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DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. **Case No. 8:03-cr-77-T-30TBM**

SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT,
and HATIM NAJI FARIZ,

Defendants.
_____/

PRETRIAL DISCOVERY ORDER AND
NOTICE OF TRIAL AND STATUS CONFERENCE

The Defendant, having been arraigned and in order to facilitate a self-executing procedure to regulate discovery proceedings in the instant action and minimize the number of "routine or standard discovery motions" for which established rulings and precedent exist,

IT IS HEREBY ORDERED AND ADJUDGED:

I. Each Defendant has requested Rule 16 discovery. Not later than twenty (20) days from the date of this Order, the Government shall begin its compliance with the discovery and disclosure requirements set forth below:

A. In accord with Rule 16 and as otherwise required by law, the Government shall disclose the following information and documents. Where appropriate, the Government shall supply copies, or make available for inspection, copying or photographing such information or documents. All such information and documents in the Government's possession, custody or control, the existence of which is known or through the exercise of due diligence may become known to the Government, shall be provided.

1. All written, recorded or oral statements made by the Defendant, including grand jury testimony, as defined in Rule 16(a)(1)(A).

2. The Defendant's prior criminal record as defined in Rule 16(a)(1)(B).

3. Documents, tangible objects, building and places which are material to the preparation of the defense or were obtained from or belong to the Defendant or are intended for use by the Government in its case-in-chief, as defined in Rule 16(a)(1)(C).

4. Results or reports of physical or mental examination, and of scientific tests or experiments, which are material to the preparation of the defense, or are intended for use by the Government, as defined in Rule 16(a)(1)(D).

5. At the Defendant's request, the Government shall disclose to the Defendant a written summary of testimony the Government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. This summary must describe the witnesses' opinions, the bases and the reasons therefor, and the witnesses' qualifications as set forth in Rule 16(a)(1)(E).

II. Without the necessity of further motions or demands, at an appropriate time, but at least thirty (30) days prior to the Defendant's trial, and with due consideration to specific requests made to the Government by Defendant(s):

A. The Government shall reveal to the Defendant and permit inspection and copying of all information and material known to the Government which may be favorable to the Defendant on the issue of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963); United States v. Agurs, 427 U.S. 97 (1976); United States v. Bagley, 473 U.S. 667 (1985); and Kyles v. Whitley, 514 U.S. 419 (1995).

B. The Government shall disclose to the Defendant the existence and substance of any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective Government witnesses, within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois 360 U.S. 264 (1959). The Government shall supply the Defendant with a record of prior convictions of any witness who will testify for the Government at trial. The Government shall make available

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any application to the court for immunity of a witness as well as any order issued in response to the application.

III. Reciprocal Discovery. Any Defendant requesting discovery of those items specified in Rule 16(a)(1)(C), (D) and (E), upon the Government's compliance, shall promptly disclose to the Government all documents and tangible items and reports of examinations and tests to be introduced at trial as defined in Rule 16(b) of the Federal Rules of Criminal Procedure.

IV. Additional Obligations of the Government.

In addition to the foregoing, unless otherwise ordered by the trial judge, the Government is also subject to the following requirements:

1. The Government shall advise the Defendant within twenty (20) days of the date of this Order whether electronic surveillance of any kind or a mail cover was used in this case and, if so, the duration and nature of the surveillance. Applications, affidavits, and orders related to wire or electronic intercepts shall be timely provided to the Defendant, but in no event later than sixty (60) days prior to any cut-off date established by the court for the filing of motions to suppress evidence.

2. The Government shall provide to each Defendant, no later than thirty (30) days prior to trial, a list stating the general nature of any crimes, wrongs or acts it intends to introduce in evidence against the Defendant pursuant to Rule 404(b) of the Federal Rules of Evidence.

3. The Government shall provide to each Defendant, not later than thirty (30) days prior to trial, the names of any unindicted co-conspirators whose statements will be offered against the Defendant in the case-in-chief pursuant to Rule 801(d)(2)(E) of the Federal Rules of Evidence.

4. The Government shall advise all law enforcement agents and officers involved in this case to retain any rough notes, recordings, reports, and statements pertaining to this case which are currently in existence.

5. The Government shall not destroy any evidence in this case without giving twenty (20) days notice to all defense counsel. If there is

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any objection filed to the proposed destruction, the Government shall not destroy the evidence without first having obtained the court's approval to do so.

6. The Government shall advise the Defendant whether a confidential informant was used in this case within twenty (20) days of the date of this Order.

7. The Government shall state whether Defendant was identified in any lineup, showup, photo spread or similar identification proceeding, and produce any pictures utilized or resulting therefrom within twenty (20) days of the date of this Order.

8. The Government shall state whether any evidence to be introduced at trial, or leads therefrom, were obtained as a result of a search warrant issued under Rule 41 of the Federal Rules of Criminal Procedure or any other statute or authority within twenty (20) days of the date of this Order.

9. The Government shall notify the Defendant of all other tape recordings or video recordings obtained during this investigation, regardless of whether the recordings will be used in the Government's case-in-chief or contain statements of the Defendant, no later than thirty (30) days prior to the start of trial.

V. Continuing Duty. It shall be the continuing duty of counsel for the parties to promptly reveal to opposing counsel all newly discovered information or material(s) within the scope of this Standing Order and Rule 16.

VI. Duty to Cooperate.

Absent good cause, the court will not entertain any motion relating to discovery unless counsel for the moving party certifies that counsel for the parties have been unable to resolve their differences or reach agreement after holding a conference, or that opposing counsel has refused to confer without good cause.

All motions shall be timely filed so as not to interfere with any scheduled trial date.

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VII. Pretrial Motions. Unless otherwise ordered by the trial judge, pretrial motions to dismiss the Indictment or motions seeking a bill of particulars shall be filed within sixty (60) days of the date of this Order, absent good cause shown. Absent contrary order by the trial judge presiding over this cause, Defendant(s) shall file any notices of alibi, insanity defense or expert testimony of defendant's mental condition, and defense based upon public authority no later than sixty (60) days from the date of this Order absent good cause shown. Motions seeking to suppress evidence on any grounds shall be timely filed in accordance with the cut-off dates established by the trial judge.

VIII. Notice Of Trial Date And Status Conference. This case is set before the Honorable James S. Moody, Jr., United States District Judge:

FOR TRIAL the weeks of (to be determined).

FOR STATUS CONFERENCE on May 1, 2003, at 8:30 a.m.

(NOTE: IF ABOVE NOT FILLED IN, THE TRIAL DATE/TIME, STATUS CONFERENCE DATE/TIME, AND DISTRICT JUDGE WILL BE DETERMINED AT A LATER DATE.)

AFTER THE FIRST DAY OF THE TRIAL TERM, ALL COUNSEL SHALL BE AVAILABLE AND READY FOR THE TRIAL UPON 24 HOURS NOTICE.

Done and Ordered in Tampa, Florida, this 26th day of March 2003..

THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Courtroom Deputy, District Judge

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F I L E C O P Y

Date Printed: 03/26/2003

Notice sent to:

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DJ - CRD