

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CRIMINAL NO. 3:08-cr-00107-DPJ-LRA-2**

**FRANK E. MELTON,  
MICHAEL RECIO and  
MARCUS WRIGHT**

**DEFENDANTS**

**MOTION TO BE APPOINTED TO REPRESENT DEFENDANT MICHAEL RECIO**

COMES NOW the Defendant, Michael Recio, by and through counsel, and files this his Motion to be Appointed to Represent Defendant, Michael Recio, and in support thereof sets for the following:

1. Defendant Recio has a monthly income of \$2,168.00 which originates from his paid leave of absence salary from the Jackson Police Department.
2. Defendant's monthly expenses total \$4,548.00. These expenses are as follows:
  - (a) Mortgage - \$1,689.00;
  - (b) Electric Bill - \$300.00;
  - (c) Water Bill - \$35.00;
  - (d) Two Car Payments - \$950.00;
  - (e) Auto Insurance - \$365.00;
  - (f) Two (2) Loan Payments - \$565.00;
  - (g) Three (3) Cell Phone Payments - \$200.00;
  - (h) Security System - \$43.00;
  - (i) Home Telephone - \$65.00;

- (j) Credit Card Payments - \$300.00; and
- (k) Kentwood Water - \$36.00

3. Defendant has not included in these expenses food, clothing, or medical expenses.

4. Defendant has also received notice that Trustmark National Bank has been notified that the Recio home has been approved for a Pre-Foreclosure Sale to the investor, Fannie Mae, effective the date the Warranty Deed is recorded.

5. This case has already gone to trial once and lasted almost four (4) weeks. Another trial will involve the expense of traveling to the Coast for the selection of a jury and several weeks of trial.

6. The combination of Mr. Recio's financial status and the amount of time required to provide effective assistance of counsel makes this case appropriate for the undersigned counsel to represent Mr. Recio.

WHEREFORE PREMISES CONSIDERED, the Defendant respectfully requests that this Court enter an order appointing Cynthia A. Stewart to represent him concerning his financial obligations as set out in the above paragraphs.

This the 31<sup>st</sup> day of March, 2009

Respectfully submitted,

/s/ Cynthia A. Stewart  
Cynthia A. Stewart  
ATTORNEY FOR MICHAEL RECIO

Of Counsel:

Cynthia A. Stewart, Attorney, P.A.  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Defendant herein, do hereby certify that the above and foregoing is being filed with the Clerk of this Court by electronic filing and will be served via e-mail by the Clerk of this Court to the following:

John M. Collette, Esq.  
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This the 31<sup>st</sup> day of March, 2009.

/s/ Cynthia A. Stewart  
Cynthia A. Stewart