

## **Motion to Appoint Pauper Counsel (Public Defender)**

Use this form when:

You are the Defendant in a criminal case and

- You cannot afford to hire an attorney and are asking the Court to consider appointing a public defender to be your attorney in a pending criminal case (including a probation violation)

You must also complete and attach to this Motion a form for Summary of Household Income and Expenses to your Motion to Appoint Pauper Counsel (Public Defender). This is a separate form.

“Verified” means that by signing and submitting this Motion, you swear or affirm under oath and under penalties for perjury that all the answers and information are true and accurate.

**This form has both a Motion and an Order. You must also complete and submit a Summary of Household Income and Expenses. This form is available on the Tippecanoe County website or at the Court office.**

- You must fully complete and sign the Motion.
- You must complete only the top half of the Order.
- You must fully complete the Summary of Household Income and Expenses

Print and bring all forms to court.

**SCROLL DOWN FOR      Motion to Appoint Pauper Counsel (Public Defender)**

**VERIFIED MOTION TO APPOINT PAUPER COUNSEL (Public Defender)**

**TIPPECANOE SUPERIOR COURT No. 4**

Courthouse, 301 Main Street  
Lafayette, Indiana 47901  
Telephone: (765) 423-9266 [www.tippecanoe.in.gov](http://www.tippecanoe.in.gov)

CAUSE NO. 79D04-\_\_\_\_\_-FD/F6-\_\_\_\_\_  
CAUSE NO. 79D04-\_\_\_\_\_-CM-\_\_\_\_\_

**State of Indiana**

Prosecutor's Office, 3<sup>rd</sup> Floor  
111 North 4<sup>th</sup> Street  
Lafayette, Indiana 47901  
Telephone: (765) 423-9305

**Defendant** \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_  
Email \_\_\_\_\_

**VERIFIED MOTION TO APPOINT PAUPER COUNSEL (Public Defender)  
[Attach Summary of Household Income and Expenses and Order]**

Comes now the Defendant and respectfully requests the Court to grant the appointment of pauper counsel (public defender) to represent me in this pending criminal case. In support, I show that:

1. I want to be represented by an attorney but I do not believe I have sufficient income or other resources to pay.
2. Attached to this Verified Motion is a Summary of Household Income and Expenses. I understand the Court may require me to provide written documentation of my household income and expenses before this Motion may be granted.
3. I understand if the Judge determines that I qualify for appointment of pauper counsel, the Judge may also Order that I pay part or all of the costs of the pauper counsel. If ordered, this fee will be based on the Judge's determination of my ability to pay. I understand the Judge may review a finding for appointment of pauper counsel at any time during the proceedings based on a change in my financial circumstances, either for the better or for the worse.
4. I understand if my financial circumstances change for the better, I am required to notify the Court within three (3) calendar days of the change so my eligibility for appointment of pauper counsel may be reviewed by the Judge.
5. If I am released from custody in this cause on a cash bond posted on my behalf, the Court may retain the cash bond and subtract any pauper counsel (public defender) fee from this cash bond, even if the charges are later dismissed in full and even if the cash bond was posted by another person and is not my personal funds.

I swear or affirm under penalties for perjury, as specified in I.C. 35-44-2-1, the information in this Motion and in the attached Summary of Income and Expenses is true and accurate to the best of my knowledge and belief.

\_\_\_\_\_, 20\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**ORDER ON VERIFIED MOTION TO APPOINT PAUPER COUNSEL (Public Defender)**

**TIPPECANOE SUPERIOR COURT No. 4**

Courthouse, 301 Main Street  
Lafayette, Indiana 47901  
Telephone: (765) 423-9266

CAUSE NO. 79D04-\_\_\_\_\_-FD/F6-\_\_\_\_\_  
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**State of Indiana**

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111 North 4<sup>th</sup> Street  
Lafayette, Indiana 47901  
Telephone: (765) 423-9305

**Defendant** \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_  
Email \_\_\_\_\_

**ORDER ON VERIFIED MOTION TO APPOINT PAUPER COUNSEL (Public Defender)**

The Court having considered this Verified Motion and the attached Summary of Income and Expenses, now:

DENIES the Motion. The Court finds the Defendant has sufficient income or resources or has the ability to obtain full-time employment and thus able to pay the costs of hiring private counsel.

GRANTS the Motion. The Office of the Tippecanoe County Public Defender is appointed to represent the Defendant thru the conclusion of this cause.

Further, the Court specifically finds the Defendant is able to pay a fee for the services of pauper counsel. The Court now Orders the Defendant to pay a preliminary fee of  \$200  \$100  \$50  \$25 and is Ordered to pay this fee to the Clerk of Courts, Courthouse, Second Floor on or before the Pretrial Conference currently scheduled in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mathew S. Sandy, Judge  
Tippecanoe Superior Court No. 4

COPY:  State  Defendant  Public Defender