

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:03-cr-77-T-30TBM

GHASSAN ZAYED BALLUT,

Defendant.

_____ /

REPORT AND RECOMMENDATION

THIS MATTER is before the court by referral from the Honorable James S. Moody for a Report and Recommendation on **Defendant Ghassan Ballut's Ex Parte Motion for Allocation of Funds under the Criminal Justice Act to Compensate Counsel for Limited Investigative Work** (Doc. 524). By this motion, counsel for Mr. Ballut seeks authorization to obtain the services of attorney James R. Fennerty of Chicago, Illinois, for the limited purpose of conducting investigations and interviews of potential trial witnesses in the Chicago area to assist in the preparation of Mr. Ballut's defense. Counsel proposes limiting the attorney fees for this purpose to not more than 100 hours at a rate of \$90.00 per hour.

Upon consideration, I conclude that Mr. Ballut is entitled to the assistance of an investigator for this purpose.¹ However, as indicated to counsel at the hearing on May 17, 2004, such investigative work is customarily performed by investigators at a lesser hourly rate under the CJA. In this district the customary rate of compensation for such investigative

¹The court has previously determined that Mr. Ballut is financially unable to obtain adequate representation in this prosecution and is entitled to court-appointed counsel and other assistance pursuant to the CJA, 18 U.S.C. § 3006A.

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services appears to be \$60.00. Accordingly, I recommend that the court initially approve up to 50 hours of investigative work at a maximum hourly rate of \$60.00 or a total of \$3000.00.²

Respectfully submitted on this
28th day of May 2004.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days from the date of its service shall bar an aggrieved party from attacking the factual findings on appeal and a *de novo* determination by a district judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; M.D. Fla. R. 6.02; see also Fed. R. Civ. P. 6; M.D. Fla. R. 4.20.

Copies to:
United States District Judge
Counsel of Record

²As discussed at the hearing, the court has no objection to the work being performed by Mr. Fennerty, who has familiarity with this case and Mr. Ballut, as long as he is willing to undertake the work at this reduced rate. If not, counsel should arrange for the services of an investigator willing to handle these tasks at the customary rate for CJA cases.

F I L E C O P Y

Date Printed: 06/01/2004

Notice sent to:

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