

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.) No. 1:10cr485 (LMB)
)
JEFFREY ALEXANDER STERLING)

**MOTION OF THE UNITED STATES FOR
ADDITIONAL TIME**

The United States of America, by and through its attorneys, hereby moves the Court for additional time in which to file its response to the defendant’s motion to compel discovery. In support of this motion, the United States represents:

1. On August 8, 2011, the United States was served with Defendant’s Second Motion to Compel (Docket 152). A response is due by Friday, August 19, 2011.
2. The motion to compel discovery concerns an unclassified National Intelligence Estimate entitled “Iran: Nuclear Intentions and Capabilities,” published in November 2007 by the National Intelligence Council. Based on its reading of this document, the defense demands access to certain classified information and numerous classified documents.
3. The information requested by the defendant is not controlled by a single intelligence agency. Many intelligence equities are involved. We have discussed the motion with the Office of the director of National Intelligence (ODNI) and will be coordinating our response with that office.

4. We will not be able to provide a response to the defendant's motion within the time allowed under the local rules. Additional time is needed to coordinate with the ODNI and the affected intelligence agencies, as the motion concerns highly classified materials; additional time is needed to review classified documents to determine whether the documents contain any exculpatory information of the type alluded to by the defendant.

5. The United States anticipates that it will need an additional week, *i.e.*, until August 26, 2011, to prepare an informed response to the defendant's motion. This includes the time necessary to conduct a classification review of our response, with the hope that it may be filed publicly, or at least with a minimum of classified information.

6. We have contacted defense counsel about this motion. Defense counsel has indicated that they do not oppose this motion.

7. A proposed order is attached.

For these reasons, the United States requests that the Court enter the proposed order granting the government's motion for additional time.

Respectfully submitted,

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By: _____ /s/
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CERTIFICATE OF SERVICE

I hereby certify that I have caused an electronic copy of the *Motion of the United States for Additional Time* to be served via ECF upon Edward B. MacMahon, Jr., and Barry J. Pollack, counsel for the defendant.

By: _____ /s/
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