

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

STATE OF NEW MEXICO,

Plaintiff,

v.

No. D-101-CR-2024-00013
Judge Mary Marlowe Sommer

ALEXANDER RAE BALDWIN,

Defendant.

PETITION FOR OUT-OF-STATE SUBPOENA AD TESTIFICANDUM
ISSUED TO REID RUSSELL

COMES NOW Petitioner, Alexander Rae Baldwin, by Sara Clark, defense counsel, hereby respectfully petitions this Honorable Court for an order, pursuant to NMSA 1978, Section 31-8-3, directing the Clerk of the Court to issue a subpoena, a copy of the subpoena which is attached hereto, incorporated herein by this reference, and marked Exhibit A, and the order by this Court on subpoena which is attached hereto, incorporated herein by this reference, and marked Exhibit B, compelling Reid Russell to testify at trial in the above captioned matter. In support hereof, Petitioner submits the following:

1. Petitioner is the Defendant in a criminal proceeding currently pending in the New Mexico District Court, Santa Fe Division, entitled *State of New Mexico vs. Alexander Rae Baldwin*, Case No. D-101-CR-2024-0013.
2. Petitioner has prepared a Subpoena for trial testimony pursuant to a Subpoena Ad Testificandum, to be served upon Reid Russell in California concerning the above captioned matter; however, such Subpoena has not yet been served pending the actions of this court regarding this Petition.

3. Upon information and belief, Reid Russell is a material witness in the prosecution pending before this Court. Reid Russell resides in California as identified in the Subpoena Ad Testificandum.
4. Testimony by Reid Russell is necessary in the proceedings before this Court.
5. Petitioner has a good faith basis to believe that Reid Russell is a material witness regarding the events of October 21, 2021 that are at issue in this case.
6. The testimony requested by the Subpoena Ad Testificandum will not, based upon information and belief, be burdensome to Reid Russell; and Petitioner will tender all fees costs and costs, if any, to Reid Russell regarding his statement.
7. The State of New Mexico has adopted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, which Uniform Act is also codified in the State of California (California Penal Code Section 1334.2 et. seq).
8. As stated herein, the Petitioner will pay any and all reasonable costs, fees, and/or expenses with regard to the testimony requested by the Subpoena Ad Testificandum.
9. That if Reid Russell does not give testimony as requested by the Subpoena Ad Testificandum, in disobedience to the subpoena (Exhibit "A"), Reid Russell will be subject to all legal consequences include but not limited to arrest in connection with such disobedience to produce the items and materials identified.
10. Counsel for the State of New Mexico has been contacted for their position on this Petition and said counsel (Attorney Kari Morrissey) advised that the State does not take a position.

WHEREFORE, Petitioner respectfully requests that the Court issue an Order, in the form and content as set forth in Exhibit B, by which the Clerk of the District Court is directed to issue the subpoena (Exhibit A) and further issue a certified copy of same to Petitioner, compelling Reid

Russell to give testimony at trial as requested by the subpoena (Exhibit A), as such testimony is necessary to the prosecution of the above-entitled matter.

Dated: June 27, 2024

/s/ Sara Clark

Sara Clark

QUINN EMANUEL URQUHART & SULLIVAN, LLP

700 Louisiana St., Ste. 500

Houston, Texas 77002

(713) 221-7000

(713) 221-7100

saraclark@quinnemanuel.com

CERTIFICATE OF SERVICE

I certify that on June 27, 2024, I caused a copy of this Petition to be electronically filed, which caused all counsel of record to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Sara Clark

Sara Clark

Counsel for Defendant

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

STATE OF NEW MEXICO,

Plaintiff,

v.

No. D-101-CR-2024-00013
Judge Mary Marlowe Sommer

ALEXANDER RAE BALDWIN,

Defendant.

ATTORNEY'S AFFIDAVIT IN SUPPORT OF UNOPPOSED PETITION FOR OUT-OF-STATE SUBPOENA AD TESTIFICANDUM TO BE ISSUED TO REID RUSSELL

I, Sara Clark, defense counsel, being duly sworn, deposes and says:

1. I am an attorney admitted *pro hac vice* to practice law as defense counsel in the above-entitled matter.
2. I am an attorney for the above-named Defendant.
3. I made this Affidavit in support of the Unopposed Petition for Out-of-State Subpoena Ad Testificandum for testimony at trial from Reid Russell ("Russell" herein) who resides in California.
4. A detailed investigation and due diligence reveal that Reid Russell has the following service address:

Reid Russell
22933 Leonora Dr.
Woodland Hills, CA 91367

5. Russell's trial testimony, as requested in the Subpoena Ad Testificandum, is critical to key elements of this criminal prosecution.
6. WHEREFORE, your affiant respectfully prays that process be issued and the Unopposed Petition for Out-of-State Subpoena Ad Testificandum for trial testimony from Russell be granted.

Dated: June 27, 2024

/s/ Sara Clark

Sara Clark, Counsel for Defendant
QUINN EMANUEL URQUHART & SULLIVAN, LLP
700 Louisiana St., Ste. 500
Houston, Texas 77002
(713) 221-7000
(713) 221-7100
saraclark@quinnemanuel.com

EXHIBIT A

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

STATE OF NEW MEXICO,

Plaintiff,

v.

No. D-101-CR-2024-00013
Judge Mary Marlowe Sommer

ALEXANDER RAE BALDWIN,

Defendant.

SUBPOENA

TO: Reid Russell
22933 Leonora Dr.
Woodland Hills, CA 91367

YOU ARE HEREBY COMMANDED TO APPEAR as follows:

PLACE: First Judicial District Courthouse
225 Montezuma Ave.
Santa Fe, NM 87501

DATE: July 10 through July 12, 2024
July 15 through July 19, 2024

Upon receipt of this subpoena, please email saraclark@quinnemanuel.com
to confirm the specific date and time for which you are to testify.

TIME: 8:30 am – 5:00 pm daily

- testify at the taking of a deposition in the above case
- testify at trial**
- permit inspection of the following described documents or objects
- permit the inspection of the premises located at:
- give a statement.

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

Date: June 27, 2024

/s/ Sara Clark

Sara Clark, Counsel for Defendant
QUINN EMANUEL URQUHART & SULLIVAN, LLP
700 Louisiana St., Ste. 500
Houston, Texas 77002
(713) 221-7000
(713) 221-7100
saraclark@quinnemanuel.com

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the ____ day of ____, ____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, [a witness fee in the amount of \$ _____ and mileage in the amount of \$ _____].

Deputy sheriff

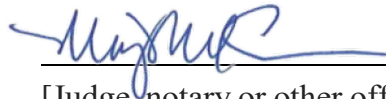
RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE

I being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, a witness fee in the amount of \$ _____, and mileage as provided by law in the amount of \$ _____.

[Person making service]

SUBSCRIBED AND SWORN to before me this _____ day of _____,

_____.



[Judge, notary or other officer authorized to administer oaths]

THIS SUBPOENA issued by or at request of:
Defense Counsel, Sara Clark

CERTIFICATE OF SERVICE BY ATTORNEY

I hereby certify that I caused a certificate of service of this subpoena to be electronically filed to be served on all parties of record, as more fully reflected on the electronic notice of filing.

Date: June 27, 2024

/s/ Heather M. LeBlanc

Heather M. Leblanc

Counsel for Defendant

TO BE PRINTED ON EACH SUBPOENA

1. *A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.*
2. *A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.*
3. *Payment of per diem and mileage for subpoenas issued by the district attorney, attorney general, public defender or an attorney appointed by the court, district attorney, attorney general or public defender is made pursuant to regulations of the Administrative Office of the Courts. The bracketed language should be deleted if the subpoena is issued by the state or the public defender.*

A subpoena by a private party or corporation must be accompanied by the payment of one full day's per diem. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act.

4. *To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided by Rules 5-103, 5-103.1 or 5-103.2. If service is by a party, an affidavit of service must be used instead of a certificate of service.*

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to Subparagraph (2) of Paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the

party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance,
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (4) subjects a person to undue burden.

If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (3) requires a person who is not a party or an officer of a party to incur substantial expense to travel, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made

expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT B

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

STATE OF NEW MEXICO,

Plaintiff,

v.

No. D-101-CR-2024-00013
Judge Mary Marlowe Sommer

ALEXANDER RAE BALDWIN,

Defendant.

**ORDER/CERTIFICATE ON PETITION FOR OUT-OF- STATE SUBPOENA AD
TESTIFICANDUM ONTO REID RUSSELL**

The matter having come before the Court upon the Petition for Out-of-State Subpoena Ad Testificandum for issuance onto Reid Russell (“Russell”) (“Petition”) and the Court being fully advised in the premises finds the Petition well taken.

This Court, being the court of record in the above-entitled matter, finds that Reid Russell resides in California located at:

Reid Russell
22933 Leonora Dr.
Woodland Hills, CA 91367

The requested statement is discussed and set forth in the Petition, the Subpoena, and in the Attorney’s Affidavit all of which have been presented to this Court.

IT IS THEREFORE:

ORDERED and CERTIFIED by this Court that the Clerk of the District Court issue, and provide a certified copy of same to Petitioner, a Subpoena Ad Testificandum in the form and content as presented to this Court by virtue of the Petition (Exhibit A thereto) compelling the trial

testimony of Russell as requested by the Subpoena Ad Testificandum concerning this matter to be used in the same.

Dated: June 27th, 2024



Judge Mary Marlowe Sommer
First Judicial District Court Judge

Submitted by:

/s/ Sara Clark
Sara Clark
Counsel for Defendant

No position taken:

/s/ Kari T. Morrissey
Kari T. Morrissey, Special Prosecutor