

**IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____
_____ DIVISION**

| | | |
|---------------------------|---|------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. |
| v. |) | |
| |) | Hon. |
| DEFENDANT, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT’S MOTION FOR FUNDS TO RETAIN A JURY
COMPOSITION AND SELECTION PROCEDURES EXPERT**

Defendant, pursuant to the Effective Assistance of Counsel provisions of the Sixth Amendment to the Constitution of the United States, respectfully moves this Court for the authority to retain John Smith, a jury selection procedures and composition expert, to assist the defense in trial preparation. The following is offered in support:

1. The Court granted Defendant’s Motion for Access to Jury Selection Records and Materials pursuant to the Sixth Amendment to the U.S Constitution and 28 U.S.C. §§ 1861-1869, the Jury Selection and Service Act of 1968. After the Court granted Defendant’s motion, Counsel received thousands of pages of statistical data regarding the jury composition and selection procedures of this District and Division.

2. In light of the above, Defendant seeks funds to retain an expert in demographics and statistics for the purpose of investigating and, if necessary, testifying to the jury composition and selection procedures used in this District and Division. It is Defendant’s position that this case depends upon a representative jury

in this unprecedented time and Mr. Smith's analysis will adequately assure a fair-cross section of the community.

3. Defendant requests the Court approve John Smith to serve as the defense expert in this respect. John Smith graduated from _____ with a Bachelor's degree in _____ and holds a Master's degree in _____ from _____. See John Smith Curriculum Vitae, attached as Exhibit A. Mr. Smith has previously been qualified, appointed, and has testified as a consulting expert regarding jury selection statistics and jury demographics in numerous federal and state cases. In addition, Mr. Smith consults on actuarial issues and analyzes jury pool compositions and selection procedures across the country. His current research includes _____. In addition to Mr. Smith's curriculum vitae, a list of federal cases where he was appointed or retained as an expert is also attached.

4. Mr. Smith would be appointed to investigate, analyze, and, if necessary, testify as to the jury pool demographics and selection procedures carried out in this District and Division.

5. Mr. Smith estimates a time investment of 20 hours to review all statistical data in Counsel's possession, conduct research, confer with counsel, and draft a statistical report of his findings. Mr. Smith's government rate for review is \$ x/hr., his rate for travel is \$ x/hr., and his rate for live testimony is \$ x/hr. Based on the above rates, the estimated cost would be approximately \$_____ to review records, conduct research and draft a report. Should in-court testimony be required, Defendant would submit an additional motion.

WHEREFORE, the Defendant respectfully requests the Court authorize funds and retain John Smith as a jury selection procedure and composition expert in this case at the rate of \$x /hr, plus reasonable expenses.

Respectfully submitted,

/s/ _____