

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)
)
v.) Crim. No. 01-455-A
)
ZACARIAS MOUSSAOUI)

UNOPPOSED MOTION TO EXTEND TIME FOR FILING OBJECTIONS
TO GOVERNMENT’S NOTICE OF INTENT TO SEEK PENALTY OF DEATH

The prisoner, Zacarias Moussaoui, by counsel, for the reasons set forth in the memorandum accompanying this motion, moves the Court for an Order extending the time for the filing of objections to the government’s Notice of Intent to Seek Penalty of Death.

ZACARIAS MOUSSAOUI
By Counsel

 /S/
Frank W. Dunham, Jr.
Federal Public Defender
Eastern District of Virginia
1650 King Street, Suite 500
Alexandria, VA 22314
(703) 600-0808

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Unopposed Motion to Extend Time for Filing Objections to Government's Notice of Intent to Seek Penalty of Death was served via facsimile and first class mail upon AUSA Robert A. Spencer, AUSA David Novak, and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, Virginia 22314 this 17th day of April, 2002.

/S/

Frank W. Dunham, Jr.

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UNITED STATES OF AMERICA,)
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ZACARIAS MOUSSAOUI)

MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO EXTEND
TIME FOR FILING OBJECTIONS TO GOVERNMENT’S NOTICE OF
INTENT TO SEEK PENALTY OF DEATH

Zacarias Moussaoui seeks an order extending the time for filing objection to the government’s Notice of Intent to Seek Penalty of Death. On April 12, 2002, Moussaoui’s counsel filed a motion seeking relief from certain of the conditions of confinement that, he asserts, interfere with his ability to mount an effective defense. This Court has set an expedited briefing and hearing schedule, with oral argument on the motions to be heard April 22, 2002. Some of the difficulties outlined in that motion directly impact his ability to effectively consult with and advise his counsel in relation to any objections to the death penalty notice which might be filed, including as to the issue of death eligibility itself, obviously one of the most significant issues in this case. Therefore, it is critical that this Court have the opportunity to rule upon that motion before Moussaoui is required to file his objections to the Notice.

While the government does not object to an extension of time for the filing of the objections, there are other demands on the schedules of counsel for the government, relative to the preparation of this case which would support the schedule outlined below. Moreover, the time limits set forth below leave adequate time for the Court to rule on the April 22 motion and for the parties to implement, and have the benefit of, any relief granted by the Court on that

motion. Therefore, Moussaoui, with the consent of the government, proposes the following amended briefing and argument schedule:

1. Pleadings challenging the government's Notice of Intent shall be filed by June 3, 2002.
2. Any responsive pleadings by the government shall be filed by June 17, 2002.
3. Any reply by Moussaoui shall be filed by June 21.
4. Argument would be held on July 2 at a time convenient to the Court, or on such other date as the Court might determine.

The parties submit that any delay occasioned by this Motion will not delay preparation for trial.

CONCLUSION

For the foregoing reasons, Moussaoui, by counsel, requests that this Court grant this motion to extend the time for filing objections to the government's Notice of Intent and adopt the schedule set for above. The government does not oppose this motion.

ZACARIAS MOUSSAOUI
By Counsel

/S/
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/S/

Frank W. Dunham, Jr.