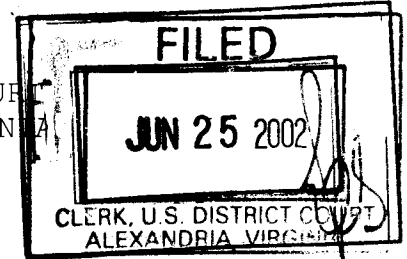


ORIGINAL

BISMILLAHIR-RAHMAANIR-RAHEEM

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



UNITED STATES OF AMERICA,
Plaintiff,
V.
ZACARIAS MOUSSAOUI,
Defendant.

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§

CRIM. NO. 01-455-A

IS THIS HOW ALEXANDRIA DIVISION TREATS ITS GUESTS?¹

WHY am I being threatened, after having been invited by your Federal Public Defender with express approval of your United States Attorney and clearance by your Federal Bureau of Investigation, to visit Bro. Zacarias Moussaoui in Alexandria Detention Center *which would otherwise have been impossible*, by this Honorable Court's order dated Monday, 24 June 2002, "He may already have violated Local Rule 83.1^[2] by submitting two pleadings, which have been filed for administrative purposes only, but will not be considered by the Court." I never intended to assist Bro. Moussaoui by appearing as

¹This pleading is filed for any purpose, including administrative purposes, Leonie M. Brinkema, Judge Presiding, considers appropriate. I am not, by filing this pleading, entering any appearance at all in the above-entitled and -numbered capital prosecution.

²See E.D. VA. Loc. R. 83.1(D)(1), cl. 1 (providing, in pertinent part, "Upon written motion by a member of this Court, a practitioner to practice in the United States District Court from another state ... may appear and conduct specific cases pro hac vice before this court including oral arguments of motions and trial[.]); see also E.D. VA. Loc. R. 83.1(D)(1)(b) (providing, in pertinent part, "[T]hat such practitioners from another state ... shall be accompanied by a member of the bar of this Court in all appearances before this Court.").

any so-called standby counsel³ because I refuse to be a toothless paper tiger amounting to absolutely no counsel at all. Unless and until Bro. Moussaoui asks me to represent him as his lawyer⁴, if he ever asks, I will only provide out-of-court legal assistance to him solely on federal law. I have been advised by both my State Bar of Texas and your Virginia State Bar that no ethical violation arises as a result of me only providing out-of-court legal assistance to Bro. Moussaoui solely on federal law. The issue is whether this Honorable Court will allow me to only provide out-of-court legal

³I, too, refer to standby counsel as so-called standby counsel because an accused electing to represent himself or herself waives his or her constitutional rights to counsel, as well as effective assistance of counsel, regardless of whether counsel is standby. See *United States v. Singleton*, 107 F.3d 1091, 1101 (4th Cir. 1997) (waiver of right to effective assistance by assertion of right to self-representation). So-called standby counsel is, therefore, a toothless paper tiger amounting to absolutely no counsel at all!

⁴Our Court of Appeals for our Fourteenth District of Texas at Houston advised our bench and our bar, "The criminal defense lawyer controls the progress of the case, while the client confronts only three personal decisions: (1) his pleas to the charge; (2) whether to be tried by a jury; and (3) whether to testify on his own behalf." *Graves v. State*, 803 S.W.2d 342, 344 (Tex. App.--Houston [14th Dist.] 1990, pet. ref'd) (parentheses in original). I follow such advice *which is consistent with federal caselaw*. Our Court of Appeals for our Fourteenth District of Texas at Houston explained, "When a defendant chooses to have a lawyer manage and present his case, law and tradition may allocate to the counsel the power to make binding decisions of trial strategy in many areas. When represented by counsel in this manner, the accused may retain the ultimate authority to make only such fundamental decisions as whether to plead guilty, waive a jury, testify, or take an appeal." *Robertson v. State*, 934 S.W.2d 861, 863 (Tex. App.--Houston [14th Dist.] 1996, no pet.) (Majority Opinion) (2-0-1 majority opinion) (citation omitted from original). I agree with such explanation *which is consistent with federal caselaw*.

assistance to Bro. Moussaoui solely on federal law. By *sua sponte*, as well as *ex parte*, ordering Alexandria Detention Center by telephone on Friday, 21 June 2002, to refuse me any opportunity at all to visit Bro. Moussaoui⁵, this Honorable Court ostensibly pulled a proverbial rug from under Bro. Moussaoui during a critical phase of his capital prosecution which arguably, *as well as with absolutely no disrespect to this Honorable Court intended*, fails our smell, taste and appearance of fairness tests.⁶ I have kept my mouth absolutely shut in our public domain on any matter concerning Bro. Moussaoui's above-entitled and -numbered capital prosecution. I have neither disrespected this Honorable Court, your Federal Public Defender, your so-called standby counsel nor your United States Attorney in our public domain on any matter whatsoever concerning Bro. Moussaoui's above-entitled and -numbered capital prosecution.

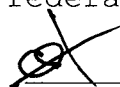
⁵This Honorable Court was, indeed, aware that I visited Bro. Moussaoui because I specifically informed this Honorable Court of my Monday morning, 20 May 2002, ninety (90) minute visit with him in my letter to this Honorable Court dated 05 June 2002. I visited Bro. Moussaoui again on Tuesday, 18 June 2002, for approximately six (6) hours; on Wednesday afternoon, 19 June 2002, for approximately one (1) hour; on Thursday morning, 20 June 2002, for approximately ninety (90) minutes; and, on Friday morning, 21 June 2001, for approximately one (1) hour. Bro. Moussaoui and I planned, as well as I scheduled, a visit for Monday morning, 24 June 2002. I was unaware that this Honorable Court ordered Alexandria Detention Center by telephone on Friday, 21 June 2002, to refuse me any opportunity at all to visit Bro. Moussaoui until I called to confirm our planned, as well as my scheduled, visit.

⁶"In matters of ethics, appearance and reality often converge as one." *Liteky v. United States*, 510 U.S. 540, 565 (1994) (5-4-0 majority opinion) (Kennedy, J., concurring).

I have merely, albeit privately, disagreed with your Federal Public Defender and your so-called standby counsel in a courteous manner, whereas they have made disparaging, as well as factually erroneous, public remarks about me, concerning Bro. Moussaoui's above-entitled and -numbered capital prosecution. If, though, your Federal Public Defender with express approval of your United States Attorney and clearance by your Federal Bureau of Investigation invited me with an expectation that I would merely roll over and play dead for them intellectually or otherwise, then they were sadly mistaken. I am a man, *i.e.*, "a free man in the city" as some muslims have said⁷, professionally trained to carefully, rather than carelessly, reason my way through conceptual issues at the pleasure of *Allah ta'ala*. Once this Honorable Court has allowed a lawyer-client relationship, albeit for a limited purpose of only providing out-of-court legal assistance solely on federal law to a man who has been continuously incarcerated for ten (10) months under a set of *the* most onerous confinement conditions imposed by the government on him that I have ever witnessed, may this Honorable Court *sua sponte*, as well as *ex parte*, pull a proverbial rug from under the man during a critical phase of the man's capital prosecution without adversely affecting the appearance of justice? See *In re Murchison*, 349 U.S. 133, 136 (1955) (6-0-3 majority opinion) ("[T]o perform its high function in the best way 'justice must satisfy the appearance of justice.'").

⁷Bro. Moussaoui named me *al-Haroon*.

To the extent that I have written anything at all hereinabove that any person at all considers offensive in any way, I sincerely ask that any such person(s) accept my sincere apology because my intention was, as well as remains, not to offend any person at all in any way. I ask this Honorable Court, however, in the interest of both justice and fairness⁸ to enter a written order specifically clarifying whether I am allowed to only provide out-of-court legal assistance to Bro. Moussaoui solely on federal law.



 BRO. CHARLES FREEMAN⁹
 Texas Bar No. 07422600
 P. O. Box 52818
 Sam Houston Station
 Houston, Texas 77052-2818
 713.747.7496

CERTIFICATE OF SERVICE

THIS CERTIFIES that a copy of this pleading was delivered by hand to Paul J. McNulty, United States Attorney, by and through Robert A. Spencer, Assistant United States Attorney, 2100 Jamieson Avenue, Alexandria, Virginia, 22314, on Tuesday, 25 June 2002.



 BRO. CHARLES FREEMAN

⁸This request should not be construed by anyone as an appearance before this Honorable Court because it is not. See *supra* note 1.

⁹I was, as well as remain, board certified in criminal law by our Texas Board of Legal Specialization in 1991 with recertifications for five (5) year terms in both 1996 and 2001.