

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA****STATE OF ALABAMA,****PLAINTIFF,**

vs.

CASE NO. CC18-465 FTR**JIMMY ONEAL SPENCER,****DEFENDANT.****MOTION FOR APPROVAL OF FUNDS AND ORDER FOR STATE TO PAY DIRECTLY
FOR D.O.C. RECORDS**

COMES NOW, the Defendant, Jimmy Spencer, by and through below-signed counsel, and respectfully moves this Honorable Court, to approve, in advance, an expenditure of \$596.00 for the DOC records of Defendant from the State of Alabama Department of Corrections while incarcerated. As grounds, counsel states as follows:

1. Jimmy Spencer is charged with capital murder.
2. Mr. Spencer is indigent and has no resources for his defense and undersigned counsel was appointed to represent him. On or about November 6, 2018, this Honorable Court entered an order granting a subpoena request for any and all records for the Defendant.
3. The State has submitted an invoice for payment due of \$596 for the Department of Corrections records of the Defendant. This invoice does Not include Medical Records. Invoice is attached hereto as Exhibit A.
4. This motion is made pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Alabama Constitution, and other applicable state law.
5. Defendant requests that the State Comptroller be ORDERED to pay DOC for the records directly so Defense Counsel can get the records for trial prep. It is not Defense Counsel's responsibility to fund the defense out of their own pocket.

Wherefore, Defendant respectfully requests that this Honorable Court to approve in advance the expenditure of \$596 for public DOC records of this Defendant and Order the State Comptroller to pay DOC directly, with leave to request more funds if the same becomes necessary at a later time.

Respectfully submitted this the 28th day of March, 2019.

/s/ Robert B. Tuten
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CERTIFICATE OF SERVICE

This document has been filed electronically and served upon opposing counsel pursuant to the Administrative Procedure for Filing Signing and Verifying Documents by Electronic Means in the Alabama Judicial System. For any opposing counsel or unrepresented parties who are not registered to file electronically, a copy of this pleading shall be served via the U.S. mail, postage pre-paid, to the litigant's address as maintained in the office of the Circuit Clerk.

Done this 28th day of March, 2019.

/s/Robert B. Tuten
ROBERT B. TUTEN