

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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CLERK U.S. DISTRICT COURT
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

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

GHASSAN ZAYED BALLUT

ORDER

This cause came on for consideration without oral argument upon Defendant Ballut's Motion to Dismiss (Dkt. #200). On March 12, 2004, this Court deferred (Dkt. #479) consideration of part of Defendant's motion, which sought dismissal of Count 19 of the Indictment for violation of the applicable statute of limitations. This Court requested additional briefing by the parties. On March 18, 2004, Defendant Ballut filed a memorandum (Dkt. #486) in response to this Court's Order. On March 23, 2004, the government also filed a memorandum (Dkt. #492). After close consideration, this Court concludes that the Motion (Dkt. #200) should be denied.

From the record now before this Court, it appears that the illegal conduct alleged in Count 19 occurred on or about May 24, 1995. Prior to the normal five year statute of limitations period expiring, the government made a request for the production of evidence to the Israeli government under the Mutual Legal Assistance Treaty between the two countries. At the same time, the government sought an order pursuant to 18 U.S.C. § 3292 suspending the applicable statute of limitations. On March 21, 2000, Judge Bucklew granted that request and entered an order suspending the applicable statute of limitations for the

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period of time that the government's request for production of evidence was pending not to exceed three years from the date of the request. See Order of March 4, 2000, grand jury no. 99-3-24; also 18 U.S.C. § 3292(c). The government has alleged that production of evidence pursuant to the request continued through return of the Indictment and the return of the Indictment occurred prior to the running of the three year period. Therefore, this Court concludes that the applicable statute of limitation was not violated.

It is therefore **ORDERED** and **ADJUDGED** that Defendant Ballut's Motion to Dismiss (Dkt. #200) is **DENIED**.

DONE and **ORDERED** in Tampa, Florida on this 31 day of March, 2004.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
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