

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

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

HATEM NAJI FARIZ
_____ /

**MOTION IN LIMINE NO. 2 OF HATEM NAJI FARIZ TO PRECLUDE THE
INTRODUCTION OF CERTAIN GOVERNMENT EXHIBITS**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, and pursuant to Federal Rules of Evidence 401-404 and 801-805, respectfully requests that this Court preclude the introduction of certain exhibits that the government will seek to introduce at trial. As grounds in support, Mr. Fariz states:

1. The government will seek to introduce documents allegedly seized at the residence of Hatem Fariz (exhibits marked in the 600 range), through Sue Bucenell, an agent involved in the search.
2. In order to address the evidentiary issues raised by this proposed evidence, Mr. Fariz files the instant motion and proposes that the Court hear evidentiary challenges prior to bringing in the jury.
3. Mr. Fariz anticipates the following objections to the government's proposed evidence:¹

¹ Mr. Fariz has attempted to identify as many issues herein as possible in order to enhance the efficiency of the trial; this list may not include all objections that will be made at trial. Mr. Fariz has not included within these objections documents that are in Arabic. With past

Exhibit Number	Description	Legal Basis for Objection
605 and 606 series	MEFS receipts	hearsay
615-A	“More than video” card with name Bolbol, Naim	401/402 403 lack of foundation
615-B	Copy Time Business Card, A. Raouf Dabus, President	401/402 403 lack of foundation
615-C	Channel Bind Business Card, A. Raouf Dabus, Sales Rep.	401/402 403 lack of foundation
616	Receipt No. 4222 showing Naim Bobol paid \$75.00 for professional services on 6/21/94	401/402 403 lack of foundation
620	T&T Foods Check to SAA for \$300 on 11/30/00 from HNF	401/402 403
627	Address/telephone book (Bates No. 800401)	401/402 403 lack of foundation
628	Address/telephone book (Bates No. 800401)	401/402 403 lack of foundation
629	Paper with words “VISA” and “Odeh Passport”	401/402 403 lack of foundation hearsay
632	GZB Grand Jury Subpoena with note (2/11/98 at 9:30 a.m.)	401/402 403

witnesses, the government has not yet offered such exhibits into evidence, but has only identified them. Mr. Fariz therefore has not included them here.

Exhibit Number	Description	Legal Basis for Objection
633	Express Mail Receipt re: Fawaz Damra, dated 8/30/00	401/402 403 lack of foundation; hearsay
634-A	Islamic Society Paper with Fawaz Damra's Ohio address	401/402 403 lack of foundation
634-B	Paper with Fawaz Damra's Ohio address	401/402 403 lack of foundation
635	Business Cards for Fawaz Damra, Imam	401/402 403
640	Two photographs of HNF with Al Qassam poster and PIJ poster in background	401/402 403 hearsay (posters); foundation
643	Photograph of HNF at podium with Al Qassam PIJ poster	401/402 403 hearsay (posters); foundation
644	Photographs of stage with Al Qassam/PIJ posters	401/402 403 hearsay (posters); foundation
649	Photographs of HNF holding a gun	401/402 403 404(a)
651-A	Photo No. 1- HNF and NNB	401/402 403 hearsay (poster); foundation
651-B	Photo No. 2 - PIJ poster on wall	401/402 403 hearsay (poster); foundation

Exhibit Number	Description	Legal Basis for Objection
651-C	Photo No. 3 - HNF and NNB with PIJ posters handing on tent	401/402 403 hearsay (posters); foundation
651-D	Photo No. 4 - RAS and others (with posters)	401/402 403 hearsay (posters); foundation
651-E	Photo No. 5 - PIJ posters	401/402 403 hearsay (posters); foundation
651-F	Photo No. 6 - HNF, NNB, and others with PIJ posters	401/402 403 hearsay (posters); foundation
651-G	Photo No. 7 - HNF, NNB, GZB and others with PIJ posters	401/402 403 hearsay (posters); foundation
651-H	Photo No. 8 - HNF with PIJ posters	401/402 403 hearsay (posters); foundation
651-I	Photo No. 9	401/402 403 hearsay (posters); foundation
653-671	(Multiple exhibits purportedly from computers)	foundation
673	<u>The PIJ Newspaper</u> “Al-Jihad Al-Islami” with pictures of Al-Shoujaia	401/402 403 hearsay
674	“PIJ announcement”	401/402 403 hearsay
675	“PIJ Communique regarding security”	authenticity hearsay

Exhibit Number	Description	Legal Basis for Objection
677	Summary of anti-terror and effective death penalty act of 1996	undated; hearsay

WHEREFORE, Hatem Naji Fariz respectfully requests that this Court preclude the introduction into evidence of these exhibits at trial.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF and hand delivery, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Alexis L. Collins, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender