

WALTER DUNHAM JR.

JUDGE



TWENTY EIGHTH DISTRICT COURT
NUECES, KLEBERG, KENEDY COUNTIES

September 27, 1983

Hon. Robert Barnes
County Judge
Nueces County Courthouse
Corpus Christi, Texas 78401

RE: No. 83-CR-194-A
The State of Texas
vs.
Carlos De Luna

FILED

SEP 27 1983

OSCAR SOLIZ, CLERK
DISTRICT COURT, NUECES COUNTY, TEXAS
Deputy

Dear Judge Barnes:

Article 26.05, Section 1(d) reads as follows:

"A counsel appointed to defend a person accused of a felony or a misdemeanor punishable by imprisonment, or to represent an indigent in a habeas corpus hearing, shall be paid from the general fund of the county in which the prosecution was instituted or habeas corpus hearing held, according to the following schedule:

"For expenses incurred for purposes of investigation and expert testimony, a reasonable fee to be set by the Court but in no event to exceed \$500."

I am enclosing herewith a statement, together with supporting documents, from Horacio Ortiz in the total sum of \$1,641.71. Mr. Ortiz was employed by the attorneys representing Mr. De Luna to assist them in the preparation of the defense. You will recall that Mr. De Luna was on trial for capital murder. Although the fee requested by Mr. Ortiz exceeds the \$500 limit, I recommend that it be approved for payment.

I have discussed this matter with James Lawrence, one of the attorneys who represented Mr. De Luna. Mr. Lawrence has assured me that the investigation performed by Mr. Ortiz was necessary even though much of the information developed was not used or, as a matter of fact, was not usable.

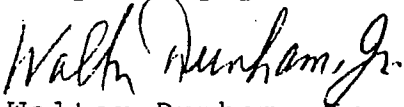
M I C R O F I L M E D

September 27, 1983
Hon. Robert Barnes
Page 2

If the work had not been done by Mr. Ortiz, it would have had to be done by Mr. De Pena or Mr. Lawrence who would, of course, have included the work in their statement for services. In other words, the work would have been paid for in one way or another.

Because of the seriousness of the charge against Mr. De Luna and the severity of the punishment for the charge for which he stood trial, I believe this statement of Mr. Ortiz', which is reasonable in the light of the services rendered, should be paid in full.

Very truly yours,



Walter Dunham, Jr.
Judge, 28th District Court

cc: James Lawrence
Horacio Ortiz

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