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

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**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 begin.

Please either e-mail us the order to [Orders@ThirdChair.com](mailto:Orders@ThirdChair.com?subject=Agreed%20Motion%20for%20Defendant's%20Access%20to%20Physical%20Evidence)  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 APPROVAL OF FUNDS FOR 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 Approval of Funds For Digital Forensic Analysis; and in support thereof would show this Honorable Court as follows:

I.

In the instant case, the Defendant is charged with the offense of (offense with which Defendant charged). The Defendant has been 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 conduct digital forensic analysis on certain evidence. Counsel for Defendant has investigated the matter and has identified experts in the field. Counsel requests that the Court appoint THIRD CHAIR DIGITAL FORENSICS LLC to perform digital forensic analysis in this case. Through counsel’s investigation it has been determined that digital forensic analysis in this case will cost 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 performed.

III.

A compelling need exists in this case for digital forensic analysis 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 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 *Ex Parte* 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 Approval of Funds For 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 and the Court hereby appoints THIRD CHAIR DIGITAL FORENSICS LLC to perform digital forensic analysis in the case.

The Court further ORDERS that funds for 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

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