

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

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

HATIM NAJI FARIZ
_____ /

**UNOPPOSED MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE PRETRIAL MOTIONS AND JURY QUESTIONNAIRE**

COMES NOW, Defendant, HATIM NAJI FARIZ, by and through undersigned counsel, pursuant to Federal Rule of Criminal Procedure 45(b), and respectfully requests that this Honorable Court grant an extension through September 5, 2003, to file pretrial motions to dismiss and for a bill of particulars and jury questionnaire. As grounds in support, Mr. Fariz states:

1. Mr. Fariz, along with seven other co-defendants, is charged in a 121-page indictment which accuses the defendants with a total of 50 counts. The allegations against Mr. Fariz charge him with conspiracy to commit racketeering, in violation of 18 U.S.C. § 1962; conspiracy to murder, maim, or injure persons at places outside the United States, in violation of 18 U.S.C. § 956; conspiracy to provide material support to a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B; conspiracy to make and receive contributions of funds, goods, or services, to or for the benefit of specially designated terrorist organizations, in violation of 50 U.S.C. § 1701 et seq., 31 C.F.R. § 595 et seq., and 18 U.S.C. § 371; and nine counts of travel in interstate or foreign commerce or use of the

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mail or any facility in interstate or foreign commerce with intent to commit crimes of violence or to promote and carry on specified unlawful activity, in violation of 18 U.S.C. § 1952.

2. Pretrial motions to dismiss and for a bill of particulars are due in this case on August 4, 2003. The proposed jury questionnaire is due on August 11, 2003.

3. The allegations in this indictment raise complicated legal questions, including a number of constitutional issues. The undersigned have diligently undertaken the task of preparing the pretrial motions by the current deadline. The three undersigned counsel, along with other attorneys and members of our office, have engaged in extensive legal research, including the review of relevant case law and law review articles concerning the numerous legal issues arising from the indictment in this case. The undersigned have worked to draft pretrial motions in this case, while also attending to the numerous other cases and work-related demands, by the current deadline.

4. Despite the undersigned's best efforts, additional time is necessary in order to allow the undersigned to produce the most complete and effective presentation of Mr. Fariz's arguments in defense of the indictment. Undersigned counsel request the additional time so that these complex and novel legal issues can be thoroughly researched and presented in a comprehensive yet succinct manner.

5. The trial in this case is scheduled to commence in January 2005. An extension of the pretrial motions deadline for an additional month would not affect the trial date and would allow the relevant issues to be brought before the Court in a timely manner for adjudication prior to trial.

6. This Court may grant an extension of time for “good cause” on a party’s motion submitted before the deadline. Fed. R. Crim. P. 45(b)(1). Mr. Fariz respectfully submits that the foregoing sets forth good cause for the requested extension.

7. The undersigned counsel has contacted Assistant United States Attorney Terry Zitek who indicated that the government is not opposed to this request.

WHEREFORE, Mr. Fariz respectfully requests an extension of time through September 5, 2003, to file motions to dismiss and for a bill of particulars and a jury questionnaire in this case.

Respectfully Submitted,

R. FLETCHER PEACOCK
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2003, a correct copy of the foregoing has been furnished by hand delivery to Terry Zitek, Assistant United States Attorney, 400 N. Tampa Street, Ste 3200, Tampa, Florida 33602 and to the following by U.S.

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