

FILED

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

2004 NOV -1 P 4:05



CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

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

Crim. No. 01-455-A  
Judge Leonie M. Brinkema

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO THE GOVERNMENT'S  
MOTIONS REGARDING MENTAL HEALTH EVIDENCE**

Defendant Zacarias Moussaoui, through counsel, moves this Court to extend the time within which he must respond to the government's motions regarding mental health evidence and states the following in support thereof.

1. On April 8, 2002 and July 6, 2004, respectively, the government filed its Motion and Incorporated Memorandum Regarding Mental Health Evidence (dkt. no. 93) and its Supplemental Motion and Incorporated Memorandum Regarding Mental Health Evidence (dkt. no. 1176) (the "mental health motions" or "Motions").

2. By Order dated July 23, 2004, the Court stayed consideration of the mental health motions. See Order at 2 (dkt. no. 1185). In that Order, the Court further ruled that "[i]f this case remains death eligible, defendant must file any response to [the Motions] within ten (10) days of the return of the mandate." *Id.* at 2.

3. The mandate was issued on October 21, 2004, making November 1, 2004, the due date for the defendant to respond to the Motions.

4. On October 27, 2004, the government filed its Motion to Set Trial Date (dkt. no. 1199). The response to this motion is due November 8, 2004. See Fed. R. Crim. P. 45; Loc. R. 47(E)(1).

5. The defendant respectfully requests that the Court extend for a period of thirty (30) days the time within which he must respond to the mental health motions, that is,

to December 1, 2004. This extension is necessary because the defense intends to request that the Court stay all further proceedings in this case until the appellate process has been completed. This request will be included in a detailed response to the Motion to Set Trial Date which will be filed no later than November 8, 2004. An extension will allow the Court time to consider the issues raised in the Motion to Set Trial Date without requiring the defense to respond to the mental health motions in the interim.

6. Upon the agreement of counsel, all prior agreements regarding any mental health testing of the defendant shall remain in full force and effect during this extension.

7. The government does not object to the relief requested in this motion.

For the foregoing reasons, defendant respectfully moves that the Court grant this motion and extend for thirty (30) days, that is, until December 1, 2004, the time for the defendant to respond to the mental health motions. A proposed order is attached for the Court's consideration.

Respectfully submitted,

ZACARIAS MOUSSAOUI  
By Counsel

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CERTIFICATE OF SERVICE<sup>1</sup>

I HEREBY CERTIFY that on this 1st day of November 2004, a true copy of the foregoing motion and proposed order was served upon AUSA Robert A. Spencer, AUSA David J. Novak and AUSA David Raskin, 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 by FACSIMILE upon same to 703-299-3982 (AUSA Spencer), 804-771-2316 (AUSA Novak) and 212-637-0097 (AUSA Raskin).

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Kenneth P. Troccoli

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<sup>1</sup> Pursuant to the Court's order of October 3, 2002 (dkt. no. 594), the instant pleading was presented to the CSO for a classification review before filing. That review determined that the pleading is not classified. A copy of this pleading was not provided to Mr. Moussaoui until after completion of the classification review.