

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

UNITED STATES OF AMERICA )  
 )  
 v. ) Criminal No. 01-455-A  
 )  
 ZACARIAS MOUSSAOUI )  
 a/k/a "Shaqil," )  
 a/k/a "Abu Khalid )  
 al Sahrawi," )  
 )  
 Defendant. )

ORDER

The defendant, pro se, has filed a Motion to Oppose the Classification of This Case as Complex and for the Convening of Hearing to Determine How This Joint Motion Between Prosecution and Government Appointed Lawyer [sic] Will in Effect Ensure my Conviction (Docket #235), in which he argues that in light of the Superseding Indictment, this prosecution is a new case and that its previous classification as "complex" must be revisited.

Under the Speedy Trial Act, when a defendant pleads not guilty, the trial must start within 70 days from the later of the date of the indictment or when the defendant first appears before a judicial officer to respond to the charges. When one or both parties move for a continuance or extension of the 70-day limit, the court must determine whether the ends of justice would be sufficiently served by the extension as to outweigh the interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A). In deciding whether to extend the trial date, a court should consider whether "the nature of the prosecution, or the existence of novel questions of fact or law" are such that it would be "unreasonable to

expect adequate preparation for pretrial proceedings or the trial itself within the time limits . . .” 18 U.S.C. § 3161(h)(8)(B)(ii).

This case undoubtedly qualifies as both “unusual” and “complex.” The original and superseding indictments include four capital offenses; and the sheer volume of materials produced in discovery include many items in foreign language and classified documents. These unique characteristics fully justify extending the trial date beyond the 70-day limit.

In addition, a finding that a case is complex is usually an advantage to a defendant because he is afforded additional time to develop his defense. In fact, when this defendant was arraigned on the original indictment, without objection from the defendant, his former counsel requested a 2003 trial date. Defendant’s change of heart reflected in the instant motion is predicated only on his stated intent to disavow any action taken by his former counsel, including those actions that were clearly to his benefit. This is an insufficient basis upon which to file a motion.

For these reasons, the defendant’s motion docketed as #235 is DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 17th day of July, 2002.

/s/

---

Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia