IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

UNITED STATES)
v.)
SAMI AMIN AL-ARIAN)

Case No. 1:08cr131

UNDER SEAL

DEFENDANT SAMI AMIN AL-ARIAN'S UNCONTESTED MOTION TO MODIFY CONDITIONS OF RELEASE TO MOVE HIS RESIDENCE

Defendant Dr. Sami Amin Al-Arian, moves, by counsel, for modification of his current conditions of release to move his residence. Dr. Al-Arian states the following in support of this motion:

1. Pursuant to his conditions of release, Dr. Al-Arian was placed in the custody of his oldest daughter, oldest son, and wife. (Dkt. Nos. 10, 66, and 144.)

2. Dr. Al-Arian's conditions of release state that he "shall not move from the address without prior approval of Pretrial Services." (Dkt. No. 10 at 2.)

3. Dr. al-Arian's daughter, with whom he resides, wishes to relocate from her current address in early January. The full address of the proposed new residence¹ is **REDACIED**

REDACTED

4. Dr. Al-Arian has consulted with Dr. Al-Arian's pre-trial services officer, Paul Arnett, who advised Counsel that he has no objection to the proposed change of residence.

5. Counsel for Dr. Al-Arian sought the consent of counsel for the government regarding this request. The government responded that they neither oppose nor concur in the

¹ Counsel has redacted the full address of the new residence in this public filing pursuant to local criminal rule 47 (c)(1) and submitted an unredacted version under seal. The probation officer has been separately informed of the address.

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motion and asked that the defense represent that "the government's position is that the defendant should be detained pre-trial, but that in light of the Court's past rulings on this subject, it leaves the decision on the motion to modify the conditions of release to the discretion of the Court. Further, it is the government's position that this motion highlights the need for a prompt resolution of the outstanding substantive motions in this case."

6. Dr. Al-Arian has never violated any conditions set by the Court.

7. This Court should modify Dr. Al-Arian's conditions of release to move his residence, because of the limited nature of the proposed modification, the lack of any danger to other persons or the community posed by the requested modification, and the pre-trial services officer's lack of objection to the proposed modification.

A proposed order is attached.

Respectfully submitted,

Dr. Sami Amin Al-Arian By Counsel

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Dated: December 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2013, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mr. Gordon Kromberg, Esq. Assistant United States Attorney 2100 Jamieson Ave. Alexandria, Virginia 22314-5794 (703) 299-3800 phone gordon.kromberg@usdoj.gov

Attorney for the United States

I will also be sending via first-class mail, the under seal filing referenced herein to:

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Attorney for the United States

<u>/s/</u>

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Counsel for Dr. Al-Arian

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1:08cr131 (LMB)

ORDER

The Court, having considered Dr. Al-Arian's Uncontested Motion to Modify Conditions of Release to Move Residence, and for good cause shown, it is hereby

ORDERED that the defendant's conditions of release (Dkt. Nos. 10, 66, and 144) are modified so as to allow the defendant to move residences with his Court-appointed third-party custodians to the addresses provided by Dr. Al-Arian's counsel to Dr. Al-Arian's pre-trial services officer.

It is further ORDERED that the defendant is directed to inform his pre-trial services officer of the details of the change of residences, including exact dates and times of the move.

Entered this _____ day of _____, 2013

Alexandria, Virginia

Leonie M. Brinkema United States District Judge