

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

V.

SAMI AMIN AL-ARIAN, ET AL

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CASE NO.: 8:03-CR-T-77-30 TBM

MOTION AND MEMORANDUM
OF LAW FOR EXPEDITED RULE 16 DISCOVERY

The defendant, Sami Amin Al-Arian, moves this court for the entry of an Order requiring the government to provide to the defendant in an expedited manner all Fed Rule Crim Proc 16 discovery to which he is entitled. As grounds the defendant states:

1. The defendant is presently detained without bond based on the filing of a 121 page, 49 count indictment and the government's request for detention pursuant to 18 USC § 3142 (f). The detention hearing for the defendant and three co-defendants is presently set for March 20, 2003.

2. The defendant faces a maximum sentence of life imprisonment upon conviction as presently charged.

3. The government has advised the court at the initial appearance of this defendant that trial may last from six months to one year.

4. One of the considerations for the court in determining bail is the weight of the governments evidence against the defendant. 18 USC § 3142 (g).

5. The government has previously stated that there are thousands of audio recordings, over 500 video recordings and more than 88 banker boxes of evidence accumulated in this case.

6. Due to the complexity of this case, the severe potential punishment facing the defendant and the substantial amount of evidence accumulated to date it is critical for this defendant to have access to all evidence to which he is entitled at the earliest possible time.

7. In order for the defendant to attack the weight of the evidence against the defendant at his detention hearing he moves this court to require the government to produce said Rule 16 discovery by Monday, March 17, 2003 in order for the defendant to make adequate use of it prior to and at his detention hearing.

8. Fed Rule Crim Proc 16 states that the government "upon request of a defendant", must disclose to the defendant the discovery allowed by said rule. The rule does not give a time period by which the discovery must be produced. "In our adversary system for determining guilt or innocence, it is rarely justifiable for the prosecution to have exclusive access to a storehouse of relevant fact." Dennis v. United States, 384 US 855,873 (1966).

WHEREFORE, for the above reasons the defendant moves for the relief prayed for and such other and further relief as is just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to OFFICE OF THE UNITED STATES ATTORNEY, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602, Hand Delivered, this 12th day of March, 2003.



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