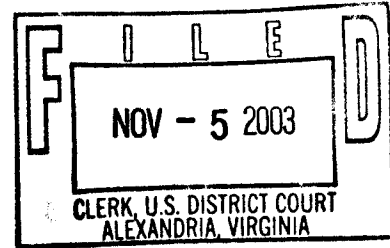


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 ZACARIAS MOUSSAOUI )  
 a/k/a "Shaqil," )  
 a/k/a "Abu Khalid )  
 al Sahrawi," )  
 )  
 Defendant. )

Criminal No. 01-455-A



ORDER

Before the Court is Standby Counsel's Motion for Guidance on Setting a Trial Date ("Motion for Guidance") (Docket #1099), which the Government properly construes as a motion to stay. In their motion, standby counsel request that the Court stay all action in this case until the Government's interlocutory appeal of the Order of October 2, 2003 is resolved. They also request that the Court set time limits for the start of any trial once the appellate process is completed. Specifically, they ask for a minimum of 90 days from the issuance of the mandate to prepare for a non-capital trial and at least 180 days to prepare for a capital trial. The Government does not oppose the request for a stay, however, it disputes the amount of time needed to prepare for trial, arguing that 70 and 120 days, respectively, would be more appropriate time periods.

The pro se defendant appears to concur with standby counsel's request for a stay, but asks that no trial date be set until the parameters of the trial are clear. (See Docket #1105.) Therefore,

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we deem him to have no objection to standby counsel's motion.

The Court finds that a stay should be granted. The issues raised in the interlocutory appeal significantly impact the scope of discovery relevant to this case, including the very sensitive issues surrounding access to classified evidence. To conserve resources of both the prosecutors and standby counsel and avoid unnecessary handling of classified material, that portion of standby counsel's Motion for Guidance that asks for a stay and defendant's motion docketed as #1105 are GRANTED, and it is hereby

ORDERED that all further action in this case at the district court level be and is STAYED until further Order of the Court.

In light of the stay, the pro se motions docketed as #s 1098, 1101, 1102, 1103, 1104, 1107, and 1108 are DENIED AS MOOT. If any of the relief sought in these motions remains relevant to the trial, such motions may be refiled after the mandate is returned to this Court.

Given the need to assemble an extremely large jury pool and make other logistical arrangements for the trial of this case, the minimum time periods requested by standby counsel are not unreasonable. Therefore, the Motion for Guidance is GRANTED in that respect, and it is hereby

ORDERED that no trial date will be set sooner than 180 days after the return of the mandate if this case remains a capital prosecution or 90 days after the return of the mandate if the

sanctions imposed by this Court are upheld.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; and standby defense counsel.

Entered this 5<sup>th</sup> day of November, 2003.

/S/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia