

ANDREW M. ROSS

ATTORNEY AT LAW

January 16, 2014 Kathleen McDonald-Legal Assistant

Office of Public Defense Services
324 Capitol Street NE
Salem, OR 97310-1400

By fax transmission only

RE: Lane County Circuit Court Case No. 22-13-18198
Request for Expenses

I am the trial attorney of record for Todd Giffen, the Defendant herein. The Defendant has been found to be an indigent person, and is charged with one count of Assault in the Fourth Degree. I have discussed this case with Defendant, and with Melinda Kidder, an expert qualified to perform frequency scans in individuals. Ms. Kidder is one of very few such qualified experts, and I know of none available in the Oregon area. I have also discussed the case with Shawn Abrell, a Washington attorney who maintains an office in Oregon, and who is general counsel to Freedom From Covert Harassment and Surveillance, a human rights organization. Mr. Abrell and Ms. Kidder inform me that there is credibility to Mr. Giffen's claim of covert harassment and organized stalking via remote electronic assault tending to subvert Mr. Giffen's will and cast doubt on his ability to form the required mental state to be guilty of the underlying offense.

Ms. Kidder is able, if funding is approved, to perform a battery of tests to check for the presence of RFID type technology or nanomaterials in his body to verify whether Mr. Giffen was under the influence of this technology at the time of the alleged offense. The cost of these tests is \$1,400. I am further requesting \$1,267 in round trip air fare from Missouri, and \$158 in lodging expenses, for a total of \$2,825. This does not include the cost of having Ms. Kidder testify in court at trial, which will be requested at a later date if the need arises. In my opinion, the amount required for this scan is both reasonable and necessary to provide an adequate defense for Mr. Giffen. As you may appreciate, a defense based on remote electronic interference with the defendant's autonomy is a high evidentiary bar to clear, and without expert assistance and documentation, the defense is virtually certain to fail.

I have attached documentation Ms. Kidder's background information and qualifications for your consideration. Thank you for your attention to this matter.

Very truly yours,



Andrew M. Ross
Enclosures

178623

**Public Defense Services Commission
Non-Routine Expense Request**

DENIAL

CONFIDENTIAL

Not to be released outside PDSC/Public Defense Providers Absent Authorization by PDSC

Provider: Melissa Kidder

Client: Todd Michael Giffen **Case #:** 221318198 **County:** Lane

Case Type: MISS

Authorization for: expert services, airfare, car rental, lodging and meals w/overnight stay

Attorney: Mr. Andrew M Ross

Amount Requested: \$1,675.00

Requested Hrly Rate: n/a

Requested Hours: n/a

This document represents a DENIAL of the expense detailed above.

Reason for Denial

OPDS is unable "to infer the existence of a reasonable probability that the expenditure will produce a benefit for the defense," State v. Hammond, 42 Or App 137 (1979), or that "there is a significant risk of error in the proceedings if that assistance is denied." State v. Rogers, 313 Or 356 (1992).

Reconsideration may be requested by submitting additional information to the Office of Public Defense Services. The reconsideration should set out the reasons why the request should be authorized.

If you have questions, call (800) 477-5892, ext. 82478, or send an email to NRE@opds.state.or.us.

Public Defense Services Commission
1175 Court St NE, Salem, OR 97301
Phone: 503-378-2478 Fax: 503-378-4462

Subject: #178623 Client: Giffen – Acknowledging receipt of request from Attorney Ross

From: Public_Defense_Services_Preauthorization_Desk@opds.state.or.us
(Public_Defense_Services_Preauthorization_Desk@opds.state.or.us)

To: carlandross@yahoo.com;

Date: Friday, January 17, 2014 10:49 AM

Case No: 221318198 Client: Giffen Authorization for: expert services,
airfare, car rental, lodging and meals w/overnight stay

Review
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