

**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 TRIAL

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 trial of this case from its present setting, 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 possession of more than 100 kilograms of marijuana with intent to distribute it and conspiracy. Mr. Quaintance was arraigned on June 2, 2006 and entered a not guilty plea to all charges. Trial is presently scheduled for September 11, 2006. There are pending motions, including a motion to dismiss indictment and a motion for suppression of evidence (by Joseph Butts). Hearings on those motions have been held, at least in part. Mr. Quaintance is presently free on conditions of release.

2. Due to the likely impact of the Court's ruling on the motion to dismiss indictment, and the preparations which will be required in the event that the case proceeds to trial, counsel believes that a continuance of the trial is needed. Counsel is concerned that,

given the status of the case, trial as presently scheduled might jeopardize Mr. Quaintance's constitutional right to effective assistance of counsel.

3. The undersigned counsel has conferred with Assistant United States Attorneys Luis A. Martinez and Amanda Gould, with attorney Bernadette Sedillo (for Joseph Butts) and with attorney Mario Esparza (for Mary Helen Quaintance) concerning this matter. Neither the government nor any of the co-defendants oppose this motion, though Ms. Sedillo took no position as noted during the call of the calendar on August 31, 2006. Concurrence was not sought from attorney Leon Schydlower (for Timothy Kripner).

4. 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 trial in this cause from its present setting on the September 11, 2006 trial calendar to a date appropriate to the circumstances, 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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Las Cruces, NM 88001
(505) 527-6930
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filed electronically on August 31, 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 Trial Setting 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 designated for the United States Attorney's Office at the United States District Court Clerk's office; Mr. Mario A. Esparza, P.O. Box 2468, Las Cruces, New Mexico 88004; Ms. Bernadette Sedillo, 201 N. Church St., Suite 330, Las Cruces, New Mexico 88001; and Mr. Leon Schydlower, 210 N. Campbell, El Paso, Texas 79901-1406 on August 31, 2006.

filed electronically on August 31, 2006

MARC H. ROBERT

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