

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

UNITED STATES OF AMERICA            )  
  )  
  )       Crim. No. 01-455-A  
  )       Hon. Leonie M. Brinkema  
ZACARIAS MOUSSAOUI                 )

GOVERNMENT’S RESPONSE TO  
DEFENDANT’S MOTION FOR PRODUCTION

In response to defendant’s motion (docket number 204) in which he moves to “subpoena” certain evidence, the United States believes that it has already produced the evidence the defendant requests.

The defendant apparently demands production of three things:

- (1) “my belongings that was confiscated at the time of my arrest by the FBI on 17 August 2002;”<sup>1</sup>
- (2) “the telephone conversation recorded by the FBI between Al Attas and an Imam . . . (in Sherburne County Jail);” and
- (3) “INS order of Deportation dated the 18 August 2002.”

First, laboratory photographs of the items seized from the defendant when he was arrested on August 16, 2002, have been produced to the defense.<sup>2</sup> Such items were produced in electronic format on the following numbered CDs at the date indicated:

<u>CD Number</u>	<u>Production Date</u>
17	2/11/02

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<sup>1</sup> The defendant was arrested by the INS on August 16, 2002.

<sup>2</sup> Should the defendant wish to inspect the original evidence or submit it for testing, he should make such a request to the Court.

20-31	2/11/02
41	2/15/02
56	2/18/02
58	2/21/02
59-61	2/20/02
62-65	2/22/02
66-67	2/25/02
73-77	2/26/02
96-108	3/5/02
155	3/11/02

Second, the INS Order of Deportation for the defendant, which Order was dated August 20, 2001, was produced to the defense on CD numbers M INS\_001 and M INS\_002, on June 6 and 19, 2002, respectively.

Finally, the transcript of a telephone conversation between Al-Attas and an Imam, which transcript was made from a recording of such a call placed from the Sherburne County Jail in Minnesota, was produced to defense counsel, as classified discovery because it is classified SECRET, on June 1, 2002. We are currently determining whether this transcript can be declassified, and, if it is, we will produce it to the defendant.

Because the United States has already produced the demanded items in discovery, the defendant's motion is moot.

Respectfully Submitted,

Paul J. McNulty  
United States Attorney

By: /s/  
Robert A. Spencer  
Kenneth M. Karas  
David J. Novak  
Assistant United States Attorneys

CERTIFICATE OF SERVICE

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I certify that on June 28, 2002, a copy of the attached Government's Response to Defendant's Motion for Production 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 28, 2002, a copy of the attached Government's Response Defendant's Motion for Production was sent by facsimile and regular mail to:

Frank Dunham, Jr., Esq.  
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/s/ \_\_\_\_\_  
Robert A. Spencer  
Assistant U.S. Attorney