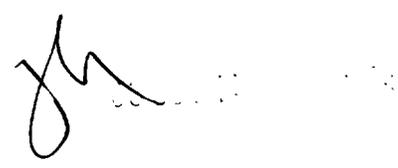


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

filed
RECEIVED



UNITED STATES OF AMERICA

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

v.

SAMI AL-ARIAN
_____ /

MOTION TO PERMIT PAYMENT OF TRANSCRIPTS

COMES NOW the Defendant, SAMI AL-ARIAN, by and through the undersigned attorney, and moves this Honorable Court for an Order permitting the C.J.A. payment to the Court Reporters who attended the various motions, status conferences and arraignments of the Defendant, and as grounds therefore would state:

1. The Court has ordered defense counsel to submit packets to the Department of Justice requesting security clearances;
2. The order was entered before the Government had requested a protective order, before the Government has told defense counsel the contents of the material that protection was sought for, and before defense counsel decided whether they wanted to see classified information;
3. It is counsels' intention to seek appellate review of this decision;
4. Part of that appellate review will concern the factual issue as to whether defense counsel had been assured by the Government that its position was that it was seeking declassification of all Rule 16 material;
5. Defense counsel believes that the transcripts will reveal that those representations have been made to them;

WHEREFORE, the Defendant moves this Honorable Court for an Order authorizing the C.J.A. funds to pay for the transcription of the Court Reporters' notes on each of the hearings outlined above.

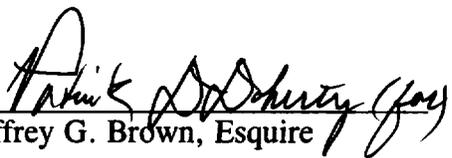
176

MEMORANDUM OF LAW

Clearly, the Court has the authority to authorize the Court Reporters to prepare a transcript as a prelude to an arguable appeal. That this matter is arguable is clear even from the case cited in the order, Bin Laden, 58 F. Supp. 113 (1999).

There, the court held that counsel must submit to a Department of Justice initiated security clearance procedure should they wish to have access to classified information. *I.d. at 123*. That decision has never been made because there has, thus far, been no compliance with the C.I.P.A. requirement of notice.

Dated: 7/11/03


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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