

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

THOMAS A. SHAY )  
ALFRED W. TRENKLER )

CRIMINAL NO. 92-10369-Z

MOTION TO DISMISS MULTIPLICITOUS COUNTS

The defendants hereby move that this Court dismiss Count II or III and Count IV or V because these counts are multiplicitous for the reasons stated in the memorandum of law in support of this motion, and therefore violate the Double Jeopardy Clause of the Fifth Amendment to the Constitution of the United States.

Respectfully submitted,

THOMAS A. SHAY  
By his attorneys,

Amy Baron-Evans  
Nancy Gertner (BBO #190140)  
Amy Baron-Evans (BBO #560312)  
Dwyer, Collora & Gertner  
400 Atlantic Avenue  
Boston MA 02110  
(617) 357-9202

ALFRED TRENKLER  
By his attorneys,

Scott P. Lopez (by ABE)  
Terry Philip Segal (BBO#450760)  
Scott P. Lopez (BBO #549556)  
Segal & Feinberg  
210 Commercial Street  
Boston, MA 02109  
(617) 720-4444

Jefferson Boone (by ABE)  
Jefferson Boone  
Boone & Henkoff  
138 Brighton Avenue  
Allston MA 02134  
(617) 782 8210

Dated: June 11, 1993