

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

03 JUN - 4 PM 4:25

UNITED STATES OF AMERICA

v.

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

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

HATIM NAJI FARIZ

_____ /

MOTION TO MODIFY CONDITIONS OF RELEASE

Defendant, Hatim Naji Fariz, by and through his **undersigned** counsel, respectfully moves this Honorable Court to amend his conditions of release in this case by deleting the special condition of his release that he maintain or seek employment, and as good grounds would show:

1. On April 22, 2003, this Honorable Court entered an Order of Release which set forth a number of conditions and special conditions of release. One of the special conditions was that Mr. Fariz "maintain lawful and suitable employment (or if unemployed, actively seek employment)."

2. Since his release, Mr. Fariz has actively and continuously sought employment. Mr. Fariz, through the unemployment office, has applied at approximately sixty business entities, none of which have hired Mr. Fariz.

3. The government has begun to make the voluminous discovery in this case available to the defense. Among the items disclosed at this point are approximately 129 audiotapes containing taped telephone calls in Arabic, which are immediately available for Mr. Fariz's review. Approximately 21,000 hours of other taped calls remain classified, although the government has represented that it is seeking to declassify all of the tapes. Upon de-

This motion/petition/stipulation has been duly considered and is hereby granted this 9 day of June, 2003.

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JAMES S. MOODY, JR.
U.S. DISTRICT JUDGE

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SCANNED

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classification, Mr. Fariz can be occupied, full-time until trial (whenever set), listening to the tapes. Even if the tapes remain classified, there is a large volume of documentary evidence (which the government estimates at a "couple hundred" boxes) which Mr. Fariz can review with the defense team. Thus, assisting in the defense of his case will be akin to a full-time job.

4. While Mr. Fariz desires to contribute financially to his family, his job prospects appear bleak. If this Honorable Court were to delete the employment condition of Mr. Fariz's release, he and his family would rely upon his wife's income as a schoolteacher and on financial subsistence from his family.

5. The undersigned counsel has consulted with the United States Pretrial Services Officer supervising Mr. Fariz, Fred David, who has indicated that he has no objection to the deletion of the employment requirement.

6. The undersigned counsel has also advised Assistant United States Attorney Terry A. Zitek, of this motion and the bases for it. Mr. Zitek indicates that the government takes no position on the motion.

MEMORANDUM OF LAW

Title 18 § 3142(c)(3) provides that a judicial officer may at any time amend an order of release to impose additional or different conditions of release. In view of the circumstances stated above, the undersigned counsel respectfully submits that the proposed deletion of the employment requirement at this point in time is an appropriate amendment of the bond in this case.

WHEREFORE, the defendant, Hatim Naji Fariz, respectfully requests this Honorable Court to amend his bond by deleting the special condition that he maintain or seek employment.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2003, a copy of the foregoing has been furnished by hand delivery to Walter E. Furr, III, Assistant United States Attorney, United States Attorney's Office, 400 N. Tampa Street, Suite 2700, Tampa, Florida 33602 and by U.S. Mail to the following:

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Date Printed: 06/09/2003

Notice sent to:


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