

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED *YB*

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J.S. DISTRICT COURT
N.D. OF ALABAMA
CR 00-S-422-S

UNITED STATES OF AMERICA

-v-

ERIC ROBERT RUDOLPH

MOTION TO CONTINUE

Comes Now the United States of America by and through its counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama and Michael W. Whisonant and William R. Chambers, Jr., Assistant United States Attorneys, and respectfully Move this Honorable Court to Continue the trial setting in the above-styled and numbered case. In support of this Motion to Continue, undersigned counsel submit the following:

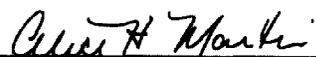
The trial in the above-styled and numbered case is presently scheduled for August 2, 2003. As this Court is aware, this case involves an immense amount of discovery and will undoubtedly require an extensive motion practice once discovery is complete. Discovery in this case consists of tens of thousands of reports, documents, interviews, laboratory reports, photographs and items of physical evidence. In order for both the prosecution and defense teams to, prepare pretrial motions, prepare for the capital case certification process, and prepare for the trial and penalty phase of this case, the large amount of discovery material must be reviewed and, more importantly, assimilated. The United States submits that discovery in this case, while progressing, will take a considerable amount of time to complete. Given the volume of information, counsel for the defense will not be able to adequately complete a review of discovery material in this case much less put that material into any usable form by the August 2, 2003, trial docket. As this case has death penalty implications, the matter must be submitted to

the Department of Justice for death penalty review and authorization. This process will require input from both the prosecution and defense and will take several months to complete.

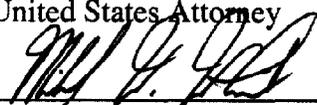
Undersigned counsel submit that in order for discovery to be completed, to allow defense counsel and the United States to make use of such material in any motions, responses and during trial and penalty phase, as well as to allow compliance with the statutory requirements surrounding submission, review and a determination of whether the death penalty may be sought, the ends of justice are served by this Court granting a continuance of the trial setting in this case. The government would aver that such action is in the best interests of the public, the defendant and the United States. This case, while large in amount of evidence, is also complex and it is unreasonable to expect counsel to be adequately prepared for pretrial proceedings and the trial itself within current limits.

Wherefore premises considered, the United States respectfully Moves this Honorable Court to Continue the trial in the above-styled and numbered case, presently scheduled for August 2, 2003, until such time as the Court deems appropriate.

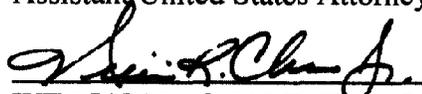
Respectfully submitted this the 3rd day of July, 2003.



ALICE H. MARTIN
United States Attorney



MICHAEL W. WHISONANT
Assistant United States Attorney



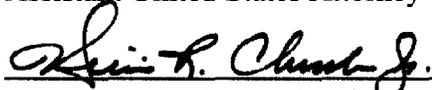
WILLIAM R. CHAMBERS, JR.
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on the defendant by mailing a copy of same this date by First Class, United States mail, postage prepaid, to his attorneys of record, Mr. Richard Jaffe, Jaffe, Strickland & Drennan, 2320 Arlington Avenue, Birmingham, Alabama 35205 and Mr. William Bowen, White, Dunn & Booker, 2025 3rd Avenue North, Suite 600, Birmingham, Alabama 35203.



MICHAEL W. WHISONANT
Assistant United States Attorney



WILLIAM R. CHAMBERS, JR.
Assistant United States Attorney