



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

W. C. C. C.
DATE 1/20/06

JAN 20
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

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

Criminal No. 01-455-A
Hon. Leonie M. Brinkema

DEFENDANT'S MOTION TO COMPEL DISCOVERY

COMES NOW Zacarias Moussaoui, by counsel, and for his Motion to Compel
Discovery, states as follows:

Throughout the pre-trial phase of this case, the Government has flooded the defense with
discovery. Since this case was filed, the Government has produced literally thousands of CD-
ROMS containing thousands of images each. We have received over a hundred thousand FBI
302s, scores of videos and cassette tapes and computer hard drives that could never be analyzed
by the defense even with unlimited time and a boundless budget.

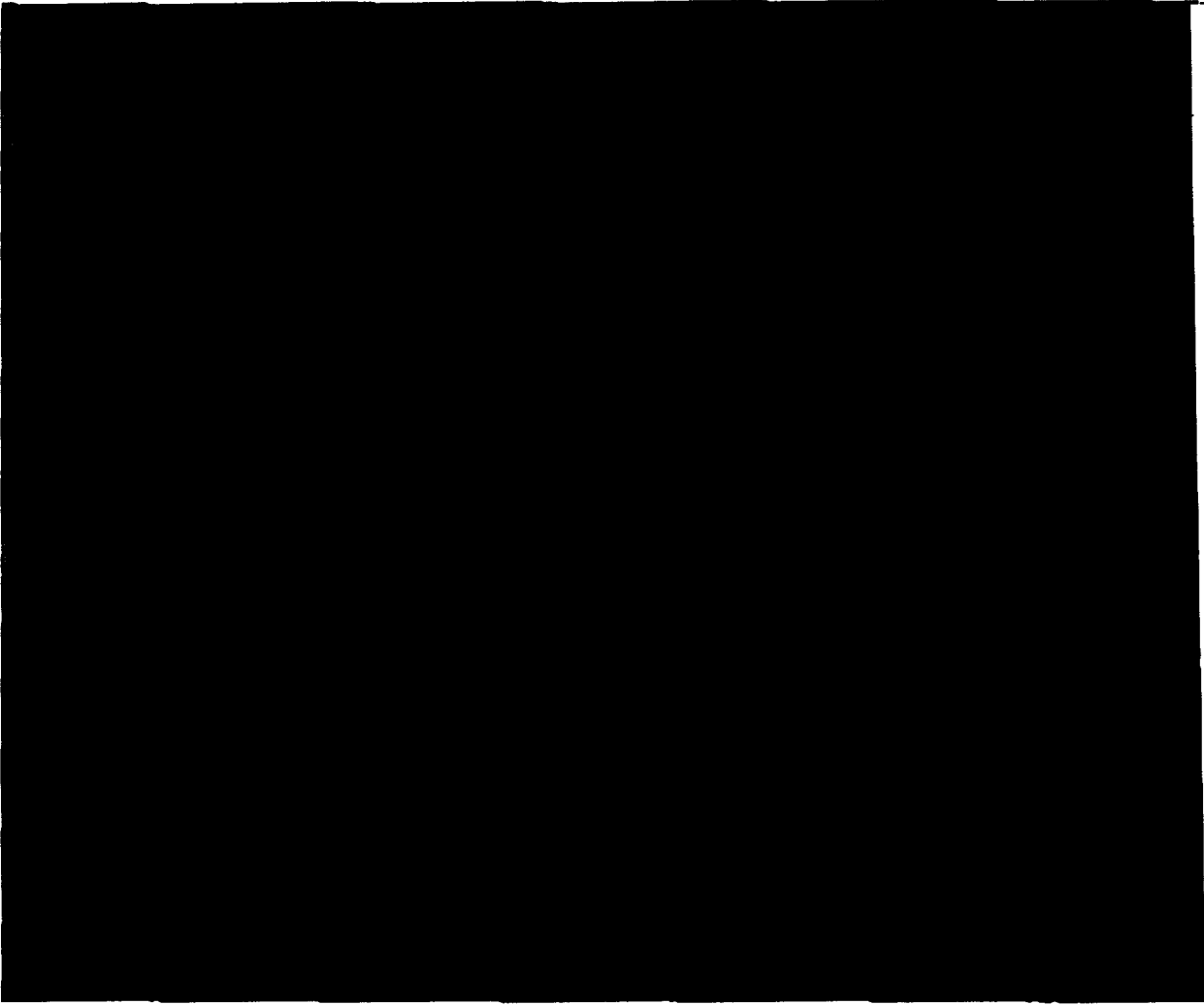
In the SCIF we have received more classified discovery than has ever been produced in a
criminal case in the history of the United States. We have spent hundreds of hours reviewing and
designating this information for use in this trial.

Moussaoui's plea of guilty, however, has made irrelevant much of the discovery that has
been produced to the defense. Assuming that the Government was viewing its discovery
obligations in the broadest possible manner, the defense has never complained about receiving
too much discovery. Moreover, the Government attorneys in this case have, to their credit,





responded to numerous requests by the defense for discovery and have, they say, searched far and wide for discoverable information. Given the current posture of the case, and despite the previously described deluge of discovery in this case, there remains a much smaller universe of documents that the Defense needs to prepare its defense in this case that the Government will not or cannot produce. Unfortunately, at this time, the parties are unable to resolve, without the Court's intervention, the particularized requests for discovery set forth below. This is the first discovery motion filed by the Defense in this case that will require the intervention of the Court.



15 Pages
Redacted in their Entirety



CONCLUSION

WHEREFORE, the Defendant respectfully requests that the Court enter an Order requiring the Government to produce forthwith all of the information set forth in the Defendant's Motion to Compel. The Defendant also requests that the Court enter an Order requiring the Government to comply with CIPA in producing redacted classified information to the Defense and for the Court to Order the Government to provide an unredacted copy of the CIA OIG Report to counsel or, in the alternative, to the Court for review under CIPA.

Respectfully submitted,

ZACARIAS MOUSSAOUI
By Counsel

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing pleading was served upon AUSA Robert A. Spencer, AUSA David Novak and AUSA David Raskin, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, by hand-delivering a copy of same to the Court Security Officer on this 20th day of January, 2006.⁴

/s/

Edward B. MacMahon, Jr.

⁴ Pursuant to the Court's Order of October 3, 2002 (dkt. no. 594), on the date that the instant pleading was filed, a copy of the pleading was provided to the Court Security Officer ("CSO") for submission to a designated classification specialist who will "portion-mark" the pleading and return a redacted version of it, if any, to defense counsel. A copy of this pleading, in redacted form or otherwise, will not be provided to Moussaoui until counsel receive confirmation from the CSO and/or classification specialist that they may do so.

4 Pages
Redacted in their Entirety