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United States District Court
Middle District of Florida
Tampa Division

United States of America
v.
Sami Amin Al-Arian, et al.

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

Supplement to Pending Motion
on Legal Visits and Legal Calls

Comes now the defendant Sami Amin Al-Arian in a pro se capacity and supplements his motion to the Honorable Court to restore his rights of unmonitored contact legal visits and legal calls, for the following reasons:

1) The defendant has been barred by the Coleman prison administration to have any contact visits with legal counsel since the end of August, 2003.

2) The defendant has been told that all his legal calls must now be approved by the BOP regional office in Atlanta which adds considerable delay and unnecessary hardship.

3) The defendant has tried to resolve these issues with the Coleman's administrators to no avail.

4) Associate Warden Potts said that she did not agree with the policy but she has to follow it. She further said on October 2, 2003, that she's been trying to tell them that "we (meaning the defendant and his co-defendant Mr. Hammoudeh) do not belong here (meaning at Coleman), but no one is listenning."

5) These policies are intended to deny the defendant his right to consult with any legal counselors regarding his defense in order to weaken or derail his defense in direct violation of his constitutional rights.

6) The excuse the administrators use in devising this tailored policy is that the defendant is pro se and he can only have contact visits with his "attorneys of record."

7) There is nothing in the program statements that says that inmates, whether pre-trial or convicted could only have contact visits with so called "attorneys of record."

8) In fact, program Statement 1315.07, titled legal Activities under Section 12(a), on "visits by Attorneys", on page 15: "The Warden shall under the conditions of this section permits visits by the retained, appointed, or prospective attorney of an inmate or an attorney who wishes to interview an inmate as a witness." (emphasis added.)

9) The Coleman's Warden policy to deny the defendant any contact visits with any attorney is in direct violation of this BOP program statement.

10) Furthermore, the only grounds allowed in the program statement to deny contact visits by the attorneys are: (1) false statement by the attorney to the identity or qualifications; (2) A plan, attempt or act to introduce contraband into the institution; (3) A conspiracy to commit, an attempt to commit or the actual commission of an act of violence within an institution; and (4) Encouraging an inmate to violate the law, Bureau of Prison rules or local implementing guidelines. (p. 17, P.S. 1315.07)

11) There has not been a single incident or finding that any of the grounds in (10) were found to apply to the defendant or his prospective attorneys.

12) Furthermore, program statement 7331.03, titled "Pre Trial Inmates, states on p. 13, section 22(a) that pre trial inmates may have visits with attorneys seven days a week and not just during visiting days as proclaimed by the Coleman administrators. The visits during the visiting days is only true for convicted inmates as clearly stated in P.S. 7331.03 that pre-trials are treated differently.

Certificate of Service

I Hereby Certify that a copy of the foregoing has been furnished to the US Attorney's office, Terry Furr, AUSA, 400 N. Tampa St., Suite 3200, Tampa, FL 33602, Allison Guaglardo, Assistant Public Defender, 400 N. Tampa St., Suite 2700, Tampa, FL 33602, Steven Bernstein, Esq., P.O. Box 1642, Gainesville, FL 32602, and Bruce Howie, Esq., 5720 Central Ave., St. Petersburg, FL 33707,
this 10th day of October, 2003.

Sami A. Al-Arian