

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 3:18-CR-186
vs.	:	
BRIAN HIGGINS	:	JUDGE THOMAS M. ROSE
Defendant.	:	

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**MOTION FOR APPOINTMENT OF CO-COUNSEL IN CJA CASE**

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Now comes CJA Counsel Tamara Sack, I was appointed to represent Brian Higgins on April 2, 2020 (Doc#26), and hereby respectfully move the Court to allow for Co-Counsel to be appointed.

MEMORANDUM IN SUPPORT

The United States Constitution entitles criminal defendants to the assistance of counsel. U.S. Const. Amend. VI. Accordingly, the Criminal Justice Act (CJA) directs district courts to appoint counsel for criminal defendants who are “financially unable to obtain adequate representation.” 18 U.S.C. §3006(A)(a). No constitutional provision exists that entitles a criminal defendant to more than one attorney; however, statutory law permits the assignment of learned counsel in limited circumstances, where a defendant is indicted for Treason, or a Capital offense, neither of which is present here. (18 U.S.C. §3005). Under the Administration and Management of the Criminal Justice Act of 1964, as Amended, 18 U.S.C. §3006a provides at section VI.D that, in a non-capital case, “More than one attorney may be appointed in any case determined by the court to be extremely difficult.”<sup>i</sup>

As provision 18 U.S.C. §3006a, relates to the instant case, Mr. Higgins is charged in a multi-count indictment for Mail Fraud (18 U.S.C. §1341) and Wire Fraud (18 U.S.C. 1343). I, the undersigned, am the second attorney to represent Mr. Higgins. Due to the nature of the charges, it is necessary for me to analyze Bank Records relevant to the case. I received approximately 1000 pages of Bank Records. As well, there are numerous recordings between the Defendant and the CI.

A trial is set in this matter to commence on November 2, 2020. As Counsel these past four months, I have worked diligently and carefully to review and organize the numerous documents in preparation for the Trial. Trials, as a rule are complicated matters in which presenting a defense with voluminous records is indeed difficult for one attorney. I, the undersigned, am respectfully requesting Co-Counsel to ensure the presentation of a detailed and somewhat complicated defense. Recently, a Motion for Show Cause has been filed by the Government regarding Mr. Higgins' alleged violation of the Protection Order. At the initial stages of my representation, this was not otherwise anticipated by me, the undersigned Counsel, and I would therefore argue, the case is further complicated by that proceeding. As well, I represent to the Court that I have discussed this request for Co-Counsel with Mr. Higgins, and he does not object.

Respectfully submitted,

/s/Tamara S. Sack

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CJA Attorney for Defendant

Brian Higgins

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Motion to Appoint Co-Counsel in CJA Case utilizing the United States District Court’s E-Filing CM/ECF system on the 24th day of August 2020.

/s/Tamara S. Sack

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<sup>i</sup> Guide to Judiciary Vol.7: Defender Services, Pt. A: Guidelines for Administering the CJA and Related Statutes (May 21, 2019, United States Courts publication).