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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

SAMI AMIN AL-ARIAN,

Defendant.

ORDER

THIS CAUSE is before the court on the following motions:

- (1) **United States' Motion to Dismiss or, in the Alternative, Motion to Strike Defendant Al-Arian's Motions Regarding Discovery Materials (Doc. 226);**
- (2) **Defendant Sami Amin Al-Arian's Pro Se Motion to Compel Government to Facilitate Legal Defense Functions to Insure Effective Self-Representation as a Pre-trial Detainee (Doc. 184) and the government's response in opposition (Doc. 217);**
- (3) **Defendant Sami Amin Al-Arian's Pro Se Motion to Request the Help of the Court in Providing a Mechanical Pencil and a Calculator (Doc. 215);**
- (4) **Defendant Sami Amin Al-Arian's Pro Se Motion to Request the Help of the Court in Speeding up the Discovery Review Process (Doc. 223);**
- (5) **Defendant Sami Amin Al-Arian's Pro Se Motion to Require Government to Produce Remainder of Audio Tapes Referred to in the Indictment (Doc. 204) with addendum (Doc. 219) and Defendant's additional response (Doc. 214); and**

240

(6) **Defendant Sami Amin Al-Arian's Pro Se Motion to Request Faxes as Alleged in Overt Acts 192, 227, and 243 (Doc. 216).**

A hearing was conducted on outstanding discovery matters August 27, 2003. For reasons more thoroughly addressed at the hearing, the court enters the following orders.

The United States' Motion to Dismiss or, in the Alternative, Motion to Strike Defendant Al-Arian's Motions Regarding Discovery Materials (Doc. 226), while well taken, is DENIED in this instance. Henceforth however, Defendant Al-Arian shall comply with the provisions of the court's pretrial discovery order which imposes a duty of cooperation and requires the parties to communicate regarding discovery disputes prior to the filing of motions. See (Doc. 152.)

Regarding the motions (Docs. 184, 215, 223), to the extent hereafter set forth, they are GRANTED. Personnel at FCC Coleman (hereinafter "Coleman") shall strictly abide by BOP regulations in dealing with legal mail received by Mr. Al-Arian. Mr. Al-Arian shall be permitted the full use of law library privileges afforded inmates at Coleman. His privileges are hereby Ordered extended to include use of the main law library as well as the library in the SHU wing. His privileges regarding obtaining copies of his pro se pleadings are hereby Ordered extended to include up to 6 copies of each such pleading. Such copies shall be provided to Mr. Al-Arian within twenty-four hours of his submission for copying. Personnel at Coleman are hereby Ordered to provide Mr. Al-Arian (and Mr. Hammoudeh) with a constant and adequate supply of pens and pads of paper. Mr. Al-Arian shall be permitted to obtain work related supplies such as folders or large envelopes from any commissary at Coleman.

The Defendant will be provided a calculator for his review of the financial records here in Tampa, Florida.

Mr. Al-Arian's request that he be provided the services of a paralegal has previously been addressed and granted. The paralegal, who recently has been approved by the court, will work for the benefit of each of the CJA Defendants. In the first instance, outside interpreters will be funded by the Federal Public Defender for use by all the defendants. As other expert assistance may become necessary, Mr. Al-Arian may address the specifics in a renewed motion. As the case develops, and Mr. Al-Arian identifies witnesses to his defense, the court will address the circumstances of any necessary contact with such individuals

As discussed at the hearing, the government will begin disseminating copies of the intercepted communications within the next couple of weeks. One copy of such intercepted communications will be delivered to Mssr. Al-Arian and Hammoudeh for their review at Coleman. With regard to the documentary evidence situated in Tampa, Florida, Mssr. Al-Arian and Hammoudeh will be provided access to such material on a regular basis. However, as discussed at the hearing, given the volume of intercepted communications which are discoverable in this case, all Defendants will need to establish their priorities for review of discovery in which they wish to proceed. With the paralegal in place, it is perhaps wise for the Defendants to consider using the paralegal to preview the documentary evidence while the Defendants themselves are listening to the intercepted communications. The court will continue to monitor the situation and address it as is appropriate.

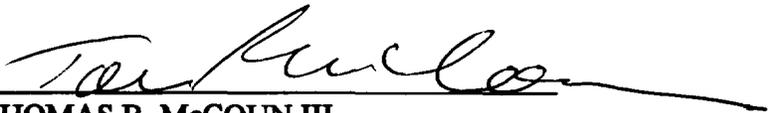
Regarding the motions directed toward the government's production of audio tapes (Docs. 204, 214, 219), as discussed at the hearing, the court has previously ordered the

production of copies of all intercepted calls referenced in the Indictment. At present, the government has indicated its belief that all such tapes have been provided. However, in light of Mr. Al-Arian's response, the government has undertaken to review the particular tapes identified in his pleadings to determine whether its prior assessment is correct. The Government remains under a continuing obligation to any missing copies of these conversations and shall do so within thirty (30) days of the date of the hearing. If necessary, the court will review matter further upon a subsequent motion. Thus, these motions are **DENIED without prejudice.**

Finally, regarding Defendant Sami Amin Al-Arian's Pro Se Motion to Request Faxes as Alleged in Overt Acts 192, 227, and 243 (Doc. 216), the motion is **GRANTED.** Copies of such faxes shall be provided to all Defendants within twenty (20) days of the hearing.

To the extent not granted herein, each of the motions are denied without prejudice.

Done and Ordered in Tampa, Florida, this 28th day of August 2003.


THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
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F I L E C O P Y

Date Printed: 09/02/2003

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