

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
Tampa Division**

UNITED STATES OF AMERICA

v.

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

SAMI AMIN AL-ARIAN, *et al.*,

Defendants.

_____ /

**SAMI AMIN AL-ARIAN’S MOTION FOR LEAVE TO FILE OBJECTIONS TO AND
RECONSIDERATION OF COURT’S ORDER OF SEPTEMBER 29, 2004
IN MOTION FOR CONTINUANCE**

COMES NOW the Accused, Sami Amin Al-Arian, through his attorneys, and hereby requests leave of court to file objections to and reconsideration of the Court’s Order of September 29, 2004, Doc. 658, in a defense Motion for Continuance, which is currently being drafted. As support for this request, counsel states as follows:

1. Pursuant to the Court’s recent Order, Doc. 658, the Defense is required to produce not only any alternative English-language translations which would be offered in rebuttal to the Government’s translations, but also “any other English-language translations the Defendants may seek to introduce in their case-in-chief” by December 31, 2004, before the scheduled trial date of January 5, 2005.
2. The plethora of wiretap evidence in this case, which was derived from a near decade of surveillance of Dr. Sami Al-Arian, his home, his University office, the Islamic Academy of Florida, and the offices of WISE, is in the Arabic language.

3. As of the date of this motion, the government has only produced translated transcripts for approximately 100 of the 300 conversations they intend to use at trial, although they have apparently had these taped conversations in their custody from 1994 to 2002.
4. The government has delivered in excess of 20,000 hours of taped conversations as a result of FISA wiretaps to the Accused but has not identified any Brady material therein, or anywhere else, thereby relinquishing that responsibility to the defense.
5. Approximately 7 months ago, the government also delivered nearly 30,000 pages of “tech cut” summaries to the defense, adding to the prodigious volume of work to analyze.
6. The identities of the translators have been redacted from the summaries and the government has refused to produce their names, thereby preventing the defense from the ability to explore the source and methodology of the so-called translations or transliterations, further complicating and protracting the defense analysis.
7. For the foregoing reasons, and numerous others, the defense affirmatively believes we will not be able to produce English-language translations of all conversations, including exculpatory conversations to be offered in the defense case, in compliance with the Court’s Order by December 31st, 2004. We would ask leave of Court to allow us to address this issue more thoroughly in our imminent Motion for Continuance.

WHEREFORE, the Accused, Sami Amin Al-Arian, by and through undersigned counsel, respectfully requests leave of Court to submit objections to and reconsideration of the previously referenced Order within a forthcoming Motion for Continuance.

Dated: 12 October 2004

Respectfully submitted,

/s/ Linda Moreno
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th 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; 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