

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISIONCLERK...
MIDDLE

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UNITED STATES OF AMERICA

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

v.

SAMI AL-ARIAN
_____ /ADDENDUM TO MOTION TO MODIFY CONDITIONS OF DETENTION

COMES NOW the Defendant, SAMI AL-ARIAN, by and through the undersigned counsel, and moves this Honorable Court to accept this **addendum** to the previously filed Motion to Modify Conditions of Detention, and in addition **would state**:

1. The Defendant is presently housed in the **most secure** unit within the U.S. Penitentiary called the Special Housing Unit or S.H.U. **Currently** (since 4/28/03), he is housed in Range D, reserved for the most violent and **problematic inmates**;

2. Anytime the Defendant is outside his cell he is **handcuffed** with his hands behind his back;

3. The Defendant is confined to his cell **twenty-three** (23) or twenty-four (24) hours every day. This cell is approximately 7' by 13';

4. By information and belief the Defendant is **entitled** to one (1) hour of "recreation" per day. Recreation is a larger cage, but not **much larger**. The "recreation" cage is approximately 15' by 20'. Even that "recreation", **limited** to a stint in a larger cage, is sporadic and only occurs about three (3) or four (4) times a **week**;

5. By information and belief all other inmates **must** have recreation before the inmates in S.H.U. are allowed to get their "recreation". **Thus**, it is frequently dark before the Defendant is ever allowed into the larger cage in the **partial darkness**. The Defendant reports actually seeing the sun once on April 17, 2003;

6. Since April 14, 2003 when he started counting, **the** Defendant reports missing "recreation" time on 4/14/03 (M), 4/16/03 (W), 4/18/03 (F), 4/19/03 (Sat), 4/21/03 (M), 4/23/03 (W), 4/25/03 (F), 4/26/03 (Sat), 4/28/03 (M), 4/29/03 (Tues), 5/1/03 (Thurs), 5/03/03 (Sat) for only ½ hour, 5/07/03 (W), 5/09/03 (F), **and** on 5/11/03 (Sun). In other words, by a slight majority the Defendant is denied recreation **most** days and spends the days confined in the 7' x 13' cell;

7. Possibly because his is a S.H.U. inmate, **the Defendant** is strip searched before and after every visit including non-contact visits and attorney visits. The Defendant reports that the searches occur. The motivation for such an **invasive** search is not known to the undersigned counsel;

8. The Defendant is denied contact visits with **his family** even though, according to the Defendant, other S.H.U. inmates are allowed contact visits. Put another way, convicted violent criminals can have contact visits but this Pre-trial **detainee**, presumed innocent, reports that he cannot have a contact visit with his family;

9. The Defendant reports that he is allowed **one (1)** phone call to his family per month. That call is limited to fifteen (15) minutes. **The Defendant** reports that convicted criminals have nearly unlimited access to the phone from 8:00 a.m. to 10:00 p.m.;

10. The Defendant reports that his legal mail **has been** routinely opened outside his presence;

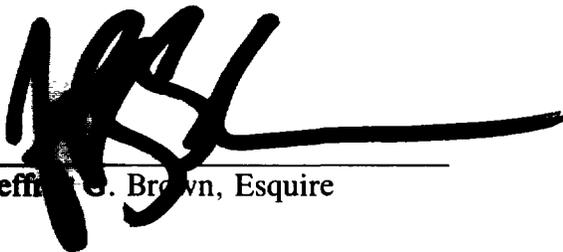
11. Phone calls to attorneys are not granted easily or in a timely manner. Access to a lawyer is limited by the unit manager, Mr. Santos, or Counselor Boss being present. By way of example the Defendant reports asking for a phone call on **May 4, 2003** and getting one on May 8, 2003. Apparently Mr. Boss was "out". Counsel **had the** identical experience when Mr. Boss was "out" and an attorney could not arrange to visit **his** own client;

12. Legal meetings are not immune. On **May 8, 2003** counsel was delayed by the institution at the front desk by a door which was jammed **open**. Then the meeting was cut short at 4:00 p.m. after counsel had gotten in to see their **client** after 3:00 p.m. The reason stated for cutting short this meeting was that the administrator needed the Defendant's body present in order to "count" him;

13. The Defendant reports various indignities such as requiring the Defendant to strip for a strip search in full view of at least five (5) other individuals. The Defendant, for reasons of decency, will not elaborate on what he was required to do, but suffice it to say, the object was to humiliate and was not motivated by any legitimate security concerns. The Defendant stands ready to elaborate on this treatment for the court.

WHEREFORE, the Defendant moves this Honorable Court for an order altering the conditions of his confinement.

Dated: 5/27/03



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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