Prepared by:

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| **IN THE UTAH COURT OF APPEALS** | |
| STATE OF UTAH,  Plaintiff/Appellee,  vs.  ,  Defendant/Appellant. | **DEFENDANT’S DECLARATIONS AND LIMITED WAIVER OF ATTORNEY CLIENT PRIVILEGE**  District Case  Appellate Case |

I, XXXXXXX, hereby declare the following:

1. I am the defendant in the above case.
2. I am currently a prisoner at the Central Utah Correctional Facility, in the custody of the Utah Department of Corrections.
3. I was convicted at trial of a first degree felony and sentenced to prison in the above case.
4. My trial attorneys were XXXXXX and XXXXXX. I hired these attorneys to represent me on this case, and they represented me at trial.
5. I have filed an appeal challenging my conviction.
6. One of the claims I intend to raise on appeal is that my trial attorneys provided ineffective assistance of counsel based on several alleged deficiencies, including their failure to investigate facts related to my defense and failure to consult with necessary expert witnesses.

Having made these declarations, I now make a **limited** waiver of my attorney/client privilege and my expectation of confidentiality for the purpose of proceeding on ineffective assistance of counsel claims. I hereby authorize my former attorneys, XXXXXXX and XXXXXXXX, to speak to my current attorney, Douglas Thompson, to speak to counsel representing the State of Utah, to prepare and affidavit related to my claims, and to answer questions at an evidentiary hearing on remand in the following **limited** areas:

1. My former attorneys may discuss their preparations for trial, including what items of discovery they received from the State, what items of discover they requested from the State, what items from the record they obtained, what subpoenas they issued and to whom, what witnesses they contacted or interviewed, what witnesses they called to testify, what documents they obtained in their investigation, and what if any experts they consulted with.
2. My former attorneys may discuss the conversations they and I had regarding preparations for trial on the matters discussed immediately above.

I assert that this limited waiver is intended to serve only as a means of gathering evidence specifically related to my former attorneys’ conduct in preparing for trial in these specifically enumerated areas. This waiver applies only to matters necessary to prove or disprove my ineffective assistance of counsel claims and applies to no other matters. This is not a general waiver, and I demand that my former attorneys maintain both my attorney/client privilege and my expectation of confidentiality with respect to all other matters involving my case, my file, and our attorney/client relationship.

Signed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ XXXXXXXX

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2016.

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Notary Public