

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES )  
 )  
V. ) MAGISTRATE-JUDGE'S NO.  
 ) 13-02106-MBB  
DJHOKHAR TSARNAEV )

MOTION TO APPOINT LEARNED COUNSEL

Defendant, by undersigned counsel, hereby respectfully moves that this Court appoint two attorneys "learned in the law applicable to capital cases" to represent Mr. Tsarnev. See 18 U.S.C. § 3005.

Section 3005 requires that at least one of the attorneys appointed for a defendant who faces a potential death penalty have experience in capital cases. Given the magnitude of this case, undersigned counsel is requesting that two attorneys with such expertise be appointed. See United States v. Wilson, 354 F.Supp.2d 246 (E.D.N.Y. 2005) (appointing two learned counsel); 7 Guide to Judiciary Policy, § 620.10.10(b) (permitting appointment of more than two attorneys in capital case "if necessary for adequate representation"). Undersigned counsel notes that, in the recent case of United States v. Jared Loughner, 11-00187-LABU (D.Az.), two attorneys with capital experience were appointed in addition to a Federal Public Defender's Office. See also United States v. Eric Rudolph, 00-00422-CLS (N.D. Al.) (appointing three capital defenders, in addition to local CJA lawyers).

Undersigned counsel will submit the names of recommended learned counsel to the Court's clerk separately.

DJOKHAR TSARNAEV  
By his attorney:

/s/ Miriam Conrad

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Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered Participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on April 22, 2013.

/s/ Miriam Conrad

Miriam Conrad