

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

04 FEB -6 PM 4:36

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN,

Defendant.

ORDER

THIS CAUSE is before the court on Defendant Sami Amin Al-Arian's **Motion to Allow Defense Attorneys to Review Discovery Documentary Evidence with Sami Al-Arian in Confidential Setting** (Doc. 442). By this motion, Mr. Al-Arian seeks an Order of the court permitting a meeting with defense counsel on February 9, 2004, for purposes of privileged discussions regarding documents presently under review by Mssrs. Al-Arian and Hammoudeh. According to the motion, counsel has been advised by the Marshal Service that any such review must occur in the holding cell where the Defendants are presently reviewing discovery, and such procedure is objected to by defense counsel.

Upon consideration, the motion is **GRANTED in part** and **DENIED in part**. Presently, Mr. Al-Arian and Mr. Hammoudeh are housed in the Hillsborough County jail for purposes of their review of documents seized in 1995 searches at Mr. Al-Arian's home, his office at U.S.F., and at the offices of WISE. The documents being reviewed are the original documents seized and the discovery is being conducted within a holding cell at the courthouse under the watchful eyes of an FBI agent. Unfortunately, given the original nature of these

445

documents and the Defendants' confinement, the circumstances do not lend themselves to any other arrangement at the present time. Thus, to the extent that counsel wish to meet with their clients under these circumstances they are free to do so. Alternatively, Mr. Al-Arian and Mr. Hammoudeh should identify the documents that they believe are necessary for discussion with counsel and counsel should make arrangements with the FBI for copying of all such material so that it may be reviewed and discussed in a less restrictive setting, either at the Hillsborough County jail or at FSP Coleman upon the Defendants' return. Until arrangements can be made for these Defendants to obtain copies of the discovery, the court is unable to order any less restrictive circumstances for their review and discussion with counsel.

Done and Ordered in Tampa, Florida, this 6th day of February 2004.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Terry Zitek & Terry Furr, Assistant United States Attorneys
Counsel for Defendants

F I L E C O P Y

Date Printed: 02/09/2004

Notice sent to:

— Walter E. Furr, Esq.
U.S. Attorney's Office
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, FL 33602

8:03-cr-00077 jlh

— Daniel W. Eckhart, Esq.
Office of the U.S. Attorney
80 N. Hughey Avenue, Suite 201
Orlando, FL 32801

8:03-cr-00077 jlh

— Linda G. Moreno, Esq.
Law Office of Linda Moreno
1718 E. 7th Ave., Suite 201
Tampa, FL 33605

8:03-cr-00077 jlh

— William B. Moffitt, Esq.
Asbill Moffitt & Boss, Chtd.
The Pacific House
1615 New Hampshire Ave., N.W.
Washington, DC 20009

8:03-cr-00077 jlh

— Stephen N. Bernstein, Esq.
Stephen N. Bernstein, P.A.
P.O. Box 1642
Gainesville, FL 32602

8:03-cr-00077 jlh

— Bruce G. Howie, Esq.
Piper, Ludin, Howie & Werner, P.A.
5720 Central Ave.
St. Petersburg, FL 33707

8:03-cr-00077 jlh

— M. Allison Guagliardo, Esq.
Federal Public Defender's Office
Middle District of Florida
400 N. Tampa St., Suite 2700
Tampa, FL 33602

8:03-cr-00077 jlh

— Kevin T. Beck, Esq.
Federal Public Defender's Office
Middle District of Florida
400 N. Tampa St., Suite 2700
Tampa, FL 33602

8:03-cr-00077 jlh

— Wadie E. Said, Esq.
Federal Public Defender's Office
Middle District of Florida
400 N. Tampa St., Suite 2700
Tampa, FL 33602

8:03-cr-00077 jlh