

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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

UNITED STATES OF AMERICA

vs.

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

GHASSAN ZAYED BALLUT

**DEFENDANT GHASSAN BALLUT'S MOTION TO ADOPT  
DEFENDANT HATIM FARIZ'S MOTION TO STRIKE AS SURPLUSAGE  
PARAGRAPHS 43(236), (240), (247), AND (253) OF THE INDICTMENT  
AND TO DISMISS COUNTS 35, 37, 41, AND 43 OF THE INDICTMENT**

The Defendant, GHASSAN ZAYED BALLUT, by and through his undersigned counsel, hereby requests this Honorable Court to permit the Defendant to adopt Co-Defendant HATIM FARIZ's Motion to Strike as Surplusage Paragraphs 43 (236), (240), (247), and (253) of the Indictment and to Dismiss Counts 35, 37, 41, and 43 of the Indictment, dated September 5, 2003, the grounds set forth in the Motion and the Memorandum of Law appended thereto, and all evidence adduced in support of the Motion, the same as if the same Motion were set out, filed, and produced by the Defendant, GHASSAN ZAYED BALLUT, but only to the extent that the Motion, the incorporated law and argument, or the evidence in support are beneficial and not adverse to the Defendant's interests.

The Defendant acknowledges that although the Defendant is named in Paragraphs 43 (240) and (247) and not in Paragraphs 43 (236) and (253) of the Indictment, the Defendant maintains that he has standing to adopt and join in the Co-Defendant's Motion to Strike all four paragraphs. The allegations in each of these four paragraphs contain references to conversations with Co-Defendant ABD AL AZIZ AWDA of which it is claimed the Defendant had knowledge,

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CLERK U.S. DISTRICT COURT  
TAMPA, FLORIDA

... motion petition stipulation has been duly  
considered and is hereby *granted*  
20 day of Oct. 2003.

SCANNED

*James S. Moody, Jr.*  
JAMES S. MOODY, JR.  
U.S. DISTRICT JUDGE

) )

and these allegations are made in order to support the accusation of conspiracy against the Defendant in Count One and again to support the travel accusation in Count Thirty Seven. Further, because the Defendant is charged in Counts Thirty Seven and Forty One and not in Counts Thirty Five and Forty Three, the Defendant would adopt this Motion to the extent that it affects his interests in Counts Thirty Seven and Forty One. This adoption would be in addition to the Defendant's arguments presented in the Defendant's Motion to Dismiss or Strike Counts One through Four, Nineteen, Thirty Six through Thirty Eight, and Forty through Forty Two, filed earlier in this cause.

The Defendant makes this request to permit the Defendant the benefit of HATIM FARIZ's Motion to Strike as Surplusage without burdening the record with unnecessary repetition and in the interests of judicial economy.

WHEREFORE, the Defendant requests this Honorable Court to permit the Defendant to adopt HATIM FARIZ's Motion to Strike as Surplusage Paragraphs 43 (236), (240), (247), and (253) of the Indictment and to Dismiss Counts 35, 37, 41, and 43 of the Indictment

Respectfully submitted,



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Attorney for GHASSAN ZAYED BALLUT

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S.

Mail to the following this 1st day of October, 2003:

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F I L E   C O P Y

Date Printed: 10/20/2003

Notice sent to:

— Walter E. Furr, Esq.  
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8:03-cr-00077    jlh

— Daniel W. Eckhart, Esq.  
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