

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. CR

DEFENDANT,

Defendant,

MEMORANDUM OPINION AND ORDER

_____ has heretofore been represented in this action by retained counsel _____ and, more recently, also by _____ as co-counsel in substitution for _____. Now [defendant's] current counsel have moved for their appointment under the Criminal Justice Act, representing that [defendant] is now financially unable to obtain adequate representation on his own. In support of that representation this Court has taken [defendant's] testimony under oath (ex parte at the request of [defendant's] counsel, although with prior notice to government counsel) as to [defendant's] current financial condition.

Because [defendant's] financial representations suffice to qualify him for appointment of counsel in Criminal Justice Act terms (subject of course to his obligation to reimburse the government if it were later to prove that he were financially able to do so), the only remaining questions have to do with (1) whether two lawyers rather than one should be appointed to represent him and (2) what hourly rate should be applicable to his lawyers' services. Little time need be devoted to discussing either of those questions, because this Court has already dealt with them in its September 25, 1990

memorandum opinion and order issued in connection with [defendant's] co-defendant _____.¹ For the same reasons that this Court has previously found applicable as to [co-defendant], it orders that:

1. Both _____ and _____ are appointed to act as lawyers for [defendant], effective from and after their initial rendition of legal services on January 11, 1991.
2. All services provided by them as [defendant's] counsel beginning on January 11 (subject to the normal requirements as to accountability) will be paid for at the uniform rate of \$125 per hour (see this Court's memorandum opinion and order as to [co-defendant], 746 F.Supp. 1352 (N.D. Ill. 1990), for the analysis equally applicable to [defendant] on this issue).

United States District Judge

Date: February 8, 1991

¹Although it had originally anticipated that [defendant] and [co-defendant] would be tried together, this Court has recently severed their trials so that [defendant] alone has been brought to trial currently with the selection of his jury having begun February 5, 1991.