

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 DUCES TECUM ISSUED TO MOXIE FILMS, INC.**

Petitioner, State of New Mexico, by Kari T. Morrissey and Jason J. Lewis, appointed Special Prosecutors, respectfully petition the court for an order, pursuant to N.M.S.A. 1978 Section 31-8-3, directing the Clerk of the Court to issue a subpoena, a copy of the subpoena which is attached hereto, incorporated herein by this reference and marked Exhibit "A" and the order issued by this Court on subpoena which is attached hereto, incorporated herein by this reference and marked Exhibit "B", compelling Moxie Films, Inc. to produce all of the items identified in the subpoena duces tecum concerning the captioned matter. In support hereof, Petitioners state:

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 production of items pursuant to a subpoena duces tecum, to be served upon Moxie Films, Inc. in California

concerning the captioned matter; however, such Subpoena has not yet been served pending the actions of this court in regard to this Petition.

3. Upon information and belief, Moxie Films, Inc. has audio and video materials which is/are material in the prosecution pending before this court. Moxie Films, Inc. is based in Malibu, California as identified in the subpoena duces tecum.
4. The production of the audio and video information is necessary in the proceedings before this Court.
5. The production of the items identified in the subpoena duces tecum will not, based upon information and believe, be burdensome to Moxie Films, Inc.; and Petitioner will tender all fees costs and costs, if any, to Moxie Films, Inc. in regard to the production of the audio and video information requested.
7. 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 California (California Penal Code Section 1334.2 et. seq).
8. As stated hereinabove, the State of New Mexico will pay any and all reasonable costs, fees and or expenses with regard to the materials and items identified in the subpoena duces tecum.
9. That if Moxie Films, Inc does not produce the items referenced in the subpoena duces tecum, in disobedience to the subpoena (Exhibit "A") directing Moxie Films, Inc. to produce the items so identified, Moxie Films, Inc. and its officer Mark Bailey will be subject to all legal consequences include but not limited to arrest in connection with such disobedience to produce the items and materials identified.
10. 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, Petitioner 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”) and further issue a certified copy of same to Petitioner, compelling Moxie Films, Inc. to produce all audio and video items as described in the subpoena (Exhibit “A”) as all such items are necessary to the prosecution of the above entitled matter.

Dated: November 2, 2023

/s/ Kari T. Morrissey

Kari T. Morrissey, Special Prosecutor  
First Judicial Court  
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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

November 2, 2023