

## **Lodi man seeks new trial in terrorism case**

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Attorneys for a Lodi man convicted this spring by a federal jury of supporting terrorists have asked a judge to grant a new trial after reports of juror misconduct.

In a 106-page motion filed Friday, Hamid Hayat's lawyers said reports of "extensive misconduct" by jury foreman Joseph Cote demand court review.

"Given the reports of extensive misconduct involved here, the seriousness of such misconduct, and the credibility of the sources, only (an evidentiary) hearing will suffice to resolve the present claim," wrote Wazhma Mojaddidi and Dennis Riordan.

Hayat, 23, was convicted in April of one count of providing material support to terrorists by attending an al-Qaida training camp in Pakistan, and three counts of lying about it to FBI agents.

In court papers, Hayat's attorneys cited reports by juror Alicia Lopez and Theresa Berkeley-Simmons that Cote used racial slurs during the trial, including saying that Pakistanis or Muslims all "look alike" if dressed the same. They also pointed to an Atlantic magazine interview that Cote gave after the trial where he said he likened Hayat to young Pakistani men responsible for the London subway bombings.

This indicates that Cote "flatly disregarded his assurance that he harbored no prejudices against Pakistanis or Muslims, as well as his promise to disregard whatever he had read in the media," the lawyers wrote in the motion.

In addition to complaints about jury bias, Hayat's attorneys said U.S. District Judge Garland E. Burrell Jr., should have allowed a retired FBI agent to testify about the bureau's interview procedures. They said James Wedick, a 34-year veteran of the FBI, would have revealed the inappropriateness of Hayat's confession.

Hayat's attorneys said their client was worn down by the agents' interrogation and confessed to crimes he did not commit.

Hayat is a U.S. citizen of Pakistani descent. He faces up to 39 years in prison.

Prosecutors have until Dec. 15 to file a response, and a hearing is scheduled for Jan. 19.

"We will respond in court at the appropriate time," U.S. attorney McGregor Scott said Saturday.

At trial, prosecutors said Hayat returned from a two-year visit to Pakistan in May 2005 intent on attacking targets that may have included hospitals, banks and grocery stores. His videotaped confession was the heart of the government's case.

<http://sfgate.com/cgi-bin/article.cgi?f=/n/a/2006/10/29/state/n145330S25.DTL>