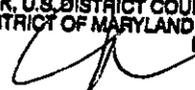


SEP 13 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY  DEPUTY

UNITED STATES OF AMERICA

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v.

MAGISTRATE NO. BPG-16-2254

HAROLD T. MARTIN III

FILED UNDER SEAL

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

The United States, with the consent of the defense, respectfully moves for an order extending the period within which an indictment or information must be filed to and including March 1, 2017. In support of this request, the government states as follows:

1. On August 29, 2016, a Criminal Complaint was issued against the above-named Defendant charging him with Theft of Government Property and Unauthorized Removal or Retention of Classified Documents or Materials by Government Employee or Contractor, in violation of Title 18, United States Code, Sections 641 and 1924.

2. On August 29, 2016, the Defendant made his initial appearance on the criminal complaint before the Honorable Beth P. Gesner, United States Magistrate Judge. The Defendant consented to detention without prejudice.

3. Defense counsel has also informed the undersigned that the defendant consents to this motion. Undersigned counsel for the government has been informed by James Wyda, Federal Public Defender, that the Defendant will file a written waiver of preliminary examination or hearing.

4. The parties are engaged in pre-indictment discovery, and exploring the possibility of resolving this matter prior to presentation of the case to a grand jury. Furthermore, this case involves voluminous materials, complex technical issues, and issues related to classified information. During execution of the warrants, investigators seized thousands of pages of

documents and dozens of computers or other digital storage devices and media. The digital media contained many terabytes¹ of information that must be reviewed by appropriate authorities. A thorough review of the seized materials, in order to inform discussions with the defense, will take place during the course of the period of the requested extension.

5. Complete discovery would likely require defense counsel to obtain appropriate security clearances (which they do not possess), and appropriate facilities to be prepared and made available to the defense for review and storage of any classified materials. In anticipation of that possibility, the process of obtaining security clearances was initiated shortly after the complaint in this case was issued, to avoid delays later in the case. Obtaining the required clearances, if deemed necessary, may take weeks or months. Furthermore, if it is deemed necessary for defense counsel to review classified material, preparing and certifying appropriate facilities would also take several weeks.

6. The parties believe that they would benefit from additional time to continue discovery and discussions, and that the ends of justice served by such a delay outweigh the best interests of the public and the Defendant in a speedy trial.

7. 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:

(7)(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

¹ A terabyte of data is roughly the size of 500 hours of digital video; 200,000 image files; or 1,000,000 electronic books

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, the United States respectfully requests that the time by which an indictment or information must be filed in this case be extended to and including March 1, 2017, and that the delay resulting from this extension be excluded in computing time pursuant to Title 18, United States Code, Section 3161(h).

Respectfully Submitted,

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