

**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.

**ORDER GRANTING STATE'S MOTION IN LIMINE TO EXCLUDE DEFENDANT'S
LATE-DISCLOSED EXPERT WITNESS and UNAVAILABLE FACT WITNESS**

THIS MATTER having come before the Court on the State's Motion in Limine to Exclude Defendant's Late-Disclosed and Unavailable Witnesses, the Court having considered the arguments of the parties, finds the motion is well-taken and is GRANTED.

THE COURT ENTERS THE FOLLOWING FINDINGS:

1. At approximately 4:20 p.m. on February 12, 2024, the State received an email from defense counsel containing an amended expert witness list, and disclosing for the first time Leni Calas as an expert witness for trial. Leni Calas has never been included on any prior witness list filed by the defendant.

2. An expert witness disclosure one week from trial unfairly prejudices the State because there is inadequate time for the State to prepare for and conduct an interview of this expert and to have her statements and opinions reviewed by the State's experts prior to trial.

3. Considering this case has been pending for over one year, and that the State's armorer expert has been disclosed to the defendant since the first witness list filed in this case on

January 31, 2023, the defendant had ample notice of the need to locate and retain her own armorer expert witness, had she desired to do so.

4. During oral argument, defense counsel acknowledged they have been unable to locate and set up a pretrial interview of defense fact witness Zac Sneesby, and consequently agreed to withdraw Mr. Sneesby as a defense witness.

IT IS ORDERED, ADJUDGED AND DECREED that:

The State's Motion in Limine to Exclude Defendant's Late-Disclosed and Unavailable Witnesses hereby GRANTED. Proposed expert witness Leni Calas is prohibited from testifying at trial, and the Court accepts defendant's withdrawal of Zac Sneesby as a fact witness.



JUDGE MARY MARLOWE-SOMMER

Submitted by:

/s/ Jason J. Lewis
Jason J. Lewis
Kari T. Morrissey
Special Prosecutors

Approved by:

Via Electronic Approval on February 20, 2024
Jason Bowles
Attorney for Hannah Gutierrez