

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

Plaintiff

vs.

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

GHASSAN ZAYED BALLUT,  
HATIM NAJI FARIZ

Defendants

**EMERGENCY MOTION FOR STAY OF ORDER OF RELEASE  
PENDING APPEAL TO THE DISTRICT COURT**

COMES NOW, the United States of America, by and through its representative, Walter E. Furr, III, Assistant United States Attorney, and files this motion for stay of the order setting conditions of release set by the United States Magistrate Judge pending the Government's appeal to the United States District Court for review of the order<sup>1</sup> entered in this case pursuant to Title 18, United States Code, Section 3145.

1. On or about February 19, 2003, the defendants were charged by indictment with numerous violations of Title 18, United States Code, including racketeering, conspiracy to murder and maim persons outside of the United States, and conspiracy to provide material support to a designated foreign terrorist organization.

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<sup>1</sup> Title 18, U.S.C. §3145(a)(1) permits the United States to seek review "[i]f a person is ordered released." As to the defendants Ballut and Fariz, this court has set forth in the Order of April 10, 2003, that "[i]f [each defendant] satisfies these conditions [of release], a separate order for [their] release will be issued." The United States considers this Order an "order of release" reviewable by the district court pursuant to 3145(a)(1). This Court, as noted in footnote 22 of the order, likewise presumably anticipated that its order would be construed as a release order in that it envisioned that "the parties may appeal this order . . . ."

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2. A detention hearing was held in this matter on March 20-21, 2003 and March 24-25, 2003, before the Honorable Mark A. Pizzo, United States Magistrate Judge.

3. On April , 2003, Magistrate Judge Pizzo set conditions of release in the form of bond and other special conditions for the defendant, thereby denying the government's request for pretrial detention with respect to the two above named defendants. The United States intends to request the district court to review and revoke this order of release pursuant to Title 18, United States Code, Section 3145(a)(1).

4. If the defendants are released prior to the district court considering the government's motion for revocation of the order of release, the government and the community could suffer harm should the defendants continue to engage in further criminal activity or flee.

5. The government requests this Court to further stay the order of release until the district court can review this matter. The government further requests until 5:00 p.m. on April 16, 2003, to file its motion for review.

WHEREFORE, the government respectfully requests this Honorable Court to stay its Order of Release pending the government's appeal to the district court.

#### MEMORANDUM OF LAW

Title 18, United States Code, Section 3145(a)(1), provides that if a person is ordered released by a magistrate, or by a person other than a judge of a court having original jurisdiction over the offense and other than a federal appellate court, the attorney for the government may file, with the court having original jurisdiction

over the offense, a motion for revocation of the order or amendment of the conditions of release. The motion shall be determined promptly.

Respectfully submitted,

PAUL I. PEREZ  
United States Attorney



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CERTIFICATE OF SERVICE

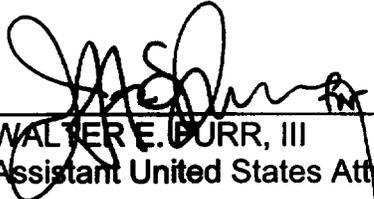
I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by facsimile and U.S. mail this 11<sup>th</sup> day of April, 2003, to the following:

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