

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

THOMAS A. SHAY

CRIMINAL NO. 92-10369Z

DOCKETED

DEC 21 12 16 PM '92
CLERK OF DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S MOTION TO APPOINT COUNSEL
PURSUANT TO 18 U.S.C. s.3005

Now comes the defendant in the above captioned matter and moves this honorable Court to appoint him counsel pursuant to 18 U.S.C. Section 3005 which states, in pertinent part, that where a defendant is accused of a capital offense, "the court before which he is tried ... shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire."

The defendant hereby requests appointment of two counsel, and further requests that at least one of them be counsel previously or currently appointed to him, e.g., Jefferson W. Boone, previously appointed in United States v. Shay, No. 92-10276Z and in the instant matter; and Francis O'Rourke, previously appointed to represent him during the Grand Jury investigation of the instant matter.

In support thereof, defendant says 1) that appointment of two counsel is necessary for his defense, and is mandatory and non-discretionary under statute and case law; 2) that his present counsel are satisfactory to him, have been preparing his defense for over six months at this time and have previously been found by this Court to be qualified to represent him, all as further stated in the Affidavits and Brief attached hereto.

Alla
DOCKETED
Robert W. Zehel
1/4/93

By counsel,

Jefferson W. Boone

Jefferson W. Boone
BOONE & HENKOFF
138 Brighton Ave.
Allston, MA 02134
(617) 782-8210

Date: December 21, 1992

12

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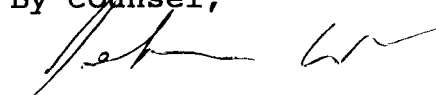
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DEFENDANT'S MOTION FOR AMENDMENT OF APPOINTMENT
JEFFERSON W. BOONE, AS COUNSEL

Now comes the defendant in the above captioned matter and moves this honorable Court to amend its appointment of Attorney Jefferson W. Boone as defense counsel; making such appointment *nunc pro tunc* to September 18, 1992, when he was arraigned.

As reasons therefore, he says that Mr. Boone represented him at the said arraignment on September 18, at his detention hearing on September 22, and otherwise prior to the date of Mr. Boone's appointment.

By counsel,


Jefferson W. Boone
BOONE & HENKOFF
138 Brighton Ave.
Suite 212
Allston, MA 02134
(617) 782-8210

Date: January 4, 1993

Allowed **DOCKETED**
Ryan W. Zohel
1/4/93

24