

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**            )  
  )  
                  **Plaintiff,**                            )  
  )  
**v.**    )  
  )  
  )  
**MATTHEW O'DELL,**                            )  
  )  
                  **Defendant.**                        )

**No. 09-03065-01CR-S-ODS**

**MOTION FOR DETENTION**

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of MATTHEW O'DELL states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. An indictment has been filed charging the defendant with possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B).

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

“(E) any felony that is not otherwise a crime of violence that involves... a minor victim... .”

4. In July, 2009, the Springfield Police received notification that a 15 year old juvenile reported that MATTHEW O'DELL had groped his genitals while in the Days Inn in Springfield, Missouri. O'DELL was arrested and later charged with statutory sodomy in the Circuit Court for Greene County, Missouri. O'DELL's bond was later reduced from \$100,000.00 to \$50,000.00 by the Associate Circuit Court, with the condition, among others, that O'DELL have no access to the internet.

5. During the ensuing investigation, law enforcement officers located, in various locations, computers found to contain child pornography.

6. The officers also located video tapes containing recordings depicting youthful males engaged in sexually explicit conduct. The recordings also contain O'DELL's voice and other characteristics that identify the camera operator as O'DELL.

7. One of the males so depicted was been positively identified within the last two weeks as a minor.

8. O'DELL was arrested on September 15, 2009 by members of the Springfield Police Department. The officers confiscated a lap top computer that was observed in close proximity to O'DELL, in violation of the conditions of bond imposed in his state case.

9. The United States submits that there is clear and convincing evidence that there are no conditions which the Court could place on the defendant's release which would reasonably assure the defendant's appearance in Court and the safety of the community. See 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse,

criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a Detention Hearing be held and that the defendant be detained. See generally, United States v. Sazenski, 806 F.2d 846, 848 (8th Cir. 1986); United States v. Warren, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant.

Respectfully submitted,

Matt J. Whitworth  
Acting United States Attorney

By: /s/ James J. Kelleher  
James J. Kelleher  
Assistant United States Attorney  
Mo. Bar Number 51921

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on September 15, 2009, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

*/s/ James J. Kelleher*  
James J. Kelleher  
Assistant United States Attorney