

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE DISTRICT OF NEW MEXICO UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

JUN 27 2006 *j*

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANUEL DEAN QUAINANCE,

Defendant.

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Cause No. CR 06-538 JH

ORDER AMENDING CONDITIONS OF RELEASE

THIS MATTER comes before the Court on the motion of Defendant **DANUEL DEAN QUAINANCE** to amend the conditions of his release as set forth in the Court's previous order [Doc. 23]. The Court, having reviewed the motion, the Government's response to the motion, Defendant's reply to the Government's response, having heard the arguments of counsel at the hearing held on the motion on June 22, 2006, being aware of the positions of the parties and being otherwise fully advised in the premises, **FINDS** that the motion is well-taken in part and will be **GRANTED IN PART**, as follows:

The Court finds that the part of Mr. Quaintance's motion which requests that his conditions be modified to permit his sacramental use of cannabis pending disposition of his case cannot be resolved until the District Judge rules on Mr. Quaintance's Motion to Dismiss [Doc. 34]. Thus, the Court **DENIES** that part of Mr. Quaintance's motion to amend conditions.

IT IS HEREBY ORDERED that the conditions of Mr. Quaintance's release be, and are hereby, modified to permit his contact with members of the Church of Cognizance. Mr. Quaintance will be prohibited from communicating with any person, whether or not a member of the Church of Cognizance, concerning the actual use of cannabis, any aspect of the acquisition of cannabis, any encouragement to use cannabis, or any aspect of the actual distribution of cannabis. Mr. Quaintance is specifically precluded from making any statements advising any person to consume cannabis. This Order is not intended, and should not be construed, to preclude Mr. Quaintance's discussion of cannabis generally as a part of Mr. Quaintance's religious beliefs. The Court makes no finding as to the legitimacy of Mr. Quaintance's religious beliefs, such findings not being necessary to a determination of this aspect of Mr. Quaintance's motion.

This is a zero tolerance case and all other conditions of release previously imposed shall remain in effect and are not modified.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

Submitted:

submitted electronically on June 22, 2006 (e-mail)
MARC H. ROBERT
Counsel for Mr. Quaintance