

The following individuals, from the USDC, are authorized to sign fact witness vouchers (DOJ-3s):

- Susan K. Edwards
- Sheila Foell
- Babbs Grady
- Lauren Herrman
- Bobbie Horton
- Crystal Jenkins
- Lisa W. Lee
- Peter A. Moore, Jr. (Stat)
- Kinnan Schline
- Susan Tripp

NOTICE TO FACT WITNESS SUBPOENAED ON BEHALF OF AN INDIGENT DEFENDANT - PANEL ATTORNEY

The information on this form does not apply to Government employees (military or civilian), deportable aliens, or to aliens paroled in the United States for prosecution.

CHECK TO SEE IF ATTENDANCE IS REQUIRED Call the subpoenaing attorney. You are strongly urged to call the attorney the workday before you leave your residence to attend court in order to verify that your attendance is required, this call is to prevent a wasted trip in the event the trial has been postponed.

APPEARANCE IN ANOTHER CITY If you have insufficient funds to travel to court, you should immediately contact the subpoenaing attorney and they will make travel arrangements with the U.S. Marshal's Office of the subpoenaing district and request an advance of funds from the U.S. Marshal's Office located nearest your residence. The U.S. Marshal's Office may advance the cost of one-way transportation (or purchase a ticket for you), one day of attendance fees (\$40), a half a day of per diem and one night of lodging allowances (amounts of per diem and lodging are determined by the court location). You will be required to sign a witness advance form (USM-24) indicating the need for and receipt of the advance. Any amount advanced to you will be deducted from your final reimbursement.

ATTENDANCE The subpoena tells you where to appear. Before reporting to the courtroom, you must report to the Clerk of Court's Office to have your attendance recorded. This should be done **EACH DAY** you are required to appear. Elizabeth City, N.C. and Fayetteville, N.C. may not have a staffed Clerk of Court's office, in this case report to the subpoenaing attorney and they will direct you to the Courtroom Deputy Clerk of Court.

ALLOWANCES Under Title 28, United States Code, Section 1821, witnesses are entitled to the following fees and allowances:

- A. **FEE** \$40.00 for each day's attendance and for time spent traveling from your residence to the place specified in the subpoena and your return trip.
- B. **TRANSPORTATION** Reimbursement for necessary travel by the **LEAST EXPENSIVE** method available will be made according to the following rules:
 - (1) **LOCAL TRAVEL** (Within 50 miles of Court). If you reside within the local area of the court, use the least expensive method of travel available. Travel by privately owned vehicle is the preferred method if public transportation is not available.
 - (2) **INTERMEDIATE TRAVEL** (50 to 350 miles from court). If you reside outside of the local area of the court, you will be reimbursed for travel to court by the most economical common carrier (bus, rail or airplane) available in your area, or by privately owned vehicle

NOTE: Short air trips are often more expensive than travel by privately owned vehicles or by bus or rail - you may be reimbursed as if you traveled by privately owned vehicle or by bus or rail even if you choose to fly.

- (3) **LONG DISTANCE TRAVEL** (Over 350 miles from court). Travel requiring longer than one day driving time will be reimbursed as if you flew by common carrier unless there is limited air service in your area or there is a medical reason for you not to fly. The U.S. Marshal's Office in the District that you are subpoenaed, and where you will be traveling to, will book a flight for you. Be sure to provide a copy of your executed subpoena and the order of appointment.

COMMON CARRIER Travel by common carrier (rail, bus or plane) will be reimbursed at coach class rates. Reimbursement will also be allowed for necessary taxi fares between your home, the common carrier terminals and court. Receipts are required for ALL common carrier fares and for all single items of \$75.00 or more. (PLEASE SAVE YOUR AIRLINE, BUS OR RAIL TICKET STUBS AND RECEIPTS). All expenses \$75.00 or more must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification Without a Receipt Form must be submitted with the DOJ-3. Charter services and rental cars are not considered common carriers for reimbursement purposes.

PRIVATELY OWNED VEHICLES The rates per mile for travel by privately owned vehicles are:

Automobiles: \$0.545

Airplanes: \$1.21

Motorcycles: \$0.515

Distances traveled are determined by odometer readings or the Rand McNally Standard Highway Mileage Guide. In addition, NECESSARY tolls, parking fees, etc. will be paid, a receipt is required regardless of the amount. If two or more witnesses travel in the same privately owned vehicle, only one reimbursement for mileage will be made. Any other transportation expenses WILL NOT BE REIMBURSED without special justification and advance approval. Specifically, personal car rentals and expenses will not be reimbursed.

EXPENSE LISTING BE SURE TO SAVE YOUR RECEIPTS, and include an internet printout of the actual miles traveled and expenses paid at the time of travel.

- C. **MEALS & LODGING** Whenever you are required to remain away from your residence, you may receive reimbursement for meals and incidental expenses and also for lodging up to the following amount(s):

If You Stay In & Around	Meals & Incidental Expenses* (No receipt required)	Lodging Allowance** (Receipt in witness' name required)
Elizabeth City, NC	\$51.00	\$93.00 + tax
Fayetteville, NC	\$54.00	\$106.00 + tax
Greenville, NC	\$51.00	\$93.00 + tax
New Bern, NC	\$51.00	\$93.00 + tax
Raleigh, NC	\$59.00	\$115.00 + tax
Wilmington, NC	\$59.00	\$101.00 + tax

*On your first day and your last day you are entitled to only ½ this amount. You are entitled to this allowance only if you are away from home overnight. If you commute to court and return home each day you are not entitled to per diem.

**Hotel/Lodging - the actual expense, up to the amount listed, is reimbursable.

PAYMENT When you are advised that your attendance is no longer required, you should inquire as to the arrangements for payment of fees and allowances. To receive payment, you must complete and sign a **FACT WITNESS VOUCHER (DOJ-3)**. The Clerk of Court's Office, or the Deputy Clerk of Court in the courtroom will assist you with this and submit the Fact Witness Voucher to the U.S. Marshal's Office for reimbursement. The U.S. Marshal's will process the Fact Witness Voucher and mail payment to you in accordance with the Prompt Payment Act (5 CFR Part 1315 9/29/1999).

PLEASE NOTE: The appearance commanded by this subpoena is a continuing obligation during the course of the trial. To avoid being away from your home for the entire trial, please call the attorney that subpoenaed you to ascertain your exact appearance date and for any assistance you may need.

VERIFICATION OF EXPENSES WITHOUT RECEIPT

The following expense(s) are approved for reimbursement to witness.
Receipt for expense(s) were unavailable or misplaced.

WITNESS: _____

CRIMINAL CASE/NO.: _____

REQUESTING OFFICIAL: _____

REASON FOR EXPENSE

DATE

EXPENSE

PARKING:

_____ Street meter	_____	\$ _____
_____ Lot unattended	_____	\$ _____
_____ Receipt needed to claim car	_____	\$ _____
_____ Airport parking	_____	\$ _____
_____ Misplaced receipt	_____	\$ _____
_____ Taxi Cab	_____	\$ _____
_____ Other	_____	\$ _____

Total \$ _____

APPROVED BY:

Signature of Approving Official

Date

NOTE: THE DOJ-3 MUST NOT BE HANDLED BY THE FACT WITNESS OTHER THAN FOR SIGNATURE PURPOSES

PART I - GENERAL INFORMATION

This Voucher is for: ☐ Fact Witness ☐ Travel Companion ☐ Federal Government or Military Employee Witness

This Voucher is from:

Please answer each question below.

The Fact Witness/Travel Companion:

☐ Was ☐ Was Not a United States Citizen at the time of attendance.

☐ Was ☐ Was Not a Federal Government or Military employee at the time of attendance.

☐ Did ☐ Did Not receive a cash or check advance. **Advance Amount: \$** _____ **From:** _____

Witness Name:

Travel Companion Name (if applicable):

For U.S. Citizen or Legal Resident - Social Security Number: _____ - _____ - _____

For Non-U.S. Citizen - Passport/Visa No.: _____ **Alien Registration Record No.:** _____

Address: _____ **City:** _____

State: _____ **Country:** _____ **ZIP:** _____

Phone No.: _____ **E-Mail Address:** _____

Court Doc. No.: _____ **Case Name/No.:** _____

District: _____ **Court Location:** _____

GTA: ☐ N/A ☐ Transportation ☐ Lodging

PART II - ATTENDANCE CERTIFICATION

NOTE: Retention of these fees is considered taxable income and reportable to IRS.

A. Attendance				FEES			OBJECT CLASS UFMS/FMIS	AMOUNTS (Dollars)
Deposition Dates:		to		\$40 @		Days	11804 / 1126	
Grand Jury / Trial Attendance Date / Hearing (Including Travel):		to		\$40 @		Days	11804 / 1156	
Civil Investigative Demand:		to		\$40 @		Days	11804 / 1156	
Pretrial Attendance Dates (Including Travel):		to		\$40 @		Days	11804 / 1194	
Detained Dates - Citizen/Visitor in Custody:		to		\$40 @		Days	11804 / 1193	
Detained Dates - Deportable Alien in Custody:		to		\$1 @		Days	11804 / 1195	

TOTAL FEES:

B. Attendance Attestation: I attest that the witness named above attended in the case or matter indicated and is entitled to the statutory allowance for attendance and travel.

Printed Name **Signature** **Date**

Title of Authorized Federal Government Official

A copy of Form USM-376A, *Signature/Designation Form for Approving Officer* must be on file with the USMS (A new signature form is required as updates occur).

PART III - ALLOWANCES

	OBJECT CLASS UFMS / FMIS	AMOUNTS (Dollars)
C. Travel by Carrier (Receipts over \$75.00 required if paid by witness or travel companion. DO NOT claim if paid by Government.) Check One: ☐ Train ☐ Bus ☐ Airplane	21011 / 2191 2108	
D. Travel by Privately Owned Vehicle: Round Trip Mileage: _____ @ \$ _____ Per Mile Total Number of Trips: _____ Less Advance Received: _____	21015 / 2192	
E. Local Transportation & Other Expenses (e.g. subway, bus, taxi, tolls, parking, baggage fees, etc.) ** All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification Without Receipt Form must be submitted. List Expenses and Value of the Expenses Authorized to be Paid:	21001 / 2193 2133	
F. Meals and Lodging: 1. Travel Days (3/4 M&IE for Federal/Military Employee, 1/2 M&IE for non-Federal/Military Employee) @ \$ _____ x _____ Day(s) = \$ _____ 2. Days Away from Home (full day's M&IE per day) @ \$ _____ x _____ Day(s) = \$ _____ 3. Actual Cost of Lodging, Not to Exceed \$ _____ @ \$ _____ * x _____ Day(s) = \$ _____ (Do not claim if paid by GTA) *The Actual Cost of Lodging cannot be greater than the Not to Exceed lodging amount.	21013 / 2194 21013 / 2194 21012	
NET AMOUNT PAID (Fees plus totals of Sections C, D, E, and F minus Advance Received from top of Page 1):		

PART IV - CERTIFICATION

SOCIAL SECURITY NUMBER/PRIVACY ACT NOTICE: Disclosure of your Social Security number is mandatory for Federal income tax reporting purposes under the authority of 26 CFR Section 301-6109-1, in order to ensure the accuracy of income computation by the Internal Revenue Service. This information will be used to identify an individual who is compensated by funds of the Department of Justice. Failure to provide this information may result in delay of your compensation, and the Department of Justice will be required to notify the Internal Revenue Service that your number is unknown. This information is being provided on Form 1099 to the Internal Revenue Service.

Falsification of an item may constitute a forfeiture of claim (28 U.S.C., Section 2514) and may result in a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 U.S.C. 287).

CERTIFICATION: I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me.

Signature_____
Date**PART V - CLAIM VERIFICATION**

VERIFICATION: Based upon the above information and receipts furnished by the witness or travel companion, I verify the above information is true and correct to the best of my knowledge.

Signature_____
Date_____
Title of Authorized Federal Government Official_____
E-mail Address (To receive copy of final DOJ-3)**PART VI - CERTIFICATION / DISBURSEMENT (For JMD or USMS Use Only)**

CERTIFICATION: This voucher is certified correct and proper for payment.

Printed Name_____
Signature_____
Date_____
Title of Authorized Certifying Official_____
Component

INSTRUCTIONS FOR COMPLETING FORM DOJ-3

PART I - GENERAL INFORMATION

(To be completed by the Trial Office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.)

This voucher is for:

- Fact Witness Travel Companion Federal Government/Military Employee Witness

The travel companion must have a separate voucher from the fact witness or Federal government/military employee witness. A memo or an Order from the court approving the travel companion's expenses must be attached to the voucher. Attendance fees are not to be paid to the travel companion or Federal government/military employee witness.

Include the fact witness's or Federal government/military employee witness's name when completing the voucher for a travel companion.

This voucher is from:

- ATR CIV CJA CRT ENRD FPD TAX USAO

Answer each question to indicate if:

- Select Fact Witness, Travel Companion, or Federal Government/Military Employee Witness.
- The fact witness, travel companion was/was not a United States citizen at the time he/she appeared to testify. If not a citizen, he/she will be required to show proof of his/her legal residence status or visitor status.
- The fact witness, travel companion, was/was not a Federal government/military employee witness at the time he/she appeared.
- The fact witness, travel companion, or Federal government/military employee witness did/did not receive a check or cash advance for his/her expenses in traveling to court. If an advance was received, enter the amount and issuing office here.

Indicate and/or verify the fact witness's, travel companion, or Federal government/military employee witness's Name, Social Security Number, Passport/Visa Number (if applicable), Alien Registration Record Number (if applicable), Address, Telephone Number and E-mail Address to ensure that they are correct.

ACCEPTABLE IDENTIFICATION OR DOCUMENTS: One or more of the following items is mandatory in order to receive fees and expenses.

- Social Security Number (Legal Citizen or Resident of the U.S.)
- Alien Registration Record Number (Alien Who Is Legally Permitted In the U.S.)
- Passport Number (International Fact Witness Only)
- Visa Number (International Fact Witness Only)
- Court Order Classifying a Deportable Witness
- Material Witness Warrant
- Valid Photo Identification
- Subpoena
- USA-150 or Letter in lieu of Subpoena (DOJ Only)
- Court Order Requesting the Appearance and Expenses of a Fact Witness (Federal Public Defender/Criminal Justice Act Attorney Only)
- Court of Appointment (Federal Public Defender/Criminal Justice Act (CJA) Attorney Only)
- DOJ-44 (International Witness)
- Funding Cable (International Fact Witness Only)
- DOJ-426 (Federal Government/Military Employee Witness)
- Memo Explaining Unusual Circumstances
- Memo Approving Miscellaneous Expenses (DOJ Only)

This information will be used to identify an individual who can be compensated in accordance with 28 U.S.C. 1821, 28 CFR 21, 5 U.S.C. 5751 and 18 U.S.C. 3144. Failure to provide this information may result in delay or rejection of compensation.

INSTRUCTIONS FOR COMPLETING FORM DOJ-3

PART II - ATTENDANCE CERTIFICATION

Section B of Part II must be signed by a Federal employee of the office who can attest the appearance of the fact witness, travel companion or Federal government/military employee witness. CJA attorneys are prohibited from signing this voucher. CJA attorneys must obtain signature from the Clerk of the Court, U.S. Magistrate Judge, or Federal Public Defender, or Assistant Federal Public Defender. The Federal employee signing in this part must have a USM-376A (Signature Form) on file with the U.S. Marshals Service.

PART III - ALLOWANCES

All receipts for expenses over \$75.00 made in Part III must be attached to the DOJ-3 before it is transmitted to the United States Marshals Service for payment. This claim for reimbursement cannot be processed until the fact witness, travel companion or Federal government/military employee witness furnishes all receipts for expenses over \$75.00 that he/she is claiming on this Fact Witness Voucher.

- All expenses over \$75.00 must have a receipt. If receipts are not provided for expenses over \$75.00, a Verification-Without-Receipt Form must be submitted.
- If the fact witness, travel companion or Federal government/military employee witness parked at an airport or has not yet paid his/her hotel/motel bill or other item requiring a receipt, it will be necessary for the fact witness, travel companion or Federal government/military employee witness to send his/her receipts, a letter signed by the fact witness, travel companion or Federal government or military employee witness requesting reimbursement of expenses, and a copy of a valid photo ID to the trial office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.
- If the fact witness, travel companion or Federal government/military employee witness departs the trial district and does not sign the DOJ-3, a letter signed by the fact witness, travel companion or Federal government or military employee witness requesting reimbursement of expenses and a copy of a valid photo ID must be sent to the trial office. The DOJ-3 must not be handled by the fact witness, travel companion, or Federal government/military employee witness other than for signature purposes.
- Gratuities are limited to taxi and shuttle services up to 15% of the total fare.
- In Section F. (Meals and Lodging), you must manually calculate $\frac{3}{4}$ M&IE for Federal/Military Employee or $\frac{1}{2}$ M&IE for non-Federal/Military Employee. M&IE is based on the Federal Travel Regulations.

PART IV - CERTIFICATION

Verify that all items under Part III are correct. Any changes to Part III must be effected and signed by the Federal government employee assigned to assist the fact witness, travel companion, or Federal government/military employee witness. The fact witness, travel companion, or Federal government/military employee witness must sign his/her full legal name and provide the date the DOJ-3 is signed. If the fact witness, travel companion is not a United States citizen, the fact witness or travel companion must show proof of his/her legal residence status or visitor status.

PART V - CLAIM VERIFICATION

Part V must be signed by a Federal government employee of the requesting office validating the accuracy and completeness of the expenses claimed by the fact witness, travel companion before the voucher is transmitted to Justice Management Division (Federal government/military employee witness only) or the U.S. Marshals Service for payment. The Justice Management Division (Federal government/military employee witness only) or the U.S. Marshals Service will process the Fact Witness Voucher and MAIL payment to the fact witness, travel companion, or Federal government/military employee witness at the address indicated on the first page of this voucher. International fact witnesses and international travel companions are paid on-the-spot, prior to departing from the United States.

FORM DISTRIBUTION:

Original - USMS Financial System

Copy 1 - Government Employee Signing in Part V (Claim Verification)

Copy 2 - USMS District Office in Witness' Location (if applicable)

Copy 3 - Fact Witness, Travel Companion, or Federal Government/Military Employee Witness

District

I, _____ certify that I have been served with a subpoena to appear as a witness in
the United States District Court at _____
on the ____ day of _____, 20____, in the case of
United States vs. _____ Case No. _____

I further certify that I am without sufficient funds with which to travel in answer to said subpoena; therefore, I hereby
request the United States Marshal, at _____
_____ to advance me necessary government funds to be used to pay my transportation and
one day's subsistence if necessary.

I further certify that I have been informed that funds advanced to me can be used only to defray my cost to appear in answer to
said subpoena and that if for any reason whatsoever I do not appear I must return the entire amount advanced to me to the
United States Marshal, at _____.

I understand that the funds advanced will be deducted from witness fees and mileage due me for testifying on behalf of the
United States.

Dated at _____, this ____ day of _____, 20____.

Received advance of: \$ _____

Witness Initials: _____

Signature of Witness

Address of Witness

Telephone Number of Witness

I certify this invoice is correct and proper for payment.

Signature of Certifying Officer

Date

Check #: _____

District