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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/)**

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

Once the appointment order is signed, we need a certified copy of the order to get started.

1. Please either e-mail us the order to [Appointments@ThirdChair.com](mailto:Appointments@ThirdChair.com) or fax the order to 817-554-1534.
2. For cases that are on **TechShare,** please add Bianca Hadley, [Bianca@ThirdChair.com](mailto:Bianca@ThirdChair.com) to the case as a participant. Bianca will build the case file for the Investigator in our records management system.

Once we receive the appointment order, you will receive back an e-mail acknowledging that along with an e-mail letting you know who the lead Investigator will be from 3rd Chair.

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

**Third Chair Investigations LLC**

State License No. C20849

2502 Gravel Drive

Fort Worth, Texas 76118

817-953-3385

817-554-1534 fax

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

DEFENDANT’S EX PARTE MOTION FOR APPROVAL OF FUNDS FOR COURT-APPOINTED INVESTIGATOR (HIRED COUNSEL)

Filed Under Seal

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, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and files this Motion for Approval of Funds for Court-Appointed Investigator; and in support thereof would show this Honorable Court as follows:

I.

In the instant case, the Defendant is charged with felony offenses. Undersigned counsel was hired to represent the Defendant. Since that time the Defendant has become indigent for purposes of being able to hire his own investigator. The Defendant has been incarcerated since \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

II.

Counsel has a duty to pursue the services of an independent investigation when investigative issues are crucial in a case. *Ex parte Briggs*, 187 S.W.3d 458, 468 (Tex. Crim. App. 2005). Where retained counsel is forced to make decisions based on economics rather than strategy, a defendant has not been rendered effective assistance of counsel. *Ex parte Briggs*, 187 S.W.3d at 469. Defendants with hired attorneys are entitled to the same protections under the law as defendants for whom the state appoints counsel. *Cuyler v. Sullivan*, 446 U.S. 335, 344-5, 100 S.Ct. 1708, 1716, 64 L.Ed.2d 333 (1980). If necessary, the Defendant requests that this Honorable Court hold a hearing on the issue of his indigence in order that the Court provide the funds to hire an independent investigator.

III.

Counsel’s review of the facts of the instant case reveals that it is necessary to the defense of the case to investigate the facts of the case and the witnesses thereto. Counsel requests that the Court appoint Third Chair Investigations LLC, Texas License No. C20849 to perform investigative services in this case. Counsel anticipates that investigative fees will be less than $\_\_\_\_\_\_\_\_\_\_. Counsel therefore requests that the Court approve payment not to exceed this amount when the investigator has rendered service.

IV.

A compelling need exists in this case for the assistance of an investigator to address a significant issue for trial. The Defendant will be irreparably harmed if he is unable to perform a proper investigation in the preparation of this case for trial in that his side of the issues may not be otherwise properly developed and presented.

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 an investigator to assist the Defendant in the preparation and trial of this case.

Respectfully submitted,

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

S.B.O.T. No.

**ATTORNEY FOR DEFENDANT**

FIAT

IT IS HEREBY ORDERED that the above Motion be heard on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ o’clock \_\_\_m.

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

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I hereby certify that no copy of this Motion was delivered to the \_\_\_\_\_\_\_\_\_\_\_\_\_ County Criminal 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 Motion for Approval of Funds for Court-Appointed Investigator 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 INVESTIGATIONS LLC, Texas License No. C20849**.

The Court further orders that **THIRD CHAIR INVESTIGATIONS LLC** and its agents / investigators are authorized to visit and interview the above-named Defendant in the care custody and control of the \_\_\_\_\_\_\_\_\_\_\_ County Sheriff.

Matters learned by **THIRD CHAIR INVESTIGATIONS LLC** and its agents / investigators in the course of this investigation are privileged according to Texas Rules of Evidence 503 and shall not be disclosed without the express consent of the Defendant and their attorney(s) of record.

The Court further **ORDERS** that funds for the services of an investigator to assist the above-named Defendant in the preparation and trial of the instant case be approved in the amount of $\_\_\_\_\_\_\_\_\_\_\_ at a labor rate of $\_\_\_\_\_\_\_\_\_\_ per hour.

In addition, the Court **ORDERS** that this Motion and Order for an Investigator by the Defendant be kept by the District Clerk of \_\_\_\_\_\_\_\_\_ County, Texas **under seal** with the papers of the cause numbers listed above.

**IT IS SO ORDERED.**

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

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

JUDGE PRESIDING

**Third Chair Investigations LLC**

EIN: 81-2982745

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Fort Worth, Texas 76118

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