

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

UNITED STATES OF AMERICA            )  
  )  
                  vs.                            )     CAUSE No. 3:09-CR-00080(01)RM  
  )  
ASHTON LUNDEBY                        )

MEMORANDUM OF HEARING

A hearing was held on December 3, 2009 to set a trial date and to hear argument on the government’s motion for pretrial ruling regarding the admissibility of records of regularly conducted activity (doc. # 28), the defendant’s motion for computer access (doc. # 29), and the defendant’s motion to suppress a videotape (doc. # 15). Kenneth Hays represented the government and Ashton Lundebly appeared *pro se*.

Following discussion and argument and for the reasons stated in open court, the court:

(1) DENIES the government’s motion for pretrial ruling (doc. # 28) to the extent the government seeks to shorten the deadline for filing objections as provided in Local Rule 12.1. Pursuant to Local Rule 12.1, Mr. Lundebly must file any objections to the documents listed in the government’s amended notice of intent to proceed under Local Rule 12.1 (doc. # 25, ¶¶ 1-14) at least 14 days prior to trial. “Failure to file an objection within this time frame shall operate as a waiver of any objection under Fed.R.Evid. 901 and/or any objection to the foundational requirements required under Fed.R.Evid. 803(6).” N.D. IND. L.R. 12.1.

(2) DENIES Mr. Lundeby's request for computer access (doc. # 29). The court instructs Mr. Lundeby to identify the CDs and/or DVDs produced by the government that cannot be read and directs the government to provide Mr. Lundeby other useable disks or some other form of readable discovery with respect to those CDs and DVDs. If there are additional documents that Mr. Lundeby seeks, he must make a formal request to the government and if applicable, the government can raise objections at that time.

(3) DENIES Mr. Lundeby's motion to suppress (doc. # 15), but GRANTS a motion in limine with respect to the videotape referred to in his motion. The government indicates that it isn't aware of the videotape and doesn't intend to use it at trial, but if that changes, the government must raise the issue of admissibility of the videotape outside the presence of the jury.

(4) SETS this matter for a two-week jury trial to commence on March 2, 2010 at 9:30 a.m. Given the complexity of the case and Mr. Lundeby's need to obtain and review discovery and arrange subpoenas, the court finds that the ends of justice served by the granting of a continuance outweigh the best interest of the public and the defendant to a speedy trial. 18 U.S.C. § 3161(h)(7).

SO ORDERED.

ENTERED: December 7, 2009

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court