

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	No. 10-CR-117-BDB
)	
vs.)	
)	
JEFF HENDERSON and)	
WILLIAM YELTON)	
<i>Defendant.</i>)	

MOTION TO COMPEL TESTIMONY OF GOVERNMENT AGENTS

Attached as Exhibit A is the Statement of R. Thomas Seymour (the “Statement”) concerning testimony of FBI agents needed for the hearings on September 22-24, 2010, duly submitted in accordance with 28 CFR. Attached as Exhibit B is the 4:59 p.m., September 20, 2010 email from Jane Duke to Mr. Seymour concerning Exhibit A. As the Court will see, this letter from Ms. Duke is, with the exception of paragraph 2, an attempt to paraphrase/rephrase what is in the Statement. Paragraph 2, however, has it exactly backwards—that is, Ms. Duke says she approves testimony concerning TPD not allowing its personnel to cooperate with federal investigators, whereas Paragraph 2 of the Statement concerns testimony concerning TPD not allowing its personnel to cooperate with or contact Officers Henderson or Yelton or their defense teams.

Attached as Exhibit C is the email sent by Mr. Seymour to Ms. Duke late the evening of September 20, 2010 (Ms. Duke invited clearing up any matter that needed it, in her email). Therein, Mr. Seymour advised that the attempt to paraphrase paragraphs 1, 3, 4, 5 and 6 of the Statement seemed, at least in some instances, designed to limit the scope of what was requested, and that paragraph 2 of Ms. Duke’s email appeared to be an inadvertent inversion of the testimony required. In addition, Mr. Seymour advised that unless this matter was cleared up

by 10:00 a.m., today, September 21, 2010, the matter would have to be brought to the Court's attention for resolution. As of 1:30 p.m., no response has been heard from Ms. Duke.

The Court is asked to enter an order requiring that the FBI agents provide the testimony as requested in the Statement.

Respectfully submitted,

s/R. Thomas Seymour
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing instrument was submitted to the CM/ECF filing system for electronic filing and distribution to the following CM/ECF registrants appearing in this case on the 21st day of September, 2010.

Jane W. Duke, U.S. Attorney
Patrick C. Harris, AUSA
Patricia Harris, AUSA
Attorneys for the United States

s/ R. Thomas Seymour