

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,  
Plaintiff,

vs.

No. D-202-CR-2017-01237

AMEER MUHAMMAD, AKA: MUHAMMAD AMEER  
Defendant.

**DEFENDANT'S RESPONSE TO STATE'S NOTICE OF  
COMPLIANCE AND MOTION FOR SANCTIONS**

COMES NOW the Defendant, Ameer Muhammad, by and through his attorneys, Robert Martin and Matthias Swonger, and in response to State's Notice of Compliance and Motion for Sanctions states as follows:

1. On April 20, 2017, the Court entered a scheduling order that included a deadline for witness interviews of January 22, 2018.
2. There are forty-six (46) witnesses on the State's Amended Witness List: seventeen (17) civilians, sixteen (16) APD officer, two (2) police service aides, four (4) APD criminalistics investigators, two (2) APD crime lab employees, one (1) doctor from the Office of the Medical Investigator (OMI), and one (1) animal welfare officer.
3. On August 4, 2017, the State requested dates and times of availability from Defense. (See Exhibit 1 in State's Notice of Compliance and Motion for Sanctions).
4. Defense Counsel Matthias Swonger responded on August 7, 2017, and stated he would be conducting pretrial interviews for the civilian witnesses and was available in the

afternoon of September 8, 11, 13, and 14, 2017. Mr. Swonger further informed the State that Mr. Martin would be conducting the interviews with the remaining witnesses, but that Mr. Martin would not be available until November. (See email sent on August 7, 2017 at 10:01am by Matthias Swonger in Exhibit 1 in State's Notice of Compliance and Motion for Sanctions).

5. The State responded on August 7, 2017 and stated that the "interviews in this case cannot be put off any longer," despite the fact that the interview deadline in this matter is not until January 22, 2018. The State gave no further explanation to Defense of why interview dates in November, two months prior to the interview deadline, would be unacceptable to him. (See email sent on August 7, 2017 at 10:17am by Les Romaine in Exhibit 3 in State's Notice of Compliance and Motion for Sanctions).
6. On August 9, 2017, despite having been previously informed that Mr. Martin would not be available until November to conduct the remaining interviews, the State emailed Defense and requested additional dates of availability in late August and early September, and threatened that "If I do not hear back from you by close of business on August 11, 2017, the interviews will be scheduled and confirmation will be sent." (See email sent on August 9, 2017 at 8:20am by Les Romaine in Exhibit 3 in State's Notice of Compliance and Motion for Sanctions).
7. On August 9, 2017, Defense responded and requested that the State provide 4 dates of availability in November. Defense reiterated that the dates provided by Mr. Swonger were reserved for the civilian witnesses. (See email sent on August 9, 2017 at 8:27am by Robert Martin in Exhibit 3 in State's Notice of Compliance and Motion for Sanctions).
8. On August 9, 2017, Defense emailed the State and stated that in order to expedite

completion of interviews in this matter, in addition to the seventeen civilian witnesses, Mr. Swonger would interview the police service aides, animal welfare officer, and OMI Doctor. Defense requested that the civilian witnesses be scheduled for 30 minutes each, with the exception of one witness who could be scheduled for a 10 minute telephonic interview. Defense requested 10 minute interviews with the police service aides and animal welfare officer. Defense requested that the interview with the OMI doctor be scheduled for one hour, and since this interview would have to take place at OMI, that this interview be scheduled on a separate day than the other interviews. (See email sent on August 9, 2017 at 4:38pm by Matthias Swonger in Exhibit 3 in State's Notice of Compliance and Motion for Sanctions).

9. On August 11, 2017 the State sent a "confirmation" email to Defense which scheduled 15 minute interviews with the civilian witnesses in this matter as well as 15 minute interviews with the sixteen APD officers on the State's witness list and an interview with OMI Doctor Lori Poe, all on the dates in September provided by Defense specifically for interviews with the civilian witnesses and four additional witnesses specified in the August 9<sup>th</sup> email. (See Exhibit 2 and email sent on August 11, 2017 at 11:23am by Les Romaine in Exhibit 3 in State's Notice of Compliance and Motion for Sanctions).
10. On August 11, 2017, Defense responded to the State via email and stated that "Despite our specific instructions regarding the time needed to interview the witnesses in this case, you have scheduled the witnesses for half the time that we indicated we needed, and also scheduled the officers in the time slots that we specifically set aside for the civilians." Defense further stated that "Due to the State's refusal to work with us in good faith to schedule interviews, and your insistence on scheduling interviews contrary to our clearly

stated and reasonable requests regarding the time needed to interview witnesses, we are declining the State's offer to attempt to set up interviews. Instead, we will be subpoenaing witnesses to our office ourselves." Lastly, Defense requested that the State cancel the 15 minute interviews that he had scheduled. This email was not included as an exhibit in the State's Notice of Compliance and Motion for Sanctions. (See email sent on August 11, 2017 at 11:51am by Matthias Swonger in Defendant's Exhibit A).

11. On August 11, 2017, the State responded via email and stated that he would not cancel the interviews that he had scheduled. The State also requested that if Defense scheduled additional interviews, to send him confirmation in advance. This email was not provided as an exhibit in the State's Notice of Compliance and Motion for Sanctions. (See email sent on August 11, 2017 at 12:46am by Les Romaine in Defendant's Exhibit A).
12. On August 15, 2017, Defense emailed the State confirmation of the dates and times when Defense would subpoena the civilian witnesses, police service aides, animal welfare officer, and OMI doctor. These dates were the same four dates in September that had been originally provided to the State. However, none of the witnesses were scheduled for the same day that the State had scheduled that witness for. Defense reiterated that Defense could not agree to the 15 minute interviews that the State has scheduled. (See email sent on August 15, 2017 at 5:00pm by Matthias Swonger in Exhibit 4 in State's Notice of Compliance and Motion for Sanctions).
13. On August 15, 2017, the State responded with an email to Defense that accused Defense Counsel of acting in bad faith and engaging in "antics." (See sent on August 15, 2017 at 5:20pm by Les Romaine in Exhibit 4 in State's Notice of Compliance and Motion for Sanctions).

14. The State's Notice of Compliance and Motion for Sanctions falsely claims that Defense Counsel stated that he "would subpoena the witnesses to his office on the exact date and some instances, the exact same time that the state indicated that they would subpoena the witnesses to their office," and that "[n]ow several witnesses are being served with two subpoenas to two separate places on the same date." It is readily apparent by comparing the State's witness interview schedule in State's Exhibit 2 with Defense's witness interview schedule provided in State Exhibit 4, that none of the witnesses are scheduled for two interviews on the same day.
15. If the State believes that having witnesses conduct two interviews will be confusing for the witnesses, the State is free to cancel the interviews that they scheduled.
16. Throughout its emails regarding this matter, the State paradoxically asserts that defense counsels are devoting insufficient attention to this matter, and refuses to honor Defense's demand for 30 minute interview with eye witnesses, which Defense has asserted and continues to assert is necessary to adequately prepare Mr. Muhammad's defense.
17. Despite Defense's multiple statements to the State regarding the insufficiency of 15 minute interviews for eye witnesses, the State asserts that Defense's motivation in subpoenaing witnesses is that "It appears that defense counsel is engaging in gamesmanship to try and obtain suppression of witnesses in this matter." It is unclear to Defense how having witnesses subpoenaed to defense counsel's office would result in exclusion of witnesses. Defense believes that This Honorable Court would be unlikely to grant a motion to exclude witnesses if Defense could not demonstrate that diligent attempts were made obtain an interview.
18. Defense has four investigators from their office working on insuring that the witnesses

are personally served. As of the filing of this response, the majority of the witnesses Defense has scheduled have been personally served.

19. One of the witnesses on the State's witness list, Grace Fonseca, is employed by the Second Judicial District Attorney's Office, and it appears that she is intentionally trying to avoid personal service by providing false names to Defense's investigators. (See Defendant's Exhibit B).
20. The State filed its Notice of Compliance and Motion for Sanctions the day before witness interviews were scheduled to begin.
21. It is unclear exactly what the sanctions are that the State is seeking, but the State has not articulated a legal basis to prevent Defense from subpoenaing witnesses.
22. The "right of defendants to interview witnesses without prosecutorial interference is grounded in the constitutional guarantee of due process and notions of fundamental fairness. *State v. Harper*, 2010 NMCA 055, citing *State v. Guzman*, 71 P.O.3d 468, 470 (2003). Furthermore, "Witnesses, particularly eye witnesses, to a crime are the property of neither the prosecution nor the defense. Both sides have an equal right, and should have an equal opportunity, to interview them." *State v. Orona*, 92 N.M. 450, 452, 589 P.2d 1041, 1043 (N.M., 1979).
23. It is a violation of the Rule of Professional Conduct for a defense attorney to fail to contact witnesses and investigate the charges against a defendant. NMRA Rule 16-101 and 16-103, *In the Matter of Anthony Ayala*, Disciplinary No. 04-2011-614.
24. Defense has attempted to work with the State in setting up witness interviews in this matter, despite the continued meritless, ad hominem, and defamatory statements that the State has directed towards defense counsels throughout its emails. When the State

scheduled interviews contrary to the clearly stated demands of Defense, Defense decided that the best course of action was to subpoena interviews themselves, rather than continue what had clearly become fruitless attempts to work with the State to set up interviews.

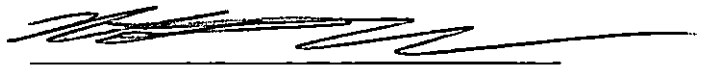
25. Because the State has failed to assert a legal basis for sanctions, the State's Notice of Compliance and Motion for Sanctions should be denied on its face.

WHEREFORE, Defendant respectfully requests that This Honorable Court deny State's Notice of Compliance and Motion for Sanctions.

Respectfully Submitted,

NEW MEXICO PUBLIC DEFENDER

By:



**Matthias Swonger**

505 Marquette NW, Suite 120

Albuquerque, NM 87102

Phone: 505-369-3581

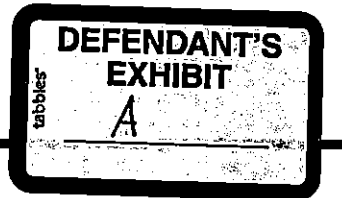
This will certify that a copy of the foregoing was placed in the District Attorney's incoming basket upon filing.



Counsel for Defendant

Assigned Judge: **Hon. CHRISTINA ARGYRES**

**Swonger, Matthias**



**From:** Romaine, Les <LRomaine@da2nd.state.nm.us>  
**Sent:** Friday, August 11, 2017 12:46 PM  
**To:** Swonger, Matthias; Martin, Robert  
**Cc:** Holt, Melissa  
**Subject:** RE: St .v. Muhammed Ameer, CR 2017-01237, 2nd PTI Request

Mr. Swonger,

Your email completely mischaracterizes the efforts that have been made in this case to work in good faith with the two of you to schedule these interviews that you did not request. There was no mention or requests made from either of you to schedule these pretrial interviews on a case that a scheduling order was issued on April 20, 2017. For nearly 4 months, the two of you made no efforts to proceed in this manner until I sent a request for pretrial interviews on August 4, 2017. I also did not know you were involved in this case until Mr. Martin informed we you were, especially since there was no entry appearance filed by you. Both you and Mr. Martin have provided me with conflicting information about scheduling these interviews.

Your "specific instructions" were sent after multiple emails were exchanged and AFTER I told you both that the interviews will be scheduled based on the dates and "afternoons" only that you provided. We will not cancel the interviews because despite what you may believe, we also must prepare this matter for trial and waiting an additional 3 to 4 months to begin this process is not acceptable to us.

Again, these interviews were scheduled based on the dates and afternoons only that you selected and confirmation was sent to inform you of when these will take place. If you decide not to attend nor send an investigator, that is your decision to make. As stated before, I can provide a copy of the interviews, but if you are declining to accept a copy of the interviews, please let me know so that the disks can be used for a different purpose. Also, if you both decide to schedule additional interviews, please send me confirmation in advance so that the appropriate action can be take.

Les Romaine  
Assistant District Attorney  
Major Crimes Division  
2nd Judicial District Attorney's Office  
520 Lomas Blvd. NW  
Albuquerque, NM 87102  
(505) 222-1005 office  
(505) 241-1005 fax

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**From:** Swonger, Matthias [mailto:matthias.swonger@lopdm.us]  
**Sent:** Friday, August 11, 2017 11:51 AM  
**To:** Romaine, Les <LRomaine@da2nd.state.nm.us>; Martin, Robert <robert.martin@lopdm.us>  
**Cc:** Holt, Melissa <MHolt@da2nd.state.nm.us>  
**Subject:** RE: St .v. Muhammed Ameer, CR 2017-01237, 2nd PTI Request

Les,

Despite our specific instructions regarding the time needed to interview the witnesses in this case, you have scheduled the witnesses for half the time that we indicated we needed, and also scheduled the officers in the time slots that we specifically set aside for the civilians.

Due to the State's refusal to work with us in good faith to schedule interviews, and your insistence on scheduling interviews contrary to our clearly stated and reasonable requests regarding the time needed to interview witnesses, we

are declining the State's offer to attempt to set up interviews. Instead, we will be subpoenaing witnesses to our office ourselves.

Please cancel the interviews that you have scheduled. We will provide you advanced notice of all witness interviews when we send out subpoenas to the witnesses.

Sincerely,

Matthias Swonger

---

**From:** Romaine, Les [<mailto:LRomaine@da2nd.state.nm.us>]  
**Sent:** Friday, August 11, 2017 11:23 AM  
**To:** Swonger, Matthias; Martin, Robert  
**Cc:** Holt, Melissa  
**Subject:** RE: St .v. Muhammed Ameer, CR 2017-01237, 2nd PTI Request

Mr. Martin/Mr. Swonger,

Attached is the confirmation for the pretrial interviews in this case. The dates of September 9, 11, 13, and 14 2017 which were provided by Mr. Swonger as dates of availability. As I mentioned several times before, I am not in a position to wait until November 2017 to complete interviews on a case in which a scheduling order was issued on April 20, 2017.

We have scheduled civilian witnesses, law enforcement and experts on those dates. I cannot prevent you from scheduling interviews at a late date but I am sending this message to you two with the belief that you guys will be able to coordinate between each other and/or send an investigator to participate in these interviews. If you both decide not to participate in these interviews they will be conducted and a recording of those interviews will be made available for you to pick up in your office.

In the event you schedule additional interviews at a later date, please send me the confirmation in advance so that the appropriate action can be taken in response to your confirmation.

Les Romaine  
Assistant District Attorney  
Major Crimes Division  
2nd Judicial District Attorney's Office  
520 Lomas Blvd. NW  
Albuquerque, NM 87102  
(505) 222-1005 office  
(505) 241-1005 fax

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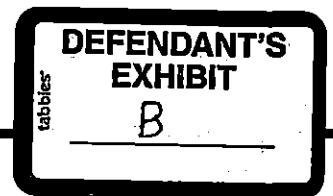
Les,

Are you busy in November? Please provide by this Friday at least 4 dates in November that you are available so we can subpoena the officers to the LOPD office for those dates and also, specify morning or afternoon.

Regards,

Robert C. Martin  
LOPD Felony Division  
505 Marquette NW, Suite 120  
Albuquerque, NM 87102

**Swonger, Matthias**



**From:** Chavez, Eileen  
**Sent:** Friday, September 8, 2017 8:27 AM  
**To:** Rodriguez, Milton; Martin, Robert; Swonger, Matthias  
**Subject:** RE: photos

Yes, I know her from having ptis with her as secretary at the DA office,

Same person...

Good Job Milton, Thank you

---

**From:** Rodriguez, Milton  
**Sent:** Friday, September 8, 2017 8:04 AM  
**To:** Chavez, Eileen; Martin, Robert; Swonger, Matthias  
**Subject:** Fw: photos

Good Morning! Attached are the photographs I received from MVD. The Photograph of Grace Fonseca is the same woman I spoke to who identified herself as Lisa. I will make attempts to serve Mr. and Mrs. Fonseca this evening at their home and over the weekend if needed.

---

**From:** Kaniatobe, Jennifer, TRD <[Jennifer.Kaniatobe@state.nm.us](mailto:Jennifer.Kaniatobe@state.nm.us)>  
**Sent:** Friday, September 8, 2017 7:44 AM  
**To:** Rodriguez, Milton  
**Subject:** RE: photos

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**From:** Rodriguez, Milton [<mailto:milton.rodriguez@lopdnm.us>]  
**Sent:** Thursday, September 07, 2017 4:14 PM  
**To:** Kaniatobe, Jennifer, TRD  
**Subject:** RE: photos

Hi Jennifer, Nothing was attached. Can you please resend? Thank You!

---

**From:** Kaniatobe, Jennifer, TRD [<mailto:Jennifer.Kaniatobe@state.nm.us>]  
**Sent:** Thursday, September 7, 2017 2:57 PM  
**To:** Rodriguez, Milton  
**Cc:** Romero, Regina, TRD  
**Subject:** photos

Mr. Rodriguez, Attach is your request...

Thank you,  
Jennifer

**Swonger, Matthias**

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**From:** Rodriguez, Milton  
**Sent:** Thursday, September 7, 2017 11:21 AM  
**To:** Martin, Robert; Chavez, Eileen; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

I will. I just ordered the MVD Photographs. Once I get them back, I will let you know if it was her.

---

**From:** Martin, Robert  
**Sent:** Thursday, September 7, 2017 11:12 AM  
**To:** Chavez, Eileen; Rodriguez, Milton; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Milton,

Please verify your suspicion using her photo that it was Grace whom you spoke to on September 6th.

Thanks,

Robert C. Martin  
LOPD Felony Division  
505 Marquette NW, Suite 120  
Albuquerque, NM 87102  
Tel: (505) 219-2833  
Fax: (505) 841-5006  
Email: [robert.martin@lopdnm.us](mailto:robert.martin@lopdnm.us)

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**From:** Chavez, Eileen  
**Sent:** Thursday, September 7, 2017 11:08 AM  
**To:** Rodriguez, Milton; Martin, Robert; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Thanks Milton,

---

**From:** Rodriguez, Milton  
**Sent:** Thursday, September 7, 2017 11:01 AM  
**To:** Martin, Robert; Chavez, Eileen; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

I'll see if I can get MVD photos before attempting again.

---

**From:** Martin, Robert  
**Sent:** Thursday, September 7, 2017 11:00 AM  
**To:** Rodriguez, Milton; Chavez, Eileen; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Milton,

Please serve and don't post. Also, obtain photos of both of them to positively identify.

Thanks,

Robert C. Martin  
LOPD Felony Division  
505 Marquette NW, Suite 120  
Albuquerque, NM 87102  
Tel: (505) 219-2833  
Fax: (505) 841-5006  
Email: [robert.martin@lopdm.us](mailto:robert.martin@lopdm.us)

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**From:** Rodriguez, Milton  
**Sent:** Thursday, September 7, 2017 10:58 AM  
**To:** Martin, Robert; Chavez, Eileen; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Do you mean, keep attempting at the house? Do you want it posted after three attempts?

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**From:** Martin, Robert  
**Sent:** Thursday, September 7, 2017 10:54 AM  
**To:** Chavez, Eileen; Rodriguez, Milton; Swonger, Matthias  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Milton,

Please continue and serve.

Thanks,

Robert C. Martin  
LOPD Felony Division  
505 Marquette NW, Suite 120  
Albuquerque, NM 87102  
Tel: (505) 219-2833  
Fax: (505) 841-5006  
Email: [robert.martin@lopdm.us](mailto:robert.martin@lopdm.us)

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**From:** Chavez, Eileen  
**Sent:** Thursday, September 7, 2017 10:26 AM  
**To:** Rodriguez, Milton; Swonger, Matthias  
**Cc:** Martin, Robert  
**Subject:** RE: Subpoena attempts at Grace and Richard Fonseca's home

Thank you Milton,

Grace was very upset that I was attempting service as well, indicating she would not "Speak to me about anything" To which I responded, I didn't need to speak to her, just wanted to hand over the subpoena.

Anyhow, I attempted service, speaking to both Richard who provided me with Graces cell phone number, Went to the home (But it was not the correct home). Then Milton attempted service.

Let us know if you would want Milton to continue to serve?

Thank you much

---

**From:** Rodriguez, Milton  
**Sent:** Thursday, September 7, 2017 10:12 AM  
**To:** Chavez, Eileen; Swonger, Matthias  
**Cc:** Martin, Robert  
**Subject:** Subpoena attempts at Grace and Richard Fonseca's home

Good Morning,

I attempted service to Grace and Richard Fonseca at their residence last night. I made two separate attempts.

Upon my first attempt, I came upon a woman who was seated in her porch, talking on her cell phone. I stood by while she was speaking on her cell phone until she acknowledged me after approximately fifteen seconds.

I explained to her I was looking for Grace and Richard Fonseca. She asked me why and I continued to explain I had subpoenas for each of them. She asked me what the subpoenas were for. I told her, the subpoenas were for the case, State of New Mexico vs. Muhammad Ameer. The woman expressed surprise as she told me Grace and Richard were not home from work yet. I asked the woman when she thought they would be home. She initially told me she did not know.

I asked the woman for her name and her relationship to the Fonsecas. The woman replied her name was "Lisa" and she was the "babysitter." She pointed to two small dogs that were running around her, barking at me.

The woman went on to say, she expected Richard and Grace home in about an hour. She went on to say they were both still at work. I told her I would return.

My second attempt was approximately an hour and fifteen minutes later, close to 7:15 PM. As I approached the residence I noticed the woman was pulling weeds in the front yard near the sidewalk. I exited my vehicle and approached her.

"Lisa" told me Richard and Grace were still not home and she did not know when they would be. She went on to say, she spoke to Richard and he told her he was working late and he did not expect to be home until very late in the evening. I asked her specifically for a time and she responded, she did not know.

I asked Lisa about Grace. Lisa told me Grace was not answering her cell phone so she could not tell me anything about her. Lisa then told me, "They are being interviewed by the District Attorney on Friday. Shouldn't the Public Defender be there too?" I told Lisa I did not know if they would be there or not. I asked Lisa how it was she knew about the DA interview?

Lisa told me, Richard told her about it when she spoke to him earlier in the evening. Lisa added, she did not understand why the Public Defender needed to subpoena them if they were already being interviewed by the DA. I told Lisa I did not know, adding my job was to issue the subpoenas and Grace and Richard could respond to the attorney issuing the subpoenas and ask him that question.

I asked Lisa if she was sure she was not Grace. She responded, she was not. Lisa then told me I should try again tomorrow night or over the weekend. I asked her at what time I should try again. Lisa responded she did not know. I thanked Lisa for her time and I departed the Fonseca residence.

Based on the physical description Eileen gave to me of Grace Fonseca and the questions "Lisa" asked, I believe it was Grace whom I was speaking with.

How do you wish I proceed with these subpoenas?

Milton

## Swonger, Matthias

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**From:** Chavez, Eileen  
**Sent:** Tuesday, September 5, 2017 10:31 AM  
**To:** Martin, Robert; Swonger, Matthias; Rodriguez, Milton  
**Subject:** RE: Subpoena on St vs Muhammad Ameer Cr 17-1237 (Subpoenas for the Fonsecas)

Hi Robert & Matthias,

Went by the address on Saturday afternoon,

It appeared someone at home but no one exited.

(maybe recognized me?)

Milton is going to try service one of these afternoons.

Thank you Milton!

---

**From:** Martin, Robert  
**Sent:** Friday, August 18, 2017 9:37 AM  
**To:** Chavez, Eileen; Swonger, Matthias  
**Subject:** RE: Subpoena on St vs Muhammad Ameer Cr 17-1237 (Subpoenas for the Fonsecas)

Eileen,

Personally serve her at her home.

Thanks,

Robert C. Martin  
LOPD Felony Division  
505 Marquette NW, Suite 120  
Albuquerque, NM 87102  
Tel: (505) 219-2833  
Fax: (505) 841-5006  
Email: [robert.martin@lopdm.us](mailto:robert.martin@lopdm.us)

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**From:** Chavez, Eileen  
**Sent:** Friday, August 18, 2017 9:10 AM  
**To:** Swonger, Matthias; Martin, Robert  
**Subject:** Subpoena on St vs Muhammad Ameer Cr 17-1237 (Subpoenas for the Fonsecas)  
**Importance:** High

Hi Matthias & Robert,

This morning -I called the phone number listed on Richard Fonsecas subpoena of: 505-301-6130  
Richard answered, I asked if Grace is the same Grace who works at the DA office,  
He said yes. I asked if I could call her to make arrangements to receive his subpoena  
As well as hers, He relayed that he would take my phone number and have her  
Call me (I told him knew they probably wouldn't be at home at this time that I was  
Planning to deliver).

I received a phone call from Grace Fonseca, who identified her self and said that she does  
Work at the DA office, and I asked if she recognized me/my voice as I know her and  
That I was going to head over to DA office to take this subpoena or if she wanted to meet  
Up for the subpoenas for her and Richard. She said she knows who I am but that she  
Shouldn't be talking to me about this. I informed her that I am merely trying to serve a  
Subpoena to her for a pretrial that I know nothing about the case – then she asked me if  
I was going to be interviewing her at the office. I told her that interviews would take place  
At our PD office and she said well, she wasn't going to accept anything - without first talking  
To the DA - I informed her that I could just take this to her home address if she didn't want  
To accept at work, she said she isn't accepting anything or talking to me without first  
Talking to the DA.

Just wanted to give you the heads up.

Thank you