

MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID
MUHAMMAD SALIH MUBARAK BIN
'ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL-AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

AE625-3 (MFL) (KSM)

**Mr. Mohammad's Motion for Leave to
File Out-of-Time Motion to Decline Joinder**

1 May 2019

1. **Timeliness:** This motion is timely filed.
2. **Relief Sought:** Pursuant to RC 3.5.i.(2), Mr. Mohammad respectfully requests leave to file out of time a motion to decline joinder to AE 625 (MAH) Motion to Dismiss Because the Military Commissions Act of 2009 Is a Bill of Attainder.
3. **Burden of Proof:** The defense bears the burden of persuasion.
4. **Facts:**
 - a. On 12 April 2019, Mr. al Hawsawi filed AE 625.
5. **Argument:** Mr. Mohammad wishes to decline joinder to AE 625. Military Commission Rule of Court 3.5.i.(2) requires a motion for leave to file out of time if a party wishes to decline joinder more than seven days after the filing of the initial motion. The seven-day period from Mr. al Hawsawi's filing elapsed on 19 April 2019.
6. **Request for Oral Argument:** Not requested.
7. **Request for Witnesses:** None.
8. **Conference with Opposing Counsel:** Exempt under RC 3.5.i.(3).

9. **Attachments:**

A. Certificate of Service

Respectfully submitted,

//s//
DAVID Z. NEVIN
Learned Counsel

//s//
GARY D. SOWARDS
Defense Counsel

//s//
DEREK A. POTEET
LtCol, U.S. Marine Corps
Defense Counsel

//s//
RITA J. RADOSTITZ
Defense Counsel

Counsel for Mr. Mohammad

Attachment A

CERTIFICATE OF SERVICE

I certify that on the 1st day of May, 2019, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

//s//
David Z. Nevin
Learned Counsel