



**IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA**

Plaintiff,

Vs. CASE NO. _____

Defendant,

**APPLICATION AND ORDER FOR APPOINTED COUNSEL
AND
AFFIDAVIT OF FINANCIAL INABILITY TO EMPLOY COUNSEL**

I swear and affirm that I am the party in the above entitled action. I want an attorney to represent me in this case. I am financially unable to obtain the services of an attorney without causing substantial hardship to myself or to my family. The following information is true and is given and intended to be relied upon by the court and other persons or agencies in determining my eligibility for legal services to be furnished to me at public expense.

PLEASE FILL IN ALL SPACES BELOW AND SIGN YOUR NAME UNDER OATH IN FRONT OF THE JUDGE, A NOTARY OR THE COURT CLERK. IF A QUESTION DOES NOT APPLY TO YOU, PLEASE WRITE IN THE BLANK "DOES NOT APPLY"

I. GENERAL INFORMATION

DATE: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

MESSAGE NUMBER: _____

SOCIAL SECURITY NUMBER: _____ AGE: _____ DATE OF BIRTH _____

MARITAL STATUS: SINGLE [] MARRIED [] SEPARATED []

SPOUSE'S NAME: _____

ADDRESS: _____

TELEPHONE: _____

NUMBER OF PEOPLE IN YOUR HOUSEHOLD _____

NAMES AND AGES: _____

ARE YOU CLAIMED AS A DEPENDANT BY A PARENT OR GUARDIAN? YES [] NO []

II. FAMILY INCOME

YOUR MONTHLY TAKE HOME PAY: _____ WEEKLY TAKE HOME PAY: _____

YOUR EMPLOYER OR OTHER SOURCE OF INCOME (INCLUDING GOVERNMENT AGENCY): _____

YOUR EMPLOYERS PHONE NUMBER: _____

SPOUSE'S SALARY: _____

SPOUSE'S EMPLOYER OR OTHER SOURCE OF INCOME (INCLUDING GOVERNMENT AGENCY): _____

SPOUSE'S EMPLOYER'S PHONE NUMBER: _____

IS ANY OTHER MEMBER OF YOUR HOUSEHOLD EMPLOYED: YES [] NO []

WHO? _____

WHERE? _____

SALARY? _____

DEFENDANT'S EMPLOYER: _____

OTHER SOURCE OF INCOME OR BENEFITS (INCLUDE INTEREST, DIVIDENDS, ROYALTIES, ETC.) _____

TOTAL FAMILY INCOME FOR PRECEDING MONTH WAS: _____

III. FAMILY ASSETS: (what you own less what you owe on it).

MONEY: _____
IN JAIL: _____, AT HOME: _____, IN CHECKING: _____
SAVINGS: _____, SAFE DEPOSIT BOX: _____, OTHER: _____
HOME OR OTHER REAL ESTATE VALUE: _____ JEWELRY VALUE: _____
AUTOMOBILE(S) MAKE AND VALUE: _____
FURNITURE VALUE: _____
MOTORCYCLE(S) MAKE AND VALUE: _____
TOOLS/EQUIPMENT; VALUE _____
NOTES, MORTGAGES AND TRUST DEEDS: _____
ANY DEBTS OWED TO DEFENDANT: _____
OTHER ASSETS AND PROPERTY: VALUE _____
ARE YOU PARTY TO A SUIT (PROBATE, WORKER'S COMPENSATION, PERSONAL INJURY) WHERE JUDGMENT MAY BE EXPECTED? YES [] NO [] NAME OF ATTORNEY _____

IV. EXPENSES AND DEBT:

RENT OR HOUSE PAYMENT: _____ CLOTHING: _____ FOOD: _____
MEDICAL: _____ UTILITIES: _____ CAR PAYMENT: _____
INSURANCE: _____, OTHER: _____ TOTAL MONTHLY EXPENSES: _____
MORTGAGE/LANDLORD'S NAME: _____
MAJOR DEBTS: (list to whom and amount owed) _____

LIST THE PERSONS WHO ARE DEPENDENT ON YOU FOR SUPPORT: STATE YOUR RELATIONSHIP TO EACH PERSON AND HOW MUCH YOU CONTRIBUTE MONTHLY TO THEIR SUPPORT: _____

V. MOST RECENT EMPLOYMENT:

WHEN DID YOU LAST WORK? _____, WHO WAS YOUR EMPLOYER? _____
SALARY: _____ HOW LONG DID YOU WORK THERE? _____
WHY DID YOU QUIT? _____

VI. THE FOLLOWING PEOPLE CAN VERIFY TO A LARGE EXTENT MY ABOVE MENTIONED FINANCIAL SITUATION, (GIVE NAME, ADDRESS AND PHONE NUMBER)

- 1. _____
- 2. _____
- 3. _____

VII. CHARGE AND BOND:

CHARGE(S); FELONY: _____ MISDEMEANOR _____ JUVENILE _____
ARRESTING AGENCY: _____
CITY: _____ COUNTY: _____ STATE: _____
HAS BOND BEEN POSTED? YES [] NO [] DID YOU USE A BONDSMAN? YES [] NO []
WHO PAID THE BONDSMAN? _____
AMOUNT OF BOND: _____ PREMIUM PAID TO BONDING COMPANY: _____
IF YOU DID NOT USE A BONDSMAN, DID YOU POST A CASH BOND? YES [] NO []
PERSONAL RECOGNIZANCE BOND: YES [] NO []
LIST ANY DEFENDANTS CHARGED WITH YOU _____

VIII. HAVE YOU SOLD ANY ASSETS SINCE CHARGES WERE FILED IN THIS CASE? YES [] NO []

If so, describe the buyer and the amount received: _____

HAVE YOU RETAINED COUNSEL IN THIS CASE OR IN ANY OTHER PENDING CRIMINAL CASE? YES [] NO []

If so, state the case number, court, attorney and amount paid in attorney fee services. _____

DO YOU HAVE ANY FRIENDS OR RELATIVES WHO ARE ABLE AND WILLING TO ASSIST YOU IN HIRING AND PAYING FOR TRANSCRIPTS? YES [] NO [] If so, have those persons been asked to help? YES [] NO []

IF A FRIEND OR RELATIVE HAS GIVEN PREVIOUS FINANCIAL ASSISTANCE IN THIS CASE, BUT IS NO LONGER ABLE OR WILLING TO DO SO, AN AFFIDAVIT TO THAT EFFECT FROM THAT PERSON SHOULD BE ATTACHED. IS THAT AFFIDAVIT ATTACHED? YES [] NO []

IX. NAMES OF THREE ATTORNEYS YOU HAVE CONTACTED:

- 1. _____
 DATE CONTACTED _____ HOW DID YOU CONTACT ATTORNEY? _____
 CAN YOU AFFORD TO HIRE THIS ATTORNEY? YES [] NO []
- 2. _____
 DATE CONTACTED _____ HOW DID YOU CONTACT ATTORNEY? _____
 CAN YOU AFFORD TO HIRE THIS ATTORNEY? YES [] NO []
- 3. _____
 DATE CONTACTED _____ HOW DID YOU CONTACT ATTORNEY? _____
 CAN YOU AFFORD TO HIRE THIS ATTORNEY? YES [] NO []

X. I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION I HAVE PROVIDED IS TRUE AND CORRECT. I UNDERSTAND THAT I MAY BE PROSECUTED FOR PROVIDING FALSE INFORMATION IN THIS APPLICATION AND AFFIDAVIT. I UNDERSTAND THAT I MUST INFORM THE OKLAHOMA INDIGENT DEFENSE SYSTEM OF ANY CHANGES IN MY FINANCIAL SITUATION THAT MAY CHANGE THE INFORMATION I HAVE PROVIDED. I FURTHER DECLARE THAT I HAVE CONTACTED THREE ATTORNEYS, LICENSED TO PRACTICE LAW IN THIS STATE, AND I AM WITHOUT FUNDS TO PAY AN ATTORNEY TO REPRESENT ME OR TO PAY FOR TRANSCRIPTS AND COSTS ASSOCIATED WITH THIS CASE.

DATED AND SIGNED THIS _____ DAY OF _____, 20_____.

DEFENDANT: _____

LEGAL GUARDIAN: _____

SUBSCRIBED AND SWORN BY ME ON THE _____ DAY OF _____, 20_____

MY COMMISSION EXPIRES: _____

NOTARY (or Clerk or Judge)

ORDER APPOINTING COUNSEL

The Court hereby appoints _____ to represent the within named applicant(s).

JUDGE OF THE DISTRICT COURT



**IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA**

APPLICATION FEE DEFERRED

I FIND THAT THE DEFENDANT DOES NOT HAVE THE FINANCIAL RESOURCES TO PAY THE FEE AT THE TIME OF MAKING THIS APPLICATION AND I HEREBY DEFER \$ _____ OF THE \$40.00 APPLICATION FEE, TO ATTACH AS A COURT FEE UPON CONVICTION.

JUDGE OF THE DISTRICT COURT

NOTICE

A copy of this APPLICATION AND AFFIDAVIT shall be sent to the prosecuting attorney or office of Attorney General, whichever is applicable, for review, and upon request, the court shall hold a hearing to determine your eligibility for legal services to be furnished to you at public expense.

IMPORTANT NOTICE

The Court shall order you to pay the costs of your legal representation in total, or by installments. The Court shall set the amount and due date of each installment payment. The costs shall be paid to the Court Clerk in your county. The costs shall be a debt against you until paid and shall subject you to debt collection procedures as provided by law. The costs shall be deducted from any state income tax refund due you until the total costs are paid.

Dear Client;

If you are receiving this letter then you have applied for and received court appointed counsel. Barring an exceptional circumstance your new attorney is either Craig Corgan, Jim Gaston, Sammy Duncan or JP Hill. Your appointed counsel is determined by a predetermined selection process and is not subject to change. NONE of the Canadian County court appointed counsel are “public defenders”. Rather, each is a private attorney who has contracted with the Oklahoma Indigent Defense System to represent indigent clients in Canadian County. Contrary to many preconceived notions, your case will not be handled any differently because your counsel is court appointed. However, you should be aware that there are more than one thousand (1,000) court appointed cases in Canadian County each year. This creates a tremendous work load for court appointed counsel and demands a level of efficiency in handling cases. In an effort to enhance that efficiency, some of the most common concerns for a criminal defendant are addressed below:

- (1.) You have three (3) options for legal counsel: a.) hire a lawyer; b.) work with your assigned counsel; c.) represent yourself. **THERE IS NO FOURTH OPTION.**
- (2.) Representation ends 10 days after sentencing. If you have questions after 10 days, we may not be able to help you.
- (3.) Discovery is controlled by statute. As a general rule, counsel is entitled to police reports five (5) days prior to preliminary hearing and all other discovery ten (10) days prior to trial. It serves no purpose to file a discovery motion unless and until your case proceeds beyond the preliminary hearing stage. When discovery is received, your attorney will be available to review it with you, but copies of discovery will not be provided to you. Please utilize the Oklahoma Freedom of Information Act for any additional needs.
- (4.) If you have questions about your case, please call. Do not have a family member call on your behalf. This is YOUR case, not theirs.
- (5.) You must make sure that your counsel always has current contact information for you. Your counsel cannot effectively represent you if he cannot contact you. Additionally, please remember that if you are out of custody it is your responsibility to know when you are due in court. If you are unsure of a scheduled court appearance then you should contact the Court Clerk’s office. (405) 262-1070
- (6.) Bond is set by the Court at your arraignment. Your bond will not change unless your circumstances have changed.
- (7.) The state makes the plea offers. You are not required to accept any offer. A component of our job is to relay that offer to you, regardless of how you feel about it. It will be your decision as to how you would like to proceed. Please understand that the District Attorney is not required to make a plea offer in your case. Generally speaking they will. As soon as an offer is made, it will be relayed to you.
- (8.) You have the absolute right to testify or not testify and to enter a plea of guilty or not guilty. All other trial choices are made by counsel. If this is unacceptable, please refer to item #1
- (9.) Your counsel will move your case forward as quickly as is reasonably possible, but that does not assure that your case will move forward as quickly as you would like. Please remember that the Court’s dockets are already set and not automatically subject to change at the request of counsel. We look forward to representing you and serving your interests to the best of our ability.