

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CLERK'S MINUTES

CASE NO. 8:03-cr-77-T-30TBM DATE: October 15, 2004

HONORABLE James S. Moody, Jr. INTERPRETER N/A

UNITED STATES OF AMERICA Terry Zitek, Walter Furr, Cherie Krigsman
v. Government Counsel

Sami Amin Al-Arian William Moffit, Linda Moreno
Sameeh Hammoudeh Stephen Bernstein
Ghassen Zayed Ballut Bruce Howie
Hatim Naji Fariz (present) Allison Guagliardo, Andrea Stubbs
Defendant(s) Defense Counsel

COURT REPORTER Carol Jacobs DEPUTY CLERK Sara Boswell

TIME 9:05 - 10:30 a.m. TOTAL 1:25 Courtroom 13 A

PROCEEDINGS: MISCELLANEOUS HEARING

Counsel is provided with copies of the Court's 10/15/04 order regarding CIPA issues, a preliminary jury instruction regarding an innominate jury and the proposed jury questionnaire.

Case is currently scheduled to begin trial on January 10, 2005. Government estimates their case will take approximately 6 months to complete.

The jury questionnaire has been revised and will be sent out to 500 potential jurors around November 8, 2004. The Court will provide counsel copies of the completed questionnaires and will allow counsel approximately two weeks to review the submissions. A hearing will be set in December to determine the jury panel.

Court will endeavor to select the jury in one day. At this time, the Court wishes to seat an innominate jury. The individual jurors will not be named but will be referred to by juror numbers only. The Court will allow counsel 2 weeks to file briefs on this issue.

The Court will conduct voir dire of the jury panel and will give counsel 15 minutes a piece to ask additional questions. Upon consent of defense counsel, the Court will allow the defendants 11 collective strikes/challenges at jury selection and then one additional strike per defendant totaling 15 strikes/challenges. The Government will be allowed 9 strikes/challenges.

The Court will endeavor to seat 18 jurors (12 jurors and 6 alternate jurors) for the trial. Due to space limitations, 58 potential jurors will be brought into the courtroom for voir dire questioning. Additional jurors will be brought in as necessary. The courtroom deputy clerk will draft a seating chart the morning of jury selection indicating the jurors by numbers only and their designated seats.

The Court will require the Government to provide a list of expected witnesses to defense counsel the night before the witnesses will be called to testify. Defense counsel will provide Government's counsel with a list of defense witnesses under the same time frame.

The Court imposes a deadline of 30 days from the date of the hearing in which to file motions to suppress. The Government anticipates filing a motion for extension of time to file its response(s). The Court will consider the motion once it has been filed.

Seating in the courtroom for trial will be on a first come, first served basis. An overflow room is being designated so that the video from the trial can be fed to that area. A media room and attorney conference room are also being considered.

Mr. Moffitt states that Defendant Al-Arian will be filing a motion for continuance of trial and a motion for severance. Counsel will have 20 days to file the motion(s).