

UNITED STATES DISTRICT COURT
FOR THE TENTH CIRCUIT DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

JOSEPH ALLEN BUTTS,

Defendant-Appellant,

CASE NUMBERS

District Court No. CR-06-538 JH

Court of Appeals No. _____

(if known)

DESIGNATION OF RECORD ON APPEAL

NOTE: THIS DESIGNATION FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.

Those original papers which have been designated by circling their respective docket numbers (or dates of entry) on the attached copy of the district court's docket sheets should be included in the record on appeal prepared by the clerk of the district court and transmitted to the clerk of the court of appeals. (If the district court clerk so elects, original papers may be retained in the district court and copies thereof may be included in the record on appeal.)

The following items should also be included in the record on appeal. (Portions of transcripts should be designated by hearing dates and page numbers.)

1. Transcript of Proceedings before District Judge Judith C. Herrera of motion hearing held on August 21, 2006 through August 23, 2006.
2. _____
3. _____
4. _____
5. _____

(Attach additional sheets if necessary.)

Signature: Bernadette Sidillo
Counsel for Joseph Allen Butts

I HEREBY CERTIFY that a copy of this designation, with docket sheets attached, was mailed to opposing counsel and to the clerk of the court of appeals on this 6th day of June, 2007.

Signature: Bernadette Sidillo
Counsel for Joseph Allen Butts

INSTRUCTIONS

If appellant is represented by court-appointed counsel, or is represented by retained counsel, but a co-defendant who appeals is represented by court-appointed counsel, appellant's counsel must designate the record on appeal by completing and filing this form with the clerk of the district court within 10 days after filing the appeal and copy must be filed with the clerk of the court of appeals. Within 10 days after service of appellant's designation, appellee may file and serve an additional designation. Copies of the district court docket sheets should be attached to every copy of a designation filed or served.

Although nonessential parts of the district court record should not be designated for inclusion in the record on appeal, it is counsel's responsibility to see that the record on appeal is sufficient for consideration and determination of the issues on appeal, and the court is under no obligation to remedy any failure of counsel to fulfill that responsibility.

Every record on appeal must contain: 1) the last amended complaint and answer, or the indictment or information and any superseding indictment or information; 2) the final pretrial order (if any); 3) the district court's (and bankruptcy court's or magistrate's) pertinent findings and conclusions, opinions, or order, and, if the findings and conclusions were stated orally, a copy of the transcript pages where they appear; 4) the final judgment or order from which the appeal is taken; 5) all jury instructions when an instruction is an issue on appeal, along with proposed instructions which were refused; 6) the notice of appeal; and 7) the district court docket sheets.

The following additional items should be included in the record on appeal under the circumstances indicated: 1) a copy of the pages of reporter's transcript at which the evidence, offer of proof, instruction, ruling, or order and any necessary objection are reproduced when an appeal is based upon a challenge to the admission instruction, or any other ruling or order; 2) copies of key trial exhibits if the appeal requires an analysis of those exhibits (exhibits withdrawn from the district court should not be designated, but may be included in an addendum to the party's appellate brief); 3) relevant portions of briefs, memoranda, affidavits and depositions filed in support of, or in opposition to, a substantive motion—such as a motion for summary judgment, motion order granting or denying the motion; 4) other items, including excerpts of transcripts, if expressly referred to in the brief and relevant to an issue raised on appeal.

APPEAL, RELEASE

U.S. District Court
District of New Mexico - Version 3.0 (Las Cruces)
CRIMINAL DOCKET FOR CASE #: 2:06-cr-00538-JCH All Defendants

Case title: USA v. Quaintance, et al
Magistrate judge case number: 2:06-mj-03655

Date Filed: 12/22/2006

Assigned to: District Judge Judith C.
Herrera

Defendant**Danuel Dean Quaintance (1)**

represented by **Jerry Daniel Herrera**
509 13th Street SW
Albuquerque, NM 87102
505.262.1003
Fax: 505.243.0094
Email: jd@jdherreralaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Marc H. Robert
Federal Public Defender's Office
500 S Main
#600
Las Cruces, NM 88001
505-527-6930
Fax: (505)527-6933
Email: marc_robert@fd.org
TERMINATED: 05/11/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

21:846 CONSPIRACY
(1)

21:846: CONSPIRACY
(1s)

21:841(a)(1) and 21:841(b)(1)(C)
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA AND 18:2

Disposition

AIDING AND ABETTING

(2)

21:841(a)(1) & 21:841(b)(1)(C):
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA & 18:2
AIDING AND ABETTING
(2s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: District Judge Judith C.
Herrera

Defendant

Mary Helen Quaintance (2)

represented by **John F Robbenhaar**
1011 Lomas NW
Albuquerque, NM 87102
505-242-1950
Fax: 505-243-6279
Email: john@robbenhaarlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Mario A. Esparza
Mario A. Esparza Attorney at Law
P.O. Box 2468
Las Cruces, NM 88004
(505) 524-8312
Fax: (505) 526-6449
Email: esparza@zianet.com
TERMINATED: 05/18/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY

(1)

21:846: CONSPIRACY

(1s)

21:841(a)(1) and 21:841(b)(1)(C)
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA AND 18:2
AIDING AND ABETTING

(2)

21:841(a)(1) & 21:841(b)(1)(C):
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA & 18:2
AIDING AND ABETTING

(2s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Disposition

Disposition

Assigned to: District Judge Judith C.
Herrera

Defendant

Timothy Jason Kripner (3)

represented by **Leon Schydlower**
Schydlower & Harbour
303 Texas Avenue
9th Floor
El Paso, TX 79901
915-532-0900
Email: leon@schydlower.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY
(1)

21:846: CONSPIRACY
(1s)

21:841(a)(1) and 21:841(b)(1)(C)
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA AND 18:2
AIDING AND ABETTING
(2)

21:841(a)(1) & 21:841(b)(1)(C):
POSSESSION WITH INTENT TO
DISTRIBUTE 50 KILOGRAMS AND
MORE OF MARIJUANA & 18:2
AIDING AND ABETTING
(2s)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: District Judge Judith C.
Herrera

Defendant

Joseph Allen Butts (4)

represented by **Bernadette Sedillo**
Law Office of Bernadette Sedillo
201 N. Church St., Ste. 330
Las Cruces, NM 88001
(505)541-1644
Fax: (505)541-9042
Email: sedillobernadett@qwest.net

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment*

Pending Counts

21:846: CONSPIRACY
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Material Witness

Anna Dibble

represented by **Jacquelyn Robins**
812 Marquette NW
Albuquerque, NM 87102
505-242-5359
Fax: 505-247-1954
Email: jrobins@nm.net
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment*

Material Witness

Michael D Senger

represented by **Kari Converse**
Law Offices of Kari Converse
2001 Carlisle, NE, Suite E
Albuquerque, NM 87110
(505)262-8597
Fax: (505)262-1730
Email: kariconverse@earthlink.net
*TERMINATED: 06/04/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Designation: CJA Appointment

Third Party Custodian

Joe Ruiz

Plaintiff

USA

represented by **Luis A Martinez**
 U.S. Attorney's Office
 555 S. Telshor, Suite 300
 Las Cruces, NM 88011
 Email: luis.a.martinez@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
02/22/2006		DEFENDANTS Danuel D. Quaintance, Mary Helen Quaintance & Timothy Jason Kripner arrested [2:06-m -3655] (klg) (Entered: 02/24/2006)
02/24/2006	1	CRIMINAL COMPLAINT by USA naming Danuel D. Quaintance, Mary Helen Quaintance & Timothy Jason Kripner by Magistrate Judge William P. Lynch [2:06-m -3655] (klg) (Entered: 02/24/2006)
02/24/2006	2	CLERK'S MINUTES: before Magistrate Judge William P. Lynch first appearance of Danuel D. Quaintance, Mary Helen Quaintance, and Timothy Jason Kripner on Complaint Attorney Michelle Engert present; gov't orally moves to detain defts; all defts remain in custody Tape #: FTR-LCS [2:06-m -3655] (mlg) (Entered: 02/24/2006)
02/24/2006	3	ORDER by Magistrate Judge William P. Lynch for defendant Danuel D. Quaintance appointing attorney Marc Robert (cc: all counsel) * [2:06-m -3655] (mlg) (Entered: 02/24/2006)
02/24/2006	4	CJA Form 20 Copy 4 (Appointment of Counsel) for defendant Mary Helen Quaintance appointing Mario A. Esparza [2:06-m -3655] (ja) (Entered: 02/24/2006)
02/24/2006	5	CJA Form 20 Copy 4 (Appointment of Counsel) for defendant Timothy Jason Kripner appointing Leon Schydlower [2:06-m -3655] (ja) (Entered: 02/24/2006)
02/24/2006	6	MOTION for order for immediate release and return of property by Mary Helen Quaintance, pro se [2:06-m -3655] (vd) (Entered: 02/24/2006)
02/24/2006	7	MOTION for order for immediate release and return of property by Danuel D. Quaintance, pro se [2:06-m -3655] (vd) Modified on

		02/24/2006 (Entered: 02/24/2006)
02/28/2006	8	WAIVER of preliminary hrg & grand jury presentment w/in 75 days of arrest by deft Timothy Jason Kripner [2:06-m -3655] (rg) (Entered: 02/28/2006)
02/28/2006	9	WAIVER of preliminary hrg & grand jury presentment w/in 75 days of arrest by deft Mary Helen Quaintance [2:06-m -3655] (rg) (Entered: 02/28/2006)
02/28/2006	10	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez Defts Kripner and M. Quaintance waive preliminary hearing and right to grand jury presentment; Deft Kripner to be released on \$10,000 unsecured bond, third party custodian and electronic monitoring w/conditions; Deft Kripner remains in custody until all conditions are met; deft M. Quaintance detained as a flight risk and a danger to the community Tape #: FTR-LCS [2:06-m -3655] (mlg) (Entered: 02/28/2006)
02/28/2006	11	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez Court finds probable cause as to Deft D. Quaintance; deft detained as a flight risk and a danger to the community Tape #: FTR-LCS [2:06-m -3655] (mlg) (Entered: 02/28/2006)
02/28/2006	12	ORDER of Detention of Mary Helen Quaintance pending Trial by Magistrate Judge Lourdes A. Martinez * [2:06-m -3655] (mlg) (Entered: 02/28/2006)
02/28/2006	13	ORDER of Detention of Danuel D. Quaintance pending Trial by Magistrate Judge Lourdes A. Martinez * [2:06-m -3655] (mlg) (Entered: 02/28/2006)
02/28/2006	14	ORDER by Magistrate Judge Lourdes A. Martinez setting conditions of release for Timothy Jason Kripner adding Joseph Kripner as 3rd party custodian \$10,000.00 Unsecured Bond made [2:06-m -3655] (eg) (Entered: 03/02/2006)
02/28/2006	15	APPEARANCE BOND (\$10,000.00 Unsecured Bond) by Timothy Jason Kripner [2:06-m -3655] (eg) Modified on 03/17/2006 (Entered: 03/02/2006)
03/02/2006	16	MOTION for reconsideration of detention order by Danuel D. Quaintance [2:06-m -3655] (mlg) (Entered: 03/03/2006)
03/06/2006	17	MOTION to reconsider conditions of release by Mary Helen Quaintance [2:06-m -3655] (eg) (Entered: 03/07/2006)
03/08/2006	18	APPEAL FROM MAGISTRATE'S DETENTION ORDER and withdrawal of Motion for Reconsideration of Detention Order by Danuel D. Quaintance [13-1] [2:06-m -3655] (mlg) (Entered: 03/08/2006)
03/08/2006	19	WITHDRAWAL OF NOTICE of Appeal of Detention order by Danuel D. Quaintance [2:06-m -3655] (mlg) (Entered: 03/08/2006)

03/09/2006	20	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez Motion hearing on both defts Quaintance motions for reconsideration [17-1] and [16-1]; Both defts are to be released on \$5,000 secured bond (no cash or property) and Third Party Custodian w/conditions; Defts remain in custody until conditions are met Tape #: FTR-LCS [2:06-m - 3655] (seal) (Entered: 03/09/2006)
03/09/2006	21	ORDER by Magistrate Judge Lourdes A. Martinez setting conditions of release for Mary Helen Quaintance adding Laythol Wayne Quaintance as 3rd party custodian \$5,000.00 Secured Bond made [2:06-m -3655] (eg) (Entered: 03/10/2006)
03/09/2006	22	APPEARANCE BOND (\$5,000.00 Secured) by Mary Helen Quaintance Receipt # 1890 [2:06-m -3655] (eg) Modified on 03/17/2006 (Entered: 03/10/2006)
03/09/2006	23	ORDER by Magistrate Judge Lourdes A. Martinez setting conditions of release for Danuel D. Quaintance adding Laythol Wayne Quaintance and Joe Ruiz as 3rd party custodian \$5,000.00 Secured Bond made [2:06-m - 3655] (eg) (Entered: 03/10/2006)
03/09/2006	24	APPEARANCE BOND (\$5,000.00 Secured) by Danuel D. Quaintance; Receipt # 1889 [2:06-m -3655] (eg) Modified on 03/17/2006 (Entered: 03/10/2006)
03/15/2006	25	INDICTMENT by USA Luis Armando Martinez. Counts filed against Danuel D. Quaintance (1) count(s) 1, 2, Mary Helen Quaintance (2) count(s) 1, 2, Timothy Jason Kripner (3) count(s) 1, 2 (rlc) (Entered: 03/17/2006)
03/15/2006		SUMMONS issued as to Danuel D. Quaintance; arraignment set for 3/29/06 at 9:00 a.m. before Magistrate Judge William P. Lynch (rlc) (Entered: 03/17/2006)
03/15/2006		SUMMONS issued as to Mary Helen Quaintance; arraignment set for 3/29/06 at 9:00 a.m. before Magistrate Judge William P. Lynch (rlc) (Entered: 03/17/2006)
03/15/2006		SUMMONS issued as to Timothy Jason Kripner; arraignment set for 3/29/06 at 9:00 a.m. before Magistrate Judge William P. Lynch (rlc) (Entered: 03/17/2006)
03/29/2006	26	CLERK'S MINUTES: before Magistrate Judge William P. Lynch deft Timothy Jason Kripner arraigned; not guilty plea entered; Attorney Leon Schydlower present; mnts due 4/18/06; court to notify as to trial date; deft in custody Tape #: FTR-LCS (*) (bap) (Entered: 03/29/2006)
03/29/2006	27	CLERK'S MINUTES: before Magistrate Judge William P. Lynch deft Mary Helen Quaintance arraigned; not guilty plea entered; Attorney Mario Esparza present; mnts due 4/18/06; court to notify as to trial date; deft in custody Tape #: FTR-LCS (*) (bap) (Entered: 03/29/2006)
03/29/2006	28	CLERK'S MINUTES: before Magistrate Judge William P. Lynch deft Danuel Dean Quaintance arraigned; not guilty plea entered; Attorney

		Marc Robert present; mtns due 4/18/06; court to notify as to trial date; deft in custody Tape #: FTR-LCS (*) (bap) (Entered: 03/29/2006)
03/29/2006	29	DISCOVERY ORDER by Magistrate Judge William P. Lynch as to defts Kripner and Mary & Daniel Quaintance (cc: all counsel*) (bap) (Entered: 03/29/2006)
03/30/2006	30	WAIVER of appearance at arraignment & entry of not guilty plea by deft Mary Helen Quaintance w/approval from U.S. Magistrate Judge William P. Lynch (yc) Modified on 03/31/2006 (Entered: 03/31/2006)
03/30/2006	31	WAIVER of appearance at arraignment & entry of not guilty plea by deft Danuel Dean Quaintance w/approval from U.S. Magistrate Judge William P. Lynch (yc) (Entered: 03/31/2006)
04/05/2006	32	SUMMONS returned executed upon Mary Helen Quaintance on 3/23/06 (bc) (Entered: 04/05/2006)
04/05/2006	33	SUMMONS returned executed upon Danuel Dean Quaintance on 3/23/06 (bc) (Entered: 04/05/2006)
04/07/2006	34	MOTION and memorandum in support of to dismiss indictment by Danuel Dean Quaintance (*) (bap) (Entered: 04/10/2006)
04/10/2006	35	MOTION for joinder to join deft Danuel Quaintance's motion to dismiss indictment [34-1] by Mary Helen Quaintance (*) (bap) (Entered: 04/10/2006)
04/12/2006	36	SUMMONS Returned Unexecuted for Timothy Jason Kripner (yc) (Entered: 04/13/2006)
04/14/2006	37	ORDER by District Judge Judith C. Herrera granting deft Mary Helen Quaintance's motion for joinder to join deft Danuel Quaintance's motion to dismiss indictment [34-1] [35-1] (cc: all counsel) (mjr) (Entered: 04/14/2006)
04/17/2006	38	MOTION to sever defts by Mary Helen Quaintance (yc) (Entered: 04/18/2006)
04/18/2006	39	MOTION and memorandum for suppression of evidence by Danuel Dean Quaintance (*) (seal) (Entered: 04/18/2006)
04/19/2006	40	NOTICE of Hearing for defendants herein jury selection/trial set for 5/23/06 at 9:00 am before Judge Herrera in Las Cruces (cc: all counsel) * (vv) (Entered: 04/19/2006)
04/24/2006	41	RESPONSE by USA to defts Quaintance's motion to dismiss indictment [34-1] (*) (bap) (Entered: 04/25/2006)
04/25/2006	42	NOTICE OF FILING EXHIBITS (addendum) by USA re its motion response to defts Danuel Dean Quaintance & Mary Helen Quaintance's mtn to dismiss indictment [41-1] (yc) (Entered: 04/25/2006)
04/27/2006	43	RESPONSE by USA to motion for suppression of evidence [39-1] * (sl) (Entered: 04/27/2006)

05/01/2006	<u>44</u>	NOTICE by deft Danuel Dean Quaintance of Waiver of Separate Counsel (td) (Entered: 05/02/2006)
05/01/2006	<u>45</u>	NOTICE by deft Mary Helen Quaintance of Waiver of Separate Counsel (td) (Entered: 05/02/2006)
05/01/2006	<u>46</u>	MOTION & Memorandum by pltf (pro se) to dismiss & substitute atty (td) (Entered: 05/02/2006)
05/01/2006	<u>47</u>	UNOPPOSED MOTION to continue trial set for 5/23/06 by Danuel Dean Quaintance (*) (bap) (Entered: 05/02/2006)
05/01/2006	<u>48</u>	MOTION to amend conditions of release by Danuel Dean Quaintance (*) (bap) (Entered: 05/02/2006)
05/01/2006	<u>49</u>	RESPONSE by USA to deft Mary Helen Quaintance' motion to sever defts [38-1] (*) (bap) (Entered: 05/02/2006)
05/01/2006	<u>50</u>	NOTICE of Hearing for defendant Danuel Dean Quaintance on motion for suppression of evidence [39-1] at 9:30 am on 5/17/06 before Judge Herrera in Santa Fe, NM (cc: all counsel*) (bap) (Entered: 05/02/2006)
05/02/2006	<u>51</u>	MOTION to join deft Danuel Quaintance's motion for suppression of evidence [39-1] by Mary Helen Quaintance (*) (bap) (Entered: 05/02/2006)
05/05/2006	<u>52</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Judith C. Herrera granting deft Quaintance's motion to continue trial set for 5/23/06 [47-1] jury trial is continued until 7/18/06 (cc: all counsel) (mjr) (Entered: 05/05/2006)
05/05/2006	<u>53</u>	MOTION to withdraw attorney Mario Esparza by Mary Helen Quaintance (*) (bap) (Entered: 05/05/2006)
05/08/2006	<u>54</u>	ORDER by District Judge Judith C. Herrera granting deft Mary Helen Quaintance's motion to join deft Danuel Quaintance's motion for suppression of evidence [39-1] [51-1] (cc: all counsel) (bap) Modified on 05/10/2006 (Entered: 05/08/2006)
05/08/2006	<u>55</u>	NOTICE of Hearing for defendant Mary Helen Quaintance on motion to withdraw attorney Mario Esparza [53-1] at 10:00 am on 5/12/06 before Judge Herrera in Santa Fe, NM (cc: all counsel*) (bap) (Entered: 05/08/2006)
05/08/2006	<u>56</u>	RESPONSE by USA to deft Danuel Quaintance's motion to amend conditions of release [48-1] (*) (bap) (Entered: 05/08/2006)
05/08/2006	<u>57</u>	MOTION to extend due date for reply to Govt's response to motion to dismiss to 5/22/06 by Danuel Dean Quaintance (*) (bap) (Entered: 05/09/2006)
05/09/2006	<u>58</u>	AMENDED RESPONSE by USA to deft Danuel Quaintance's motion to amend conditions of release [48-1] (*) (bap) (Entered: 05/09/2006)
05/09/2006	<u>59</u>	MOTION for travel funds from US Marshal by Danuel Dean Quaintance

		(*) (bap) (Entered: 05/09/2006)
05/10/2006	60	NOTICE of Hearing for defendant Mary Helen Quaintance on motion to withdraw attorney Mario Esparza [53-1] is rescheduled to 5/17/06 @ 3:00 pm before Judge Herrera in Santa Fe, NM (cc: all counsel*) (bap) (Entered: 05/10/2006)
05/10/2006	61	REPLY by deft Danuel Dean Quaintance to Govt's response to motion to amend conditions of release [48-1] (*) (bap) (Entered: 05/11/2006)
05/11/2006	62	ORDER by District Judge Judith C. Herrera granting deft Quaintance's motion to extend due date for reply to Govt's response to motion to dismiss until 5/22/06 [57-1] (cc: all counsel) (mjr) Modified on 05/16/2006 (Entered: 05/11/2006)
05/11/2006	63	ORDER by District Judge Judith C. Herrera granting deft Quaintance's motion for travel funds from US Marshal [59-1] (cc: all counsel) (mjr) (Entered: 05/11/2006)
05/12/2006	64	MOTION to join co-deft Danuel Quaintance's motion to amend conditions of release [48-1] by Mary Helen Quaintance (*) (bap) (Entered: 05/15/2006)
05/16/2006		TRANSCRIPT of Proceedings before Magistrate Judge Karen B. Molzen of Danuel Quaintance preliminary/detention hearing held on 02/28/06; (re [11-1]) lodged in separate file folder (pg) (Entered: 05/17/2006)
05/17/2006	65	SUPERSEDING Indictment by USA Luis Martinez naming Danuel Dean Quaintance (1) count(s) 1s, 2s, Mary Helen Quaintance (2) count(s) 1s, 2s, Timothy Jason Kripner (3) count(s) 1s, 2s, Joseph Allen Butts (4) count(s) 1 (bc) (Entered: 05/18/2006)
05/17/2006		SUMMONS issued as to Mary Helen Quaintance; arraignment set for 6/2/06 @ 9:00 am before U.S. Magistrate Judge Lourdes A. Martinez (bc) (Entered: 05/18/2006)
05/17/2006		SUMMONS issued as to Timothy Jason Kripner ;arraignment set for 6/2/06 @ 9:00 am before U.S. Magistrate Judge Lourdes A. Martinez (bc) (Entered: 05/18/2006)
05/17/2006		ARREST Warrant issued for Joseph Allen Butts (bc) (Entered: 05/18/2006)
05/17/2006	67	PETITION for action on conditions of pretrial release as to deft Timothy Jason Kripner & ORDER by U.S. Magistrate Judge Lourdes A. Martinez that an arrest warrant be issued (yc) (Entered: 05/19/2006)
05/17/2006		ARREST Warrant issued for Timothy Jason Kripner (yc) (Entered: 05/19/2006)
05/18/2006		SUMMONS issued as to Danuel Dean Quaintance; arraignment set for 6/2/06 @ 9:00 am before U.S. Magistrate Judge Lourdes A. Martinez (bc) (Entered: 05/18/2006)
05/19/2006	66	AMENDED RESPONSE by USA to motion to amend conditions of

		release as to Danuel Quaintance [48-1] (mjr) (Entered: 05/19/2006)
05/23/2006	68	REPLY by defendant Danuel Dean Quaintance to Govt's response to motion to dismiss indictment [34-1] (*) (bap) (Entered: 05/23/2006)
05/26/2006	69	MOTION for joinder co-deft Danuel Quaintances' reply to Govt's response to motion to dismiss indictment [34-1] by Mary Helen Quaintance (*) (bap) Modified on 05/31/2006 (Entered: 05/26/2006)
05/26/2006	70	ORDER by District Judge Judith C. Herrera granting deft Mary Helen Quaintance's motion for joinder in co-deft Danuel Quaintance's motion to dismiss indictment [69-1] (cc: all counsel) (bap) Modified on 06/08/2006 (Entered: 05/30/2006)
05/30/2006	73	ARREST Warrant returned executed as to defendant Timothy Jason Kripner; defendant arrested on 5/25/06 (yc) (Entered: 05/31/2006)
05/31/2006	71	RULE 40 Documents received from the Eastern District of Missouri, St Louis as to Joseph Allen Butts consisting of an order appointing atty; order setting conditions of release; initial appearance in Rule 5(c)(3); waiver of rule 5(c)(3) hrg & docket sheet (yc) (Entered: 05/31/2006)
05/31/2006	72	ORDER by U.S. Magistrate Judge David D. Noce of the Eastern District of Missouri, St Louis setting conditions of release for Joseph Allen Butts (yc) (Entered: 05/31/2006)
06/01/2006	74	WAIVER of appearance at arraignment & entry of plea of not guilty by deft Mary Helen Quaintance & w/approval by U.S. Magistrate Judge Lourdes A. Martinez (yc) (Entered: 06/01/2006)
06/01/2006	75	ORDER by District Judge Judith C. Herrera withdrawing motion to withdraw attorney Mario Esparza [53-1] (cc: all counsel) (mjr) Modified on 06/02/2006 (Entered: 06/02/2006)
06/01/2006	76	ORDER by District Judge Judith C. Herrera granting motion to sever defts in the following manner (see order for specifics) [38-1] (cc: all counsel) (mjr) (Entered: 06/02/2006)
06/02/2006	77	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez deft Timothy Jason Kripner arraigned; not guilty plea entered; Attorney Leon Schydlower present; court to notify as to trial date; deft remains in custody Tape #: FTR-LCS @ 9:19 am (*) (bap) (Entered: 06/02/2006)
06/02/2006	78	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez deft Danuel Dean Quaintance arraigned; not guilty plea entered; Attorney Jane Greek for Marc Robert present; mtns due 6/22/06; court to notify as to trial date; deft in custody Tape #: FTR-LCS @ 9:19 am (*) (bap) (Entered: 06/02/2006)
06/02/2006	79	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez deft Mary Helen Quaintance arraigned; not guilty plea entered; Attorney Steven Almanza for Mario Esparza present; mtns due 6/22/06; court to notify as to trial date; deft in custody Tape #: FTR-LCS @ 9:19 am (*) (bap) (Entered: 06/02/2006)

06/02/2006	80	DISCOVERY ORDER by Magistrate Judge Lourdes A. Martinez as to defis Quaintance (cc: all counsel*) (bap) (Entered: 06/02/2006)
06/02/2006	81	WAIVER of appearance at arraignment & entry of plea of not guilty by deflt Danuel Dean Quaintance w/approval from U.S. Magistrate Judge Lourdes A. Martinez (yc) (Entered: 06/02/2006)
06/02/2006	82	SUMMONS returned executed upon Timothy Jason Kripner on 5/30/06 (yc) (Entered: 06/02/2006)
06/02/2006	83	SUMMONS returned executed upon Danuel Dean Quaintance on 5/30/06 (yc) (Entered: 06/02/2006)
06/02/2006	84	SUMMONS returned executed upon Danuel Dean Quaintance on 5/30/06 (yc) (Entered: 06/02/2006)
06/02/2006	85	SUMMONS returned executed upon Mary Helen Quaintance on 5/30/06 (yc) (Entered: 06/02/2006)
06/02/2006	86	SUMMONS returned executed upon Mary Helen Quaintance on 5/30/06 (yc) (Entered: 06/02/2006)
06/13/2006	87	RULE 40 Documents received from the District of Arizona, Tucson as to Timothy Jason Kripner consisting of NM warrant of arrest & petition for action on conditions of pretrial release, detention hrg clerk's minutes, commitment to another district & docket sheet (yc) (Entered: 06/13/2006)
06/15/2006	88	CLERK'S MINUTES: before District Judge Judith C. Herrera re hrg held on 5/17/06 on various motions [46-1], [39-1], [53-1] C/R: P. Baca (*) (bap) (Entered: 06/15/2006)
06/15/2006	89	NOTICE of Hearing for defendants Danuel Dean Quaintance, Mary Helen Quaintance and Timothy Jason Kripner jury selection/trial is set for 7/18/06 @ 9:00 am before Judge Herrera in Las Cruces, NM (cc: all counsel*) (bap) Modified on 06/20/2006 (Entered: 06/15/2006)
06/20/2006	90	MOTION for travel funds from US Marshal by Danuel Dean Quaintance (*) (bap) (Entered: 06/20/2006)
06/22/2006	91	ENTRY OF APPEARANCE of Attorney for plaintiff USA by Amanda Gould (*) (bap) (Entered: 06/23/2006)
06/22/2006	93	MOTION for order to stay order amending conditions of release by USA as to Danuel Dean Quaintance, Mary Helen Quaintance (*) (bap) (Entered: 06/23/2006)
06/22/2006	94	MOTION to suppress by Timothy Jason Kripner (*) (bap) (Entered: 06/23/2006)
06/22/2006	95	MOTION to dismiss indictment and joinder in co-deflt Quaintances's same motion by Timothy Jason Kripner (*) (bap) (Entered: 06/23/2006)
06/22/2006	96	ORDER by Magistrate Judge Lourdes A. Martinez granting deflt Danuel Quaintance's motion for travel funds from US Marshal [90-1] (cc: all counsel) (yc) (Entered: 06/26/2006)