

Trial for Boston Marathon Bombing Suspect Slated for Nov. 3 Dzhokhar Tsarnaev's Defense Lawyers Say They Need More Time

By JON KAMP

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BOSTON—A federal judge on Wednesday scheduled a Nov. 3 trial date for accused Boston Marathon bomber Dzhokhar Tsarnaev, nearly a year earlier than Mr. Tsarnaev's legal team wanted.

Judge George A. O'Toole Jr. said this was a "fair" schedule during a court hearing while citing public interest in the case. Mr. Tsarnaev is accused of carrying out the April bombing that killed three and wounded more than 260, and the government last month said it will seek the death penalty. He has pleaded not guilty to all charges.

"It's my preferred trial date," the judge said before a crowded courtroom.

But the date could still be moved. A court filing this week said the defense wanted to start a trial "no earlier than September 2015," and an attorney for Mr. Tsarnaev said Wednesday they wouldn't be ready by November.

The litigation schedule "will be impossible for us to meet," said Judy Clarke, one of four attorneys representing the 20-year-old accused bomber at Wednesday's hearing. She noted that just getting his family history requires traveling "halfway around the globe" to Russia, where the Tsarnaev family is from.

Prosecutors believe Mr. Tsarnaev carried out the bombing with his older brother, Tamerlan, who was killed days later following a shootout with police. Dzhokhar Tsarnaev also faces charges in the fatal shooting of a Massachusetts Institute of Technology police officer, who authorities believe the brothers killed in an attempt to take the officer's gun while trying to flee the area. They lived in Cambridge, Mass., at the time of the bombing.

The surviving brother, who has been detained at a prison hospital west of Boston since shortly after his capture, wasn't in court for Wednesday's status conference. Local U.S. Attorney Carmen Ortiz was there watching, as was Marc Fucarile, a marathon-bombing survivor who lost his right leg in one of the two explosions at the finish line. He was on crutches.

Mark Pearlstein, a former federal prosecutor in Boston and now a criminal defense attorney with **McDermott Will & Emery LLP**, said the judge was likely to move the trial schedule back at a later date. He expected the defense to file a motion later this year seeking such a move.

Given more time, the defense can show "in very concrete terms why it is that additional time is needed," **Mr. Pearlstein** said.

Judge O'Toole "likes to move cases along," **Mr. Pearlstein** added. "But he's a fair guy."

Mr. Tsarnaev's attorneys also argued before the judge that they weren't getting all the evidence they needed to review from prosecutors. The defense wants to see nearly 2,000 items that the Federal Bureau of Investigation is still analyzing.