

DEFENDANT'S MOTION TO DISMISS

COMES NOW, the Defendant, by counsel, and respectfully requests this Court to dismiss the Information in this cause. In support of this Motion states as follows:

1. The Defendant has standing and requests this dismissal pursuant to Indiana Code 35-34-1-4(a)(8) and (a)(9). A motion to dismiss filed under IC 35-34-1-4(a)(8) or (a)(9) may be filed at any time before or during trial. *See* I.C. 35-34-1-4(b)(2).
2. On December 19, 2006, an Information was filed charging the Defendant with:
[list charges]
3. The Defendant was not arrested for these offenses alleged to have occurred in November 2006 until October 18, 2020 – a delay of thirteen (13) years and ten (10) months since the information was filed.
4. The arbitrary delay between the filing of the Information and the arrest of the Defendant violates the Defendant's right to a speedy trial under the Sixth Amendment to the United States Constitution and Article 1, Section 12 of the Indiana Constitution.
5. The arbitrary delay between the alleged offenses, the filing of the Information, and the ultimate arrest of the Defendant in this matter has caused substantial prejudice to the Defendant in contravention of his constitutional and statutory rights.

WHEREFORE, the Defendant, by counsel, requests that the Information in this cause be dismissed with prejudice pursuant to the United States and Indiana Constitutions and I.C. 35-34-1-4(a)(8) and (9); and for all other relief proper in the premises.

Respectfully submitted,