

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED

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UNITED STATES OF AMERICA

MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA  
CASE NO: 8:03-Cr-77-T-304BM

v.

SAMI AL-ARIAN  
\_\_\_\_\_ /

**MOTION TO MODIFY CONDITIONS OF DETENTION**

COMES NOW the Defendant, SAMI AL-ARIAN, by and through the undersigned counsel, and moves this Honorable Court for an order addressing the conditions of his Pre-trial detention, and as grounds therefore would state:

1. The Defendant is being detained Pre-trial at F.C.C. Coleman U.S.P. which is approximately sixty (60) to seventy (70) miles outside of Tampa, FL. Furthermore, he is confined in a portion of the facility known as S.H.U. or Special Housing Unit. The Defendant's counsel both practice law in Pinellas County, FL;

2. The Defendant's confinement at such a distance from the court works a hardship on his counsel. Furthermore, the facility's procedures for visitation are also cumbersome. To see the Defendant his lawyers must call ahead to the facility, fill out a visitation form, undergo an electronic search, present a picture identification, get a guard to take them from reception to the visitation area, await their client there and then reverse the entire process to leave with one added step of standing inside a painted square at one point until a guard indicates that the lawyer is allowed to advance toward the reception area;

3. Needless to say, this cumbersome and time consuming process is repeated on each visit;

4. By information and belief, this case involves numerous hours of wiretaps and electronic surveillance as well as some video taped material. Much of this material involves Arabic speakers;

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5. Defense counsel are not Arabic speakers, thus translation will be required;
6. This process will necessarily involve the Defendant since the identification of the speaker is fundamental to the translation process;
7. The introduction of recording devices is specifically forbidden at Coleman and there is no way a lawyer could mount a reasonably effective defense to this indictment without his client's assistance in the translation process;
8. The use of computer equipment is also required to defend this case in as much as many of the documents have been reduced to CD-rom and similar formats. The use of computer equipment inside the institution is forbidden;
9. Thus, any documents which the Defendant may be asked to consider or reflect upon must be sent in advance to the institution allowing his counsel no flexibility to discuss additional documents which may be related to those previously sent;
10. The entire scheme for attorney visitation is inconsistent with the "reasonable opportunity for private consultation with counsel" as required by 18 U.S.C. § 3142(i)(3);
11. Finally, by information and belief, there is no person in the "Special Housing Unit" except the Defendant or one of the Co-Defendants who is not awaiting or serving a sentence. This is contrary to the admonishment of 18 U.S.C. § 3142(i)(2);

**WHEREFORE**, the Defendant moves this Honorable Court for an order adjusting the conditions of his confinement to the Pinellas County or Hillsborough County Jail, to allow the Defendant reasonable access to his counsel under conditions that would allow the preparation of a defense to this indictment.

Dated: April 17, 2003

  
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Jeffrey G. Brown, Esquire

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the original of the foregoing has been furnished to the Clerk of Court, Middle District of Florida, located at the Sam Gibbons U.S. Courthouse, 801 N. Florida Ave., Suite 223, Tampa, FL 33602-4500, and that a true and correct copy has been furnished to the following interested persons:

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