

FILED IN MY OFFICE THIS

MAY 31 2017 E:12pm ¹⁰

J. [unclear]
CLERK DISTRICT COURT

SECOND JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-202-CR-2016-00789

DARRIUS DAVON VALLES,

Defendant.

DEFENDANT'S MOTION TO EXCLUDE HERESAY TESTIMONY
OF DEAMBER YONKER

COMES NOW the Defendant, and move this Court for a an order to exclude any evidence or testimony offered by DeAmber Yonker, including but not limited to the 911 recording as well as any other statements she gave to law enforcement, and in support of this motion states and alleges as follows:

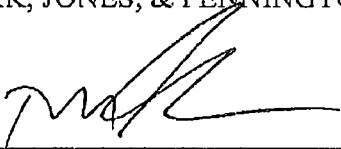
1. The Defendant is charged with First Degree Murder;
2. DeAmber Yonker is a key witness and has not appeared for scheduled pre-trial interviews;
3. A material witness warrant has been issued for Ms. Yonker's arrest;
4. It is anticipated that the State will attempt to offer Ms. Yonker's recorded 911 call and/or statements to the police into evidence;
5. DeAmber Yonker's 911 call recordings indicated that Mr. Valles shot Mr. Jennings but that he was acting in self-defense;
6. Any attempt by the State to present evidence from DeAmber Yonker is inadmissible hearsay, which does not meet the requirement of any recognized hearsay exception;
7. The 911 call is intended to be offered for the truth of the matter asserted: that the

Defendant is the person who shot and killed Mr. Jennings;

WHEREFORE the Defendants request that this Court issue an Order excluding any and all testimony by DeAmber Yonker.

Respectfully submitted,

CLARK, JONES, & PENNINGTON, LLC

By: 
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CERTIFICATE OF SERVICE

I, hereby certify that this pleading was delivered to Les Romaine at the Office of the District Attorney, on this 31 day of May, 2017


Thomas M. Clark