

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

FILED

DEC 12 2006

UNITED STATES OF AMERICA,

RALPH DeLOACH, Clerk  
By BW Deputy

Plaintiff,

vs.

Case No. 06-40056-01-SAC

JOSEPH LEE ALLEN,

Defendant.

MEMORANDUM AND ORDER

This case comes before the court on defendant's ex parte motion for an order authorizing him to retain expert polygraph services to assist in the preparation and presentation of his defense. An ex parte hearing was held on December 12, 2006, at which time counsel for the defendant presented extensive argument.

During the hearing, counsel for defendant agreed to timely provide to the court, in camera, a copy of the polygraph examiner's report regarding his examination of the defendant, if his client would so agree. This court conditions its grant of defendant's motion upon defendant's agreement to timely provide to the court, in camera, a copy of the

polygraph examiner's report regarding his examination of the defendant.

The court shall not disclose the results of defendant's polygraph

examination to anyone, including the government.

The court hereby certifies to the Chief Judge of the Tenth Circuit that the payment is necessary in order to provide fair compensation for the services. The court further finds that the total cost for a polygraph examination in the amount of \$750 as requested by defendant is found to be reasonably necessary to assist counsel in the preparation of an adequate defense to the charges.

IT IS THEREFORE ORDERED that defendant's ex parte motion for authorization to retain expert polygraph services (Dk. 98) is granted, subject to the condition stated above.

IT IS FURTHER ORDERED THAT defendant's motion and order shall be entered ex parte and shall be placed under seal with the Clerk of the Court until the final disposition of the case, subject to further order of the court.

Dated this 24 day of December, 2006, Topeka, Kansas.



Sam A. Crow, U.S. District Senior Judge