

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

UNITED STATES OF AMERICA)
)
 v.) No. 1:01cr455
)
 ZACARIAS MOUSSAOUI)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
)
 Defendant.)

ORDER

Before the Court is the parties' Joint Position Regarding Trial Schedule, in which the parties have proposed dates for the penalty phase of this prosecution and for the submission of pre-trial motions. Because the Court finds the parties' proposal to be reasonable, it is hereby

ORDERED that jury selection for the penalty phase of this prosecution begin on January 9, 2006, and that opening statements and evidence begin on February 6, 2006; and it is further

ORDERED that the defense respond to the Government's previously filed motions regarding mental health evidence (Docket #93 and #1176) within thirty (30) days of this Order and that the Government submit any reply fourteen (14) days thereafter; and it is further

ORDERED that the defense refile all of its motions regarding the death penalty (Docket #117, #303, #356 and #583) within forty-five (45) days of this Order, that the Government respond

within twenty-one (21) days of receiving the new motions and that the defense reply within ten (10) days thereafter; and it is further

ORDERED that the Government's Motion To Use Summary Witnesses Regarding World Trade Center (Docket #397), Motion For Protective Order Regarding Cockpit Voice Recorder For Flight 93 (Docket #399) and Motion To Quash Subpoena Duces Tecum Served On The CIA (Docket #679) will be resolved on the pleadings already filed; and it is further

ORDERED that defendant's Motion For Discovery Of Agreement Between Germany, France, And The United States And Evidence Subject And/Or Relevant To That Agreement (Docket #697) is now moot; and it is further

ORDERED that the defense refile its Motion For Discovery (Docket #743) if and when it is appropriate; and it is further

ORDERED that defendant's Motion For Early Production Of Government's Witness List And To Set Discovery Deadlines (Docket #581) will be resolved by the following schedule. The Government will file its witness list under 18 U.S.C. § 3432 at least three (3) days before jury selection and will produce all Jencks and Giglio material at least fifteen (15) days before jury selection. The Government will provide notice of any Rule 404(b) material at least thirty (30) days before jury selection. Finally, except with regard to any mental health experts, the Government will

provide notice regarding its experts at least forty-five (45) days before jury selection, and the defense will provide reciprocal notice regarding its experts no more than fifteen (15) days after receiving the Government's notice; and it is further

ORDERED that with regard to Section 5 of the Classified Information Procedures Act ("CIPA"), the following schedule will govern. The defense will file any Section 5 notices by September 22, 2005, the Government will respond by October 6, 2005, and the defense will reply by October 13, 2005. The Court will then hold a CIPA Section 5 hearing on October 20, 2005, if necessary; and it is further

ORDERED that with regard to Section 6 of CIPA, the Government will file any Section 6 motions by October 27, 2005, the defense will respond by November 10, 2005, and the Government will reply by November 17, 2005. The Court will then hold a final CIPA hearing on December 8, 2005.

The Clerk is directed to forward copies of this Order to counsel of record and the Court Security Officer.

Entered this 6th day of May, 2005.

_____/s/_____
Leonie M. Brinkema
United States District Judge

Alexandria, Virginia