

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

AE625-5 (MFL)(AAA)

**Mr. al Baluchi's Motion for Leave to File
Out of Time a Motion to Decline Joinder**

08 May 2019

1. **Timeliness:** Not required by RC 3.5(i)(2).
2. **Relief Sought:** Mr. al Baluchi 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. al Baluchi 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:** None.
7. **Request for Witnesses:** None.
8. **Conference with Opposing Counsel:** Exempt under RC 3.5(i)(3).

9. **Attachments:**

A. Certificate of Service

Very respectfully,

//s//

JAMES G. CONNELL, III
Learned Counsel

//s//

STERLING R. THOMAS
Lt Col, USAF
Defense Counsel

//s//

ALKA PRADHAN
Defense Counsel

//s//

BENJAMIN R. FARLEY
Defense Counsel

//s//

MARK E. ANDREU
Capt, USAF
Defense Counsel

Counsel for Mr. al Baluchi

Attachment A

CERTIFICATE OF SERVICE

I certify that on the 8th 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//

JAMES G. CONNELL, III
Learned Counsel