

MEGAHED'S DEPORTATION RULING TODAY

St. Petersburg Times (Florida)

August 21, 2009 Friday, 2 Tampa Edition

Copyright 2009 Times Publishing Company All Rights Reserved

Section: TAMPA BAY; Pg. 7B

Length: 631 words

Byline: KEVIN GRAHAM, TIMES STAFF WRITER

Dateline: MIAMI

Highlight: An immigration judge will decide if the deportation proceedings can move forward.

Body

Youssef Megahed will learn today whether the government has presented enough evidence for an immigration judge to consider deporting him because he has terrorist ties.

"It's a very close case," Immigration Judge Kenneth S. Hurewitz said Thursday.

Hurewitz planned to spend the Thursday evening reviewing documents and testimony presented at a deportation hearing in Miami-Dade County this week. His focus: government evidence that Megahed provided material support to terrorists, a charge that got former co-defendant Ahmed Mohamed a 15-year prison sentence.

The judge plans to rule this morning on a defense motion to terminate the deportation proceedings against Megahed, a former University of South Florida student.

Even if Hurewitz dismisses the charges, it's unlikely Megahed would immediately gain freedom. Homeland Security Department attorneys have indicated they will appeal an unfavorable ruling. No matter what Hurewitz decides today, a final ruling on deportation could still be weeks away.

"I started out my case by calling the government's evidence garbage," said Charles Kuck, Megahed's defense attorney. "You know what we've heard for the last four days? Garbage."

If Hurewitz decides the deportation proceedings should move forward, Kuck said he may or may not present any witnesses.

"If I heard your testimony, it may sway me in either way," the judge told Kuck.

Homeland Security Department attorneys have spent the week trying to prove that Megahed has or is likely to engage in terrorist activity.

Saying he planned to focus solely on the accusation that Megahed gave material support to terrorists, the judge said the government hadn't proved its case and that Megahed had "clearly not" committed those offenses.

But Megahed was associated with a known terrorist, the judge noted, referring to Mohamed.

Homeland Security presented evidence about Mohamed's activities and linked him to Megahed throughout the week, despite Kuck's continued objections.

MEGAHED'S DEPORTATION RULING TODAY

Government attorney Loren Coy said Megahed had to have known that Mohamed posted a YouTube video showing how to turn a child's toy into a remote-control detonator. Mohamed said he intended the video to be used by enemies of the United States.

Coy also pointed to the PVC pipes filled with a potassium nitrate mixture found in the trunk when Megahed and Mohamed were stopped for speeding in Goose Creek, S.C., on Aug. 4, 2007. Coy said the mixture was the same propellant used in Qassam rockets launched against Israel and U.S. forces.

Federal investigators recovered nine video clips from **Megahed's** home computer that showed Qassam rockets launching in the Middle East and killing U.S. military personnel.

"It was sickening, quite frankly," Coy told the judge. "Who would save something like that? Does that give you any concern about this individual? Isn't that what this case is all about?"

Coy said Megahed recruited others to form what an FBI agent described as a budding terrorist cell in Tampa. He said Megahed used his legal status to obtain a gun range membership so the group could practice marksmanship.

One of **Megahed's** associates, Ahmad Ishtay, had tightly focused surveillance footage of pillars along the Howard Frankland bridge and the Florida Aquarium on a camcorder in his Temple Terrace bedroom. The FBI said it resembled footage by terrorists scouting potential targets.

Coy linked that to Internet searches about implosions by someone logged onto the Megahed family computer as "Usef."

Unlike in federal criminal court - where Megahed was acquitted of illegal transportation of explosive materials and possession of a destructive device - the government doesn't have to prove its case beyond a reasonable doubt, Coy said. The burden is much lower.

Kevin Graham can be reached at (813) 226-3433 or kgraham@sptimes.com

Graphic

PHOTO: Youssef Megahed is accused of having ties to terrorists, and U.S. officials want to send him to Egypt.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: IMMIGRATION LAW (90%); JUDGES (90%); **DEPORTATION** (90%); LAWYERS (89%); US FEDERAL GOVERNMENT (89%); TERRORISM (89%); NATIONAL SECURITY (89%); WITNESSES (75%); APPEALS (75%); IMMIGRATION (75%); SPECIAL INVESTIGATIVE FORCES (75%); JAIL SENTENCING (70%); SENTENCING (70%)

Organization: US DEPARTMENT OF HOMELAND SECURITY (83%)

MEGAHED'S DEPORTATION RULING TODAY

Industry: LAWYERS (89%); PLASTIC PIPES & FITTINGS (50%)

Geographic: MIAMI, FL, USA (71%); FLORIDA, USA (92%); SOUTH CAROLINA, USA (79%); UNITED STATES (79%); ISRAEL (79%)

Load-Date: August 21, 2009

End of Document