

IN THE XXXX DISTRICT COURT
PARISH OF XXXXXXXXXX
STATE OF LOUISIANA

_____)	
)	
STATE OF LOUISIANA,)	
)	
Plaintiff,)	
)	No. XXX-XXX
v.)	Division X
)	Hon. [Judge], Presiding
[CLIENT])	
)	
Defendant.)	
)	
_____)	

FILED: _____

**MOTION TO FILE THE ATTACHED EX PARTE
SUPPLEMENT IN SUPPORT OF REQUEST FOR INVESTIGATIVE FUNDING**

COMES NOW, [CLIENT], through undersigned counsel, and respectfully files the attached *ex parte* supplement concerning the need for funds for the defense to hire an investigator in this case, pursuant to the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article 1, Sections 2, 3, 5, 13, 14, 16, 17, 20, 22, & 24 of the Louisiana Constitution of 1974, as well as statutory and jurisprudential authorities cited below.

In support, counsel states:

Introduction

1. Mr. [CLIENT] is presently charged with XXXXXXXXX.
2. Mr. Snyder is indigent and XXXXXX, a private attorney, was appointed to represent [CLIENT] and serve as his counsel in the case.
3. This Court is well familiar with the provisions of State v. Touchet, 93-2839, (La. 9/6/94), 642 So.2d 1213, 1219-21, which deals directly with this issue. The holding in Touchet may be stated as follows:

an indigent defendant may file a motion for expert funding **ex parte**. Notice of the filing of this motion should be given to the state, which may file an opposition to the hearing being held **ex parte** and/or to the request for funding. The trial court should first determine, **in camera**, either on the face of the allegations of the motion or upon taking evidence at an **ex parte** hearing, whether the defendant would be prejudiced by a disclosure of his defense at a

contradictory hearing. If so, then the hearing on expert funding should continue **ex parte**. If not, then the hearing should be held contradictorily with the District Attorney. If either side seeks appellate review of a ruling as to the **ex parte** nature of the hearing, the motion and other proceedings to this point should remain **under seal** until the appellate review is completed, and thereafter if the ruling is in favor of an **ex parte** hearing.

Id. (emphasis in original).

4. The same provisions apply to other situations where an open hearing would result in a violation of the privileges of the accused. Here, for example, everything set out in the enclosed ex parte proffer is privileged. Under-signed counsel certainly cannot “waive” the privilege in order to file this motion.

WHEREFORE, for the foregoing reasons and any others that may appear to this Court after a hearing, counsel for [CLIENT] respectfully requests this Court allow the filing of this ex parte supplement to his ex parte motion for investigative funding.

DATED this _____ day of _____, 2015.

Respectfully Submitted,

ATTORNEY NAME
La. Bar No. XXXXXXXX
ADDRESS
XXXXXXXX, LA 70XXX

Counsel for [CLIENT]

Certificate of Service

I hereby certify that I have caused to be served by mail a copy of the foregoing document upon the Office of the District Attorney on this the _____ day of _____, 2015.
