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

STATE OF NEW MEXICO,

Plaintiff, **No. D-101-CR-2024-00013**

vs. **Judge Mary Marlowe Sommer**

ALEXANDER BALDWIN,

Defendant.

STATE'S REPLY TO DEFENDANT'S RESPONSE TO THE STATE'S MOTION FOR EXHIBIT LIST DEADLINE

COMES NOW the State of New Mexico by and through its Special Prosecutors Kari T. Morrisey and Erlinda O. Johnson and hereby respectfully submits the following reply to the defendant's response to the state's motion for exhibit list deadline, and in support thereof submits the following.

For decades the U.S. Supreme Court has recognized district court's inherent power to manage their dockets. The district court's authority, the Supreme Court has explained, is "governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs ...." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962). It has long been understood that certain implied powers must necessarily result to our Courts of Justice from the nature of their institution, powers which cannot be dispensed with in a Court, because they are necessary to the exercise of all others. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (quotations omitted). Part of a court's power is the power to manage "their" dockets, and the purpose of this power is "the efficient and expedient resolution of cases." *Dietz v. Bouldin*, 579 U.S. 40 (2016); *see also United States v. Moussaoui*, 483 F.3d 220, 237 (4th Cir. 2007)

(explaining that the cases involving the inherent managerial power of a district court "stand for the proposition that a court has the inherent authority to control various aspects of the cases *before that court* so that they can protect their proceedings and judgments in the course of discharging their traditional responsibilities. (emphasis in original)).

Pursuant to New Mexico law, "[i]nherent judicial power is the power necessary to exercise the authority of the court." *See In re Jade G.,* 2001–NMCA–058, ¶ 27, 130 N.M. 687, 30 P.3d 376. "The rationale underlying the existence of the inherent power of the courts is that a court must be able to command the obedience of litigants and their attorneys if it is to perform its judicial functions." *Restaurant Mgmt. Co.,* 1999–NMCA–101, ¶ 11, 127 N.M. 708, 986 P.2d 504 (internal quotation marks and citation omitted). A fundamental aspect of a court's exercise of its inherent power is the principle that a court's inherent authority extends to all conduct before the court and to all parties appearing before the court, regardless of the party's status as a private litigant or as a governmental/public entity. *See State ex.rel. N.M. Highway and Transp. Dep't. v. Baca,* 1995–NMSC–033, ¶ 27, 120 N.M. 1, 896 P.2d 1148 (noting that "a court's inherent authority extends to all conduct before that court").

In this case, under this Court's inherent judicial powers to control its docket and promote efficient resolution of cases and trials, it may order the parties to file simultaneous exhibit lists and should do so. This case involves voluminous discovery and dozens of witnesses. The defense proposes an extremely inefficient method of addressing exhibits during trial. With the defendant's proposed plan for addressing exhibits, the trial will drag out for six weeks or longer and the jury will spend unnecessary periods of time waiting outside of court while the parties argue objections to exhibits.

It is clear from the defendant's response that defendant intends to play "hide the ball". In fact, when that became clear to the State, the State advised the defense that it was willing to engage in a meaningful discussion about possible stipulations to exhibits, in writing and that it had to be a mutual exchange. The defense declined the State's invitation as they failed to respond. While it is true the State carries the burden of proof and the defendant enjoys Fifth and Sixth Amendment protections, ordering the parties to disclose their proposed exhibits in advance of trial does not come even close to infringing on the defendant' Fifth and Sixth Amendment rights. Such a notion is absurd.

In fact, nearly all federal jurisdictions order the parties in criminal cases to disclose exhibit lists in advance of trial.[1] If the parties intend to introduce exhibits, this Court must order them to file simultaneous lists of proposed exhibits no later than June 30, 2024, so that the parties have sufficient time to address objections to exhibits during the hearing on motions in limine on July 8, 2024. This process will also eliminate any surprise and allow for a fair trial to both sides.

Wherefore, for the foregoing reasons, the State respectfully requests this Court impose a deadline of June 30, 2024, for the parties to file exhibit lists identifying exhibits each side intends to introduce at trial.

Respectfully Submitted,

/s/*Erlinda O. Johnson*
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[1] https://www.nmd.uscourts.gov/sites/nmd/files/Judge%20Vazquez%20Preparation%20for%20Criminal%20Trials.pdf; https://www.txnd.uscourts.gov/criminal-rules; http://www.cod.uscourts.gov/Portals/0/Documents/Judges/RMR/RMR_Criminal_Practice_Standards.pdf?ver=2022-12-01-143819-373; https://ksd.uscourts.gov/content/senior-judge-julie-robinson

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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 22nd day of June 2024.

/s/ *Erlinda O. Johnson*
Erlinda O. Johnson