

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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

UNITED STATES OF AMERICA

v.

SAMEEH HAMMOUDEH

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CASE NO.: 8:03-CR-77-T-30-TBM

**GOVERNMENT'S RESPONSE TO DEFENDANT HAMMOUDEH'S
MOTION FOR EXCULPATORY AND IMPEACHING INFORMATION**

The United States of America by Paul I. Perez, United States Attorney, Middle District of Florida, submits the following response to defendant Hammoudeh's Motion for Exculpatory and Impeaching Evidence.

The defendant has requested, pursuant to Brady, in Paragraphs 1 and 5, that the prosecution provide information from the Department of State regarding Khalil Shikaki, because he was "attacked through the government's proffer of evidence in bond hearings as being a person of terrorist inclinations, whose financial transactions with the defendant Hammoudeh are inculpatory and will be the subject of the government's case in chief."

The defendant represented at his detention hearing that he had no prior connection to co-defendant Sami Amin Al-Arian before he came to the United States and that at the time he came to the United States he was sponsored by the Palestinian Authority, which was the mortal enemy of the Palestinian Islamic Jihad (PIJ).

Accordingly it would not be reasonable to believe that he ever had a criminal association with the PIJ or any of its members. To counter that argument, the government proffered to the Court that Hammoudeh received a check in the amount of \$5000.00 from Khalil Shikaki, the Director at WISE, a Tampa, Florida organization founded by Sami Amin Al-Arian, two or three months before Sameeh Hammoudeh arrived in the United States. Khalil Shikaki is the brother of the late Fathi Shiqaqi who, until his death in 1995, was the Secretary General of the PIJ.

During Hammoudeh's rebuttal argument at the detention hearing, the Court challenged Hammoudeh with these facts and failed to receive a satisfactory explanation from Hammoudeh. The defendant is demanding information from the government for trial to support an individual who only became relevant regarding a narrow issue at the detention hearing because of the defendant's representation regarding his association with Sami Amin Al-Arian. Hammoudeh's request for Brady information regarding Khalil Shikaki should be denied on relevancy grounds.

There is a second ground upon which to deny Hammoudeh's specific request. By its terms, Hammoudeh is asking the prosecution team to submit a request to another government agency, not part of this investigation, for information apparently in the possession of that agency. Hammoudeh can and should make the request of the Department of State himself.

The rest of Hammoudeh's motion effectively adopts defendant Fariz's Motion for Exculpatory and Impeaching Evidence. Therefore, in all other respects, the government reasserts and adopts its response to defendant Fariz's Motion for Exculpatory and Impeaching Evidence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent
by U.S. Mail this 29th day of April, 2004, to the following:

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