

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

JOINT STATUS REPORT

The United States of America, by and through its undersigned counsel, and defendant, Dzhokhar Tsarnaev, by and through his undersigned counsel, hereby file this joint status report:

1. The government contends that automatic discovery is complete. The defense contends that it is not complete. The defense filed additional discovery requests on December 9, 2013, January 28, 2014 and February 6, 2014. On February 7, 2014, the government responded to the December 9 defense letter and provided additional discovery. Several discovery requests remain outstanding.

2. During a review of a portion of the physical evidence during the week of January 13, 2014, the defense asked the government to copy various items that the government had made available for inspection and review. The government agreed to provide copies of the requested items but the defense has not yet received the copies. The defense has not yet had an

opportunity to review numerous additional items of physical evidence, including nearly 2,000 items that reportedly are still being analyzed by the FBI and items kept at additional locations.

3. The defense anticipates making additional discovery requests by the end of February.

4. A protective order has been entered by the Court.

5. The Court previously ordered that pretrial motions under Federal Rule of Criminal Procedure ("FRCP") 12(b)(3)(A) and (B) be filed by February 28, 2014. Defendant requests a trial date no earlier than September 2015 and proposes the following schedule for the filing of motions under FRCP 12(b)(3)(C)-(E):

a. additional discovery motions: May 19, 2014;

b. motions to suppress: July 28, 2014;

c. motions challenging the death penalty and the government's notice of intent: November 17, 2014;

d. motion for change of venue: January 19, 2015; and

e. requests concerning jury selection and voir dire: June 15, 2015.

The government proposes the following alternative schedule for the filing of motions under FRCP 12(b)(3)(C)-(E):

a. additional discovery motions: March 12, 2014;

b. motions to suppress: April 9, 2014.

c. motions challenging the death penalty and the government's notice of intent: May 7, 2014.

6. Defendant proposes the following dates for expert witness disclosures:

a. government disclosures: January 19, 2015

b. defense disclosures: March 16, 2015

c. motions regarding experts: May 4, 2015

The government proposes the following alternative dates for expert witness disclosures:

a. government and defense expert disclosures: September 3, 2014.

b. motions regarding experts: November 5, 2014.

7. At the status hearing on November 12, 2013, the parties agreed that all time between November 12, 2013 and 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.

8. The government anticipates a trial lasting approximately 12 weeks and, in the event of a guilty verdict, a sentencing hearing lasting approximately six weeks.

9. Defendant proposes a further interim status conference

in June, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document was filed on February 10, 2014, through the ECF system, which will provide electronic notice to counsel as identified on the Notice of Electronic Filing.

/s/ William D. Weinreb
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