

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 08-20314

v.

HON. NANCY G. EDMUNDS

ISSAM HAMAMA,

Defendant.

_____ /

DEFENDANT'S MOTION FOR LEAVE OF COURT TO SUBMIT ADDITIONAL
EVIDENCE IN SUPPORT OF DEFENDANT'S RESPONSE IN OPPOSITION OF
GOVERNMENT'S MOTION TO ADMIT DOCUMENTS

Defendant, Issam Hamama, by and through undersigned counsel, respectfully requests leave of court to submit additional evidence in support of Defendant's response to the Government's motion to preadmit.

On June 1, 2010, this court held a motion hearing to take up the Government's motion to preadmit documents. Government counsel moved this court to rule that the propounded documents are authentic. In support of its motions Government counsel proffered testimony from three witnesses. Besides the propounded evidence, the Government presented no testimonial or documentary evidence.

Defendant anticipated the Government to call witnesses and to have the opportunity to conduct a full cross examination regarding their qualifications, capabilities, knowledge of the record keeping methods of the Iraq Intelligence Service, and –where applicable- Arabic language skills used in deciphering the language of the alleged IIS documents. Although some of the witnesses whose testimony counsel for the Government proffered had testified in other cases regarding similar documents, none had been subjected to cross examination by counsel for the

Defendant. Defendant believes that had the witnesses proffered by the Government been called to testify, his counsel would have been able to impeach the witnesses' qualifications and demonstrate that the witnesses cannot authenticate the propounded documents nor establish the necessary foundation to overcome hearsay objections. In support of this position, Defendant respectfully requests this court permit and consider the attached proffer regarding defense counsel's qualifications.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2010, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to the following:
Ms. Barbara McQuade, U.S. Attorney barbara.mcquade@usdoj.gov and Mr. Michael Martin, Assistant U.S. Attorney at michael.c.martin@usdoj.gov.

/S/ Haytham Faraj
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EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

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v

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CASE NO. 08-20314

HON. NANCY G. EDMUNDS

**ORDER PERMITTING DEFENSE TO SUBMIT ADDITIONAL EVIDENCE IN
OPPOSITION OF THE GOVERNMENT MOTION TO PREADMIT DOCUMENTS**

The Court has reviewed the Defense' motion requesting leave of court to submit and consider additional evidence in opposition of the Government's motion to preadmit documents.

Now, therefore,

IT IS HEREBY ORDERED that the Defense is permitted to submit, and the Court shall consider, the additional evidence proffered by the defense.

NANCY G. EDMUNDS
United States District Judge

Dated: