

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MAY 5 11 26 AM '93

UNITED STATES OF AMERICA

v.

THOMAS A. SHAY

Criminal No. 92-10369-Z

*DOCKETED*

GOVERNMENT'S MOTION TO PRECLUDE RECALL OF CIVILIAN  
WITNESS (DWAYNE ARMBRISTER) AT CONTINUED SUPPRESSION HEARING

The United States of America hereby moves for an order precluding counsel for defendant Thomas A. Shay from recalling civilian witness Dwayne Armbrister at the continued suppression hearing presently scheduled for Friday, May 7, 1993. In support of this motion, the Government states as follows:

1. Shay Jr.'s counsel recently informed the undersigned of their intention to recall Mr. Armbrister when the hearing continues on May 7. A telephone check with Mr. Armbrister confirmed that he had been served with a subpoena to appear again on May 7.

2. Mr. Armbrister originally appeared in the courthouse on April 13, 1992 to testify concerning Shay Jr.'s Motion to Suppress Identification. After waiting around for several hours Mr. Armbrister was told that he could leave and return the following day.

3. Mr. Armbrister returned to court the next day, April 14, and testified for over two (2) hours. He was cross-examined extensively by Attorney Gertner on behalf of the defendant.

*Denied  
Ryan W. Zobel, J. DOCKETED*

131