

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

HANNAH GUTIERREZ

No. D-0101-CR-202300040

Defendant.

Judge Mary Marlowe Sommer

**UNOPPOSED PETITION FOR OUT-OF-STATE  
SUBPOENA FOR TAKING OF DEPOSITION**

Petitioner. State of New Mexico, by Kari T. Morrissey, appointed Special Prosecutor, respectfully petitions the court for an order, pursuant to N.M.S.A. 1978 Section 31-8-3, directing the Clerk of the Court to issue an order on subpoena, a copy of the subpoena which is attached hereto, incorporated herein by this reference and marked Exhibit "A", compelling Seth Kenney, aka Seth Andrew Kenney ("Kenney") at the taking of his deposition. In support hereof, Petitioner states:

1. Petitioner is the Plaintiff in a criminal proceeding currently pending in the New Mexico District Court, Santa Fe Division, entitled State of New Mexico, Plaintiff, vs. Hannah Gutierrez, Defendant, Case No. D-101-CR-202300040.
2. Petitioner has prepared a Subpoena for the Appearance of Kenney; however, such Subpoena has not yet been served pending the actions of this court in regard to this Petition.
3. Upon information and belief, Kenney, a material witness in the prosecution pending before this court, resides at 375 London Bridge Road, Unit 23, Lake

Havasu City, Arizona 86403-4663 (Mohave County, State of Arizona). Kenney's deposition is scheduled to be taken within this judicial district.

4. The presence of Kenney with regard to Kenney's deposition will be required for one (1) day.
5. The presence of Kenney will not cause undue hardship to present himself for this deposition. Petitioner will tender all fees and costs to Kenney in regard to Kenney's personal appearance at the deposition set for July 11, 2023 at 2:00 p.m.
6. The State of New Mexico has adopted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, which Uniform Act is also codified in the State of Arizona<sup>1</sup>.
7. As the deposition is being scheduled for virtual (remote) appearance, Petitioner is not required to tender any travel expenses to Kenney.
8. That if Kenney does not appear for his scheduled deposition, in disobedience to the subpoena (Exhibit "A") directing Kenney to attend and testify, Kenney will be subject to arrest in connection with such disobedience to attend the scheduled deposition.
9. Counsel to Defendant Hannah Gutierrez has been contacted with regard to this Petition; and said counsel (Attorney Jason Bowles) does not oppose this Petition.

WHEREFORE, Petition respectfully requests that the court issue the Order, in the form and content as set forth in Exhibit "B" hereto, by which the Clerk of the District Court is directed to issue the subpoena (Exhibit "A") compelling Kenney to appear before a court reporter and as set forth in the subpoena, on July 11, 2023 at 2:00 p.m. at the offices of the Special Prosecutor for the First Judicial District 1303 Rio Grande Blvd., Suite 5, Albuquerque, New Mexico 87104-2698 to give his deposition and testify in regard to the prosecution of the above entitled matter.

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<sup>1</sup> Ariz. Rev. Stat Section 13-4092

Dated: June 12, 2023

/s/ Kari T. Morrissey

Kari T. Morrissey, Special Prosecutor  
First Judicial Court  
1303 Rio Grande NW, Suite 5  
Albuquerque, New Mexico 87104  
(505) 361-2138  
(505) 573-2784  
[ktm@morrisseylewis.com](mailto:ktm@morrisseylewis.com)

#### CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I caused that a copy of this Petition has been electronically served upon all counsel of record.

Kari T. Morrissey, Attorney  
/s/ Kari T. Morrissey  
Signature

June 12, 2023