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.

UNDERSIGNED COUNSEL'S MOTION TO WITHDRAW AND INCORPORATED REQUEST FOR TELEPHONIC HEARING

COMES NOW, undersigned counsel, Mario A. Esparza, and hereby moves this Court for an Order allowing him to withdraw as counsel of record for Defendant, Mary Helen Quaintance. AS GROUNDS in support of said motion, undersigned counsel would show the following facts:

- 1. Defendant, Mary Helen Quaintance, believes that undersigned counsel is not effectively representing her in this matter. She believes that undersigned counsel is not being loyal to her interests.
- 2. Defendant wishes to assert grounds and a defense at time of trial that this Court has previously barred. Being an officer of the court, undersigned counsel cannot ethically raise issues or a defense at time of trial that the Court has ruled inadmissible.
- 3. Because of this, and other outside influences, the attorney-client relationship has deteriorated and irreconcilable differences have risen between Defendant and undersigned counsel. Therefore, undersigned counsel is moving to withdraw as attorney of record herein for Defendant Mary Helen Quaintance.

- 4. The position of the Government was sought, via Mr. Luis Martinez, and he is opposed to this motion being granted.
- 5. Because the parties are all located in different locations, undersigned counsel is moving that this motion be held telephonically. Mr. Luis Martinez is unopposed to a telephonic hearing.

WHEREFORE, for the foregoing reasons, undersigned counsel 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 14th day of May, 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:

Luis Martinez, Assistant United States Attorney

/s/	
Mario A. Esparza	