

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
Plaintiff

v.

**FELIX VERDEJO-SANCHEZ (I)**  
Defendant

**Case No. 21-cr-00161 (PAD)**

**MOTION TO QUASH SUBPOENA AND MOTION FOR PROTECTIVE ORDER**

COMES NOW the undersigned attorney, Edwin Prado-Galarza, Esq., proceeding pro se, and hereby respectfully states, avers, and requests that the Honorable Court quash an improperly served defense subpoena for my testimony and enter a protective order with respect to all solicited testimony regarding my conversations with Miguel Santiago Laiz and/or Eliz Santiago Sierra as they are all covered under the attorney-client privilege.

On Thursday, July 6, 2023, a subpoena for my testimony was issued at the request of the attorneys for Félix Verdejo-Sánchez to testify before this Court on Monday, July 10, 2023, at 9:00 a.m. in the above-captioned case. Exhibit 1 (subpoena). Although the subpoena calls for my testimony on July 10, it also states that I “must remain at the court until the judge or court officer allows [me] to leave.” Hence, it would appear that this subpoena could possibly be interpreted to carry over into additional days of testimony.

The defense attempted to serve me with this subpoena on July 6, 2023, but failed to satisfy the strict procedures of Federal Rules of Criminal Procedure 17(d):

Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena. (Emphasis added).

Instead of serving me, the subpoena was left in my Puerto Rico office with an employee without my knowledge. There is no exception in the rule that would allow for such a procedure.

As such, the subpoena should be deemed unenforceable. *See, e.g.,* Service, 2 Fed. Prac. & Proc. Crim. § 277 (4th ed.) (“It has been held that there must be strict compliance with the rules for service of a subpoena and proof thereof.”); *United States v. Davenport*, 312 F.2d 303, 307 (7th Cir. 1963) (strict compliance with service of subpoena rules is necessary). Thus, the Court should quash this last-minute subpoena. *See* Fed. R. Crim. P. 17(b)(2) (“On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.”).

Irrespective of the impropriety of the service of process, I can only make myself available to testify on July 10<sup>th</sup>, 2023, and not on any other following day. The reasons for this are genuine and shall be filed in a restricted-access supplement to this motion. Considering the circumstances detailed in the supplement, complying with the subpoena would be “unreasonable” and “oppressive.” *Id.* For all the preceding reasons, the Court should quash the subpoena for my testimony.

However, even if the subpoena was properly served, it appears that the testimony sought will require me to disclose confidential information covered by the attorney-client privilege. As this Court is aware, I have an ethical duty to maintain confidentiality of all attorney-client communication. *See, e.g.,* Model Rules of Professional Conduct 1.6.<sup>1</sup> The communication between myself and Miguel Santiago Laiz, and Eliz Santiago Sierra is covered in its entirety by the attorney-client privilege. As is my duty, I preemptively request a protective order to disallow any questions at trial that would require me to disclose any confidential information cloaked by the attorney-client privilege.

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<sup>1</sup> The District of Puerto Rico has adopted the Model Rules of Professional Conduct, as amended by the American Bar Association. Local Rule 83E(a). However, the substance of this confidentiality rule is ubiquitous in ethical rules throughout the United States.

**WHEREFORE**, I respectfully request that the Honorable Court quash the subpoena for my testimony due to its defective service and because complying with the same would be “unreasonable” and “oppressive.” In doing so, we ask the Court to consider this motion and the restricted-access supplement that is being filed contemporaneously. Additionally, the Honorable Court should enter a protective order to stop any attempt at trial to elicit testimony that would force me to violate my duty to maintain attorney-client communication confidential.

**I HEREBY CERTIFY** that, in accordance with Federal Rule of Criminal Procedure 49, a true and correct copy of the foregoing has been furnished via CM/ECF to all appearing parties or their attorneys by way of their designated email addresses this 8<sup>th</sup> day of July, 2023.

**RESPECTFULLY SUBMITTED** on this 8<sup>th</sup> day of July, 2023.

**s/ EDWIN PRADO-GALARZA, ESQ.**  
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