

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
2015 APR 24 PM 11 36
FILED UNDER SEAL
DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO COMPEL
PAROLE OF DEFENSE WITNESS ELMIRZA KHOZHUGOV**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully submits this supplemental memorandum in support of his motion to compel parole of Elmirza Khozhugov. [DE ____ (filed under seal on April 22, 2015)].

1. The defense was advised that, parallel with the defense request for parole into the United States, Mr. Khozhugov independently applied for an ordinary U.S. visitor's visa at the U.S. Consulate in Almaty, Kazakhstan. The defense was further advised that after a personal interview with consular (State Department) personnel, a visa was issued to Mr. Khozhugov on the morning of April 22. By afternoon, however, the defense was advised that Mr. Khozhugov was informed that the visa had been cancelled after the State Department learned of the decision by Homeland Security/FBI to deny the separate defense parole request for Mr. Khozhugov. The defense is therefore apparently confronted with the ironic situation that, had it not sought parole for Mr. Khozhugov, he likely would have been able to enter the U.S. as an ordinary visitor, free of the extremely restrictive conditions that are being placed on defense witness parolees.

2. Under cover of a letter dated April 22, 2015, the government provided the defense with an 11-page FBI 302 documenting an interview with Mr. Khozhugov in August 2013 (copy attached as Exhibit A). The 302 is replete with exculpatory (mitigating) information that should have been produced long ago, and highlights the importance of Mr. Khozhugov as a defense witness.

3. For the additional reasons set forth herein, the Court should compel the parole of Mr. Khozhugov or, alternatively, order restoration of the U.S. visitor's visa that apparently was issued to Mr. Khozhugov and then rescinded.

Respectfully submitted,

DZHOKHAR TSARNAEV
by his attorneys



Judy Clarke, Esq. (CA Bar # 76071)
CLARKE & RICE, APC
1010 Second Avenue, Suite 1800
San Diego, CA 92101
(619) 308-8484
JUDYCLARKE@JCSRLAW.NET

David I. Bruck, Esq.
220 Sydney Lewis Hall
Lexington, VA 24450
(540) 460-8188
BRUCKD@WLU.EDU

Miriam Conrad, Esq. (BBO # 550223)
Timothy Watkins, Esq. (BBO # 567992)
William Fick, Esq. (BBO # 650562)
FEDERAL PUBLIC DEFENDER OFFICE
51 Sleeper Street, 5th Floor
(617) 223-8061
MIRIAM_CONRAD@FD.ORG

TIMOTHY_WATKINS@FD.ORG
WILLIAM_FICK@FD.ORG

Certificate of Service

I hereby certify that I have caused a copy of this document to be served upon counsel for the United States by e-mail PDF on this 24th day of April, 2015.


