

# STATE OF NORTH CAROLINA

File Nos.

\_\_\_\_\_ County

In The General Court Of Justice

 District  Superior Court Division

Name Of Indigent Defendant Or Respondent

Highest Original Charge (Criminal) Or Nature Of Proceeding (Civil)

**DEFENSE PETITION FOR EXPERT HOURLY RATE  
DEVIATION IN NON-CAPITAL CRIMINAL AND  
NON-CRIMINAL CASES AT THE TRIAL LEVEL AND  
IDS APPROVAL OR DENIAL**

G.S. 7A-314(d), 7A-454, 7A-498.5(f), 15A-905(c)(2)

**INSTRUCTIONS:** Use this form if you are representing an indigent defendant or respondent at state expense in a non-capital criminal or non-criminal case at the trial level, and you are requesting a deviation from the standardized expert hourly rates specified in the applicable IDS policy and form AOC-G-309 (Application and Order for Defense Expert Witness Funding in Non-Capital Criminal and Non-Criminal Cases at the Trial Level). Do NOT use this form in case types where counsel must seek prior approval for expert funding from the Office of Indigent Defense Services (IDS) (e.g., potentially capital cases at the trial level). Deviations will be granted only in extraordinary circumstances when they are necessary and appropriate based on case-specific needs.

The attorney for the defendant or respondent completes Section I and submits the form to the IDS Director by mail to 123 W. Main St., Suite 400, Durham, NC 27701, by facsimile to (919) 354-7201, or by email to [IDSExperts@nccourts.org](mailto:IDSExperts@nccourts.org). The IDS Director or his or her designee completes Section II to approve or deny the requested deviation, and returns the completed form to the requesting attorney. If an hourly rate in excess of the standardized rate is approved, the attorney must attach this form to form AOC-G-309 when it is submitted to a Court. If permitted by case law, the attorney for the defendant or respondent may submit this form ex parte and the Court may place this form under seal along with form AOC-G-309 and counsel's supporting motion.

**I. DEFENSE PETITION**

Name And Address Of Attorney

Name Of Requested Expert

Expert's Highest Level Of Education

Telephone Number Of Attorney

Email Address Of Attorney

Expert's Area Of Expertise

Type Of Attorney

- 
- Private Assigned Counsel
- 
- Public Defender
- 
- 
- IDS Contract Counsel

Hourly Rate Requested For Expert

\$

Total Amount Of Funding Requested  
From Court (time and expenses)

\$

List All Other Experts Already Approved For This Case (include type of expert and total funds approved)

Justification For Requested Rate Deviation (check all that apply and attach additional sheets if necessary)

- The requested expert services are in a new, emerging, or novel area, and there is a limited number of experts in the field.  
*Describe:*
- The requested expert services are so unique that there is a limited number of available and qualified experts.  
*Describe:*
- There are other exceptional circumstances that justify a deviation from the standardized rates.  
*Describe:*

I, the undersigned attorney, certify that the above information is complete and correct to the best of my knowledge.

Date

Signature Of Attorney

**II. IDS APPROVAL OR DENIAL**

IDS Approval Or Denial (*IDS Director checks one box below*)

The IDS Director hereby grants the requested deviation. An hourly rate of \$\_\_\_\_\_ is approved for the expert identified in Section I. Reasons for granting deviation:

**NOTE TO ATTORNEY:** *This is not an approval of expert funding and is only an approval of a deviation from the standardized expert rates. The attorney still must complete form AOC-G-309 and obtain prior approval from a Court before incurring expert expenses.*

The IDS Director hereby denies the requested deviation. Reasons for denying deviation:

<i>Date</i>	<i>Name Of IDS Director</i> Thomas K. Maher	<i>Signature Of IDS Director</i>
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