

8 July 2010

From: Civilian Defense Counsel
To: Commander, U.S. Marine Corps Forces Central Command
Via: Trial Counsel

Subj: RESUBMISSION OF DEFENSE EXPERT CONSULTANT/WITNESS
REQUIREMENTS RE: US.V SSGT FRANK WUTERICH

Encl: (1) Current fee schedule of Lucien Haag of Forensic Science Services.

1. In preparation for the scheduled subject court-martial, this resubmission of defense expert consultant/witness requirements is provided. In 2007, the defense requested a number of expert consultants in preparation for SSgt Wuterich's case. These experts included: Dr. Michael Baden, Forensic Pathologist; Dr. John Thornton, bloodstain pattern expert; Lucien Haag, forensic firearms and trajectory expert; and James Gripp, crime scene reconstruction expert. All of these experts were approved by the Convening Authority in 2007. Additionally, some of the subject experts required additional hours, in addition to what was originally requested. Those requests were previously approved. Due to interlocutory appeals and other delays, these defense experts suspended work on the case while the case delays continued. Given that these experts have not continued to work on or review this case since the delays began in early 2008, some additional time will be required for some of these experts to again review the case after over two years of inactivity.

2. Dr Thornton was requested as an expert consultant on 12 Jul 07. That request was approved for 20 hours on 3 Aug 07. On 6 Feb 08, the defense requested an additional 40 hours for Dr. Thornton. That request was approved by the Convening Authority.

3. Mr. Haag was requested as an expert consultant on 18 Jul 07. It is believed that this request was approved in August 07 for a total of 60 hours at rate of \$250 per hour. Mr. Haag's current expert rate is \$350.00 an hour. A copy of his current fee schedule is enclosed (Encl (1)). It is estimated that an additional 15 hours will be required for Mr. Haag.

4. Dr. Baden was requested as an expert consultant on 18 Jul 07. Dr. Baden was approved as a defense expert consultant for a total of 60 hours. Dr. Baden's fee schedule remains the same. Dr. Baden has expended approximately 30 hours on the case so far. With his presence being required at the trial, in at least an expert consultant capacity, it is estimated that an additional 45 hours will be required to provide the necessary expert assistance to the defense.

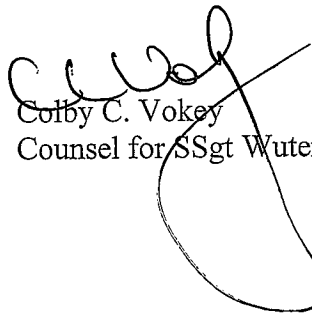
5. Mr. James Gripp was initially requested as a defense expert consultant on 19 Jul 07. The defense resubmitted a request for Mr. Gripp as a crime scene reconstruction expert on 25 Jan 08. On 28 Jan 08, the Convening authority approved Mr. Gripp as a defense consultant for 80 hours at a rate of \$200 per hour. On 14 Feb 08, the defense submitted a request and detailed justification for additional hours for Mr. Gripp for an additional 190 hours. On 16 Feb 08, this request was approved by the convening authority for the requested 190 hours. It total, Mr. Gripp was approved for a total of 270 hours. It is estimated that the defense will require an additional

65 hours for Mr. Gripp to provide the defense with the required assistance. Mr. Gripp's fee schedule remains the same.

6. As those contracts were completed in previous fiscal years, it is necessary to resubmit the defense experts for current contracts in order to support the defense preparation for trial in September 2010. The following list includes the name of the experts, the hours previously provided, the hours already used, and any needs for additional hours. Although not listed below, travel costs will also be required for Dr. Baden and Mr. Haag.

<u>Name</u>	<u>Hrs Approved</u>	<u>Hrs Used</u>	<u>Add Hrs Req</u>	<u>Total Hrs Req</u>
Dr. Thornton-	60	60	0 **No new contract needed	
Mr. Haag-	60	27.25	15	75
Mr. Gripp	270	187.1	65	335
Dr. Baden	60	30	45	105

7. Detailed justification for these expert witnesses has been previously provided in prior defense expert requests. Additional information will be provided upon request.


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Counsel for SSgt Wuterich

FORENSIC SCIENCE SERVICES, INC.
P.O. Box 5347
Carefree, AZ 85377
2009 GENERAL FEE SCHEDULE FOR FORENSIC SERVICES¹

RATE: \$350.00 / hour

Checks should be drawn from a government agency, law firm or insurance carrier and payable to **FORENSIC SCIENCE SERVICES, INC., Carefree, AZ** (EIN 86-0452931). Statements are to be paid within 30 days of receipt. A 10% surcharge will be applied for each month thereafter. Payment is the responsibility of the agency or law firm, *not* the client

RETAINERS:

Retainers are based on an estimate of the initial work involved prior to court appearance or deposition and customarily range from 8 to 16 hours advance payment for retention of services and/or listing as an expert witness by the inquiring firm or attorney. The first 4 hours (\$1400) of the retainer is non-refundable in the event the matter is resolved or settled after being retained but before completing the work requested.

*Retainers are *not* required from governmental agencies.

IN-STATE DEPOSITIONS, INTERVIEWS, TRIAL or HEARING APPEARANCES:

Such appearances require advance payment of the appropriate minimum fee checked below. \$1000 of which is non-refundable in the event the matter is continued or canceled within two days of the calendared appearance.

\$1500- Phoenix/Scottsdale metropolitan area-local law firms

\$2000- *outside* the Phoenix/Scottsdale metropolitan area (Mesa, Tempe, Chandler)

Additional charges at \$350/hr. for each hour following 4 hours of deposition interview, trial or hearing.

Note: pre-payment *not* required for depositions by governmental agencies

CHARGES FOR OUT-OF-STATE SERVICES or DEPOSITIONS:

Pre-payment of \$2800 for an out-of-state deposition, 1-day trial appearance or on-site forensic services with prepaid travel and lodging arranged by one of the parties.

Portal-to-portal travel charges at \$50/hr, lodging and meals are the responsibility of the party requesting the deposition, trial appearance or forensic services unless special arrangements have been made as indicated under the "Terms" section below. These charges are payable prior to or at time of appearance. Trips by air of greater than two hours or 600 miles are to be either business class or first class.

TERMS in the MATTER of:

RETAINER REQUIRED:

FIRM / INDIVIDUAL ADVISED or CONTACTED:

DATE:

ACKNOWLEDGMENT

¹ **Forensic Services** includes laboratory testing, case review, field examinations, research, consultation, report preparation and appearances at trials, hearings, interviews or depositions.