


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

FILED
2019 OCT 10 11:10 AM
USDC EDVA
ALEXANDRIA
CLERK OF COURT


UNITED STATES)
)
 v.) Crim. No. 01-455-A
)
ZACARIAS MOUSSAOUI)

GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION FOR A STAY

Standby counsel have filed a motion seeking a stay of this case before this Court during the pendency of the current appeal to the Fourth Circuit and seeking a specific delay between a remand of the case from the Fourth Circuit and the beginning of the trial in this matter. On the first part of this request, the United States concurs that the litigation before this Court should be stayed while the case is on appeal. On the second part of standby counsel’s request (where standby counsel request that the Court order that trial in this matter begin 90 days after a Fourth Circuit decision upholding the strike of the death penalty and 180 days after a Fourth Circuit decision reversing the strike of the death penalty), however, the United States believes that the period of delay sought by standby counsel between the Court of Appeals decision and the beginning of the trial in this case is too long.

Instead, the United States suggests that this case could proceed to trial 70 days after a Fourth Circuit decision that the death penalty is not part of the case and 120 days after a decision

re-instating the death penalty. We believe that the interests of justice mandate as much expediency as possible even with the complexities inherent in this case.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By: /3/
Robert A. Spencer
Kenneth M. Karas
David J. Novak
Assistant U.S. Attorneys

Certificate of Service

I certify that on October 30, 2003, a copy of the foregoing pleading was provided to the defendant via delivery to the U.S. Marshals Service and to the counsel listed below:

Edward B. MacMahon, Jr., Esquire
107 East Washington Street
P.O. Box 903
Middleburg, Virginia 20118
(540) 687-3902
fax: (540) 687-6366

Frank W. Dunham, Jr., Esquire
Public Defender's Office
Eastern District of Virginia
1650 King Street
Alexandria, Virginia 22314
(703) 600-0808
Fax: (703) 600-0880

Alan H. Yamamoto, Esquire
643 S. Washington Street
Alexandria, Virginia 22314
(703) 684-4700
Fax: (703) 684-6643

181

Robert A. Spencer
Assistant United States Attorney