

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. CR-06-538 JH

JOSEPH ALLEN BUTTS,

Defendant.

UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW Joseph Butts, by and through his attorney Bernadette Sedillo, and respectfully moves the Court to modify the conditions of his release to allow him to live in a fifth-wheel on the property of his sister and brother-in-law (co-defendants). As grounds, counsel states as follows:

1. On November 28, 2007 Mr. Butts appeared before the Honorable Lourdes A. Martinez on a Motion to Reconsider Bond and Set Conditions of Release. At that time Judge Martinez ordered that Mr. Butts be released on a \$5,000 unsecured bond, on the condition that he reside in a halfway house as close to Pima, Arizona as possible.

2. Defense counsel had requested that Mr. Butts be allowed to live with his sister and brother-in-law Mary and Danuel Quaintance (co-defendants) in Pima, Arizona but the Court did not allow Mr. Butts to reside with the Quaintances in order not to violate policy of United States Pretrial Services.

3. The Court's purpose in allowing Mr. Butts to go to a halfway house closest to Pima, Arizona was to allow him to start rebuilding his life. The intent was for Mr. Butts to get a job

and eventually be able to obtain an apartment and live alone. Mr. Butts is allowed to have contact with the co-defendants as long as he does not discuss the case with the co-defendants.

4. Mr. Butts was placed in a halfway house in Tucson, which is approximately two hours from Pima, Arizona. Additionally, Mr. Butts is restricted to his county of residence. However Tucson, Arizona is in Pima County and Pima, Arizona (the town) is in Graham County. Thus, Mr. Butts is restricted from being able to visit or spend the holidays with his family. The Court's reason for releasing Mr. Butts to a halfway house closest to Pima, Arizona is because his community ties are in Pima, Arizona.

5. Subsequent to Mr. Butts' detention hearing, defense counsel learned that the Quaintances have a vacant fifth-wheel located on their property that is available for Mr. Butts to live in by himself. Additionally, a new mine opened recently in Safford, Arizona (very close to Pima, Arizona) and there are good job opportunities for Mr. Butts there.

6. If Mr. Butts were allowed to live on the Quaintance property, his sister and brother-in-law would be able to help him with transportation and it would save Mr. Butts the expense of renting an apartment.

7. AUSA Luis Martinez was contacted and stated that he would not oppose this modification to allow Mr. Butts to live in a fifth-wheel on the Quaintance property so long as it did not cause a problem for U.S. Pretrial Services.

8. Counsel for Mr. Butts spoke to U.S. Pretrial Services Officer Tara Barton, who currently supervises the Quaintances in Pima, Arizona. Ms. Barton indicated that she would not have a problem supervising Mr. Butts if he were allowed to live on the Quaintance property. Counsel for Mr. Butts further spoke with U.S. Pretrial Services Officer Isabel Davila who

confirmed with USPTO Barton that it would not cause a problem for supervision, and thus Ms. Davila does not oppose this motion to allow Mr. Butts to live on the Quaintance property.

WHEREFORE, Joseph Butts respectfully requests that the Court issue an order modifying Mr. Butts conditions of release to allow him to reside in a fifth-wheel located on the Quaintance property in Pima, Arizona.

Respectfully submitted,

Electronically filed 12/10/07

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December 2007, I filed the foregoing 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
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Electronically filed 12/10/07

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