

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CASE NO.: 8:03-CR-77-T-30TBM

vs.

SAMEEH HAMMOUDEH
_____ /

**MOTION AND MEMORANDUM IN SUPPORT FOR INCLUSION OF
PARTICIPATION IN INVESTIGATIVE, EXPERT AND OTHER SERVICES
BY DEFENDANT NOT REPRESENTED BY CJA COUNSEL**

COMES NOW, the Defendant, SAMEEH HAMMOUDEH, by and through his undersigned counsel, and moves this Honorable Court to enter an Order allowing the Defendant's counsel to participate in investigative, expert and other services arranged for the other Defendants through the office of Public Defender and as grounds would state the following:

1. The guidelines for the Administration of the Criminal Justice Act and Related Statutes promulgated by the Judicial Conference of the United States, established pursuant to 28 U.S.C. section 331. [See generally *Christian v. U.S.*, 398 F.2d 517 (10th Cir. 1968); *U.S. v. Smith*, 893 F.2d 1573 (9th Cir. 1990)] provided that persons with retained counsel who need investigative, expert or other services may obtain these services under the CJA if their financial resources are insufficient to pay for the necessary services, although they could provide them with the ability to pay a reasonable fee to an attorney.

2. That the undersigned counsel has consulted with the office of the Public Defender who is representing a co-defendant in the above styled cause in relation to the expenses for the creation of a shared facility for participation in discovery, experts, and the employment of

interpreters to create translations of twenty thousand hours of intercepted conversations in Arabic. The bottom line is a budget in the area of \$450,000 per year for the two years of 2004 and 2005 during the completion of this litigation which will be incurred by the Public Defender.

3. The Defendant, although able to retain counsel and pay a reasonable fee through the benefit of his friends and family, is unable to participate in such an expensive operation as the one presently contemplated by the other defendants. Nevertheless, to meet the deadline of the January 5, 2005 court date, the structure as contemplated by the Public Defender will be necessary.

4. This process will be in place for the benefit of the Public Defender's client and the other CJA lawyers and it would be unfair to deny Defendant Hammoudeh's participation. It is clear that unless this Court finds that Defendant Hammoudeh is eligible to participate in this discovery operation, he may be denied equal participation in the discovery process strictly because of his lack of funds.

5. The Defendant is not requesting that this Court allot any additional funds for his benefit but that he simply be allowed to participate in the same facility created for the benefit of the other defendants. This also would facilitate the agreement of a joint transcript among the defense parties and would streamline this important aspect of this litigation, (translation of the intercepted conversations).

WHEREFORE, the Defendant Hammoudeh requests that this Court rule that he is qualified to participate in the Public Defender and CJA shared facility for interpreters, expert and other common defense procedures in the discovery process and trial process of this unique and extraordinary litigation.

I HEREBY CERTIFY that a copy of the foregoing Motion has been furnished to

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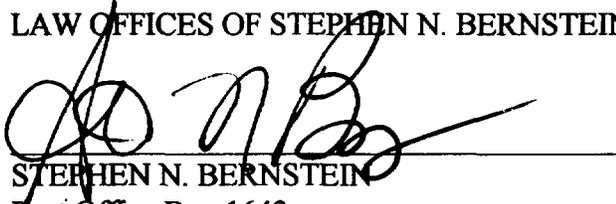
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by regular U.S. mail delivery on this 19 day of September 2003.

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