IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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

ORDER

For the reasons stated on the record during a telephone
conference, the Government's Motion for Reconsideration of the
Court's Order Striking All Aviation Evidence in This Case
("Motion for Reconsideration")(Docket #1684) is DENIED as to the
request that the Court reconsider its decision to preclude the
government from using the aviation witnesses and evidence with
which Carla Martin was involved in their case-in-chief, however,
the government's proposed alternate remedy of allowing it to call
untainted aviation witnesses or otherwise produce evidence not
tainted by Ms. Martin has merit. Accordingly, that portion of
the Motion for Reconsideration is GRANTED, and it is hereby

ORDERED that the government provide the name or names of
such untainted witnesses to the defense no less than three days
before they are to testify, and provide to defense counsel all
appropriate Jencks material as well as untainted physical
evidence as soon as it is available; and it is further

ORDERED that the aviation witnesses are limited in their

testimony to the same parameters imposed on government witness
Aaron Zebley in the order of February 27, 2006 (Docket #1617);
that is, a government aviation witness may testify as to what the
United States government "could" have done to prevent the
attacks, had the defendant disclosed in August 2001 the facts
that he admitted in pleading guilty. The witness, or witnesses,
may not, however, testify as to what the United States government
"would" have done with this information, as such testimony would
be unduly speculative and misleading to the jury.

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

Entered this 17th day of March, 2006.

/s/

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Leonie M. Brinkema
United States District Judge

Alexandria, Virginia