

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim No.13-10200-GAO
)	
DZHOKHAR A. TSARNAEV,)	
Defendant)	

ASSENTED-TO MOTION FOR ORDER OF EXCLUDABLE DELAY

The United States of America, by and through its undersigned counsel, with the assent of defendant, Dzhokhar Tsarnaev ("Tsarnaev"), hereby requests that the Court enter an Order of Excludable Delay in this case for the periods of time set forth below.

1. Tsarnaev was indicted on June 27, 2013 and arraigned on July 10, 2013. The Court held an initial status conference on September 23, 2013. In a joint status report filed on September 17, 2013, the parties agreed that, pursuant to Local Rule 112.2(a)(1), the period from arraignment to the initial status conference may be excluded by written order, under 18 U.S.C. §§ 3161(h)(1)(D) & (H) and (h)(7)(A), to serve the ends of justice.

2. On September 23, 2013, the Court issued an Order of Excludable Delay for the period September 23, 2013 to November 12, 2013, based on the complexity of the case. See 18 U.S.C. § 3161(h)(7)(B)(ii) (one factor on which court may rely in granting continuance under 18 U.S.C. § 3161(h)(7)(A) is "[w]hether the case is so unusual or so complex, due to the number of defendants, the

nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.”)

3. At a hearing on November 12, 2013, the parties agreed that all time from November 12, 2013 through February 12, 2014, should be excluded from the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(a), on the grounds that the ends of justice served by allowing the parties time to produce and review additional discovery and prepare pretrial motions outweigh the best interest of the defendant and public in a speedy trial. (That agreement was memorialized in a joint status report filed by the parties on February 10, 2014.)

4. At a hearing on February 12, 2014, the Court proposed, and the parties agreed, to exclude all time from February 12, 2014 through June 18, 2014.

5. In addition, On October 2, 2013, Tsarnaev filed a motion to vacate special administrative measures (D. 110). The Court heard argument on that motion on November 12, 2013, and again on April 16, 2014, and ruled on it during the April 16, 2014 hearing. Accordingly, all time from October 2, 2013, through April 16, 2013, may be excluded pursuant to 18 U.S.C. § 3151(h)(1)(D).

WHEREFORE, the government, with Tsarnaev’s assent, now

respectfully requests that the Court enter a written Order of excludable delay for:

a. the period from July 10, 2013 through September 2, 2013 (i.e. from arraignment to the initial status conference), pursuant to 18 U.S.C. § 3161(h)(7)(a) and L.R. 112.2(a)(1), on the ground that, especially in light of the complexity of the case, the ends of justice served by allowing the parties sufficient time to produce automatic discovery, develop their discovery plans, and consider the need for pretrial motions outweigh the best interest of the public and the defendant in a speedy trial;

b. the period from November 12, 2013 through February 12, 2014, pursuant to 18 U.S.C. § 3161(h)(7)(a), on the grounds that, especially in light of the complexity of the case, the ends of justice served by allowing the parties time to produce and review additional discovery and prepare pretrial motions outweigh the best interest of the defendant and public in a speedy trial;

c. the period from February 12, 2014 through June 18, 2014, pursuant to 18 U.S.C. § 3161(h)(7)(a), on the grounds that, especially in light of the complexity of the case, the ends of justice served by allowing the parties to produce and review even more discovery and prepare additional pretrial motions outweigh the best interest of the defendant and public in a speedy trial;

d. the period from November 12, 2013, through April 16, 2013,

pursuant to 18 U.S.C. § 3151(h)(1)(D) (delay resulting from pretrial motion from the filing of the motion through the conclusion of the hearing on it).

Respectfully submitted,

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Dated: June 17, 2014