

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 DEFENDANT'S MOTION IN LIMINE
TO PROHIBIT ANY USE OR REFERENCE OF
THE MOTORCYCLE ACCIDENT OF TYLER DYER**

Special prosecutors, Kari T. Morrissey and Jason J. Lewis, respectfully submit the following in response to the defendants Motion in Limine to Prohibit Any Use of Reference of the Motorcycle Accident of Tyler Dyer:

1. Special prosecutors have not engaged in rank character assassination of Ms. Gutierrez.

The special prosecutors began their work on the instant case in March 2023. The footnotes to damaging news articles in defendant's motion are from October 27, 2021.

2. According to a police report from August 2020, Ms. Gutierrez was at a party and observed Mr. Dyer and Mr. Butcher drink between four and five beers each. Mr. Dyer left the party on a motorcycle registered to Ms. Gutierrez and Mr. Butcher left the party on another motorcycle. Mr. Dyer drove in a reckless manner and crashed. Tragically, Mr. Dyer died as a result of his catastrophic injuries. Mr. Butcher also crashed the motorcycle he was riding but survived.
3. Ms. Gutierrez was interviewed on the night of fatal crash and, according to the police report, she told the responding officers that she was the girlfriend of Mr. Butcher, when

in fact she was the girlfriend of Mr. Dyer. Ms. Gutierrez explained that the two men “were just taking the motorcycles around the block.” If Ms. Gutierrez made any effort to stop Mr. Dyer from leaving a party on a motorcycle that she owned after consuming four to five beers, she seems to have failed to mention it to the investigating officers on the night of accident. Moreover, it appears that Ms. Gutierrez insurance paid \$50,000.00 in damages for the accident. It is highly unlikely that Ms. Gutierrez’ insurance would have paid any damages if Mr. Dyer took Ms. Gutierrez’ motorcycle without permission.

4. Special prosecutors agree that the facts surrounding the accident itself are likely not relevant and do not intend to introduce such evidence in their case-in-chief. It is possible that Ms. Gutierrez’ false statements to law enforcement may be relevant to her character for truthfulness and may become relevant should Ms. Gutierrez testifies in a manner that would open the door to the facts and circumstances surrounding the crash.
5. Special prosecutors will agree not to use the evidence in their case-in-chief and will ask to approach the bench prior to mentioning the evidence should counsel believe it becomes relevant.

WHEREFORE, for the foregoing reasons the state requests the Court reserve ruling on the issue and address any potential relevancy should it arise at trial.

Respectfully submitted,

/s/ Kari T. Morrissey
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January 2024, I served the forgoing pleading to all parties or counsel of record through odyssey file and serve:

/s/ Kari T. Morrissey
Kari T. Morrissey