EXHIBIT 5

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 3:75-CR-26-F No. 5:06-CV-24-F

UNITED STATES OF AMERICA)	AFFIDAVIT
v.)	
JEFFREY R. MacDONALD, Movant)	

AFFIDAVIT OF JOHN STUART BRUCE

- I, John Stuart Bruce, being first duly sworn, state under oath the following:
- 1. As explained in the foregoing Notice of Government's Position Regarding Depositions, the Government does not wish to take depositions in advance of the evidentiary hearing scheduled for August 20, 2012, because they are not warranted under the circumstances of this case.
- 2. If, however, depositions are allowed, any depositions by MacDonald should be limited to Janice Glisson, the only one of the affiants of DE-212 whom MacDonald has named in his filing.
- 3. If MacDonald intends to call or rely upon any expert for purposes of the evidentiary hearing, he should be required to promptly identify any such expert and the Government should be allowed to depose the expert.
- 4. If MacDonald is allowed to depose the witnesses other than Janice Glisson that he listed in his filing of June 27, 2012,

[DE-269], the Government requests to depose the following additional witnesses:

- a. Kathryn MacDonald
- b. Hart Miles
- c. Laura I. Redd
- d. Grady Peterson
- e. Eugene "Gene" Stoeckley
- f. Nancy Britt

Further the affiant sayeth not.

JOHN STUART BRUCE

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Sworn and subscribed to before me this the 29^{40} day of $\overline{J_{une}}$, 2012.

Notary Public

My commission expires June 28, 2014

