

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

Cr. No. H-00-0000

THE CLIENT

EX PARTE MOTION FOR APPOINTMENT OF EXPERT WITNESS

FILED UNDER SEAL

THE CLIENT asks the court to approve the use of an expert witness as detailed below and reimburse counsel for expert fees incurred .

1. CLIENT is charged with twenty counts of mail fraud under 18 U.S.C. §1341, three counts of wire fraud under 18 U.S.C. §1343, five counts of money laundering under 18 U.S.C. §1957(a), and one count of money laundering under 18 U.S.C. §1956(a)(1)(B)(i). CLIENT faces a potential prison sentence of twenty years or more.
2. The government's allegations stem from the operations of CLIENT's two computer businesses and span more than twelve months of activities. This case involves several thousand pages of invoices and other business documents.
3. CLIENT is represented by DEFENSE COUNSEL, an attorney appointed pursuant to the Criminal Justice Act, 18 U.S.C. §3006. CLIENT cannot receive the adequate representation guaranteed under the Sixth Amendment without the use of an accounting expert. The accounting expert is necessary to organize the documents in this case and recreate the history of CLIENT's companies and the transactions identified in the indictment. The expert's work and testimony is

crucial to CLIENT's defense.

4. 18 U.S.C. §3006A(e)(1) specifically provides for the appointment of expert witnesses for an indigent's defense. *See also U.S. v. Davis*, 582 F.2d 947, 951 (5th Cir. 1978), *cert. denied*, 441 U.S. 962 (1979).

5. CLIENT seeks the court's approval for using EXPERT WITNESS as an expert accounting witness. Mr. WITNESS's resume is attached to this motion. WITNESS, who was recommended by the Federal Public Defender's Office, has testified as an expert accounting witness before other courts in the Southern District of Texas. WITNESS has also testified in state court proceedings. He was employed for ten years as a special agent in the U.S. Department of Treasury. WITNESS has also taught courses on financial investigative techniques to professional associations of accountants, lawyers, and corporate investigators. WITNESS's fee is \$100.00 per hour plus expenses. This rate is reasonable and customary for forensic accountants in the Houston area.

6. CLIENT requests the court approve the use of EXPERT as an expert witness.

Respectfully submitted,

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Federal Identification No. 0000
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Attorney for Defendant,
THE CLIENT

CERTIFICATE OF SERVICE

This document was filed *ex parte* and under seal. A copy was not served upon the government.

DEFENSE ATTORNEY

CERTIFICATE OF CONFERENCE

This document was filed *ex parte* and under seal. A conference with the government was not attempted.

DEFENSE ATTORNEY

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ORDER

_____ **FILED UNDER SEAL**

The court orders THE CLIENT's *ex parte* motion for the appointment of an expert accounting witness is:

GRANTED,

THE CLIENT is authorized to use EXPERT as an expert witness in accounting.

Signed on _____, 2009.

UNITED STATES DISTRICT JUDGE