

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
DZHOKHAR TSARNAEV)

CRIMINAL NO. 13-10200-GAO

**MOTION TO SUSPEND DUE DATE FOR MOTIONS IN LIMINE REGARDING
GOVERNMENT EXHIBITS UNTIL EXHIBITS ARE ACTUALLY PRODUCED**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully moves that the Court suspend the previously established December 29, 2014 deadline for the filing of defense motions in limine regarding the government’s proposed trial exhibits until a reasonable time after the government actually produces the exhibits it intends to offer.

As explained in the defendant’s *Reply to Government’s Opposition to Second Motion to Continue Trial Date* [DE 828, filed Dec. 29, 2014], the government’s preliminary exhibit list includes many proposed exhibits that the defense cannot readily identify because the government did not designate them by Bates number or by any other decipherable method. This is particularly true of photographs, a category of exhibit that often gives rise to objections under Rule 403, FRE. After two weeks of searching amid mountains of discovery to locate the “jpg” files and other images listed in the government’s preliminary exhibit list, the defense still cannot identify most of the photographs the government actually intends to offer.

As a result, with respect to the government’s exhibits, it would be difficult or in many cases impossible for the defense to meet today’s deadline for pretrial motions in limine. The government’s final exhibit list is due today, and it is to be hoped that the

government will produce copies of the actual exhibits it intends to offer, or, at a minimum, some usable method of identifying all such exhibits so that defense counsel will be in a position to determine which, if any, should be subject to motions in limine.

Given this situation, the defendant requests that the Court suspend today's deadline for the filing of defense motions in limine respecting government exhibits until a reasonable time after the government provides the defense with copies of its proposed exhibits, or, at a minimum, meaningful and complete notice of the exhibits it intends to offer at trial and sentencing. This request extends only to defense motions directed at the government's trial exhibits; with respect to expert evidence, the defendant is filing motions in limine today in accordance with the schedule set by the Court.

Respectfully submitted,

DZHOKHAR TSARNAEV
by his attorneys

/s/ David I. Bruck

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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 December 29, 2014.

/s/ David I. Bruck