

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

UNITED STATES OF AMERICA,

§

Plaintiff,

§

§

v.

§

Cause No. CR 06-538 JH

§

§

DANUEL DEAN QUAINANCE,

§

§

Defendant.

§

**MR. QUAINANCE'S UNOPPOSED MOTION
TO AMEND CONDITIONS OF RELEASE**

DANUEL DEAN QUAINANCE, Defendant, by and through the undersigned appointed counsel, Marc H. Robert, Assistant Federal Public Defender, moves the Court for an order amending conditions of release, and in support of his motion would respectfully show the Court as follows:

1. Mr. Quaintance is charged by indictment filed on March 15, 2006 [Doc. 25] with possession of more than 50 kilograms of marijuana with intent to distribute it and conspiracy. Mr. Quaintance was arraigned on March 29, 2006 and entered a not guilty plea to both charges. Trial is set for May 21, 2007 on a trailing calendar. Mr. Quaintance is presently free on conditions of release [Doc. 23].

2. Among other conditions, Mr. Quaintance was released in the custody of a third party custodian, Laythol Wayne Quaintance. Laythol Quaintance has taken ill and wishes to relocate to Montana. Under the circumstances, it would be impractical for him to continue as third party custodian for Mr. Quaintance. Mr. Laythol Quaintance was also the third party

custodian for Mary Quaintance, who has filed a similar motion [Doc. 209]. That motion was granted [Doc. 210], and Laythol Wayne Quaintance was removed as Ms. Quaintance's third party custodian. No custodian was named in his place.

3. The undersigned counsel has conferred with Assistant United States Attorney Luis Martinez concerning this motion. The government does not oppose this motion. Counsel has also attempted to consult with Pretrial Services Officer David Bañegas concerning this motion. Mr. Bañegas was unavailable. However, Mr. Bañegas did not oppose this change as to Mary Quaintance. Moreover, on information and belief, Mr. Quaintance has complied with all conditions of release.

WHEREFORE, for the foregoing reasons, DANUEL DEAN QUAINANCE, Defendant, respectfully prays that the Court enter an order amending the conditions of release to excuse Laythol Wayne Quaintance as third party custodian, to delete the requirement for a third party custodian, and providing such other and further relief to which the Court may find Mr. Quaintance to be justly entitled.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER
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Las Cruces, NM 88001
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filed electronically on March 6, 2007
MARC H. ROBERT
Assistant Federal Public Defender
Las Cruces Office

Counsel for Mr. Quaintance

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Unopposed Motion to Amend Conditions of Release was served on Assistant United States Attorney Luis A. Martinez, 555 Telshor, Suite 300, Las Cruces, New Mexico, 88011, by placing it in the box designated for the United States Attorney's Office at the United States District Court Clerk's office; Mr. Mario A. Esparza, counsel for Mary Quaintance, P.O. Box 2468, Las Cruces, New Mexico 88004; and Ms. Bernadette Sedillo, counsel for Joseph Butts, 201 N. Church St., Suite 330, Las Cruces, New Mexico 88001 on March 6, 2007.

filed electronically on March 6, 2007

MARC H. ROBERT

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