

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. CR 06-538 JH

DANUEL QUAINANCE et al.,

Defendant.

JOINT, UNOPPOSED MOTION TO VACATE TRIAL SETTING

Defendants Danuel Quaintance, Mary Quaintance, and Joseph Butts, by and through their respective attorneys Jerry Daniel Herrera, John F. Robbenhaar, and Bernadette Sedillo, respectfully request this Court to vacate the jury selection and trial presently scheduled for June 16, 2008. As grounds in support, the Defendants state as follows:

1. The Court has scheduled a calendar call on June 5, 2008.
2. Jury trial is scheduled to commence on June 16, 2008.
3. The defendants recently completed an interlocutory appeal to the Tenth Circuit Court of Appeals, which issued its decision denying relief in April 2008. Subsequent to the decision from the Tenth Circuit, the parties have engaged in discussions concerning possible resolution of the case. These discussions are ongoing.
4. Undersigned counsel respectfully submits that trial in June 2008 does not afford the parties adequate time to fully explore plea negotiations. Furthermore, counsel for the defendants would benefit from additional time to prepare for trial in the event a pre-trial resolution is not reached.
5. Undersigned counsel has contacted the Assistant United States Attorney Luis

Martinez, who does not oppose the relief sought herein.

6. The parties agree that the time between this motion and the trial date should be excluded for speedy trial purposes under Title 18 U.S.C. §3161(h)(8)(A).

7. Undersigned counsel notifies the Court that he will be unavailable and out-of-state from July 21-28, 2008. Counsel for Danuel Quaintance, J.D. Herrera, has trial settings on August 4, September 15, September 22, and October 20. Accordingly, undersigned counsel requests that trial in this matter be scheduled in late August or early October, 2008, if that is possible.

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

Respectfully submitted,

Filed Electronically
JOHN F. ROBBENHAAR
Attorney for Mary Quaintance
1011 Lomas Blvd. NW
Albuquerque, New Mexico 87102
(505) 242-1950

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 28, 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

LUIS MARTINEZ, United States Attorney's Office
BERNADETTE SEDILLO, Esq.
JERRY DANIEL HERRERA, Esq.

Electronically Filed
JOHN F. ROBBENHAAR