

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

AE628-1 (MFL)(AAA)

Mr. al Baluchi's Motion for Leave to File
AE628 Out of Time

13 May 2019

1. **Timeliness:** This motion is timely filed.
2. **Relief Sought:** Mr. al Baluchi respectfully requests leave to file out of time his AE628 (AAA) Motion to Suppress His Alleged Statements as Involuntary.
3. **Burden of Proof:** The defense bears the burden of persuasion.
4. **Facts:**
 - a. On 28 May 2019, Mr. al Baluchi attempted to file AE628 from 1000-1300, then made revisions as directed and attempted to file again from 1430-1500.
 - b. The motion was not accepted for filing on either occasion.
5. **Argument:**

Mr. al Baluchi finished his motion by 9 May 2019, and attempted in good faith to file it on 10 May 2019. Mr. al Baluchi timely delivered his initial notice of witnesses to the government on 10 May 2019. Mr. al Baluchi requests leave to file the motion out of time.
6. **Request for Oral Argument:** None.
7. **Request for Witnesses:** None.
8. **Conference with Opposing Counsel:** The government does not oppose this motion.

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 13th 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