

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-10071-CR-MOORE/SIMONTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIDIER GONZALEZ-VASQUEZ,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION
FOR INVESTIGATIVE COSTS

Presently pending before the Court is the Defendant's Motion for Investigative Costs (DE # 70). This motion is referred to the undersigned Magistrate Judge (DE # 47). An ex parte sealed hearing was held on September 25, 2009, at which time the Court orally ruled on the Motion. This Order sets forth that ruling and incorporates by reference the reasons stated on the record.

On September 26, 2008, Defendant Didier Gonzalez-Vasquez ("Vasquez") was charged with twenty-one Counts in an Indictment alleging that on or about May 27, 2008, Mr. Vasquez conspired with a co-Defendant to encourage and induce twenty aliens to enter and reside in the United States by attempting to transport the aliens from Cuba to the United States on a sea vessel in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) (DE # 1). On August 12, 2009, the Defendant was appointed counsel to represent him pursuant to the Criminal Justice Act ("CJA")(DE # 52).

In the instant Motion, counsel for the Defendant requests that the Court authorize expenditures for investigative services at a rate of \$60.00 per hour up to \$1,600.00, not including costs, to aid in the preparation of a defense in this case.

18 U.S.C. § 3006A, Adequate representation of defendants, provides, in relevant part,

(e) Services other than counsel.--

(1) Upon request.--Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

In this case, the Defendant has already been appointed CJA counsel who has requested the costs necessary for investigative services. Based upon the information presented in the Motion and the inquiry conducted at the ex parte hearing, the undersigned concludes that the services are necessary and thus the expenses for investigative services should be authorized. It is therefore

ORDERED AND ADJUDGED that the Defendant's Motion for Investigative Costs (DE # 70) is **GRANTED**. Counsel for Defendant is authorized to spend up to \$1600.00 in investigative costs associated with preparing a defense in this matter.

DONE AND ORDERED in chambers in Miami, Florida on September 29th, 2009.



ANDREA M. SIMONTON
UNITED STATES MAGISTRATE JUDGE

Copies furnished via CM/ECF to:
The Honorable Ursula Ungaro
United States District Judge
All counsel of record