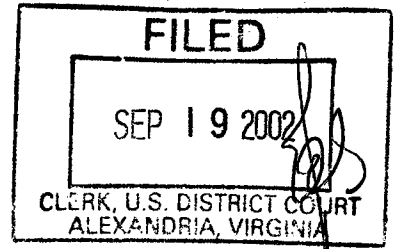


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 ZACARIAS MOUSSAOUI)

Criminal No. 01-455-A

UNDER SEAL

**STANDBY COUNSEL'S RESPONSE IN SUPPORT OF PRO SE
DEFENDANT MOUSSAOUI'S "MOTION TO GET TIME OUT ADDED IN
THE DIRTY GAME OF U.S." AND "MOTION TO GET A BIGGER CAVE TO
PREPARE THE WTC" (WORLD TOP CIRCUS)"**

COMES NOW Standby Counsel in support of Mr. Moussaoui's "Motion to Get Time Out Added in the Dirty Game of U.S." (Docket #498) and "Motion to Get a Bigger Cave to Prepare The WTC" (World Top Circus) (Docket # 434).

1. Motion for Additional Time

In Docket # 498, Mr. Moussaoui seeks additional trial preparation time due to the disruption to his efforts to organize papers related to the preparation of his defense caused by repeated searches of his cell by U.S. Marshals looking for information erroneously provided to Mr. Moussaoui by the government. We do not doubt that Mr. Moussaoui has lost substantial time as a result of the searches of his cell. To understand Mr. Moussaoui's predicament, he is inundated with thousands of pages of material that he must read, absorb, and organize if he is to be able to represent himself without the aid of the most fundamental and ordinary organizational tools which would be used by almost anyone who would attempt to undertake such a task (staples, paper clips, binder clips, highlighters, file folders, redweld folders, etc.) Accordingly, any disruption to the documents in his space can set him and his preparation back, perhaps not all the way to square one, but significantly and certainly more so than if he had been able to use the ordinary tools for

organizing paperwork which would have better preserved his work. This has also delayed installation of Mr. Moussaoui's access to the discovery website (we have also had to deal with the problem of information that was on our website as a result of the same problem which required the searches of Mr. Moussaoui's cell). Accordingly, we support Mr. Moussaoui's request for the additional preparation time he believes he needs in order to effectively represent himself *pro se*.

2. "Motion for a Bigger Cave"

Mr. Moussaoui moved for a bigger "cave" (cell) (Docket # 434) on August 19, 2002. The Court, in granting Mr. Moussaoui access to the discovery website (Docket # 461), determined that this request was rendered moot because the website access would reduce the amount of materials Mr. Moussaoui would actually have to retain in his cell. For the reasons set forth herein, we respectfully request that the Court reconsider this matter.

Although the website access will reduce the amount of material Mr. Moussaoui will need to retain in his cell, the amount of materials he will need to store nevertheless still constitute a far greater volume than the current space can reasonably be expected to accommodate. While he no longer has need for the computer disks which have been loaded onto the discovery website, he will still need others that are not on the website. In addition, he still has numerous video and audio tapes which take up space and will not be dispensable simply because of discovery website access. Moreover, the discovery website is primarily for the purpose of searching and organizing the voluminous discovery materials. Once whatever one is looking for has been located and organized—these then often need to be downloaded in hard copy format in order to be utilized in trial preparation. These "downloads" then are added to the boxes of hard copy discovery materials

Mr. Moussaoui has already been working on plus the voluminous pleadings, correspondence and orders related to this case—the sum total of which simply exceeds what we believe can reasonably be managed in any workable way in his current cell complex—particularly given the lack of organizational tools which may ultimately mean that trial preparation materials will need to be organized by spreading them about the floor in discrete piles.

Soon to be added to the above mixture will be trial exhibits (both prosecution and defense), *Jencks* and *Brady* information, 1800 juror questionnaires, etc., etc. There is no way Mr. Moussaoui's current location can reasonably accommodate his need, if he is to be his own lawyer, to organize his materials for trial.

The cell in which Mr. Moussaoui was initially housed when he was first brought to Alexandria is more than adequate to address the problem. It is large enough not only to accommodate his materials, it is also large enough to perhaps permit attorney visits to assist Mr. Moussaoui in an environment where materials needed for discussion are readily accessible.

Accordingly, it is respectfully requested that Mr. Moussaoui be returned to the original cell area where he was incarcerated when he first came to Alexandria (Cell #3B) or an alternative environment of equal dimensions.

Respectfully submitted,

STAND-BY COUNSEL

181
Frank W. Dunham, Jr.
Federal Public Defender
Eastern District of Virginia
1650 King Street, Suite 500
Alexandria, VA 22314
(703) 600-0808

181
Edward B. MacMahon, Jr.
107 East Washington Street
P.O. Box 903
Middleburg, VA 20117
(540) 687-3902

181
Gerald T. Zerkin
Assistant Federal Public Defender
Eastern District of Virginia
830 E. Main Street, Suite 1100
Richmond, VA 23219
(804) 565-0880

181
Judy Clarke
Federal Defenders of
Eastern Washington and Idaho
10 N. Post, Suite 700
Spokane, WA 99201
(703) 600-0855

181
Alan H. Yamamoto
108 North Alfred Street
Alexandria, VA 22314
(703)684-4700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Standby Counsel's Response In Support of *Pro Se* Defendant Moussaoui's "Motion to Get Time Out Added in the Dirty Game of U.S." and "Motion to Get a Bigger Cave to Prepare The WTC" (World Top Circus)" was served upon AUSA Robert A. Spencer, AUSA, David Novak, and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, via facsimile and by placing a copy BY HAND in the box designated for the United States Attorney's Office in the Clerk's Office of the U.S. District Court for the Eastern District of Virginia and UPON APPROVAL FROM THE COURT SECURITY OFFICER via first class mail to Zacarias Moussaoui, c/o Alexandria Detention Center, 2001 Mill Road, Alexandria, VA 22314 this 19th day of September 2002.

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Frank W. Dunham, Jr.