

16, 2001. Moreover, even if the defendant believes he is in possession of evidence that might exonerate him, he will be given an opportunity to present that evidence at trial, which is scheduled to begin in less than four months.

In the interim, however, consideration of the factors enumerated in Section 3142 overwhelmingly requires that the defendant continue to be detained pending trial. *See* 18 U.S.C. § 3142(g). The evidence the Government expects to present at trial will establish, well beyond a reasonable doubt, the defendant's guilt, and there is little doubt about the severe gravity of the charges brought against the defendant. Moreover, this is a case, based on the nature of the charges, where there is a rebuttable presumption that the defendant should be detained, *see* 18 U.S.C. § 3142(e), a presumption the defendant has utterly failed to overcome. And, as alleged in the Indictment and as will be proven at trial, the defendant is associated with a terrorist group that specializes in, among other things, the stealth travel of its members/associates and which engages in extremely violent conduct. Finally, the defendant faces a maximum of the death penalty, or life imprisonment. Thus, the defendant is an obvious risk of flight and a proven danger to the community, and he should therefore remain in prison until the trial begins.

The defendant's requests to suppress the telephone conversation and the INS deportation order should also be denied. Because he does not allege that he participated in the alleged conversation between Hussein al-Attas and the Imam, the defendant has no standing to object to its recording, or to the use of the recording of this conversation at trial. *See United States v. Padilla*, 508 U.S. 77, 81 (1993) (defendant has no standing to challenge admission of evidence illegally obtained from co-defendants and co-conspirators); *United States v. Taylor*, 857 F.2d 210, 214 (4th Cir. 1988) ("Fourth Amendment rights are . . . personal rights;" co-defendants "lack

CERTIFICATE OF SERVICE

I certify that on June 18, 2002, a copy of the attached Government's Response to Defendant's Emergency Motion for Immediate Release was sent by hand delivery, via the United States Marshal's Service to:

Zacarias Moussaoui
Alexandria Detention Center
2001 Mill Road
Alexandria, Virginia 22314

I further certify that on June 18, 2002, a copy of the attached Government's Response to Defendant's Emergency Motion for Immediate Release was sent by facsimile and regular mail to:

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/s/
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