

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. CR-06-538 JH

JOSEPH ALLEN BUTTS,

Defendant.

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW, the Defendant Joseph Butts, by and through his attorney, Bernadette Sedillo, and pursuant to 18 U.S.C. §3161(h)(8)(A) respectfully moves the Court for an order continuing jury selection and trial now scheduled in this case for July 18, 2006. As grounds, Defendant states as follows:

1. The defendant is charged in a 4-defendant Superceding Indictment with conspiracy to possess with intent to distribute 100 kilograms and more of marijuana.

2. On February 13, 2006 the defendant was arrested pursuant to a traffic stop in Missouri and charged 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. Arraignment is scheduled for June 19, 2006.

3. The three co-defendants in this case are presently scheduled for trial and jury

selection on July 18, 2006.

4. Title 18 U.S.C. § 3161(c)(2) provides that a trial “shall not commence less than thirty days from the date on which the defendant first appears through counsel . . .”. Mr. Butts is scheduled to first appear through counsel on the superceding indictment on June 29, 2006, a date 20 days before the trial date.

5. Counsel for the defendant was appointed on June 26, 2008 and has just received the discovery in this case. Counsel has reviewed the motions that are currently pending in this case but has not had sufficient time to review the lengthy discovery. From the initial preview of the discovery, defense counsel anticipates that at least one pretrial motion to suppress will need to be filed on behalf of Mr. Butts.

6. Defense counsel requires additional time to meet with her client and review discovery in order to investigate this case and prepare an adequate defense.

7. Assistant United States Attorney Luis Martinez was contacted and does not oppose this motion.

8. Marc Robert, Counsel for the co-defendant Danuel Quaintance, was contacted and does not oppose this motion

9. Mario Esparza, Counsel for the co-defendant Mary Quaintance, was contacted and does not oppose this motion.

10. Leon Schydlower, Counsel for co-defendant Timothy Kripner, was contacted and does not oppose this motion.

11. In compliance with the provisions of 18 U.S.C. § 3161(h)(8)(A), the undersigned affirmatively states that the ends of justice will be served by granting this motion for continuance. Further, the undersigned represents that the necessity for complete and adequate

preparation of the facts and circumstances relating to pretrial matters and preparation of the defense in this case outweighs the interest of the public and the defendant in a speedy trial. This Continuance is not sought for the purpose of delay but in order that justice may be served.

WHEREFORE, Defendant respectfully requests that the jury selection and trial in this matter be continued from the July 18, 2006 docket, and rescheduled to the next available trial docket.

Respectfully submitted,

Electronically filed 6/28/06  
BERNADETTE SEDILLO  
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CERTIFICATE OF SERVICE

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

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