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**Third Chair Digital Forensics LLC**

2502 Gravel Drive

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817-953-3385

817-554-1534 fax

Thank you for considering Third Chair Digital Forensics LLC.

If you are using this motion, we have already developed a relationship with the Client and your defense team.

This motion allows us to *re-load* to funding source with the Court. We have reached a point where we need to expand our work based upon your direction and guidance. To do that we must get pre-approval for the expenditure from the Court.

Once presented and approved by the Court, please send the order to [Orders@ThirdChair.com](mailto:Orders@ThirdChair.com) or fax to 817-554-1534.

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

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

DEFENDANT’S *EX PARTE* MOTION FOR APPROVAL OF ADDITIONAL 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 Additional 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 and remains indigent. Undersigned counsel was court-appointed to represent the Defendant. The Court has previously approved the expenditure of funds in the amount of $(amount of funds) for (type of digital forensic services previously performed or to allow counsel to explore the scope of digital forensic analysis required in the case).

II.

(Counsel’s review of the facts of the instant case or the exploratory digital forensic analysis) reveals that it is necessary to the effective defense of the case to conduct further digital forensic analysis, namely; (set out the scope of the additional request). Counsel for Defendant has further investigated the matter and determined that additional digital forensic analysis in this case will be approximately $(amount of additional expense). Counsel therefore requests that the Court approve additional payment not to exceed this amount when the additional digital forensic analysis has been performed by THIRD CHAIR DIGITAL FORENSICS LLC.

III.

A compelling need exists in this case for further digital forensic analysis to address a significant issue at trial. The Defendant will be irreparably harmed if he is unable to perform a proper investigation in the preparation of this case for trial and undersigned counsel will be unable to render effective assistance of counsel.

IV.

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 additional funds to 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** |
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| **VS.** | **§** | **DISTRICT COURT OF** |
|  | **§** |  |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **§** | **\_\_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS** |

O R D E R

The above and foregoing Defendant’s Motion for Additional 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.

The Court further ORDERS that additional 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) to THIRD CHAIR DIGITAL FORENSICS LLC.

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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