

NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
22CR

STATE OF NORTH CAROLINA )  
 )  
 vs. )  
 )  
 )  
 )  
 Defendant. )

**EX PARTE MOTION FOR  
FUNDING FOR  
INVESTIGATOR SERVICES**

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**NOW COMES** the Defendant, by and through his attorney, Jackie Willingham, and moves *ex parte* this Court for authorization to engage investigator services in order to prepare a defense to this matter. The expert assistance sought and the reasons for necessity of such services are set forth below. Defendant is indigent and is in need of investigator services to be paid for by the State because of Defendant's indigent status.

Defendant makes this motion pursuant to the decisions of the United States Supreme Court in *Ake v. Oklahoma*, 470 U.S. 68 (1985) and the North Carolina Supreme Court as set forth in *State v. McCullers*, 341 N.C. 19, 460 S.E.2d 163(1995); *State v. White*, 340 N.C. 264, 457 S.E.2d 841 (1995); *State v. Jones*, 339 N.C. 114, 451 S.E.2d 826 (1994); *State v. Phipps*, 331 N.C. 427, 418 S.E.2d 178 (1992).

1. Defendant is charged with Trafficking Opium/Heroin.
2. Defendant has previously been determined to be indigent.
3. Defendant is in need of assistance in investigating this matter to examine evidence and interview witnesses.
4. Defense counsel has engaged \_\_\_\_\_, a licensed private investigator.
5. Defense counsel is requesting investigator funding for investigation. The estimated cost of such expert assistance is \$3000 and counsel is requesting an order authorizing expenditure up to this amount, with any further expenditures as may be needed requiring additional authorization from the court.

In support of a request for funding for an expert, a Defendant must make a threshold showing of a particularized need for such services. To make a showing of particularized need for expert assistance, an indigent Defendant must establish that "(1) he will be deprived of a fair trial without the expert assistance, or (2) there is a reasonable likelihood that the expert assistance will materially assist him in the preparation of his case." *State v. Coffey*, 326 N.C. 268, 284, 389 S.E.2d 48, 58 (1990). For the reasons set forth above, Defendant contends that the threshold requirements have been met in this case. If the court feels further

information is necessary to show Defendant's particularized need of the expert assistance requested, Defendant requests an opportunity to be heard to further develop for the Court the particularized need requirement.

WHEREFORE, Defendant respectfully requests that this Court grant a hearing in this matter at the earliest opportunity if a further showing of a particularized need for expert services is necessary, and thereafter authorize counsel for the Defendant to engage the expert services as requested to assist in the development of the Defendant's defense, with said reasonable services being paid for at State expense.

This the 29th day of October, 2024.

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**ORDER FOR FUNDING  
FOR INVESTIGATOR SERVICES**

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This matter coming on for hearing before the undersigned Judge upon Defendant's Motion for Funding for Investigator Services at the expense of the State and for an *ex parte* hearing at which Defendant might make a further showing of his particularized need for such services, the Court finds as follows:

1. Based on the information set forth in Defendant's Motion and any additional information provided to the Court by counsel, defendant is in need of the requested investigator services in order to develop an adequate defense and to obtain a fair trial.
2. The defendant has previously been found to be indigent and that status remains unchanged at this time, making it impossible for defendant to hire his own expert services to assist in his defense.
3. The amount of funds requested, \$3000, is a reasonable and customary charge for such expert services in the 10th Judicial District.
4. In support of a request for funding for expert services, a Defendant must make a threshold showing of a particularized need for such services. To make a showing of particularized need for expert assistance, an indigent Defendant must establish that "(1) he will be deprived of a fair trial without the expert assistance, or (2) there is a reasonable likelihood that the expert assistance will materially assist him in the preparation of his case." *State v. Coffey*, 326 N.C. 268, 284, 389 S.E.2d 48, 58 (1990). The defendant has met his burden in this matter.
5. Counsel for the defendant is therefore authorized to engage investigative services.

6. The expert services authorized above are approved for payment by the Court up to the following amount without further order of the Court: \$3000.

It is so ORDERED, this the \_\_\_\_ day of \_\_\_\_\_.

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Judge Presiding