

In the General Court of Justice, Superior Court Division		Form IDS-024 (Rev. 05/16)
STATE OF NORTH CAROLINA		▶ <i>File Nos.</i>
_____ County		
<i>Name Of Indigent Defendant</i>	APPLICATION FOR EXCEPTIONAL DESIGNATION FINDINGS AND DESIGNATION BY IDS DIRECTOR <small>IDS Policy, "Exceptional Capital Cases"</small>	
INSTRUCTIONS: <i>To apply to have a potentially capital case designated "exceptional" by the Director of the Office of Indigent Defense Services, the appointed attorney completes Part I of this form and submits it to the Capital Defender by email (CapitalForms@nccourts.org), facsimile (919.354.7221), or mail (123 W. Main St., Suite 601, Durham, NC 27701). The Capital Defender then schedules a telephone or in-person conference with the attorney, followed by a consultation with the IDS Director. Within seven calendar days of the Capital Defender's consultation with counsel, the IDS Director completes Part II of this form, and then maintains the original in the IDS files and mails a copy to the attorney. If applicable, the Chair of the Capital Committee of the IDS Commission completes Part III of this form, and then maintains the original in the IDS files and mails a copy to the attorney.</i>		
I. APPLICATION FOR EXCEPTIONAL DESIGNATION		
<p>The undersigned attorney has been appointed by the Capital Defender in the above-captioned potentially capital case and, pursuant to IDS Policy, hereby applies to have the case designated "exceptional" for the following reason(s) (<i>check all that apply</i>) (<i>attach additional pages if necessary</i>):</p> <p><input type="checkbox"/> (A)(1): The defendant is alleged to have committed crimes outside of North Carolina either before or after the alleged capital murder occurred in North Carolina (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(2): The defendant spent a significant period of his life outside of North Carolina or outside of the United States (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(3): The defendant has an extensive history of psychological, mental, or emotional problems and/or a history of commitments to a psychiatric facility (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(4): The defendant does not speak English (<i>specify native language</i>):</p> <p><input type="checkbox"/> (A)(5): The case presents complex legal or scientific issues (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(6): There are multiple victims (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(7): The case has been pending at the trial level for three or more years (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(8): A capital trial date has been set and no plea agreement is likely (<i>describe</i>):</p> <p><input type="checkbox"/> (A)(9): Other exceptional circumstances presented by the case in question (<i>describe</i>):</p>		
<i>Date</i>	<i>Name Of Attorney</i>	<i>Signature Of Attorney</i>

II. FINDINGS AND DESIGNATION BY IDS DIRECTOR

Based on a consultation with the Capital Defender and the Capital Defender’s recommendation that this case be designated “exceptional,” the IDS Director finds the following:

- 1. The Attorney applicant had a telephone or in-person conference with the Capital Defender on *(insert date)*:
- 2. This case is hereby designated “exceptional” for the following reasons *(specify)*:

The attorney(s) of record shall comply with the following procedures. Failure to comply may result in a revocation of the “exceptional” designation:

- a. Schedule a telephone or in-person consultation with Assistant Capital Defender Terry Alford within sixty (60) days of the date listed below.
- b. Submit requests for funds to retain experts to the Capital Defender, who will direct them to the IDS Director for a final decision.
- c. Submit fee applications to the IDS Office on at least a quarterly basis—i.e., by March 31st, June 30th, September 30th, and December 31st of the applicable calendar year. The applications will be reviewed by the IDS Director and the Capital Defender for reasonableness.

The attorney(s) of record shall also comply with the following additional controls *(specify)*:

- 3. This case does not meet the definition of an “exceptional” case and shall not be designated “exceptional” for the following reasons *(describe)*:

The attorney may ask to have this decision revisited at a later stage of the proceedings based on a showing of changed circumstances. The attorney also has a right to seek review of this decision from the Chair of the Capital Committee of the IDS Commission.

<i>Date</i>	<i>Name Of IDS Director</i> Thomas K. Maher	<i>Signature Of IDS Director</i>
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III. REVIEW AND DESIGNATION BY CAPITAL COMMITTEE CHAIR

The undersigned Chair of the Capital Committee of the IDS Commission has reviewed the IDS Director’s decision not to declare this case “exceptional,” and finds the following:

- 1. This case is hereby designated “exceptional” for the following reasons *(specify)*:

The attorney(s) of record shall comply with all of the procedures described in Part II.2., above.

- 2. This case does not meet the definition of an “exceptional” case and shall not be designated “exceptional.”

<i>Date</i>	<i>Name Of Capital Committee Chair</i>	<i>Signature Of Capital Committee Chair</i>
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