

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

Capital Charge File No.

Additional File Nos.

County

In The General Court Of Justice, Superior Court Division

Name And Address Of Indigent Defendant

CAPITAL CASE FEE APPLICATION ORDER FOR PAYMENT JUDGMENT AGAINST INDIGENT OR PARENT/GUARDIAN

G.S. Ch. 7A Art. 36, Art. 37, Art. 38A; Ch. 15A

Social Security No.

Has No Social Security No.

INSTRUCTIONS: Applicant completes and signs Section I, and mails to: Office of Indigent Defense Services, Attn: Capital Defense Program, 123 W. Main St., Suite 700, Durham, NC 27701.

I. APPLICATION

I, the undersigned, am private assigned public defender, appellate defender, provisional counsel, lead counsel, assistant counsel in this capital case, and make application for payment or determination of value of services rendered for the indigent for reimbursement of necessary expenses incurred.

NATURE OF PROCEEDING Superior Court: Trial Stage (guilt/innocence and sentencing) Motion Appropriate Relief (MAR) Resentencing Only Appeal/Other: Supreme Court Court of Appeals Other (specify):

Table with fee amounts: AU Center 1310, OS RCC 8000

CASE STATUS/TYPE OF DISPOSITION: Complete the one section below applicable for fees now being requested: (a) a disposition by trial, dismissal or guilty plea, (b) a case on appeal, or (c) interim fee or some "other" case status or disposition:

(a) Superior Court, Disposed by Trial, Dismissal or Guilty Plea: Jury Was Impaneled Jury Verdict Mistrial Guilty Plea Jury Death-Qualified RESULT: Death Sentence Life, 1st Degree Murder: Jury sentencing 2nd Degree Murder Manslaughter Acquitted Not Guilty By Reason Of Insanity Dismissed By State Defendant Motion Other Guilty Other Offense(s) Other Result: (explain)

(b) Capital Appeals: Before Oral Argument Other: (specify) After Argument, No Opinion No Error Guilt Affirmed, Resentencing New Trial (conviction reversed) If MAR Review: Cert. Denied Other MAR Review

(c) Other Status Or Disposition: Case Pending (interim fee) (fill in following section also) MAR: Denied Resentencing Other New Trial Other (specify)

Disposition Date IF ATTORNEY IS WITHDRAWING, indicate reason: Applicant was assistant counsel, case no longer capital Defendant retained private counsel Conflict of interest Other: (specify)

COMPLETE IF INTERIM FEES ARE/WERE PAID: Beginning Date THIS Fee Requested Ending Date THIS Fee Requested PRIOR Total Fees Allowed PRIOR Total Hours Allowed

APPLICANT'S TIME THIS FEE: (attach detailed time sheet) Time In Court Time In Court Awaiting Call Of Case Time Out Of Court Applicant's Total Time This Fee

List Necessary Expenses Incurred: Travel Long Distance Telephone Copying Other (Specify & Attach Receipt) Total Necessary Expenses This Fee

NOTE: Submit application for expert witnesses and other services related to legal representation to the Office of Indigent Defense Services in accordance with rules issued by the Commission on Indigent Defense Services. NOTE: In assigned counsel cases, the applicant is always the individual attorney appointed in the case.

Name Of Applicant Address Payee (see note) Taxpayer ID No. (see note) Telephone No. Date Signature Of Applicant

II. AWARD OF PAYMENT OR DETERMINATION OF VALUE OF SERVICES

The IDS Director FINDS that the "Total Amount" stated on Line 3 below be: 1. paid by the State of North Carolina to the payee named above. 2. fixed as the value of the legal services and other expenses of representation rendered by the public defender or appellate defender named above.

Table with 2 columns: Description, Amount. 1. Fees Allowed/Value Of Service Rendered \$ 2. Other Necessary Expenses Allowed By The IDS Director \$ 3. TOTAL AMOUNT \$

Date IDS Director Signature Of IDS Director Malcolm R. Hunter, Jr.

**III. SUM OF ATTORNEY AND SUPPORT SERVICE FEES AND EXPENSES**

**NOTE:** *The Office of Indigent Defense Services completes this Section.*

**A. Attorney fees and necessary expenses:**

- 1. Sum of all attorney fees awarded to this attorney on this and ALL prior fee applications....
- 2. Sum of all attorney expenses allowed to this attorney on this and ALL prior fee applications
- SUBTOTAL A (sum of attorney fees and necessary expenses paid to this attorney, on this and all prior applications) ▶*

**B. Support Services fees and expenses:** *(sum of ALL amounts incurred throughout the case)*

- |                                       |                      |                                    |                      |
|---------------------------------------|----------------------|------------------------------------|----------------------|
| 1. Provisional counsel .....          | <input type="text"/> | 4. Mitigation, investigation.....  | <input type="text"/> |
| 2. Psychiatrists, psychologists ..... | <input type="text"/> | 5. Scientists, forensics, DNA..... | <input type="text"/> |
| 3. Medical doctors .....              | <input type="text"/> | 6. Sum of all other.....           | <input type="text"/> |
- SUBTOTAL B** *(sum of all expert/investigator fees and expenses)* ▶
- GRAND TOTAL A + B** *(attorney fees and expenses, and experts/investigators)* ▶

**IV. FINDINGS OF FACT**

After written notice to the defendant named on the reverse, and opportunity to be heard, the Court finds that the defendant has previously been adjudged to be indigent; that he/she requested and has been provided counsel and other necessary expenses of representation; and that the applicant named on the reverse provided services and incurred expenses of which the money value is that stated in Section III above as to all attorney fees and expenses plus costs for experts and investigators incurred in the course of the representation.

**V. JUDGMENT**

**NOTE:** *To enter judgment against the defendant sign Section VI . Check the box below if ordering defendant to pay a portion now. To enter judgment against a parent/responsible person, pursuant to G.S. 7A-450.1 et. seq., a separate form must be used (may be modeled on Section IV. B. of form AOC-CR-225, non-capital).*

**NOTE:** *The trial court shall enter judgment no less than 20 days after receipt of this form from the Office of Indigent Defense Services. When entering judgment, the trial court should verify if interim payments were made. The trial court may not enter judgment for an amount greater than the Grand Total in Section III above.*

The Court further finds that a judgment of conviction has been entered against the defendant. Based on all of the above findings, it is ORDERED that the State of North Carolina recover from the defendant the amount stated below together with interest at legal rate from the date the judgment is docketed until paid.

*(Check this option when defendant has cash in hand to pay a portion, but not all, of this Judgment.)* The Court further finds pursuant to G.S. 7A-455(a) that the defendant is presently able financially to pay a portion, but not all, of this Judgment and, based on that finding, it is further ORDERED that the defendant immediately pay to the Clerk of Superior Court the "Amount To Be Paid Now" specified in Section VI below, and that such amount when paid be credited against this Judgment on the records of the Clerk.

**AMOUNT OF JUDGMENT AGAINST DEFENDANT** ▶

**VI. SIGNATURE OF JUDGE**

The foregoing AWARD OF PAYMENT OR DETERMINATION OF VALUE OF SERVICES, as made by the Director of Indigent Defense Services, shall be entered and filed this day in the office of the Clerk of Superior Court. The FINDINGS and JUDGMENT of the Court shall be entered and filed this day in the office of the Clerk of Superior Court. The Judgment shall become effective as provided by law.

Date	Amount To Be Paid Now, If Any \$	Signature Of Judge
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**VII. DOCKETING - CSC USE ONLY**

**NOTE:** *Docket this Judgment immediately on the date on which the defendant's conviction becomes final, unless the defendant is ordered as a condition of supervised or unsupervised probation to pay the State for the costs of the defendant's representation. If the defendant is so ordered, docket this judgment immediately on the date the defendant's probation is revoked or terminated by the Court, or when the term of probation expires, whichever occurs first; then docket the amount owing.*

Date Of Docketing	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Judgment Docket Book And Page No.	Amount Docketed \$
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**NOTE TO CLERK:** *When all parts of Side 2 are completed, mail a copy to the Office of Indigent Defense Services.*