

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

UNITED STATES OF AMERICA,

§

Plaintiff,

§

§

§

v.

§

Cause No. CR 06-538 JH

§

DANUEL DEAN QUAINANCE,

§

§

Defendant.

§

UNOPPOSED MOTION FOR CONTINUANCE OF HEARING

DANUEL DEAN QUAINANCE, Defendant, by and through the undersigned appointed counsel, Marc H. Robert, Assistant Federal Public Defender, moves the Court for an order continuing the hearing on Mr. Quaintance's Motion to Dismiss Indictment in this case, presently set for July 12, 2006, and in support of this motion would respectfully show the Court as follows:

1. Mr. Quaintance is charged by superseding indictment filed on May 17, 2006 [Doc. 65] with conspiracy to possess more than 100 kilograms of marijuana with intent to distribute it, and possession of more than 50 kilograms of marijuana with intent to distribute. Mr. Quaintance was arraigned on the superseding indictment on June 2, 2006 and entered a not guilty plea to both charges. Trial is presently scheduled for July 18, 2006. Co-defendant Joseph Butts was arraigned on June 29, 2006. His pretrial motions are due on July 18, 2006. His counsel, Bernadette Sedillo, has filed an unopposed motion for continuance of the trial setting. Co-defendant Timothy Kripner was arraigned on the superseding indictment on June 30, 2006. His pretrial motions are due on July 19, 2006. The undersigned counsel submits

that the hearing on this important motion be postponed until all parties have had an opportunity to join in or add to the presently pending motion, or submit their own motions on related issues. The hearing should occur after the motion deadlines for all defendants.

2. Mr. Quaintance seeks to introduce expert testimony on anthropological issues and religion at the hearing on the motion to dismiss the indictment. Counsel is presently engaged in the process of retaining an expert. Additional time will be needed to finish that process.

3. The undersigned counsel will be out of state from Monday, July 31, 2006 through Sunday, August 13, 2006 on a long planned and paid for family trip. Counsel requests that the hearing on the motion to dismiss indictment be postponed until after counsel's return from that trip in order to permit the completion of the matters discussed herein.

4. The undersigned counsel has conferred with Assistant United States Attorney Luis A. Martinez and Amanda Gould concerning this matter. The government does not oppose this motion. The undersigned counsel has conferred with counsel for Mary Helen Quaintance and Joseph Butts concerning this motion. Those parties do not oppose this motion. The undersigned counsel was unable to reach counsel for co-defendant Timothy Jason Kripner before this motion was filed; however, it is believed that he will not oppose this motion.

5. 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 continuance. Further, the undersigned represents that the necessity for complete and adequate preparation of the facts and circumstances relating to pretrial matters in this case outweighs the interest

of the public and the defendant in speedy trial. Mr. Quaintance waives his speedy trial rights to the extent such waiver is necessary to grant the continuance requested herein.

WHEREFORE, for the foregoing reasons, DANUEL DEAN QUAINANCE, Defendant, by and through the undersigned counsel, respectfully prays that the Court enter an order granting a continuance of the motion hearing in this cause from its present setting on July 12, 2006 for at least 30 days, and providing for such other and further relief to which the Court may find Mr. Quaintance to be justly entitled.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER
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filed electronically on July 6, 2006
MARC H. ROBERT
Assistant Federal Public Defender
Las Cruces Office

Counsel for Mr. Quaintance

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Continuance of Motion Hearing was served on Assistant United States Attorney Luis A. Martinez and Amanda Gould, 555 Telshor, Suite 300, Las Cruces, New Mexico, 88011, by placing it in the box for the United States Attorney's Office at the United States District Court Clerk's office; Ms. Bernadette Sedillo, 201 N. Church St., Suite 330, Las Cruces, New Mexico 88001; Mr. Mario A. Esparza, P.O. Box 2468, Las Cruces, New Mexico 88004; and Mr. Leon Schydlower, 210 N. Campbell, El Paso, Texas 79901-1406 on July 6, 2006.

filed electronically on July 6, 2006
MARC H. ROBERT