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United States of America
Middle District of Florida
Tampa Division

United States of America

vs.

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

Sami Amin Al-Aricn, et al.

Defendant Sami Amin Al-Aricn Pro Se Motion
to Government's Response of his July 7, 2003
Motion Regarding Discovery Items

Comes Now the defendant, Sami Amin Al-Aricn, in Pro Se and moves this Honorable Court to require the government to produce all missing audio tapes in the discovery material or in the alternative to provide explanations for the discrepancies cited below, since the government's assertions are in error.

- 1) Between approximately May 18, 2003 and June 15, 2003, the defendant received 139 audio tapes allegedly representing most of the overt acts given in the indictment.
- 2) On or about July 7, 2003, the defendant asked the Court to compel the government to produce among other things tapes which did not address 16 overt acts. The number of the missing overt acts were included in the motion.

3. On July 29, 2003, the defendant was provided with 9 extra tapes which covered 9 of the missing 16 overt acts.
4. On August 5, 2003, the defendant received a letter from the government which listed the number of each of the other 7 overt acts along with their associated tape numbers.
5. Upon the defendant's review of each tape and the overt acts in the indictment, the following discrepancies are found:
 - a) According to the indictment, overt act 67 involved someone with the name "Abu Muhanid," however the person in tape no. 440054 is not that person, nor was the conversation on the subject matter of overt act 67. In fact, the conversation in tape no. 440054 did not remotely resemble any overt act in the indictment.
 - b) According to the indictment, overt act 137 involved a conversation in which the defendant was alleged to be one of the participants. However, tape no. 4400164 did not include the defendant in the conversation.
 - c) According to the government's letter of August 1, 2003, tape no. 4400133 covered overt act 140. Although one of the participants was clearly misidentified, the subject matter on the tape

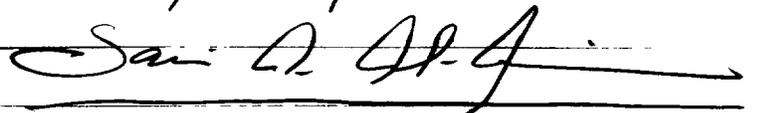
would be more suited towards overt act 139.

- d) According to the indictment, overt act 175 was between two males. However, tape no. 4400200 was between a male and his wife asking her what grocery items to buy for breakfast.
- e) According to the indictment, overt act 197 was between the defendant and unindicted co-conspirator 12. However, tape no. 4400168 had a conversation involving a prominent Professor and scholar from Egypt.
- f) According to the indictment, overt act 205 involved 2 calls. The first was between unindicted co-conspirators 2 and 8, while the second was between no. 2 and the defendant. However, tape no. 4400202 only had the first conversation while the second conversation was missing.
- g) The government asserted in its letter of response that overt act 217 was tape no. 4400214. However, tape no. 4400214 was completely blank as also tape no. 4400203.
- h) The defendant's copies at Cokman for overt acts 102, 104, 139, and 157 don't include any conversations on Side B.

- 7) The defendant was not provided with any list of exact dates and times for each audio tape as stipulated in the government's letter of August 1, 2003.
- 8) The defendant re-asserts and re-alleges his earlier requests in (5-8) of his July 7, 2003 motion because of their urgent need to address the appeal underway for the re-consideration and re-determination of bail.

Wherefore, the defendant moves this Honorable Court to immediately require the government to produce all the above discovery items, or in the alternative to provide an adequate explanation to the discrepancies.

Respectfully Submitted

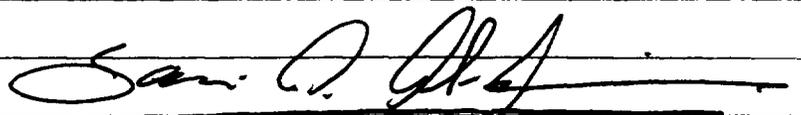


Sami A. Al-Arian

Dated: August 5, 2003
Coleman Federal Prison

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 of the foregoing has been furnished by U.S. Mail to the office of the United States Attorney, Terry Furr, Assistant U.S. Attorney, 400 N. Tampa Street, Suite 3200, Tampa, FL 33602; Donald Horrox, Assistant Public Defender, 400 N. Tampa St., Suite 2700, Tampa, FL 33602; Daniel Hernandez, Esq., 902 N. Armenia Ave., Tampa, FL 33609; and Bruce Howie, Esq., 5720 Central Ave., St. Petersburg, FL 33707, this 5th day of August, 2003.



Sami A. Al-Arian