

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

CR No. 2016-00789
DA No. 2016-01172-1

STATE OF NEW MEXICO,
Plaintiff,

v.

DARRIUS DAVON VALLES,
AKA: DARIUS DA-VON VALLES; DARRIUS D. VALLES; DARRIUS CHAVEZ; DARRIUS
BALLES; DARIAS VALLES; DARRIUS DA-VON VALLES; DARRIUS DA VON VALLES;
Defendant.

**MOTION FOR AN ORDER COMPELLING TESTIMONY
AND GRANTING USE IMMUNITY**

COMES NOW, Les Romaine, Assistant District Attorney, and moves this Court pursuant to
1986 SCRA Rule 5-116 for an order compelling the testimony and granting use immunity to
DeAmber Yonker.

As grounds for this Motion, counsel states:

1. Defendant, Darrius Davon Valles is charged with First Degree Murder and other charges arising out of an incident occurring on January 15, 2016.
2. DeAmber Yonker is a material witness in this case.
3. The State wishes to call DeAmber Yonker to testify at trial regarding the incident that occurred on January 15, 2016.
4. DeAmber Yonker is currently represented by Brittany Maldonado.
5. DeAmber Yonker, through prior counsel Lisa Torracco, sought and was granted a protective order on June 9, 2016 which prohibited her statement from being taken.
6. The State is prepared to grant use immunity to DeAmber Yonker for her testimony in regards to the events of January 16, 2016, so long as DeAmber Yonker does not state she was the shooter.
7. In *State v. Belanger*, the Supreme Court held that "Transactional immunity is broader than the

fifth amendment privilege. Use immunity, by contrast, is co-extensive with the Fifth Amendment Privilege. With use immunity, both the prosecution and the witness are left in essentially the same position as if the witness had retained his Fifth Amendment privilege and never testified.” *State v. Belanger*, 2009-NMSC-025, ¶ 12, 146 N.M. 357, 210 P.3d 783, citing *Kastigar v. United States*, 406 U.S. 441, 92 S.Ct. 1653 (1972).

8. The State contends that the interests of justice will best be served and truth ascertained if Witness DeAmber Yonker is compelled to testify and be granted use immunity from prosecution for his testimony.

WHEREFORE, the State respectfully requests that the Court grant an order:

- A. Compelling DeAmber Yonker to provide a pre-trial interview and testify at the trial conducted hereafter in the above-captioned cause.
- B. Granting DeAmber Yonker use immunity from prosecution as to the testimony and evidence he gives at trial, as it relates to this matter.

Respectfully Submitted,



LES ROMAINE
ASSISTANT DISTRICT ATTORNEY

I certify that a copy of the foregoing was sent to counsel for defendant, Tom Clark and Counsel for DeAmber Yonker on the 22nd day of March, 2017.



ASSISTANT DISTRICT ATTORNEY

HONORABLE BRETT R. LOVELESS