

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY QUAINANCE,

Defendant.

No. CR-06-538 JH

**DEFENDANT'S MOTION TO
REMOVE THIRD PARTY CUSTODIAN**

COMES NOW, the Defendant, **MARY QUAINANCE**, by and through her attorney of record, **MARIO A. ESPARZA**, and moves the Court for an Order Removing the Third Party Custodian set herein. **AS GROUNDS** in support of said Motion the Defendant would state the following:

1. The Defendant appeared in front of the Honorable Lourdes Martinez for a Detention hearing on March 9, 2006. At that time Defendant, Mary Quaintance, was allowed to post a \$ 5,000.00 secured bond with Laythol Wayne Quaintance co-signing as a third party custodian.
2. Since her release, the Defendant has complied with all conditions of her release.
3. Recently, third party custodian Laythol Wayne Quaintance, has become ill and would like to move to Montana.
4. In light thereof, Defendant is requesting that third party custodian, Laythol Wayne Quaintance be absolved from his duties as third party custodian.
5. That the position of Assistant U.S. Attorney, Ms. Amanda Gould was sought and she does not oppose the granting of this Motion.

6. The position of U.S. Probation Officer David Banegas was sought and he does oppose the granting of this Motion.

WHEREFORE, for the foregoing reasons, the Defendant respectfully request that Laythol Wayne Quaintance be removed as third party custodian.

Electronically Filed,

/s/ Mario A. Esparza, Attorney at Law

Mario A. Esparza

Attorney For Defendant-Quaintance

P.O. Box 2468

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 26th day of February, 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:

Amanda Gould, Assistant United States Attorney

/s/

Mario A. Esparza