

UNITED STATES OF AMERICA
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

 8:53

UNITED STATES OF AMERICA

v.

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

SAMI AMIN AL-ARIAN
GHASSAN ZAYED BALLUT

ORDER

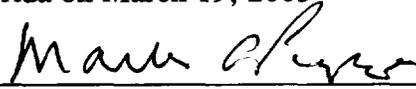
The Defendants Al-Arian and Ballut have filed "notices" of objections to the government's use of evidence at the detention hearing obtained or derived pursuant to 50 U.S.C. § 1801, *et seq.* See docs. 39, 40. In summary, both Defendants suggest the government's use of such evidence violates their guarantees under the First, Fourth, Fifth, and Sixth Amendments, and the Foreign Intelligence Surveillance Act (FISA). Neither Defendant, notably, cites any legal authority for their claims. Regardless, to the extent the Defendants seek this Court to prohibit the government from using at the detention hearing any FISA surveillance evidence, their objections are without merit. This Court is bound to consider the government's proffer despite the future constitutional challenges the Defendants make. *United States v. Apker*, 964 F.2d 742, 744 (8th Cir. 1992) (appropriate for court to consider challenged wiretap evidence at detention hearing); *United States v. Angiulo*, 755 F.2d 969, 974 (1st Cir. 1985) (same). Accordingly, it is

ORDERED:

1. The Defendants Al-Arian and Ballut's objections to the government's use at the detention hearing of evidence derived from electronic surveillance conducted pursuant to

50 U.S.C. § 1801, *et seq.* (docs. 39 and 40) are OVERRULED.

DONE AND ORDERED at Tampa, Florida on March 19, 2003



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record

Date Printed: 03/20/2003

Notice sent to:


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