

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 3:09-CR-80

ASHTON LUNDEBY

Defendant.

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DEFENDANT'S MOTION TO RECONSIDER ORDER OF DETENTION

The Defendant Ashton Lundeby, by counsel Robert D. Truitt, respectfully requests this Court to reconsider its Order of Detention entered by the Honorable Chief District Court Judge Robert L. Miller, Jr. on May 26, 2009 and in support of said motion shows unto the Court as follows:

1. There has been a significant change in circumstances since the Court reviewed this matter. Ashton is in need of significant dental work. He has had two (2) root canals which have not yet had caps applied. Mrs. Lundeby informs counsel that she has paid for these caps and they are in a dentist office in North Carolina. Secondly, Ashton is experiencing a low grade infection in one of the teeth that has had the root canal. The Juvenile Detention Center said they would not pay for caps to be placed on Ashton's teeth but would pay for an extraction. Ashton and his mother are adverse to proceeding with an extraction without a test for Von Willebrands Disease, which is a bleeding disorder in which a protein in the body's blood system is missing or does not work well. The protein is called Von Willebrands factor and it plays an important role in clotting. Von Willebrands Disease

is genetically passed. Mrs. Lundeby and her twelve-year old daughter have both been diagnosed as having the disease. A rather significant test is required to accurately diagnosis this condition.

2. Additionally, during the time that Ashton has been incarcerated, he has participated in the school maintained at the Juvenile Detention Center. However, any results he achieves would not be applied to either his schooling at a public school or at the on-line academy which he was attending at the time of his arrest. If released, he would be able to complete his classes for the spring semester and would be able to work ahead so that he could get credit for his fall semester classes. Due to the nature and extent of the offense charged and the involvement of a computer, Ashton is willing to attend public school in order to work towards his high school diploma.

3. Defendant would consent to house arrest with home monitoring or GPS monitoring and such other conditions as the Court believes is appropriate to insure his appearance and also to safe guard the safety of the community.

WHEREFORE, Defendant respectfully requests this Court to reconsider its order of detention.

Dated: July 14, 2009

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

By: /s/ Robert D. Truitt

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2009 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: **Kenneth Hays**, Assistant United States Attorney.

/s/ Robert D. Truitt
Robert D. Truitt,
Northern District of Indiana
Federal Community Defenders, Inc.