IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA v. ZACARIAS MOUSSAOUI a/k/a "Shaqil," a/k/a "Abu Khalid al Sahrawi," Defendant.	))))))))))	Criminal No. 01-455-A

ORDER

Before the Court is defendant's Unopposed Motion to Extend Time for Filing Objections to Government's Notice of Intent to Seek Penalty of Death. The Motion is DENIED to the extent defendant seeks leave to file a reply brief. This request opens the door to endless briefing. In this court, the moving party files a brief, the other side files its opposition or objection to the motion (or notice) and the moving party may reply. No further reply is permitted without leave of court. That process will be strictly followed in this case.

To the extent that the Motion seeks a continuation of the hearing date, the Motion is DENIED. The orderly management of this case requires a prompt determination of the death penalty issue. For example, questions for the juror questionnaire, the number of jurors to be summoned to court, and estimating the length of the trial cannot be finalized until the death penalty issue is resolved. The hearing must go forward as scheduled.

Defendant’s counsel claim that they cannot file their objections to the death penalty notice by the April 18, 2002 deadline because they have had problems communicating with the defendant due to the Special Administrative Measures (SAMS) governing defendant’s pre-trial detention. We find little merit to this argument. Since his arraignment, defendant has been on informal notice that the United States would likely seek the death penalty. To prepare for that possibility, the defense team has from the beginning of this case included a nationally recognized expert on death penalty litigation. On March 28, 2002, the United States formally notified the defense that it would seek the death penalty. Further, the adequacy of the death penalty notice is principally a question of law. Nevertheless, to give the defendant every opportunity to address the death penalty notice, the Motion is GRANTED as to the filing deadlines, and it is hereby

ORDERED that the deadline by which defendant must file any objection to the death penalty notice be and is extended to Wednesday, May 1, 2002; the United States’ deadline to reply be and is extended to Friday, May 10, 2002; and the hearing date of Wednesday, May 15, 2002 remains unchanged.

The Clerk is directed to forward copies of this Order to counsel of record, the United States Marshal, and the Court Security Officer.

Entered this 17th day of April, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia