

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

Standby counsel have filed a Motion for Guidance With Regard to Filing Motions (Docket #404) in which they request permission to file pretrial motions to assist Mr. Moussaoui in his trial preparation and to ensure their ability to defend this case if the defendant loses his pro se status. Mr. Moussaoui opposes this request arguing that it is an attempt by standby counsel to seize control of his defense.

We find that the defendant's pro se status is not undermined by standby counsel's participation in pretrial matters so long as the defendant is afforded an opportunity to convey his position(s) to the Court. See McKaskle v. Wiggins, 465 U.S. 168, 176-84 (1984). Accordingly, standby counsel's Motion for Guidance With Regard to Filing Motions is GRANTED; and it is hereby

ORDERED that standby counsel have leave of Court to file pretrial motions in this case. Before filing any such motions, standby counsel must provide a copy to the defendant for his

review.

In light of the multiple superseding indictments and the continuance of the trial date, additional time for the filing of appropriate pretrial motions is warranted. Therefore, it is hereby

ORDERED that any additional pretrial motions be filed by Monday, September 30, 2002.¹ Oppositions or responses are due by Monday, October 14, 2002.² Any reply memoranda must be filed by Monday, October 21, 2002. Standby counsel are also permitted to respond to any pending Government motions. Such responses are due within fifteen days. We will decide whether oral argument is needed for any of these motions.

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

Entered this 22nd day of August, 2002.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia

¹ This filing deadline does not apply to any remaining CIPA issues. The parties have agreed to propose a revised CIPA schedule to the Court.

² The Court will not rule on any motions filed by standby counsel until both the defendant and the United States have had an opportunity to respond.