

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 TRIAL---DAVID JOHN HALLS**

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 David John Halls, aka David Halls ("Hall") to testify at the trial 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 in-person appearance of Halls at the trial 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, 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 trial testimony is based on the matter which has been initiated in this judicial district.
4. The presence of Halls with regard to Halls' in-person testimony is necessary in the proceedings before this Court. Halls is a material witness.
5. The presence of Halls will not cause undue hardship to present himself for trial. Petitioner will pay for all travel and will further tender all fees and costs, if any, to Halls in regard to Halls' personal appearance at the trial commencing February 21, 2024.
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 stated hereinabove, the State of New Mexico will pay any travel expenses in regard to the in-person appearance of Halls at trial.
9. That if Halls does not appear for his scheduled trial testimony, 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 trial of this matter, in person, and as set forth in the subpoena, on February 21, 2024 at 9:00 a.m. and until released by the Court and testify in regard to the prosecution of the above entitled matter.

Dated: October 23, 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

October 23, 2023