

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
BEFORE THE HONORABLE LOURDES A. MARTÍNEZ

CRIMINAL CLERK'S MINUTES at Las Cruces

CASE NUMBER: CR 06-538 JH DATE: 06/22/06 COURTROOM: FTR/LCS

CLERK: E. GARCIA TYPE OF HEARING: MOTION-BAIL REVIEW

DEFENDANT(S):	ATTORNEY(S):		
<u>MARY HELEN QUAINANCE</u>	<u>STEVE ALMANZA FOR MARIO ESPARZA</u>	(X) Appt'd.	() Ret'd.
<u>DANUEL DEAN QUAINANCE</u>	<u>MARK ROBERT</u>	(X) Appt'd.	() Ret'd.
_____	_____	() Appt'd.	() Ret'd.
_____	_____	() Appt'd.	() Ret'd.

USA by: AMANDA GOULD, Asst. U. S. Attorney Interpreter: NONE

Pretrial / Probation Officer present: DAVID BANEGAS Court in Session: 9:34-9:59 AM

X Other:

COURT: ADDRESSES DEFENSE COUNSEL FOR BOTH DEFT'S OF MOTION TO MODIFY CONDITIONS AND ADDRESSING ISSUE OF CASE BEING SEVERED AS TO MRS. QUAINANCE
ROBERT: ADVISES COURT OF MOTION TO AMEND CONDITIONS OF RELEASE AND MOTION TO BE SEVER AS TO MRS. QUAINANCE HAS NOT YET BEEN RULED ON
ROBERT: ADDRESSING COURT OF DEFT'S CONDITION OF RELEASE-NOT ASSOCIATING W/DRUG USERS OR DRUG DEALER
COURT: ADVISES ROBERT THAIS INTERPRETATION OF CONDITION OF ASSOCIATING W/KNOWN DRUG USERS OR DRUG DEALERS IS BROADER THAN COURT INTENDED
ROBERT: ADVISES COURT THAT HIS CLIENT'S PROPERTY HAS BEEN RAIDED BY LAW ENFORCEMENT AND SOME ITEMS HAVE BEEN TAKEN FROM THE DEFT AND THEY ARE ALSO BEING MONITORED BY LAW ENFORCEMENT - WORK A COMPROMISE W/COURT ON CONDITIONS OF RELEASE SO HIS DEFT CAN COMMUNICATE W/HIS SPIRITUAL MEMBERS AS HE IS THE LEADER OF HIS CHURCH, ONLY CERTAIN ITEMS CAN BE COMMUNICATED W/HIS MEMBER, NOT THE USE OR DISTRIBUTION OF MARIJUANA
GOVT: ADVISES COURT THAT THE CONDITIONS OF RELEASE REMAIN IN PLACE AS IT IS
ROBERT: EXHIBIT-A ENTERED; ADVISES COURT OF RELIGIOUS PRACTICE W/MARIJUANA-HEMP, REQUESTING OF AMENDING CONDITIONS OF RELEASE
GOVT: REGARDS TO RELIGIOUS BELIEF-BURDEN ON DEFENSE
COURT: ADVISES DEFT'S THAT JUDGE HERRERA HAS TO RULE ON MOTION TO DISMISS; DENY MOTION TO USE MARIJUANA AT THIS TIME; GRANTS MOTION TO ALLOW LIMITED CONTACT WITH CHURCH MEMEBERS; BOTH DEFT'S CAN HAVE CONTACT W/MEMBERS OF THE CHURCH, BUT DEFT'S CANNOT HAVE ANY DISCUSSION WHERE TO OBTAIN MARIJUANA, NO URGING OF CHURCH MEMBER TO USE MARIJUANA; BOTH DEFT'S CANNOT BE PRESENT IF MEMBERS ARE TAKING MARIJUANA IN WHATEVER FORM; DEFENSE COUNSEL WILL PREPARE ORDER

97

PAGE 2:

PSA: ASKING COURT THAT IF A DRUG DEALER OR USER IS IN CONTACT W/THE DEFT'S IS THAT A VIOLATION

COURT: ADDRESSING PSA IF THE DRUG USER IS A MEMBER OF THE CHURCH, THAT IS NOT A VIOLATION, IF THE DEFT'S ARE PRESENT W/CHURCH MEMBERS USING MARIJUANA, THAT HIS A VIOLATION, IF THEY URGE A NEW MEMBER TO USE MARIJUANA, THAT IS A VIOLATION, ADVISING PSA OF UA'S IN WHICH ARE DONE RANDOMLY, IT IS DONE AT PSA DISCRETION, IF PSA INCREASES UA'S THAT WILL BE DONE

GOVT: ASKING COURT TO CLARIFY CONDITION TO COMMUNICATE W/DRUG USERS

COURT: DEFT'S CAN HAVE CONTACT W/ONLY KNOWN MEMBERS OF THE CHURCH, BUT THEY CANNOT BE PRESENT WHEN MEMBERS ARE USING MARIJUANA

ALMANZA: ASKING COURT OF WHAT HIS DEFT CAN SAY TO CHURCH MEMBERS

COURT: ADVISES BOTH DEFT'S HOW CAREFUL THEY NEED TO BE TO TALK TO THEIR CHURCH MEMBERS AND CAUTIONS THAT ANY URGING OF ILLEGAL ACTIVITY REGARDING USING ILLEGAL DRUGS IS A VIOLATION. TERMS OF "DEITY" AND "SACRAMENT" CONSIDERED BY THE COURT AS SYNONYMOUS WITH "MARIJUANA" AND ADVISING DEFENSE COUNSEL THAT TRANSPORT ORDER HAS BEEN SIGNED