

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) CAUSE NO. 1:12-MJ-00316-TAB
)
 DONALD SACHTLEBEN,)
)
 Defendant.)

GOVERNMENT'S UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE INDICTMENT

COMES NOW The United States of America, by and through its counsel, Joseph H. Hogsett, United States Attorney for the Southern District of Indiana, and Steven D. DeBrotta, Assistant United States Attorney, hereby files its request for an order granting the United States an additional 60 days in which to present this case to a federal grand jury for indictment. In support of this request, the parties would show as follows:

1. On or about May 12, 2012, a Criminal Complaint was issued against the above-named defendant charging him with knowingly distributed and possessed child pornography, in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(a)(4)(B).
2. On May 14, 2012, the Defendant made his initial appearance on the criminal complaint before the Magistrate Judge Kennard P. Foster. A probable cause and detention hearing were scheduled for May 17, 2012.
3. On May 17, 2012, the Defendant appeared for a probable cause hearing and a detention hearing. Probable Cause was found and the defendant was released on conditions of release pending further proceedings before the Court.

4. The undersigned counsel has discussed this request for extension of time with counsel for the defendant. Ms. Sweeney has agreed that the extension of time would be in the defendant's interest so that the parties would have the opportunity to discuss a potential resolution to the matter prior to indictment. The extension of time would allow this process to occur. Therefore, defense counsel indicated that the defendant would not object to the government's request for an extension of time.

5. Title 18, United States Code, Section 3161(b) requires that

"any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges."

Certain periods of time may be excluded from this time period by a Court pursuant to Title 18,

United States Code, Section 3161(h). One reason for acceptable excludable delay is:

- (8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, for the foregoing reasons, the United States respectfully requests an order from the Court authorizing an extension of an additional 60 days in which an indictment must be returned in this matter.

Respectfully submitted,

JOSEPH H. HOGSETT
United States Attorney

By: S/Steven D. DeBrot
Steven D. DeBrot
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, a copy of the foregoing Motion to Extend Time to File an Indictment was electronically filed to the following:

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