

STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
THIRD JUDICIAL DISTRICT

FILED

2018 JAN 24 AM 11:43

DISTRICT COURT  
DONA ANA COUNTY, NM

STATE OF NEW MEXICO,

Plaintiff,

vs.

JOEL ARCINIEGA-SAENZ,

Defendant.

No. D-307-CR-201700437

Judge Conrad F. Perea

**MOTION FOR CONTINUANCE**

COMES NOW the State of New Mexico, by and through its Senior Trial Prosecutor, Rebecca C. Duffin, and respectfully requests that the Court vacate and continue the jury trial now set for January 29, 2018.

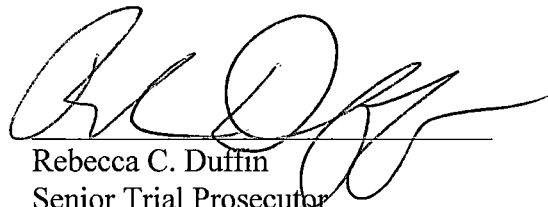
As grounds in support of this motion, counsel states:

1. On April 22, 2017, the defendant was arrested for Murder in the First Degree for an in reference for an incident that took place on the same date as Defendant's arrest.
2. On April 24, 2017, the defendant was scheduled for a first appearance in Magistrate Court and was held without bond.
3. On May 4, 2017, the defendant was indicted on charges of First Degree Murder.
4. On May 5, 2017, the case was dismissed.
5. The defendant was served with an arrest warrant for First Degree Murder on May 5, 2017.
6. Defendant was re-indicted on May 18, 2017, again for First Degree Murder.

7. At that point a \$500,000 secured bond was set.
8. This case is currently set for a jury trial on January 29, 2018 and is scheduled for 5 days.
9. The January 29, 2018 setting is the second setting in this matter.
10. The prior setting was continued by the State because the prosecutor for the case was on bereavement leave due to the sudden death of a family member.
11. For speedy trial purposes, as of the date of the current trial setting the case has been pending for nine months or roughly three-fourths of the presumptive threshold for an intermediate case or two-thirds for a complex case under *State v. Maddox*. The State would argue that given the nature of the case and the need for expert testimony this case would be considered complex.
12. Within the past week detectives working the case have received information about a possible witness to the crime. The State is attempting to follow up on the latest lead and determine if there is a witness with either inculpatory or exculpatory information about the crime.
13. Mrs. Rebecca Duffin, is the sole prosecutor assigned to the case.
14. Mrs. Duffin injured her ankle on January 11, 2018. It has been determined that Mrs. Duffin has category three ankle sprain (category 1 being a minor sprain and category 3 being a major sprain). Mrs. Duffin's ability to stand and walk has been affected by the injury. Mrs. Duffin is also required to wear a bulky boot for the next three to four weeks.

13. Due to the nature of Mrs. Duffin's injury it would be painful and difficult for Mrs. Duffin to participate in a five day trial.
14. Counsel for defendant opposes the relief sought in the instant motion.

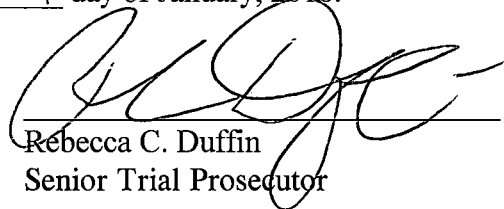
WHEREFORE, the State respectfully requests that the Court enter an order vacating and continuing the jury trial now set for January 29, 2018.



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Senior Trial Prosecutor  
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**CERTIFICATE OF DELIVERY**

I hereby certify that I caused to be delivered a true and correct copy of the foregoing pleading to defense counsel, George A. Harrison, on this 24 day of January, 2018.



Rebecca C. Duffin  
Senior Trial Prosecutor