

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 USE OF OTHER ACTS EVIDENCE NOT  
NOTICED PURSUANT TO RULE 11-404(B)(3)**

Special prosecutors, Kari T. Morrissey and Jason J. Lewis, respectfully submit the following in response to the defendants Motion in Limine to Prohibit Use of Other Acts Evidence Not Noticed Pursuant to Rule 11-404(B)(3):

1. Special prosecutors agree with defense counsel that Rule 11-404(B)(3) states that the prosecution must notice the defendant in "writing before trial, or in any form during trial if the court, for good cause excuses lack of pretrial notice."
2. Ms. Gutierrez' trial is thirty days away. The special prosecutors will follow the plain language of Rule 11-404(B)(3) and notify the defendant in writing of any intention to use evidence of other crimes, wrong or bad acts prior to trial. Should the court determine that a deadline should be established for such written notice, the state will adhere to the court's deadline.

WHEREFORE, for the foregoing reasons the state requests the court deny defendant's motion.

Respectfully submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

Jason J. Lewis

Special Prosecutors

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> 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