

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED

03:00 PM 3/12

UNITED STATES OF AMERICA

CASE NO: 8:03-Cr-77-T-30TBM

vs.

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

**AFFIDAVIT OF PATRICK D. DOHERTY, ESQUIRE**

Before me, personally appeared PATRICK D. DOHERTY, ESQUIRE, who after being duly sworn, deposed and said:

1. I am a member of the Florida Bar and have practiced in Pinellas County, Florida for twenty-nine (29) years;

2. I am employed with the law office of Jeffrey G. Brown, P.A., and am assisting Mr. Brown with his representation of the Defendant, Sami Al-Arian, pursuant to his appointment under the Criminal Justice Act;

3. I have substantial experience in the defense of criminal cases including cases similar in nature and charge to the charges in the above referenced case;

4. Your Affiant attempted to see his client, a Pre-trial detainee who is presumed innocent and is being held at F.C.C. Coleman located at 846 N.E. 54<sup>th</sup> Terrace, Coleman FL. There is an institutional requirement to call ahead of any meeting, even an attorney/client conference.

5. Your Affiant attempted this call on Thursday, April 17, 2003 in advance of a Monday meeting with the Defendant. It was unsuccessful because according to the institution the call was too late. It was 4:15 p.m. The "team" leaves or is otherwise unavailable after 4:00 p.m. No attorney/client conference could be arranged that day.

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6. No attempt was made on the following three (3) days because they were Good Friday, Easter Saturday and Easter Sunday.

7. Another attempt to set up an attorney/client conference was made at 8:15 a.m. on Monday, April 21, 2003. Your Affiant was told for the first time that the number he'd called (352) 330-3200 was not the "right number." The Affiant called the "right number" of (352) 689-6000 and was put through to an unknown person's voice mail. The person's voice mail identified what that person's name was but his connection, if any, to Sami Al-Arian was not described. Your Affiant left a voice mail message concerning his desire to have an attorney/client conference with Sami Al-Arian.

8. Your Affiant called back to the new "right number" and the operator then and only then explained why he had been put on hold and connected to the other person's voice mail. Apparently, the owner of the voice mail is on Sami Al-Arian's "team." This was not apparent when it happened.

9. At this point your Affiant was put in contact with Lt. Noble who advised your Affiant that Mr. Al-Arian's counselor had the day off or was perhaps on vacation. This precluded an attorney/client conference until the counselor, Mr. Boss or Mr. Bass, returned. When your Affiant inquired when that might be, he was told that Lt. Noble didn't know and wouldn't release that information anyway because "no one needs to know."

10. It was clear throughout this conversation that it was Mr. Al-Arian's lawyer who was attempting to set up a conference with him and that this was in no way a social visit.

11. Later, at approximately 10:45 a.m. your Affiant attempted to speak with Ms. Potts, an assistant warden, to resolve this problem, but was unable to contact her directly. Your Affiant left a voice mail message.

Further Affiant sayeth not.

  
Attorney at Law

