

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 MOTION TO SEAL EXPEDITED MOTION REGARDING  
CONFIDENTIAL AND PRIVILEGED MATTERS**

COMES NOW, the State of New Mexico, by and through Special Prosecutors, Kari T. Morrissey and Jason J. Lewis, who respectfully request this Court seal the State's Expedited Motion Regarding Confidential and Privileged Matters, any responsive pleadings and seal any hearing in which the Court conducts an inquiry of the defendant with regard to plea negotiations pursuant to 5-123 NMRA and as grounds states as follows:

1. The State has lodged a Sealed Expedited Motion Regarding Confidential and Privileged Matters pursuant to NMRA 5-123.
2. Certain issues and negotiations are privileged and confidential and should not be subject to public scrutiny.
3. The sealed motion lodged with the Court requests the Court make certain inquiries of the defendant. Such inquiries should not be made public due to the sensitive and privileged nature of confidential and privileged matters.
4. The Court has an overriding interest in ensuring that the defendant's rights are protected, and future appellate issues are mitigated. The Court's overriding interest supports sealing of the Court record for the specific purpose of ensuring that the defendant has been

properly counseled and to avoid possible appellate issues associated with any conviction at trial.

5. There is a substantial probability that the overriding interest will be prejudiced if the record is not sealed. The State is requesting the Court agree to seal the lodged motion, all responsive pleadings, and any hearing on the issue.
6. The proposed requested sealing of the record is narrowly tailored to the privileged and confidential issues pertaining to plea negotiations and no less restrictive means exist to achieve the overriding interest.

Respectfully submitted,

/s/ Kari T. Morrissey  
Kari T. Morrissey  
Jason J. Lewis  
Special Prosecutors  
1303 Rio Grande Blvd. NW, Ste. 5  
Albuquerque, NM 87104  
T: 505-361-2138

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of February 2024, I served the forgoing pleading to all parties or counsel of record:

/s/ Kari T. Morrissey  
Kari T. Morrissey