

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

ORIGINAL

In re)
)
David L. Titus)
)
)
)
Amateur Radio Operator and Licensee of)
Amateur Radio Station KB7ILD)

EB Docket No. 07-13
FRN No. 0002074797
File No. EB-06-1H-5048

FILED/ACCEPTED
OCT 24 2008
Federal Communications Commission
Office of the Secretary

RECEIVED - FCC
~~OCT 21 2008~~
Federal Communications Commission
Bureau / Office

To: Chief Administrative Law Judge Richard L. Sippel

SUPPLEMENT TO OPPOSITION

David L. Titus, by his counsel, supplements his October 15, 2008 opposition to the Enforcement Bureau's October 8, 2008 Motion for Leave to File Supplement to Enforcement Bureau's Motion to Permit Testimony by Rebuttal Witnesses.

The purpose of this Supplement is to supply the missing Declaration of Edwin Alden, Exhibit 2 to the opposition. As noted in the opposition, Mr. Alden's declaration was not received by counsel in time to be included in the opposition.

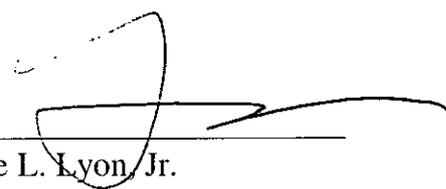
In light thereof, this Supplement should be accepted.

No. of Copies rec'd 016
List ABCDE

Respectfully submitted,

DAVID L. TITUS

By _____


George L. Lyon, Jr.
His Counsel

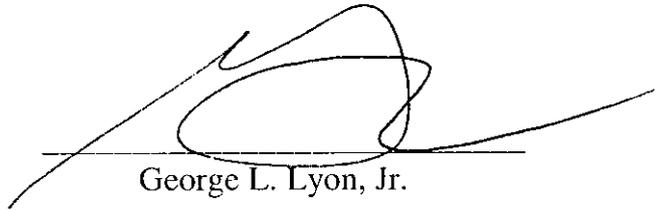
Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Blvd., Suite 1500
McLean, Virginia 22012
703-584-8664

CERTIFICATE OF SERVICE

I, George L. Lyon, Jr., certify that copies of the foregoing document was sent via email and first class postage prepaid to the following this 21st day of October, 2008:

Judy Lancaster, Esq.
William Knowles-Kellet
Federal Communications Commission
Enforcement Bureau
445 12th Street SW
Washington, DC 20554

Hon. Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
Office of Administrative Law Judges
445 12th Street SW
Washington, DC 20554



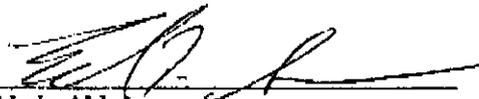
George L. Lyon, Jr.

DECLARATION OF EDWIN ALDEN

Edwin Alden, under penalty of perjury, deposes and states as follows:

1. My name is Edwin Alden. I am an attorney licensed to practice law in the State of Washington. I am submitting this declaration to the Federal Communications Commission concerning the proceeding occurring on August 8, 2008 in Benton County, Washington. I served as Mr. Titus's counsel in that proceeding.
2. I have reviewed the transcript from the hearing conducted on August 8, 2008 during which Mr. Titus testified concerning the events at Mercer Island. There appears to be an error in that transcript.
3. During that hearing, Mr. Titus was asked the question: "Is there a reason you would have told the police that you met 'Charles' over an internet chat room?"
4. The transcript reports that Mr. Titus said, "That was a lie to the police. I told the police we had talked on the internet. We did not meet on the internet." I do not remember the exchange that way, and in fact I would have been very concerned to have heard Mr. Titus state that he had lied to the police. Rather, while I do not have an exact memory of Mr. Titus's exact words, I do recall his testimony being consistent with the assertion that the police were not reporting his words accurately.
5. My recollection is supported by reference to the apparently erroneous transcript. As written, it is plainly contradictory. If Mr. Titus were saying he had lied to the police, Mr. Titus would not then have corrected the county attorney's statement by saying that "we had talked on the internet. We did not meet on the internet."

The above statement, given under penalty of perjury this 14th day of October, 2008, is true and correct to the best of my knowledge, information and belief


Edwin Alden