

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

2013 JUN 21 PM 3:56
JH
D

UNITED STATES OF AMERICA

vs.

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

SAMEEH HAMMOUDEH

DEFENDANT SAMEEH HAMMOUDEH'S EX PARTE MOTION FOR ALLOCATION OF FUNDS UNDER CRIMINAL JUSTICE ACT FOR SCANNING OF DISCOVERY DOCUMENTS AND MEMORANDUM OF LAW

The Defendant, SAMEEH HAMMOUDEH, by and through his undersigned counsel, pursuant to 18 U.S.C. § 3006A(e)(1), hereby requests this Honorable Court to authorize the Defendant's counsel to contract for and obtain the services of Pegasus Print and Copy Centers, Inc., for the purpose of scanning discovery documents on CD's to facilitate the review, storage, and retrieval of these documents by the Defendant and his undersigned counsel, and as grounds therefor states:

1. The Defendant's undersigned counsel has been informed by co-counsel at the Federal Public Defender's Office in Tampa of a proposal by Pegasus Print and Copy Centers, Inc., to scan the several thousand pages of discovery documents for recording on CD's which can then be retrieved, viewed, transmitted, and printed as needed during the discovery phase of trial preparation and which could also be retrieved efficiently during the course of the trial.
2. Counsel for the co-defendants in this case have agreed to share the costs of this proposal, which in turn would provide uniformity of access to these documents that would facilitate the sharing of information in the preparation and presentation of defenses.
3. Given the massive volume of discovery documents in this case, the scanning of

SCANNED

559

documents to disks is crucial to the preparation of the Defendant's defense.

4. The proposal requires each participating co-defendant to pay equal shares for the cost of this production in the amount of \$14,750.00 per co-defendant, with an initial 30% retainer in the amount of \$4,425.00.

5. The Defendant, although he has retained counsel, has previously been adjudged indigent and is currently unable to pay this cost on his own.

6. It is the knowledge and belief of the Defendant and his undersigned counsel that counsel for the co-defendants will be submitting similar ex parte motions for these services and that the written proposal from Pegasus is available from and will be presented by the Federal Public Defender's Office which negotiated the proposal.

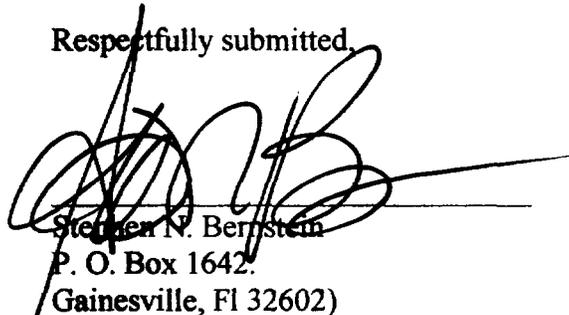
WHEREFORE, the Defendant requests this Honorable Court to authorize the Defendant's counsel to obtain the services of Pegasus Print and Copy Centers, Inc., at the cost of \$14,750.00 for the purpose of scanning discovery documents on CD's and providing related support services pursuant to the written proposal negotiated with the Federal Public Defender for the amount stated above, including the authorization of timely payment of the initial retainer in the amount of \$4,425.00.

Memorandum of Law

Where a defendant in a federal criminal case is unable to obtain expert or other services necessary for adequate representation, the defendant may request in an ex parte application that the Court make an appropriate inquiry into the necessity of the services and authorize appointed counsel to obtain the services. 18 U.S.C. § 3006A(e)(1). In this proposal, the Defendant

requests the Court to authorize his appointed counsel to contract with and direct payment to Pegasus Print and Copy Centers, Inc., to scan and store discovery documents to disks for purposes of facilitating discovery and documents retrieval. Although this service is unnecessary in cases with very limited documents production, such a service is crucial given the extraordinary number of documents in this case and the substantial problems associated with their review, storage, transportation, transmittal, and retrieval. The co-defendants and their counsel are presenting a joint proposal to avoid duplication of effort and to minimize the costs of this process. The outsourcing of this process appears to be cost effective in that it will free counsel and support staff to apply their time more efficiently to the more customary tasks of legal representation. Given the due process considerations in facilitating access to and review of discovery documents, this process is crucial to the Defendant's ability to prepare an adequate defense.

Respectfully submitted,



Stephen N. Bernstein
P. O. Box 1642
Gainesville, FL 32602
Telephone (352) 373-9555
Facsimile (352) 373-5277
Florida Bar No. 0145799 ZAYE
Attorney for Sameeh Hammoudeh