

at 1446. Without clarification, the government can only guess as to the theory or theories relied upon. In any event, for the reasons stated below, the motion should be denied.

A. Rule 16 of the Federal Rules of Criminal Procedure

Rule 16(a) of the Federal Rules of Criminal Procedure requires the government, upon a defendant's request, to produce in discovery certain specified items within the "possession, custody or control" of the government. Materials considered to be within the "possession, custody or control" of the government include materials in the hands of a governmental investigatory agency closely connected to the prosecutor. United States v. Jordan, 316 F.3d 1215, 1249 (11th Cir.), cert. denied, 124 S.Ct. 133 (2003); United States v. Scruggs, 583 F.2d 238, 242 (5th Cir. 1978). The rule does not apply to information that is simply known to the prosecution. United States v. Hamilton, 107 F.3d 499, 509 n.5 (7th Cir.), cert. denied, 521 U.S. 1127 (1997).

Rule 16(a)(1)(B) governs the disclosure of various types of written or recorded statements made by the defendant under different circumstances. Rule 16(a)(1)(B)(i) provides for disclosure of relevant written or recorded statements. Concededly, the "relevancy" requirement is a relatively low hurdle to clear where a defendant seeks production of his own statements. United States v. Noriega, 764 F.Supp. 1480, 1494 (S.D. Fl. 1991). However, the word "relevancy" should not be completely read out of Rule 16(a)(1)(B)(i). "The very use of the adjective 'relevant' as a modifier of the nominative 'written or recorded statements made by the defendant' in Rule 16(a)(1)(B) necessarily implies the existence of irrelevant statements by the defendant." United

States v. Yunis, 867 F.2d 617, 624 n.10 (D.C. Cir. 1989). As the court in United States v. LaRouche Campaign, 695 F.Supp. 1265 (D. Mass. 1988), noted:

The scope of every such disclosure obligation [including Rule 16] of the government is defined in part by express or implied terms bearing upon some relationship to issues or potential issues in the case before the court At a minimum, some degree of likelihood of relevance to some disputable issue of fact or law is implicitly, if not explicitly, a prerequisite to every obligation of disclosure (citation omitted).

Id. at 1269. Relevance is a function of the crimes charged and the defenses asserted.

Id.

Some courts define "relevancy" broadly. See, e.g., United States v. Lanoue, 71 F.3d 966, 974-75 (1st Cir. 1995); United States v. Bailleaux, 685 F.2d 1105, 1114 (9th Cir. 1982). However, in Lanoue and Bailleaux, the courts' "relevancy" holdings were also strongly influenced by the fact that the government used the withheld recorded statements at trial. Other courts define "relevancy" narrowly. See, e.g., United States v. Clark, 957 F.2d 248, 252 (6th Cir. 1992); United States v. Gleason, 616 F.2d 2, 24 (2d Cir. 1979), cert. denied, 444 U.S. 1082 (1980). In Clark, the government did not use the statement at trial. But, regardless of how the standard is defined, there is a "relevancy" requirement to be met.

Rule 16(a)(1)(E) governs the discovery of documents and tangible objects. Under Rule 16(a)(1)(E), the government must permit the defendant to inspect and copy items within the possession, custody or control of the government, if the requested items: (1) are material to the preparation of the defendant's defense; (2) are intended for use by the government as evidence in chief at the trial; or (3) were obtained from or belong to the defendant. Jordan, 316 F.3d at 1250.

An item in the first category need not be disclosed unless the defendant demonstrates that it is material to the preparation of his defense. A conclusory argument will not suffice. Jordan, 316 F.3d at 1250. A defendant must show more than the item bears some abstract logical relationship to the issues in the case; the defendant must show that the item would enable the defendant to significantly alter the quantum of proof in his favor. Jordan, 316 F.3d at 1251; United States v. Buckley, 586 F.2d 498, 506 (5th Cir. 1978), cert. denied, 440 U.S. 982 (1979); United States v. Ross, 511 F.2d 757, 762-63 (5th Cir.), cert. denied, 423 U.S. 836 (1975). The term "defense" as used in Rule 16(a)(1)(E) is limited only to defenses "in response to the Government's case-in-chief." United States v. Armstrong, 517 U.S. 456, 462 (1996). Thus, it would not apply to a motion to suppress or to dismiss the indictment.

Finally, Rule 16(a)(2) exempts from discovery government work product created in connection with the defendant's case and statements made by prospective government witnesses.

B. The Brady/Giglio Doctrine

Brady v. Maryland, 373 U.S. 83 (1963), requires the government to provide to the defense any evidence favorable to the defendant and material to guilt or punishment, and a violation of this requirement is a denial of due process. In Giglio v. United States, 405 U.S. 150, 153-55 (1972), the Brady doctrine was extended to evidence affecting a government witness's credibility. The obligation exists when defense counsel makes a request, and also exists even without a specific request when the evidence is of "obviously substantial value to the defense." United States v. Agurs, 427 U.S. 97, 110 (1976).

The obligation placed on the government applies to the prosecutor(s) and law enforcement officers assigned to the case, and other prosecutors in the same office. Strickler v. Greene, 527 U.S. 263, 275 n.12 (1999); Giglio, 405 U.S. at 154. The obligation is also imposed on any government agencies over which the prosecutor has authority. United States v. Spagnuolo, 960 F.2d 990, 994 (11th Cir. 1992). However, "the prosecutor has no duty to undertake a fishing expedition in other jurisdictions in an effort to find potentially impeaching evidence every time a criminal defendant makes a Brady request for information regarding a government witness." United States v. Meros, 866 F.2d 1304, 1309 (11th Cir.), cert. denied, 493 U.S. 932 (1989).

The Brady doctrine is limited to exculpatory information in the government's possession. "The government does not violate Brady by failing to disclose information it . . . doesn't know about." United States v. Boyd, 208 F.3d 638, 645 (7th Cir. 2000), judgment vacated on other grounds and cert. denied, 531 U.S. 1135 (2001). There is no affirmative duty to seek potentially exculpatory information not in its possession. United States v. Earnest, 129 F.3d 906, 910 (7th Cir. 1997). Moreover, the Brady doctrine does not impose a duty on the prosecutor to learn of information possessed by other government agencies that have no involvement in the investigation or prosecution at issue. United States v. Morris, 80 F.3d 1151, 1169 (7th Cir.), cert. denied, 519 U.S. 868 (1996).

While the prosecutor's obligation to look for and produce Brady material is independent of any defense request, the nature and content of such a request can impact the result. When a defendant makes only a general request for Brady material,

the government decides what information must be disclosed. "Unless the defense counsel becomes aware that other exculpatory evidence was withheld and brings it to the court's attention, the prosecutor's decision is final." Pennsylvania v. Ritchie, 480 U.S. 39, 59 (1987). A general request for all Brady material does not help the prosecutor determine which information in the government's possession might constitute Brady material; it places an onerous burden on the prosecutor to identify correctly all "material" items. Jordan, 316 F.3d at 1252 n.81. So, to expect a complete and reliable response to a Brady demand, defense counsel must be willing to provide information to the prosecutor to assist in the prosecutor's evaluation. "The requests must be sufficiently clear and directed to give reasonable notice about what is sought and why the information may be material in the case." McVeigh, 954 F.Supp. at 1451.

With respect to defense requests, one built on "mere speculation" does not trigger a duty to produce information. United States v. Parks, 100 F.3d 1300, 1307 (7th Cir. 1996); United States v. Morris, 957 F.2d 1391, 1402-03 (7th Cir.), cert. denied, 506 U.S. 941 (1992). For example, in United States v. Polowichak, 783 F.2d 410, 414 (4th Cir. 1986), the Fourth Circuit affirmed the district court's decision to refuse to require the government to disclose the identity of a co-conspirator. The defendant had argued that such information might lead to the discovery of exculpatory evidence. The Court determined that the defendant's request under Brady was speculative and the prospect of discovering exculpatory information was too remote to justify requiring the government to disclose the identity of the co-conspirator.

Various types of information can be considered exculpatory. In general, however, "[m]aterials that must be disclosed are those that go to the heart of the defendant's guilt or innocence and materials that might affect the jury's judgment of the credibility of a crucial prosecution witness." United States v. Hill, 976 F.2d 132, 134-35 (3d Cir. 1992). Information tending to show involvement of persons other than (or in addition to) the defendant may be Brady. Kyles v. Whitley, 514 U.S. 419 (1995). Information undermining the prosecution theory is Brady. United States v. McVeigh, 954 F.Supp. 1441, 1449 (D. Colo. 1997). Information corroborating an alibi or an affirmative defense is Brady. Monroe v. Angelone, 323 F.3d 286, 300 (4th Cir. 2003). Information that could fundamentally alter defense strategy can be Brady. United States v. Spagnuolo, 960 F.2d 990, 995 (11th Cir. 1992).

The scope of disclosure requested by Brady is limited to exculpatory information that is "material." The "touchstone of materiality is a 'reasonable probability' of a different result." Kyles v. Whitley, 514 U.S. 419, 434 (1995). Thus, under Brady, "the government need only disclose during pretrial discovery . . . evidence which, in the eyes of a neutral and objective observer, could alter the outcome of the trial." Jordan, 316 F.3d at 1252. In the pretrial setting, one court has described the Brady "materiality" standard as follows:

In the pretrial context, the government is obligated to disclose all evidence relating to guilt or punishment which might reasonably be considered favorable to the defendant's case, with doubt as to usefulness resolved in favor of disclosure (citations omitted). Disclosure, however, is still limited to exculpatory or impeachment evidence that would likely be admissible at trial or be likely to lead to admissible evidence (citations omitted). There is no obligation to disclose information solely because it would be helpful in preparing the defense in the case; it must be potential exculpatory or impeachment evidence (citation omitted).

United States v. Peitz, 2002 WL 226865 (N.D. Ill. 2002). Thus, the standard is admissible "potential exculpatory or impeachment evidence," and not merely information "helpful in preparing the defense in the case."

The defendant's right to disclosure of favorable evidence does not create a broad, constitutionally-derived right of discovery nor an unsupervised right to search through the government's files. United States v. Jordan, 316 F.3d 1215, 1251 (11th Cir. 2003). There is no constitutional requirement that the prosecution make a complete and detailed accounting to the defense of all police investigatory work on a case. Moore v. Illinois, 408 U.S. 786, 795 (1972). Brady does not require a prosecutor to divulge every scintilla of evidence that might conceivably inure to a defendant's benefit. United States v. Reyes, 270 F.3d 1158, 1166 (7th Cir. 2001). Brady does not require the prosecution team to defend against evidence they present or to take affirmative action to prepare a defense for the defendant. McVeigh, 954 F.2d at 1449. A defendant has no right under the Brady doctrine to have the government construct his defense for him. United States v. Griggs, 713 F.2d 672, 673 (11th Cir. 1983).

As a general rule, the prosecutor is not held to a duty of disclosure of evidence or witnesses who are already known or are accessible to the defendant. United States v. Prior, 546 F.2d 1254, 1259 (5th Cir. 1977). In addition, the Brady doctrine does not apply to information that could have been discovered by the defendant through the exercise of reasonable diligence. United States v. Slocum, 708 F.2d 587, 599 (11th Cir. 1983); United States v. Dixon, 132 F.3d 192, 199 (5th Cir. 1997), cert. denied, 523 U.S. 1096 (1998). Brady does not apply to information that could have been obtained

by subpoena from an independent or neutral source. Mills v. Singletary, 63 F.3d 999, 1019 (11th Cir. 1995), cert. denied, 517 U.S. 1214 (1996) (defendant could have obtained records from jail); United States v. Romo, 914 F.2d 889, 898-99 (7th Cir. 1990), cert. denied, 498 U.S. 1122 (1991) (defendant could have subpoenaed local police for the information).

C. Roviaro v. United States

The law is well settled that there exists a "government informant" privilege. McCray v. Illinois, 386 U.S. 300, 309 (1967); Roviaro v. United States, 353 U.S. 53 (1957).

The purpose of the privilege is the furtherance and protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, by preserving their anonymity, encourages them to perform that obligation.

Roviaro, 353 U.S. at 59. The privilege, however, is not absolute. Where the defendant can show that disclosure is necessary to insure a fair trial, the informant's identity must be revealed. United States v. Silva, 580 F.2d 144, 146-47 (5th Cir. 1978). The Roviaro Court stated that disclosure of the informant's identity "must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informant's testimony and other relevant factors." Roviaro, 353 U.S. at 62.

A speculative request will not compel a disclosure. United States v. Trejo-Zambrano, 582 F.2d 460, 466 (9th Cir.), cert denied, 439 U.S. 1005 (1978). A request based on the mere possibility of obtaining relevant testimony is also insufficient.

United States v. Moreno, 588 F.2d 490, 494 (5th Cir.), cert. denied, 441 U.S. 936 (1979). A defendant must show that the informant's testimony would probably be material to a substantial issue in the case. Encinas-Sierras v. United States, 401 F.2d 228, 231-32 (9th Cir. 1968). Disclosure is only required upon the trial court's determination that the need for information by the person seeking disclosure outweighs the government's claim of privilege. United States v. Henderson, 241 F.3d 638, 645-46 (9th Cir. 2000), cert. denied, 532 U.S. 986 (2001).

If the informant was only a mere tipster, the government is not required to disclose the identity of the informant. United States v. Gonzalez-Rodriguez, 239 F.3d 948, 951 (8th Cir. 2001). Similarly, disclosure is not required where the informant played only a small or passive role in the offense charged, had no first-hand information, or where his potential disclosures are already known to the defendant. Suarez v. United States, 582 F.2d 1007, 1011 (5th Cir. 1978) (and cases cited therein); Moreno, 588 F.2d at 494. Likewise, disclosure will not be ordered where the witness would be in personal danger and the potential testimony of the witness was not exculpatory. United States v. Pelton, 578 F.2d 701, 707 (8th Cir. 1978), cert. denied, 439 U.S. 964 (1979).

The government's informant privilege also includes the privilege not to disclose the existence of an informant in a particular case. See, e.g., United States v. Cimino, 31 F.R.D. 277, 280-81 (S.D.N.Y. 1962), aff'd, 321 F.2d 509 (2d Cir. 1963), cert. denied, 375 U.S. 967 (1964). In Cimino, the trial court denied the defendant's request as to whether any person involved in the transactions alleged in the indictment was a

government informant. See also United States v. Felton, 592 F.Supp. 172, 196 (W.D. Pa. 1985), rev'd on other grounds, 753 F.2d 256 (3d Cir. 1985) and 753 F.2d 276 (3d Cir. 1985). In Felton, the defendant demanded to know all information concerning the use of informants. Relying on Roviaro, the trial court denied the request. Finally, in United States v. Garcia, 272 F.Supp. 286, 289-90 (S.D. N.Y. 1967), the defendant demanded to know whether the government had relied upon an informant. The trial court denied the motion.

When the defendant has access to an individual who, unbeknownst to the defendant, is an informant, Roviaro does not place an obligation on the government to disclose the individual's status as an informant; Brady provides the proper framework for analysis. See, e.g., United States v. Persico, 1997 WL 867788 at 39 (E.D.N.Y. 3/13/97), rev'd in part on other grounds sub nom., United States v. Orena, 145 F.3d 551, 553 (2d Cir. 1998), cert. denied, 525 U.S. 1072 (1999); United States v. LaRouche Campaign, 695 F.Supp. 1290, 1307-08 (D. Mass. 1988); United States v. LaRouche Campaign, 695 F.Supp. 1265, 1279-80 (D. Mass. 1988).

D. Defendant Al-Arian's Requests

1. *Whether Dr. Al-Arian was overheard on any electronic surveillance that was conducted on any other targets of any other investigations.*

This request might be made pursuant to Rule 16 or Brady. If it is made pursuant to Rule 16(a)(1)(B), it is overly broad. Rule 16(a)(1)(B) provides that the government must disclose to the defendant any relevant written or recorded statements by the defendant within the government's possession, custody or control and known to

exist. In this case, the government has already supplied defendant Al-Arian with thousands of recorded statements made by him and his co-conspirators which are relevant to this case. But, defendant Al-Arian's pending request is for ALL recorded statements, not just relevant ones. The lack of relevancy can be derived from the request itself, which seeks recorded statements of defendant Al-Arian obtained during the course of electronic surveillance of other targets of other investigations. There is not even a suggestion that the request should be limited to statements which are relevant to this case. In reality, defendant Al-Arian is actually seeking simply to learn about other investigations involving other targets, perhaps for the benefit of those individuals.

Of course, the government recognizes that if such statements exist, they must be reviewed to determine whether there is any Brady information. No court order is required to impose that obligation on the government.

There is case law supporting the government's position that defendant Al-Arian's request exceeds the parameters of Rule 16. In United States v. Clark, 957 F.2d 248 (6th Cir. 1992), the defendant was convicted of theft of a vehicle. Prior to trial, the defendant asked the trial court to compel the government to disclose all written or recorded statements in the government's possession relating to other on-going investigations of the defendant, including motor vehicle theft and murder. The trial court denied the request and the Sixth Circuit affirmed, addressing both a Rule 16 relevancy argument and a Brady argument. It must also be noted that in Clark the defendant sought statements made by him in other investigations of him, whereas

defendant Al-Arian seeks statements made by him in connection with investigations of others. In United States v. Gleason, 616 F.2d 2, 24 (2d Cir. 1979), cert. denied, 444 U.S. 1082 (1980), the Second Circuit held that a letter the defendant had written was not improperly withheld from him under Rule 16 because the letter did not relate to the crimes charged. To be discoverable under Rule 16(a)(1)(B), the written or recorded statement has to be "relevant" to the charges in the indictment. Id. at 24. In Gleason, the letter was "relevant" only for impeachment purposes and only became relevant after the defendant testified to a particular fact on direct examination. The items sought in this case are less relevant than those discussed in Clark and Gleason.

2. *Whether the government intends to utilize any electronic surveillance by any law enforcement or intelligence agency of any foreign government.*

This request has been answered so the motion is moot.

3. *All translations utilized by the government in preparation of the indictment that differ in any way from the translations the government used to obtain the indictment and/or intends to offer at trial.*

The government has declined to provide this information for the reasons stated in footnote 2 on page 6 of the Government's Response to Defendant Hatim Naji Fariz's Motion for Reconsideration of the Magistrate Judge's Order Denying in Part Mr. Fariz's Motion to Compel Production of English-Language Transcripts (Doc. 469). To reiterate and expand on our response, this request is overly broad as a matter of law. In United States v. Zambrana, 841 F.2d 1320, 1337 (7th Cir. 1988), the defendant challenged the accuracy of foreign language translations. The defense linguistic expert

testified that there were many inaccuracies in the government translations. Among them were: (1) vocabularies were mistranslated; (2) unintelligible passages that were intelligible; (3) wrong grammatical constructions; (4) putting words in the transcripts that weren't there; and (5) omitting words that were there. On cross examination, the witness admitted that many of the government's translations of key phrases were correct. The Seventh Circuit concluded that the trial record convinced it that the government's transcripts were sufficiently clear, accurate and intelligible to assist the jury in giving them a true picture of the crime. With regard to the accuracy of translations, the Seventh Circuit held:

In our view, a foreign language translation is sufficiently accurate to assist the jury if the translation reasonably conveys the intent or idea of the thought spoken. It is axiomatic that a translation of most foreign languages to English (and vice versa) can never convey precisely and exactly the same idea and intent comprised in the original text, and it is unrealistic to impose an impossible requirement of exactness before allowing a translation to be considered by a jury

Zambrana, 841 F.2d at 1337. Applying this standard of accuracy to Brady determinations, it becomes clear that only a translation which does not reasonably convey the intent or idea of the thought spoken (or misidentifies the speaker) can truly be considered potentially Brady, not a transcript which merely "differs in any way" with another.

There is also the separate issue as to whether the defendant is even entitled to a translation of a communication the government used to prepare the indictment. The defendant is not. Such a translation is exempt from discovery pursuant to Fed. R. Crim. P. 16(a)(2).

4. *The names, credentials, and contact information for all translators involved in the creation and production of the translations utilized in preparation of the indictment.*

The government has declined to provide this information. This information is exempt from disclosure pursuant to Fed. R. Crim. P. 16(a)(2) and is not discoverable under Rule 16(a)(1) or exculpatory.

5. *All information concerning the utilization of Dr. Al-Arian as an "asset" or "source" for the FBI, including, but not limited to: (a) the dates, times, places, and circumstances in which the Accused was so utilized; (b) the names of all FBI agents involved in the interviews of Dr. Al-Arian or in the receipt of written information from Dr. A-Arian; (c) how and where any information provided by Dr. Al-Arian was utilized; (d) any official or unofficial evaluations of the information provided by Dr. Al-Arian; and, (e) the names and contact information for the individual evaluators.*

The government acknowledged that defendant Al-Arian was a source of information for the FBI for a brief period of time.¹ Pursuant to Rule 16(a)(1)(A), the government has provided to the defendant summaries of the statements he made to the FBI. The information called for in Number 5 otherwise does not fall within Rule 16(a)(1) or Brady. Moreover, with respect to Requests 5(a) and 5(b), defendant Al-Arian must

¹This information was disclosed to counsel for defendant Al-Arian via a private discovery letter. On March 29, 2004, the government learned that counsel for Al-Arian had informed a reporter for The Tampa Tribune of this information. The government is under the impression that information provided in discovery is not part of the public record. This conduct by counsel for Al-Arian explains the concerns the government has expressed in its prior motions for protective orders.

already possess such information. The government has no Brady duty to produce information the defendant already knows.

6. *All e-mail traffic involving or relating to Dr. Al-Arian that was monitored and/or intercepted by any agency of the United States government.*

The government will be producing computer communications as part of its production of FISA intercepts. Production of these communications is subject to a separate set of technical obstacles.

7. *Whether any e-mail traffic was monitored pursuant to the FISA wiretaps.*

The government acknowledged that the FBI intercepted computer communications pursuant to FISA orders.

8. *All products of the mail cover conducted against Dr. Al-Arian.*

The government will be producing this material in discovery so the motion is moot.

9. *With regard to any informants the government may have utilized in the investigation of Dr. Al-Arian, consistent with Roviaro v. United States, 353 U.S. 53 (1957)*

Request Number 9 has 15 subparagraphs. It seeks detailed information regarding informants "the government may have utilized in the investigation of (defendant) Al-Arian." (Doc. 487 at page 3). Defendant has never asked for this specific information. Its first appearance in this case is in this motion.

To the extent the government intends to call an informant as a witness at trial, most of the request appears to call for Giglio information. Under the express terms of

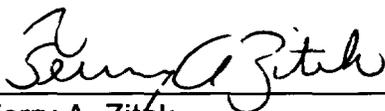
the Court's Second Amended Pretrial Discovery Order (Doc. 152), this information must be provided 30 days prior to trial. Therefore, the Court need not entertain this part of the motion as it is premature.

Request Number 9 as worded also requests detailed information about confidential informants regardless of whether the government intends to call such persons as witnesses. There is no provision in Rule 16(a)(1) which supports such a request. Defendant cites to Roviaro, but does not even make an attempt to present facts to overcome the government's informant privilege. If the informant does not testify, then there is no witness to impeach and the information cannot qualify as Giglio. The only remaining basis is Brady. As a Brady request, it is pure speculation. Nevertheless, the government understands and accepts its obligation to search for and produce exculpatory information, and if there is any Brady information, the government will produce it.

WHEREFORE, for the foregoing reasons, defendant Al-Arian's motion should be denied.

Respectfully submitted,

PAUL I. PEREZ
United States Attorney

By: 

Terry A. Zitek
Executive Assistant United States Attorney
Florida Bar No. 0336531
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: (813) 274-6000
Facsimile: (813) 274-6246

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent
by U.S. mail this 1st day of April, 2004, to the following:

William B. Moffitt, Esquire
Asbill Moffitt & Boss, Chtd.
The Pacific House
1615 New Hampshire Avenue, N.W.
Washington, DC 20009
Counsel for Sami Amin Al-Arian

Linda Moreno, Esquire
1718 E. 7th Avenue, Suite 201
Tampa, Florida 33605
Counsel for Sami Amin Al-Arian

Stephen N. Bernstein, Esquire
Post Office Box 1642
Gainesville, Florida 32602
Counsel for Sameeh Hammoudeh

Bruce G. Howie, Esquire
5720 Central Avenue
St. Petersburg, Florida 33707
Counsel for Ghassan Zayed Ballut

Kevin T. Beck, Assistant Federal Public Defender
Federal Public Defender's Office
400 North Tampa Street, Suite 2700
Tampa, Florida 33602
Counsel for Hatim Naji Fariz

Wadie E. Said, Assistant Federal Public Defender
Federal Public Defender's Office
400 North Tampa Street, Suite 2700
Tampa, Florida 33602
Co-Counsel for Hatim Naji Fariz



Terry A. Zitek
Executive Assistant United States Attorney