

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 06-0538 JH

DANUEL QUAINANCE,  
MARY QUAINANCE,  
JOSEPH BUTTS,

Defendants.

***UNOPPOSED JOINT MOTION TO  
VACATE AND CONTINUE TRIAL***

The Defendants, Danuel Quaintance, Mary Quaintance and Joseph Butts, by and through their respective counsel, pursuant to 18 U.S.C. 3161(h)(1)(F), 18 U.S.C. 3161(h)(8)(A), and 18 U.S.C. 3161(h)(8)(B)(iv), hereby move this Court, *unopposed*, for an Order both vacating and continuing the current trial setting, and as grounds for said motion would show to the Court as follows:

1. The above referenced cause, currently appears on the Court's June 18, 2007 trial calendar.
2. On June 6, 2007, this Court conducted a status conference with all parties represented by counsel.
3. During the course of the status conference, all parties indicated that due to the current pending interlocutory appeal with the United States Court of Appeals, this Court would be without jurisdiction to proceed to trial at this time.
4. Further, this Court has, in anticipation of a speedy determination by the United States Court of Appeals, determined that the matter will be reset on the Court's August 20, 2007 trial

calendar.

5. All parties concur with this motion.

6. The time period of the extension shall be excluded in computing the time within which the trial must commence pursuant to 18 U.S.C. 3161(h)(1)(F), 18 U.S.C. 3161(h)(8)(A), and 18 U.S.C. 3161(h)(8)(B)(iv). Continuance of the trial from June 18, 2007 to August 20, 2007, does not result from congestion of the Court's docket; instead, continuance is required for the reasons stated above.

WHEREFORE, Defendants Danuel Quaintance, Mary Quaintance and Joseph Butts respectfully request that this Court enter an Order vacating and continuing the current trial setting.

/s/electronically signed

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I hereby certify that a true and correct copy of the foregoing was faxed to the Assistant U.S. Attorney on this 6<sup>th</sup> day of June, 2007.

/s/electronically signed