documents... While Rule 17(c) is limited to evidentiary materials, that is not to say that the materials must actually be used in evidence. It is only required that a good faith effort be made to obtain evidence” *In re Martin Marietta Corp.*, 856 F.2d 619, 621 (4th. Circ. 1988).

6. The information being sought is specifically targeted for use at trial, either to impeach potential witnesses or in furtherance of developing a general defense strategy concerning the credibility of the accusations. While the information may be deemed personal or confidential, it is not so intimate as to be likely to harass or embarrass any participant in this case, nor is it intended to do so. However, it may lead to evidence of some form of collusion which would bolster Weber’s defense. In that spirit, Weber makes this good faith request for a subpoena requiring production of the specifically named materials.

7. As of the filing of this motion, Assistant United States Attorney Sarah B. Collins' has not indicated the United States' position regarding Weber obtaining the documents requested herein.

WHEREFORE, the Defendant prays for the relief requested, and for such other and further relief as to the Court sees just and proper in the premises.

Dated this 24th day of May, 2017.

Pro Hac Vice Counsel

/s/Ryan T. Cox

Ryan T. Cox
Springer and Steinberg, P.C.
1600 Broadway, Suite 1200
Denver, CO 80202
(303)861-2800 Telephone
(303)832-7116 Telecopier
rcox@springersteinberg.com

South Dakota Lead Counsel

/s/ Phillip R. Stiles

Phillip R. Stiles
Costello Porter Hill Heisterkamp
Bushnell & Carpenter, LLP
P.O. Box 290
704 St. Joseph Street
Rapid City, SD 57709
(605)343-2410
pstiles@costelloporter.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of May, 2017, I electronically filed the foregoing **MOTION FOR SUBPOENA OF VICTIM INFORMATION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties entered in the case.

/s/ Phillip R. Stiles

Phillip R. Stiles
Costello Porter Hill Heisterkamp
Bushnell & Carpenter, LLP
Attorneys for Stanley Patrick Weber
P.O. Box 290
704 St. Joseph Street
Rapid City, SD 57709
(605)343-2410
pstiles@costelloporter.com