

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
DZHOKHAR TSARNAEV)
)

CRIMINAL NO. 13-10200-GAO

**ASSENTED TO MOTION FOR ORDER EXTENDING THE TIME FOR FILING
POST-TRIAL MOTIONS PURSUANT TO FED. R. CRIM. P. 29 AND 33**

Defendant, Dzhokhar Tsarnaev, by and through counsel, respectfully moves this Court, pursuant to Fed. R. Crim. P. 45(b)(1)(A), for an order to be entered before the expiration of the 14 day period to file post-trial motions (that is, no later than Friday, May 29, 2015) that extends the time for filing post-trial motions pursuant to Fed. R. Crim. P. 29 and 33 to August 17, 2015.

During a status conference held on Tuesday, May 19, 2015, undersigned counsel made an oral request that the Court extend the time for filing post-trial motions for 90 days to allow counsel sufficient time to consult and review the record, which includes numerous sealed documents that remain to be identified by docket number and unsealed. The government did not object to this requested extension of time; and it assents to this request.

To date, the Court has not issued a scheduling order. Both Rules 29 and 33 require that post-trial motions be filed within 14 days of the verdict; alternatively, the defendant may seek an extension of time within the 14 day period. *See* Rule 45(b)(1)(A). While the Court is no longer required to rule on a requested extension within the 14-day

period for filing underlying post-trial motions, *see* 2005 Advisory Committee Notes to Rules 29 and 33, the Court nevertheless should rule within that time to provide the defense with certainty about whether the deadline will be extended or whether, instead, motions must be filed within 14 days to avoid losing the opportunity to seek relief

Given that the government posed no objection to the requested extension, and the parties agreed that a delayed filing would not interfere with an earlier date for sentencing the defendant, undersigned counsel seek a docketed order extending the time for filing post-trial motions under Rule 29 and 33.

CONCLUSION

For the reasons stated during the May 19, 2015, status conference and restated in this motion, the defendant requests that an order be entered before Friday, May 29, 2015 granting an extension of time up to and including August 17, 2015 to file post-trial motions.

Respectfully submitted,
DZHOKHAR TSARNAEV
by his attorneys

/s/ Judy Clarke

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 27, 2015.

/s/ Judy Clarke