

FILED

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

2003 FEB 10 P 4:01



CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Criminal No. 01-455-A

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

STANDBY COUNSEL'S REPLY TO GOVERNMENT'S MOTION FOR STAY

COMES NOW Standby Counsel for Zacarias Moussaoui in response to the government's motion for a stay of trial and pre-trial proceedings pending the government's appeal to the Fourth Circuit Court of Appeals.

We have no objection to a stay of any trial proceedings until the government's appeal is concluded. Indeed, we agree with the suggestion in the government's proposed order that there be a trial continuance until a date in September of convenience to the Court. Hopefully, the Court will re- schedule so as to begin jury selection on a date that will not have us selecting a jury or trying the case in proximity to a 9/11 anniversary. Setting a new trial date now will be of benefit to all concerned and conserve valuable resources.

With regard to pre-trial proceedings, we support such a stay as to any new pre-trial matters, especially any which relate in any way to the subject matter of the appeal. However, we believe the Court should be free to exercise its discretion during the period of the stay to either defer on any currently pending pre-trial matter until the stay is dissolved or schedule a hearing or otherwise rule upon pending matters, particularly those where a ruling adverse to the government could spark another appeal.

ZACARIAS MOUSSAOUI

Stand-by Counsel



/ s /

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Standby Counsel's Reply to Government's Motion for Stay 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 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 10 day of February, 2003.

/ s /

Frank W. Dunham, Jr.