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*Attorneys for Defendant Steven Jordan*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	Case No. 1:15 Cr. 00012 (PAC)
	:	
-against-	:	
	:	
STEVEN JORDAN, a/k/a "Stevie Jordan," a/k/a	:	
"Stevie J,"	:	
	:	
Defendant.	:	
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**STEVEN JORDAN'S MEMORANDUM OF LAW  
IN SUPPORT OF HIS MOTION FOR THE  
ISSUANCE OF A PRE-TRIAL SUBPOENA**

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COUNSELORS AT LAW  
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(212) 732 - 3200

Steven Jordan, through his attorneys, respectfully submits this memorandum of law in support of his motion for an order pursuant to Fed. R. Crim. P. 17, authorizing the issue of a subpoena to Royalty Recovery Inc.

**PRELIMINARY STATEMENT**

Mr. Jordan is charged with one count of failure to pay child support obligations (18 U.S.C. §§ 228(a)(3) and 228 (c)(2)). The charges are based on Mr. Jordan's alleged failure to pay child support to Carol Bennett, the mother of two of his children. As explained below, the requested subpoena requests documents related to royalties and other monies collected by Royalty Recovery Inc. ("Royalty Recovery") on Mr. Jordan's behalf and child support payments made on Mr. Jordan's behalf by Royalty Recovery. Records of such collections and payments on Mr. Jordan's behalf are relevant and material to Mr. Jordan's defense and have not been produced by the government.

**STATEMENT OF RELEVANT FACTS**

The indictment, filed on January 9, 2015, charged Mr. Jordan with one count of failure to pay child support obligations. The indictment alleges that, "from at least in or about March 2001 through at least in or about June 2014," Mr. Jordan failed to pay child support to the mother of two of his children.

In or about September, 2005, Mr. Jordan entered into an agreement with Royalty Recovery, whereby he appointed Royalty Recovery his exclusive agent to administrate his rights and collect royalties, fees and expenses or other income owed to him for his performances, compositions and sound recordings, and from publishing companies.<sup>1</sup> Upon information and belief, Royalty Recovery successfully collected royalties and other payments owed to Mr. Jordan. Also, upon information and belief, Royalty Recovery made payments during the period

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<sup>1</sup> A copy of the agreement is attached as Exhibit B to the Bellinger Declaration.

of time covered by the indictment to Ms. Bennett and/or to the NYS Child Support Processing Center for the benefit of Ms. Bennett, on Mr. Jordan's behalf.

Any royalties or other monies collected on Mr. Jordan's behalf and any payments made to or for the benefit of Ms. Bennett on Mr. Jordan's behalf during the period of time covered by the indictment are material and relevant to Mr. Jordan's defense to the charge against him.

**MR. JORDAN SHOULD BE PERMITTED TO ISSUE A RULE 17(C)  
SUBPOENA TO ROYALTY RECOVERY**

As explained below, the subpoena is essential to Mr. Jordan's ability and constitutional right to present his defense and easily satisfy the criteria set forth in Fed. R. Crim. P. 17(c).

**A. The Legal Standard**

Federal Rule of Criminal Procedure 17(c)(1) explicitly authorizes the issuance of subpoenas for the production of documents. The Rule states:

*In General.* A subpoena may order the witness to produce any books, papers, documents, data or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

To meet the requirement for issuing a Rule 17(c) subpoena, the requesting party must demonstrate that the requested materials are: (1) relevant; (2) admissible; and (3) specific.

*United States v. Nixon*, 418 U.S. 683, 700 (1974).

**B. The Proposed Subpoena Satisfied the Applicable Legal Standards**

The scope of the proposed subpoena is narrowly tailored to encompass only relevant, admissible and specific documents.

Beginning with the third of the *Nixon* requirements, the proposed subpoena is facially and undeniably specific. A request for documents is sufficiently specific "where it limits documents to a reasonable period of time and states with reasonable particularity the subjects to which the

documents relate.” *United States v. RW Prof'l Leasing Servs. Corp.*, 228 F.R.D. 158, 162 (E.D.N.Y. 2005). The *Nixon* “specificity” requirement does not require a defendant to identify the precise documents he seeks. *See United States v. Weisberg*, 2011 WL 1327689, at \*7 (E.D.N.Y. Apr. 5, 2011) (“it is true that Weisberg has not pointed to specific billing or meeting records that will support his defense. However, a defendant need not have prior knowledge of specific documents to meet the specificity requirement of Rule 17(c).”); *United States v. Rajarantnam*, 753 F. Supp. 2d 317, 321 n.1 (S.D.N.Y. 2011) (explaining that “in the context of a subpoena to a third party to whom Rule 16 does not apply, requiring the defendant to specify precisely the documents he wants without knowing what they are borders on rendering Rule 17 a nullity”). Here, the proposed subpoena seeks Royalty Recovery’s documents relating to royalties and other monies collected on Mr. Jordan’s behalf and payments made on Mr. Jordan’s behalf during a portion of the time period in which the indictment alleges Mr. Jordan failed to pay child support.<sup>2</sup> Furthermore, the proposed subpoena does not seek production of documents held by Royalty Recovery relating to any royalty collections for any Royalty Recovery clients other than Mr. Jordan, nor does the subpoena seek documents relating to payments on Mr. Jordan’s behalf to or for the benefit of any party other than Ms. Bennett.

The subpoena also easily satisfies the relevance standard. A document is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” *United States v. Libby*, 432 F. Supp. 2d 26, 32 (D.D.C. 2006) (*quoting* Fed. R. Evid. 401). Here, as described above, Mr. Jordan is alleged to have failed to pay child support for a substantial period of time. The government must prove that Mr. Jordan failed to meet his child support obligations. Therefore, evidence of royalties or other monies collected on Mr. Jordan’s behalf and of

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<sup>2</sup> A copy of the proposed subpoena is attached as Exhibit A to the Bellinger Declaration.

payments made on Mr. Jordan's behalf to or for the benefit of Ms. Bennett is directly related to the single charge against him.

Finally, it is equally clear that the subpoenaed documents will have evidentiary value and are likely to be admissible at a trial in this case. The subpoena seeks Royalty Recovery's records of royalties collections and child support payments on Mr. Jordan's behalf. Many of these documents, if not all of them, will be admissible under Federal Rule of Evidence 803(6) as business records.

**CONCLUSION**

Mr. Jordan respectfully requests that the Court grant leave to issue the Rule 17(c) subpoena to Royalty Recovery in the form attached as Exhibit A to the Bellinger Declaration. Mr. Jordan also respectfully requests that the Court grant any such other and further relief which this Court deems just and proper.

Dated: New York, New York  
February 5, 2015

Respectfully submitted,

CARTER LEDYARD & MILBURN LLP

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**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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The Silvio J. Mollo Building  
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New York, New York 10007

January 14, 2015

**Via ECF**

The Honorable Paul A. Crotty  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

Re: **United States v. Steven Jordan,**  
**15 Cr. 0012 (PAC)**

Dear Judge Crotty:

The Government writes to request the exclusion of time pursuant to the Speedy Trial Act until the arraignment that is currently scheduled in this matter for February 10, 2015 at 2:15 p.m. Defense counsel Michael Bellinger, Esq., and Daniel Meachum, Esq., are unable to consult with their client at this time, and therefore are not in a position to consent to the Government's request.

On January 9, 2015, the grand jury returned an indictment charging the defendant with one count of failure to pay child support obligations to a child residing in another state, in violation of Title 18, United States Code, Section 228. Pursuant to an order issued by the Honorable James C. Francis IV at a bail hearing held on December 22, 2014, the defendant was at the time of indictment—and is currently—in a drug rehabilitation program in Georgia, his state of residence. Because the defendant will not complete the program until at least February 7, 2014, the Court has scheduled an arraignment in this matter for February 10, 2015.

Given the defendant's unavailability for court appearances and for meetings with defense counsel, the Government respectfully requests that time be excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), from the date of this letter until the arraignment date of February 10, 2015.

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Thank you for your consideration of this request.

Very truly yours,

PREET BHARARA  
United States Attorney

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Southern District of New York  
(212) 637-2231

Cc: Michael Bellinger, Esq.  
Daniel Meachum, Esq.