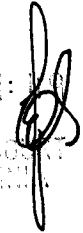


FILED

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

2005 MAY -5 A 11:10
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA



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

Criminal No. 01-455-A

JOINT POSITION REGARDING TRIAL SCHEDULE

Pursuant to the Court's Order dated April 25, 2005, the parties jointly propose that the penalty phase of this prosecution begin with jury selection on January 9, 2006, and with opening statements/evidence on February 6, 2006.

Regarding pending motions, the parties agree that the Defendant's Motion for Discovery of Agreement between Germany, France, and the United States (docket no. 697) is now moot.

The parties further submit that the following motions should be decided on the pleadings already filed:

- * Government's Motion to Use Summary Witness regarding World Trade Center (docket no. 397);
- * Government's Motion for Protective Order regarding Cockpit Voice Recorder for Flight 93 (docket no. 399); and
- * Government's Motion to Quash Subpoena *Duces Tecum* Served on the CIA (docket no. 679).

The defense will re-file its Motion for Discovery (docket no. 743) if and when it believes it to be appropriate.

The defense will respond to the Government's motions regarding mental health evidence (docket nos. 93 and 1176) within 30 days of this filing. The Government will reply 14 days thereafter.

The defense will re-file all of its motions regarding the death penalty (docket nos. 117, 303 and 583) within 45 days of this filing. This will also include the issue raised in its Memorandum Regarding Rule 11 Considerations (docket no. 356) in which the defense challenged whether Count Two is a capital offense. The Government will respond within 21 days of receipt of the moving papers and the defense will then reply within 10 days thereafter.

The parties have agreed to the following proposed resolution of the defendant's Motion for Early Production of Government's Witness List (docket no. 581):

- * The Government will file its Witness List under 18 U.S.C. § 3432 at least three days before jury selection;
- * The Government will produce all *Jencks/Giglio* material for its witnesses not later than 15 days before jury selection;
- * The Government will provide notice of any Rule 404(b) material not later than 30 days before jury selection; and
- * The Government will provide its notice regarding its experts not later than 45 days before jury selection. The Defense will provide reciprocal notice regarding its experts not later than 15 days after the Government's notice. This provision will not apply to any mental health experts.

Additionally, the parties propose that the Court adopt the following schedule to address CIPA issues:

September 22, 2005	Defense § 5 filing due
October 6, 2005	Government § 5 response due
October 13, 2005	Defense § 5 reply due
October 20, 2005	CIPA § 5 hearing (if necessary)
October 27, 2005	Government § 6 filing due
November 10, 2005	Defense § 6 response due

November 17, 2005

Government § 6 reply due

December 8, 2005

Final CIPA hearing

Finally, the Government respectfully submits that there is no longer any need for the deposition of Shadi Abdalla because his deposition was scheduled only for guilt phase purposes.

Respectfully submitted,

Paul J. McNulty
United States Attorney

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