

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

**STATE OF NEW MEXICO,
Plaintiff,**

v.

D-101-CR-2023-00040

**HANNAH GUTIERREZ,
Defendant.**

**STATE'S RESPONSE TO MOTION TO SEAL
CERTAIN PLEADINGS AND DOCUMENTS**

COMES NOW, the State of New Mexico, by and through Special Prosecutors, Kari T. Morrissey and Jason J. Lewis, who submit the following in response to David Halls Motion to Seal Certain Pleadings and Documents:

1. Mr. Halls was criminally charged in the death of Halyna Hutchins and entered a no contest plea on March 31, 2023 that required his cooperation in the prosecution of his co-defendants, Hannah Gutierrez and Alec Baldwin.
2. After the plea hearing on March 31, 2023, undersigned counsel encountered Mr. Halls' attorney, Lisa Torracco, in front of the district courthouse in Albuquerque, NM. After a brief exchange undersigned counsel stated to Ms. Torracco in parting that she would be speaking to her in the future (referring to Mr. Halls' future cooperation with prosecutors). Ms. Torracco indicated that she would no longer be assisting Mr. Halls moving forward.
3. Months later undersigned counsel contacted Mr. Halls directly and spoke with him without including Ms. Torracco based on her previous indication that her representation of Mr. Halls was complete. Shortly thereafter, counsel received an email from Ms. Torracco stating that she in fact was continuing to represent Mr. Halls and that counsel should contact her in the future. See attached exhibit 1.

4. Mr. Halls is listed as a witness on the state's witness list and the defendant's witness list. Both sides took steps to schedule a pretrial interview with Mr. Halls through his counsel, Ms. Torracco. See attached exhibits 2 and 3.
5. After counsel for both parties failed to secure dates and times for the interview of Mr. Halls, undersigned counsel received an email from Mr. Bowles indicating that Ms. Torracco stated to him that Mr. Halls no longer wished to cooperate and that a subpoena was necessary. See attached exhibit 3.
6. Upon receiving the information from Mr. Bowles that Mr. Halls was no longer willing to cooperate, the state took numerous steps to have a subpoena domesticated in Mr. Halls' home state of Minnesota and had Mr. Halls personally served with the domesticated subpoena. It is the documents related to the domestication and service that he is now asking the court to seal.
7. Mr. Halls was personally served with a subpoena to appear via zoom to a pretrial interview on November 15, 2023. On November 8, 2023 counsel for the state notified Ms. Torracco that Mr. Halls had been personally served and was expected to appear for his interview on November 15, 2023. See attached exhibit 4. Mr. Halls failed to appear to the interview and he is now set for a deposition on December 12, 2023. Ms. Torracco accepted service on behalf of Mr. Halls for the deposition.
8. The state objects to sealing the pleadings related to the out-of-state subpoena for Mr. Halls. Mr. Halls and his counsel knowingly created a situation wherein the state was forced to take numerous steps at considerable expense to the taxpayers to secure an interview of Mr. Halls, despite Mr. Halls' previous agreement to cooperate.

9. Mr. Halls has not pointed the Court or counsel for the state to any threats or harassment that have occurred as a result of the pleadings filed to secure his appearance for a pretrial interview. The case against Ms. Gutierrez is a case of public record and documents should only be sealed if the moving party demonstrates that there is an overriding interest that overcomes the right of public access to the court record and that a substantial probability exists that the overriding interest will be prejudiced if the court record is not sealed. NMRA 5-123(G).

10. The state asserts that Mr. Halls has failed to meet with elements outlines above.

Moreover, the fact that the Court previously found that the movant met these elements in another case, under different circumstances, nearly one year ago should not be controlling now given the fact that the state was forced to disclose Mr. Hall's address in order to take the necessary steps to secure his appearance after he failed to cooperate despite his previous agreement to do so.

WHEREFORE, for the above stated reasons the state respectfully requests the Court deny Mr. Halls' motion to seal public records.

Respectfully submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

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I hereby certify that a true and correct copy of the foregoing pleading was provided to all counsel of record via odyssey file and serve this 4th day of December 2023.

/s/ Kari T. Morrissey

Kari T. Morrissey