

COMMONWEALTH OF MASSACHUSETTS

_____, ss

COURT
DOCKET NO. _____

COMMONWEALTH OF MASSACHUSETTS, Plaintiff

V.

_____, Defendant

MOTION FUNDS TO HIRE A DNA EXPERT

Now comes the Defendant in the above-entitled matter and respectfully moves this Honorable Court, pursuant to MGL c.261 sec. 27(A-G), to authorize funds at this time not to exceed \$ _____ so that the Defendant can secure the services of an expert in DNA forensics including DNA testing and analysis. The Defendant states that the services of a forensic expert in DNA evidence are necessary to conduct an independent evaluation, examination, inspection and analysis of DNA evidence as well as to observe any such testing and/or analysis thereof which the Commonwealth maintains is the basis for the criminal allegations and is the subject of the Complaint and for trial preparation.

The Defendant states that the requested funds are "reasonably necessary to assure him as effective ... a defense as he would 'have if he were financially able to pay." Commonwealth v. Lockley, 381 Mass. 156 (1980), MGL c. 261 sec 27 (c).

1. The Defendant is indigent and without funds to pay for a DNA expert. But for that indigency, a DNA expert would be so employed.
2. A DNA expert is essential for the preparation of an adequate defense for trial.
3. The fund required are fair and not excessive.
4. Justice dictates that this motion be allowed.
5. Dr. Laken's *curriculum vitae* is attached.

Wherefore, the Defendant respectfully requests the Court allow this Motion. Defendant, _____, through counsel, moves the court to authorize funds to be paid by the THE COMMITTEE FOR PUBLIC COUNSEL SERVICES to retain an expert in DNA analysis for purposes of reviewing/viewing DNA testing proposed by the Commonwealth, and to review DNA evidence otherwise gathered in this case. The expert proposed is: **Steven J. Laken, Ph.D./Cephos LLC** and his approved CPCS rate is \$237.50 per hour.

THE DEFENDANT
By His / Her Attorney

Date: _____

Tel: _____

Fax: _____

BBO: _____

