

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,

Plaintiff,

v.

CR

D-101-2023-00040

HANNAH GUTIERREZ,

Defendant.

STATE'S RESPONSE IN OPPOSITION TO DEFENDANT'S  
MOTION FOR RELEASE PENDING APPEAL

The State of New Mexico, through Special Prosecutor, Kari T. Morrissey, respectfully submits the following in response to defendant's Motion for Release Pending Appeal:

1. The defendant may be released pending appeal pursuant to 31-11-1(C) but only if the Court finds by "clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released."
2. While Ms. Gutierrez has no prior felony convictions, she does have another felony case pending in the First Judicial District Court (*See* D-101-CR-2023-418). The history of Ms. Gutierrez's time in New Mexico is troubling. Ms. Gutierrez was only present in New Mexico for less than four weeks and there is evidence that she committed three felony offenses during that time. Ms. Gutierrez has been found guilty of involuntary manslaughter, she has a pending case for carrying a firearm into a liquor establishment (which appears to have been committed with blatant and flagrant disregard for laws related to public safety) and there is ample evidence that Ms. Gutierrez was in possession of cocaine while in New Mexico.

3. As evidenced by Ms. Gutierrez cellular extraction, Ms. Gutierrez has a significant substance abuse problem that dates back nearly ten years. Ms. Gutierrez cellular extraction contained evidence of long-term alcohol abuse, cocaine abuse, use of psychedelic mushrooms and evidence of huffing from aerosol-type containers.
4. While incarcerated, Ms. Gutierrez's jail calls indicated previously undiscovered violations of her conditions of release prior to and during her trial for alcohol use/abuse to such a degree that it appeared to have negatively impacted her personal relationships. In two jail calls Ms. Gutierrez discussed consumption of alcohol while on conditions of release and her boyfriend complained that she mistreated him when she consumed alcohol.
5. Ms. Gutierrez has no significant family or community ties in New Mexico and was seemingly underemployed for the year leading up to her trial.
6. While incarcerated, Ms. Gutierrez's jail calls indicated a clear disdain for the Court's orders and a willingness to refuse to appear in Court when ordered. In one phone call Ms. Gutierrez expressed a willingness to refuse to appear to Mr. Baldwin's trial if lawfully subpoenaed.
7. All of Ms. Gutierrez family members and her boyfriend are gun owners and Ms. Gutierrez expressed a willingness in her jail calls to run afoul of any court orders requiring her to refrain from possessing firearms. In one phone call she discussed with her boyfriend that he could put his guns "in a safe and he can tell them (probation authorities) that she doesn't know the combo."
8. Due to the above-stated reasons Ms. Gutierrez should be considered a flight risk and a danger to the community and held in custody pending appeal.

Respectfully Submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

Special Prosecutors

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I hereby certify that a true and accurate copy of the foregoing was provided to counsel for the defendant via e-mail this 27<sup>th</sup> day of May 2024.

/s/ Kari T. Morrissey

Kari T. Morrissey