

No. 17-8151

---

IN THE  
Supreme Court of the United States

RUSSELL BUCKLEW,  
*Petitioner,*

v.

ANNE PRECYTHE, *et al.,*

*Respondents.*

---

**On Writ of Certiorari  
to the United States Court of Appeals  
for the Eighth Circuit**

---

**PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL UNDER THE  
CRIMINAL JUSTICE ACT**

Cheryl A. Pilate  
MORGAN PILATE LLC  
926 Cherry Street  
Kansas City, MO 64106  
(816) 471-6694  
[cpilate@morganpilate.com](mailto:cpilate@morganpilate.com)

*Co-counsel for Petitioner*

October 19, 2018

---

## PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL UNDER THE CRIMINAL JUSTICE ACT

Petitioner Russell Bucklew respectfully requests that this Court appoint co-counsel Cheryl Pilate under the Criminal Justice Act (CJA) to represent him before this Court. Ms. Pilate, who is a member of the bar of this Court, was appointed by the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit to represent Mr. Bucklew in this case. Ms. Pilate filed the lawsuit that initiated these proceedings and has represented Mr. Bucklew at every stage of this case.

While this case was pending in the district court, Ms. Pilate recruited the law firm of Sidley Austin as *pro bono* counsel, and she has worked alongside Sidley in this litigation since October 2016. Sidley has participated in this case strictly as *pro bono* counsel, and has not sought any compensation for attorneys' fees under the Criminal Justice Act. (Sidley intends only to seek reimbursement for printing costs for the Supreme Court briefs; it has never sought any payment whatsoever for attorneys' fees). Working with Sidley as co-counsel, Ms. Pilate has continued under her CJA appointment and has sought CJA funding for her portion of the services provided.

Ms. Pilate has been a member of the United States Supreme Court bar since August 2011. She has represented Mr. Bucklew since 2001, when she was first appointed to serve as counsel for him during his federal habeas proceedings. *Bucklew v. Luebbers*, Case No. 01-08000 (W.D. Mo.). Ms. Pilate has represented Mr. Bucklew in a variety of other legal proceedings, including the present case.

On April 30, 2018, this Court granted Mr. Bucklew's Motion for Leave to Proceed *In Forma Pauperis*. The Motion recited that Mr. Bucklew had been granted IFP status in both the Western District of Missouri and the Eighth Circuit of Appeals, and attached a July 3, 2014, Order of the Eighth Circuit granting IFP status and appointing Ms. Pilate as counsel.

Ms. Pilate will be present for the oral argument in this Court on November 6, 2018. The argument will be presented by Robert N. Hochman of Sidley Austin. Ms. Pilate will be seated at counsel table with him.

To permit Ms. Pilate to seek reimbursement for her time and expenses, she must be appointed by this Court under the Criminal Justice Act and be issued a voucher. Mr. Bucklew therefore respectfully seeks the appointment of Ms. Pilate, *nunc pro tunc*, effective April 30, 2018, when this Court granted Mr. Bucklew's motion for leave to proceed *in forma pauperis*.

WHEREFORE, for all of the above-stated reasons, Petitioner respectfully requests the appointment of Ms. Pilate under the Criminal Justice Act, *nunc pro tunc*, effective April 30, 2018.

Respectfully submitted,

Dated: October 19, 2018

/s/ Cheryl A. Pilate  
MORGAN PILATE LLC  
926 Cherry Street  
Kansas City, MO 64106  
(816) 471-6694  
[cpilate@morganpilate.com](mailto:cpilate@morganpilate.com)

#### **PROOF OF SERVICE**

I, Cheryl A. Pilate, do hereby certify that on this 19<sup>th</sup> day of October, 2018, I caused the foregoing Motion for the Appointment of Counsel Under the Criminal Justice Act to be served by first class mail, postage prepaid, and by email, on the following parties:

D. John Sauer  
Joshua M. Divine  
Julie Marie Blake  
Peter T. Reed  
Michael Joseph Spillane  
OFFICE OF THE MISSOURI  
ATTORNEY GENERAL  
Supreme Court Building  
207 W. High Street  
P.O. Box 899  
Jefferson City 65102

/s/ Cheryl A. Pilate