

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

No. 15-50029  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

November 23, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARTURO ZAVALETA BENITEZ,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:14-CR-6-2

---

Before WIENER, HIGGINSON, and COSTA, Circuit Judges.

STEPHEN A. HIGGINSON, Circuit Judge.\*

Arturo Zavaleta Benitez appeals his jury trial conviction for possession with intent to distribute cocaine and aiding and abetting for which he received a sentence of forty-eight months of imprisonment. Zavaleta Benitez argues that the district court abused its discretion in denying his motion for additional compensation for expert interpreter services without conducting a hearing. He

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 15-50029

contends that he showed the district court that he required additional services in order to present an adequate defense at trial.

The Criminal Justice Act, 18 U.S.C. § 3006A(e), allows an indigent defendant to request the appointment of an expert or to receive other services that are necessary for adequate representation after demonstrating to the court that the services are necessary. The burden is on the defendant to provide *specific* reasons why the services are required. *United States v. Gadison*, 8 F.3d 186, 191 (5th Cir. 1993). “We review the district court's refusal to appoint an investigator ‘in light of only the information available to the trial court at the time it acted on the motion.’” *Id.* (citation omitted).

While Zavaleta Benitez indicated in his motion that his counsel had relied on an interpreter on numerous occasions, he did not specify the future services that would be required for counsel to provide adequate representation and did not allege that he was unable to obtain services on a particular occasion. Nor did Zavaleta Benitez’s counsel request a hearing before or after the district court denied the motion. Zavaleta Benitez is arguing for the first time on appeal that he had no opportunity to obtain witnesses to present at trial to rebut government witness Rodriguez Arroyo’s testimony, a claim that was not presented at the time that the district court made its ruling. *See id.* Zavaleta Benitez failed to demonstrate with specificity that he required further services of an interpreter to present an adequate defense at trial. Thus, the district court did not abuse its discretion in denying the motion for appointment of an interpreter. *See id.*

Zavaleta Benitez’s conviction is AFFIRMED.