

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ALTON RAY MILLS, )  
 )  
 Defendant. )

No. 96-20080-TuV

ORDER APPOINTING CJA COUNSEL

Before the court is the motion of the defendant, Alton Ray Mills, to have counsel appointed under the Criminal Justice Act, 18 U.S.C. § 3006a for appellate purposes. The motion was filed January 7, 1999, by retained counsel, James D. Causey and A C Wharton, Jr. The motion was referred to the United States Magistrate Judge for determination.

In support of his motion, the defendant has submitted an affidavit of indigency, under penalty of perjury, signed November 30, 1998. The affidavit states that the defendant is unemployed, having last worked on October 1, 1997. It further states that defendant has no source of income, has not received any income within the past twelve months, has no other assets or any means to pay counsel.

It appears to the court from the affidavit of the defendant


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that he lacks sufficient financial resources to employ counsel to pursue an appeal and that he does not wish to waive counsel on appeal. Thus, the above-named defendant is qualified for appointment of counsel under 18 U.S.C. § 3006a.

Mr. Causey and Mr. Wharton have indicated by affidavit their willingness to represent the defendant on appeal as appointed counsel. Because of their familiarity with the file and in the interests of justice, the court finds that it is appropriate to appoint private counsel to represent defendant in this matter instead of the Federal Public Defender. The Federal Public Defender has been contacted and concurs.

IT IS THEREFORE ORDERED that retained counsel, A C Wharton, Jr. and James D. Causey, be and hereby are appointed under the Criminal Justice Act to represent the above-named defendant on appeal unless relieved by order of this court or by order of the court of appeals.

  
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DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE  
DATE: January 27, 1999