

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

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**HANNAH GUTIERREZ,**

**No. D-101-CR-202300040  
Judge Mary Marlowe Sommer**

**Defendant.**

**STATE'S OPPOSED MOTION TO PROTECT THE IDENTITY OF WITNESS**

COMES NOW the State of New Mexico by and through its Special Prosecutor, Kari T. Morrissey and Jason J. Lewis, who respectfully request that this court find good cause to withhold specific information to protect a witness pursuant to Rule 5-501(F), NMRA, and as grounds states as follows:

1. The prosecution team has been in contact with a witness (hereinafter referred to as S1) who will testify that the defendant transferred a small bag of cocaine to S1 on the evening of October 21, 2021, after the defendant returned from her interview at the police station on the day of the fatal shooting. The circumstances of the transfer of evidence strongly support the charge that the defendant transferred the cocaine to avoid prosecution and prevent law enforcement from obtaining highly inculpatory evidence directly related to the defendant's handling of the firearm and the circumstances of the fatal shooting of Halyna Hutchins.
2. As this court is aware, there has been an enormous amount of press coverage concerning this case. S1 has concerns that they may be subject to harassment by the media, a very real concern should S1's identity be made public.

3. S1 has expressed concern to undersigned counsel that S1 fears that their statements and testimony will result in S1 being blacklisted from the film industry for coming forward with the information about the defendant. Specifically, S1 stated to undersigned counsel, “I will never be able to work in the film industry again.” S1 understands that their identity will be made public at some point in the future, however, they wish to keep their identity from the public for as long as possible.
4. The state’s expert witness, Bryan Carpenter, has confirmed for undersigned counsel that “blacklisting” is common in the film industry and agrees that S1 may suffer “blacklisting” because of her future testimony in this case. Mr. Carpenter has explained that “blacklisting” is more common on lower budget projects, such as the Rust film than on projects with more substantial budgets. Mr. Carpenter is an armorer and producer in the film industry and is familiar with norms in the industry.
5. Undersigned counsel has encountered several potential witnesses who have been reluctant to answer questions and provide information during the ongoing investigation of this case. In fact, counsel recently subpoenaed a witness for a deposition because that witness refused to answer counsel’s questions truthfully without being compelled.
6. This blacklisting culture combined with a culture of staying quiet and not “snitching” is evidenced by the defendant’s own text message on October 16, 2021 (five days before the fatal shooting) in a discussion with the armorer mentor about whether she (the defendant) should notify the production company about the accidental discharges on set. The defendant stated, “You think I’m some fucking rat or something? You think I’m running to production to taddle (sic)? You have me fucked up Seth.”
7. Rule 5-501(F) provides,

Information not subject to disclosure. The prosecutor shall not be required to disclose any material required to be disclosed by this rule if:

- (1) the disclosure will expose a confidential informer;
- (2) there is substantial risk to some person of physical harm, intimidation, bribery, economic reprisals or unnecessary annoyance or embarrassment resulting from such disclosure, which outweighs any usefulness of the disclosure to defense counsel.

8. Undersigned counsel is requesting that the Court enter a protective order prohibiting the defendant, her counsel and their investigative team from releasing S1's identity to anyone other than the defendant, her counsel and their investigators. Moreover, the state requests that S1's information not be placed on a publicly available witness list and that all interviews of S1 with the defense team be scheduled through the office of the special prosecutor.
9. It is critical to the ongoing investigation in this matter that witnesses have some protection from economic reprisal from the film industry and intimidation, annoyance and embarrassment from the media for as long as possible. Without some protection from the court, witnesses will be extremely reluctant to come forward and provide the truthful information that is necessary for the special prosecutor to obtain justice for the victim in this case and fully develop the facts of the case in a fair and impartial manner.
10. Defense counsel objects to the relief sought in this motion.

WHEREFORE, for the above stated reasons, undersigned counsel respectfully requests this Court enter a protective order as outlined above.

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 29th day of June 2023, I served the forgoing pleading to all parties or counsel of record:

/s/ Kari T. Morrissey

Kari T. Morrissey