

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

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

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

**DEFENDANT HATIM NAJI FARIZ'S OBJECTION TO THE  
PROPOSED JURY QUESTIONNAIRE**

The Defendant, Hatim Najj Fariz, by and through undersigned counsel, hereby files his objections and proposed amendments to this Honorable Court's proposed Jury Questionnaire pursuant to the Court's Order of June 24, 2004 (Docket No. 562). Mr. Fariz does not waive any previously stated arguments or objections to the proposed jury questionnaire.

Wherefore, Mr. Fariz respectfully submits the following proposals and objections to the Court's proposed Jury Questionnaire:

**Question 10**

The defendant proposes that question Number 10 include an inquiry regarding radio newscasts in addition to television newscasts.

The proposed question would read as follows: "*Do you watch any television newscasts or listen to radio newscasts on a regular basis?*"

*Yes* \_\_\_\_\_ *No* \_\_\_\_\_ *If Yes, which ones?*

  
\_\_\_\_\_

---

**Question 28**

The defendant proposes that the question include military service in Afghanistan, and other areas of the Middle East.

The proposed question would read “ Have you or any children or relatives served in the recent war in Iraq, in Desert Storm or in military operation in Afghanistan and other areas of the Middle East?

Iraq: Yes\_\_ No\_\_ Branch and highest rank: \_\_\_\_\_

Desert Storm: Yes\_\_ No\_\_ Branch and highest rank: \_\_\_\_\_

Afghanistan: Yes\_\_ No\_\_ Branch and highest rank: \_\_\_\_\_

Other areas of the Middle East:

Yes\_\_ No\_\_ Location: \_\_\_\_\_

Branch and highest rank: \_\_\_\_\_

**Question 35**

Question Number 35 asks about potential jurors’ ability to listen to evidence presented in a case involving charges of “various acts of terrorism.” The question implies that the case at issue includes accusations that the defendants performed acts of terrorism themselves. However, neither Mr. Fariz, nor any of his co-defendants, is charged in the indictment with performing any act of terrorism. The defendant argues that the question to potential jurors should not suggest or imply that the case at issue involves accusations of carrying out terrorist attacks. The defendant proposes that Question Number 35 be amended

to incorporate language such as that in Question Number 32 (“... in a case where there are allegations of support for people and/or organizations the government has designated as terrorists?”).

The proposed question would then read:

*“Do you have any experiences, feelings or impressions about Palestinians, Arabs or Muslims that would make it difficult for you to listen to the evidence with an open mind and enter a verdict based solely on the evidence presented in court when the case involves Palestinian, Arab or Muslim men charged with supporting people and/or organizations the government has designated as terrorists?”*

**Question 62**

The defendant proposes that Question Number 62 include an explanation inquiry and space for a response. The proposed question would read as follows:

“ Do you believe that you, a member of your family, or a close friend, has ever been directly or indirectly affected in any way by a terrorist act or threat?

Yes \_\_\_\_ No \_\_\_\_\_

If yes, please explain the event:

---

---

### **Hardship Question**

Mr. Fariz brings the Court's attention to a typo on page three of the jury questionnaire. The questionnaire states, "NO, I would have not have a serious hardship ..." repeating the word "have."

### **Signature Page**

The undersigned understands that the Court is still contemplating the possibility of an anonymous jury. However, Mr. Fariz proposes that the jury questionnaire include a signature page which requires an actual signature, rather than only the juror number so that the Court may receive some confirmation of the legitimacy of the signature either in open court or otherwise.

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

s/Kevin T. Beck  
Kevin T. Beck  
Florida Bar # 0802719  
Assistant Federal Public Defender  
400 North Tampa Street, Suite 2700  
Tampa, Florida 33602  
Telephone: 813-228-2715  
Facsimile: 813-228-2562  
Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of July, 2004, a true and correct copy of the foregoing has been furnished by electronic mail and hand delivery to Terry Zitek, Assistant United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by electronic filing & U.S. Mail:

Mr. Bruce G. Howie, Esquire  
Piper, Ludin, Howie & Werner, P.A.  
5720 Central Avenue  
St. Petersburg, Florida 33707

Mr. Stephen N. Bernstein, Esquire  
P.O. Box 1642  
Gainesville, Florida 32602

Mr. William B. Moffitt, Esquire  
Asbill Moffitt & Boss, Chtd  
The Pacific House  
1615 New Hampshire Avenue, N.W.  
Washington, D.C. 20009

Ms. Linda Moreno, Esquire  
1718 East 7<sup>th</sup> Avenue, Suite 201  
Tampa, Florida 33605

s/Kevin T. Beck  
Kevin T. Beck  
Assistant Federal Public Defender