

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DANUEL QUAINANCE, et al.,)
)
Defendants.)
)
)
)

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CRIMINAL NO. 06CR00538 JH

AMENDED
UNITED STATES' RESPONSE TO DEFENDANT'S MOTION TO AMEND
CONDITIONS OF RELEASE FILED ON MAY 1, 2006.

THE UNITED STATES OF AMERICA, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and Luis Martinez, Assistant United States Attorney for said district, files this Response to Defendant's Motion to Amend Conditions of Release filed on May 1, 2006.

Defense counsel requests in his motion that the conditions of Mr. Quaintance's release be amended to allow him to consume marijuana because of his "sincerely held religious beliefs". (Docket Report, Document 48, p. 1) By necessity, the court must first decide whether there is a *sincerely held* religious belief, and then decide whether or not the defendant's beliefs constitute a *religion*, which the court has not yet done. To allow Mr. Quaintance to consume marijuana during his release before deciding these issues would be premature. The court should first rule on the defendant's Motion to Dismiss Indictment before considering whether or not the defendant should be allowed to consume marijuana as part of the conditions of his release.

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Mr. Quaintance also argues that he should be allowed to have contact with his fellow "church members". (Id., p. 4) Again, unless and until this court finds that the defendant holds beliefs that constitute a *religion*, and that his beliefs are *sincerely held*, this issue should not yet be decided.

THEREFORE, the Government requests that the court continue the defendant on the conditions of release originally set by the Magistrate in this matter

Respectfully submitted,
DAVID C. IGLESIAS
United States Attorney
Electronically filed 5/9/06
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I HEREBY CERTIFY that a
copy of the foregoing pleading was
delivered to Marc Robert,
Attorney for the Defendant,
on this 9th day of May 2006.
/s/ Luis A. Martinez
LUIS MARTINEZ
Assistant U.S. Attorney