

NO.

IN THE SUPREME COURT OF THE UNITED STATES

Shayne Parker – Petitioner

vs.

United State of America – Respondent

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Shayne Parker, by his counsel, moves this Court for leave to proceed *in forma pauperis* since he is indigent, incarcerated, and unable to pay the expenses associated with the Petition.

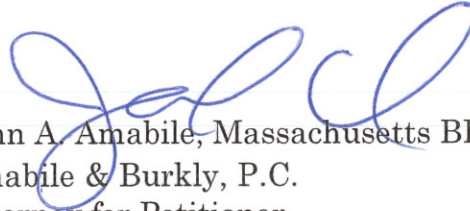
Counsel states that I represented petitioner at his trial in the United States District Court for the District of Massachusetts, docket no. 15-10221- FDS, by appointment under the Criminal Justice Act of 1964, see 18 U. S. C. § 3006A(d)(6), made on or about July 27, 2015. A copy of the docket entries reflecting the appointment are attached hereto. Counsel also represented petitioner in his appeal to the United States Court of Appeals, First Circuit, docket no.16-1770.

I was appointed to represent him under the Criminal Justice Act of 1964, see 18 U. S. C. § 3006A(d)(6), in or about June 2016. A copy of the docket entries reflecting the appointment by the Court of Appeals is attached hereto.

Counsel further states that I was admitted to the bar of the United States Supreme Court on December 2, 2002.

Respectfully submitted,

Shayne Parker, by his counsel,

A handwritten signature in blue ink, appearing to read 'J. Amabile', is written over the printed name and firm name.

John A. Amabile, Massachusetts BBO# 016940

Amabile & Burkly, P.C.

Attorney for Petitioner

380 Pleasant Street

Brockton MA 02301

Telephone 508-559-6966

Fax 508-559-7954

E-mail: jamabile@abpclaw.com

APPEAL,CUSTODY

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-10221-FDS-1**

Case title: USA v. Parker

Date Filed: 08/11/2015

Magistrate judge case number: 1:15-mj-06012-MPK

Date Terminated: 06/15/2016

Assigned to: Judge F. Dennis Saylor,
IV

Appeals court case number: 16-1770
USCA - First Circuit

Defendant (1)

Shayne Parker

TERMINATED: 06/15/2016

represented by **John A. Amabile**

Amabile & Burkly, P.C.

380 Pleasant Street

Brockton, MA 02401

508-559-6966

Fax: 508-559-7954

Email: john.amabile@amabileburkly.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Michael L. Tumposky

Hedges & Tumposky

15 Broad Street

Boston, MA 02109

617-722-8220

Email: Tumposky@htlawyers.com

TERMINATED: 07/27/2015

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Jeffrey K. Clifford

The Law Office of Jeffrey K. Clifford

21 Mayor Thomas J. McGrath Hwy

Suite 501

Quincy, MA 02169

617-472-2300

Email: jeffrey.clifford@yahoo.com

		deborah_scaffani@mad.uscourts.gov. (Russo, Noreen) [1:15-mj-06012-MPK] (Entered: 04/06/2015)
04/17/2015	<u>10</u>	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered. as to Shayne Parker Court requests submission of proposed conditions by defendant. Conditions should be filed with proposed address of defendant redacted and unredacted copy provided to government and the court. Court further asks government to file short memorandum addressing whether 18 U.S.C. section 3142 (f)(1)(E) applies to the charged crime. (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 04/17/2015)
04/20/2015	<u>11</u>	MOTION for Detention <i>and memorandum in support</i> as to Shayne Parker by USA. (MacKinlay, Glenn) [1:15-mj-06012-MPK] (Entered: 04/20/2015)
04/21/2015	<u>12</u>	MOTION for Release from Custody <i>with Conditions</i> as to Shayne Parker. (Tumposky, Michael) [1:15-mj-06012-MPK] (Entered: 04/21/2015)
04/23/2015	<u>13</u>	Magistrate Judge M. Page Kelley: ORDER entered. ORDER ALLOWING THE GOVERNMENT'S MOTION FOR DETENTION as to Shayne Parker (Russo, Noreen) [1:15-mj-06012-MPK] (Entered: 04/23/2015)
07/16/2015	<u>15</u>	ELECTRONIC NOTICE OF HEARING as to Shayne Parker Hearing set for 7/27/2015 11:15 AM in Courtroom 24 before Magistrate Judge M. Page Kelley. (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 07/16/2015)
07/27/2015	<u>19</u>	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting 18 Motion to Appoint New Counsel John Amabile appointed as to Shayne Parker (1) (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 08/03/2015)
07/27/2015		Attorney update in case as to Shayne Parker. Attorney Michael L. Tumposky terminated. (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 08/03/2015)
07/30/2015	<u>16</u>	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered granting <u>11</u> Motion for Detention as to Shayne Parker. (Kelley, M.) [1:15-mj-06012-MPK] (Entered: 07/30/2015)
07/30/2015	<u>17</u>	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered denying <u>12</u> Motion for Release from Custody as to Shayne Parker (1) (Kelley, M.) [1:15-mj-06012-MPK] (Entered: 07/30/2015)
08/07/2015	<u>20</u>	MOTION to Dismiss as to Shayne Parker. (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 08/07/2015)
08/11/2015	<u>21</u>	ELECTRONIC NOTICE OF HEARING as to Shayne Parker Arraignment set for 8/12/2015 03:30 PM in Courtroom 24 before Magistrate Judge M. Page Kelley. (Lovett, Zita) [1:15-mj-06012-MPK] (Entered: 08/11/2015)
08/11/2015	<u>22</u>	INDICTMENT as to Shayne Parker (1) count(s) 1, 2. (Attachments: # <u>1</u> JS45) (Alves-Baptista, Antonia) (Entered: 08/11/2015)
08/11/2015	<u>23</u>	ELECTRONIC NOTICE of Case Assignment as to Shayne Parker; Judge F. Dennis Saylor, IV assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be

General Docket
United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 16-1770**Docketed:** 06/21/2016

US v. Parker

Termed: 09/19/2017**Appeal From:** District of Massachusetts, Boston**Fee Status:** in forma pauperis**Case Type Information:**

- 1) criminal
- 2) conviction and/or sentence
- 3) -

Originating Court Information:**District:** 0101-1 : 1:15-cr-10221-FDS-1**Lead:** 1:15-cr-10221-
FDS-1**Court Reporter:** Judy Bond Gonsalves**Court Reporter:** FTR - MA**Court Reporter:** Catherine Anne Handel**Court Reporter:** Debra Lajoie**Court Reporter:** Lee Alice Marzilli**Court Reporter:** Valerie A. O'Hara**Ordering Judge:** F. Dennis Saylor, IV, U.S. District Judge**Trial Judge:** M. Page Kelley**Date Filed:** 03/27/2015

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment:	EOD:	Filed:	COA:
06/15/2016	06/15/2016	06/15/2016	06/16/2016

Prior Cases:

None

Current Cases:

None

Panel Assignment:**Panel:** RT BMS DJB**Date of Hearing:** 07/27/2017 **Date of Decision:**

UNITED STATES
Appellee

Dina Michael Chaitowitz
Direct: 617-748-3100
[NTC Federal Government]
US Attorney's Office
1 Courthouse Way
Ste 9200
Boston, MA 02110-0000

Alexia Rhae De Vincentis
Direct: 617-748-3394
Fax: 617-748-3951
[COR NTC Federal Government]
US Attorney's Office
1 Courthouse Way
Ste 9200
Boston, MA 02110-0000

Glenn A. MacKinlay
Direct: 617-748-3215
Fax: 617-748-3954

[NTC Federal Government]
US Attorney's Office
1 Courthouse Way
Ste 9200
Boston, MA 02110-0000

v.

SHAYNE PARKER (Federal Prisoner: 13598-049)
Defendant - Appellant

John A. Amabile
Direct: 508-559-6966
Fax: 508-559-7954
[COR NTC CJA Appointment]
Amabile & Burkly PC
380 Pleasant St.
Brockton, MA 02401-0000

Shayne Parker
[NTC Prisoner (not prose)]
FCI Danbury
Route 37
Danbury, CT 06811-0000

UNITED STATES

Appellee

v.

SHAYNE PARKER

Defendant - Appellant

- | | | |
|------------|--|--|
| 06/21/2016 | 
31 pg, 476.5 KB | CRIMINAL CASE docketed. Notice of appeal (doc. #114) filed by Appellant Shayne Parker. Docketing Statement, Transcript Report/Order form, and Appearance form due 07/05/2016. [16-1770] (TS) [Entered: 06/21/2016 02:04 PM] |
| 06/30/2016 | 
3 pg, 61.3 KB | DOCKETING statement filed by Appellant Shayne Parker. [16-1770] (JAA) [Entered: 06/30/2016 05:49 PM] |
| 06/30/2016 | 
1 pg, 30.64 KB | NOTICE of appearance on behalf of Appellant Shayne Parker filed by Attorney John A. Amabile. Certificate of service dated 06/30/2016. [16-1770] (JAA) [Entered: 06/30/2016 05:51 PM] |
| 06/30/2016 | 
1 pg, 25.49 KB | FORM for selection of counsel on appeal filed by Appellant Shayne Parker requesting the continued appointment of district court counsel. Certificate of service dated 06/30/2016. [16-1770] (JAA) [Entered: 06/30/2016 05:52 PM] |
| 06/30/2016 | 
2 pg, 120.71 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating transcripts are being ordered. Certificate of service dated 06/30/2016. [16-1770] (JAA) [Entered: 06/30/2016 05:54 PM] |
| 06/30/2016 | 
3 pg, 143.21 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating transcripts are being ordered. Certificate of service dated 06/30/2016. [16-1770] (JAA) [Entered: 06/30/2016 05:55 PM] |
| 06/30/2016 | 
2 pg, 330.98 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating transcripts are being ordered. [16-1770]. CLERK'S NOTE: Docket entry was edited to replace an attachment. (JAA) [Entered: 06/30/2016 05:55 PM] |
| 07/06/2016 | 
4 pg, 129.21 KB | ORDER appointing counsel. The court appoints Attorney John A. Amabile for Shayne Parker in 16-1770 nunc pro tunc to June 15, 2016. [16-1770] (TS) [Entered: 07/06/2016 03:30 PM] |
| 07/28/2016 | 
4 pg, 916.98 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating the following transcripts are being ordered: 03/07/2016, Mtn. in Limine Hearing; 03/11/2016, Order on Voir Dire and Motions in Limine. Payment was authorized under the Criminal Justice Act. Transcript(s) due 09/26/2016 from Court Reporter Debra Lajoie. [16-1770] (TS) [Entered: 07/28/2016 04:13 PM] |
| 07/28/2016 | 
4 pg, 906.66 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating the following transcripts are being ordered: 11/20/2015, Suppression Hearing. Payment was authorized under the Criminal Justice Act. Transcript(s) due 09/26/2016 from Court Reporter Catherine Anne Handel. [16-1770] (TS) [Entered: 07/28/2016 04:16 PM] |
| 08/09/2016 | 
4 pg, 187.63 KB | TRANSCRIPT report/order form filed by Appellant Shayne Parker indicating the following transcripts are being ordered: 03/14/2016, Voir Dire; 03/18/2016, Jury Instructions; 03/18/2016, Cl. Arg. Def.; 03/18/2016, Cl. Arg. Pl.; 03/18/2016, Trial Day 5; 03/17/2016, Trial Day 4; 03/16/2016, Trial Day 3; 03/15/2016, Trial Day 2; 03/14/2016, Trial Day 1; 03/15/2016, Op. Stmt. Def.; 03/15/2016, Op. Stmt. Pl.; 03/14/2016, Pre Trial. Payment was authorized under the Criminal Justice Act. Transcript(s) due 10/11/2016 from Court Reporter Valerie A. O'Hara. [16-1770] (KC) [Entered: 08/09/2016 05:53 PM] |