

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.

**JOINT MOTION TO VACATE AND CONTINUE
CALENDAR CALL AND TRIAL SETTINGS**

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 for an Order vacating and continuing the current calendar call and trial settings, and as grounds for said motion would show to the Court as follows:

1. This Court has scheduled a calendar call for August 9, 2007.
2. The trial in this matter is currently scheduled for August 20, 2007.
3. Counsel for Defendants have filed an interlocutory appeal with the United States Court of Appeals for the Tenth Circuit. At this time, there has been no decision or direction from the Court of Appeals relative to the interlocutory appeal.
4. While this appeal is pending, this Court is without jurisdiction to proceed to trial on the merits.
5. Counsel attempted to contact Assistant United States Attorney Luis Martinez, but as of the date and time of the filing of this motion counsel has not received a response. Concurrence,

however, would be presumed.

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 calendar call and trial settings.

/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 2nd day of August, 2007.

/s/ electronically signed