

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 CONVENING AND TAKING OF PRE-TRIAL  
INTERVIEW**

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 and an order on subpoena, a copy of the subpoena which is attached hereto, incorporated herein by this reference and marked Exhibit "A" and the order on subpoena which is attached hereto, incorporated herein by this reference and marked Exhibit "B", compelling David John Halls, aka David Halls ("Hall") at the convening and taking of his pre-trial interview in regard to the above 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 Appearance of Halls by Zoom; however, such Subpoena has not yet been served pending the actions of this court in regard to this Petition.
3. Upon information and belief, Halls, who has already plead guilty in the criminal proceeding before this Court (Case No. D-101-CR-202300041), is a material witness in the prosecution pending before this court, resides at 11100 Anderson Lakes Parkway, Apt, 114, Eden Prairie, Minnesota 55344-4159 (Hennepin County, State of Minnesota). Halls's pre-trial interview will be scheduled to be convened and taken by remote (Zoom) appearance which will be initiated in this judicial district.
4. The presence of Halls with regard to Halls' pre-trial interview will be required for one (1) hour.
5. The presence of Halls, by remote (Zoom) will not cause undue hardship to present himself for this pre-trial interview. Petitioner will tender all fees and costs, if any, to Halls in regard to Halls' personal appearance at the pre-trial interview set for November 15, 2023 at 10:00 a.m.
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 Minnesota (Minnesota Statute 634.06 Residents Required to Testify in Another State.).
8. As the pre-trial interview is being scheduled for virtual (Zoom-remote) appearance, Petitioner is not required to tender any travel expenses to Halls.
9. That if Halls does not appear for his scheduled pre-trial interview, in disobedience to the subpoena (Exhibit "A") directing Halls to attend and testify, Halls will be subject to arrest in connection with such disobedience to attend the scheduled deposition.
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 Halls to appear at the virtual (remote-Zoom) pre-trial interview, which will be recorded, and as set forth in the subpoena, on November 15, 2023 at 10:00 a.m. (MST), at the coordinates as set forth in the subpoena and testify in regard to the prosecution of the above entitled matter.

Dated: October 16, 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  
[kim@morrisseylewis.com](mailto:kim@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

October 16, 2023