

Documents filed under seal are excluded from Electronic Submission. **Rule 1.3(1) - Tex. Crim. App. Misc. Order 17-005**

**[Click to view the rules......](http://www.thirdchair.com/E-Filing-Rules/)**

**Third Chair Digital Forensics LLC**

2502 Gravel Drive

Fort Worth, Texas 76118

817-953-3385

817-554-1534 fax

Thank you for considering Third Chair Digital Forensics LLC. We stand ready to assist you and your clients.

Once the order is signed, we need a certified copy of the order to set up the examination.

Please either e-mail us the order to Orders@ThirdChair.com  or fax the order to 817-554-1534.

Should you ever have any questions, please do not hesitate to contact us.

|  |
| --- |
| **No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **THE STATE OF TEXAS** | **§** | **IN THE \_\_\_\_\_ JUDICIAL**  |
|  | **§** |  |
| **VS.** | **§** | **DISTRICT COURT OF** |
|  | **§** |  |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **§** | **\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS** |

DEFENDANT’S *EX PARTE* MOTION FOR INDEPENDENT DIGITAL FORENSIC ANALYSIS

**FILED UNDER SEAL**

*(The Clerk of the Court is ORDERED to seal this Motion in the file)*

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above-styled and numbered cause, by and through his attorney of record, (name of Defendant’s attorney of record), and files this *Ex Parte* Motion for Independent Digital Forensic Analysis; and in support thereof would show this Honorable Court that the Defendant requests independent digital forensic analysis as follows:

I.

 In the instant case, the Defendant is charged with the offense of (offense with which Defendant charged). The Defendant was found to be indigent. The Defendant remains indigent. Undersigned counsel was court-appointed to represent the Defendant.

II.

 Counsel’s review of the facts of the instant case reveals that it is necessary to the defense of the case to have certain items containing digital evidence subjected to independent digital forensic analysis. Specifically, there is certain evidence in the possession of the State of Texas; to wit, (set out particular digital evidence to be analyzed) that the Defendant believes will reveal exculpatory and mitigating results when subjected to independent digital forensic analysis. Counsel for Defendant has investigated the matter and has spoken with experts qualified to conduct said independent digital forensic analysis. Counsel requests that the Court appoint THIRD CHAIR DIGITAL FORENSICS LLC to conduct digital forensic analysis on the evidence set out above. Through counsel’s investigation it has been determined that independent digital forensic analysis in this case will be approximately $(amount of anticipated expense). Counsel therefore requests that the Court approve payment not to exceed this amount when the digital forensic analysis has been completed.

III.

 A compelling need exists in this case for the digital forensic analysis of certain evidence to address a significant issue at trial. Counsel for Defendant has determined through investigation that (set out facts stating compelling need for digital forensic analysis to address a significant issue at trial).

 WHEREFORE, PREMISES CONSIDERED, the Defendant hereby requests that the Court grant an *ex parte* hearing on this Motion in the instant cause; and that subsequent to the hearing of said Motion that the Court ORDER the approval of funds for independent digital forensic analysis and appoint THIRD CHAIR DIGITAL FORENSICS LLC to assist the Defendant in the preparation and trial of this case.

 Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTORNEY FOR DEFENDANT

FIAT

 IT IS HEREBY ORDERED that the above Motion be heard on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ o’clock \_\_\_m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE PRESIDING

CERTIFICATE OF SERVICE

 I hereby certify that no copy of this Motion was delivered to the (name of county) County District Attorney’s Office, attorneys for the State of Texas, because Defense Counsel wishes to proceed *ex parte* on said Motion.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTORNEY FOR DEFENDANT

|  |
| --- |
| **No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **THE STATE OF TEXAS** | **§** | **IN THE \_\_\_\_\_ JUDICIAL**  |
|  | **§** |  |
| **VS.** | **§** | **DISTRICT COURT OF** |
|  | **§** |  |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **§** | **\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS** |

O R D E R

**FILED UNDER SEAL**

 The above and foregoing Defendant's *Ex Parte* Motion for Independent Digital Forensic Analysis having been heard by the Court, and the Court having considered such Motion, it is hereby ordered that the Defendant's Motion be GRANTED. The Court hereby appoints THIRD CHAIR DIGITAL FORENSICS LLC to assist Defendant in the preparation and trial of this case.

 The Court further ORDERS that funds for independent digital forensic analysis to assist the Defendant in the preparation and trial of the instant case be approved in the amount of $(amount approved).

 The Court further ORDERS that the Defendant’s Motion and this ORDER be sealed for the record and that no access to same be allowed to any person without prior approval of the Court.

SIGNED on this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE PRESIDING