

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,

Plaintiff,

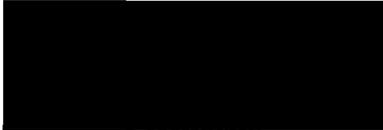
vs.

Case No.: 06-4016CFMC

HAROLD BAZZEL
CLERK CIRCUIT COURT
BAY COUNTY, FLORIDA

2007 SEP 20 A 11:04

FILED



**MOTION FOR ORDER TO AUTHORIZING DEFENSE ATTORNEY TO
RETAIN EXPERT FOR TRIAL**

COMES NOW the undersigned counsel and files herein this Motion for an Order
Authorizing Defense Attorney to Retain Expert for Trial on behalf of the Defendant,



grounds will show;

1. This motion is filed pursuant to Section 26(B) of the Fourteenth Judicial Circuit Indigent Services Committee Guidelines. The Guidelines require the Court to pre-approve any requested expert witness fees which exceed a total of \$1,500.00.
2. The State has disclosed eight expert witnesses to attempt to establish their case in chief against of the defendants. In response to the State's expert witnesses, the Defendants, collectively and individually, made the decision to contact and retain Dr. E.R. Eichner, M.D. located out of the University of Oklahoma. In an attempt to control expert costs, Assistant Public Defender Walter Smith through his office has tried to provide the financial means to hire Dr. Eichner in preparation for trial. The office of the Public Defender has had to divert funds from their own budget to thus far pay for the services of Dr. Eichner. The office of the Public Defender is at a point now where they are seeking assistance in paying for Dr. Eichner's

testimony at trial. All of the Defendants, collectively and individually are relying on the testimony of Dr. Eichner at the trial in this case.

3. The other Defendants listed in this case do not have the financial means to pay for costs of covering Dr. Eichner's testimony here in Bay County as they have already allocated funds towards Dr. Eichner's transportation costs and lodging while in Bay County. Defendant, [REDACTED] does hereby move this Honorable Court for an Order Authorizing Payment to Dr. Eichner as an expert witness for trial in this matter.
4. Dr. Eichner's estimated bill for the time spent here in Bay County for preparing and testifying in Court is approximately 12 hours or \$6,600.00 (email attached hereto as Exhibit "A").
5. In order to provide the Defendant with a full and fair opportunity to present his case, the authorization to retain Dr. Eichner as an expert for trial is critical to achieve this. The Defendant has been declared indigent and would also respectfully requests that the costs for such expert services shall be borne by the State of Florida.

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter into an Order authorizing the undersigned attorney to retain Dr. Eichner as an expert for trial in this matter.

I HEREBY CERTIFY that a copy of the foregoing Notice of Appearance has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3rd Floor., Tampa, Florida 33602, by regular U.S. mail this 19th day of September, 2007.

Respectfully Submitted,



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ATTORNEY FOR DEFENDANT

Prows, Melodye

From: E R Eichner [Reichner1@cox.net]
Sent: Monday, September 03, 2007 11:09 AM
To: Prows, Melodye
Subject: Eichner trip

Melodye - You ask for info on my billing and hotel choice. Marriott at Bay Point sounds great, my first choice. If that is full, the town Wingate is fine.

As for billing, I will be away from my "workstation" for about 2 1/2 days and miss my weekly athlete's clinic, which is every Wednesday.

Hmm...my hourly rate is \$550 and I don't up it for depositions or court. I saved you > \$1,000 by flying Economy. And I won't bill anything for travel time (saves you more). You pay trip costs (airfare, taxis, hotel, meals).

Hours? I think fair to bill an 8-hour day for the 11th. And up to 4 hours prep time, re-reading parts of the file and expert statements and depositions. (BTW, I have not seen my deposition, to "read and sign" and fix typos, even though your NewsHerald cited it and Abbie Vansickle at SP Times called me about it last week - I didn't return her calls.)

So I will bill 12 hours (maybe slightly less), or \$6,600.

Thanks for your help, Melodye.

Sincerely,
Randy E.

