

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-101-CR-2023-00040

HANNAH GUTIERREZ,

Defendant.

**STATE'S EXPEDITED MOTION IN LIMINE TO EXCLUDE DEFENDANT'S
LATE-DISCLOSED and UNAVAILABLE WITNESSES**

COMES NOW, the State of New Mexico, by and through Special Prosecutors Jason J. Lewis and Kari T. Morrissey, and moves this Court for entry of an order excluding proposed defense witnesses Leni Calas and Zac Sneesby. In support of this motion, the State submits the following:

1. At approximately 4:20 p.m. on February 12, 2024, the State received an email from defendant's counsel, Todd Bullion. *See Exhibit 1*. The email purports to be a supplemental expert witness disclosure, naming Leni Calas as an additional expert witness for trial. Leni Calas has never been included on any prior witness list filed by the defendant.

2. Although the defendant states this witness is available to be interviewed this week, counsel for the State does not have adequate time to prepare for and conduct an interview of this witness at this late hour, and to have her statements and opinions reviewed by the State's own experts prior to trial.

3. Given that this case has been pending for over one year, it is inexcusable for the defendant to disclose an expert witness one week prior to trial, and after discovery has closed.

4. On January 18, 2024, the State received an email from Mr. Bullion stating the defense was adding Zac Sneesby to their lay witness list. *See Exhibit 2.*

5. The State responded on January 21 and asked defense counsel to inform the State when Mr. Sneesby's interview could be scheduled. The State received no reply. *See Id.*

6. On January 23, the State again emailed defense counsel asking for the status of scheduling Mr. Sneesby's interview. Defense counsel indicated they left a message for him and would inform the State once defense counsel received a response. *See Id.*

7. Defense counsel never responded further and did not make Mr. Sneesby available for a pretrial interview.

8. The State requests an expedited hearing on this matter, given the proximity to trial.

WHEREFORE, the State respectfully requests the Court enter an order excluding proposed defense witnesses Leni Calas and Zac Sneesby from testifying at trial and for all other purposes in this proceeding.

RESPECTFULLY SUBMITTED,

/s/ Jason J. Lewis

Jason J. Lewis

Kari T. Morrissey

Special Prosecutors for the State of New Mexico

1303 Rio Grande Blvd., NW Suite 5

Albuquerque, NM 87104

Phone: 505-361-2138

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was emailed to opposing counsel this 13th day of February 2024.

/s/ Jason J. Lewis

Jason J. Lewis

From: Todd Bullion todd@bullionlaw.com

Subject: Supplemental Expert Disclosure

Date: February 12, 2024 at 4:20 PM

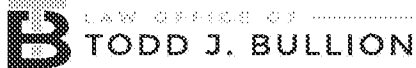
To: Jason Bowles jason@bowles-lawfirm.com, Kari Morrissey ktm@morriseylewis.com, Jason J. Lewis jjl@jjllaw.com, Scott Elliott scott.elliott50@gmail.com, Harry Taub htaub@da.state.nm.us, Melinda Zamora melinda@bowles-lawfirm.com

Jason and Kari,

Attached please find a supplemental expert disclosure. The witness, Leni Calas is generally available for an interview over zoom this week. Please let us know what date and times work best for you. Between Jason and I we are available all week with the exception of Friday starting at 2:00 PM.

I can make myself available for a PTI Saturday or Sunday if need be as well.

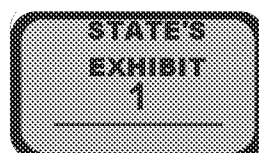
Todd J. Bullion
4811 Hardware Dr NE
Bldg D, Suite 5
Albuquerque, NM 87109
505-494-4656



Leni Calas Credits List.pdf



supplemental expert
disclosure_leni calas.pdf
127 KB



From: Kari Morrissey ktm@morrisseylewis.com
Subject: Re: Zac Sneesby
Date: January 21, 2024 at 1:49 PM
To: Todd Bullion todd@bullionlaw.com
Cc: Jason Bowles jason@bowles-lawfirm.com, Jason J. Lewis jjl@jlllaw.com, Scott Elliott scott.elliott60@gmail.com, Melinda Zamora melinda@bowles-lawfirm.com, Harry Taub htaub@da.state.nm.us

Please let us know when Mr. Sneesby's interview is being set so we can get it on our calendars:

[REDACTED]

[REDACTED]

[REDACTED]

B LAW OFFICE OF
TODD J. BULLION

[REDACTED]

On 01/21/24 0:30 PM MS:1 Todd Bullion <todd@bullionlaw.com> wrote:

Afternoon,

We've added this gentleman to our witness list. He was the boom mic operator.

Please let us know if you'd like to interview him and we'll arrange it.

Thanks,

Todd J. Bullion
4811 Hardware Dr NE
Bldg D, Suite 6
Albuquerque, NM 87109
505-494-4658

B LAW OFFICE OF
TODD J. BULLION

From: Jason Bowles jason@bowles-lawfirm.com
Subject: Re: Zac Sneesby
Date: January 23, 2024 at 9:28 AM
To: Kari Morrissey ktm@morrisseylewis.com
Cc: Todd Bullion todd@bullionlaw.com, Jason J. Lewis jjl@jjllaw.com, Scott Elliott scott.elliott60@gmail.com, Melinda Zamora melinda@bowles-lawfirm.com, Harry Taub htaub@da.state.nm.us

We have contacted him and left a message to set this up. Waiting to hear back.
Sent from my iPhone

On Jan 23, 2024, at 9:25 AM, Kari Morrissey <ktm@morrisseylewis.com> wrote:

What's up with the Sneesby PTI?

[REDACTED]

[REDACTED]

[REDACTED]

B LAW OFFICE OF
TODD J. BULLION

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B LAW OFFICE OF
TODD J. BULLION

[REDACTED]

On 1/23/24 at 2:38 PM MST, Todd Bullion <todd@bullionlaw.com> wrote:

Afternoon,

We've added this gentleman to our witness list.
He was the boom mic operator.

Please let us know if you'd like to interview him
and we'll arrange it.

Thanks,

Todd J. Bullion

4511 Hardware Dr NE
Bldg D, Suite 5
Albuquerque, NM 87109
505-494-1658

B LAW OFFICE OF
TODD J. BULLION