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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

The State of Arizona,

Plaintiff,

vs.

LAURA MICHELLE OWENS,

Defendant.

Case No.: **CR2025-006831-001**

**REQUEST FOR DECLARATION  
OF INDIGENCY AND TO APPOINT  
INVESTIGATOR AND EXPERTS**

LAURA OWENS, by and through undersigned counsel, respectfully requests this Court, pursuant to Ariz. R. Crim. P. 6.4 and 6.7, as well as A.R.S. § 13-4013(B), to issue an order declaring her indigent, find her eligible for court-appointed assistance in the preparation of her defense, and appoint an investigator, a computer forensics expert, a video expert, and a medical doctor.

This Motion is supported by the following Memorandum of Points and Authorities.

**RESPECTFULLY SUBMITTED** this 28<sup>th</sup> day of August, 2025.

**KOLSRUD LAW OFFICES**

By /s/ Sandra Schutz  
Sandra Schutz, Esq.

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. RELEVANT BACKGROUND

Ms. Owens is charged with One Count of Fraudulent Schemes and Artifices, A Class 2 Felony, One Count of Forgery, A Class 4 Felony, Four Counts of Perjury, all Class 4 Felonies, and One Count of Tampering with Physical Evidence, a Class 6 Felony.

With the help of her family, Ms. Owens has retained the undersigned counsel to represent her; however, she has a low personal income and no significant assets.<sup>1</sup> Ms. Owens now respectfully requests this Court to find her indigent, therefore making her eligible for court-appointed assistance in preparing her defense. This will include the assistance of an investigator, a computer forensics expert, a video expert, a medical doctor, and potentially other experts as further review and development of the evidence may warrant. Ms. Owens submits that, as with all other indigent defendants, the specific assistance will be obtained through the Office of Public Defense Services.

### II. LAW & ARGUMENT

Rule 6.4 of the Arizona Rules of Criminal Procedure sets forth the procedure of the Court to determine whether a defendant is indigent. Rule 6.7 of the Arizona Rules of Criminal Procedure sets forth the procedure and standard for an indigent defendant to receive the assistance of investigators and experts. Additionally, A.R.S. § 13-4013(B) states that the Court “shall on application of the defendant and a showing that the defendant is financially unable to pay for such services appoint an investigator and expert witnesses

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<sup>1</sup> A financial affidavit will be provided to the Court under seal which will establish Ms. Owens' indigency and eligibility for court appointed assistance.

1 as are reasonably necessary to adequately present a defense at trial and any subsequent  
2 hearing.” Ms. Owens, therefore, requests this Court issue an Order declaring her indigent  
3 and eligible for court-appointed assistance through an investigator, a computer forensics  
4 expert, a video expert, and a medical doctor in the preparation of her defense.  
5

6 **A. The Defendant Is Entitled To The Assistance Of An Investigator, A Computer**  
7 **Forensics Expert, A Video Expert, And A Medical Doctor And The Funds**  
8 **Needed For This Assistance**

9 The paramount importance of an investigator and other expert services to an  
10 indigent defendant was recognized by the Ninth Circuit Court of Appeals in *Mason v. State*  
11 *of Ariz.*, 504 F.2d 1345 (9<sup>th</sup> Cir.) *cert. denied* 420 U.S. 936 (1974). The Court’s analysis  
12 first surveyed the constitutional principles requiring that indigent defendants be provided  
13 with assistance when charged with a criminal offense. *See Gideon v. Wainwright*, 372 U.S.  
14 335 (1963) [indigents’ Sixth Amendment right to counsel applicable through the  
15 Fourteenth Amendment]; *Griffin v. Illinois*, 351 U.S. 12 (1956) [indigents must be  
16 provided with transcripts of proceedings for appeal]; *Douglas v. California*, 372 U.S. 353  
17 (1963) [indigents must be provided counsel on appeal]. Thereafter, the *Mason* Court stated  
18 that:  
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22 The principles steadfastly announced in the Supreme Court  
23 decisions reviewed above require us to hold that the effective  
24 assistance of counsel guarantee of the Due Process Clause  
25 requires, when necessary, the allowance of investigative  
26 expenses or appointment of investigative assistance for indigent  
27 defendants in order to ensure effective preparation of their  
28 defense by their attorneys.

504 F.2d at 1351.

1 The Court concluded that “[t]he failure of the state to provide such assistance, when  
2 needed, results in ineffective trial representation.” *Id.* See generally *State v. Cornell*, 179  
3 Ariz. 314, 878 P.2<sup>nd</sup> 1352, 1358 (1994) [the trial court has both a constitutional and  
4 statutory duty to provide an indigent defendant with certain essential tools of trial defense].  
5

6 In this case, Ms. Owens has been indicted on One Count of Fraudulent Schemes and  
7 Artifices, A Class 2 Felony, One Count of Forgery, A Class 4 Felony, Four Counts of  
8 Perjury, all Class 4 Felonies, and One Count of Tampering with Physical Evidence, a  
9 Class 6 Felony. The alleged offenses occurred between May 17<sup>th</sup>, 2023, and June 10<sup>th</sup>,  
10 2024. This matter encompasses allegations that span a lengthy timeframe, with numerous  
11 moving parts. To deny Ms. Owens the assistance of an investigator, a computer forensics  
12 expert, a video expert, and a medical doctor would be tantamount to denying her right to  
13 thoroughly investigate the charges she faces or the defenses that might be available to her  
14 solely because of her indigency. This would clearly be a denial of her right to equal  
15 protection. *See Evitts v. Lucy*, 469 U.S. 387 (1985) [denial of a right because of indigency  
16 violates Equal Protection Clause]. The United States Supreme Court explicitly condemned  
17 such allocations of rights based on wealth in *Griffin v. Illinois*, 351 U.S. 12 (1956). “There  
18 can be no equal justice where the kind of trial a man gets depends on the amount of money  
19 he has.” *Id.* at 19.  
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22  
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24 **B. The Equal Protection Clauses Of The Arizona And United States Constitution**  
25 **Guarantee The Defendant The Services Of An Investigator And Other Expert**  
26 **Services At The State’s Expense Because A Similarly Situated Indigent**  
27 **Defendant Represented By A Public Defender Would Have The Services Of**  
28 **The Public Defender’s Investigators**

1 In *Mason*, an indigent federal habeas corpus petitioner challenged the refusal of the  
2 trial court to appoint an investigator in his homicide prosecution. The Ninth Court of  
3 Appeals stated quite clearly:

4 [U]nless the State provided Mason with an equivalent and  
5 fundamentally fair substitute for the normally available  
6 investigative services of the Public Defender's investigative  
7 staff, he has been denied equal protection.

8 *Id.* at 1354.

9 The Court further stated that a "state court should probably view with considerable  
10 liberality a motion for such pre-trial assistance." *Id.*

11 There can be no question that Ms. Owens, an indigent defendant, would be entitled  
12 to the resources of the Public Defender's investigative staff if she were represented by the  
13 Public Defender in this matter. Additionally, she would be entitled to any necessary experts  
14 to assist in the preparation of her defense. Accordingly, the denial of an investigator, a  
15 computer forensics expert, a video expert, and a medical doctor appointed at the state's  
16 expense would amount to a denial of equal protection under the law. This constitutes  
17 independent grounds for granting Ms. Owens' request for a finding of indigency and  
18 eligibility for court-appointed experts and investigators.  
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22 **C. The Defendant Is Entitled To An Investigator, A Computer Forensics Expert,  
23 A Video Expert, And A Medical Doctor Appointed At The State's Expense  
24 Because A Reasonable Attorney Would Engage Such Services For A Client  
25 Having The Independent Financial Means To Pay For Them.**

26 In *State v. Knapp*, the Arizona Supreme Court considered what type of investigative  
27 and expert assistance must be provided for indigent criminal defendants. 114 Ariz. 531,  
28

1 562 P.2d 704 (1977). The Court noted that the issue of the investigative and expert  
2 assistance to indigent defendants implicated three separate constitutional rights: due  
3 process, equal protection, and effective assistance of counsel. *Id.* at 714. In determining  
4 what services were required to satisfy the due process guarantee of fundamental fairness,  
5 the Court referred to U.S.C. § 3006 (A)(e)(1), which provides for investigative and expert  
6 assistance to indigent criminal defendants in federal cases. *Id.* at 713.  
7

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9 Title 18 U.S.C. § 3006 (A)(e)(1) provides that:

10 Counsel for a person who is financially unable to obtain  
11 investigative, expert, or other services necessary for an adequate  
12 defense may request them in an ex parte application. Upon  
13 finding, after appropriate inquiry in an ex parte proceeding, that  
14 the services are necessary and that the person is financially unable  
15 to obtain them the court . . . shall authorize counsel to obtain the  
16 services.

17 The standard for deciding what constituted “necessity” under § 3006(A)(e) is  
18 whether “a reasonable attorney would engage such services for a client having the  
19 independent financial means to pay for them.” *United States v. Bass*, 477 F.2d 723, 725  
20 (9<sup>th</sup> Cir. 1973); *United States v. Sailer*, 552 F.2d 213, 215 (8<sup>th</sup> Cir. 1977); *Brinkley v. United*  
21 *States*, 498 F.2d 502, 510 (8<sup>th</sup> Cir. 1974). “[T]he bar should be bold in seeking subsection  
22 (e) authorizations, and the bench should be tolerant in entertaining and relatively generous  
23 in granting them.” Subcommittee on Constitutional Rights of the Senate Committee on  
24 Judiciary, 90th Congress, 2nd session, Report of Criminal Justice Act in the Federal  
25 District Courts, pp.220-221 (quoted in *Brinkley, supra*).  
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1 Because there is no question that a reasonable attorney defending a similar case  
2 would engage the services of an investigator, a computer forensics expert, a video expert,  
3 and a medical doctor if the client had independent financial means to pay for it, Ms. Owens  
4 is entitled to the services of an investigator, a computer forensics expert, a video expert,  
5 and a medical doctor at the state's expense. *Bass, supra; Knapp, supra.*

7 Courts should interpret statutes and rules providing for investigatory and expert  
8 services in a "fashion consistent with [their] remedial purpose, placing indigent defendants  
9 on a footing closer to that of the prosecutors, who have resources of the government at their  
10 disposal." *Sailer, supra.* In this case, the prosecution utilized investigators and law  
11 enforcement during the investigation and would most likely rely on several experts should  
12 the case proceed to trial. It would be manifestly unfair to deny Ms. Owens the services of  
13 an investigator, a computer forensics expert, a video expert, a medical doctor, and other  
14 necessary experts on her behalf under these circumstances.

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18 **D. Ms. Owens Is Eligible For Court Appointed Assistance Because She Is Indigent**  
19 **Even Though Her Family Had The Resources To Retain Counsel**

20 Ms. Owens is similarly situated to the defendant in *Knapp v. Hardy*, whose family  
21 was able to retain private counsel for him, but who was, himself, indigent. 111. Ariz. 107,  
22 523 P.2d 1308 (1974). There, the Arizona Supreme Court stated:

24 The mother in the instant case had no legal obligation to provide  
25 legal counsel for the defendant, and the determination of  
26 indigency must be based on his financial condition and not that  
of relatives and friends.

27 111 Ariz. at 110, 523 P.2d at 1311.  
28

1 This principle was reaffirmed by Division 1 of the Arizona Court of Appeals in  
2 *Jacobson v. Anderson*, where the Court held that, even though the indigent defendant's  
3 parents had retained counsel, she was entitled to a court-appointed expert under former  
4 Rule 15.9 of the Arizona Rules of Criminal Procedure. 203 Ariz. 543, 57 P.3d 733 (App.  
5 2002); quoting *Knapp v. Hardy*.

7 Ms. Owens is not asking this Court for appointed counsel. The fact that her family  
8 was able to take on the burden of paying for private counsel suggests only that their efforts  
9 are saving the county the expense of providing her with a public defender. *Knapp*, 111  
10 Ariz. at 111, 523 P.2d at 1312; *Jacobson*, 203 Ariz. at 544-45, 57 P.3d at 734-35. It in no  
11 way detracts from Ms. Owens' ability to access the full range of resources that would be  
12 available to her, along with other indigent defendants. *Knapp, supra; Jacobson, supra*. This  
13 is especially true where, as here, a defendant has been charged with serious offenses  
14 spanning over several months in which the investigation of the charges and possible  
15 defenses require the assistance of an investigator, a computer forensics expert, a video  
16 expert, and a medical doctor and where the denial of such services would be prejudicial to  
17 the defendant and a violation of her due process and equal protection rights.

### 21 **III. CONCLUSION**

22 Based on the foregoing, Ms. Owens respectfully requests that this Court issue an  
23 order finding her indigent and appointing an investigator, a computer forensics expert, a  
24 video expert, and a medical doctor to assist her in preparing her defense.  
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1 **RESPECTFULLY SUBMITTED** this 28<sup>th</sup> day of August, 2025.

2 **KOLSRUD LAW OFFICES**

3  
4 By: Sandra Schutz  
Sandra Schutz, Esq.

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15 **ORIGINAL** of the foregoing e-filed this 28<sup>th</sup> day of August, 2025.

16 <https://efiling.clerkofcourt.maricopa.gov/>

17 **COPIES** of the foregoing electronically delivered this 28<sup>th</sup> day of August, 2025.

18  
19 **The Honorable Jeffery Rueter**  
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