

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

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

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

**MOTION TO ALLOW SAMI AL-ARIAN TO REMAIN AT HILLSBOROUGH  
COUNTY JAIL TO CONTINUE REVIEW OF DISCOVERY EVIDENCE**

COMES NOW, the accused, SAMI AMIN AL-ARIAN, by and through his undersigned counsel, and moves this Honorable Court for the entry of an Order allowing DR. AL-ARIAN to remain at Orient Road Jail in order to complete his review of discovery evidence. As grounds for the foregoing, counsel offers the following:

1. The accused is currently confined in the Hillsborough County Jail at Orient Road and brought to a location to review documents seized in the 1995 search of his home, University of South Florida office and WISE.
2. There are approximately 550 videotapes that were seized by the government, which must be reviewed by Dr. Al-Arian and his co-defendant, Sameeh Hammoudeh.
3. Agents of the FBI informed Dr. Al-Arian that they had no objection to his continual stay at Orient Road Jail in order to complete his review of the hundreds of tapes.

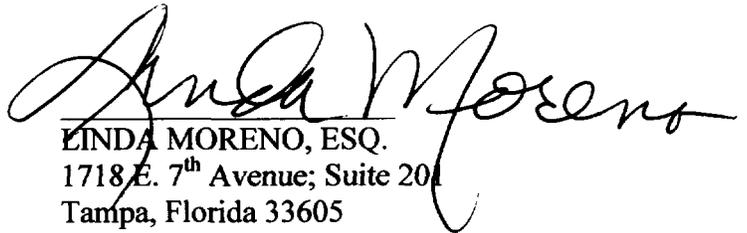
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4. At some point, Dr. Al-Arian will, unfortunately, be returned to Coleman Federal Prison to the secured housing unit (“SHU”).
5. Because of Dr. Al-Arian’s special status, there are numerous restrictions imposed on his regular routine in the SHU.
6. For example, in listening to the audiotapes at Coleman Federal Prison, the prison authorities have only allowed Dr. Al-Arian, at best, 9 hours per week of review time.
7. The so-called ‘jukebox’, or the audio listening device, has a battery that has often taken the prison authorities several days to charge; in that event, Dr. Al-Arian is prohibited from regular review of the tapes.
8. Since Thanksgiving, 2003, Dr. Al-Arian has been allowed to hear only 11 hours of tapes because of the unreliability of the machine. In fact, the machine ultimately broke down and still had not been replaced before Dr. Al-Arian was transferred to Orient Road Jail.
9. These facts are offered as background to assert that any attempt to review 550 video tapes at Coleman Federal Prison would certainly fail. The Coleman Prison SHU is not equipped nor staffed to allow an expeditious and meaningful review of hundreds of video tapes.

**WHEREFORE**, the Accused respectfully requests this Honorable Court grant this motion and enter an Order to allow Dr. Al-Arian to remain at Orient Road County Jail until he finishes his review of the 550 video tapes at Orient Road Jail.

**Dated:** 12 February 2004

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been  
Sent via U. S. Mail this 15<sup>th</sup> day of February, 2004.

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