

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

THOMAS A. SHAY)

Crim. No. 92-10369-Z

GOVERNMENT'S MOTION FOR ORDER SUBMITTING
DEFENDANT THOMAS A. SHAY TO EXAMINATION
PURSUANT TO 18 U.S.C. § 4242
(Fed. R. Crim. P. 12.2(c); 18 U.S.C. § 4242)

The government hereby respectfully requests, pursuant to Rule 12.2(c) of the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 4242, that the Court issue an Order directing Defendant Thomas A. Shay ("Shay Jr.") to submit to pre-trial mental examination.

In support whereof, the government states as follows:

1) At the conclusion of that session of Defendant's (ongoing) suppression hearing conducted Wednesday, April 14, 1993, Attorney Gertner informally advised the attorneys for the government that Shay Jr. had recently undergone psychiatric evaluation by a psychiatric expert of counsel's choosing. Attorney Gertner went on to state that, according to Defendant's consulting psychiatrist, grounds existed for raising at trial the defense of insanity bearing on the issue of guilt.

2) Attorney Gertner concluded by saying that she would soon be filing a motion on Defendant Shay Jr.'s behalf in this respect.

3) On April 16, 1993, Attorney Gertner and Attorney Boone

filed their Motion for Leave To Late File Notice of Insanity Defense And Intention To Introduce Expert Testimony on Shay Jr.'s behalf.


4) Presuming that the Court grants the late-filing relief requested (the government does not oppose it), the government respectfully requests that, as is mandated under 18 U.S.C. § 4242 upon the filing of any such notice by a defendant, the Court Order Defendant Shay Jr. to submit to mental examination conducted on behalf of the government.

Respectfully submitted,

A. JOHN PAPPALARDO
United States Attorney

By:


PAUL V. KELLY
Assistant U.S. Attorney



FRANK A. LIBBY, JR.
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
April 22, 1993

I, FRANK A. LIBBY, JR., Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing GOVERNMENT'S MOTION FOR ORDER SUBMITTING DEFENDANT THOMAS A. SHAY TO EXAMINATION PURSUANT TO 18 U.S.C. § 4242, to Counsel of Record.


FRANK A. LIBBY, JR.
Assistant U.S. Attorney