



another appeal.

The incontrovertible evidence to date is that the Pan Am airplane crashed on December 20, 1988. Found in the wreckage was a piece of Samsonite luggage which contained twelve (12) items of clothing and an umbrella. These items of clothing and the umbrella were purchased in Sleima, Malta.

A Mr. Gouchi was the shop keeper in Malta who sold the clothing and the umbrella. However, whether Al-Magrahi was present in Malta at the time (December 6), and whether he purchased the clothing and umbrella remains unclear. These are key issues, but they are not supported by clear evidence. The testimony and evidence on these issues remains unclear and may be tainted. The testimony regarding identification of Al-Megrahi is not clear.

IBU TAUB, a known terrorist, was positively identified by the shop keeper in Malta as the person who purchased the clothing. But the best the shop keeper could say was that Megrahi looked a lot like the individual who purchased the clothing.

Importantly, the Commission found that the identification of Megrahi was tainted because it was suggested by a photograph of Megrahi shown to the shop keeper shortly before the trial.

In addition, instead of providing defense counsel with all of the evidence the prosecution withheld evidence from Megrahi's attorneys, some of which may have been exculpatory.

The Commission concluded a miscarriage of justice may have been committed and because there has been no other evidence advanced to establish Megrahi's guilt, a re-trial more likely than not, could not produce a guilty verdict based on the flimsy evidence of the identification that would not hold up on an appeal.

Consequently, counsel for Megrahi once again renew their request to Stay all proceedings

until all appellate procedures in Scotland are completed. In this way, a miscarriage of justice may be avoided. We note that the referral to appeal in the criminal proceedings is mandatory.

Dated: August 24, 2007

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I, DANTE MATTIONI, ESQUIRE, certify that on August 24, 2007, a true and correct copy of Defendant Al-Megrahi's Reply to Plaintiffs Opposition to Motion for Relief from Judgment and Stay of Proceedings was filed with the Court electronically and sent via the means to the following:

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8/24/07

  
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