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**NOTICE: THIS IS AN EX PARTE MOTION BEING PRESENTED TO  
THE COURT EX PARTE BY THE RESPONDENT AND SHOULD BE  
SEALED**

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**Trial Court Cause No. \_\_\_\_\_**

<b>IN THE MATTER OF:</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>[Name]</b>	<b>§</b>	<b>____ JUDICIAL DISTRICT</b>
<b>A CHILD</b>	<b>§</b>	<b>_____ COUNTY, TEXAS</b>
<b>DOB: [DOB]</b>	<b>§</b>	<b>SITTING AS THE JUVENILE COURT</b>

**MOTION TO APPOINT LICENSED INVESTIGATOR  
PURSUANT TO EX PARTE BRIGGS**

Respondent **[Name]** moves the court to appoint a licensed investigator to assist his counsel in this case and for cause would show the court as follows:

**I.**

Respondent is currently charged with **[Offenses]** a **[Offense Level]** degree felony. If transferred to adult district court and convicted, Respondent faces a punishment range of **[Punishment range]** years.

**II.**

Respondent, through Counsel, needs to retain the services of **[Investigator]**, an investigator to assist defense counsel in representing the Respondent in this case. Article 26.05 C.C.P; *Ake vs. Oklahoma*, 470 U.S. 68 (1985); *Richardson vs. State*, 744 S.W.2d 65 (Tex.Crim.App. 1987); Article 1, Sections 10 and 19, Texas Constitution.

In dicta, *Ake* suggests that the Respondent ought to be allowed to make this preliminary showing *ex parte*. The Texas Court of Criminal Appeals has held that due

process requires that a Respondent be allowed to proceed *ex parte*. *Williams v. State*, 958 S.W.2d 186, 194 (Tex. Crim. App. 1997). As recognized in *Williams*, the *ex parte* procedure permits the accused to obtain necessary expert assistance without disclosing his work product, his defensive theories, or his suggested experts, to his adversary. It should also be noted that judges are not prohibited from “considering an *ex parte* communication expressly authorized by law. “Tx. Code Jud. Conduct, Canon 3B(8)(e). See also Tex. Disciplinary R. Prof. Conduct 3.05(b)(lawyers are not prohibited from initiating *ex parte* communication where “otherwise permitted by law and not prohibited by applicable rules or procedure...””).

As noted, the *ex parte* procedure sought in this motion is expressly authorized and permitted by the Texas Court of Criminal Appeals in *Williams v. State*.

### III.

Defense Counsel believes the appointment of a licensed investigator is necessary in order to provide Respondent with effective assistance of Counsel. An issue to be highly contested in this case concerns the circumstances of the alleged incident. [details outlining need for investigator]

### V.

WHEREFORE, the Respondent prays that this court appoint an expert and authorize the payment of reasonable fees and expenses for the expert relating to his/her case.

Respectfully submitted,

**[Attorney of Record]**  
**[Address]**  
**[City], Texas [ZIP Code]**  
**Office [Office Phone]**

**Facsimile [Facsimile Phone]**  
**Email: [Email]**

By: \_\_\_\_\_  
**[Attorney of Record]**  
**SBN: [SBN #]**  
Attorney for Respondent

**CERTIFICATE OF NON SERVICE**

This is to certify that a true and correct copy of the foregoing *Motion for Appointment of Expert* was not served upon the attorney for the State and made ex parte pursuant to *Williams v. State*, 958 S.W2d 186, 191 (Crim. App. 1997, reh'g denied).

\_\_\_\_\_  
**[Attorney of Record]**

Trial Court Cause No. \_\_\_\_\_

IN THE MATTER OF: § IN THE DISTRICT COURT  
[Name] § \_\_\_\_ JUDICIAL DISTRICT  
A CHILD § \_\_\_\_\_ COUNTY, TEXAS  
DOB: [DOB] § SITTING AS THE JUVENILE COURT

**ORDER**

BE IT REMEMBERED on the undersigned date came on to be heard the Respondent's *Ex Parte* Motion for Appointment of Licensed Investigator and, after considering the same, this Court is of the opinion that the same shall be:

\_\_\_\_\_ GRANTED, and it is approved that investigator **[Investigator]**, \_\_\_\_\_ **[Address]** is appointed to assist the Respondent as a licensed investigator to be reimbursed from the General Funds of the County in an amount not to exceed **[\$amount]** upon submission and approval of a duly filed and documented voucher and request for payment. It is further ORDERED the District Clerk and County Auditor are to seal this Ex Parte Order and the attached motion and that only defense Counsel shall be provided with a copy of said order or motion while the case is still pending until trial is completed.

\_\_\_\_\_ DENIED.

Signed \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

SIGNED AND RECOMMENDED on \_\_\_\_\_.

\_\_\_\_\_  
Juvenile Court Referee