

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER

January 2, 2015

O'TOOLE, D.J.

At 5:16 p.m. on New Year's Eve, one business day before the start of trial in this matter, the defendant filed a Motion to Stay Jury Selection and Trial pending disposition of a petition for mandamus which he filed at approximately the same time in the First Circuit Court of Appeals.

The trial of this matter has been scheduled to commence on January 5, 2015, since September 24, 2014, when the Court granted in part the defendant's motion to continue the case from the then-scheduled commencement date of November 4, 2014. Because of the nature and subject matter of this trial, logistical preparations have been considerable. More than 1200 citizens are scheduled to begin appearing for the commencement of jury selection procedures on Monday, Tuesday, and Wednesday of next week.¹ Those persons have likely arranged their affairs in reliance on the dates given them in their summonses, and any change in reporting dates would cause some unknown degree of disruption to those people. Additionally, the Court has been informally advised by the Jury Administrator that even a brief postponement might require re-summonsing an entirely new venire, a process that in the ordinary course would take

¹ Approximately 3000 persons were summonsed for the case in November 2014.

approximately two months. In other words, a short stay could lead to a long continuance of the commencement of trial, and I have rejected as unwarranted the defendant's continuance motion which was filed last week.

The merits of the mandamus petition are for the Court of Appeals to evaluate, and if that Court deems it necessary to stay proceedings in order to consider the petition, it has the authority to order a stay of the commencement of trial. From this Court's perspective, a stay is unnecessary.

Accordingly, the defendant's motion to stay (dkt. no. 880) is DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge