

Guardian Law Group

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Attorney for Defendant *Owens*

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

MARICOPA COUNTY

STATE OF ARIZONA,

Plaintiff,

vs.

LAURA MICHELLE OWENS,

Defendant.

CR2025-007905-001

**MOTION FOR DECLARATION
OF INDIGENCY AND
ELIGIBILITY
FOR COURT APPOINTED
EXPERTS AND
INVESTIGATIONS**

(Hon. Jeffrey Rueter)

Defendant Laura Owen, through her attorney, hereby respectfully requests that this Court, pursuant to Rules 6.4, 6.7(a) and 15.9, *Arizona Rules of Criminal Procedure*, issue an order declaring her indigent, and eligible for court appointed assistance in the preparation of her defense.

I. RELEVANT FACTUAL SUMMARY

The Indictment includes fourteen (14) felony counts, and if convicted at trial, Ms. Owens could be facing decades in prison. Defendant is currently unemployed and living with her parents at their home, where they assist her with all of her living expenses. Prior to 2025, when charges were originally brought in the previous case, Ms.

Owens had a good job and a solid income. However, she has since lost all previous sources of income, and completely relies on her family for financial support. All of her savings, assets, etc. have been expended on her multiple legal battles; including this case. While Defendant's parents provide the bulk of her support, including providing Ms. Owens with a monthly allowance to cover the expenses listed in the Affidavit of Financial Information, they themselves are currently in federal bankruptcy proceedings.¹

While it is not listed on the Affidavit, it should be noted that victim Clayton Echard was awarded approximately \$200,000 in attorney's fees and costs against Ms. Owens in the family/paternity matter (FC2023-052114). That debt is still outstanding against Ms. Owens. Any income Defendant receives, and any assets she acquires, are subject to garnishment toward the payment of that debt.

Ms. Owens now respectfully requests this Court to declare her indigent and eligible for court-appointed assistance in the preparation of her defense. This will include the assistance of an expert in digital forensics, and may include additional experts such as an investigator and/or a mitigation expert. The Defendant submits that, as with all other indigent defendants, the specific assistance will be obtained through the Office of Court Appointed Counsel.

II. DISCUSSION

Rule 6.4 of the Arizona Rules of Criminal Procedure sets forth the procedure of the Court to determine whether a defendant is indigent. The defendant, therefore,

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

1 requests this Court issue an order declaring her indigent and eligible for court-appointed
2 assistance in the preparation of her defense.

3 **A. The Defendant Is Entitled to The Assistance of An Investigator, Experts and**
4 **The Funds Needed for This Assistance.**

5 The paramount importance to an indigent defendant of an investigator and other
6 services was recognized by the Ninth Circuit Court of Appeals in *Mason v. State of*
7 *Arizona*, 504 F.2d 1345 (9th Cir.), cert. denied 420 U.S. 936 (1974). The Court's
8 analysis first surveyed the constitutional principles requiring that indigent defendants be
9 provided with assistance when charged with a criminal offense. See *Gideon v.*
10 *Wainwright*, 372 (1963) [indigent's Sixth Amendment right counsel applicable to states
11 through Fourteenth Amendment]; *Griffin v. Illinois*, 351 U.S. 12 (1956) [indigents must
12 be provided with transcripts of proceedings for appeal]; *Douglas v. California*, 372 U.S.
13 (1963) [indigents must be provided counsel on appeal]. Thereafter, the *Mason* Court
14 stated that:

15 The principles steadfastly announced in the Supreme Court decisions
16 reviewed above require us to hold that the effective assistance of counsel
17 guarantee of the Due Process Clause requires, when necessary, the allowance
of investigative expenses or appointment of investigative assistance for
indigent defendants in order to insure effective preparation of their defense
by their attorneys.

18 504 F.2d at 1351. The Court concluded that "[t]he failure of the state to provide such
19 assistance, when needed, results in ineffective trial representation." *Id.* See generally
20 *State v. Cornell*, 179 Ariz. 314, 878 P.2d 1352, 1358 (1994) (trial court has both a
21 constitutional and statutory duty to provide indigent defendants with certain essential
22 tools of trial defense).

1 In this case, the defendant is facing charges that could potentially send her to
2 prison for many years. To deny her the assistance of an investigator, or certain expert
3 witnesses, would be tantamount to denying her right to fully investigate the crimes she
4 faces or the defenses that might be available to her solely because of her indigency. This
5 would clearly be a denial of her right to equal protection. See *Evitts v. Lucy*, 469 U.S.
6 387 (1985) [denial of a right because of indigency violates Equal Protection Clause].
7 The United States Supreme Court explicitly condemned such allocations of rights based
8 on wealth in *Griffin v. Illinois*, 351 U.S. 12 (1956). "There can be no equal justice
9 where the kind of trial a man get depends on the amount of money he has." *Id.* at 19.

10 **B. The Equal Protection Clauses of the Arizona and United States Constitution**
11 **Guarantee the Defendant the Services of an Investigator and other Expert**
12 **Services at the State's Expense**

13 In *Mason v. State of Arizona*, an indigent federal habeas corpus petitioner
14 challenged the refusal of the state trial court to appoint an investigator in his homicide
15 prosecution. 504 F.2d 1345 (9th Cir. 1974). The Ninth Court of Appeals stated quite
16 clearly that unless the State provided Mason with an equivalent and fundamentally fair
17 substitute for the normally available investigative services of the Public Defender's
18 investigative staff, he was denied equal protection. *Id.* at 1354. The Court further stated
19 that a "state court should probably view with considerable liberality a motion for such
20 pretrial assistance." *Id.*

21 There can be no question that Ms. Owens, an indigent defendant, would be
22 entitled to the resources of the Public Defender's investigative staff, if she were
represented by the Public Defender in this matter. Accordingly, the denial of an

1 investigator appointed at the State's expense would amount to a denial of equal
2 protection under the law. This constitutes an independent ground for granting the
3 defendant's request for declaration of indigency and eligibility for court appointed
4 experts and investigators.

5 **C. The Defendant is entitled to an investigator and expert appointed at the**
6 **State's expense because a reasonable attorney would engage such services**
7 **for a client having the independent financial means to pay for them.**

8 In *State v. Knapp*, 114 Ariz. 531, 562 P. 2d 704 (1977), the Arizona Supreme
9 Court considered what type of investigative and expert assistance must be provided to
10 indigent criminal defendants. The Court noted that the issue of the investigative and
11 expert assistance to indigent defendants implicated three separate constitutional rights;
12 due process, equal protection, and effective assistance of counsel. 562 P.2d at 714. In
13 determining what services were required to satisfy the due process guarantee of
14 fundamental fairness, The Court made reference to U.S.C. § 3006 A(e)(1), which
15 provides for investigative and expert assistance to indigent criminal defendants in
16 federal cases. 562 P.2d at 713.

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

18 Counsel for a person who is financially unable to obtain investigative, expert
19 or other services necessary for an adequate defense may request them in an
20 ex-parte application. Upon finding, after appropriate inquiry in ex-parte
21 proceeding, that the services are necessary and that the person is financially
22 unable to obtain them. The court shall authorize counsel to obtain the
services.

The standard for deciding what constitutes "necessity" under § 3006 A(e) is
whether "a reasonable attorney would engage such services for a client having the

1 independent financial means to pay for them." *United States v. Bass*, 477 F.2d 723, 725
2 (9th Cir. 1973); *United States v. Sims*, 716 R.2d 1371, 1375 (9th Cir. 1980); *United*
3 *States v. Sailer*, 552 F.2d 213, 215 (8th Cir. 1977); *Brinkley v. United States*, 498 F.2d
4 502, 510(8th Cir. 1974). "[T]he bar should be bold in seeking subsection (e)
5 authorizations, and the bench should be tolerant in entertaining and relatively generous
6 in granting them." Subcommittee on Constitutional Rights of the Senate Committee on
7 Judiciary, 90th Congress, 2nd session, Report of Criminal Justice Act in the Federal
8 District Courts, pp.220-221.

9 Because there is no question that a reasonable attorney defending a similar case
10 would engage the services of an investigator and/or expert if the client had independent
11 financial means to pay for them, Ms. Owens is entitled to the services of an investigator
12 at the State's expense. *Bass*, 477 F.2d at 725; *Knapp*, 114 Ariz. at 562.

13 Courts should interpret statutes and rules providing for investigatory and expert
14 services in a "fashion consistent with [their] remedial purpose, placing indigent
15 defendants on a footing closer to that of the prosecutors, who have resources of the
16 government at their disposal." *Sailer*, supra. In this case, the prosecution has utilized
17 investigators from the Maricopa County Attorney's Office and additional expert
18 witnesses to establish its case against Ms. Owens. It would be manifestly unfair to deny
19 the defendant the services of an investigator and other necessary experts on her behalf
20 under these circumstances.

21 **D. The defendant is eligible for Court Appointed assistance because she is**
22 **indigent even though her family had the resources to retain Counsel.**

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

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

11 Ariz. at 110, 523 P.2d at 1311.

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

17 **III. CONCLUSION**

18 For the foregoing reasons, Defendant hereby respectfully requests this Court
19 issue its order declaring her indigent and eligible for court-appointed assistance in the
20 preparation of her defense.

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1 RESPECTFULLY SUBMITTED this 9th day of July, 2026.

2 **Guardian Law Group**

3 **By: /s/ Christian Lueders**

4 Christian Lueders

Attorney for Defendant

5 **ORIGINAL** e-filed this 9th day of July, 2026.

6 **Clerk of the Superior Court - Maricopa County**

7 [REDACTED]

8 **COPIES** delivered electronically this 9th day of July, 2026.

9 **The Honorable Jeffrey Rueter**

Judge of the Maricopa County Superior Court

c/o Rachele Stock

10 [REDACTED]

11 **Maricopa County Attorney's Office**

Deputy County Attorney Edward Leiter

12 [REDACTED]

13 **By: /s/ Christian Lueders**

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]