

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

UNITED STATES OF AMERICA, TD/.7.3600 0.0000 TD)RT

capacity, two-way radio set to channel six. Mr. Kri

if he would be able to smoke, transport and possess 1000 grams of marijuana, he would be able to transport and possess 1000 grams of marijuana. He would be able to transport and possess 1000 grams of marijuana. He would be able to transport and possess 1000 grams of marijuana.

The government does not dispute that the defendants' beliefs are substantially burdened, the third threshold question which must be found before the defendants can gain RFRA protections.

The government submits that the factual background of this case requires a finding that the defendants' beliefs are not sincere.

If and only if the defendants make a showing of the sincerity of their beliefs by a preponderance of the evidence can th

F.3d 1475 (10th Cir. 1996) sets out factors which this honorable court should use in determining whether the defendants' beliefs rise to the level of "religion" sufficient for RFRA protection.

The defendants refer to these factors as a

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their lifestyle does not rise to the level of “religion” for purposes of RFRA. Further, the government asks the honorable Court to deny the defendants’ Motion to Dismiss Indictment.

Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney
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