

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

DARRIUS VALLES,

Defendant.

MOTION FOR MATERIAL WITNESS WARRANT

COMES NOW the State of New Mexico, by and through its Assistant District Attorney, Les Romaine, and hereby moves the Court to issue material witness warrant for DeAmber Yonker, [REDACTED], [REDACTED], and pursuant to NMRA 2008, Rule 5-404.

Rule 5-404 provides that the Court may issue a warrant for the arrest of a material witness if it is impracticable to secure her presence by subpoena. The court may require the witness to give bail for his appearance. Id. If the witness fails to give bail, she may be committed to the custody of the sheriff for a period not to exceed five (5) days, within which time his deposition shall be taken as provided in Rule 5-503. The court upon good cause shown may extend the time for taking such depositions for an additional period not exceeding five (5) days. Only in a capital, first or second degree felony case shall any surety be required for the bail of a witness. Id.

The State seeks the witness to be held on a reasonable bond, so that the witness is available for trial and an interview may be conducted pursuant to Rule 5-503 within the five

business day period as provided by Rule 5-404.

The State, through its investigator, personally served the witness on April 13, 2016 with a subpoena to appear from a pre-trial interview on May 17, 2016 at 10:00 a.m.. On May 4, 2016, a message was received a message from the Law Office of the Public Defender which indicated their representation of DeAmber Yonker. On May 16, 2016, a copy of an entry of appearance and motion were emailed by Lisa Torracco, which was captioned "Notice of Non-Appearance and Motion For Order of Protection." Within that said motion, there was no stated justification or legal authority to ignore the Court order. The witness failed to appear for the interview which was to take place at the Second Judicial District Attorney's Office located at 520 Lomas Blvd. NW, and did not provide an explanation for her absence. The witness is aware that her presence was required for the pretrial interview. As grounds for this motion the State has attached an affidavit listing the reasons for its request.

Respectfully Submitted,



LES ROMAINE

Assistant District Attorney
520 Lomas Blvd. NW
Albuquerque, NM, 87102

I hereby certify that a copy of the foregoing was sent to counsel for defendant, Mark Earnest, and counsel for witness, Lisa Torracco on the 17th day of May, 2016.



Les Romaine