



IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA

STATE OF ALABAMA

V.

CASE NO. CC-2018-465

JIMMY ONEAL SPENCER

**STATES MOTION FOR COURT TO REQUIRE SHOWING FROM DEFENDANT OF
NEED FOR EXTRAORDINARY EXPENSES DURING EX PARTE HEARINGS OR ALLOW
STATE TO BE HEARD**

The State moves the Court for an order requiring Defendant to show during an *ex parte* hearing requesting public funds to hire experts, (1) that there is a reasonable probability that the requested expert would be of assistance in his defense and, (2) that the denial of expert assistance would result in a fundamentally unfair trial as is required by the Alabama Supreme Court in *Ex parte Walter Leroy Moody, Jr.*, 684 So. 2d 114 (Ala. 1996).

In the event the Court makes a threshold determination that Defendant is not entitled to said funds, but wishes to consider the matter further, the State requests the Court set the motion for hearing and allow the State to be heard thereon as provided for by the Alabama Supreme Court in *Ex parte State of Alabama*, 888 So. 2d 1227 (Ala. 2004).

Respectfully submitted,

S/ Tim Jolley
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