

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED  
2004 MAY -7 AM 9:27  
CLERK U.S. DISTRICT COURT  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

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

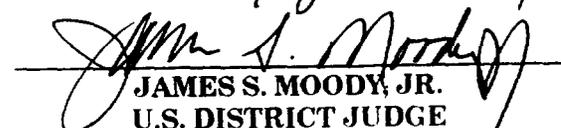
HATIM NAJI FARIZ  
\_\_\_\_\_ /

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
IN WHICH TO FILE RESPONSE TO THE GOVERNMENT'S MOTION  
FOR RECONSIDERATION OF THE COURT'S MARCH 12, 2004 ORDER  
REGARDING THE SCIENTER REQUIREMENT**

Defendant, HATIM NAJI FARIZ, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 45(b), respectfully requests that this Honorable Court grant an extension of time, up to and including May 20, 2004, to file his Response to the Government's Motion for Reconsideration of the Scierter Requirement As it Pertains to the Scierter Requirements of a Section 2339B Prosecution and Memorandum of Law in Support (Docs. 519, 520). As grounds in support, Mr. Fariz states:

1. On March 12, 2004, this Court issued an Order on the Defendants' pending motions to dismiss, strike, and for reconsideration of the Magistrate Judge's Order on the motions for bill of particulars. (Doc. 479).
2. On April 12, 2004, the government moved for an additional fourteen days in which to file a motion to reconsider the scierter requirement. (Doc. 504). The Court granted this motion.

This motion/petition/stipulation has been duly considered and is hereby granted this 7 day of May, 2004.

  
JAMES S. MOODY, JR.  
U.S. DISTRICT JUDGE

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3. On April 26, 2004, the government filed its motion to reconsider, essentially raising three grounds: (1) it is unnecessary to interpret 18 U.S.C. § 2239B as requiring specific intent to satisfy the due process requirement of “personal guilt,” (2) it is unnecessary to bolster Section 2339B against hypothetical vagueness challenges by interpreting the statute to require specific intent, and (3) interpreting Section 2339B to require specific intent to further terrorist activities unnecessarily converts the statute from a general intent statute.

4. The government’s motion to reconsider involves a number of significant constitutional questions. In order to ensure a thorough, but concise response, undersigned counsel respectfully requests additional time to prepare the response on behalf of Mr. Fariz.

5. Counsel for Co-defendant Sami Amin Al-Arian have received an extension of time to May 20, 2004 to file their response. Undersigned counsel respectfully requests that his response also be due on or before May 20, 2004.

6. Undersigned counsel contacted Assistant United States Attorney Walter Furr who indicated that the government has no objection to this motion.

WHEREFORE, Defendant, Hatim Naji Fariz, respectfully requests an extension of time, up to and including May 20, 2004, to file his response to the Government's Motion for Reconsideration of the Court's March 12, 2004 Order As it Pertains to the Scienter Requirements of a 2339B Prosecution.

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER



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**CERTIFICATE OF SERVICE**

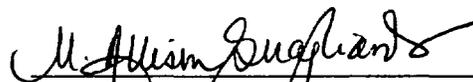
I HEREBY CERTIFY that on this 10<sup>th</sup> day of May, 2004, a true and correct copy of the foregoing has been furnished by hand delivery to Walter Furr, Assistant United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by U.S. Mail:

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F I L E C O P Y

Date Printed: 05/08/2004

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