

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

Alexandria Division

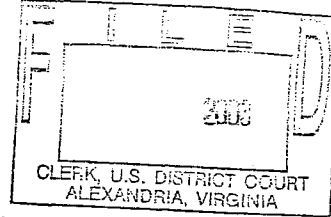
UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 ZACARIAS MOUSSAOUI )

Criminal No. 01-455-A

~~TOP SECRET CLASSIFIED~~  
~~FILING/UNDER SEAL~~

FILED WITH  
COURT SECURITY OFFICER

DATE 2/7/03



STANDBY COUNSEL'S MOTION FOR DISCOVERY<sup>1</sup>

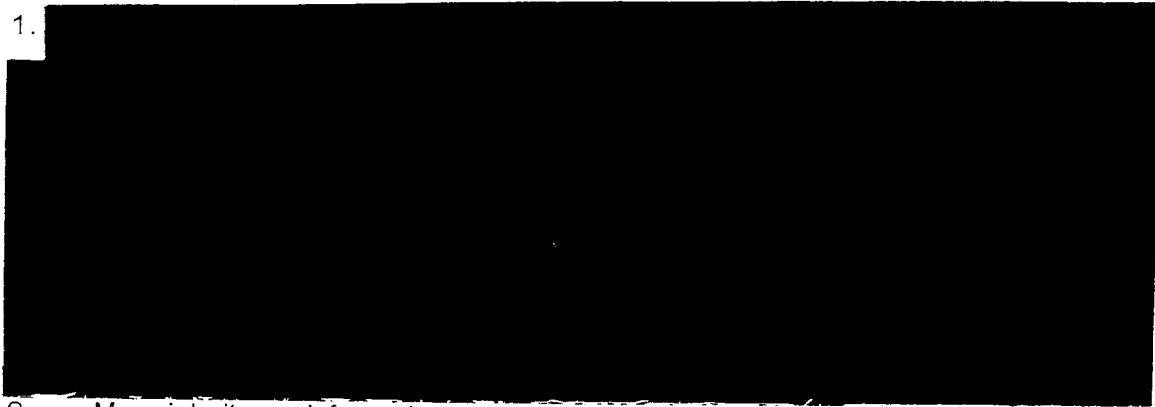
Standby counsel for the defendant, Zacarias Moussaoui, hereby move, pursuant to Rule 16 of the Federal Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, for an order directing the government to allow the defendant to inspect and to copy or photograph or otherwise be provided copies of the following documents, things or information, which are believed to be material to preparation of the defense.<sup>2</sup>

<sup>1</sup> The government has provided voluminous discovery and in many instances has been more helpful than strict application of the rules might require. It is based, in part, on our review to date of that previously produced discovery material that these requests are based. We are hopeful that this motion will result in voluntary production by the government, thus serving more as a guide to, or listing of, what we need than the initiation of adversarial proceedings under Rule 16. However, many of these requests have been previously made informally and have not resulted in production to date of the requested material so that a ruling from the Court on some of these requests may ultimately be required.

<sup>2</sup> Pursuant to the Court's Order of October 3, 2002, a copy of this pleading has been provided to the Court Security Officer for submission to a designated classification specialist who will "portion-mark" the pleading and return it to standby counsel. A copy of this pleading will not be provided to Mr. Moussaoui until standby counsel receive confirmation from the classification specialist that they may do so.

SPECIFIC REQUESTS<sup>3</sup>

1.



2. Material witness information:

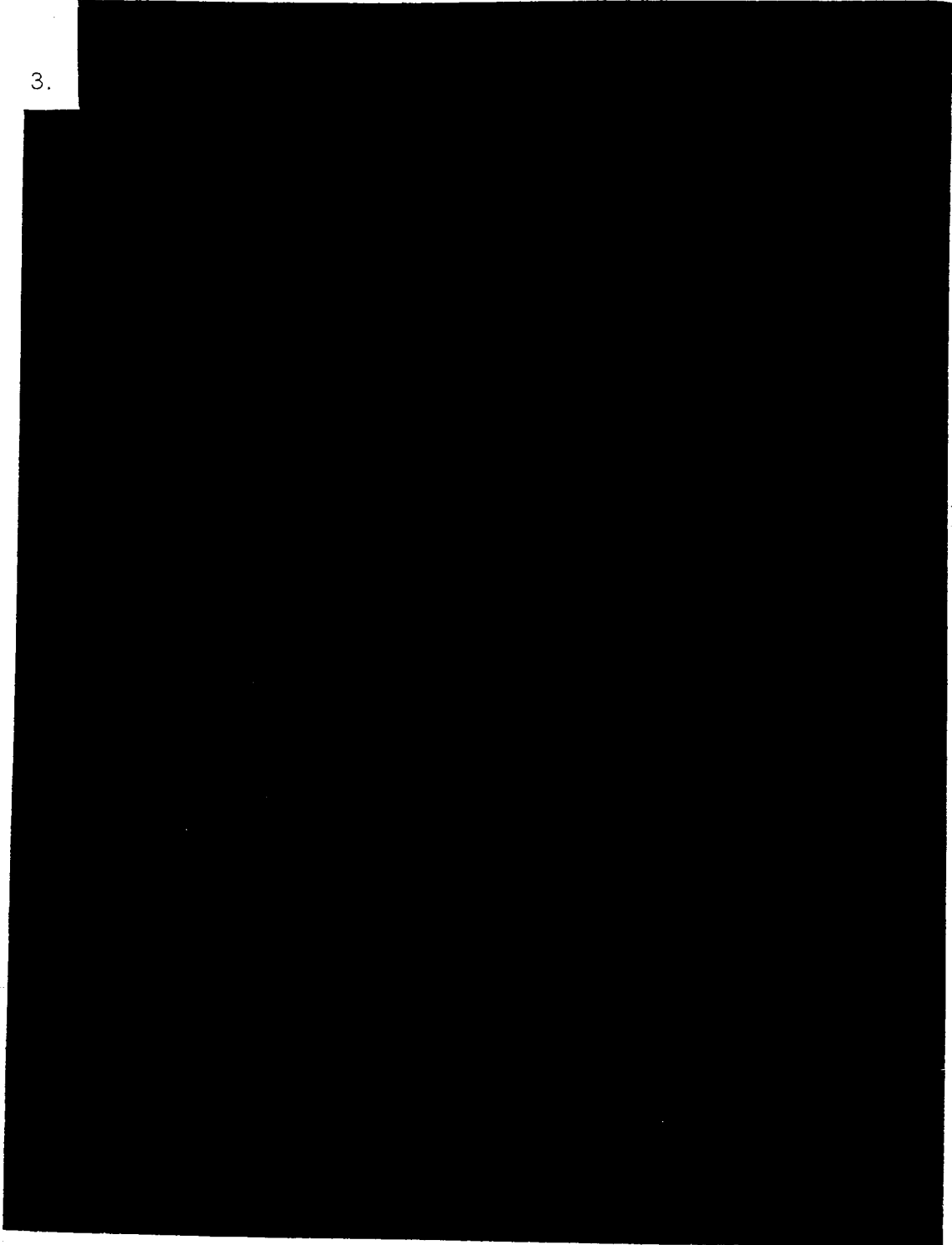
A. Identification of persons being held as material witnesses to the events of 9/11 pursuant to 18 U.S.C. § 3144, including but not limited to:

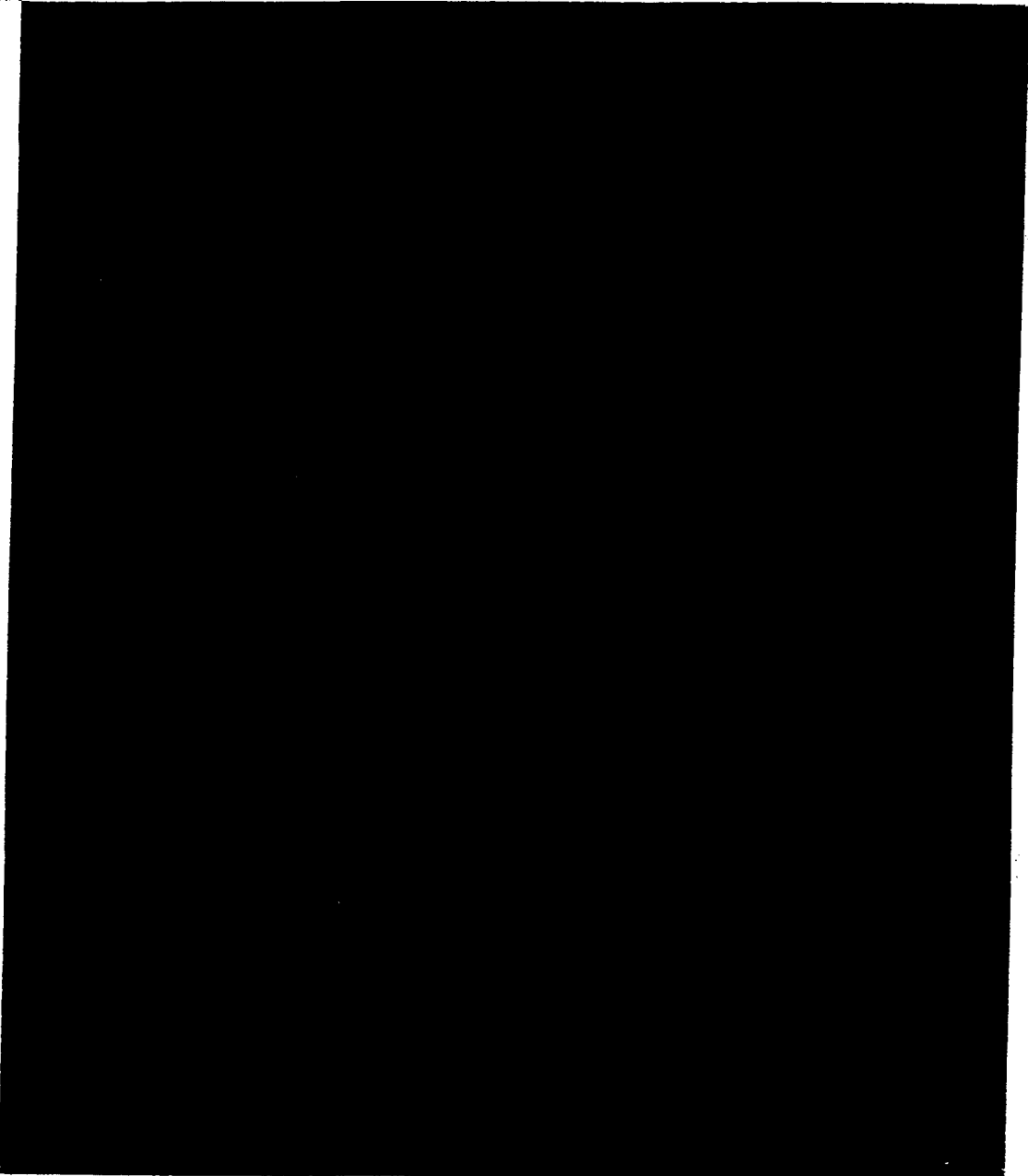
1. Name;
2. Current location of detention;
3. Name, address and telephone number of counsel if witness has counsel;
4. Last known address of the material witness.

B. All documents filed with a United States District Court relating to persons held or being held as material witnesses to the events of 9/11 pursuant to 18 U.S.C. § 3144 which were filed to support the detention of a particular



3.





4. A transcript of any testimony given by Coleen Rowley before any Committee, Subcommittee, or staff of the United States Congress.
5. Unredacted copy of electronic communication, dated July 10, 2001, from the

FBI's Phoenix Field Office to FBI Headquarters (the so-called Phoenix Memo) (M-HQI-80000177, attached) including any handwritten notations on any official file copy of this memo.

6.

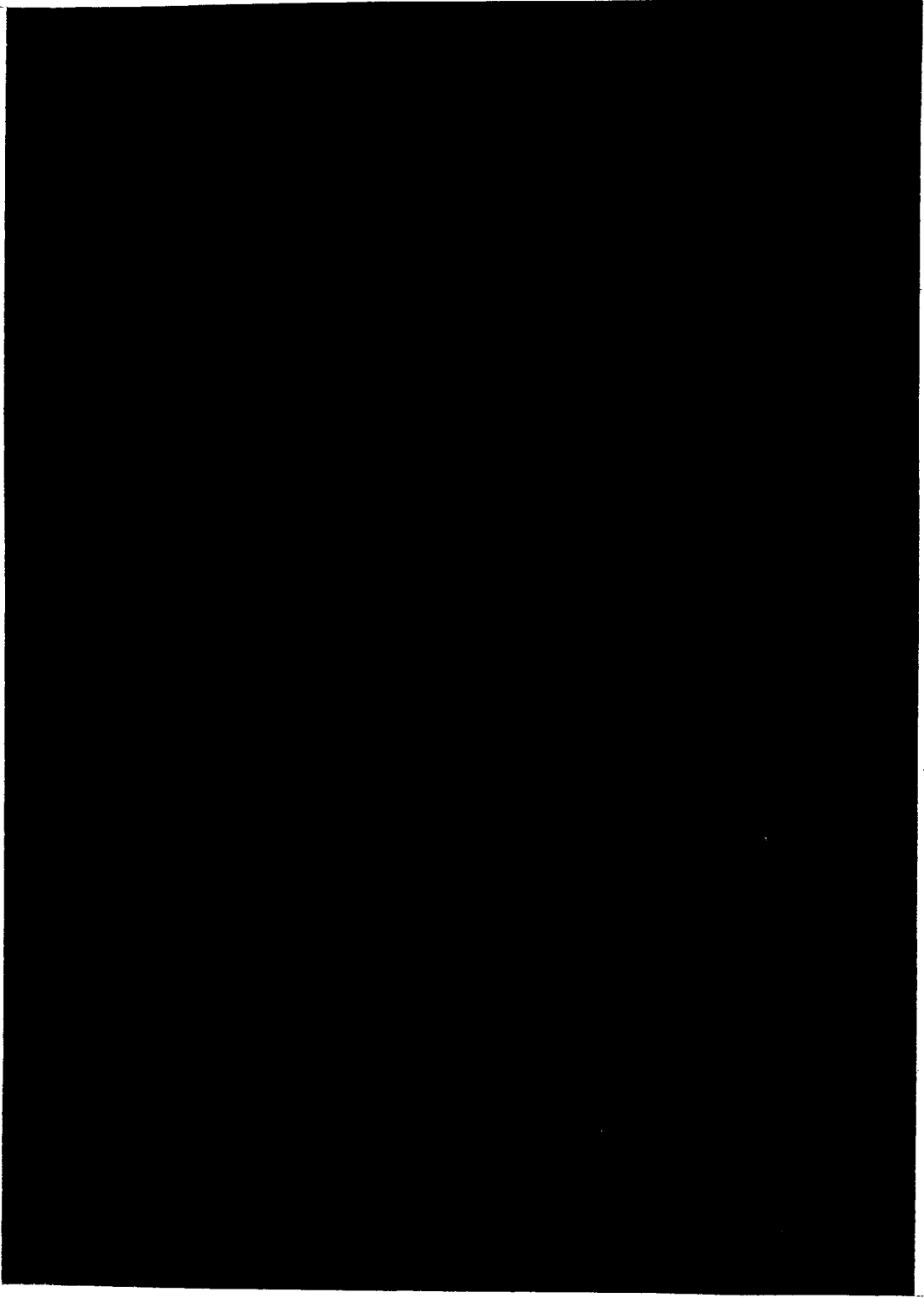


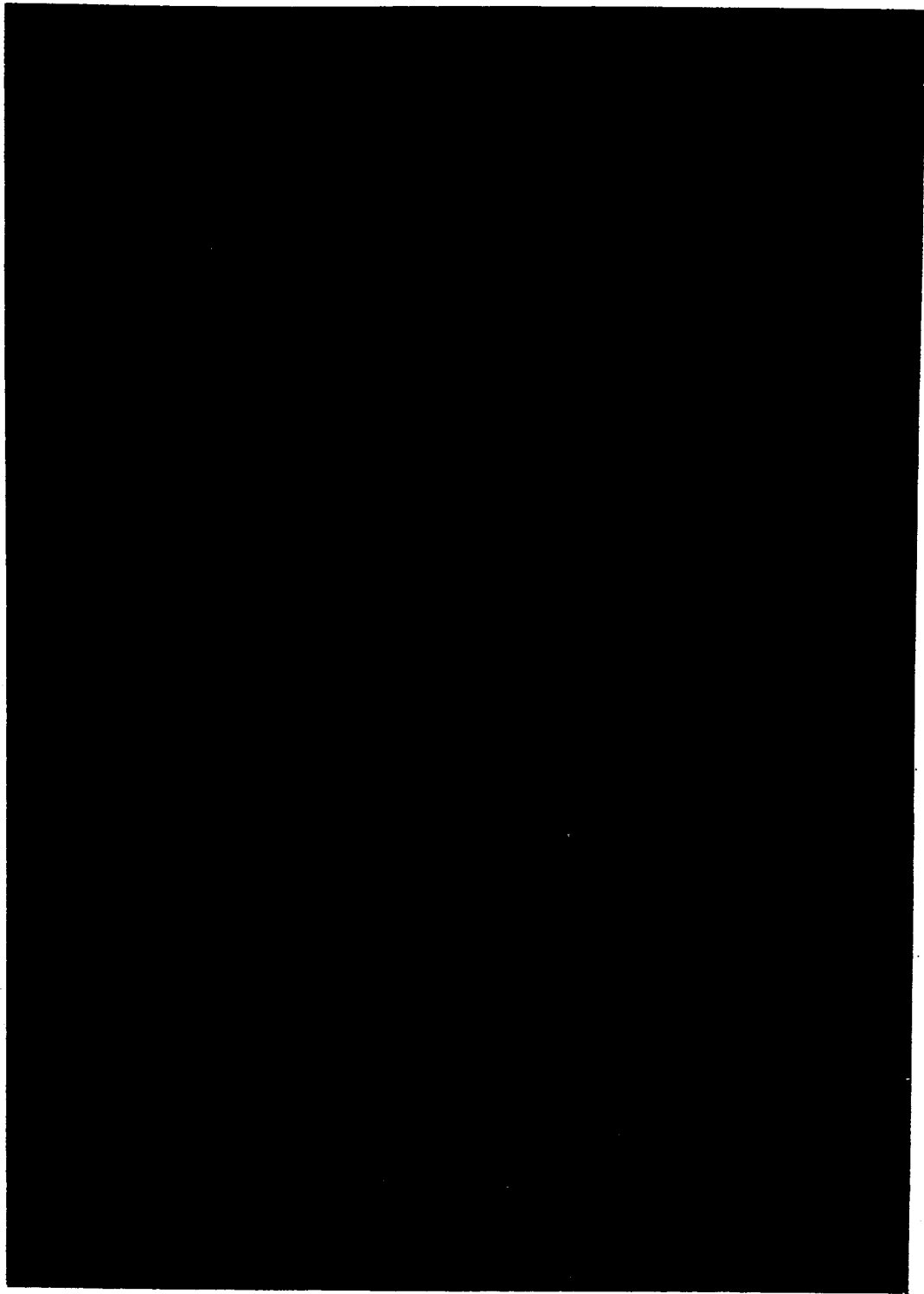
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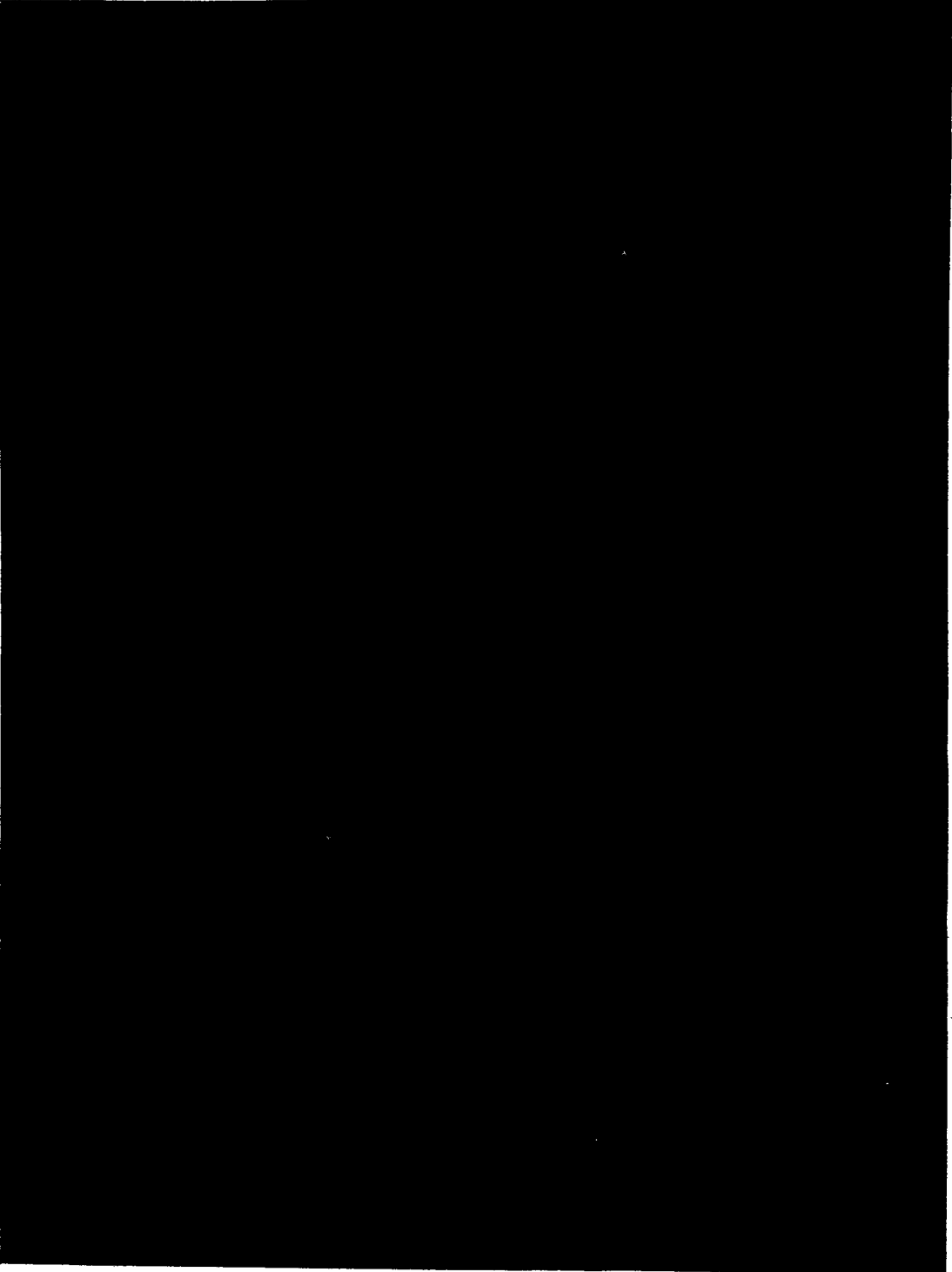
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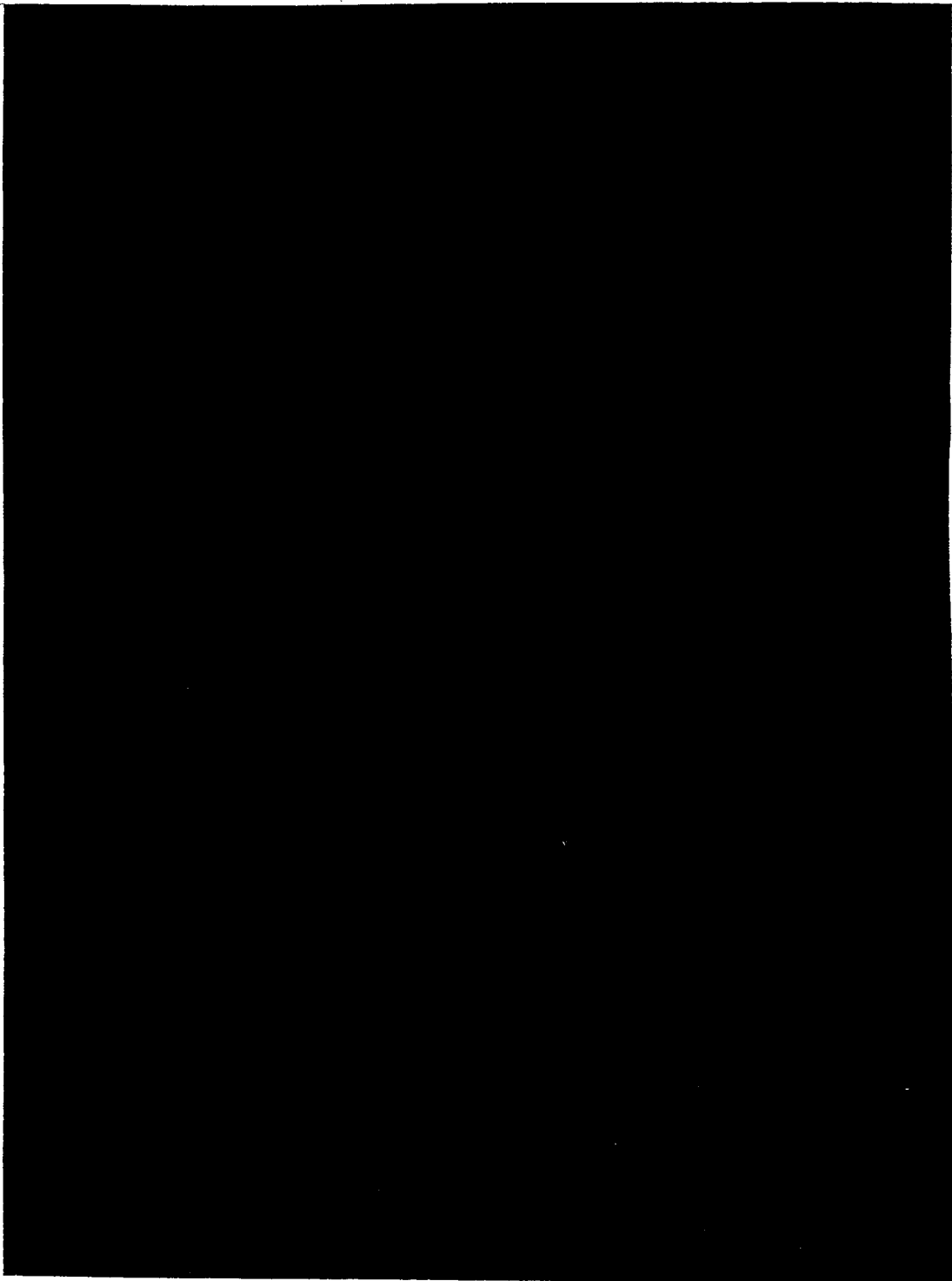
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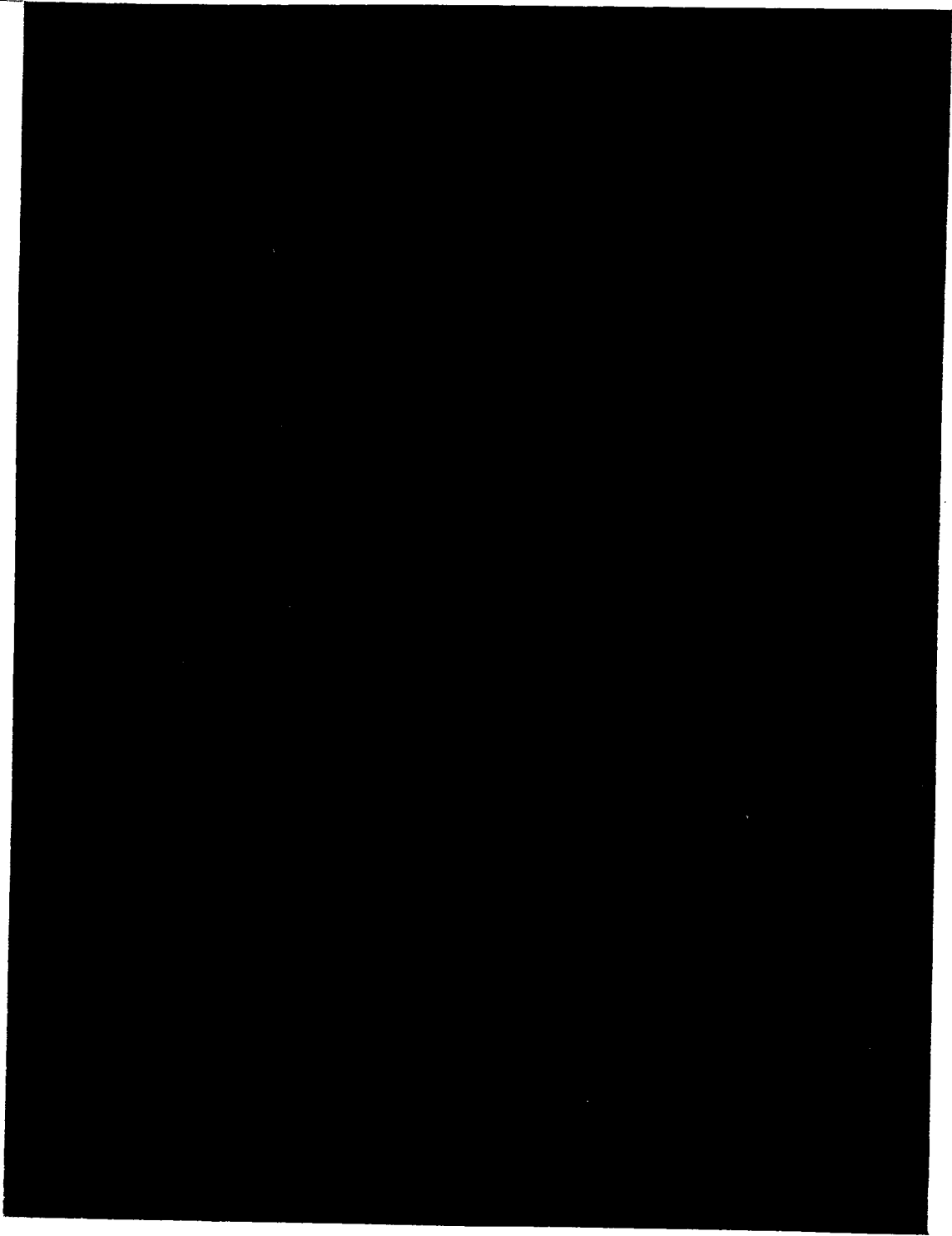


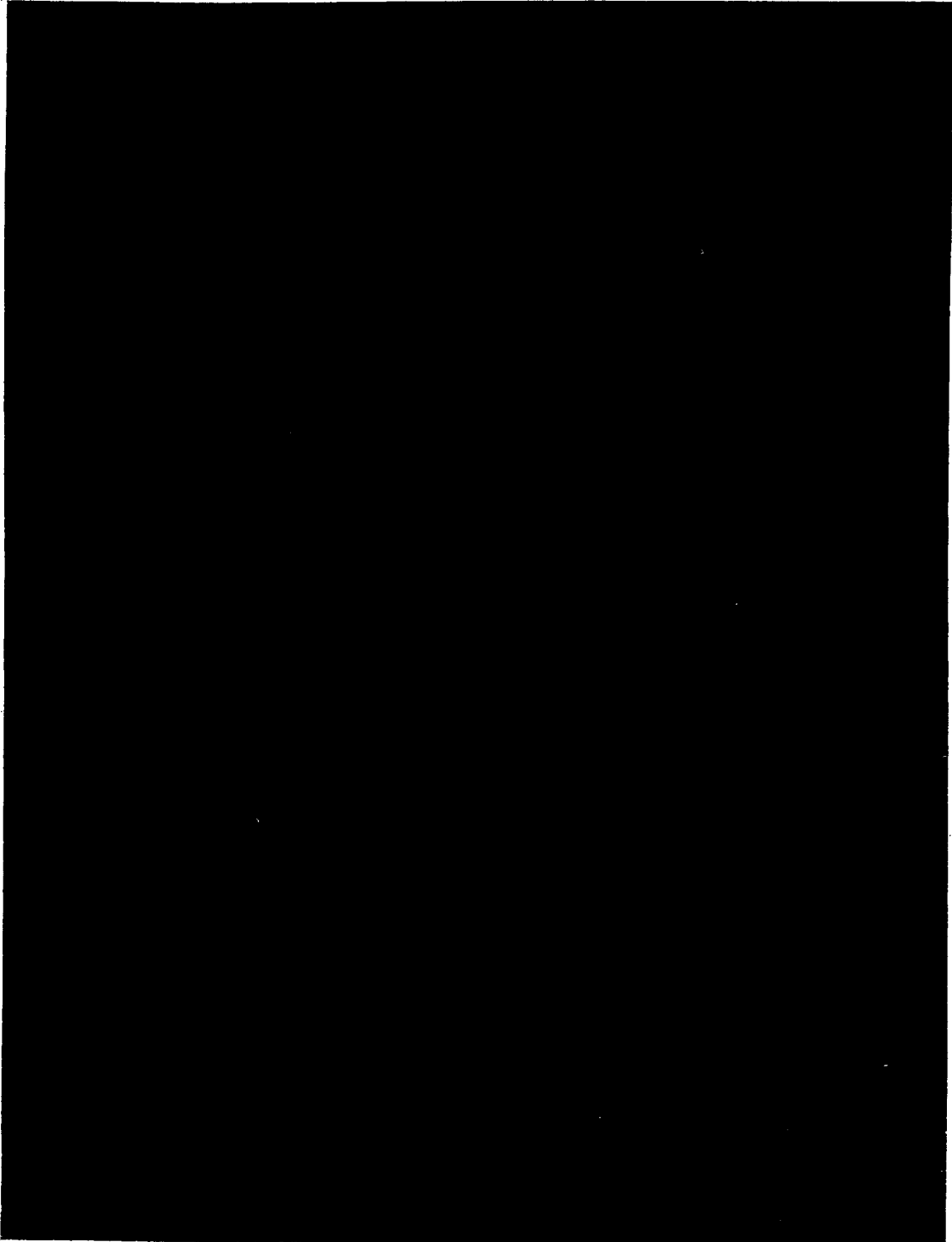




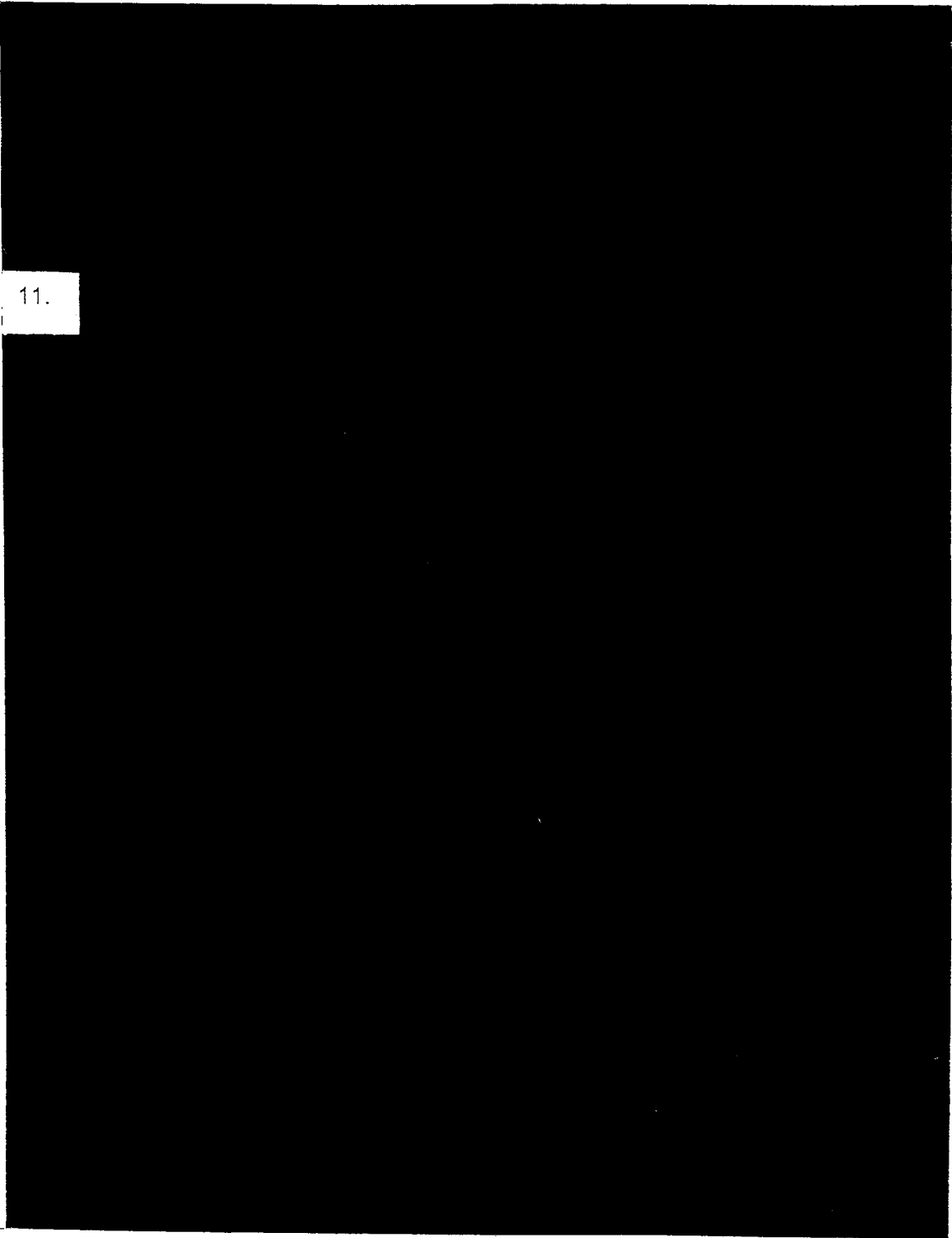








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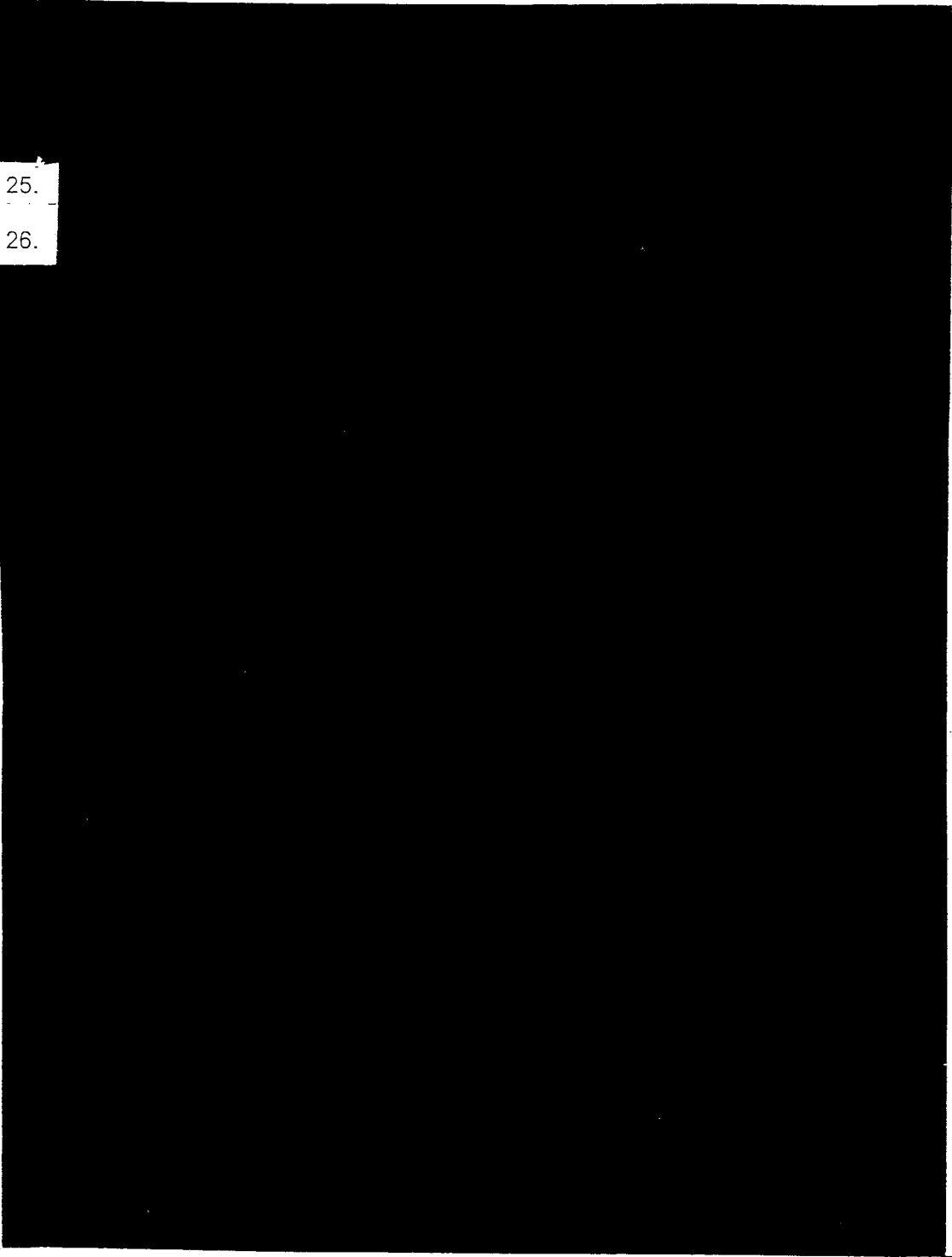
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Standby Counsel's Motion for Discovery 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, by hand-delivering a copy to the Court Security Officer on this 7th day of February, 2003.

  
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Anne M. Chapman