

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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

**THIRD MOTION FOR CHANGE OF VENUE**

Defendant, Dzhokhar Tsarnaev, by and through counsel, and pursuant to Fed. R. Crim. P. 21, and the Fifth, Sixth, and Eighth Amendments to the United States Constitution, hereby moves that the Court cease jury voir dire in Boston, order a change of venue, and move his trial outside the District of Massachusetts.

Data from the 1,373 questionnaires completed by potential jurors who were summoned require fresh evaluation of *all* the circumstances and criteria that inform a venue determination. Great local prejudice will prevent a fair trial by an impartial jury in violation of Mr. Tsarnaev’s constitutional rights to due process of law and a fair trial.

In support of this motion, the defense submits an accompanying Memorandum and incorporates by reference the jury questionnaires and record of voir dire to date. The defense also incorporates by reference the substantive filings (with appended exhibits) made in connection with the second venue motion [DE 686, 696, 774, 779, 780, 852] and the first venue motion [DE 376, 461], as well as filings concerning “leaks” of non-public information by law enforcement. [DE 280, 336, 438, 616, 680.]

The Court should hold a hearing on this motion, order a change of venue, and determine the appropriate district of transfer.

Respectfully submitted,  
DZHOKHAR TSARNAEV  
By his attorneys

/s/ Timothy G. Watkins

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 this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 22, 2015.

/s/ Timothy G. Watkins