

EXHIBIT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

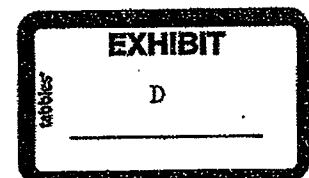
SAMI AMIN AL-ARIAN,

Defendant.

DECLARATION OF LINDA MORENO, ESQ.

I, Linda Moreno, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney duly licensed to practice in the state of Florida, and I was co-counsel with William Moffitt, Esq., for Dr. Sami Al-Arian in the above-entitled case.
2. Soon after Dr. Al-Arian's acquittals, Mr. Moffitt and I engaged in plea negotiations with the United States Attorney for the Middle District of Florida and the Department of Justice's Counterterrorism Division in Washington, D.C.
3. On January 4, 2006, I, along with Mr. Moffitt, met in Washington, D.C. at the Department of Justice with Alice Fisher, the head of the Criminal Division for the Office of Attorney General. Among others in attendance was Paul Perez, United States Attorney for the Middle District of Florida.



4. From the outset of negotiations with all parties involved, we conveyed Dr. Al-Arian's position of *non-cooperation* with the government. The government never rejected the defense's stance on this issue and it never asserted that Dr. Al-Arian could be forced to cooperate under the plea agreement or would be expected to do so voluntarily. The government knew Dr. Al-Arian would never enter a plea agreement where he would be expected to cooperate or forced to cooperate with the government, therefore, this issue was a non-starter. Accordingly, no cooperation provision was entertained by the parties or included in any draft of the plea agreement—though I believe cooperation paragraphs are standard provisions in the plea agreements used by the U.S. Attorney's Office for the Middle District of Florida. After plea negotiations commenced, and the non-cooperation element had been established, the subject of Dr. Al-Arian's cooperation was completely taken off the table and not revisited.
5. All throughout our negotiations, we also made it very clear that we were only discussing a plea bargain if it *terminated all business between Dr. Al-Arian and the Department of Justice*. The government never contested this as being the overarching purpose of the plea agreement.
6. Once plea negotiations commenced, we made clear to the government that we wanted to bind all prosecuting authorities in the U.S. federal government—essentially the U.S. as a sovereign power—to the plea agreement. We referred to this as a “global plea.”

7. On February 7, 2006, I had a conversation, among many, with Assistant United States Attorney Cherie Krigsman on various issues to be negotiated, including the “global aspect of the plea agreement” as we proposed. She indicated that her office understood our position and believed it to be “reasonable,” but she wanted to insert more “appropriate language” than our version. At that time, Ms. Krigsman indicated she did not know of anyone else, in any other jurisdiction, “who is interested in Sami.” In my tenure of working with Ms. Krigsman throughout this trial, her unassailable integrity assured me that this would not be a problem for us.
8. Ultimately, the government took the position that it was not inclined to change the “boilerplate language” of the standard plea agreement used by the U.S. Attorney’s Office for the Middle District of Florida. While the specific language we suggested regarding the global plea did not survive the numerous revisions of the plea agreement—in that the government did not want to bind the U.S. government as an entire entity to the agreement—the government finally agreed to add the Eastern District of Virginia to the parties bound by the plea agreement.
9. In Ms. Krigsman’s recorded recitation at the plea colloquy on April 14, 2006, she informed the Court that she had the “specific authority to bind the Eastern District of Virginia” to the plea agreement. This oral amendment was given in turn for our abandonment of the original language regarding the “global plea.”

10. The clear intention of both the defense and the government was an expedited deportation of Dr. Al-Arian, thus we stipulated to deportation.
11. The government agreed to recommend to the sentencing Judge the low end of the Guidelines. As originally contemplated, this would have essentially resulted in a sentence of time served.¹ It was explicitly discussed and agreed between the defense and the government that the usual 85% formula applied to a sentence would calculate Dr. Al-Arian's sentence out to 39.1 months; Dr. Al-Arian had served nearly 39 months at the time of his sentence on May 1, 2006. It was my expectation that Dr. Al-Arian would be sentenced to the low end of the Guidelines. I believe this expectation was shared by the government as well.
12. As a result of the sentence calculations, it was expected that immediately upon his release from incarceration, Dr. Al-Arian would be deported. In fact, the government explicitly and on the record, indicated its assistance in expediting Dr. Al-Arian's deportation.
13. This position necessarily negated any contemplation of cooperation by Dr. Al-Arian in another jurisdiction, most particularly in the Eastern District of Virginia, which was specifically bound by the plea agreement.
14. Sometime in May 2006, Ms. Krigsman called to inform me that Assistant United States Attorney Gordon Kromberg, of the Eastern

¹ At the time of the plea negotiations, Dr. Al-Arian had served 39 months in prison. The low end of the Guidelines sentence as agreed was 46 months, with the top level of 57 months.

District of Virginia, was going to subpoena Dr. Al-Arian to testify before a federal grand jury.

15. I conveyed to Ms. Krigsman my profound disappointment in what I believed to be a violation of the plea agreement. Notwithstanding this unexpected news, I did not believe Ms. Krigsman either knew of AUSA Kromberg's intent to compel Dr. Al-Arian to testify before the grand jury in Virginia at the time of our plea negotiations or deceived the defense regarding the non-cooperation aspect of the parties' plea agreement.

16. I further expressed my belief that Dr. Al-Arian was being called before the grand jury as a perjury or contempt trap. Ms. Krigsman denied this as being the purpose of the grand jury proceeding in Virginia.

In conformity with 28 U.S.C. § 1746, I, Linda Moreno, Esq., declare under penalty of perjury that the foregoing is true and correct. Executed on October 25, 2006.

/s/ Linda Moreno²

Linda Moreno

² My declaration with the original signature will be forwarded forthwith to the Court.