

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY HELEN QUAINANCE, et. al,

No. CR-2006-538 JH

Defendant.

**DEFENDANT'S UNOPPOSED MOTION FOR
CONTINUANCE OF DOCKET CALL AND JURY TRIAL**

COMES NOW, the Defendant, **MARY HELEN QUAINANCE**, by and through her attorney of record, Mario A. Esparza, and hereby moves this Court for an Order continuing the docket call and jury trial currently scheduled for October 19, 2006 and October 30, 2006. **AS GROUNDS** in support of said motion, Defendant would show the Court the following facts:

1. Undersigned counsel is scheduled to be in Oklahoma City, Oklahoma for a jury trial in the matter of **State of Oklahoma v. Gildardo Avila**, CF-2002-4767 beginning on October 12, 2006 and not returning until October 22, 2006. This matter has been pending for over four years and cannot be continued. Because of trial preparation for and his absence due to this Oklahoma matter, undersigned counsel will not be able to adequately prepare for the jury trial scheduled in this matter. In light thereof, Defendant is respectfully requesting a continuance of the jury trial and docket call in this matter.

2. The defendant is willing to waive her right to a speeding disposition pursuant to 18 U.S.C.A. § 3161 (h)(8)(A) and 18 U.S.C.A. § 5036. Further, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

3. The position of the Government was sought, via Mr. Luis Martinez, and he is unopposed to this motion being granted.

4. The position of counsel for co-Defendant Danuel Quaintance was sought, via Mr. Marc Robert, and he is unopposed to this motion being granted.

5. The position of counsel for co-Defendant Joseph Butts was sought, via Ms. Bernadette Sedillo, and she is unopposed to this motion being granted.

WHEREFORE for the foregoing reasons, Defendant prays for the above requested relief.

Respectfully Submitted,

Electronically Filed: 10-6-06

Mario A. Esparza
Attorney for Defendant Mary Quaintance
P.O. Box 2468
Las Cruces, NM 88004
(505) 524-8312

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing motion to be mailed to Mr. Luis Martinez, Mr. Marc Robert and Ms. Bernadette Sedillo on this 6th day of October 2006.

/s/
Mario A. Esparza