

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

UNITED STATES OF AMERICA)
)
 v.) 1:01cr455
)
 ZACARIAS MOUSSAOUI,)
 a/k/a "Shaqil,")
 a/k/a "Abu Khalid)
 al Sahrawi,")
 Defendant.)

ORDER

For the reasons stated in open court, it is hereby

ORDERED that Fed. R. Evid. 615 (Exclusion of Witnesses) be and is in effect for non-victim witnesses who may be called to testify in this proceeding. Such witnesses may not attend or otherwise follow trial proceedings (e.g., may not read transcripts) before being called to testify. This restriction does not apply to government summary witnesses Aaron Zebley and Jim Fitzgerald. Consistent with 18 U.S.C. § 3593(c), this restriction also does not apply to victim-witnesses, who may attend or follow any portion of the trial before testifying; and it is further

ORDERED that although daily transcripts of the trial proceedings will be available through Exemplaris (www.exemplaris.com), to avoid potential taint of the jury and witnesses, the transcripts of any bench conferences will not be publicly available until after the trial is concluded; and it is

further

ORDERED that the Government's Motion to Admit Rule 15 Deposition at Trial (Docket # 1471) be and is GRANTED; and it is further

ORDERED that Defendant's Motion to Establish that Federal Rules of Evidence Do Not Apply at Either Phase of the Trial (Docket # 1514) be and is GRANTED consistent with 18 U.S.C. § 3593(c). However, the Court reserves the right to exclude any evidence "if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury," id., and it is further

ORDERED that the Government's Motion to Amend Witness List and Mental Health Notice (Docket # 1536) be and is GRANTED.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 22nd day of February, 2006.

/s/

Leonie M. Brinkema
United States District Judge

Alexandria, Virginia