

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

UNITED STATES OF AMERICA

PLAINTIFF

v.

FILED ELECTRONICALLY
CRIMINAL ACTION NO. 3:06MJ-230

STEVEN D. GREEN

DEFENDANT

ORDER

This matter is before the Court on motion of the United States to exclude speedy trial time, pursuant to 18 U.S.C. § 3161(h)(9), on grounds that the United States Department of Justice has made an official request for evidence and assistance to the Government of Iraq.

The Court having considered the motion, the defendant having no objection to the motion, and the Court being otherwise sufficiently advised,

IT IS ORDERED that the motion of the United States to exclude time in which an indictment must be filed under the Speedy Trial Act is hereby GRANTED.

The Court finds by a preponderance of the evidence that the United States Department of Justice made an official request, as defined under 18 U.S.C. § 3292(d), to the Government of Iraq, delivered by the United States Embassy in Baghdad, Iraq, with a Diplomatic Note dated August 8, 2006, seeking evidence and assistance associated with the offenses with which defendant Green has been charged by criminal complaint, and that it reasonably appears, or appeared at the time the request was made, that such evidence is, or was, located in Iraq.

Accordingly, the time period between August 8, 2006 (the date of the Diplomatic Note presenting the official request to the Government of Iraq) until the scheduled arraignment date of

November 8, 2006, shall be excluded in calculating the thirty-day period for filing the indictment pursuant to 18 U.S.C. § 3161(h)(9).

This Order provides an additional and alternative basis to exclude time beginning August 8, 2006, from the Court's previous Order of July 20, 2006, which continued defendant's arraignment and excluded speedy trial time in the interests of justice pursuant to 18 U.S.C. § 3161(h)(8).

SO ORDERED, this ____ day of September, 2006.

cc: Scott T. Wendelsdorf, Federal Defender
Marisa J. Ford, AUSA