

# **EXHIBIT G**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

Case No. 8:03-CR-77-JSM-TBM

**UNITED STATES OF AMERICA**

-vs-

6 November 2006

**SAMI AMIN AL-ARIAN,**

8:31 a.m.

Defendant.  
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TRANSCRIPT OF PROCEEDINGS  
(MOTION HEARING)  
BEFORE THE HONORABLE JAMES S. MOODY, JR.,  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

**For the Government:**     **TERRY ZITEK, ESQUIRE**  
                              **CHERIE KRIGSMAN, ESQUIRE**  
                              **WALTER FURR, ESQUIRE**  
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**For the Defendant:**     **JACK EUGENE FERNANDEZ, ESQUIRE**  
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*(appearances continued on next page)*

STENOGRAPHICALLY REPORTED  
COMPUTER-AIDED TRANSCRIPTION

1 THE COURT: Dr. Al-Arian's position is that the  
2 agreement was intended by both parties that he be immune  
3 from subpoena.

4 MR. ZITEK: Well, we have denied that in our  
5 pleading.

6 THE COURT: Well, the Defendant seems to say that  
7 you have never denied that.

8 MR. ZITEK: It -- the Defendant has been, in  
9 the -- in all the pleadings, citing to a cooperation  
10 provision. As Mr. Fernandez points out and as this Court  
11 has seen, the Middle District of Florida uses a cooperation  
12 provision in many of its plea agreements. This Court's seen  
13 hundreds of them.

14 The Defendant Al-Arian says, "I don't want to  
15 cooperate."

16 So, we say, "We won't put a cooperation provision  
17 in there."

18 It's not in there, and we're not talking about  
19 complaining that the Defendant Al-Arian has refused to  
20 cooperate. What we're talking about is an entirely  
21 different animal, whether or not Defendant Al-Arian can  
22 refuse to testify, refuse to be compelled.

23 THE COURT: Is immune from subpoena? So -- do you  
24 dispute that or do you --

25 MR. ZITEK: Yes, we dispute that. We dispute