

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

UNITED STATES OF AMERICA

v.

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

HATEM NAJI FARIZ
_____ /

**MOTION FOR LEAVE TO FILE MOTIONS IN RESPONSE
TO THE SUPERSEDING INDICTMENT**

The Defendant, Hatem Naji Fariz, by and through the undersigned counsel, hereby respectfully requests that this Honorable Court permit the filing of pretrial motions in response to the Superseding Indictment (Doc. 636), up to and including November 4, 2004.

As grounds in support, Mr. Fariz states:

1. On September 21, 2004, the grand jury returned a Superseding Indictment (Doc. 636) containing additional counts and new Overt Act allegations against Mr. Fariz. The Superseding Indictment also adds a new co-defendant and alleged co-conspirator, Mazen Al-Najjar, and amends some of the allegations against the other named co-defendants.

2. The arraignment is scheduled before the Honorable Thomas B. McCoun III on October 5, 2004, at 10:00 am. Mr. Fariz has separately filed his waiver of presence at the arraignment and entry of not guilty plea to all charges.

3. Mr. Fariz respectfully requests permission to file motions to dismiss, motions for bills of particulars, and additional and/or amended questions for the juror questionnaire in

light of the Superseding Indictment. Counsel for Mr. Fariz intends to prepare these motions as diligently as possible, along with continuing to prepare for the January 2005 trial in this matter.¹ Counsel would therefore respectfully ask for 30 days from the arraignment, or up to and including November 4, 2004, to file said motions.

WHEREFORE Defendant, Hatem Naji Fariz, respectfully requests leave to file motions in response to the Superseding Indictment up to and including November 4, 2004.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
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Attorney for Defendant Fariz

¹Additionally, counsel for Mr. Fariz will be unavailable due to case-related and personal travel from October 6, 2004 to October 13, 2004.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 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; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender