

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

ALEXANDER RAE BALDWIN III
HANNAH GUTIERREZ
DAVID HALLS

No. D-0101-CR-202300039
D-0101-CR-202300040
D-0101-CR-202300041
Judge Mary Marlowe Sommer

Defendants

**STATE'S EXPEDITED MOTION FOR EXTENSION OF TIME TO
RESPOND TO DEFENDANT ALEXANDER RAE BALDWIN III's
MOTION TO DISQUALIFY THE SPECIAL PROSECUTOR UNDER
ARTICLE III OF THE NEW MEXICO CONSTITUTION**

Plaintiff State of New Mexico by District Attorney Mary Carmack Altwies moves the Court to extend the time for Plaintiff to Respond to Defendant's Motion to Disqualify the Special Prosecutor Under Article III of the New Mexico Constitution (the "Motion" herein) as filed with this Court on February 7, 2023¹ until March 6, 2023.

Pursuant to N.M.R. Crim. P. Dist. Ct 5-120(D), Plaintiff did request the concurrence of opposing counsel but such concurrence was unclear by and from response(s) received from opposition counsel. Therefore, this Motion is presented as an Opposed Motion.

¹ The original date for a Response to the Motion is February 22, 2023

This Motion is made on the grounds that such an extension of time is reasonable and necessary to afford Plaintiff a reasonable opportunity to respond to the Motion.

INTRODUCTION:

The instant matter regarding Alexander Rae Baldwin III (the “Defendant” herein) commenced on January 31, 2023 by Plaintiff’s filing of the Criminal Information² with this Court in Case No. D-101-CR-202300039 (the “case” herein). Neither Defendant Hannah Gutierrez nor David Halls, identified in the caption hereto, has/have filed any Motion to Disqualify similar to that which is the subject of the Motion.

The first appearance of Defendant is scheduled before this Court on February 24, 2023 at 10:00 a.m.; and, Notice of the Hearing with regard to such First Appearance was directed by the Court to the Defendant on February 8, 2023.

FACTS:

Plaintiff received the Motion, by electronic service, on February 7, 2023. However, and on the day of service of the Motion, both District Attorney Mary Carmack-Altwhies and Chief Deputy District Attorney Jennifer L. Padgett Macias had just commenced³ a two week first degree murder trial with regard to the matter of State of New Mexico v. Joseph M. Jones Case No 101-CR-2020-00295 (the “murder trial”) before the Honorable T. Glenn Ellington, Judge.

The murder trial is scheduled for two (2) weeks (to end on February 21, 2023); and, to that end, both Ms. Carmack-Altwhies and Ms. Padgett Macias are devoting their full time energy and efforts to that murder trial.

Ms. Carmack-Altwhies, Ms. Padgett Macias, and Ms. Andrea Reed, the Special Prosecutor in the case, work as a team with regard to this case and each and every aspect regarding the case.

² The criminal Information is signed by Ms. Carmack-Altwhies

³ Jury selection as on February 6, 2023

At this time, and do to the murder trial, two-thirds of the team are unable to consider and address the Motion and will not be able to do so until the completion of the murder trial. The Motion addresses a host and series of issues including, but not limited to, matters involving the disqualification of Ms. Reed as the Special Prosecutor in this case and addresses claims and points of law on which, as discussed in the Motion, there is no New Mexico law at this time.

ARGUMENT:

As discussed above, two of the three attorneys responsible for this case are engaged in and will be so engaged in a murder trial through February 21, 2023. Further, the target of the Motion is Ms. Reeb, the third member of the prosecutorial team, who cannot be involved in the drafting of a Response to the Motion nor the argument on the Motion to this Court.

Also, it does not appear that the GRANTING of this Motion would prejudice the Defendant. An extension until March 6, 2023 will in no way affect any of the rights and/or entitlements of the Defendant nor would such an extension have any effect on the required first appearance of the Defendant in this matter.

CONCLUSION:

Based upon the above, along with the reality that Defendant will suffer nor harm, prejudice nor compromise, it is respectfully requested that Plaintiff be GRANTED until March 6, 2023 to file and serve the Plaintiff's Response to the Motion.

Respectfully submitted,

/s/ Mary Carmack-Altwies
MARY CARMACK-ALTWIES
First Judicial District Attorney
District Attorney
P. O. Box 2041
Santa Fe, NM 87504-2041
Telephone No. 505-827-5000

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, I electronically filed the foregoing Motion for Extension of Time to Respond to the Motion of Defendant with the Clerk of the Court using the Court's electronic filing system, which caused all participants and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing.

/s/Mary Carmack-Altwies
Mary Carmack-Altwies