

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 06-538 JH

DANUEL QUAINANCE,

Defendant.

ORDER MODIFYING CONDITIONS OF RELEASE

Jerry Daniel Herrera, Attorney for Defendant Danuel Quaintance, hereby moves this Court for an Order modifying the conditions of release to allow Mr. Quaintance to be released on his own recognizance, and as grounds for said Motion would show to 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 and conspiracy.

2. Mr. Quaintance was arraigned on March 29, 2006 and entered a plea of not guilty on both counts. Mr. Quaintance is presently free on conditions of release [Doc 23] which, among other things, includes the posting of a \$5,000.00 unsecured bond, random urinalysis and travel restrictions. Counsel would request that these conditions be lifted.

3. Currently, counsel for Mr. Quaintance is scheduled to appear for argument, on March 18, 2008 in Denver on interlocutory appeal before the United States Court of Appeals. While Mr. Quaintance has been on conditions of release, there have been no violations of any sort.

4. Counsel has spoken with U.S. pre-trial services officer Tara Barton who has contacted counsel and proposed Mr. Quaintance's release from pre-trial services. Despite Mr. Quaintance's outstanding record with pre-trial services for the past 22

months, counsel for the government still opposes release from pre-trial services. It is interesting to note that the government was unopposed to modifying Mr. Timothy Kripner's release from pre-trial services on or about February 5, 2008. Mr. Kripner is expected to be called as a witness for the government in the matter of *United States of America vs. Quaintance*, et al. In view of his outstanding and flawless performance for almost two years, the government cannot show why Mr. Quaintance should not be released from pre-trial services.

5. Assistant U.S. Attorney Luis Martinez opposes this motion.

WHEREFORE, the Defendant respectfully requests that the defendant be released on conditions as stated in this motion, with other conditions remaining in effect.

/s/ Jerry Daniel Herrera

JERRY DANIEL HERRERA
Attorney for Defendant Quaintance
509 13th Street SW
Albuquerque, N.M. 87102
Telephone: (505) 262-1003

I hereby certify that a true and correct copy of the foregoing document was electronically filed and faxed to the Office of the United States Attorney on this day of 22st day of February, 2008.