

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 3:75-CR-00026-3
NO. 5:06-CV-00024-F

UNITED STATES OF AMERICA)	
)	
v.)	NOTICE OF WAIVER
)	OF APPOINTED COUNSEL
JEFFREY R. MacDONALD)	
Defendant.)	

NOW COMES the Defendant, Jeffrey R. MacDonald, by and through undersigned counsel, and gives notice to the Court that he hereby waives his right to appointed counsel for the evidentiary hearing currently scheduled for April 30, 2012. Defendant’s waiver results from the following:

1. Although MacDonald has established that he qualifies for court-appointed counsel pursuant to 18 U.S.C. §3006A, he recognizes that representation by counsel with considerable habeas experience is critically important at this stage in the proceedings.

2. Taking into consideration the factual and legal complexities of his case, MacDonald has concerns with the appointment recommendations made by the Federal Public Defender’s Office – concerns supported by the acknowledgement by the pending appointment that he has “limited post-conviction experience.”

3. MacDonald’s current counsel has been informed by the Federal Public Defender’s Office that because the appointment of lead counsel in this case is being made for an evidentiary hearing in District Court, the list of attorneys with more extensive post-conviction appellate experience is not available for appointment to MacDonald.

4. The Government's counsel not only has extensive habeas experience, but has the benefit of over forty years of experience with the facts of this particular case.

5. MacDonald's lead counsel will be significantly disadvantaged with regard to a complete understanding of the record of this case and, therefore, will not have sufficient time to also become proficient regarding the complexities of the successive habeas petitions.

6. For the foregoing reasons, and in an attempt to prevent being at a complete disadvantage in his pursuit of justice, MacDonald finds he has no other option than to waive his right to appointed counsel for the pending evidentiary hearing before the District Court.

Respectfully submitted, this the 27th day of February, 2012.

/s/ Christine Mumma
Christine Mumma
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CERTIFICATE OF SERVICE

The undersigned certifies that on February 27, 2012, the foregoing **NOTICE OF WAIVER OF APPOINTED COUNSEL** was electronically filed with the Clerk of Court, United States District Court for the Eastern District of North Carolina, using the CM/ECF system. The CM/ECF system will send electronic notification of such filing to all parties.

/s/ Christine Mumma
Christine Mumma
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