

APR 25 2011

David J. Bradley, Clerk of Court

By Deputy Clerk Clara Cassidy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF
THE APPROVAL OF THE
CRIMINAL JUSTICE ACT PLANS
FOR THE BROWNSVILLE AND
MCALLEN DIVISIONS OF
THE SOUTHERN DISTRICT
OF TEXAS

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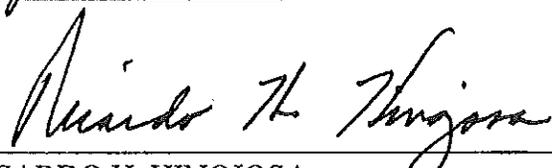
GENERAL ORDER NO. 2011-03

ORDER

The District Judges of the Southern District of Texas have previously approved for adoption the Criminal Justice Act Plans for the Brownsville and McAllen Divisions and forwarded same to the Judicial Council of the Fifth Circuit for approval. On April 11, 2011, the Fifth Circuit Judicial Council approved said Criminal Justice Act Plans.

It is, therefore, ORDERED that the attached Criminal Justice Act Plans for the Brownsville and McAllen Divisions of the Southern District of Texas, are adopted effective April 11, 2011.

ORDERED this 25th day of April 2011.



RICARDO H. HINOJOSA
CHIEF JUDGE

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

CRIMINAL JUSTICE ACT PLAN

2011

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

REVIEWING PANEL --- CRIMINAL JUSTICE ACT PLAN

The division-specific Criminal Justice Act Plans for the Brownsville and McAllen Divisions of the Southern District of Texas are approved.

Entered for the Reviewing Panel at New Orleans, Louisiana, this 11th day of April, 2011.



Gregory A. Nussel
Secretary to the Judicial Council
of the Fifth Circuit

The following judges comprised and acted as the Reviewing Panel:

(a) The Judicial Council of the Fifth Circuit:

Edith H. Jones
Jerry E. Smith
E. Grady Jolly
W. Eugene Davis
Emilio M. Garza
Fortunato P. Benavides
Carl E. Stewart
Edward C. Prado
Priscilla R. Owen
Catharina Haynes
Eldon E. Fallon
James J. Brady
Dee D. Drell
Sharion Aycock
Keith Starrett
John H. McBryde
Ricardo H. Hinojosa
David Folsom
Orlando L. Garcia

(b) United States District Judge:



Ricardo H. Hinojosa
Chief United States District Judge
Southern District of Texas

CRIMINAL JUSTICE ACT PLAN
BROWNSVILLE DIVISION
SOUTHERN DISTRICT OF TEXAS

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- C. Form Application for Admission to CJA Panel
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

CRIMINAL JUSTICE ACT PLAN

I. AUTHORITY

Pursuant to the Criminal Justice Act of 1964, as amended, (CJA), section 3006A of Title 18, United States Code, and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures (CJA Guidelines), the judges of the United States District Court for the Southern District of Texas, adopt this Plan for furnishing representation in the Brownsville Division of the Southern District of Texas for any person financially unable to obtain adequate representation in accordance with the CJA.

II. STATEMENT OF POLICY

A. Objectives.

1. The objective of this Plan is to attain the ideal of equality before the law for all persons. Therefore, this Plan shall be administered so that those accused of crime, or otherwise eligible for services pursuant to the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an adequate defense.
2. The further objective of this Plan is to particularize the requirement of the CJA, the Anti-Drug Abuse Act of 1988 (codified in part at section 3599 of Title 18, United States Code), and the CJA Guidelines in a way that meets the needs of this district.

B. Compliance.

1. The court, the clerk's office, the Federal Public Defender Organization, and private attorneys appointed under the CJA shall comply with the CJA Guidelines approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.
2. Each private attorney shall be provided by the clerk of court with a then-current copy of this Plan upon the attorney's first appointment under the CJA or designation as a member of the Panel of Private Attorneys under the Criminal Justice Act (CJA Panel). The clerk shall maintain a current copy of the CJA Guidelines for the use of members of the CJA Panel and shall make known to such attorneys its availability.

III. DEFINITIONS

- A. "Representation" includes counsel and investigative, expert, and other services.
- B. "Appointed attorney" includes private attorneys, the federal public defender and staff attorneys of the Federal Public Defender Organization.

IV. PROVISION OF REPRESENTATION

A. Circumstance.

- 1. Mandatory. Representation shall be provided for any financially eligible person who:
 - a. is charged with a felony or an offense for which a sentence to confinement is authorized;
 - b. is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of Title 18, United States Code;
 - c. is charged with a violation of probation, or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
 - d. is under arrest, when such representation is required by law;
 - e. is entitled to appointment of counsel in parole proceedings;
 - f. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
 - g. is subject to a mental condition hearing under chapter 313 of Title 18, United States Code;
 - h. is in custody as a material witness;
 - i. is seeking to set aside or vacate a death sentence under sections 2254 or 2255 of Title 28, United States Code;
 - j. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under section 4109 of Title 18, United States Code;

- k. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or
 - l. faces loss of liberty in a case and federal law requires the appointment of counsel.
2. Discretionary. Whenever a district judge or magistrate judge determines that the interests of justice so require, representation may be provided for any financially eligible person who:
- a. is charged with a misdemeanor or other infraction for which a sentence of confinement is authorized;
 - b. is seeking relief, other than to set aside or vacate a death sentence under sections 2241, 2254, or 2255 of Title 28, United States Code;
 - c. is charged with civil or criminal contempt who faces loss of liberty;
 - d. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
 - e. is proposed by the United States Attorney for processing under a pretrial diversion program;
 - f. is held for international extradition under chapter 209 of Title 18, United States Code.
 - g. Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings pursuant to subsection (c) of the CJA.

B. When Counsel Shall be Provided.

Counsel shall be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a magistrate judge or judge, when they are formally charged or notified of charges if formal charges are sealed, or when a magistrate judge or judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

C. Number and Qualifications of Counsel.

1. Number.

- a. Noncapital Cases. More than one attorney may be appointed in any case determined or expected to be complex, complicated or extended.
- b. Federal Capital Prosecutions. Pursuant to 18 U.S.C. § 3005, a person charged with a federal capital offense is entitled to the appointment of two attorneys, at least one of whom shall be learned in the law applicable to capital cases. Pursuant to 18 U.S.C. § 3599(a)(1), if necessary for adequate representation, more than two attorneys may be appointed to represent a defendant in such a case. The federal public defender should be consulted prior to any appointments.
- c. Capital Habeas Corpus Proceedings. Pursuant to 18 U.S.C. § 3599(a)(2), a financially eligible person seeking to vacate or set aside a death sentence in proceedings under 28 U.S.C. § 2254 or 2255 is entitled to appointment of one or more qualified attorneys. Due to the complex, demanding and protracted nature of death penalty proceedings, consideration should be given to appointing at least two counsel.

2. Qualifications.

- a. Noncapital cases. Qualifications for counsel shall be determined by the CJA Panel consistent with the objective criteria adopted in paragraph VII and Appendices A and C.
- b. Capital cases: Appointment of Counsel Prior to Judgment. Pursuant to 18 U.S.C. § 3599(b), at least one of the attorneys appointed must have been admitted to practice in the court in which the case will be prosecuted for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court. Pursuant to 18 U.S.C. § 3005, at least one of the attorneys appointed must be knowledgeable in the law applicable to capital cases.

Pursuant to 18 U.S.C. § 3005, in appointing counsel in federal capital prosecutions, the court shall consider the recommendation of the federal public defender.

- c. Capital cases: Appointment of Counsel After Judgment. Pursuant to 18 U.S.C. § 3599(c), at least one of the attorneys appointed must have

been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in felony cases in the court.

- d. Attorney Qualification Waiver. Pursuant to 18 U.S.C. § 3599(d), the court, for good cause, may appoint an attorney who may not qualify under 18 U.S.C. § 3599(b) or (c), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation.

D. Eligibility for Representation.

1. Factfinding. The determination of eligibility for representation under the CJA is a judicial function to be performed by a judge or magistrate judge after making appropriate inquiries concerning the person's financial condition. Each individual seeking such representation must provide such information either by testimony, sworn statement, affidavit or by any other means subject to the penalties of perjury.
2. Change in Eligibility.
 - a. Subsequent Ability to Pay. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the court.
 - b. Subsequent Inability to Pay. If at any stage of the proceedings, including an appeal, the court finds that a person who previously did not have counsel appointed under the Act is financially unable to pay counsel whom he or she had retained, the court may appoint counsel as provided in the Act, including the previously retained counsel, and authorize such payment as therein provided, as the interests of justice may dictate.
3. Partial Eligibility: Partial Payment or Reimbursement. If at the time of appointment or at any time thereafter the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, or that funds are available for payment from or on behalf of a person furnished representation, the court shall take appropriate action, which may include terminating the appointment of counsel, ordering partial

payment by the person furnished representation, or permitting appointed counsel to continue to represent the party with part or all of the cost of representation paid by the person furnished representation.

V. FEDERAL PUBLIC DEFENDER ORGANIZATION

A. Establishment.

1. The Federal Public Defender Organization for the Southern District of Texas, previously established in this district pursuant to the provisions of the CJA, is hereby recognized as the Federal Public Defender Organization for this district.
2. The Federal Public Defender Organization shall be capable of providing legal services throughout the district.

B. Supervision of Defender Organization. The federal public defender shall be responsible for the supervision and management of the Federal Public Defender Organization. Accordingly, the federal public defender shall be appointed in all cases assigned to that organization for subsequent assignment to staff attorneys at the discretion of the federal public defender.

C. Management of CJA Panel. Magistrate judges shall be responsible for the systematic distribution of cases to members of the CJA Panel, subject to the provisions of the Plan for the Composition, Administration, and Management of the Panel of private attorneys under the Criminal Justice Act.

VI. PRIVATE ATTORNEYS

A. Establishment of CJA Panel. The established panel of private attorneys (CJA panel) is hereby recognized.

B. Organization. The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act is found at Appendix A of this CJA Plan.

C. Ratio Appointments. Where practical and cost effective, private attorneys from the CJA Panel shall be appointed in a substantial proportion of the cases in which the accused is determined to be financially eligible for representation under the CJA. "Substantial" shall usually be defined as approximately 25% of the appointments.

VII. DUTIES OF APPOINTED COUNSEL

A. Standards. The services to be rendered a person represented by appointed counsel

shall be commensurate with those rendered if counsel were privately employed by the person.

- B. Professional Conduct. Attorneys appointed pursuant to the CJA shall conform to the highest standards of professional conduct, including but not limited to the provisions of the Texas Disciplinary Rules of Professional Conduct and the rules established by this Court.
- C. Compliance with Ethical Rules. Violation of the Rules of Discipline of this Court or the Texas Disciplinary Rules of Professional Conduct or of any court of record shall be grounds for disqualification and/or disciplinary action. (The Rules of Discipline, attached to the Local Rules, are incorporated by reference.)
- D. No Receipt of Other Payment. Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment, unless such payment is approved by order of the court such a request shall be grounds for removal from the Panel.
- E. Failure to Comply with Billing Requirements. Persistent failure to comply with the requirements of this Plan or frequent problems with billing, overbilling or other behavior inconsistent with the letter and spirit of this plan shall be grounds for dismissal from the Panel.
- F. Continuing Representation. Once counsel is appointed under the CJA, counsel shall continue the representation until the matter, including appeals or review by certiorari (as governed by the circuit CJA plan provisions concerning representation on appeal), is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; or until the appointment is terminated by court order.
- G. Non-Delegable. The Court appoints all counsel with the expectation that the lawyer appointed will perform all of the necessary tasks that require the participation of a lawyer. No such tasks should be delegated to another person without permission of the Court.

VIII. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES

- A. Presentation of Accused for Appointment of Counsel. Federal law enforcement and prosecutorial agencies, probation officers, and pretrial services officers in this district, and those acting on their behalf, shall promptly ask any person who is in custody, or who otherwise may be entitled to counsel under the CJA, whether he or she is financially able to secure representation, and shall, in such cases in which the person indicates that he or she is not able, notify the federal public defender who shall discuss with the person the right to representation and right to appointed

counsel, and arrange to have the person promptly presented before a magistrate judge for determination of financial eligibility and appointment of counsel.

- B. Advice to Defendant before Pretrial Services Interview. Before a Pretrial Services Officer interviews a defendant, the Pretrial Services Officer shall notify the defendant that the defendant has the right to speak with a lawyer before answering any questions, and that a lawyer will be appointed to represent him if the defendant cannot afford a lawyer. The notice shall be in writing. If the defendant does not speak the language of the notice, an interpreter shall be provided.
- C. Notice of Indictment or Criminal Information. Upon the return or unsealing of an indictment, the filing of a criminal information, or the filing of a petition to modify or revoke probation, the United States attorney or the probation officer, as appropriate, immediately shall mail or otherwise deliver a copy of the document to appointed counsel, or to the defendant if he is without counsel, at the address shown on defendant's bond papers or to the jail in which the defendant is incarcerated.

IX. MISCELLANEOUS

- A. Forms. Standard forms, pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings under this Plan.
- B. Claims. Claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form, to the office of the clerk of the court. That office shall review the claim form for mathematical and technical accuracy and for conformity with the CJA Guidelines, and, if correct, shall forward the claim form for the consideration of the appropriate judge. The court will exert its best effort to avoid delays in reviewing payment vouchers and in submitting them for further processing. In complex or extended cases, interim billing shall be required. (For details, see Appendix B.)
- C. Supersession. This Plan supersedes all prior Criminal Justice Act Plans of this court.
- D. A CJA Panel Attorney may use the Federal Defender Training Group to assist with sentencing guideline questions, as well as general issues facing him/her.

X. EFFECTIVE DATE.

This plan shall become effective when approved by the Judicial Council of the Fifth Circuit.

APPENDICES:

- A. Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act
- B. Instructions and Forms for Submitting Pay and Expense Vouchers
- C. Form Application for Admission to CJA Panel Disqualification from CJA Panel
- D. Pretrial Services Officer's Notice to Defendant

APPENDIX A

BROWNSVILLE DIVISION PLAN THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT

I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS

A. CJA PANEL

1. Approval. The Court hereby establishes a panel of private attorneys, the CJA Panel, who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. The Court shall approve attorneys for membership on the panel after receiving recommendations from the Panel Selection Committee, established pursuant to paragraph B of this Plan. Members of the CJA Panel shall serve at the pleasure of the Court.
2. Size. The Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the Criminal Justice Act caseload, yet small enough so that Panel members will have the opportunity to receive an adequate number of appointments to maintain their proficiency in federal criminal defense work, and thereby provide a high quality of representation. In no case shall the number of attorneys exceed fifty (50) unless the caseload demands a revision of this limit.
3. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district, licensed and in good standing with the State Bar of Texas and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence and the United States Sentencing Guidelines.
4. Terms. Attorneys admitted as members of the Panel shall normally serve for a term of five years. Thereafter, attorneys must resubmit a new application. Members of the CJA Panel shall serve at the pleasure of the Court.
5. Reappointment. A member of the CJA Panel shall be eligible for reappointment to the panel for successive terms following expiration of his or her term, unless otherwise restricted by the Court.
6. Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the Clerk of the Court. Completed applications shall be submitted to the Clerk of the Court who will transmit the applications to the chairperson of the Panel Selection Committee.

B. PANEL SELECTION COMMITTEE

1. Membership A Panel Selection Committee shall consist of the district judges and one or more magistrate judges. The Committee shall select its own chairperson. The Panel need not have regular meetings, but shall convene when necessary to accomplish the purposes desired in this Plan. No formal records need be made at such meeting.

2. Duties.

- a. The Panel Selection Committee shall meet as needed to consider applications for the vacancies created by the terms expiring each year. The Committee shall review the qualifications of applicants and recommend, for approval by the Court, those applicants best qualified to fill the vacancies.

The Committee shall recruit a broad based representative panel of competent attorneys with criminal trial experience. The primary objective of the Committee shall be to recruit the most qualified attorneys, but the Committee shall actively recruit women and minority members and shall provide a substantial number of attorneys fluent in languages other than English. The Committee may but need not classify Panel members according to level of experience and area of expertise.

The Committee shall recommend to the Court any changes deemed necessary or appropriate regarding the appointment process and Panel management.

- b. If, at any time during the course of a year, the number of vacancies due to resignation, removal, or death significantly decreases the size of the Panel, the Committee shall solicit applications for the vacancies, convene a special meeting to review the qualifications of the applicants, and select prospective members for recommendation to the Court for approval. Members approved by the Court to fill mid-term vacancies shall serve until the expiration of the term that was vacated, and shall be immediately eligible for reappointment.
- c. The Panel Selection Committee will meet once a year for consideration of all new applicants for admission and for those CJA panel members whose terms are expiring and who desire reappointment. All applications for appointment or reappointment shall be on file with the Clerk of the Brownsville Division by November 1st of the year preceding the desired appointment or reappointment to the Panel. The Selection Panel will meet and consider applicants for appointment and reappointment during the month of December and will inform the applicant of the result by December 31st.

- d. The fact that one has been a member of the Panel does not guarantee reappointment. Further, the fact that one has been appointed as a member of the CJA Panel does not guarantee that one will be appointed as counsel of record in any pending or future case. Furthermore, failure to comply with either the ethical or competence standards expected by this Court could result in an attorney being dropped from the CJA Panel list. Any decision in this regard is solely up to the Panel Selection Committee.

C. CJA TRAINING

Panel attorneys shall attend the training program offered by the office of the Public Defenders at least once per year.

II. THE APPOINTMENT PROCESS

A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS

The Clerk shall maintain the current CJA Panel list and shall furnish a copy to each judge and the Federal Public Defender upon request. The Clerk shall also maintain a public record of appointments of private counsel, and, when appropriate, statistical data reflecting the proration of appointments between the Federal Public Defender and private attorneys, according to the formula heretofore described.

B. METHOD OF APPOINTMENT

Appointments from the list of private attorneys should be made on an impartial basis, subject to the Court's discretion to consider the nature and complexity of the case, and an attorney's experience. This procedure will assist in producing a balanced distribution of appointments among the members of the CJA Panel and providing quality representation for each CJA defendant.

III. COMPENSATION - FILING OF VOUCHERS

Claims for compensation shall be submitted, on the appropriate CJA form, to the office of the Clerk of the Court. The Clerk of the Court shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for the Administration of the Criminal Justice Act (volume VII, Guide to Judiciary Policies and Procedures) and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate. (See Appendix B).

APPENDIX B

GENERAL INFORMATION FOR VOUCHER SUBMISSION

A. GENERAL

All vouchers must have worksheets itemizing the dates services were rendered, a description of the legal services rendered in representation of the client, and the time expended in rendering the legal services.

Expenses must be itemized and documented.

In an extended or complex case, vouchers must be submitted monthly.

B. ALLOWABLE EXPENSES - COURT APPOINTED COUNSEL (CJA FORM 20)

Out of pocket expenses reasonably incurred may be claimed on the CJA 20 voucher, and must be itemized and reasonably documented. Expenses for investigations or other services under subsection (e) of the Act are not out of pocket expenses. Thus, such expenses should not be claimed on the CJA 20 voucher. A CJA 21 voucher Authorization and Voucher for Expert or Other Services should be filed by the investigator or other expert. Out of pocket expenses may include:

1. Travel Expenses

- (a) Travel by a privately owned automobile should be claimed at the rate prescribed for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, ferry fees, and bridge, road and tunnel tolls. Other means of transportation should be claimed on an actual expense basis. (Local toll fees are not recoverable.)
- (b) Costs for traveling from an attorney's office/duty station and the courthouse will not be reimbursed.
- (c) Travel time shall not be charged as an expense except where travel is away from the duty station where the courthouse is located.
- (d) Counsel's expenses for meals and lodgings incurred in the representation of the defendant constitute reimbursable out of pocket expenses.
- (e) In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

2. Hourly Rates for Appointed Trial Attorneys

- (a) The current hourly rate is \$125 for in Court appearances and out-of-Court labor. Where the hourly rate changes in the midst of an appointment, appropriate adjustments will be recognized. With the exception of capital cases, case compensation maximums are also established by statute and will be recognized in all cases unless a case becomes extended or complex. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (b) All claims for compensation in excess of statutory case limitation requires both, the voucher and a detailed memorandum supporting and justifying counsel's claim. The memorandum should state that representation was provided in a complex or extended case and that the excess payment is necessary to provide fair compensation. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (c) Fees and Expenses In Capital Cases.—Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than \$178, per hour for in-court and out-of-court time. Fees and expenses paid for investigative, expert, and other reasonably necessary services that are authorized, shall not exceed \$7,500 in any case, unless payment in excess of that limit is certified by the court. Amounts in excess shall first be approved by chief judge of the circuit or circuit designee. The Fifth Circuit's Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases and the limits on fees and expenses are on court's website.

3. Compensation Limits for Investigative, Expert and "Other" Services (CJA 21 Form)

- (a) With Prior Authorization \$2,400
(per organization or individual, exclusive of reimbursement for expenses reasonably incurred, per individual authorization to perform said service.)
- (b) Without Prior Authorization \$ 800
(Subsection (e)(2)(A) of the Act authorizes the obtaining of investigative, expert and other services without prior authorization but subject to subsequent review, providing the cost of services obtained does not exceed \$500 plus expenses reasonably incurred.

4. Photocopying

Actual costs not to exceed \$.25 per page will be paid if a copy of the bill is submitted. For in-house copying, actual costs not to exceed \$.15 per page will be paid. The costs of other forms reproduction will not be reimbursable.

5. Courier Service and Other Special Arrangements

For delivery of items that could be mailed or e-filed, expenses will be reimbursed only if normal mail service or e-filing is unavailable or inadvisable. In non-emergency cases, routine documents such as briefs and motions should be prepared early enough to permit use of the mail.

6. Law Students

Use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal may be appropriate. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but does not include reimbursement for expenses otherwise incurred by a law student. Use form CJA-21 or CJA-31 and treat as a paralegal expense (see B5 and B8).

7. Legal Research

- (a) Hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research;
- (b) In extended or complex cases, the hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research and the docket number of the relevant pleadings; and
- (c) A copy of the bill for the use of equipment for computer assisted legal research must be attached to the compensation voucher.

8. Other Expenses

Other expenses include items such as telephone calls, express delivery, copying (except printing), postage and photographs. "Other" expenses in excess of \$50.00 must be substantiated by proof of payment, i.e., receipts, canceled checks, and invoices.

Any invoice or bill for an expert or the services of any third party for which a party/attorney seeks reimbursement must be attached to the appropriate form CJA-21. The Court expects any such expense to be approved in advance.

| | | |
|---|---------------------------|--|
| 1. CIR./DIST./ DIV. CODE | 2. PERSON REPRESENTED | VOUCHER NUMBER |
| 3. MAG. DKT./DEF. NUMBER | 4. DIST. DKT./DEF. NUMBER | 5. APPEALS DKT./DEF. NUMBER |
| 6. OTHER DKT. NUMBER | | |
| 7. IN CASE/MATTER OF (Case Name) | | 8. TYPE PERSON REPRESENTED |
| | | <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Other <input type="checkbox"/> Habeas Petitioner <input type="checkbox"/> Appellee |
| 9. REPRESENTATION TYPE | | |
| <input type="checkbox"/> D1 28 U.S.C. § 2254 Habeas (Capital) <input type="checkbox"/> D3 28 U.S.C. § 2255 (Capital) <input type="checkbox"/> D2 Federal Capital Prosecution <input type="checkbox"/> D4 Other (Specify) | | |
| 10. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> | | |

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

11. ATTORNEY'S STATEMENT
 As the attorney for the person represented, who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request:

Authorization to obtain the service. Estimated Compensation and Expenses: \$ _____ OR
 Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (See Instructions)

Signature of _____ Date _____

Panel Attorney Retained Attorney Pro-Se Legal Organization

ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____

Telephone Number: _____

| | |
|--|---|
| 12. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (See Instructions) | 13. TYPE OF SERVICE PROVIDER |
| 14. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 11 is hereby granted. Signature of Presiding Judge or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____ Repayment or partial repayment ordered from the person represented for this service at time of authorization. <input type="checkbox"/> YES <input type="checkbox"/> NO | 01 <input type="checkbox"/> Investigator |
| | 02 <input type="checkbox"/> Interpreter/Translator |
| | 03 <input type="checkbox"/> Psychologist |
| | 04 <input type="checkbox"/> Psychiatrist |
| | 05 <input type="checkbox"/> Polygraph |
| | 06 <input type="checkbox"/> Documents Examiner |
| | 07 <input type="checkbox"/> Fingerprint Analyst |
| | 08 <input type="checkbox"/> Accountant |
| | 09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.) |
| | 10 <input type="checkbox"/> Chemist/Toxicologist |
| | 11 <input type="checkbox"/> Ballistics |
| | 12 <input type="checkbox"/> Weapons/Firearms/Explosive Expert |
| | 13 <input type="checkbox"/> Pathologist/Medical Examiner |
| | 15 <input type="checkbox"/> Other Medical |
| 16 <input type="checkbox"/> Voice/Audio Analyst | |
| 17 <input type="checkbox"/> Hair/Fiber Expert | |
| 18 <input type="checkbox"/> Computer (Hardware/Software/Systems) | |
| 19 <input type="checkbox"/> Paralegal Services | |
| 20 <input type="checkbox"/> Legal Analyst/Consultant | |
| 21 <input type="checkbox"/> Jury Consultant | |
| 22 <input type="checkbox"/> Mitigation Specialist | |
| 23 <input type="checkbox"/> Duplication Services (See Instructions) | |
| 24 <input type="checkbox"/> Other (Specify) | |

15. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 16 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.

| CAPITAL PROSECUTION | HABEAS CORPUS | OTHER PROCEEDING |
|--|--|--|
| a. <input type="checkbox"/> Pre-Trial | g. <input type="checkbox"/> Habeas Petition | i. <input type="checkbox"/> Stay of Execution |
| b. <input type="checkbox"/> Trial | h. <input type="checkbox"/> Evidentiary Hearing | m. <input type="checkbox"/> Appeal of Denial of Stay |
| c. <input type="checkbox"/> Sentencing | i. <input type="checkbox"/> Dispositive Motions | n. <input type="checkbox"/> Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay |
| d. <input type="checkbox"/> Other Post Trial | j. <input type="checkbox"/> Appeal | o. <input type="checkbox"/> Other |
| e. <input type="checkbox"/> Appeal | k. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari | |
| f. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari | | |

| FOR COURT USE ONLY | | | |
|---|----------------|--------------------------------|-------------------|
| 16. SERVICES AND EXPENSES | AMOUNT CLAIMED | MATH/TECHNICAL ADJUSTED AMOUNT | ADDITIONAL REVIEW |
| a. <i>Attach itemization of services with dates</i> | | | |
| b. Travel Expenses (lodging, parking, meals, mileage, etc.) | | | |
| c. Other Expenses | | | |
| GRAND TOTALS (CLAIMED AND ADJUSTED): | | | |

17. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____

TIN: _____

Telephone _____

CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE FROM _____ TO _____

CLAIM STATUS Final Payment Interim Payment Number _____ Supplemental Payment

I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.

Signature of Claimant/Payee _____ Date _____

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

| | | | |
|---|---------------------|--------------------|-------------------------------------|
| 19. TOTAL COMPENSATION | 20. TRAVEL EXPENSES | 21. OTHER EXPENSES | 22. TOTAL AMOUNT APPROVED/CERTIFIED |
| 23. <input type="checkbox"/> Either the cost (excluding expenses) of these services does not exceed \$500, or prior authorization was obtained; OR <input type="checkbox"/> In the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (excluding expenses) exceeds \$500. | | | |
| Signature of Presiding Judge _____ | | Date _____ | |
| Signature of Presiding Judge _____ | | Date _____ | |
| 24. TOTAL COMPENSATION | 25. TRAVEL EXPENSES | 26. OTHER EXPENSES | 27. TOTAL AMOUNT APPROVED |

28. FOR REPRESENTATIONS COMMENCED AND APPELLATE PROCEEDINGS IN WHICH AN APPEAL IS PERFECTED ON OR AFTER APRIL 24, 1996,

A. Total compensation and expense payments approved to date (include amounts withheld for interim payments) for investigative, expert and other services for this representation is \$ _____

B. Payment approved (compensation and expenses) in excess of the statutory threshold for investigative, expert and other services under 21 U.S.C. § 848(q)(10)(B). _____

Signature of Chief Judge, Court of Appeals (or Delegate) _____ Date _____ Judge Code _____

IN COURT HOURLY WORKSHEET AND INSTRUCTIONS

The “in-court” worksheet was devised to standardize the itemization and documentation of hourly totals and “in-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- 1) The case number and the CJA 20 Voucher Number pertaining to the claim.
- 2) For each “in-court” service rendered, provide the following:
 - a) the date the service was performed
 - b) a brief description of the service performed
 - c) the time spent performing the service

The time spent performing the service should be reported in tenths of hours*. In addition, the time reported shall be listed under the appropriate in-court service category, i.e., arraignment and/or plea, motions and requests, bail hearings, etc.

After the hours claimed have been documented, total the hours column pertaining to each service category. Should more than one page be required, a page total should be provided on each page. Each page should be numbered, Page 1 of 2, Page 2 of 2, etc.

A grand total of all page totals should be provided on the final page. The grand total hours for each service category should then be transferred to Item 17 of the CJA 20 Voucher Form. The "in-court" compensation should then be calculated by multiplying the total number of hours spent in court by the hourly rate. Enter this figure in Item 17A.

Attach the “in-court” hourly worksheet(s) to the CJA 20.

| | | | | | | | | | |
|---|------------|---|----|------|--|------------|---|-----|------|
| * | 6 Minutes | = | .1 | Hour | | 36 Minutes | = | .6 | Hour |
| | 12 Minutes | = | .2 | Hour | | 42 Minutes | = | .7 | Hour |
| | 18 Minutes | = | .3 | Hour | | 48 Minutes | = | .8 | Hour |
| | 24 Minutes | = | .4 | Hour | | 54 Minutes | = | .9 | Hour |
| | 30 Minutes | = | .5 | Hour | | 60 Minutes | = | 1.0 | Hour |

OUT-OF-COURT HOURLY WORKSHEET AND INSTRUCTIONS

The “out-of-court” worksheet was devised to standardize the itemization and documentation of hourly totals and “out-of-court” services performed by court appointed counsel. The following information shall be provided on the worksheet:

- 1) The case number and CJA 20 Voucher Number pertaining to the case.
- 2) For each “out-of-court” service rendered provide the following:
 - a) the date the service was performed
 - b) a brief description of the service performed; and
 - c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours. In addition, the time reported shall be listed under the appropriate “out-of-court” service category, i.e., Interviews and conferences, obtaining and review records, legal research and brief writing, etc.

Note: Travel time to and from court (or the place where service is rendered) may not be claimed if the round-trip time is less than one hour.

Once all “out-of-court” services have been documented, total the hours column pertaining to each service category. Should more than one page be required, a page total should be provided on each page. Each page should be numbered, Page 1 of 2, Page 2 of 2, etc.

A grand total of all page totals should be provided on the final page. The grand total hours for each service category should then be transferred to Item 18 of the CJA 20 Voucher Form. The “out-of-court” compensation should be calculated by multiplying the applicable rate per hour by the total hours. Enter this figure in Item 18A.

Once all necessary information has been completed and transferred to the CJA 20 Form, , attach the “out-of-court” worksheet(s) to the CJA 20.

FORM--OUT OF COURT HOURLY WORKSHEET

Page _____ of _____

Case Number: _____

Voucher Number : _____

Out of Court Hourly Worksheet

| Date | Brief Explanation of Services | Interviews and conferences | Obtaining and reviewing records | Legal research and brief writing | Travel time | Investigative and other work |
|--------------------|-------------------------------|----------------------------|---------------------------------|----------------------------------|-------------|------------------------------|
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| | | | | | | |
| Page Total | | | | | | |
| Grand Total | | | | | | |

OTHER EXPENSE WORKSHEET AND INSTRUCTIONS

The “other” expense worksheet was devised to standardize the itemization of other reimbursable expenses incurred by court appointed counsel under the Criminal Justice Act. Each attorney shall provide the following information on the worksheet:

1. The district court case number or magistrate case number pertaining to the claim.
2. For each item incurred, provide the following:
 - a) the date incurred,
 - b) a brief explanation of the expense; and
 - c) the amount of expense incurred.

Expense items such as mileage and copying should reflect the total miles and pages, respectively, multiplied by the applicable rate. The expenses incurred should then be listed under the appropriate “other” expense category, i.e., mileage, parking, meals, etc. Once all necessary information has been completed and transferred to the CJA 20 Form, attach supporting documentation, i.e., receipts, canceled checks and invoices for all expenses in excess of \$50.00.

APPENDIX C

APPLICATION FOR ADMISSION TO BROWNSVILLE DIVISION CJA PANEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Type All Entries

I. GENERAL INFORMATION

- A. Name: _____

- B. Name of Firm, Partnership, or Professional Corporation:

- C. Office Street Address

- D. Mailing Address (*if different from above street address*)

- E. Office Telephone Number (*include area code*) _____

- F. Cellular Number (*include area code*) _____

- G. E-Mail Address _____

- H. Date of Birth ____ / ____ / ____ Social Security No: ____ - ____ - ____

I. Professional Organizations, Awards, Honors, etc.

J. Fluency (office capacity) in the following languages:

II. BAR ADMISSION AND CERTIFICATIONS

A. State Bar Membership Number: _____

B. Date Admitted to State Bar of Texas: _____

C. Date first Admitted to Practice in the United States District Court for the Southern District of Texas:

_____ D. Date first Admitted to Practice in the United States Court of Appeals for the Fifth Circuit: *(if not admitted, please so state)*.

E. Please List All Other Courts In Which You Are Admitted to Practice and Give Dates of Admission:

F. Field of Special Interest (appeals, habeas corpus, trial, felony and capital cases):

G. Date and Field of Certification by Texas Board of Legal Specialization:

III. TRIAL EXPERIENCE

A. Nature of Legal Experience

B. Number of Criminal Jury Trials [estimate]:

State _____ Federal _____

C. Number of Criminal Trials to the Court [estimate]:

State _____ Federal _____

D. Number of Hearings or Other Contested Matters [estimate]:

E. Number of Civil Trials:

State _____ Federal _____

IV. APPELLATE EXPERIENCE

Number of Criminal Appeals Handled:

| | <i>Briefs Submitted</i> | <i>Oral Arguments</i> |
|----------------|-------------------------|-----------------------|
| <i>State</i> | _____ | _____ |
| <i>Federal</i> | _____ | _____ |

V. EDUCATION

| | Degree | Date | Institution | Honors Conferred |
|-------------------|--------|-------|-------------|------------------|
| <i>College</i> | _____ | _____ | _____ | _____ |
| <i>Law School</i> | _____ | _____ | _____ | _____ |
| <i>Other</i> | _____ | _____ | _____ | _____ |

VI. PEER AND COURT REVIEW

A. List the names of two lawyers, not your partners, associates, or relatives, with whom or against whom you have tried a case in the last three years who may be contacted and who can attest to your competence in criminal law:

Name *Firm or Employer*

Number & Street-Room No. *City* *Zip*
or Bldg. Name-Suite

Office Phone Number (include area code)

Name *Firm or Employer*

Number & Street-Room No. *City* *Zip*
or Bldg. Name-Suite

Office Phone Number (include area code)

B. List the names of two judges before whom you have appeared in a contested matter in the last three years.

| | | |
|----------------------|---------------|---|
| <hr/> | | <hr/> |
| <i>Name of Judge</i> | | <i>Name of Court</i> |
| <hr/> | | <hr/> |
| <i>City</i> | <i>County</i> | <i>Court Telephone Number (include area code)</i> |
| <hr/> | | <hr/> |
| <i>Name of Judge</i> | | <i>Name of Court</i> |
| <hr/> | | <hr/> |
| <i>City</i> | <i>County</i> | <i>Court Telephone Number (include area code)</i> |

VII. CONTINUING LEGAL EDUCATION

List CLE in which you have participated as: (a) attendee or (b) teacher/lecturer in the last three years. (Give course title, sponsor, and date.)

Attendee:

Teacher/Lecturer:

VIII. GRIEVANCE MATTERS: *(Check Appropriate Response)*

A. State whether you have been disbarred, suspended, reprimanded, or otherwise disciplined by any segment of the bar, including, but not limited to, any local, district or state grievance authority of an organized bar. If yes, give full details by attachment to this application.

Yes No

B. Do you now have any charges pending against you, either in court or grievance committee, that could result in the filing of a malpractice suit, a grievance committee proceeding, or a suit for disciplinary action? If yes, give full details by attachment to this application.

Yes No

C. State whether you have been adjudicated guilty of a serious crime as defined below and whether the adjudication resulted from a plea of guilty or nolo contendere or from a verdict after trial. If yes, give full details by attachment to this application.

For purposes of this application, the term "serious crime" shall include any felony. It shall also include any lesser crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involved improper conduct of an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a serious crime.

Yes No

IX. PETITION AND AUTHORIZATION

I hereby apply to the Panel Selection Committee for admission to the Criminal Justice Act Panel of the Brownsville Division of the United States District Court for the Southern District of Texas for a term of five years and if selected for the panel, agree to accept appointments under the Criminal Justice Act.

In making and filing this application, I authorize the Panel Selection Committee to make inquiry of lawyers and judges named herein as to my competence in criminal law. I acknowledge that information received by the Panel Selection Committee will be held in confidence and I waive any right to review statements made to that Committee.

Date

Typed Name of Applicant

Signature of Applicant

Additional Pages May Be Attached As Needed.

APPENDIX D

PRETRIAL SERVICES

NOTICE TO DEFENDANT

I, _____,
Print Name (First, Middle, Last)

am being asked questions about myself by a pretrial services officer. I will not be questioned about the charges, and I should avoid talking about them at this time. I understand that I am under no obligation to provide any information and do not have to answer any questions.

Any answers to these questions will be used by the court to decide whether I will be released or kept in jail pending any further proceedings. The information will be made available to the court, to my attorney, and to the prosecuting attorney.

Any information I provide should be truthful. Providing false information is a separate crime and could be used to deny my release before trial or increase my sentence if I am convicted.

If I am found guilty, either after trial or after pleading guilty, the information I provide here will be made available to a U.S. probation officer for the purpose of preparing a presentence report and may affect my sentence in this or another case.

I know I have the right to speak with a lawyer before answering any questions. If I cannot afford a lawyer, one will be appointed to represent me. Asking for a lawyer will not hurt my chance for pretrial release, but may delay the decision on whether or not I will be released until counsel is obtained.

I have read this form, or had it read to me, and I understand what it means.

I do _____ I do not _____ want a lawyer during this interview.

DATE: _____

DEFENDANT'S SIGNATURE

PRETRIAL SERVICES OFFICER

NOTES: _____

SERVICIOS PREVIOS AL JUICIO

NOTIFICACIÓN A LOS ACUSADOS

Mi nombre es _____.
Entiendo que un oficial de Servicios Previos al Juicio va a preguntarme de mis datos generales. No se me preguntará sobre los cargos, y debo evitar hablar sobre ellos en estos momentos. También entiendo que no estoy obligado a dar información y que no tengo que contestar ninguna pregunta.

Cualquier respuesta a estas preguntas será utilizada por el tribunal para decidir si yo seré puesto en libertad o detenido mientras se tramita el juicio. Esta información estará disponible en el tribunal para mi abogado y el fiscal.

Cualquier información que yo proporcione deberá ser verídica. Dar información falsa es un delito independiente, y ello se podría utilizar para negarme la libertad provisional bajo fianza or para aumentar mi condena si se me encuentra culpable.

Si me encuentran culpable, ya sea después de juicio o después de haberme declarado culpable, la información que yo de estará disponible a un Oficial de Libertad Condicional (probación) de los Estados Unidos, con el proposito de preparar un informe de presentencia que podría afectar mi sentencia en este o en otra causa.

Entiendo que tengo el derecho de hablar con un abogado antes de contestar cualquier pregunta. Si no puedo pagar un abogado, uno será nombrado para que me represente. El requerir de un abogado no perjudicará mi posibilidad de lograr salir en libertad previa al juicio, pero sí puede demorar la decisión sobre si voy a quedar libre o no mientras se consigue un abogado.

He leído este formulario, o se me ha leído, y entiendo su contenido.

¿Desea tener un abogado durante la entrevista? Sí _____ No _____

Fecha: _____

FIRMA DEL ACUSADO

OFICIAL DE SERVICIOS PREVIOS AL JUICIO

Anotaciones: _____

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES

MAGISTRATE DISTRICT APPEALS COURT or OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR _____
AT _____

| |
|-----------------|
| LOCATION NUMBER |
| |

PERSON REPRESENTED (Show your full name)
➔ _____

CHARGE/OFFENSE (describe if applicable & check box →) Felony Misdemeanor

- 1 Defendant—Adult
- 2 Defendant - Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Parole Violator
- 6 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other

| |
|------------------|
| DOCKET NUMBERS |
| Magistrate |
| District Court |
| Court of Appeals |

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

| } | EMPLOYMENT | Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed | | | | | | | | | | |
|-------|---------------------|---|-------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | Name and address of employer: _____ | | | | | | | | | | |
| | | IF YES , how much do you earn per month? \$ _____ IF NO , give month and year of last employment How much did you earn per month? \$ _____ | | | | | | | | | | |
| | | If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____ | | | | | | | | | | |
| } | OTHER INCOME | Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No RECEIVED SOURCES IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES \$ _____ _____ _____ | | | | | | | | | | |
| | CASH | Have you any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , state total amount \$ _____ | | | | | | | | | | |
| } | PROPERTY | Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, GIVE THE VALUE AND \$ DESCRIBE IT <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">VALUE</th> <th style="width: 40%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> | VALUE | DESCRIPTION | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | VALUE | DESCRIPTION | | | | | | | | | | |
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| _____ | _____ | | | | | | | | | | | |
| _____ | _____ | | | | | | | | | | | |
| _____ | _____ | | | | | | | | | | | |

| } | DEPENDENTS | MARITAL STATUS <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR DIVORCED | Total No. of Dependents _____ | List persons you actually support and your relationship to them _____ _____ _____ | | | | | | | | | |
|------------|---|---|--------------------------------------|--|------------|----------------|----------|----------|----------|----------|----------|----------|----------|
| | DEBTS & MONTHLY BILLS <small>(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)</small> | APARTMENT OR HOME: _____ _____ _____ | Creditors _____ _____ _____ | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Debt</th> <th>Monthly Paymt.</th> </tr> </thead> <tbody> <tr> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table> | Total Debt | Monthly Paymt. | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total Debt | Monthly Paymt. | | | | | | | | | | | | |
| \$ _____ | \$ _____ | | | | | | | | | | | | |
| \$ _____ | \$ _____ | | | | | | | | | | | | |
| \$ _____ | \$ _____ | | | | | | | | | | | | |
| \$ _____ | \$ _____ | | | | | | | | | | | | |

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) _____

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED) ➔ _____

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

CRIMINAL JUSTICE ACT PLAN

2011

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

REVIEWING PANEL --- CRIMINAL JUSTICE ACT PLAN

The division-specific Criminal Justice Act Plans for the Brownsville and McAllen Divisions of the Southern District of Texas are approved.

Entered for the Reviewing Panel at New Orleans, Louisiana, this 11th day of April, 2011.



Gregory A. Nussel
Secretary to the Judicial Council
of the Fifth Circuit

The following judges comprised and acted as the Reviewing Panel:

(a) The Judicial Council of the Fifth Circuit:

Edith H. Jones
Jerry E. Smith
E. Grady Jolly
W. Eugene Davis
Emilio M. Garza
Fortunato P. Benavides
Carl E. Stewart
Edward C. Prado
Priscilla R. Owen
Catharina Haynes
Eldon E. Fallon
James J. Brady
Dee D. Drell
Sharion Aycock
Keith Starrett
John H. McBryde
Ricardo H. Hinojosa
David Folsom
Orlando L. Garcia

(b) United States District Judge:



Ricardo H. Hinojosa
Chief United States District Judge
Southern District of Texas

CRIMINAL JUSTICE ACT PLAN
MCALLEN DIVISION
SOUTHERN DISTRICT OF TEXAS

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- IV. Provision of Representation
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CRIMINAL JUSTICE ACT PLAN

I. AUTHORITY

Pursuant to the Criminal Justice Act of 1964, as amended, (CJA), section 3006A of Title 18, United States Code, and the Guidelines for the Administration of the Criminal Justice Act, Volume VII, Guide to Judiciary Policies and Procedures (CJA Guidelines), the judges of the United States District Court for the Southern District of Texas, adopt this Plan for furnishing representation in the McAllen Division of the Southern District of Texas for any person financially unable to obtain adequate representation in accordance with the CJA.

II. STATEMENT OF POLICY

A. Objectives.

1. The objective of this Plan is to attain the ideal of equality before the law for all persons. Therefore, this Plan shall be administered so that those accused of crime, or otherwise eligible for services pursuant to the CJA, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an adequate defense.
2. The further objective of this Plan is to particularize the requirement of the CJA, the Anti-Drug Abuse Act of 1988 (codified in part at section 3599 of Title 18, United States Code), and the CJA Guidelines in a way that meets the needs of this division.

B. Compliance.

1. The court, the clerk's office, the Federal Public Defender Organization, and private attorneys appointed under the CJA shall comply with the CJA Guidelines approved by the Judicial Conference of the United States and/or its Committee on Defender Services and with this Plan.
2. Each private attorney shall be provided by the clerk of court with a then-current copy of this Plan upon the attorney's first appointment under the CJA. The clerk shall maintain a current copy of the CJA Guidelines for the use of attorneys appointed under the CJA and shall make known to such attorneys its availability.

III. DEFINITIONS

- A. "Representation" includes counsel and investigative, expert, and other services.
- B. "Appointed attorney" includes private attorneys, the federal public defender and staff attorneys of the Federal Public Defender Organization.

IV. PROVISION OF REPRESENTATION

A. Circumstance.

- 1. Mandatory. Representation *shall* be provided for any financially eligible person who:
 - a. is charged with a felony or an offense for which a sentence to confinement is authorized;
 - b. is a juvenile alleged to have committed an act of juvenile delinquency as defined in section 5031 of Title 18, United States Code;
 - c. is charged with a violation of probation, or faces a change of a term or condition of probation (unless the modification sought is favorable to the probationer and the government has not objected to the proposed change);
 - d. is under arrest, when such representation is required by law;
 - e. is entitled to appointment of counsel in parole proceedings;
 - f. is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;
 - g. is subject to a mental condition hearing under chapter 313 of Title 18, United States Code;
 - h. is in custody as a material witness;
 - i. is seeking to set aside or vacate a death sentence under sections 2254 or 2255 of Title 28, United States Code;
 - j. is entitled to appointment of counsel in verification of consent proceedings pursuant to a transfer of an offender to or from the United States for the execution of a penal sentence under section 4109 of Title 18, United States Code;

- k. is entitled to appointment of counsel under the Sixth Amendment to the Constitution; or
 - l. faces loss of liberty in a case and federal law requires the appointment of counsel.
2. Discretionary. Whenever a district judge or magistrate judge determines that the interests of justice so require, representation *may* be provided for any financial eligible person who:
- a. is charged with a Class B or C misdemeanor, or an infraction for which a sentence to confinement is authorized;
 - b. is seeking relief, other than to set aside or vacate a death sentence under sections 2241, 2254, or 2255 of Title 28, United States Code;
 - c. is charged with civil or criminal contempt who faces loss of liberty;
 - d. has been called as a witness before a grand jury, a court, the Congress, or a federal agency or commission which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
 - e. is proposed by the United States Attorney for processing under a pretrial diversion program;
 - f. is held for international extradition under chapter 209 of Title 18, United States Code.
 - g. Representation may also be furnished for financially eligible persons in ancillary matters appropriate to the proceedings pursuant to subsection (c) of the CJA.

B. When Counsel Shall be Provided.

Counsel shall be provided to eligible persons as soon as feasible after they are taken into custody, when they appear before a magistrate judge or judge, when they are formally charged or notified of charges if formal charges are sealed, or when a magistrate judge or judge otherwise considers appointment of counsel appropriate under the CJA, whichever occurs earliest.

C. Number and Qualifications of Counsel.

1. Number.

- a. Noncapital Cases. More than one attorney *may* be appointed in any case determined by the court to be sufficiently difficult or complex.
- b. Federal Capital Prosecutions. Pursuant to 18 U.S.C. § 3005, a person charged with a federal capital offense is *entitled* to the appointment of two attorneys, at least one of whom shall be learned in the law applicable to capital cases. Pursuant to 18U.S.C. § 3599(d), if necessary for adequate representation, more than two attorneys may be appointed to represent a defendant in such a case. The federal public defender should be consulted prior to any appointments.
- c. Capital Habeas Corpus Proceedings. Pursuant to 18 U.S.C. § 3599(a)(2), a financially eligible person seeking to vacate or set aside a death sentence in proceedings under 28 U.S.C. § 2254 or 2255 is *entitled* to appointment of one or more qualified attorneys. Due to the complex, demanding and protracted nature of death penalty proceedings, consideration may be given to appointing additional counsel.

2. Qualifications. Qualifications for appointed counsel shall be determined by the court.

- a. Noncapital cases. Attorneys appointed shall be sufficiently qualified, given the nature of the case, to provide representation consistent with the objective criteria adopted in paragraph VII and Appendix A.
- b. Capital cases: Appointment of Counsel Prior to Judgment. Pursuant to 18 U.S.C. § 3599(b), at least one of the attorneys appointed must have been admitted to practice in the court in which the case will be prosecuted for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court. Pursuant to 18 U.S.C. § 3005, at least one of the attorneys appointed must be knowledgeable in the law applicable to capital cases.

Pursuant to 18 U.S.C. § 3005, in appointing counsel in federal capital prosecutions, the court shall consider the recommendation of the federal public defender.

- c. Capital cases: Appointment of Counsel After Judgment. Pursuant to 18 U.S.C. § 3599(c), at least one of the attorneys appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in felony cases in the court.
- d. Attorney Qualification Waiver. Pursuant to 18 U.S.C. § 3599(d), the court, for good cause, may appoint an attorney who may not qualify under 18 U.S.C. § 3599(b) or (c), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and the unique and complex nature of the litigation.

D. Eligibility for Representation.

- 1. Factfinding. The determination of eligibility for representation under the CJA is a judicial function to be performed by a judge or magistrate judge after making appropriate inquiries concerning the person's financial condition.
- 2. Change in Eligibility.
 - a. Subsequent Ability to Pay. If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, counsel shall advise the court.
 - b. Subsequent Inability to Pay. If at any stage of the proceedings, including an appeal, the court finds that a person who previously did not have counsel appointed under the Act is financially unable to pay counsel whom he or she had retained, the court may appoint counsel as provided in the Act, including the previously retained counsel, and authorize such payment as therein provided, as the interests of justice may dictate.
- 3. Partial Eligibility: Partial Payment or Reimbursement. If at the time of appointment or at any time thereafter the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, or that funds are available for payment from or on behalf of a person furnished representation, the court shall take appropriate action, which may include terminating the appointment of counsel, ordering partial

payment by the person furnished representation, or permitting appointed counsel to continue to represent the party with part or all of the cost of representation paid by the person furnished representation.

V. FEDERAL PUBLIC DEFENDER ORGANIZATION

A. Establishment.

1. The Federal Public Defender Organization for the Southern District of Texas, previously established in this district pursuant to the provisions of the CJA, is hereby recognized as the Federal Public Defender Organization for this district.
2. The Federal Public Defender Organization shall be capable of providing legal services in the McAllen Division.

B. Supervision of Defender Organization. The federal public defender shall be responsible for the supervision and management of the Federal Public Defender Organization. Accordingly, the federal public defender shall be appointed in all cases assigned to that organization for subsequent assignment to staff attorneys at the discretion of the federal public defender.

VI. PRIVATE ATTORNEYS

- A. Establishment of CJA Panel. The panel of private attorneys (CJA panel) shall consist of the members in good standing of the federal bar of the Southern District of Texas who maintain law offices within the geographical area of the McAllen Division.
- B. Organization. The Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act is found at Appendix A of this CJA Plan.
- C. Ratio of Appointments. Where practical and cost effective, and particularly where the federal public defender is unavailable for appointment due to conflict or otherwise, private attorneys from the CJA Panel shall be appointed in a substantial proportion of the cases in which the accused is determined to be financially eligible for representation under the CJA.

VII. DUTIES OF APPOINTED COUNSEL

- A. Standards. The services to be rendered a person represented by appointed counsel shall be commensurate with those rendered if counsel were privately employed by the person.

A CJA Panel attorney may use the Federal Public Defender Organization as a resource to assist in addressing issues that may arise during the course of the representation, including but not limited to assistance with sentencing guideline questions. The Federal Public Defender Organization's ability to provide such assistance may be constrained by their duty to their clients. Periodic training in federal criminal practice will also be available to assist CJA Panel attorneys.

- B. Professional Conduct. Attorneys appointed pursuant to the CJA shall conform to the highest standards of professional conduct, including but not limited to the provisions of the Texas Disciplinary Rules of Professional Conduct and the rules established by this Court.

Violation of the Rules of Discipline of this Court or the Texas Disciplinary Rules of Professional Conduct or of any court of record shall be grounds for disqualification and/or disciplinary action. (The Rules of Discipline, attached to the Local Rules, are incorporated by reference.)

- C. No Receipt of Other Payment. Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment, unless such payment is approved by order of the court.
- D. Continuing Representation. Once counsel is appointed under the CJA, counsel shall continue the representation until the matter, including appeals or review by certiorari (as governed by the circuit CJA plan provisions concerning representation on appeal), is closed; until substitute counsel has filed a notice of appearance or has been appointed by the court; until an order has been entered allowing or requiring the person represented to proceed pro se; or until the appointment is terminated by court order.

VIII. DUTIES OF LAW ENFORCEMENT AND RELATED AGENCIES

- A. Presentation of Accused for Appointment of Counsel. Federal law enforcement and prosecutorial agencies shall promptly advise pretrial services officers or probation officers when a person in custody is brought to court for an initial appearance. A pretrial services officer or probation officer shall promptly ask such person in custody whether he or she is financially able to secure representation, and shall assist the person in completing a financial affidavit to assist the court in making a determination of financial eligibility for appointment of counsel.
- B. Advice to Defendant before Pretrial Services Interview. Before a Pretrial Services Officer interviews a defendant, the Pretrial Services Officer shall notify the defendant that the defendant has the right to speak with a lawyer before answering any questions, and that a lawyer will be appointed to represent him if the defendant

cannot afford a lawyer. The notice shall be in writing. If the defendant does not speak the language of the notice, an interpreter shall be provided.

- C. Notice of Indictment or Criminal Information. Upon the return or unsealing of an indictment, the filing of a criminal information, or the filing of a petition to modify or revoke probation, the United States attorney or the probation officer, as appropriate, immediately shall mail or otherwise deliver a copy of the document to appointed counsel, or to the defendant if he is without counsel, at the address shown on defendant's bond papers or to the jail in which the defendant is incarcerated.

IX. MISCELLANEOUS

- A. Forms. Standard forms, pertaining to the CJA and approved by the Judicial Conference of the United States or its Committee on Defender Services and prescribed and distributed by the Director of the Administrative Office of the United States Courts, shall be used, where applicable, in all proceedings under this Plan.
- B. Claims. Claims for compensation of private attorneys providing representation under the CJA shall be submitted on the appropriate CJA form, to the office of the clerk of the court. That office shall review the claim form for mathematical and technical accuracy and for conformity with the CJA Guidelines, and, if correct, shall forward the claim form for the consideration of the appropriate judge. The court will exert its best effort to avoid delays in reviewing payment vouchers and in submitting them for further processing. In complex or extended cases, interim billing shall be required. (For details, see Appendix B.)
- C. Supersession. This Plan supersedes all prior Criminal Justice Act Plans of this division.

X. EFFECTIVE DATE.

This plan shall become effective when approved by the Judicial Council of the Fifth Circuit.

APPENDICES:

- A. Plan for the Composition, Administration, and Management of the Panel of Private Attorneys under the Criminal Justice Act
- B. Instructions and Forms for Submitting Pay and Expense Vouchers
- C. Pretrial Services Officer's Notice to Defendant

APPENDIX A

**MCALLEN DIVISION PLAN
THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF
THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**

I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS

A. CJA PANEL

- 1. Composition. The Court hereby establishes a panel of private attorneys, the CJA Panel, which shall consist of the members in good standing of the federal bar of the Southern District of Texas who maintain law offices within the geographical area of the McAllen Division. Members of the CJA Panel shall serve at the pleasure of the Court.
- 2. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district, and be licensed and in good standing with the State Bar of Texas.

B. CJA PANEL COMMITTEE

- 1. Membership A CJA Panel Committee shall consist of the district judges and magistrate judges of the McAllen Division. The Federal Public Defender and/or one or more attorneys from the McAllen Federal Public Defender office and one or more members of the CJA panel may be invited to be a member of, or provide input to, the Committee. The Committee shall select its own chairperson. The Committee need not have regular meetings, but shall convene when necessary to accomplish the purposes desired in this Plan. No formal records need be made at such meeting.
- 2. Duties.
 - a. The CJA Panel Committee shall meet as needed to review the operation of the CJA plan, which may include evaluating the adequacy of legal representation being provided, assessing the qualifications of attorneys appointed under the plan, and insuring the availability of appropriate support, training, and continuing legal education for CJA Panel attorneys. The Committee may but need not classify Panel members according to level of experience and area of expertise.
 - b. The Committee shall recommend to the Court any changes deemed necessary or appropriate regarding the appointment process and Panel management.

C. CJA PANEL SUPPORT AND TRAINING

A CJA Panel attorney may use the Federal Public Defender Organization as a resource to assist in addressing issues that may arise during the course of a representation, including but not limited to assistance with sentencing guideline questions. Periodic training in federal criminal practice, including programs offered by the Federal Public Defender Organization, will also be available to assist CJA Panel attorneys, who are strongly encouraged to attend such programs at least once per year.

II. THE APPOINTMENT PROCESS

A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS

The Clerk shall maintain the current CJA Panel list and shall furnish a copy to each judge upon request. The Clerk shall also maintain a record of appointments of CJA Panel attorneys that reflects the dates and nature of each attorney's appointments under the plan.

B. METHOD OF APPOINTMENT

Appointments from the list of private attorneys should be made on a rotational basis, subject to the Court's discretion to consider the nature and complexity of the case, an attorney's experience, and the ability of the person to be represented to communicate in English. This procedure will assist in producing a balanced distribution of appointments among the members of the CJA Panel and providing quality representation for each person entitled to appointment of counsel.

III. COMPENSATION - FILING OF VOUCHERS

Claims for compensation shall be submitted, on the appropriate CJA form, to the office of the Clerk of the Court. The Clerk of the Court shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for the Administration of the Criminal Justice Act (volume VII, Guide to Judiciary Policies and Procedures) and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate. (See Appendix B).

APPENDIX B

GENERAL INFORMATION FOR VOUCHER SUBMISSION

A. GENERAL

All vouchers must have worksheets itemizing the dates services were rendered, a description of the legal services rendered in representation of the client, and the time expended in rendering the legal services.

Expenses must be itemized and documented.

In an extended or complex case, vouchers must be submitted monthly unless otherwise directed by the court.

B. ALLOWABLE EXPENSES - COURT APPOINTED COUNSEL (CJA FORM 20)

Out of pocket expenses reasonable incurred may be claimed on the CJA 20 voucher, and must be itemized and reasonably documented. Expenses for investigations or other services under subsection (e) of the Act are not out of pocket expenses. Thus, such expenses should not be claimed on the CJA 20 voucher. A CJA 21 voucher Authorization and Voucher for Expert or Other Services should be filed by the investigator or other expert. Out of pocket expenses may include:

1. Travel Expenses

- (a) Travel by a privately owned automobile should be claimed at the rate prescribed for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, ferry fees, and bridge, road and tunnel tolls. Other means of transportation should be claimed on an actual expense basis. (Local toll fees are not recoverable.)
- (b) Costs for traveling from an attorney's office/duty station and the courthouse will not be reimbursed.
- (c) Travel time shall not be charged as an expense except where travel is away from the duty station where the courthouse is located.
- (d) Counsel's expenses for meals and lodgings incurred in the representation of the defendant constitute reimbursable out of pocket expenses.
- (e) In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

2. Hourly Rates for Appointed Trial Attorneys

- (a) The current hourly rate is \$125.00 for in Court appearances and out-of-Court labor. Where the hourly rate changes in the midst of an appointment, appropriate adjustments will be recognized. Case compensation maximums that are established by statute or Court rule will be recognized in all cases unless a case becomes extended or complex. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (b) All claims for compensation in excess of statutory case limitation requires both, the voucher and a detailed memorandum supporting and justifying counsel's claim. The memorandum should state that representation was provided in a complex or extended case and that the excess payment is necessary to provide fair compensation. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (c) Fees and Expenses In Capital Cases.—Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than \$178, per hour for in-court and out-of-court time. Fees and expenses paid for investigative, expert, and other reasonably necessary services that are authorized, shall not exceed \$7,500 in any case, unless payment in excess of that limit is certified by the court. Amounts in excess shall first be approved by chief judge of the circuit or circuit designee. The Fifth Circuit's Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases and the limits on fees and expenses are on court's website.

3. Compensation Limits for Investigative, Expert and "Other" Services (CJA 21 Form)

- (a) With Prior Authorization \$2,400
(per organization or individual, exclusive of reimbursement for expenses reasonably incurred, per individual authorization to perform said service.)
- (b) Without Prior Authorization \$ 800
(Subsection (e)(2)(A) of the Act authorizes the obtaining of investigative, expert and other services without prior authorization but subject to subsequent review, providing the cost of services obtained does not exceed \$500 plus expenses reasonably incurred.)

4. Photocopying

Actual costs not to exceed \$.25 per page will be paid if a copy of the bill is submitted. For in-house copying, actual costs not to exceed \$.15 per page will be paid. The costs of other forms reproduction will not be reimbursable.

5. Courier Service and Other Special Arrangements

For delivery of items that could be mailed or e-filed, expenses will be reimbursed only if normal mail service or e-filing is unavailable or inadvisable. In non-emergency cases, routine documents such as briefs and motions should be prepared early enough to permit use of the mail.

6. Law Students

Use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal may be appropriate. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but does not include reimbursement for expenses otherwise incurred by a law student. Use form CJA-21 or CJA-31 and treat as a paralegal expense (see B5 and B8).

7. Legal Research

- (a) Hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research;
- (b) In extended or complex cases, the hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research and the docket number of the relevant pleadings; and
- (c) A copy of bill for the use of equipment for computer assisted legal research must be attached to the compensation voucher.

8. Other Expenses

Other expenses include items such as telephone calls, express delivery, copying (except printing), postage and photographs. "Other" expenses in excess of \$50.00 must be substantiated by proof of payment, i.e., receipts, canceled checks, and invoices.

| | | | |
|---|---|--|--|
| 1. CIR./DIST./ DIV. CODE | 2. PERSON REPRESENTED | VOUCHER NUMBER | |
| 3. MAG. DKT./DEF. NUMBER | 4. DIST. DKT./DEF. NUMBER | 5. APPEALS DKT./DEF. NUMBER | 6. OTHER DKT. NUMBER |
| 7. IN CASE/MATTER OF (<i>Case Name</i>) | 8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal | 9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellan <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Othe | 10. REPRESENTATION TYPE <i>(See Instructions)</i> |

11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) *If more than one offense, list (up to five) major offenses charged, according to severity of offense.*

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

12. ATTORNEY'S STATEMENT
 As the attorney for the person represented, who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request:
 Authorization to obtain the service. Estimated Compensation and Expenses: \$ _____ OR
 Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (*Note: Prior authorization should be obtained for services in excess of \$500, excluding expenses*)

Signature of Attorney _____ Date _____
 Panel Attorney Retained Attorney Pro-Se Legal Organization
 ATTORNEY'S NAME (*First Name, M.I., Last Name, including any suffix*), AND MAILING ADDRESS _____

Telephone Number: _____

| | |
|---|--|
| 13. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (<i>See Instructions</i>) | 14. TYPE OF SERVICE PROVIDER |
| 15. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 12 is hereby granted. Signature of Presiding Judge or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____ Repayment or partial repayment ordered from the person represented for this service at time of authorization. <input type="checkbox"/> YES <input type="checkbox"/> NO | 01 <input type="checkbox"/> Investigator 02 <input type="checkbox"/> Interpreter/Translator 03 <input type="checkbox"/> Psychologist 04 <input type="checkbox"/> Psychiatrist 05 <input type="checkbox"/> Polygraph 06 <input type="checkbox"/> Documents Examiner 07 <input type="checkbox"/> Fingerprint Analyst 08 <input type="checkbox"/> Accountant 09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.) 10 <input type="checkbox"/> Chemist/Toxicologist 11 <input type="checkbox"/> Ballistics 13 <input type="checkbox"/> Weapons/Firearms/Explosive Expert 14 <input type="checkbox"/> Pathologist/Medical Examiner 15 <input type="checkbox"/> Other Medical 16 <input type="checkbox"/> Voice/Audio Analyst 17 <input type="checkbox"/> Hair/Fiber Expert 18 <input type="checkbox"/> Computer (Hardware/Software/Systems) 19 <input type="checkbox"/> Paralegal Services 20 <input type="checkbox"/> Legal Analyst/Consultant 21 <input type="checkbox"/> Jury Consultant 22 <input type="checkbox"/> Mitigation Specialist 23 <input type="checkbox"/> Duplication Services (<i>See Instructions</i>) 24 <input type="checkbox"/> Other (<i>Specify</i>) _____ |

| | | FOR COURT USE ONLY | |
|--|----------------|--------------------------------|-------------------|
| 16. SERVICES AND EXPENSES | AMOUNT CLAIMED | MATH/TECHNICAL ADJUSTED AMOUNT | ADDITIONAL REVIEW |
| a. Compensation (<i>Attach itemization of services with dates</i>) | | | |
| b. Travel Expenses (<i>lodging, parking, meals, mileage, etc.</i>) | | | |
| c. Other Expenses | | | |
| GRAND TOTALS (CLAIMED AND ADJUSTED): | | | |

17. PAYEE'S NAME AND MAILING ADDRESS _____

TIN: _____
 Telephone Number: _____

CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE FROM _____ TO _____

CLAIM STATUS Final Payment Interim Payment Number _____ Supplemental Payment

I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (*compensation or anything of value*) from any other source for these services.

Signature of Claimant/Payee _____ Date _____

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

| | | | |
|--|---------------------|--------------------|-------------------------------------|
| 19. TOTAL COMPENSATION | 20. TRAVEL EXPENSES | 21. OTHER EXPENSES | 22. TOTAL AMOUNT APPROVED/CERTIFIED |
| 23. <input type="checkbox"/> Either the cost (<i>excluding expenses</i>) of these services does not exceed \$500, or prior authorization was obtained. <input type="checkbox"/> Prior authorization was not obtained, but in the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (<i>excluding expenses</i>) exceeds \$500. | | | |
| Signature of Presiding Judge _____ | | Date _____ | Judge Code _____ |
| 24. TOTAL COMPENSATION | 25. TRAVEL EXPENSES | 26. OTHER EXPENSES | 27. TOTAL AMOUNT APPROVED |

28. PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD UNDER 18 U.S.C. § 3006A(e)(3)

Signature of Chief Judge, Court of Appeals (or Delegate) _____ Date _____ Judge Code _____

| | | |
|---|---------------------------|--|
| 1. CIR./DIST./ DIV. CODE | 2. PERSON REPRESENTED | VOUCHER NUMBER |
| 3. MAG. DKT./DEF. NUMBER | 4. DIST. DKT./DEF. NUMBER | 5. APPEALS DKT./DEF. NUMBER |
| 6. OTHER DKT. NUMBER | | |
| 7. IN CASE/MATTER OF (Case Name) | | 8. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Other <input type="checkbox"/> Habeas Petitioner <input type="checkbox"/> Appellee |
| 9. REPRESENTATION TYPE <input type="checkbox"/> D1 28 U.S.C. § 2254 Habeas (Capital) <input type="checkbox"/> D3 28 U.S.C. § 2255 (Capital) <input type="checkbox"/> D2 Federal Capital Prosecution <input type="checkbox"/> D4 Other (Specify) | | |
| 10. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> | | |

REQUEST AND AUTHORIZATION FOR EXPERT SERVICES

11. ATTORNEY'S STATEMENT
 As the attorney for the person represented, who is named above, I hereby affirm that the services requested are necessary for adequate representation. I hereby request:
 Authorization to obtain the service. Estimated Compensation and Expenses: \$ _____ OR
 Approval of services already obtained to be paid for by the United States pursuant to the Criminal Justice Act. (See Instructions)

Signature of _____ Date _____
 Panel Attorney Retained Attorney Pro-Se Legal Organization
 ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____

Telephone Number: _____

| | |
|--|---|
| 12. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES (See Instructions) | 13. TYPE OF SERVICE PROVIDER |
| 14. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction, the authorization requested in Item 11 is hereby granted. Signature of Presiding Judge or By Order of the Court _____ Date of Order _____ Nunc Pro Tunc Date _____ Repayment or partial repayment ordered from the person represented for this service at time of authorization. <input type="checkbox"/> YES <input type="checkbox"/> NO | 01 <input type="checkbox"/> Investigator |
| | 02 <input type="checkbox"/> Interpreter/Translator |
| | 03 <input type="checkbox"/> Psychologist |
| | 04 <input type="checkbox"/> Psychiatrist |
| | 05 <input type="checkbox"/> Polygraph |
| | 06 <input type="checkbox"/> Documents Examiner |
| | 07 <input type="checkbox"/> Fingerprint Analyst |
| | 08 <input type="checkbox"/> Accountant |
| | 09 <input type="checkbox"/> CALR (Westlaw/Lexis, etc.) |
| | 10 <input type="checkbox"/> Chemist/Toxicologist |
| | 11 <input type="checkbox"/> Ballistics |
| | 12 <input type="checkbox"/> Weapons/Firearms/Explosive Expert |
| | 13 <input type="checkbox"/> Pathologist/Medical Examiner |
| | 15 <input type="checkbox"/> Other Medical |
| 16 <input type="checkbox"/> Voice/Audio Analyst | |
| 17 <input type="checkbox"/> Hair/Fiber Expert | |
| 18 <input type="checkbox"/> Computer (Hardware/Software/Systems) | |
| 19 <input type="checkbox"/> Paralegal Services | |
| 20 <input type="checkbox"/> Legal Analyst/Consultant | |
| 21 <input type="checkbox"/> Jury Consultant | |
| 22 <input type="checkbox"/> Mitigation Specialist | |
| 23 <input type="checkbox"/> Duplication Services (See Instructions) | |
| 24 <input type="checkbox"/> Other (Specify) _____ | |

15. STAGE OF PROCEEDING Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 16 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.

| | | |
|--|--|--|
| CAPITAL PROSECUTION | HABEAS CORPUS | OTHER PROCEEDING |
| a. <input type="checkbox"/> Pre-Trial | g. <input type="checkbox"/> Habeas Petition | i. <input type="checkbox"/> Stay of Execution |
| b. <input type="checkbox"/> Trial | h. <input type="checkbox"/> Evidentiary Hearing | m. <input type="checkbox"/> Appeal of Denial of Stay |
| c. <input type="checkbox"/> Sentencing | i. <input type="checkbox"/> Dispositive Motions | n. <input type="checkbox"/> Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay |
| d. <input type="checkbox"/> Other Post Trial | j. <input type="checkbox"/> Appeal | o. <input type="checkbox"/> Other _____ |
| e. <input type="checkbox"/> Appeal | k. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari | |
| f. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari | | |

| | FOR COURT USE ONLY | | |
|---|---------------------------|--------------------------------|-------------------|
| 16. SERVICES AND EXPENSES | AMOUNT CLAIMED | MATH/TECHNICAL ADJUSTED AMOUNT | ADDITIONAL REVIEW |
| a. Compensation (Attach itemization of services with dates) | | | |
| b. Travel Expenses (lodging, parking, meals, mileage, etc.) | | | |
| c. Other Expenses | | | |
| GRAND TOTALS (CLAIMED AND ADJUSTED): | | | |

17. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS _____

TIN: _____

Telephone _____

CLAIMANT'S CERTIFICATION FOR PERIOD OF SERVICE FROM _____ TO _____

CLAIM STATUS Final Payment Interim Payment Number _____ Supplemental Payment

I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.

Signature of Claimant/Payee _____ Date _____

18. CERTIFICATION OF ATTORNEY I hereby certify that the services were rendered for this case.

Signature of Attorney _____ Date _____

APPROVED FOR PAYMENT — COURT USE ONLY

| | | | |
|---|---------------------|--------------------|-------------------------------------|
| 19. TOTAL COMPENSATION | 20. TRAVEL EXPENSES | 21. OTHER EXPENSES | 22. TOTAL AMOUNT APPROVED/CERTIFIED |
| 23. <input type="checkbox"/> Either the cost (excluding expenses) of these services does not exceed \$500, or prior authorization was obtained; OR <input type="checkbox"/> In the interest of justice the Court finds that timely procurement of these necessary services could not await prior authorization, even though the cost (excluding expenses) exceeds \$500. | | | |
| Signature of Presiding Judge _____ | | Date _____ | |
| Signature of Presiding Judge _____ | | Date _____ | |
| 24. TOTAL COMPENSATION | 25. TRAVEL EXPENSES | 26. OTHER EXPENSES | 27. TOTAL AMOUNT APPROVED |

28. FOR REPRESENTATIONS COMMENCED AND APPELLATE PROCEEDINGS IN WHICH AN APPEAL IS PERFECTED ON OR AFTER APRIL 24, 1996,

A. Total compensation and expense payments approved to date (include amounts withheld for interim payments) for investigative, expert and other services for this representation is \$ _____

B. Payment approved (compensation and expenses) in excess of the statutory threshold for investigative, expert and other services under 21 U.S.C. § 848(q)(10)(B). _____

Signature of Chief Judge, Court of Appeals (or Delegate) _____ Date _____ Judge Code _____

IN COURT HOURLY WORKSHEET AND INSTRUCTIONS

The “in-court” worksheet was devised to standardize the itemization and documentation of hourly totals and “in-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- 1) The case number and the CJA 20 Voucher Number pertaining to the claim.
- 2) For each “in-court” service rendered, provide the following:
 - a) the date the service was performed
 - b) a brief description of the service performed
 - c) the time spent performing the service

The time spent performing the service should be reported in tenths of hours*. In addition, the time reported shall be listed under the appropriate in-court service category, i.e., arraignment and/or plea, motions and requests, bail hearings, etc.

After the hours claimed have been documented, total the hours column pertaining to each service category. Should more than one page be required, a page total should be provided on each page. Each page should be numbered, Page 1 of 2, Page 2 of 2, etc.

A grand total of all page totals should be provided on the final page. The grand total hours for each service category should then be transferred to Item 17 of the CJA 20 Voucher Form. The "in-court" compensation should then be calculated by multiplying the total number of hours spent in court by the hourly rate. Enter this figure in Item 17A.

Attach the “in-court” hourly worksheet(s) to the CJA 20.

| | | | | | | | | |
|---|------------|---|----|------|------------|---|-----|------|
| * | 6 Minutes | = | .1 | Hour | 36 Minutes | = | .6 | Hour |
| | 12 Minutes | = | .2 | Hour | 42 Minutes | = | .7 | Hour |
| | 18 Minutes | = | .3 | Hour | 48 Minutes | = | .8 | Hour |
| | 24 Minutes | = | .4 | Hour | 54 Minutes | = | .9 | Hour |
| | 30 Minutes | = | .5 | Hour | 60 Minutes | = | 1.0 | Hour |

OUT-OF-COURT HOURLY WORKSHEET AND INSTRUCTIONS

The “out-of-court” worksheet was devised to standardize the itemization and documentation of hourly totals and “out-of-court” services performed by court appointed counsel. The following information shall be provided on the worksheet:

- 1) The case number and CJA 20 Voucher Number pertaining to the case.
- 2) For each “out-of-court” service rendered provide the following:
 - a) the date the service was performed
 - b) a brief description of the service performed; and
 - c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours. In addition, the time reported shall be listed under the appropriate “out-of-court” service category, i.e., Interviews and conferences, obtaining and review records, legal research and brief writing, etc.

Note: Travel time to and from court (or the place where service is rendered) may not be claimed if the round-trip time is less than one hour.

Once all “out-of-court” services have been documented, total the hours column pertaining to each service category. Should more than one page be required, a page total should be provided on each page. Each page should be numbered, Page 1 of 2, Page 2 of 2, etc.

A grand total of all page totals should be provided on the final page. The grand total hours for each service category should then be transferred to Item 18 of the CJA 20 Voucher Form. The “out-of-court” compensation should be calculated by multiplying the applicable rate per hour by the total hours. Enter this figure in Item 18A.

Once all necessary information has been completed and transferred to the CJA 20 Form, , attach the “out-of-court” worksheet(s) to the CJA 20.

OTHER EXPENSE WORKSHEET AND INSTRUCTIONS

The “other” expense worksheet was devised to standardize the itemization of other reimbursable expenses incurred by court appointed counsel under the Criminal Justice Act. Each attorney shall provide the following information on the worksheet:

1. The district court case number or magistrate case number pertaining to the claim.
2. For each item incurred, provide the following:
 - a) the date incurred,
 - b) a brief explanation of the expense; and
 - c) the amount of expense incurred.

Expense items such as mileage and copying should reflect the total miles and pages, respectively, multiplied by the applicable rate. The expenses incurred should then be listed under the appropriate “other” expense category, i.e., mileage, parking, meals, etc. Once all necessary information has been completed and transferred to the CJA 20 Form, attach supporting documentation, i.e., receipts, canceled checks and invoices for all expenses in excess of \$50.00.

APPENDIX C

PRETRIAL SERVICES

NOTICE TO DEFENDANT

I, _____,
Print Name (First, Middle, Last)

am being asked questions about myself by a pretrial services officer. I will not be questioned about the charges, and I should avoid talking about them at this time. I understand that I am under no obligation to provide any information and do not have to answer any questions.

Any answers to these questions will be used by the court to decide whether I will be released or kept in jail pending any further proceedings. The information will be made available to the court, to my attorney, and to the prosecuting attorney.

Any information I provide should be truthful. Providing false information is a separate crime and could be used to deny my release before trial or increase my sentence if I am convicted.

If I am found guilty, either after trial or after pleading guilty, the information I provide here will be made available to a U.S. probation officer for the purpose of preparing a presentence report and may affect my sentence in this or another case.

I know I have the right to speak with a lawyer before answering any questions. If I cannot afford a lawyer, one will be appointed to represent me. Asking for a lawyer will not hurt my chance for pretrial release, but may delay the decision on whether or not I will be released until counsel is obtained.

I have read this form, or had it read to me, and I understand what it means.

I do _____ I do not _____ want a lawyer during this interview.

DATE: _____

DEFENDANT'S SIGNATURE

PRETRIAL SERVICES OFFICER

NOTES: _____

SERVICIOS PREVIOS AL JUICIO

NOTIFICACIÓN A LOS ACUSADOS

Mi nombre es _____.
Entiendo que un oficial de Servicios Previos al Juicio va a preguntarme de mis datos generales. No se me preguntará sobre los cargos, y debo evitar hablar sobre ellos en estos momentos. También entiendo que no estoy obligado a dar información y que no tengo que contestar ninguna pregunta.

Cualquier respuesta a estas preguntas será utilizada por el tribunal para decidir si yo seré puesto en libertad o detenido mientras se tramita el juicio. Esta información estará disponible en el tribunal para mi abogado y el fiscal.

Cualquier información que yo proporcione deberá ser verídica. Dar información falsa es un delito independiente, y ello se podría utilizar para negarme la libertad provisional bajo fianza or para aumentar mi condena si se me encuentra culpable.

Si me encuentran culpable, ya sea después de juicio o después de haberme declarado culpable, la información que yo de estará disponible a un Oficial de Libertad Condicional (probación) de los Estados Unidos, con el proposito de preparar un informe de presentencia que podría afectar mi sentencia en este o en otra causa.

Entiendo que tengo el derecho de hablar con un abogado antes de contestar cualquier pregunta. Si no puedo pagar un abogado, uno será nombrado para que me represente. El requerir de un abogado no perjudicará mi posibilidad de lograr salir en libertad previa al juicio, pero sí puede demorar la decisión sobre si voy a quedar libre o no mientras se consigue un abogado.

He leído este formulario, o se me ha leído, y entiendo su contenido.

¿Desea tener un abogado durante la entrevista? Sí _____ No _____

Fecha: _____

FIRMA DEL ACUSADO

OFICIAL DE SERVICIOS PREVIOS AL JUICIO

Anotaciones: _____

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES

MAGISTRATE DISTRICT APPEALS COURT or OTHER PANEL (Specify below)

IN THE CASE OF

_____ V.S. _____

FOR

AT

LOCATION NUMBER



PERSON REPRESENTED (Show your full name)



- 1 Defendant—Adult
- 2 Defendant - Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Parole Violator
- 6 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →)

- Felony
- Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

| EMPLOYMENT | Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed | | | | | | | | | | | | | | | |
|---|---|---|-------|-------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | Name and address of employer: _____ | | | | | | | | | | | | | | | |
| ASSETS | IF YES , how much do you earn per month? \$ _____ IF NO , give month and year of last employment How much did you earn per month? \$ _____ | | | | | | | | | | | | | | | |
| | If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____ | | | | | | | | | | | | | | | |
| OTHER INCOME | Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | |
| CASH | Have you any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , state total amount \$ _____ | | | | | | | | | | | | | | | |
| PROPERTY | Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th>IF YES, GIVE THE VALUE AND \$ DESCRIBE IT</th> <th>VALUE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> | IF YES, GIVE THE VALUE AND \$ DESCRIBE IT | VALUE | DESCRIPTION | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| IF YES, GIVE THE VALUE AND \$ DESCRIBE IT | VALUE | DESCRIPTION | | | | | | | | | | | | | | |
| _____ | _____ | _____ | | | | | | | | | | | | | | |
| _____ | _____ | _____ | | | | | | | | | | | | | | |
| _____ | _____ | _____ | | | | | | | | | | | | | | |
| _____ | _____ | _____ | | | | | | | | | | | | | | |

| | | | | |
|---|---|-------------------------|---|----------------|
| DEPENDENTS | MARITAL STATUS | Total No. of Dependents | List persons you actually support and your relationship to them | |
| | <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR DIVORCED | _____ | _____ | |
| DEBTS & MONTHLY BILLS <small>(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)</small> | APARTMENT OR HOME: | Creditors | Total Debt | Monthly Paymt. |
| | _____ | _____ | \$ _____ | \$ _____ |
| | _____ | _____ | \$ _____ | \$ _____ |
| | _____ | _____ | \$ _____ | \$ _____ |
| | _____ | _____ | \$ _____ | \$ _____ |

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) _____

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED)