

Thomas R. Smith
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ATTORNEYS FOR DEFENDANT

In The District Court For the District of Wyoming

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
NATHANIEL SOLON)
)
Defendant.)

Case No. 07-CR-32-B

**FILING OF AFFIDAVIT PURSUANT TO COURT’S ORDER RULING ON
OUTSTANDING MOTION AND REQUEST FOR APPROVAL FOR HOURLY RATE**

COMES NOW, Defendant Nathaniel Solon, through his undersigned counsel, to request the Court approve the previously filed “Declaration of Tami Loehrs” filed as an attachment to the “Notice to the Court of Filing the Declaration of Expert Tami Loehrs” (previously filed May 7, 2008) in satisfaction of the Court’s requirement regarding her to sign and swear to an affidavit itemizing expenses incurred on behalf of Defendant prior to this Court’s Order requiring preauthorization of expert expenses. Defendant further requests that prior to trial, the Court make a decision regarding approval of reasonable expenses incurred.

Undersigned counsel respectfully asserts to the Court that this previously filed declaration in which in paragraph 35, Ms. Loehrs declares under penalty of perjury that the foregoing is true and

correct to the best of her knowledge should satisfy the Court's request regarding time spent before the Court directed her to quit working pending further approval. Combined with her Service Invoice dated March 17, 2008, undersigned counsel respectfully asserts there is appropriate documentation of her work performed.

Undersigned counsel has discussed with Ms. Loehrs a reduced rate to provide advice to defense counsel during trial. With Ms. Loehrs' consent, undersigned counsel requests that the Court approve a rate of \$150.00 per hour. Undersigned counsel believes that the Court has approved rates for computer forensic experts consistent with this request. Undersigned counsel respectfully asserts that this expert is worth her full rate. Ms. Loehrs does not want to abandon Mr. Solon. For proper representation of the defense, it will be necessary for her to be present during at least the testimony portions of the trial.

The Court has approved the four hours that were previously requested at her usual rate of \$250.00 per hour. Undersigned counsel respectfully requests that in addition to trial time that a certain amount of after hours prep time be approved. As the Court was made aware during pretrial hearings, the United States inquired of Ms. Loehrs as to certain things she had or had not done. The United States has agreed to make the ICAC offices open in the days before trial and at reasonable hours before or after Court during the trial. Undersigned counsel respectfully asserts that as matters come up in trial or in last minute review of the evidence, it is reasonable and appropriate for the Court to authorize Ms. Loehrs, if necessary, additional time to review the evidence and/or consult with undersigned counsel. Therefore, undersigned counsel would request that an authorization be made for up to four (4) hours per day, only if necessary and documented, for Ms. Loehrs to review the evidence and/or consult with undersigned counsel before or after trial hours.

RESPECTFULLY SUBMITTED this 14th day of October, 2007.

By: _____ /S/
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this 14th day of October, 2007, by U.S. Mail, addressed to:

Jim Anderson
U.S. Attorney's Office
PO Box 668
Cheyenne, WY 82003-0668

Honorable Clarence A. Brimmer
2120 Capitol Avenue
Cheyenne, WY 82001

_____/S/
Cheryl Deere