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 QUAINTANCE,   §
                                       §
    Defendant.   §

MOTION FOR CONTINUANCE OF TRIAL

DANUEL DEAN QUAINTANCE, 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 50 kilograms of marijuana with intent to distribute it and conspiracy to possess more than 100 kilograms of marijuana with intent to distribute. Mr. Quaintance was arraigned on June 2, 2006 and entered a not guilty plea to all charges. Trial is presently scheduled for February 20, 2007.

2.   The Court has denied Mr. Quaintance's motion to dismiss the indictment on the basis of the First Amendment to the United States Constitution and the Religious Freedom Restoration Act. The parties are negotiating a possible conditional plea agreement. A plea agreement had been reached and a plea hearing scheduled, but the government is considering renegotiating one of the terms of the plea agreement. That has required the vacation of the

plea agreement and the resumption of negotiations. That process will continue. In the meantime, counsel have scheduling conflicts which have arisen in both February, at the time of the presently scheduled trial, and in March. Mr. Quaintance and Ms. Quaintance ask that the trial be postponed for at least sixty days so that negotiations can continue and conflicts may be accommodated.

3.   The undersigned counsel has conferred with Assistant United States Attorney Luis A. Martinez, with attorney Bernadette Sedillo (for Joseph Butts) and with attorney Mario Esparza (for Mary Helen Quaintance) concerning this matter. The government does not oppose this motion. Ms. Quaintance does not oppose this motion. Mr. Butts does not oppose this motion.

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 QUAINTANCE, 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 February 20, 2007 trial calendar of at least sixty (60); 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 January 23, 2007
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 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 on January 23, 2007.

filed electronically on January 23, 2007
MARC H. ROBERT

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