

MOTION FOR PAYMENT OF DEFENDANT'S TRAVEL AND SUBSISTENCE
EXPENSES

Comes now the Defendant, CLIENT NAME, by and through undersigned counsel, ATTORNEY NAME; and, pursuant to 18 U.S.C. § 4285, herewith moves the Court for an Order directing the United States Marshal for the Middle District of Georgia to arrange for the Defendant's means of non-custodial round-trip transportation (or to furnish the fare for such transportation by airline or bus service) from Anoka, Minnesota, to Albany, Georgia, and back; for the purpose of his attendance at trial commencing on January 11, 2010, at 8:30 a.m. and tentatively ending on January 14, 2010. (*See* Doc. 119). In support of which, the Defendant submits the following:

This office has been appointed to represent the Defendant who is a 65 year old unemployed resident of Minnesota; lives on a fixed income which is barely enough to cover his living expenses and is unable to bear the travel expenses associated with attending the January 11-14, 2010 Trial in Albany, Georgia. The Defendant's financial status has not changed since the Court entered its findings pursuant to 18 U.S.C. § 3006A, *et seq.* (Doc. 6).

On January 23, 2008, pursuant to 18 U.S.C. § 4285, this Court directed the United States Marshal to purchase the Defendant a one-way bus ticket from Albany, Georgia (following his initial appearance, arraignment, and detention hearing) to Anoka, Minnesota, as well as ordering reimbursement of his actual expenses for lodging and meals (at the appropriate per-diem rate for Albany, Georgia). (Doc. 9). His financial condition has not changed since that order issued.

On February 20, 2009, pursuant to 18 U.S.C. § 4285, this Court directed the United States Marshal to purchase the Defendant means of non-custodial round-trip transportation from Anoka, Minnesota, to Albany, Georgia, and back; as well as, ordering reimbursement of his actual expenses

for lodging and meals (at the appropriate per-diem rate for Albany, Georgia) for the purpose of Mr. NAME attending the *Motions Hearing* held on February 27, 2009. (Doc. 97). His financial condition has not changed since that order issued.

WHEREFORE, the Defendant prays:

- (1) that the Court find that it is satisfied that the Defendant is financially unable to obtain the necessary transportation to appear before the Court on his own;
- (2) that the Court find that the ends of justice would be served by permitting the Defendant to travel from Anoka, Minnesota, to Albany, Georgia, and back, at the expense of the government pursuant to 18 U.S.C. § 4285; and,
- (3) that the Court enter an Order directing the United States Marshal to arrange for the Defendant's means of non-custodial transportation, or furnish the fare for such transportation by airline or bus service, for the purpose of attending the January 11-14, 2010, jury trial in his case and his return upon completion of the case; and, further, that the United States Marshal shall furnish the Defendant with an amount of money for subsistence and accommodations to reside at appropriate hotel or motel facilities for the duration of the proceedings in an amount not to exceed the amount authorized as a per diem allowance for travel under 5 U.S.C. § 5702(a).

Dated: This 22nd day of December, 2009.

ORDER FOR PAYMENT OF DEFENDANT'S TRAVEL AND SUBSISTENCE
EXPENSES

For good cause shown, the United States Marshal for the Middle District of Georgia is hereby ORDERED and DIRECTED to arrange for the Defendant's means of non-custodial transportation (or, in the alternative to furnish the fare for such transportation by airline or bus service) for the purpose of attending the jury trial in his case, scheduled to commence on January 11, 2010, at 8:30 a.m.; additionally, the United States Marshal is hereby FURTHER ORDERED and DIRECTED to furnish the Defendant with an amount of money for subsistence and accommodations to reside at appropriate hotel or motel facilities for the duration of the jury trial commencing on January 11, 2010 in an amount not to exceed the amount authorized as a per diem allowance for travel under 5 U.S.C. § 5702(a).

So ORDERED this _____ day of December, 2009.

JUDGE NAME

United States District Judge

CERTIFICATE OF SERVICE

I, ATTORNEY NAME, hereby certify that on December 22, 2009, I electronically filed the foregoing *Motion for Payment of Defendant's Travel and Subsistence Expenses* (and attached proposed order) with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record.

Respectfully submitted,

ATTORNEY NAME, Executive Director
Federal Defender Program,
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S/ ATTORNEY NAME Ga. Bar
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