UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

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| UNITED STATES OF AMERICA | |
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| V. | |
| TIMOTHY JASON KRIPNER | |

No. 06-CR-538-JH

MOTION TO DISMISS INDICTMENT AND JOINDER IN CO-DEFENDANT QUAINTANCE'S SAME MOTION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Timothy Jason Kripner ("Kripner"), Defendant herein, through his undersigned counsel, and files this Motion to Dismiss the Indictment in the cause, and in support thereof shows as follows.

Procedural Background In This Case

Kripner is charged in a two-count Superseding Indictment with possession with the intent to distribute 100 kilograms and 50 kilograms and more of Marijuana. Trial is scheduled for July 18, 2006, and the motions deadline is June 22, 2006.

On April 7, 2006, co-Defendant Daniel Dean Quaintance filed a Motion to Dismiss the Indictment in this cause. For the same reasons and argument contained in Quaintance's motion, Kripner moves that the indictment in this cause be dismissed, and also joins in Quaintance's motion.

WHEREFORE, PREMISES CONSIDERED, Kripner prays that this Court grant an evidentiary hearing, and dismiss the indictment in this cause. Respectfully submitted,

ELECTRONICALLY FILED

LEON SCHYDLOWER Attorney at Law 210 N. Campbell St. El Paso, Texas 79901 (915) 532-3601 (915) 532-2041 (FAX) New Mexico State Bar. No. 12506 Attorney for DEFENDANT

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on Assistant U.S. Attorney Luis Martinez, 555 S. Telshor, Ste. 300, Las Cruces, New Mexico 88001, and Mario Esparza, P.O. Box 2468, Las Cruces, New Mexico, 88004, **via facsimile**, this 23nd day of June, 2006.

ELECTRONICALLY FILED LEON SCHYDLOWER