

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. 06-538 JH

JOSEPH ALLEN BUTTS,

Defendant.

DEFENDANT JOSEPH BUTTS' MOTION TO JOIN IN CO-DEFENDANT DANUEL  
QUAINTANCE'S MOTION TO DISMISS INDICTMENT AND THE REPLY TO  
GOVERNMENT'S RESPONSE TO MOTION TO DISMISS INDICTMENT

The defendant, Joseph Butts, by and through his counsel, Bernadette Sedillo, respectfully moves the Court for an Order allowing defendant to join in the Motion to Dismiss Indictment filed on April 7, 2006 by co-defendant Danuel Quaintance and to join in the Reply to Government's Response to the Motion to Dismiss Indictment filed by co-defendant Danuel Quaintance on May 23, 2006. As grounds, counsel states as follows:

1. The defendant and co-defendant Danuel Quaintance are charged in a joint Superceding Indictment filed on May 17, 2006 with conspiracy to possess with intent to distribute 100 kilograms and more of marijuana.

2. On February 13, 2006 the defendant was arrested in Missouri and charged in Missouri with possession of marijuana with intent to distribute in the Missouri State court. The case was moved to federal court and the defendant was subsequently indicted in the United States District Court, Eastern District of Missouri on March 23, 2006. On May 17, 2006 the defendant was charged with conspiracy in a Superceding Indictment in the United States District Court, District of New Mexico, for the alleged conduct on

February 13, 2006. The defendant was transferred to New Mexico from Missouri and is pending arraignment on the Superceding Indictment.

3. Counsel for the defendant was appointed on June 26, 2006 and has reviewed the motion to dismiss indictment and the reply to the government's response to the motion to dismiss indictment that has been filed by co-defendant Danuel Quaintance and which is currently pending before the court. The facts and authority contained in the pleadings directly relate to Joseph Butts in that he is alleged to have possessed more than 100 kilograms of marijuana on February 13, 2006 in his capacity as an authorized courier for the Church of the Cognizant.

4. AUSA Luis Martinez was contacted and does not oppose this motion to join in co-defendant Danuel Quaintance's Motion to Dismiss Indictment and in the Reply to the Government's Response to Motion to Dismiss Indictment.

WHEREFORE, based on the foregoing, defendant Joseph Butts respectfully requests that this Court issue an Order allowing him to join in the pending Motion to Dismiss Indictment and in the Reply to the Government's Response to the Motion to Dismiss Indictment.

Respectfully submitted,

Electronically filed 6/28/06  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was mailed to the following persons on the 29th day of June 2006:

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