

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

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
V.)
)
ERIC ROBERT RUDOLPH,)
)
Defendant.)

PH

Case No. CR-00-S-422-S

DEFENDANT'S MOTION TO EXTEND TIME
FOR FILING RULE 12 NOTICES

COMES NOW defendant, Eric Robert Rudolph, by and through counsel, and moves this court to extend the deadline for filing the Fed. R. Crim. P. 12 notices from the currently set date of August 13, 2004 to December 15, 2004.

By order filed June 23, 2004, this Court granted the defendant's motion to reconsider the trial date in this case for the reasons described in that motion and set forth a schedule of deadlines for the parties. Relevant to this motion, the Order directs the defendant to file Rule 12 notices on August 13, 2004. By way of this motion, the defendant seeks additional time to provide relevant Rule 12 notices.

For essentially the same reasons that the defendant requested a continuance of the trial date, additional time is required prior to providing notice of affirmative defenses. The defendant is not prepared at this stage in the investigation of the case to provide the required notices, one or more of which could result in the defense producing discovery which would not otherwise be required.

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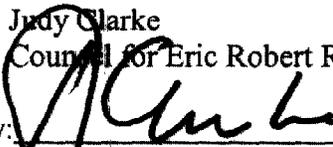
Only the government benefits from a premature notice date. While notice of affirmative defenses is required by the federal rules, the date requested by the defendant still provides the government some five months before trial actually begins to investigate and/or litigate any issues that arise from the notices.

It is requested that the court amend the Order of June 23, 2004, and extend the time for filing Rule 12 notices to December 15, 2004. The defense needs the additional time to adequately investigate and competently make the complex decisions necessary prior to providing relevant Rule 12 notices.¹

Dated: August 13, 2004

Respectfully Submitted,

Bill Bowen
Michael Burt
Judy Clarke
Council for Eric Robert Rudolph

By: 

Judy Clarke

¹ A change in the due date for the Rule 12 notices will not affect the ability of the defendant to meet other dates in the Order.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon the following by mailing the same by facsimile transmission and by first class United States mail, properly addressed and postage prepaid, on this 13th day of August, 2004 to:

Michael Whisonant
Joseph McLean
William Chambers
Assistant United States Attorneys
1801 4th Avenue North
Birmingham, Alabama 35203



Bill Bowen