

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 September 13, 2007.
2. The trial in this matter is currently scheduled for September 25, 2007.
3. Counsel for Defendants have filed an interlocutory appeal with the United States Court of Appeals for the Tenth Circuit. At this time, the Court advises that the record is still not complete with a transcript still due. Once the record is complete, counsel are anticipating a briefing schedule. Therefore, this Court is currently without jurisdiction to proceed to trial on the merits.
4. Counsel has contacted Assistant United States Attorney Luis Martinez, who does not oppose this motion.
5. 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).

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 7th day of September, 2007.

/s/ electronically signed