

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

UNITED STATES OF AMERICA,

Plaintiff,

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

v.

SAMI AMIN AL-ARIAN,
SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT,
HATIM NAJI FARIZ

Defendants.

_____ /

**DEFENDANT SAMI AL-ARIAN'S MOTION TO ADOPT
DEFENDANT HATIM FARIZ'S MOTION FOR CLARIFICATION AND
OBJECTIONS TO
THE COURT'S ORDER OF AUGUST 18, 2004,
REGARDING THE PRODUCTION OF ENGLISH-LANGUAGE TRANSCRIPTS**

COMES NOW the Accused, Dr. Sami Amin Al-Arian, by counsel, and moves this Honorable Court for the entry of an Order permitting him to adopt Defendant Fariz's Motion for Clarification and Objections to the August 18th, 2004 Court Order Regarding production of English language transcripts filed today September 15, 2004, the grounds set forth in the Motion, and the accompanying Memorandum of Law, and all evidence adduced in support of the Motion, the same as if the same Motion were set out, filed, and produced by the Accused, SAMI AMIN AL-ARIAN, but only to the extent that the Motion, the Memorandum of Law or the evidence in support are beneficial and not adverse to the Accused's interests. In support hereof, the Accused states:

1. Hatim Fariz's Motion for Clarification and Objections relates to the compelled production of defense transcripts of phone conversations which might be used either in its case in chief or in rebuttal to the Government by December 31st, 2004. The overwhelming majority of the translated transcripts relate to Dr. Al-Arian's own conversations, covering a decade of wiretap surveillance at his home and his work.
2. Dr. Al-Arian joins in the request to compel disclosure by the government of all FISA intercepts that it intends to use at trial and their order of production. The defense has previously submitted this request to the government, which has gone unanswered.
3. Dr. Al-Arian further reserves the right to produce English-language transcripts of intercepts (1) whose relevance or necessity becomes apparent at any time during trial, and (2) that may not be translated until after the court ordered date of December 31st, 2004. This request will be discussed in more detail by separate motion.
4. The Accused agrees with Mr. Fariz that a deadline should be set for the government to produce any counter-transcripts to proposed defense transcripts to allow the defense time to prepare.

WHEREFORE, the accused, Sami Al-Arian, by and through undersigned counsel, respectfully requests this Honorable Court to permit the Accused to adopt Hatim Fariz's Motion for Clarification and Objections to the Court's Order of August 18, 2004, and to grant the Accused the same relief as requested in the Motion.

Dated: 15 September 2004

Respectfully submitted,

/s/ Linda Moreno
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2004, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and by U.S. Mail to Stephen N. Bernstein, P.O. Box 1642, Gainesville, Florida 32602, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno
Linda Moreno
Attorney for Sami Al-Arian