

US v. Dickerson

CR-99-006-M 02/16/01

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

United States of America,
Plaintiff

v.

Criminal No. 99-06-01-M
Opinion No. 2001 DNH 037

Tyrone Dickerson,
Defendant

ORDER

The representation provided by Attorney Tucker was extended and the case complex in that defendant insisted on withdrawing his guilty plea prior to sentencing, requiring Attorney Tucker to litigate that matter (successfully), including an evidentiary hearing. A jury trial followed which resulted in a mistrial through no fault of defendant or Attorney Tucker, and another jury trial was required. In addition, due to serious problems identified in the Hillsborough County Jail, federal detainees have necessarily been housed as far away as Portland, Maine (as was this defendant for a time), thus imposing unusual travel obligations on counsel such as Mr. Tucker. Although in the end the result for defendant was (perhaps predictably) not favorable,

Attorney Tucker nevertheless provided zealous and very capable representation, and provided it in an efficient and effective manner.

All of which militates in favor of approving and certifying fees in excess of the limits imposed by the Criminal Justice Act, 18 U.S.C. § 3006A. Having considered the exemplary legal representation provided by counsel, the undoubted imposition on his private litigation practice, the extended and complex nature of this representation, and the required second jury trial through no fault of counsel, I find that excess fees in the amount requested should be and hereby are approved and certified to the Chief Judge of the Court of Appeals as reasonable and necessary to provide fair compensation under the Act in this case.

The Motion for Compensation in Excess of Statutory Maximum (document no. 86) is, therefore, granted.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

February 16, 2001

cc: Brian T. Tucker, Esq.