

important to obtain the relief requested before he is released, hopefully without extending his detention.

18 U.S.C. §3144, the material witness statute, specifically contemplates delaying release of a material witness until his deposition be taken. Nothing in § 3144 suggests that it is intended to provide a secret storehouse of witnesses with material testimony about a matter for the government's exclusive benefit. We respectfully request the opportunity to depose this witness before he is released from custody and becomes essentially unavailable to the defense. We further request that this be scheduled promptly so as not to unnecessarily extend Mr. Oulai's detention.

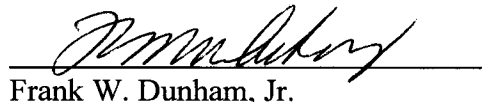
Respectfully submitted,



Frank W. Dunham, Jr.
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Eastern District of Virginia
401 Courthouse Square
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Alexandria, VA 22314
(703) 299-3320

CERTIFICATE OF SERVICE


I hereby certify that a true copy of the foregoing Application for Writ Ad Testificandum and Notice of Deposition have been served via facsimile and first class mail this 28th day of January, 2002 upon AUSA Robert A. Spencer, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314 and upon Drew Hutchinson, Esquire, counsel for Jean Tony Antoine Oulai, 627 South Washington Street, Alexandria, VA 22314.



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