

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARY HELEN QUAINANCE,

No. CR-2006-538 JH

Defendant.

DEFENSE COUNSEL'S MOTION TO WITHDRAW

COMES NOW, Mario A. Esparza, current counsel for Defendant, Mary Helen Quaintance, and hereby moves the Court for an Order withdrawing him from the representation of the Defendant. **AS GROUNDS** in support of said motion, Defense Counsel would show the following facts:

1. On May 1, 2006, the Government supplied undersigned counsel with a pro se Motion to Dismiss and Substitute Counsel and Incorporated Memorandum. This motion was prepared by Defendant without undersigned counsel's knowledge.

2. In her motion, Defendant makes several allegations against undersigned counsel that are inherently false. She further claims that she feels as though undersigned counsel has become a prosecutor against her. These accusations have caused irreconcilable differences between counsel and his client.

3. Therefore, undersigned counsel is respectfully requesting that he be withdrawn from this case, and that Mr. Marc Robert be appointed to represent Mrs. Quaintance, in accordance with her wishes.

4. As a matter of record, undersigned counsel will answer, and refute, the allegations that Mrs. Quaintance has made in her motion. This is merely to establish a record and should not be construed as undersigned counsel still wishing to remain on this case.

5. Throughout Defendant's pro se motion, she states that she has made repeated attempts to contact undersigned counsel and that he has never returned her calls. She further states that the only time she has spoken with undersigned counsel was when she was incarcerated. Both of the allegations are completely untrue.

6. Mrs. Quaintance has made calls to undersigned counsel's office on Mondays to check in. She has spoken with undersigned counsel's employees and never once requested that she speak with undersigned counsel. Had she requested to speak with undersigned counsel, undersigned counsel's employees would have made her a telephonic appointment.

7. Mrs. Quaintance also alleges that undersigned counsel did not follow her specific instructions with regard to defending her in this matter. Specifically she was perturbed by undersigned counsel's filing a motion to sever her from her defendants.

8. Undersigned counsel is obligated to zealously represent Defendant to the fullest extent of the law. After reviewing the discovery materials in this matter, undersigned counsel identified this route as the best route for Defendant. As such, he was obligated by his position to pursue the matter.

9. For the reasons stated above, undersigned counsel is respectfully requesting that he be withdrawn from this matter, and that Mr. Marc Robert be appointed to represent Mrs. Quaintance.

10. The position of opposing counsel was sought, via Mr. Luis Martinez, and he is unopposed to this motion being granted.

WHEREFORE for the foregoing reasons, undersigned counsel requests that he be withdrawn from the representation of the Defendant.

Respectfully Submitted,

Electronically Filed: 5-5-06 _____

Mario A. Esparza
Attorney at Law
P.O. Box 2468
Las Cruces, NM 88004
(505) 524-8312

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to opposing counsel on this 5th day of May 2006.

/s/

Mario A. Esparza