

The Committee for Public Counsel Services

APPLICATION FOR CRIMINAL SUPERIOR COURT AND MURDER CASE ASSIGNMENTS

Please submit application to:

Committee for Public Counsel Services
Private Counsel Division
44 Bromfield Street
Boston MA 02108
Att.: Certification Unit, Elizabeth Aborn-Farfan
Or
crimrecertification@publiccounsel.net

Please check one:

Initial Certification

Recertification

Application for:

Counties in which assignments are desired:

Murder

Superior

Name: _____

Law Firm: _____

Office Address: _____

Telephone: _____ Fax: _____ Email Address: _____

BBO Number: _____ Date of Admission to MA Bar: _____

Law School(s) & Date of Graduation: _____

PLEASE ATTACH SHEETS AS NEEDED:

1. Resume describing education and employment history.
2. Selected criminal trials which you have conducted as lead defense counsel, including name of case, date, and the court in which it was tried, judge, prosecutor, major charges, and whether the case was tried to a jury. Please include jury trials and the most serious charges you have handled. For each trial listed, please include a brief description of the issues involved.

2a. FOR INITIAL CERTIFICATION:

A. For Superior Court assignments:

Please list at least six jury trials during the past five years.

B. For Murder assignments:

Please list at least 10 jury trials of serious and complex case that resulted in a verdict or hung jury decision in the last five years, at least 5 of which the indicted lead offense was classified in offense seriousness levels 6, 7, 8, or 9 of the Massachusetts Sentencing Guidelines and had a maximum penalty of 15 years or more. A list of offenses is attached.

2b. FOR RECERTIFICATION:

Please provide jury trial case information for the last five years. If trials handled are fewer than required for initial certification, please describe significant evidentiary hearings or appellate proceedings.

3. For your first three case assignments to clients held in custody this fiscal year (which started July 1), please list the client name, docket number, date of assignment, and date of your first visit to the client at their place of incarceration (not the courthouse or lockup). If you have not had 3 clients held in custody this fiscal year, please provide the information for the clients most recently held in custody prior to this fiscal year.
4. Please describe your experience in the utilization of expert witnesses, including client name, docket number, and charges. Indicate any circumstances where an expert you hired testified on your client's behalf; and any circumstances when you cross-examined a Commonwealth expert with the guidance of an expert that you had retained.
5. Please provide CLE information for the past 2 years (name of program, approximate date and hours of CLE).
6. Please describe any other relevant experience that you wish to have considered (e.g. other trials, significant evidentiary hearings, appeals that you have handled).
7. Please include a memorandum of law that you have written on a recent, appointed, criminal case that demonstrates your skill with written advocacy.
8. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise formally disciplined, publicly or privately, as an attorney, or as a member of any other profession, or as a holder of any public office? ___yes ___no. If yes, please explain.
9. Are any charges or complaints now pending before any court or agency concerning your conduct as an attorney, or as a member of any profession or as a holder of any public office? ___yes ___no. If yes, please explain.
10. Have you previously served on any other panel or list for assignment of defense lawyers? If so, list each panel or list and the dates of your service.
11. Have you ever been removed from or resigned from any panel or list? ___yes ___no. If yes, give particulars.
12. Do you speak any foreign languages? If so, give particulars, and describe your level of fluency.
13. The Committee for Public Counsel Services is committed to assuring that the panel of attorneys accepting criminal assignments is sensitive to the diversity of the defendant population it services. What background, experience, and perspectives would you bring to the panel which would further these goals of having a diverse panel that provides high quality legal representation?
14. Please briefly state the reasons you have applied for membership on the panel and briefly furnish any other information which you think would be helpful to the Committee for Public Counsel Services in evaluating your application, including the name, address and phone number of 3 criminal defense practitioners familiar with your work.

I hereby certify that the above information is true and correct.

Date

Signature

SERIOUSNESS LEVEL 6 CRIMES – Maximum Sentences of 15 years or more

ASSAULT TO ROB +60, ARMED c. 265 s. 18(a)A&B WITH DANGEROUS WEAPON, AGGRAVATED, SERIOUS BODILY INJURY c. 265 s. 15A(c)(i) 15 years

ARSON OF DWELLING HOUSE c. 266 s. 1 20 years

ASSAULT TO RAPE c. 265 s. 24 20 years

ASSAULT TO ROB, ARMED c. 265 s. 18(b) 20 years

ASSAULT TO ROB +60, ARMED c. 265 s. 18(a) 20 years

BOAT OUI, LIQUOR OR .08% OR DRUGS & DEATH, RECKLESS OR NEGLIGENT c. 90B s. 8B(1) 15 years

BURGLARY, UNARMED SUBSQ. OFF. c. 266 s. 15 20 years

CARFENTANIL, TRAFFICK IN, WITH KNOWLEDGE c. 94C s. 32E(c1/2) 20 years

CARJACKING c. 265 s. 21A 15 years

CHILD IN NUDE, DISTRIB MATERIAL OF c. 272 s. 29B(a) 20 years

CHILD IN NUDE, LASCIVIOUS POSE/EXHIBIT c. 272 s. 29A(a) 20 years

CHILD IN SEXUAL ACT, LASCIVIOUS POSE/EXHIBIT c. 272 s. 29A(b) 20 years

COCAINE (c.94C s. 31 Class B(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d) 15 years

COCAINE (c.94C s. 31(a)(4)), DISTRIBUTE OR POSSESS WITH INTENT, TO MINOR c. 94C s. 32F(d) 15 years

COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g 20 years

DRUG FUNDS, INDUCE MINOR TO POSSESS c. 94C s. 32K 15 years

DRUG, DISTRIBUTE OR POSSESS WITH INTENT TO MINOR CLASS A c. 94C s. 32F(a) 15 years

DRUG, DISTRIBUTE OR POSSESS WITH INTENT, CLASS A, SUBSQ. OFF. c. 94C s. 32(b) 15 years

DRUG, INDUCE MINOR TO DISTRIBUTE c. 94C s. 32K 15 years

ENVIRONMENTAL VIOLATION WITH SERIOUS BODILY INJURY c. 21L s. 2(a) 20 years

FENTANYL, TRAFFICK IN c. 94C s. 32E(c1/2) - 10 g or more 20 years

FIREARM, COVERT/UNDETECTABLE, 2ND OFFENSE c. 140 s. 131N 15 years

FIREARMS VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c) 15 years

FIREARMS, TRAFFICKING IN 3-9 c. 269 s. 10E(2) 20 years

HEROIN/MORPHINE/OPIUM/FENTANYL, TRAFFICK IN c. 94C s. 32E(c)(1) - 18 to 36 g 20 years

INDECENT A&B ON 60+/DISABLED, SUBSQ. OFFENSE c. 265 s. 13H 20 years

INDECENT A&B ON CHILD UNDER 14, AFTER CERTAIN OFFENSES c. 265 s. 13B $\frac{3}{4}$ Life

INDECENT A&B ON CHILD UNDER 14, AGGRAVATED c. 265 s. 13B $\frac{1}{2}$ Life

INTIMIDATION/RETALIATE, JUROR/WITNESS/POLICE/COURT OFFICIAL, MATTER INVOLVING LIFE SENTENCE c. 268 s. 13(b)(2) 20 years

Manslaughter, c. 265, s. 13 20 years

Marijuana Trafficking, c. 94C, s. 32E(a)(3), 2000 K to 10,000K 15 years

METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g 20 years

METHAMPHETAMINE (c.94C s. 31, Class B(c)(2)), DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d) 15 years

MISCARRIAGE, PROCURE IMPROPER WITH DEATH c. 272 s. 19 20 years

MORTGAGE FRAUD, ENGAGING IN PATTERN OF RESIDENTIAL c. 266 s. 35A(b) 15 years

MOTOR VEH HOMICIDE OUI LIQUOR OR .08% OR DRUGS & NEGLIG c. 90 s. 24G(a) 15 years

MOTOR VEH HOMICIDE OUI LIQUOR OR .08% OR DRUGS & RECKL c. 90 s. 24G(a) 15 years

PHENCYCLIDINE, DISTRIBUTE OR POSSESS WITH INTENT, SUBSQ. OFF. c. 94C s. 32A(d) 15 years

PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(2) - 36 to 100 g 20 years

RAILROAD, OBSTRUCT/ENDANGER c. 160 s. 226 20 years

RAPE OF CHILD, STATUTORY c. 265 s. 23 Life

ROBBERY +60, UNARMED c. 265 s. 19(a) Life

ROBBERY, ARMED & MASKED c. 265 s. 17 Life

ROBBERY, ARMED c. 265 s. 17 Life

TRAFFICKING OF ORGANS c. 265 s. 53(a) 15 years

TRAFFICKING OF PERSON FOR FORCED SERVICES c. 265 s. 51(a) 20 years

TRAFFICKING OF PERSON FOR SEXUAL SERVITUDE c. 265 s. 50(a) 20 years

SERIOUSNESS LEVEL 7 CRIMES – Maximum Sentences of 15 years or more

A&B ON CHILD WITH SUBSTANTIAL INJURY c. 265 s. 13J 15 years

AIRPORT SECURITY VIOLATION, WILLFUL c. 269 s. 12F(e) 20 years

ASSAULT IN DWELLING, ARMED c. 265 s. 18A Life

ASSAULT TO MURDER +60, ARMED c. 265 s. 18(a) 20 years

ASSAULT TO MURDER, ARMED c. 265 s. 18(b) 20 years

ASSAULT TO RAPE CHILD c. 265 s. 24B Life

ASSAULT TO RAPE, ARMED, FIREARM c. 265 s. 24 20 years

ASSAULT TO RAPE, SUBSQ. OFF. c. 265 s. 24 Life

ASSAULT TO ROB +60, ARMED, FIREARM c. 265 s. 18(a) 20 years

ASSAULT TO ROB +60, ARMED, SUBSQ. OFF. c. 265 s. 18(a) 20 years

ASSAULT TO ROB, ARMED, FIREARM c. 265 s. 18(b) 20 years

BOMB/HIJACK THREAT c. 269 s. 14(b) 20 years

BOMB/HIJACK THREAT WITH SERIOUS PUBLIC ALARM c. 269 s. 14(c) 20 years

CARJACKING, ARMED c. 265 s. 21A 20 years

COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g 20 years

CONFINE OR PUT IN FEAR TO STEAL/OR ATTEMPT c. 265 s. 21 Life

DRUG TO CONFINE c. 265 s. 26B Life

EXPLOSIVES, POSSESS c. 266 s. 102(c) 20 years

FIREARMS TO MINOR, SELL/TRANSFER LARGE CAPACITY, c. 269 s. 10F(b) 15 years

FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(a) 15 years

FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c) 15 years

FIREARMS VIOL WITH 2 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(h)(1) 15 years

FIREARMS, SELL/TRANSFER LARGE CAPACITY, SUBSQ. c. 269 s. 10F(a) 15 years

HEROIN/MORPHINE/OPIUM/FENTANYL, TRAFFICK IN c. 94C s. 32E(c)(2) - 36 to 100 g 20 years

HEROIN/MORPHINE/OPIUM/FENTANYL, TRAFFICK IN c. 94C s. 32E(c)(3) - 100 to 200 g 20 years

HOSTAGE-TAKING BY PRISONER c. 127 s. 38A 20 years

INCEST c. 272 s. 17 20 years

KIDNAPPING CHILD c. 265 s. 26 15 years

KIDNAPPING FOR EXTORTION c. 265 s. 26 Life

MARIJUANA, TRAFFICK IN c. 94C s. 32E(a)(4) - 10,000 or more lbs 15 years

MAYHEM c. 265 s. 14 20 years

METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g 20 years

MURDER, ATTEMPTED c. 265 s. 16 20 years

PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(3) - 100 to 200 g 20 years

POISONING, ATTEMPTED c. 265 s. 28 Life

RAPE c. 265 s. 22(b) 20 years

RAPE OF CHILD, STATUTORY, AFTER CERTAIN OFFENSES c. 265 s. 23B Life

RAPE OF CHILD, STATUTORY, AGGRAVATED c. 265 s. 23A Life

ROBBERY +60, UNARMED, SUBSQ. OFF. c. 265 s. 19(a) Life

ROBBERY, ARMED & MASKED c. 265 s. 17 Life

ROBBERY, ARMED & MASKED, SUBSQ. OFF. c. 265 s. 17 Life

ROBBERY, ARMED c. 265 s. 17 Life

ROBBERY, ARMED, FIREARM & MASKED c. 265 s. 17 Life

ROBBERY, ARMED, FIREARM c. 265 s. 17 Life

SEXUAL INTERCOURSE, DRUG FOR c. 272 s. 3 Life

TRAFFICKING OF PERSON UNDER 18 FOR FORCED SERVICES c. 265 s. 51(b) Life

TRAFFICKING OF PERSON UNDER 18 FOR SEXUAL SERVITUDE c. 265 s. 50(b) Life

SERIOUSNESS LEVEL 8 CRIMES – Maximum Sentences of 15 years or more

ASSAULT TO MURDER +60, ARMED, FIREARM c. 265 s. 18(a) 20 years

ASSAULT TO MURDER +60, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 18(a) 20 years

ASSAULT TO MURDER +60, ARMED, SUBSQ. OFF. c. 265 s. 18(a) 20 years

ASSAULT TO MURDER, ARMED, FIREARM c. 265 s. 18(b) 20 years

ASSAULT TO RAPE CHILD, ARMED, FIREARM c. 265 s. 24B Life

ASSAULT TO RAPE CHILD, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 24B Life

ASSAULT TO RAPE CHILD, SUBSQ. OFF. c. 265 s. 24B Life

ASSAULT TO RAPE, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 24 Life

ASSAULT TO ROB +60, ARMED, FIREARM, SUBSQ. OFF. c. 265 s. 18(a) 20 years

BURGLARY; ARMED, FIREARM c. 266 s. 14 Life

BURGLARY; ARMED, FIREARM, SUBSQ. OFF. c. 266 s. 14 Life

BURGLARY; ARMED; ASSAULT ON OCCUPANTS c. 266 s. 14 Life

BURGLARY; ARMED; ASSAULT ON OCCUPANTS, SUBSQ. OFF. c. 266 s. 14 Life

CARJACKING, ARMED, FIREARM c. 265 s. 21A 20 years

COCAINE (c.94C s. 31(a)(4)), TRAFFICK IN c. 94C s. 32E(b)(4) - 200 or more g 20 years

DANGEROUS WEAPON, CARRY, 4TH OFF. c. 269 s. 10(d) 15 years

DRUG TO CONFINE & EXTORT c. 265 s. 26B Life

EXPLOSIVES, DISCHARGE/IGNITE/EXPLODE c. 266 s. 102B 25 years

EXPLOSIVES, SECRETE/THROW/LAUNCH/PLACE c. 266 s. 102A 25 years

FIREARM, CARRY W/O LICENSE, 4TH OFF. c. 269 s. 10(d) 15 years

FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(a) 20 years

FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(c) 20 years

FIREARMS VIOL WITH 3 PRIOR VIOLENT/DRUG CRIME c. 269 s. 10(h)(1) 20 years

FIREARMS, TRAFFICKING IN +10 c. 269 s. 10E(3) Life

HEROIN/MORPHINE/OPIUM/FENTANYL, TRAFFICK IN c. 94C s. 32E(c)(4) - 200 or more g 20 years

HOME INVASION c. 265 s. 18C (The interpretation of "statutory minimum" was addressed by Com. v. Brown, 47 Mass. App. Ct. 616 (1999) and Com. v. Brown, 431 Mass 772 (2000)) Life

KIDNAPPING FOR EXTORTION, ARMED, FIREARM c. 265 s. 26 Life

MACHINE GUN/SAWED-OFF SHOTGUN POSSESS, 4TH OFF. c. 269 s. 10(d) 15 years

MANSLAUGHTER c. 265 s. 13 20 years

MANSLAUGHTER INVOLVING EXPLOSIVES c. 265 s. 13 Life

MANSLAUGHTER WHILE OUI c. 265 s. 13½ 20 years

METHAMPHETAMINE (c. 94C s. 31(c)(2)), TRAFFICK IN c. 94C s. 32E(b)(4) - 200 g or more 20 years

PERJURY IN TRIAL OF CAPITAL CASE c. 268 s. 1 Life

PERJURY, SUBORN IN TRIAL OF CAPITAL CASE c. 268 s. 2 Life

PHENMETRAZINE, TRAFFICK IN c. 94C s. 32E(b)(4) - 200 g or more 20 years

RAPE OF CHILD WITH FORCE c. 265 s. 22A Life

RAPE OF CHILD WITH FORCE, AFTER CERTAIN OFFENSES c. 265 s. 22C Life

RAPE OF CHILD WITH FORCE, AGGRAVATED c. 265 s. 22B Life

RAPE, AGGRAVATED c. 265 s. 22(a) Life

RAPE, AGGRAVATED, ARMED, FIREARM c. 265 s. 22(a) Life

RAPE, AGGRAVATED, ARMED, FIREARM SUBSQ. OFF. c. 265 s. 22(a) Life

RAPE, AGGRAVATED, ARMED, FIREARM SUBSQ. OFF. c. 265 s. 22(a) Life

RAPE, ARMED, FIREARM c. 265 s. 22(b) 20 years

RAPE, ARMED, FIREARM SUBSQ. OFF. c. 265 s. 22(b) Life

RAPE, SUBSQ. OFF. c. 265 s. 22(b) Life

ROBBERY, ARMED & MASKED, SUBSQ. OFF. c. 265 s. 17 Life

ROBBERY, ARMED, FIREARM & MASKED, SUBSQ. c. 265 s. 17 Life

ROBBERY, ARMED, FIREARM, SUBSQ. c. 265 s. 17 Life

TRAFFICKING OF PERSON FOR SEXUAL SERVITUDE OR FORCED SERVICES, SUBSEQUENT OFFENSE c. 265 s. 52(a) Life

TREASON c. 264 s. 2 Life

WEAPON OF MASS DESTRUCTION c. 266 s. 102C 25 years

SERIOUSNESS LEVEL 8 CRIMES – Minimum Sentences of 20 years or more

The following Level 8 Crimes do not have a maximum sentence, but do have minimum sentences of at least 20 years

FIREARM IN FELONY, POSSESS, LGE CAPACITY, SUBSQ. OFF. c. 265 s. 18B Minimum 25 years

FIREARM IN FELONY, POSSESS, SUBSQ. OFF. c. 265 s. 18B Minimum 20 years

KIDNAPPING WITH SEXUAL ASSAULT, ARMED c. 265 s. 26 Minimum 25 years

KIDNAPPING, WITH SERIOUS BODILY INJURY, ARMED c. 265 s. 26 Minimum 25 years

SERIOUSNESS LEVEL 9 CRIMES – all are life felonies

MURDER, FIRST DEGREE c. 265 s. 1

MURDER, FIRST DEGREE BY A MINOR c. 265 s. 1

MURDER, FIRST DEGREE BY A MINOR, W/ EXTREME ATROCITY/CRUELTY c. 265 s. 1

MURDER, FIRST DEGREE BY A MINOR, W/ PREMEDITATED MALICE AFORETHOUGHT c. 265 s. 1

MURDER, SECOND DEGREE c. 265 s. 1

DUEL, DEATH WITHIN STATE c. 265 s. 3 – this case is the sole exception, however is it considered a murder