

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,
Plaintiff,

v.

No. D-101-CR-2023-00040

HANNAH GUTIERREZ-REED,
Defendant.

**ORDER DENYING MOTION IN LIMINE TO PROHIBIT ANY USE OR REFERENCE
OF THE MOTORCYCLE ACCIDENT OF TYLER DYER**

THIS MATTER came before the Court on the Defendant's Motion in Limine to Prohibit Any Use or Reference of the Motorcycle Accident of Tyler Dyer (the "Motion"), filed January 16, 2024. Having reviewed the briefing, considered oral argument, and being otherwise fully advised, THE COURT FINDS, CONCLUDES, AND ORDERS:

PROCEDURAL SUMMARY

1. On January 16, 2024, the Defendant filed her Motion. In response, on January 22, 2024, the State filed its Response to Defendant's Motion in Limine to Prohibit Any Use or Reference of the Motorcycle Accident of Tyler Dyer.
2. On January 25, 2024, the Court held a remote hearing to entertain oral argument on the Motion. Mr. Todd Bullion appeared and argued on behalf of the Defendant. Special Prosecutor Ms. Kari Morrissey appeared and argued on behalf of the State.

RULING

3. The State shall not introduce evidence of the motorcycle accident involving Mr. Tyler Dyer in its case-in-chief.

4. However, pursuant to Rule 11-608(B) NMRA, certain aspects of the incident may be admissible if Defendant elects to testify. Rule 11-608(B) NMRA (“Except for a criminal conviction under Rule 11-609 NMRA, extrinsic evidence is not admissible to prove specific instances of a witness’s conduct in order to attack or support the witness’s character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness of (1) the witness; or (2) another witness whose character the witness being cross-examined has testified about.”); *see also* Rule 11-404(B)(2) NMRA (“[Evidence of a crime, wrong, or other act] may be admissible for another purpose . . .”).
5. Specifically, the Court may allow the State on cross-examination to inquire into the Defendant’s purported false statements to law enforcement made in connection with law enforcement’s investigation of the motorcycle accident.
6. However, with respect to other aspects of the accident, such as the death of Mr. Dyer and the insurance company’s payout, the Court concludes that the probative value of this information is substantially outweighed by its unfairly prejudicial effect. Further, this information does not go to the Defendant’s character for truthfulness or untruthfulness. Therefore, the Court excludes this information pursuant to Rule 11-403 NMRA and Rule 11-608(B) NMRA.
7. For the avoidance of doubt, the Court denies the Defendant’s Motion at this time and the Defendant is on notice that questions oriented towards Defendant’s character for truthfulness or untruthfulness may potentially be posed to her on cross-examination by the State. Nonetheless, the Court may ultimately conclude that the State may not

question the witness about any false statements made vis-à-vis the motorcycle accident pursuant to Rule 11-403.

8. The Court will revisit whether the State may pose questions to Defendant on cross-examination pursuant to Rule 11-608(B) at the appropriate time during trial. Further, the State is ordered to request a bench conference or brief hearing during a recess before delving into the topic of purported false statements made in connection with the motorcycle accident. At that time, the Court will make its final decision about whether the State may cross-examine Defendant on this topic.

CONCLUSION

IT IS THEREFORE ORDERED that the Defendant's Motion in Limine to Prohibit Any Use or Reference of the Motorcycle Accident of Tyler Dyer is hereby DENIED.

IT IS HEREBY ORDERED.



MARY MARLOWE SOMMER
DISTRICT COURT JUDGE
DIVISION VIII

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that on the date of acceptance for e-filing a true and correct copy of the foregoing was e-served on counsel registered for e-service in this matter as listed below.

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