

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

**UNITED STATES OF AMERICA,
Plaintiff,**

vs.

Case No: 19-CR-1614 JB

**MATEO MAESTAS,
Defendant.**

DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW Mateo Maestas, by and through his counsel of record, Ahmad Assed and Associates, and hereby requests the Court modify his conditions of release, by releasing him from the Halfway House to his own recognizance, as determined to be appropriate by probation.

In support thereof, Mr. Maestas states the following:

1. Mr. Maestas was indicted by a federal grand jury on June 12, 2019 (Doc. 15);
2. Mr. Maestas was committed to Home Incarceration on May 29, 2019.
3. On December 5, 2019, it was determined that Mr. Maestas was medically cleared to reside in La Posada Halfway House, and on December 6, 2019, Mr. Maestas was admitted to La Posada Halfway House.
4. On January 23, 2020, Mr. Maestas was sentenced to seventy-two (72) months incarceration as a result of a plea agreement. The Court allowed him to self-surrender to the U.S. Marshalls in sixty (60) days from the sentencing hearing.
5. Mr. Maestas checked in with the U.S. Marshalls Service after the sentencing hearing, and is fully prepared to self-surrender at the designated time.
6. Since the conditions of release were ordered, Mr. Maestas has been completely compliant with all conditions of release set by the court, with probation/pretrial supervision, and has

appeared for all court hearings and settings related to his case.

10. U.S. Probation Officer Anthony Carter has approved the modification of the conditions of release to allow Mr. Maestas to return to his home on his own recognizance pending his self-surrender.

11. Because house arrest would require U.S. Probation to place Mr. Maestas on electronic monitoring and there is poor cell phone reception in the area, the electronic monitoring technology is rendered useless. U.S. Probation Officer Anthony Carter has recommended, in the alternative, to install a landline at Mr. Maestas' house to use the electronic monitoring system instead of cell phone towers.

12. Counsel for Defendant contacted AUSA Elisa Dimas for her position and she is unopposed to this motion and agrees with Probation's alternative recommendation of installing a landline.

WHEREFORE, for the foregoing reasons, the Defendant respectfully requests that the Court enter an Order modifying Mr. Maestas' Conditions of Release to allow Mr. Maestas to return to his home on his own recognizance pending his self-surrender to the U.S. Marshalls, as approved by Probation Officer Carter, and as determined to be appropriate by the Court.

Respectfully Submitted,

/s/ Brittany J. Schaffer

Ahmad Assed & Associates

Ahmad Assed

Richard Moran

Britany J. Schaffer

Attorney for Mateo Maestas

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I HEREBY CERTIFY that a true and correct copy of the foregoing was provided to AUSAs Elisa Dimas and Nicholas Marshall on this 30th day of January, 2020.

/s/

Britany Schaffer
Attorney at Law