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

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Cause No. CR 06-538 JH
	§	
DANUEL DEAN QUAINTANCE,	§	
	§	
Defendant.	§	

UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL

DANUEL DEAN QUAINTANCE, Defendant, by and through the undersigned appointed counsel, Marc H. Robert, Assistant Federal Public Defender, moves the Court for an order continuing the trial of this case from its present setting, and in support of this motion would respectfully show the Court as follows:

1.   Mr. Quaintance is charged by indictment filed on March 15, 2006 [Doc. 25] with possession of more than 50 kilograms of marijuana with intent to distribute it and conspiracy. Mr. Quaintance was arraigned on March 29, 2006 and entered a not guilty plea to both charges. Trial is presently scheduled for May 23, 2006. There are pending motions, including a motion to dismiss indictment, a motion for suppression of evidence and a motion for severance (by Mary Helen Quaintance). Those motions are not presently scheduled for hearing. Mr. Quaintance is presently free on conditions of release [Doc. 23].

2.   The undersigned counsel believes that the trial of this case should not occur until after the motion to dismiss has been resolved, and the parties have an opportunity to decide on the appropriate course of action from that point. The Court's decision on the motion to

dismiss could have an impact on the parties' thinking about the need for a trial. For that reason, the trial should be reset for a reasonable period of time after the date on which the Court rules on the motion to dismiss, which would follow an evidentiary hearing on that motion. The undersigned counsel asks that the trial setting be vacated, and that trial not be reset until the Court rules on the motion to dismiss.

3.   The undersigned counsel has conferred with Assistant United States Attorney Luis A. Martinez concerning this matter. The government does not oppose this motion. Counsel was unable to reach counsel for Mary Helen Quaintance and Timothy Jason Kripner before this motion was filed; accordingly, their positions concerning this motion are unknown.

4.   In compliance with the provisions of 18 U.S.C. § 3161(h)(8)(A), the undersigned affirmatively states that the ends of justice will be served by granting this continuance. Further, the undersigned represents that the necessity for complete and adequate preparation of the facts and circumstances relating to pretrial matters in this case outweighs the interest of the public and the defendant in speedy trial. Mr. Quaintance waives his speedy trial rights to the extent such waiver is necessary to grant the continuance requested herein.

WHEREFORE, for the foregoing reasons, DANUEL DEAN QUAINTANCE, Defendant, by and through the undersigned counsel, respectfully prays that the Court enter an order granting a continuance of the trial in this cause from its present setting on the May 23, 2006 trial calendar to the next available trial calendar, and providing for such other and further relief to which the Court may find Mr. Quaintance to be justly entitled.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER
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filed electronically on May 1, 2006
MARC H. ROBERT
Assistant Federal Public Defender
Las Cruces Office

Counsel for Mr. Quaintance

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion for Continuance of Trial Setting was served on Assistant United States Attorney Luis A. Martinez and Amanda Gould, 555 Telshor, Suite 300, Las Cruces, New Mexico, 88011, by placing it in the box designated for the United States Attorney's Office at the United States District Court Clerk's office; Mr. Mario A. Esparza, P.O. Box 2468, Las Cruces, New Mexico 88004; and Mr. Leon Schydlower, 210 N. Campbell, El Paso, Texas 79901-1406 on May 1, 2006.

filed electronically on May 1, 2006
MARC H. ROBERT

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