

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI)	

DEFENDANT’S MOTION TO WITHDRAW GUILTY PLEA

Defendant Zacarias Moussaoui (“Moussaoui”), through counsel, pursuant to Rule 11(d) of the Federal Rules of Criminal Procedure,¹ respectfully moves the Court to allow him to withdraw his guilty plea and have a new trial on the question of his guilt to the charges in the Indictment. In support of this motion, Moussaoui states as follows:

1. On April 22, 2005, Moussaoui entered a guilty plea to all of the charges contained in the Indictment. The Court accepted that plea and thereafter, proceeded to conduct a sentencing trial to determine whether Moussaoui should receive the penalty of death.
2. On May 3, 2006, the jury impaneled to determine Moussaoui’s sentence rejected imposition of the death penalty for him. The following day, on May 4, 2006, the Court sentenced Moussaoui to consecutive life counts.
3. On May 5, 2006, Moussaoui informed his counsel that he wished to withdraw his guilty plea.
4. As stated in the attached notarized affidavit from Moussaoui dated May 6, 2006, Moussaoui wishes to withdraw his guilt plea because when he entered the plea,

¹ Defense counsel are aware that Rule 11(e) prohibits a defendant from withdrawing a guilty plea after imposition of sentence. Notwithstanding this prohibition, counsel is filing this motion given their problematic relationship with Moussaoui, of which the Court is well aware.

his “understanding of the American legal system was completely flawed.”
Affidavit at ¶ 8. “Because I now see that it is possible that I can receive a fair
trial,” the Affidavit states, “even with Americans as jurors and that I can have the
opportunity to prove that I did not have any knowledge of and was not a member
of the plot to hijack planes and crash them into buildings on September 11,
2001, I wish to withdraw my guilty plea and ask the Court for a new trial to prove
my innocence of the September 11 plot.” *Id.* at ¶ 18.

CONCLUSION

For the foregoing reasons, Defendant Zacarias Moussaoui respectfully requests
that the Court permit him to withdraw his guilty plea and have a new trial so that he may
contest his guilt to the charges contained in the Indictment.

Respectfully Submitted,

Zacarias Moussaoui
By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that by hand-delivery on this 8th day of May 2006, a true copy of the foregoing pleading was served upon AUSA Robert A. Spencer, AUSA David J. Novak and AUSA David Raskin, by delivering a copy of same to the U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314.



Kenneth P. Troccoli

A F F I D A V I T

I, ZACARIAS MOUSSAOUI, being duly sworn, declare and state as follows:

1. I am the defendant in the case of *United States v. Zacarias Moussaoui*, Criminal Case No. 01-455 in the United States District Court for the Eastern District of Virginia, Alexandria, Virginia.
2. From the time that I was arrested, I did not trust the American justice system and wanted a Muslim attorney whom I could trust to represent me because I was not comfortable that non-Muslim attorneys would look out for me and my interests.
3. Since the SAM's prevented me from seeking and obtaining a Muslim lawyer of my choice I felt that if I could not have a Muslim lawyer, then I would be better served by representing myself which is why I asked to be my own lawyer.
4. When Brother Charles Freeman, a Muslim attorney, was not permitted to be my lawyer, my distrust of the American justice system was further substantiated and I was sure that the justice system was just a charade and in the end I would be given death.
5. Solitary confinement made me hostile toward everyone and I began taking extreme positions to fight the system.
6. I did not trust my court-appointed attorneys when they informed me of the possible options in the case and the potential outcomes including the strong possibility that I might be found guilty of being a member of al Qaeda and being part of the overall al Qaeda conspiracy but not be found guilty of being involved in the hijacking of planes and crashing them into buildings on September 11, 2001.
7. On April 22, 2005, over the objections of my court-appointed attorneys, I entered a guilty


plea to the six counts in the indictment admitting that I was a member of al Qaeda and part of the al Qaeda conspiracy.

8. At that time I entered my guilty plea, my understanding of the American legal system was completely flawed.
9. My petition for a writ of certiorari had just been denied by the Supreme Court and I naively believed that by entering a guilty plea the issue of the enemy combatant witnesses would be immediately reviewed by the Supreme Court.
10. During the plea colloquy, I made it clear to the Court that I did not have knowledge of and was not a member of the plot to hijack and crash planes into buildings on September 11, 2001 but that I was part of another al Qaeda plot which was to occur after September 11, 2001.
11. My court-appointed attorneys kept telling me that I should not testify and I thought that they would prevent me from testifying, so I decided to ask the government to let me testify as their witness.
12. It is my recollection that when the judge addressed the jury before my trial began, she informed the jury that I was part of the September 11 plot which further confirmed my distrust of the American justice system and further convinced me to testify since I was going to be given death for the September 11 plot anyway.
13. I decided to testify that I had knowledge of and was a member of the plot to hijack planes and crash them into buildings on September 11, 2001 even though I knew that was a complete fabrication.
14. I have never met Mohammed Atta and, while I may have seen a few of the other hijackers

at the guesthouse, I never knew them or anything about their operation.

15. As I stated during my plea colloquy, I was in the United States as a member of al Qaeda but was involved in a separate operation and I did not have any knowledge of and was not a member of the plot to hijack planes and to crash them into buildings on September 11, 2001.
16. I was extremely surprised when the jury did not return a verdict of death because I knew that it was the intention of the American justice system to put me to death.
17. I had thought that I would be sentenced to death based on the emotions and anger toward me for the deaths on September 11 but after reviewing the jury verdict and reading how the jurors set aside their emotions and disgust for me and focused on the law and the evidence that was presented during the trial, I came to understand that the jury process was more complex than I assumed.
18. Because I now see that it is possible that I can receive a fair trial even with Americans as jurors and that I can have the opportunity to prove that I did not have any knowledge of and was not a member of the plot to hijack planes and crash them into buildings on September 11, 2001, I wish to withdraw my guilty plea and ask the Court for a new trial to prove my innocence of the September 11 plot.

I affirm that this statement is true and correct on this _____ day of May 2006.



Zacarias Moussaoui

COMMONWEALTH OF VIRGINIA)
)ss
CITY OF ALEXANDRIA)

Subscribed and sworn to before me this ___ day of May 2006, by Zacarias Moussaoui.

Handwritten signature over a line, with the text 'Notary Public' below it.

My commission expires: _____