

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

THOMAS A. SHAY

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CRIMINAL NO. 92-10369-Z

MOTION TO QUASH

Thomas A. Shay hereby moves to quash the subpoena served upon his counsel on October 18, 1993, commanding him to appear and testify in United States v. Alfred W. Trenkler. As reasons therefor, Thomas A. Shay states as follows:

1. On October 12, 1993, Thomas A. Shay filed his notice of appeal of his conviction and sentence.

2. Thomas A. Shay therefore continues to possess his right against self-incrimination, guaranteed by the Fifth Amendment to the Constitution of the United States.

3. Thomas A. Shay will exercise his Fifth Amendment right if required to appear at Trenkler's trial.

For the reasons stated above, Thomas A. Shay moves that this Court quash the subpoena commanding him to appear and testify at Trenkler's trial.

Respectfully submitted,

THOMAS A. SHAY
By his attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney or record for each other party by mail (by hand) on 10-18-93

Nancy Gertner

Nancy Gertner
Nancy Gertner (BBO#190140)
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Dated: October 18, 1993

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Counsel
THOMAS E. DWYER

Of Counsel
SHAREN LITWIN

October 18, 1993

BY HAND

Office of the Clerk
United States District Court
for the District of Massachusetts
Post Office and Courthouse
Post Office Square
Boston, MA 02109

Re: United States of America v. Thomas A. Shay, Jr.
Criminal No. 92-10369-Z

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter, please
find a Motion to Quash.

Sincerely,


Nancy Gertner

NG/gam
encl.

cc: Jefferson Boone, Esquire
AUSA Paul Kelly, Esq.