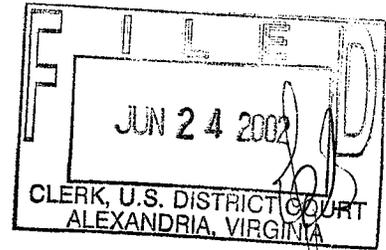


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
v.) Criminal No. 01-455-A
)
ZACARIAS MOUSSAOUI)

STANDBY COUNSEL'S SUBMISSION ON DEPOSITION

Standby counsel submit the following on the question of their role at the deposition of REDACTED

They remain standby counsel by Order of the Court. Standby counsel are in that position not for the immediate benefit of the defendant, but so that they can assume his representation at any time, including during trial, at the request of the Court. Since the deposition of REDACTED is being taken in lieu of his appearance at trial and since counsel would not be able to recall him during trial, standby counsel must be allowed to question him at this time to preserve any testimony they would desire to elicit at trial should they be thrust into an active role. Therefore, after Mr. Moussaoui completes his cross-examination, standby counsel must be allowed to ask any additional questions they desire. If Mr. Moussaoui does not choose to adopt that additional examination and if Mr. Moussaoui remains *pro se*, the examination by standby counsel may and can be deleted from the videotape.

Respectfully submitted,

By Standby Counsel
For Zacarias Moussaoui

Frank W. Dunham, Jr. by JPTZ

Frank W. Dunham, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Standby Counsel's Submission on Deposition was served via facsimile and first class mail upon AUSA Robert A. Spencer, AUSA David Novak, and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, Virginia 22314, Alan H. Yamamoto, Esq., 108 N. Alfred Street, First Floor, Alexandria, Virginia 22314, and by hand delivery only to Zacarias Moussaoui, Alexandria Detention Center, 2001 Mill Road, Alexandria, Virginia 22314 this 26th day of June, 2002.

Gerald T. Zerkin

Frank W. Dunham, Jr.

GERALD T. ZERKIN