

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>DANUEL DEAN QUAINANCE,</b>	)	<b>No. CR 06-538 JH</b>
<b>MARY HELEN QUAINANCE, and</b>	)	
<b>JOSEPH ALLEN BUTTS,</b>	)	
	)	
<b>Defendants.</b>	)	

**GOVERNMENT’S MOTION IN LIMINE NO. 1**

COMES NOW the United States of America, by and through Larry Gomez, Acting United States Attorney for the District of New Mexico, and Luis A. Martinez, Assistant United States Attorney for said District, and hereby moves in limine requesting this Honorable Court to order that the defendants not be allowed to present or argue to the jury religious beliefs as a defense.

The Government understands and acknowledges that the existence of the defendants’ purported beliefs will, by necessity, be made known to the jury. For example, subsequent to the arrest of Joseph Butts, Missouri State Police found a certificate in Mr. Butts’ duffle bag indicating that Butts had been “ordained by a church as a courier for the church. Officers also found and seized a membership card to the Church of the Cognizance.” (*Doc. No. 136, Court’s Memorandum Opinion and Order, pp. 7-8, filed July 18, 2006, denying Mr. Butts’ Motion to Suppress.*) The aforementioned documents were signed and prepared by defendant Danuel Quaintance, as was the courier certificate seized from defendant Timothy Kripner. *R. pp. 255-259, Motion to Dismiss Indictment, 22 August*

2006.) The government intends to offer these exhibits in its case-in-chief to establish the existence of a conspiracy.

However, the Court's rulings on the issue of the defendants' "religion" and lack of sincerely-held beliefs as to said "religion" negates their use as a defense. The defendants should, as a result, be precluded from attempting to use religion or sincerity of belief to negate criminal culpability at their upcoming trial. Assuming, *arguendo*, that sincerity of belief were a mixed question of law and fact and a proper inquiry for a jury, the issue is moot. The Court has ruled that the defendants' beliefs are not "religious" within the meaning of RFRA. *Doc. No. 136 (p. 29)*. Hence, even if the Court had found the defendants' beliefs to be sincerely held, an adverse finding as to the issue of religion renders the use of RFRA to negate criminal intent inapplicable.

Wherefore, the United States respectfully requests this Honorable Court grant the United States' *Motion in Limine* and order the defendants not to use or attempt to use "religion" or their belief therein in an attempt to negate criminal culpability in the upcoming trial.

Respectfully submitted,

LARRY GOMEZ  
Acting United States Attorney

**Electronically filed by** \_\_\_\_\_  
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I HEREBY CERTIFY that a true copy of the foregoing pleading was delivered to opposing counsel of record on the 19th day of April, 2007.

/s/  
\_\_\_\_\_  
LUIS A. MARTINEZ  
Assistant U.S. Attorney

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