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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, et al.,

Defendants.

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ORDER

THIS CAUSE is before the court on **Defendant Sami Amin Al-Arian's Pro Se Motion Seeking Access to the FISA Facsimiles in Chronological Order and Simultaneously with the FISA Telephone Intercepts (Doc. 275)** and the Government's response in opposition (Doc. 360), **Defendant Sami Amin Al-Arian's Pro Se Motion to Receive Discovery Items in Overt Acts 18 and 19 not Included in Documentary Evidence (Doc. 277)** and the Government's response (Doc. 306), and Defendant Sameeth Hammoudeh's **Motion for Production of Documents from Discovery (Doc. 310)** and the Government's response in opposition (Doc. 320). A hearing was conducted on these and additional discovery matters on November 7, 2003. For reasons more thoroughly addressed at the hearing, the court enters the following orders.

As to Mr. Al-Arian's request for access to the FISA facsimiles, the motion (Doc. 275) is GRANTED in part. Within ten (10) days, the Government shall begin providing to defense counsel copies of all facsimiles referenced in the Indictment, as well as any other facsimiles outside of the Indictment which the Government has in tangible document form. As further discussed at the hearing, after the Government has converted the remaining FISA intercepted conversations to CD format, it will attempt to reproduce other facsimiles captured

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by the FISA wiretaps. As such facsimiles are reproduced, they shall likewise be provided to the Defendants. In all other respects, this motion is DENIED.

By way of Mr. Al-Arian's other motion (Doc. 277), he requests discovery pertaining to an account at Bank Leumi in Tel Aviv, Israel, which is referenced in certain overt acts of the Indictment. For the reasons set forth in the Government's response (Doc. 306) and indicated at hearing, this motion (Doc. 277) is DENIED as moot.

With respect to Mr. Hammoudeh's motion (Doc. 310), he seeks an Order compelling the Government to produce copies of certain financial documents reviewed in discovery. As the Government responds and as Mr. Hammoudeh's counsel concedes, Rule 16 does not require the Government to make copies for a defendant as here requested. Thus, this motion (Doc. 310) is DENIED. However, the specific records sought are available to counsel, both for his review and for copying and counsel is free to arrange for this at his convenience.

Accordingly, it is **ORDERED** that **Defendant Sami Amin Al-Arian's Pro Se Motion Seeking Access to the FISA Facsimiles in Chronological Order and Simultaneously with the FISA Telephone Intercepts (Doc. 275) is GRANTED in part and DENIED in part, Defendant Sami Amin Al-Arian's Pro Se Motion to Receive Discovery Items in Overt Acts 18 and 19 not Included in Documentary Evidence (Doc. 277) is DENIED** as moot, and Defendant Sameeth Hammoudeh's **Motion for Production of Documents from Discovery (Doc. 310) is DENIED.**

Done and Ordered in Tampa, Florida, this 7th day of November 2003.


THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

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Date Printed: 11/10/2003

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