

THOMAS SHAY

VS.

UNITED STATES\*

MAY 20TH-2008

NO. 07-2764

"Defendant motions for counsel"

The Defendant motions the court of APPEALS to APPOINT counsel for representation in HIS APPEAL.

The Defendants appeal for APPOINTMENT OF counsel IS also in part, part of the reasoning for the APPEAL ITSELF, as the Defendants proven mental INABILITIES and INCAPACITATIONS limit HIS basic knowledge and understandings of any legal knowledge and or abilities to associate a counsel legal Defense.

The Defendant further motions for counsel because of those lack of understandings, was able to be taken advantage of when previous counsel took advantage by wrongfully and ineffectively advising the Defendant that He

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could be sentenced at his second trial to life in prison. The Supreme court states that under *N. Carolina vs. Pierce*, a Defendant cannot receive more time than he was previously sentenced to, while facing a second trial.

The Defendant is described by District court Judge Rya W. Zobel as a "sick man". While Her Honor is not an expert witness in the field of Psychiatry or Psychology, she is well aware of the Defendant's long history of psychoses, institutionalizations and nearly 39 experts who treated the Defendant from the age of five to his current 37 years, in an estimated two thousand pages of documented psychological histories and degenerative diseases and mental stress factors, which is the clear ~~con~~ evidence for his need for legal counseling in this and all future matters before this court.

The Defendant's filing fee has been paid, receipt # BST003611. The Defendant respectfully requests the court ~~to~~ appoint counsel in this matter.

Sincerely

Th. A. Shay