

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

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-00212 MCA

vs.

JAMAICO TENNISON,

Defendant.

**DEFENDANT JAMAICO TENNISON'S EIGHTH UNOPPOSED
MOTION TO CONTINUE TRIAL AND FOR A FIRM TRIAL SETTING**

Mr. Jamaica Tennison, by and through undersigned counsel and pursuant to D.N.M.LR-Cr. 47.5 and 18 U.S.C. § 3161(h), respectfully moves the Court to continue the trial in this matter, currently scheduled for July 11, 2016, for sixty (60) days and for the Court to set a firm trial setting. The government, through Assistant U.S. Attorney Kyle Nayback, does not oppose this motion. As grounds, Mr. Tennison states:

1. On January 21, 2015, a grand jury indictment was filed in this Court charging Mr. Tennison with one count of Abusive Sexual Contact of a Minor, in violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3). (Doc. 2.) The government alleges that Mr. Tennison, on one occasion in April 2014, inappropriately touched his niece, K.C., through her pajamas.
2. Mr. Tennison was arrested on January 23, 2015, (*see* Doc. 4), and arraigned on January 28, 2015. Mr. Tennison is currently on release at La Pasada with strict conditions. (*See* Docs 32 & 46.)
3. Through various orders, trial has been continued in this matter until July 11, 2016. (*See* Docs. 17, 27, 48, 60, 67, 77, & 109.)

4. On August 13, 2015, Mr. Tennison filed a motion to suppress the statements he made on June 11, 2014, which constituted the most significant inculpatory evidence the government possessed.

5. The Court held evidentiary hearings on Mr. Tennison's motion to suppress on December 11, 2015, January 21, 2016, and February 3, 2016. The parties submitted written closing arguments on March 16, 2016, (Docs 96 & 97).

6. On June 9, 2016, the Court granted Mr. Tennison's motion to suppress in full. (Doc. 110.) Pursuant to 18 U.S.C. § 3731, the government had 30 days to decide whether to appeal the Court's suppression order.

7. On June 24, 2016, the government informed Mr. Tennison in writing that it would not be appealing the Court's suppression order, but that it intended to continue to trial notwithstanding its weakened case.

8. The government's case now hinges on a six-year old child testifying about a single event that is alleged to have occurred when she was four years old. Mr. Tennison expects there to be a need for both parties to file motions in limine pertaining to, *inter alia*, the child's competency, whether the child will provide live in-court testimony, hearsay, and confrontation clause issues.

9. The existing trial date of July 11, 2016, which is only two weeks away, does not provide the parties or the Court with sufficient time to litigate these and other issues and to adequately prepare for trial. Moreover, under the existing trial schedule, the deadline for filing motions in limine passed on June 17, 2016.

10. Counsel for the government, Assistant U.S. Attorney Kyle Nayback, will be out of the office for a significant amount of time in August 2016.

11. If the Court grants the requested the continuance, the parties agree that there is unlikely to be a need for any other continuance. As such, Mr. Tennison respectfully requests that the Court set this matter for a firm trial date, and not on a trailing docket.

12. Both parties agree that a continuance of sixty (60) days is sufficient, but not greater than necessary.

13. Pursuant to 18 U.S.C. § 3161(h)(7)(A), if the Court grants the motion and continues the trial for the time requested, the parties agree that all the time between the entry of the order and the trial setting shall be excluded for purposes of the Speedy Trial Act because the above-stated grounds serve the ends of justice and outweigh the best interest of the public and Mr. Tennison in a speedy trial. *See United States v. Toombs*, 547 F.3d 1262 (10th Cir. 2009).

14. The government, through Assistant U.S. Attorney Kyle Nayback, does not oppose this motion.

WHEREFORE, for the foregoing reasons, Mr. Tennison respectfully requests that the Court continue the trial scheduled for July 11, 2016 for sixty (60) days, and to provide a firm trial setting.

Respectfully submitted,

COBERLY & MARTINEZ, LLLP

/s/ Todd A. Coberly

Todd A. Coberly
1322 Paseo de Peralta
Santa Fe, NM 87501
(505) 989-1029
todd@coberlymartinez.com

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2016, I filed the foregoing *Defendant Jamaica Tennison's Eighth Unopposed Motion to Continue Trial* using the CM/ECF system, which will electronically send notification of such filing to all counsel of record.

/s/ Todd A. Coberly
Todd A. Coberly