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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. \_\_\_\_\_

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

**RESPONDENT’S *EX PARTE* MOTION FOR EXPERT ASSISTANCE:  
LICENSED SEXUAL OFFENDER TREATMENT PROVIDER**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES [Name], hereinafter “Respondent”, by and through his attorney of record, [Attorney of Record] and respectfully moves this Honorable Court, pursuant to the Fifth (*due process*), Sixth (*effective assistance of counsel and right to confrontation*), and Fourteenth Amendments (*due process*) to the United States Constitution, Article I, Sections 10 (*due course of law*), and 19 (*effective assistance of counsel and right to confrontation*), of the Texas Constitution, Section 54.03 Texas Family Code and Article 26.05 of the Texas Code of Criminal Procedure and files this *Ex Parte* Motion for Appointment for Expert Assistance. The Respondent would respectfully show this Court as follows:

**I.**

**Request for Expert and Estimated Costs**

Pursuant to Tex. Const. Art. I, Sec. 10 19, and the U.S. Const. Amends. V, VI, XIV, and Article 26.05, Tex. Code Crim. Proc., the Respondent respectfully moves this Court to approve defense counsel incurring up to the amount of **\$[amount]** in expert fees for the appointment of **[expert]**, to be paid out of the general funds of the County Treasurer or Auditor’s, as an expert to assist the Respondent and the undersigned counsel in the

preparation for the trial of this cause. *See Rey v. State*, 897 S.W.2d 333 (Tex. Crim. App. 1995).

## II.

### **The Assistance of a Licensed Sexual Offender Treatment Provider is a Significant Factor in Preparation and Presentation of a Defense**

The Respondent would show this Court as follows:

1. The Respondent has been charged with the offense of Sexual Assault and the State is seeking a waiver of this Court's jurisdiction and transfer Respondent to Adult District Court.
2. The Respondent is indigent and is represented by the undersigned as appointed counsel.
3. To adequately prepare for and present a defense during both the guilt/innocence and disposition phases of the trial of this cause, the Respondent requires the services of an independent, Licensed Sexual Offender Treatment Provider, to assist him by providing services, including but not limited to counseling and conducting assessment on the Respondent, providing a course of treatment for the Respondent, consulting with the undersigned counsel in his preparation for conducting cross-examination of the State's witnesses, and the presentation of direct-examination testimony at the trial of this cause.

That in the trial of a cause involving the allegations of sexual contact with a child, as is the case here, issues related to the profile of the Respondent as a sex offender, his propensity for commission of crimes against children, clinical syndrome testimony concerning victims and victimizers in the context of sexual abuse of children, and a proposed course of treatment and counseling are significant factors and, indeed, often addressed by experts employed by the State of Texas in their prosecution of such crimes. Consequently, the services of a Licensed Sex Offender Treatment Provider are necessary to enable the Respondent to prepare effectively for trial, to presented evidence on his own behalf and to cross examine the State's witnesses.

4. The Respondent, being indigent, cannot afford to pay for the expert assistance sought pending reimbursement by the county.
5. The undersigned counsel has contacted a Licensed Sexual Offender Treatment Provider, **[expert]**, who has been made familiar with the allegations and factual

bases of the instant cause and has indicated a willingness to assist the Respondent and the undersigned counsel in preparation of this case for trial

6. The Respondent respectfully requests this Court to approve an amount not to exceed **[\$amount]** to cover the fees associated with the retention of **[expert]** to render investigative assistance to the Respondent.

7. Neither the Respondent nor the undersigned counsel is sufficiently knowledgeable or situated to conduct the services for which **[expert]** is sought for hiring.

8. If denied such assistance, the Respondent will be deprived of due process of law, equal protection of the laws, effective assistance of counsel, his right to present evidence in his own behalf, his right to a fair trial in violation of the constitutional and statutory provisions aforementioned.

**WHEREFORE, PREMISES CONSIDERED**, the Respondent respectfully prays that this Honorable Court:

- A. Grant the Respondent's Motion for Expert Assistance or set this matter and conduct an *ex parte* hearing to be held on his motion; and
- B. Enter an Order directing that the Clerk of this Court seal the record of this proceeding consistent with his separately filed Motion to Seal as contemplated by *Ake v. Oklahoma*, 105 S.Ct. 1087 (1985);
- C. Enter an Order approving the expenditure in the amount of up to **[\$amount]** for the retaining of **[expert]** to assist the Respondent and the undersigned counsel in preparation of this case for trial as set forth in the attached affidavit; and
- D. Grant any such further relief to which this Court deems the Respondent entitled.

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).

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**[Attorney of Record]**

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

**ORDER**

On the undersigned date came on to be heard the *Respondent's Ex Parte Motion for Appointment of Expert Assistance*, and, after considering the same, this Court is of the opinion that the same shall be:

\_\_\_\_\_ **GRANTED**, and it is approved that **[expert]** is appointed to assist the Respondent as an expert 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.

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

SIGNED on \_\_\_\_\_.

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

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

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