

US v. Daley

CR-00-078-M 02/15/01

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

United States of America,
Plaintiff

v.

Criminal No. 00-78-1-M
Opinion No. 2001 DNH 035

Richard Daley,
Defendant

ORDER

The representation provided by counsel was extended and the case was complex in that the first jury deadlocked, requiring a new trial, and the second jury likewise deadlocked, after which the government elected to dismiss the indictment. The court notes, with appreciation, that defense counsel provided exceptionally good representation, fully protecting defendant's rights and persuasively putting forth the best available defenses, without any unnecessary expenditure of time, and raising only legitimate and meritorious issues in an efficient and effective manner. Counsel prepared and conducted two jury trials and necessarily analyzed the first trial in order to make adjustments in the second. The prosecution was

somewhat unusual, presenting difficult evidentiary and tactical issues; counsel's private practice was no doubt imposed upon by the second trial to a significant degree; and, as noted, counsel's representation was notably efficient and productive. See United States v. Carnevale, 624 F.Supp. 381 (D.R.I. 1985).

For these reasons, and those given in the motion for excess fees (document no. 66), I find that the amount sought is reasonable and fair, and certify that fees in excess of the limits established by Congress up to the amount claimed should be and are approved and certified to the Chief Judge of the Court of Appeals, to insure fair compensation. 18 U.S.C. § 3006A(d)(2).

SO ORDERED.

Steven J. McAuliffe
United States District Judge

February 15, 2001

cc: Brian T. Tucker, Esq.