

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-69-C

FRITZ ALBERT MURRAY,

Defendant.

Defendant Fritz Albert Murray has submitted a financial affidavit in support of his request for appointment of counsel in this firearm prosecution. The Criminal Justice Act, 18 U.S.C. § 3006A(b) provides that the court will appoint an attorney to represent a criminal defendant if the defendant is “financially unable” to obtain counsel. This does not appear to be Murray’s situation. Therefore, I am declining to appoint counsel to represent him.

Murray indicates that he works for Air Wisconsin Airlines, earning \$8,479.50 per month, or a little over \$100,000 per year. Even so, Murray has virtually no cash on hand, drives a 1998 Chevy, and has credit card debt totaling \$11,700.00. Murray reports that he is responsible for alimony and child support totaling \$2,839.80 per month. Murray reports a mortgage in the amount of \$55,000.00, but does not state how much equity he has in the mortgaged property.

Even assuming that Murray’s reported monthly income is his gross and that his net is significantly lower due to tax withholding, and even factoring in unavoidable monthly

expenses like groceries and gasoline, under no stretch of the imagination is Murray financially unable to obtain counsel. Murray may be experiencing liquidity problems, but he has sufficient resources with which to hire an attorney. He should begin the process of doing so immediately.

ORDER

IT IS ORDERED that defendant Fritz Albert Murray's request for appointment of counsel is DENIED for lack of financial eligibility.

Entered this 10th day of April, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge