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

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MARY HELEN QUAINTANCE, et. al,

No. CR-2006-538 JH

Defendant.

## **DEFENDANT'S MOTION TO VACATE PLEA HEARING**

COMES NOW, the Defendant, MARY HELEN QUAINTANCE, by and through her attorney of record, Mario A. Esparza, and hereby moves the Court to vacate the plea hearing currently scheduled for January 25, 2007. AS GROUNDS in support of said motion, Defendant would show the following facts:

- 1. Government and Defendant had reached an agreement for a conditional plea and, as such, a change of plea hearing was scheduled for Thursday, January 25, 2007.
- 2. On January 23, 2007, undersigned counsel was advised by Luis Martinez, A.U.S.A., that the Government will not honor one of terms of the plea agreement which had been accepted by Ms. Quaintance. Until this issue is resolved, a plea hearing will not be necessary.
- 3. Based on the foregoing, Ms. Quaintance requests that the plea hearing be vacated until further notice.

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WHEREFORE, for the foregoing reasons, Defendant prays for the above requested relief.

Electronically Filed,

/s/ Mario A. Esparza, Attorney at Law Mario A. Esparza, ESQ. Counsel for Defendant P.O. Box 2468 Las Cruces, NM 88004 (505) 524-8312

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 25th day of January, 2007, I filed the foregoing motion electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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	/s/	
	Mario A. Esparza	

Luis Martinez, Assistant United States Attorney