

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

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

JUL 05 2006

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY HELEN QUAINANCE,

No. CR-2006-538 JH

Defendant.

ORDER AMENDING CONDITIONS OF RELEASE

THIS MATTER comes before the Court on the motion of the Co-Defendant that was joined by Defendant **MARY HELEN QUAINANCE** to amend the conditions of her release as set forth in the Court's previous order [Doc. 21]. The Court, having reviewed the motion filed by Co-Defendant Danuel Quaintance, the Government ^{is} response to the motion, Co-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} ~~awared~~ 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 Co-Defendant's motion, that was joined into by Defendant, which requests that her conditions be modified to permit her sacramental use of cannabis pending disposition of her case cannot be resolved until the District Judge rules on Co-Defendant's Motion to Dismiss [Doc. 34]. Thus, the Court **DENIES** that part of Defendant's motion to amend conditions.

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IT IS HEREBY ORDERED that the conditions of Mrs. Quaintance's release be, and are hereby, modified to permit her contact with members of the Church of Cognizance. Ms. 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. Ms. 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 Ms. Quaintance's discussion of cannabis generally as a part of Ms. Quaintance's religious beliefs. The Court makes no finding as to the legitimacy of Ms. Quaintance's religious beliefs, such findings not being necessary to a determination of this aspect of Ms. 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. MARTINEZ
UNITED STATES MAGISTRATE JUDGE

PREPARED AND SUBMITTED BY:

/s/
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