

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

STATE OF NEW MEXICO,

Plaintiff,

v.

D-101-CR-2023-00040

HANNAH GUTIERREZ-REED,

Defendant.

DEFENDANT'S MOTION REQUESTING JURY INSTRUCTIONS ON CAUSATION

Defendant Hannah Gutierrez-Reed, by and through her counsel of record, Jason Bowles of Bowles Law Firm, and Todd J. Bullion of Bullion Law Office, hereby moves this Court for Jury Instruction and in support of her motion states as follows:

The special prosecutors have previously stated that they had information that there was an alleged modification of the gun used by Baldwin on the Rust set. The prosecutors indicated that they believed this impacted causation of the manslaughter as to Baldwin, but not as to Ms. Gutierrez Reed. This was the basis for dismissal of charges against Baldwin, without prejudice. (Article attached as Exhibit A). We now have received the prosecutions' gun report by their experts, Lucien Haag and Mike Haag.

The Haag report (attached as Exhibit B) does not indicate any modification to the gun. The report further expresses that when parts broken by the FBI in testing were replaced, the gun fired as designed. The FBI had previously stated in its report that the gun functioned as designed before parts were broken during destructive testing.

Evidence at trial will show that Ms. Gutierrez Reed had asked Halls to be called back into the church if Baldwin was going to use the gun at all. Halls did not call her back into the church before the gun discharged. Had Hannah been present in the church under no circumstances would she have allowed 1) Baldwin to perform the cross draw with his finger on the trigger 2) she would not have allowed Baldwin to point the gun directly at another person and 3) the rounds in the weapon would have been checked again.

Baldwin pointing the gun at Ms. Hutchins and pulling the trigger are independent intervening causes. In an uninterrupted sequence of events Hannah would have been called into the church to perform her job as the armorer on the film. Hannah had no knowledge the gun would be used in a church scene – let alone by pointed at a person. The Haag report specifies that the trigger had to be pulled and rules out certain types of accidental discharge:

"Although Alec Baldwin repeatedly denies pulling the trigger, given the tests, findings and observations reported here, the trigger had to be pulled or depressed sufficiently to release the fully cocked or retracted hammer of the evidence revolver. If the hammer had not been fully retracted to the rear, and were to slip from the handler's thumb without the trigger depressed, the half cock or quarter cock notches in the hammer should have prevented the firing pin from reaching any cartridge in the firing chamber. If these features were somehow bypassed, a conspicuously off-center firing pin impression would result."

Exhibit B at page 27.

Ms. Gutierrez Reed is requesting a ruling in advance of trial that UJI 14-251 and 14-252 be given as jury instructions on causation which are copied in full below:

UJI 14-251. HOMICIDE; “PROXIMATE CAUSE”; DEFINED

In addition to the other elements of the crime of _____ (*name of crime*) as set forth in instruction number _____, the state must also prove to your satisfaction beyond a reasonable doubt that

1. The death was a foreseeable result of _____;
2. The act of the defendant was a significant cause of the death of _____ (*name of victim*).

The defendant's act was a significant cause of death if it was an act which, in a natural and continuous chain of events, uninterrupted by an outside event, resulted in the death and without which the death would not have occurred.

There may be more than one significant cause of death. If the acts of two or more persons significantly contribute to the cause of death, each act is a significant cause of death.

UJI 14-252. HOMICIDE; NEGLIGENCE OF DECEASED OR THIRD PERSON

The State must prove beyond a reasonable doubt that the defendant's act was a significant cause of the death of _____ (*name of victim*). An issue in this case is whether the negligence of a person other than the defendant may have contributed to the cause of death. Such contributing negligence does not relieve the defendant of responsibility for an act that significantly contributed to the cause of the death so long as the death was a foreseeable result of the defendant's actions.

However, if you find the negligence of a person other than the defendant was the only significant cause of death or constitutes an intervening cause that breaks the foreseeable chain of events, then the defendant is not guilty of the offense of _____ (*name of offense*).

Conclusion

Ms. Gutierrez Reed respectfully requests this Court, after hearing all the evidence in the case, instruct the jury on the above uniform jury instructions on causation.

Respectfully submitted,

/s/ Jason Bowles

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was sent through the ESF system, which caused the following parties to be served by electronic means, as reflected on the Notice of Electronic Filing this 15th day of August, 2023, to the counsel listed below:

Kari Morrissey
Jason Lewis
Special Prosecutors

/s/ Jason Bowles

Jason Bowles

Bowles Law Firm



'Rust' Armorer Hannah Gutierrez-Reed Pleads Not Guilty in New Mexico Case, Trial Set for December

"She looks forward to her day in court, and to having the conduct of everyone on set fully examined," Hannah Gutierrez-Reed's attorney said

By [Benjamin VanHoose](#) | Published on August 10, 2023 02:13PM EDT



The set of "Rust" in 2021. PHOTO: JAE C HONG/AP/SHUTTERSTOCK

[Hannah Gutierrez-Reed](#), the *Rust* armorer charged in connection to cinematographer [Halyna Hutchins](#)'s on-set death, has pleaded not guilty.



written plea of not guilty on Wednesday.

"Ms. Gutierrez has pled not guilty to all charges and is preparing for her day in court," her attorney Jason Bowles said in a statement to PEOPLE. "She looks forward to her day in court, and to having the conduct of everyone on set fully examined."

Judge Mary Marlowe Sommer of the First Judicial District of New Mexico set the trial for between Dec. 6 and 15, with jury selection on Dec. 5.

The agreed upon conditions of Gutierrez-Reed's release say she cannot possess firearms, cannot consume drugs or alcohol (with twice-monthly tests), and cannot return to the location of the alleged incident.

RELATED: [Prosecutors Allege 'Rust' Armorer Was Hungover, Resulting in Live Rounds Being Loaded in Gun](#)





Hannah Gutierrez-Reed. PHOTO: THEIMAGEDIRECT.COM

Gutierrez-Reed was the armorer hired for the indie Western film *Rust*, which had [Alec Baldwin](#) starring and producing. During a rehearsal on the set at Bonanza Creek Ranch in Santa Fe, New Mexico, on Oct. 21, 2021, Baldwin held a prop gun that happened to be loaded with live rounds and discharged, shooting director Joel Souza and cinematographer Hutchins.

While Souza survived the injuries, 42-year-old Hutchins was killed in the incident.

It was announced in January that both Baldwin, 65, and Gutierrez-Reed would be [charged with two counts of involuntary manslaughter](#). However, in April, the [criminal charges against Baldwin were dropped](#).

In a statement at the time, the actor's attorneys Luke Nikas and Alex Spiro said, "We are pleased with the decision to dismiss the case against Alec Baldwin and we encourage a proper investigation into the facts and circumstances of this tragic accident."





Bonanza Creek Ranch in Santa Fe. PHOTO: JAE C HONG/AP/SHUTTERSTOCK

Prosecutors Kari Morrissey and Jason Lewis, however, wrote in a June 9 court filing that Baldwin could still face charges pending another ongoing investigation into the gun.

"The gun and broken sear have been sent to the state's independent expert for further testing. The charges against Alec Baldwin were dismissed without prejudice because a possible malfunction of the gun significantly effects causation with regard to Baldwin, not with regard to Gutierrez. If it is determined that the gun did not malfunction, charges against Mr. Baldwin will proceed," they wrote at the time, adding that they expected to make a final charging decision for Baldwin within the next 60 days of that filing.





Baldwin and Souza returned with most of the original cast and crew to finish production on *Rust* earlier this year, this time in Montana rather than New Mexico.

Director Souza said in [October about finishing the movie](#) (with Hutchins' husband Matthew now on board as an executive producer), "Those of us who were lucky enough to have spent time with Halyna knew her to be exceedingly talented, kind, creative and a source of incredible positive energy. I only wish the world had gotten to know her under different circumstances, as it surely would have through her amazing work."

"In my own attempts to heal, any decision to return to finish directing the film could only make sense for me if it was done with the involvement of Matt and the Hutchins family. Though certainly bittersweet, I am pleased that together, we will now complete what Halyna and I started. My every effort on this film will be devoted to honoring Halyna's legacy and making her proud. It is a privilege to see this through on her behalf."

ILLUSTRATED REPORT

of

August 2, 2023

in the matter of

STATE of NEW MEXICO

vs.

HANNAH GUTIERREZ REED

**1st JUDICIAL DISTRICT
STATE of NEW MEXICO
COUNTY of SANTA FE**

Case No. D-101-CR-2023-00040

FSSI Case No. 23/04CR

prepared for

**Kari T. Morrissey and Jason J. Lewis
Special Prosecutors
First Judicial District, Santa Fe County, NM**

by

**Lucien C. Haag
Criminalist/Forensic Firearms Examiner
FORENSIC SCIENCE SERVICES, INC.
P.O. Box 5347
Carefree, AZ 85377**

FSSI Case No. 23/04CR

Introduction

This file was first opened on March 17, 2023, upon the electronic receipt of a number of pdf documents. A large box containing five (5) large binders of documents was subsequently received on April 12, 2023. Additional documents, digital images and video files were received in the weeks and months to follow. These included the Santa Fe County Sheriff's Office Incident Report, the autopsy report for Halyna Hutchins, "Jailhouse" interviews of Hannah Gutierrez-Reed, Alec Baldwin, Dave Halls, Seth Kenney and Sarah Zachry, OSHA interviews of Hannah Gutierrez-Reed, Alec Baldwin, Dave Halls, Seth Kenney, Reid Russell, and Sarah Zachry. An interview of Alec Baldwin by George Stephanopoulos on December 3, 2021. A telephonic interview of Thell Reed by Detective Hancock, transcribed January 25, 2023. A November 29, 2021, interview of Sarah Zachry by Detective Hancock.

On April 19, 2023, two (2) videos were received depicting actor Alec Baldwin in Western garb, quick-drawing a long-barreled, single action revolver and pointing it in the general direction of the video-camera.

A transcript of an April 20, 2023, interview of Seth Kenney by Detective Hancock.

Case Overview – Matters Not Likely in Dispute

This incident involves the fatal shooting of Halyna Hutchins and wounding of Joel Souza that occurred on October 21, 2021, around 1:30pm during a practice rehearsal on the RUST movie set near Santa Fe New Mexico. Actor Alec Baldwin was handling a .45 Colt caliber prop revolver manufactured by the Pietta company of Gussago, Italy while seated on a pew in a mock church. The rehearsal involved a close-up scene in which he was to quickly draw the revolver from a holster inside his coat and bring it into a forward-pointing shooting position. At some point during this session, Mr. Baldwin retracted the external hammer on this revolver while it was pointed in the direction of Ms. Hutchins behind who was standing Mr. Souza. A live cartridge in the revolver was discharged (by a means presently in dispute) resulting in a fatal, perforating gunshot wound to Ms. Hutchins and a non-fatal penetrating gunshot wound to Mr. Souza. The bullet was recovered from Mr. Souza at the hospital.

Matters to be Addressed

The issues presented to this writer were the operation and condition of the incident Pietta Model 1873 revolver at the time of the incident, how it was discharged, the source of the live cartridge, whether it could be distinguished from the various types of dummy cartridges employed in the RUST production and whether the evidence bullet and fired cartridge case were of the same design as the live ammunition recovered from the RUST movie set.

Initial Physical Evidence Receipt

On July 3, 2023, this writer and Michael Haag (Forensic Science Consultants) appeared at the Santa Fe County Sheriff's Office (SFSO) Property Facility and took possession of 52 listed items of physical evidence, many of which were later found to contain multiple sub-items. These are listed on the next page.

EXHIBIT B

On July 20, 2023, two (2) additional items of evidence were received at the SFSO Property Facility. These were the decedent's jacket and the FBI Lab-generated test-fired bullets and cartridge cases from the evidence revolver. [SFSO Items 258 and 267 respectively].

Item No. 1 described as 45cal Revolver
Item No. 2 described as 2 boxes ammo
Item No. 3 described as spent 45cal round
Item No. 4 described as revolver with blocked cylinder
Item No. 21 described as jacket
Item No. 25 described as one projectile
Item No. 26 described as two 45cal rounds
Item No. 27 described as one 45cal round
Item No. 28 described as one 45cal round
Item No. 29 described as one 45 colt round w/bbs primer intact
Item No. 30 described as two 45 colt rounds w/bbs primer intact
Item No. 31 described as one 45 colt round w/hole primer intact
Item No. 41 described as two 45 colt rmds w/holes primer intact
Item No. 44 described as 13 45 colt rounds w/bbs primer intact
Item No. 46 described as one 45 colt rmd w/hole primer intact
Item No. 47 described as nine 45 colt rmds w/bbs primer intact
Item No. 58 described as one 45 colt round w/bbs silver primer
Item No. 59 described as one 45 colt rmd w/bbs primer intact
Item No. 84 described as five 45 colt rounds hole no primer
Item No. 85 described as one 45 colt round w/bbs primer intact
Item No. 87 described as 22 45 colt rmds w/bbs silver primer
Item No. 88 described as one spain 45 denix round no sound
Item No. 129 described as three 45 colt rmds w/holes no primer
Item No. 140 described as one box w/ ammo
Item No. 143 described as plastic bag w/16 spent 45 colt rmds
Item No. 144 described as 4 spent 45 colt rmds w/ silver primer
Item No. 145 described as two spent BHA 45 colt rounds
Item No. 146 described as spent S&B 45 colt round
Item No. 161 described as spent Winchester 45 colt round
Item No. 162 described as five spent 45 colt rounds
Item No. 169 described as revolver with blocked cylinder
Item No. 187 described as 45 colt round w/bbs silver primer
Item No. 194 described as 45 cal revolver with engravings
Item No. 195 described as 45 cal revolver with engraving
Item No. 196 described as 45 cal revolver
Item No. 197 described as 45 cal revolver with engraving
Item No. 198 described as 45 cal revolver
Item No. 199 described as 45 cal revolver with engravings
Item No. 200 described as 45 cal revolver with engraving
Item No. 201 described as 45 cal revolver with engraving
Item No. 202 described as 45 cal revolver
Item No. 203 described as 45 cal revolver
Item No. 204 described as 45 cal revolver
Item No. 205 described as 45 cal revolver
Item No. 210 described as one 45 caliber live round
Item No. 211 described as six suspected live rounds
Item No. 213 described as 248 spent BHA 45 colt silver primer
Item No. 215 described as 77 spent 45 colt silver primer
Item No. 234 described as one 45 cal round
Item No. 235 described as five 45 cal rounds
Item No. 236 described as nine 45 cal rounds
Item No. 237 described as ammunition box

The Evidence Revolver, SFSO Item 1

The evidence revolver, Santa Fe Sheriff's Office (SFSO) Item 1, is an Italian-manufactured facsimile of the Colt 1873 single-action (S/A) revolver chambered for the .45 Colt cartridge and made by the Pietta firm in Gussago, Italy and imported by E.M.F. in Santa Ana, California.

The serial number on this revolver is E52277. It also possesses the number "2014" stamped on the front of the frame adjacent to the cylinder pin.

This revolver was inoperative upon receipt from the Santa Fe Sheriff's Office Property Facility on July 3, 2023 at 10:30am. Subsequent disassembly of this revolver on July 6, 2023 revealed that the full-cock step on the hammer had been severely damaged, the top of the trigger's sear was broken off and the bolt (cylinder stop) was also broken. **Figure 1a** shows the revolver as first observed upon opening the evidence box. **Figure 1b** shows the broken parts which had been previously taped to the inside of the evidence box. **Figure 1c** shows the broken trigger and its temporary replacement.

EXHIBIT B

FIGURE 1a

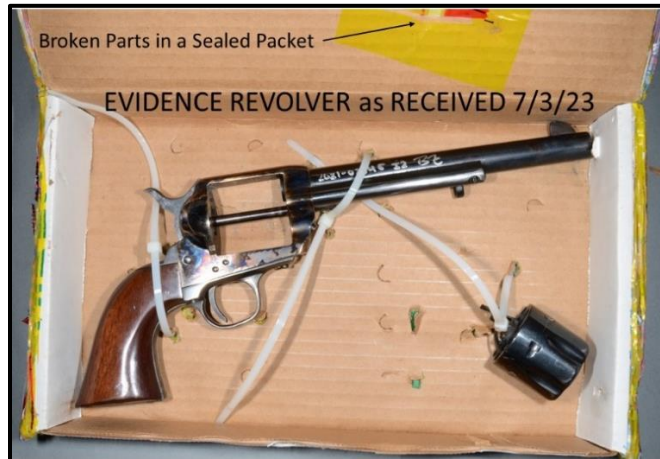


FIGURE 1b

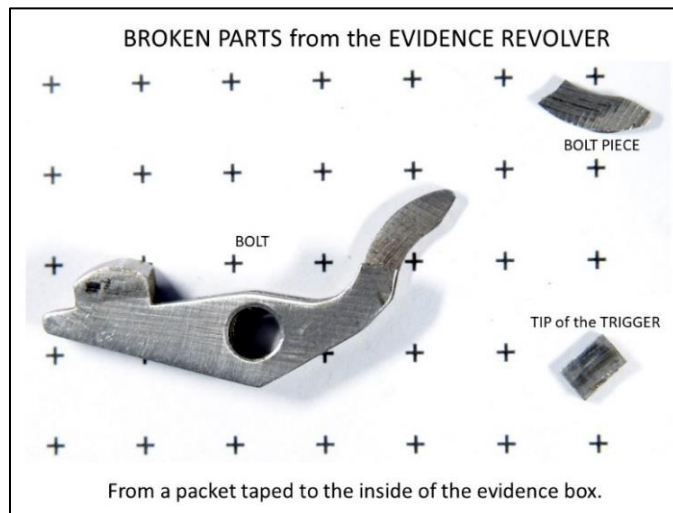


FIGURE 1c



EXHIBIT B

This revolver was returned to service for test-firing and function tests by installing a new bolt purchased by this writer and the trigger and hammer from a new, unfired Pietta 1873, .45 Colt, S/A revolver, serial number E151775 owned by Michael Haag of Forensic Science Consultants, Albuquerque, New Mexico.

Upon reassembly, the evidence revolver was found to function properly and in accordance with the operational design of original Colt 1873 single-action revolvers. This included the timing and alignment of the cylinder and one of its six chambers with the axis of the barrel just as the retracting of the revolver's external hammer was manually drawn to the full-cock position. An untoward discharge of a live cartridge during a loss of control of the hammer during the manual retraction process *before* reaching the fully cocked position was thwarted by the hammer being captured by either the half-cock loading notch or the quarter-cock safety notch in the hammer as long as the trigger is not being depressed during this process. These two (2) intermediate hammer positions, (the half-cock or load position and the quarter-cock safety position) were also found to function properly. No "push-off" with the replacement hammer at the fully cocked position occurred when pressure was applied to the back of the hammer spur. The four (4) positions of the hammer in properly functioning Pietta 1873 revolvers are shown in **Figure 2**.

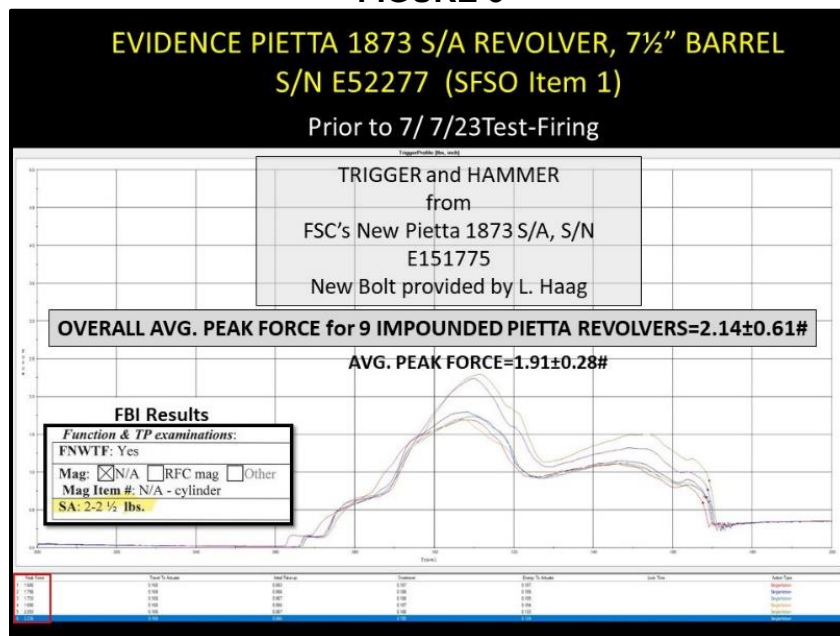
FIGURE 2



EXHIBIT B

Following these function tests, the evidence revolver was mounted in a previously calibrated *TriggerScan*[™] device after which multiple (6) scans were carried out to determine the average force, in pounds, necessary to discharge this firearm. These tests yielded an average trigger pull value of 1.9 ± 0.3 pounds. This value is in close agreement with the FBI Laboratory value of 2 to $2\frac{1}{2}$ pounds (measurement method presently unknown). The *TriggerScan*[™] device was used with the same settings and configuration to measure the average trigger pull values of twelve (12) impounded, single action revolvers from the 'RUST' movie set, nine (9) of which were Pietta single action revolvers having the same fire control system as the evidence revolver. The average for the 12, single action revolvers (to the nearest tenth of a pound) was 2.0 ± 0.6 pounds. The average trigger pull force for the nine (9) Pietta single action revolvers was 2.1 ± 0.6 pounds. **Figure 3** depicts the *TriggerScan*[™] results for six (6) measurements on the evidence revolver and includes the numerical results for the nine (9) impounded Pietta single action revolvers.

FIGURE 3



Six (6) cartridges of .45 Colt ammunition were prepared by this writer which contained 250-grain, .45-caliber, cast lead bullets and 7.0-grain charges of *Trai Boss*[™] powder ignited by Remington large pistol primers. This 'Cowboy Action' load produces a calculated peak pressure of 10,830 pounds per square inch (psi) and a muzzle velocity for this bullet of 860 feet per second (fps) when fired from a Pietta M1873 single action revolver with a 7½-inch barrel. The pressures produced by this load are well within the S.A.A.M.I. peak operating value of 14,000psi for this cartridge yet sufficient to imprint a revolver's unique breechface pattern in the primers of fired cartridges. This was confirmed by the subsequent microscopic examination of the six (6) fired cartridge cases which were then scanned with the *Evofinder*[™] 3D ballistic scanning device for the purpose of measuring firing pin impression depths.

EXHIBIT B

The Evidence Cartridge Case, SFSO Item 3

This item consisted of a spent, .45 Colt brass cartridge case, bearing the *Starline*™ headstamp and logo with a nickel-plated primer possessing a normal-appearing firing pin impression (FPI). The thoroughly flattened primer in the spent evidence cartridge also had well-impressed toolmarks from the associated revolver's recoil shield. These corresponded to those left in the primers of the six (6) test-fired cartridges which established the SFSO Item 3 cartridge case as having been fired in the Evidence Revolver (SFSO Item 1). The head and mouth of the Item 3 Cartridge Case appear in **Figure 4**. After calibration check scans were conducted with the instrument, the head of this cartridge case was scanned with the *Evofinder*™ 3D ballistic scanning device. The 3D and Color Depth Modes of this device were used to study and ultimately measure the depth of the firing pin impression. [See **Figure 5**] Four (4) measurements were taken from the maximum depth of the FPI to the 12 o'clock, 3 o'clock, 6 o'clock and 9 o'clock areas of the flattened primer, all of which yielded the same value of 0.026-inches.

FIGURE 4



FIGURE 5



The firing pin impressions in each of the six (6) test-fired cartridges were measured with the same device and by the same method. The results are shown in **Table 1**.

Evidence Item 267 (FBI Lab test-fired cartridge cases) This item contained twelve (12) test-fired, .45 Colt cartridge cases discharged in the evidence revolver which were of mixed headstamps* and both plain brass and nickel-plated primers.

*3 PMC, 3 W-W, 2 Winchester, 2 F-C, and 2 R-P.

Replicate FPI depth measurements were taken with the *Evofinder*TM device which yielded an average value of 0.028 ± 0.003 -inches. These measurements are shown in **Table 2**.

TABLE 1

EVIDENCE REVOLVER – *FIRED* PRIMERS

HANDLOADS by LUKE HAAG
 7.0gr of *TRAIL BOSS*
 250gr. LEAD ROUND NOSE-FLAT POINT BULLETS
REMINGTON BRASS LARGE PISTOL PRIMERS
 APPROXIMATE MUZZLE VELOCITY (7½" bbl.) 860fps

FIRING PIN IMPRESSION DEPTHS

0.028/0.028/0.025/0.028
 0.029/0.029/0.029/0.030
 0.031/0.032/0.031/0.029
 0.024/0.024/0.025/0.024 (Low)
 0.032/0.032/0.032/0.032 (High)
 0.031/0.031/0.031/0.031

AVERAGE of 0.029±0.003"

TABLE 2

FBI TEST-FIRED CARTRIDGES

FIRING PIN IMPRESSION DEPTHS

LH-1 PMC:	0.025/0.025"
LH-2 W-W:	0.029/0.028"
LH-3 W-W:	0.029/0.031"
LH-4 R-P:	0.022/0.022" (low)
LH-5 F-C:	0.032/0.032" (high)
LH-6 PMC:	0.031/0.031"
LH-7 W-W:	Backed Out Primer
LH-8 F-C:	0.024/0.026"
LH-9 PMC:	0.028/0.028"
LH-10 Winchester:	0.029/0.029"
LH-11 R-P:	0.026/0.027"
LH-12 Winchester:	0.026/0.027"

OVERALL AVERAGE = 0.028±0.003"

In order to produce the FPI in the SFSO Item 3 evidence cartridge case, the hammer of the evidence revolver, SFSO Item 1, had to be manually retracted to the fully-cocked position which simultaneously rotates, then locks and aligns the top chamber in the cylinder with the axis of the bore. Once this is accomplished, the trigger must either be

EXHIBIT B

pulled or depressed in the usual means of discharge, or already held rearward during the cocking process in order to release and allow the hammer to fall with its full force and drive the firing pin into the fully aligned cartridge's primer. As stated previously, the necessary force applied to the trigger to fire the evidence revolver with replacement parts as measured with the *TriggerScan*[™] device is approximately 1.9 pounds, which is in close agreement with the FBI measurements prior to the damage to the sear and hammer. To affect the release of the fully cocked hammer, the trigger must be pulled (moved) rearward a distance of approximately 0.10-inches. This seemingly short trigger movement is typical of traditional, Western-style revolvers including the original Colt revolvers and the various modern facsimiles. It was also in close agreement with that of a new, Pietta M1873 single-action revolver (0.11-inches) and noticeably greater than the 0.068-inch average for the nine (9) impounded Pietta .45-caliber, single-action revolvers.

The Evidence Bullet, SFSO Item 25 Recovered from Victim Joel Souza

This fired, cast lead bullet had a terminal weight of 239.7-grains. It has experienced substantial terminal ballistic damage and deformation, some of which appears to be the consequence of its passage through a heavily fouled bore to the extent that only remnants of the rifling marks were present on one side of the bearing surface of this bullet.

The surviving rifling impressions were so *indistinct* that neither a land and groove count nor a measurement of land widths was possible. The most that could be determined was that of a right-hand twist (which the evidence revolver possesses). This passage through a heavily fouled bore appears to have resulted in an extrusion effect which has reduced and altered the diameter of this .45-caliber bullet to minimum and maximum values of 0.430-inches to 0.440-inches. The general design has survived and is that of a hard cast lead, round nose-flat point bullet with a single deep lubricating groove (cannelure) approximately 0.1-inch forward of the bullet's flat base. Faint traces of an upper crimping groove could also be seen on several areas of the evidence bullet. Two views of this bullet appear in **Figure 6a** and **Figure 6b**.

FIGURE 6a



EXHIBIT B

FIGURE 6b



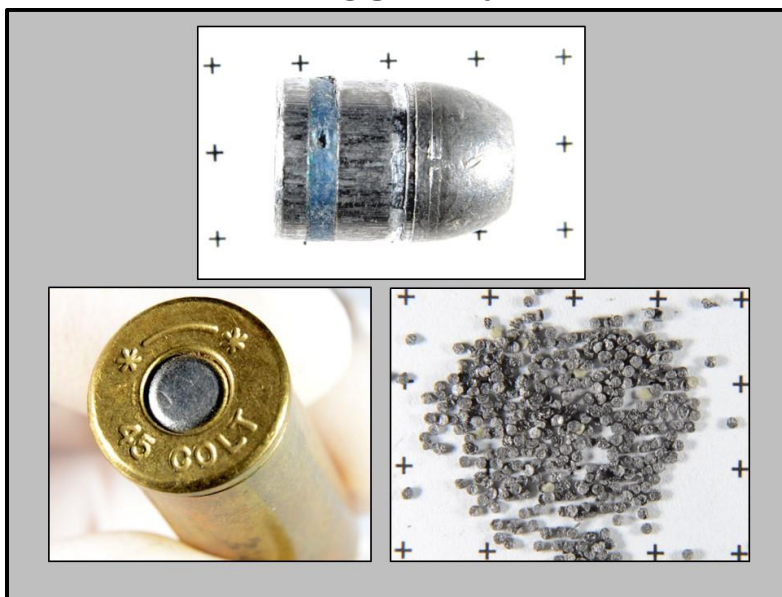
Live Cartridges from the RUST Movie Set, SFSO Items 2, 26, 27, 28

SFSO Item 2 consisted of a sealed brown paper bag marked “- - vehicle of Lt. Benavidez - -” found to contain multiple sub-items in the form of eight (8) sealed plastic packets, one of which possessed FBI sub-item number “13-1”. This item contained a previously disassembled live cartridge of .45 Colt ammunition. [See **Figure 7a**] **Figure 7b** provides a closer view of the three components of this cartridge- a virgin brass case of *Starline*[™] manufacture containing a nickel-plated primer, a 250-grain hard cast, .45-caliber lead bullet and a disk-flake form of smokeless powder. This powder was comparable in form and particle size to *Bullseye*[™] Pistol Powder.

FIGURE 7a



FIGURE 7b



SFSO Item 26

This item consisted of a large, sealed manila envelope marked “- - top of cart southwest of building - -” found to contain two sub-items in the form of smaller, sealed manila envelopes each containing sealed plastic packets with FBI sub-item numbers “4” and “5”. Both of these inner plastic packets were found to contain a previously disassembled live cartridge of .45 Colt ammunition. **Figure 8a**, **8b** and **8c** provide successive views of FBI sub-item 4 and its contents. **Figure 9a** and **Figure 9b** provide successive views of FBI sub-item 5 and its contents.

FIGURE 8a

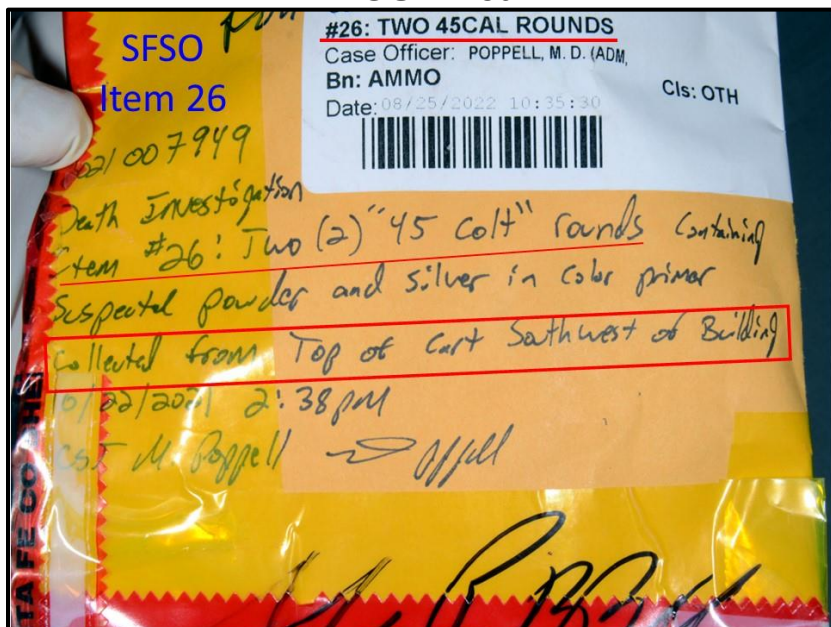


EXHIBIT B

FIGURE 8b



FIGURE 8c

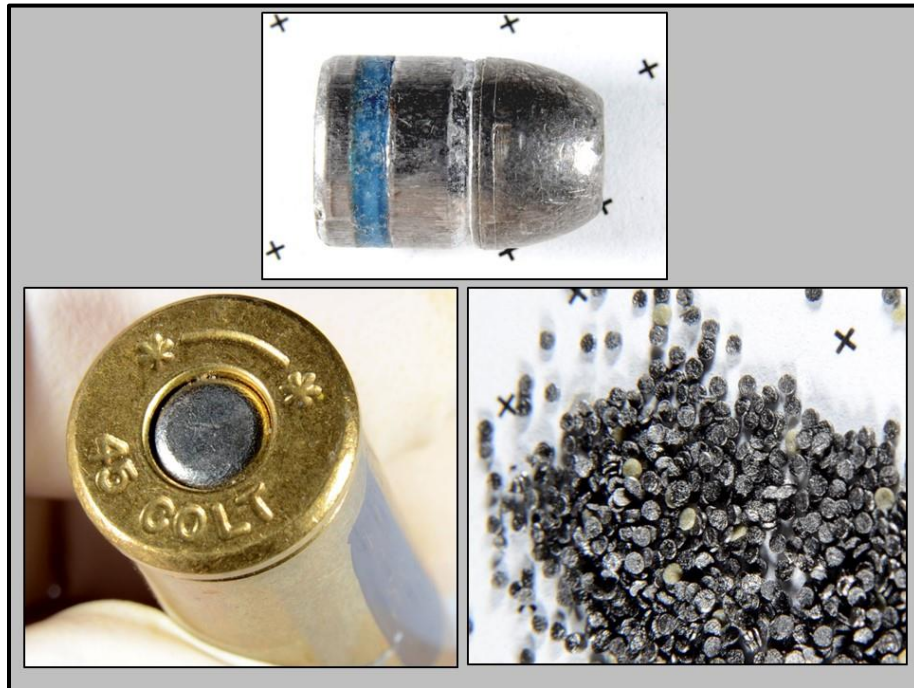


EXHIBIT B

FIGURE 9a



FIGURE 9b



As with previous SFSO Item 2, these two disassembled cartridges consisted of virgin brass cases of *Starline*[™] manufacture containing nickel-plated primers, 250-grain hard cast .45-caliber lead bullets and a disk-flake form of smokeless powder comparable in form and particle size to *Bullseye*[™] Pistol Powder.

EXHIBIT B

SFSO Item 27

This item consisted of a large, sealed manila envelope marked "- - from bandolier, youth size, top of cart - -" [See **Figure 10a**] found to contain a previously-disassembled live cartridge of .45 Colt ammunition in a sealed plastic packet. The bullet, cartridge case and propellant in this item were the same as those in SFSO Items 2 and 26. The disassembled Item 27 cartridge is depicted in **Figure 10b** and **Figure 10c**.

FIGURE 10a

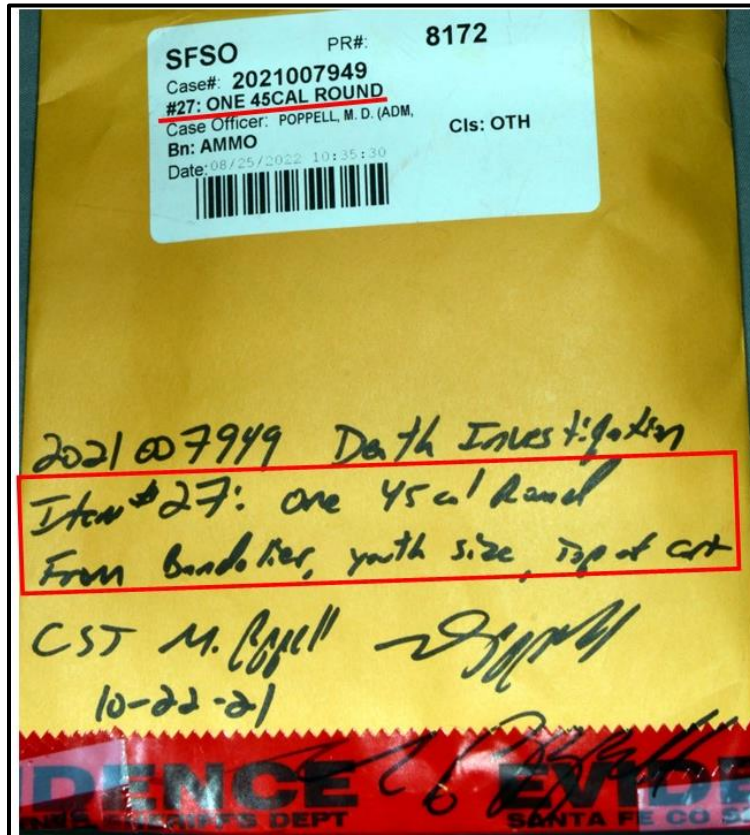


FIGURE 10b

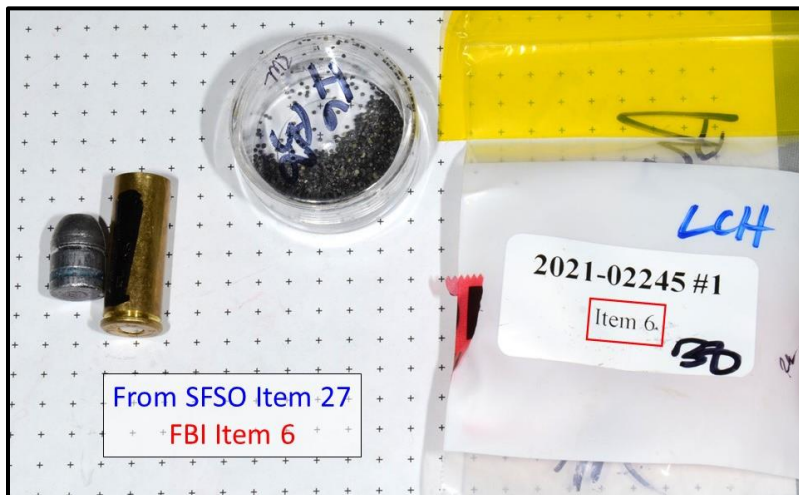
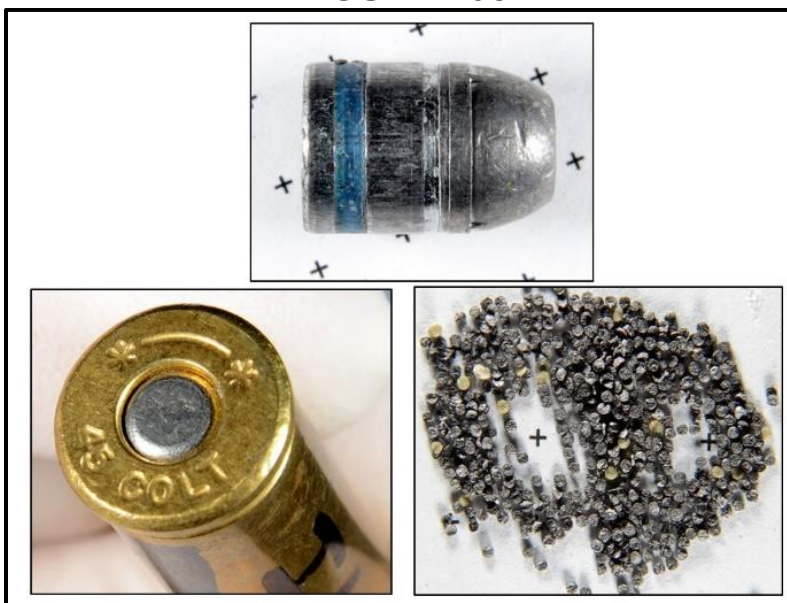


FIGURE 10c



SFSO Item 28

This item consisted of a large, sealed manila envelope with an inner, sealed manila envelope marked “- -holster inside building- -” [See **Figure 11a**] found to contain a previously-disassembled live cartridge of .45 Colt ammunition in a sealed plastic packet. The bullet, cartridge case and propellant in this item were the same as those in SFSO Items 2, 26 and 27. The disassembled Item 28 cartridge is depicted in **Figure 11b** and **Figure 11c**.

FIGURE 11a

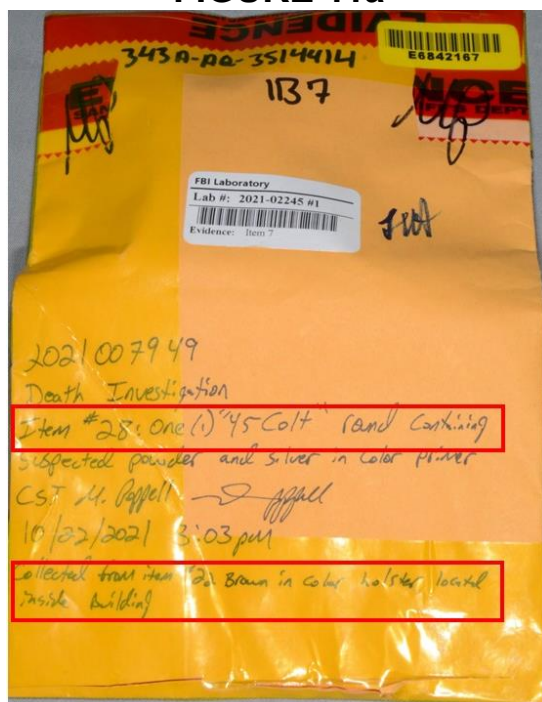


FIGURE 11b

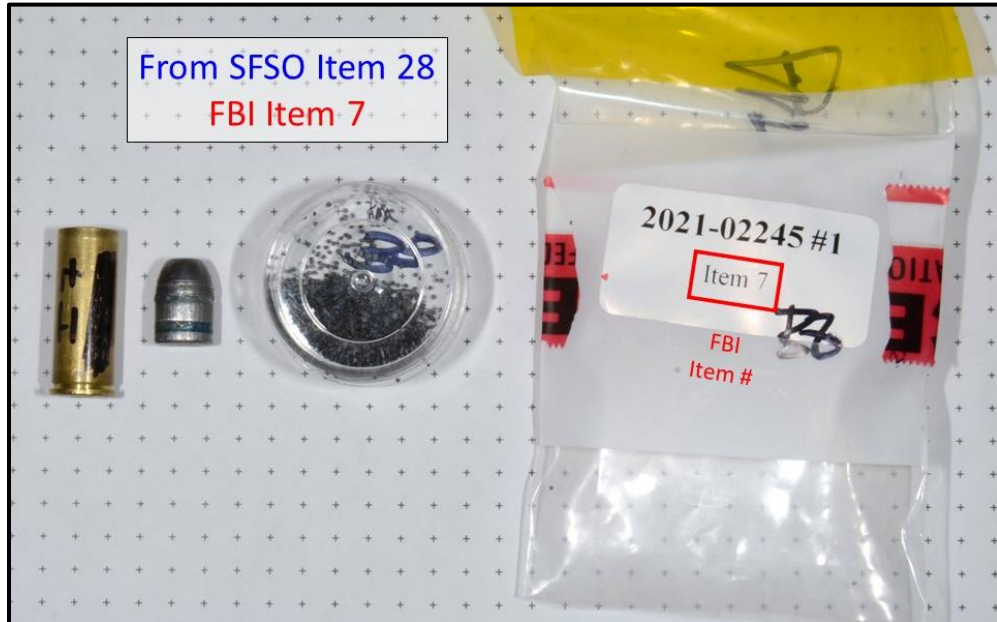
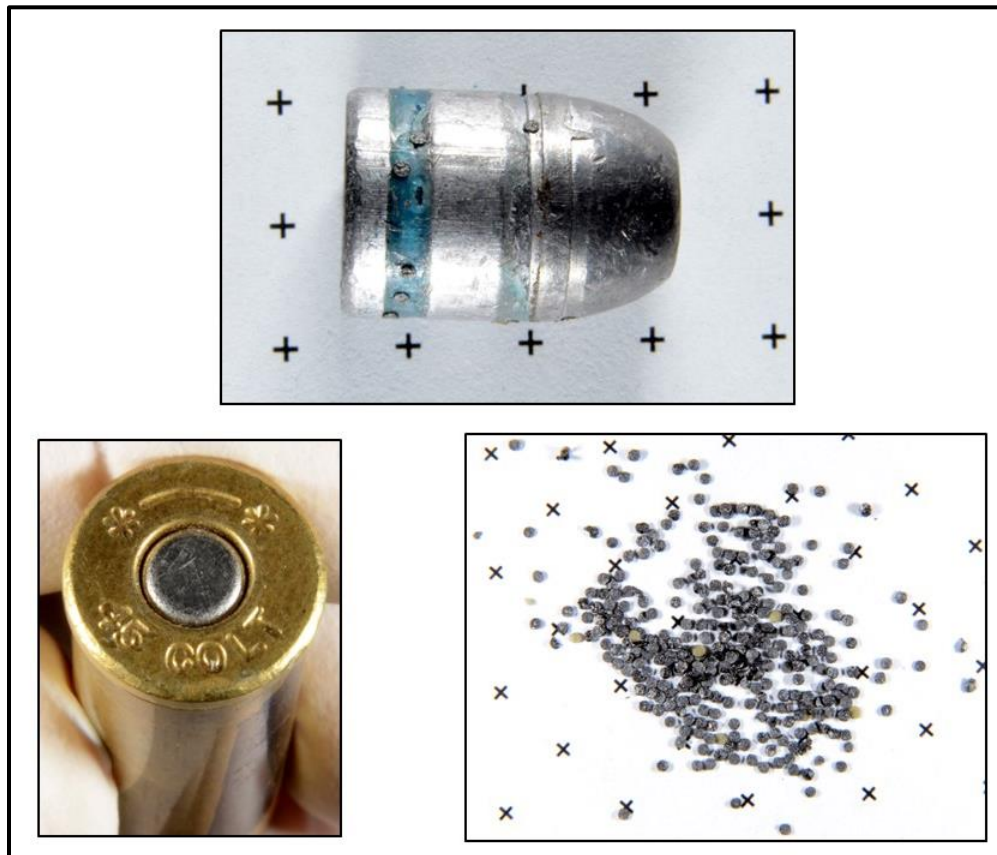


FIGURE 11c



SUMMARY REGARDING THE FIVE (5) DISASSEMBLED CARTRIDGES

These five cartridges had all been loaded with the same style and weight of .45-caliber cast lead bullets. The cartridge cases were *Starline*™ brand, plain brass cases containing nickel-plated primers and a disk-flake powder comparable in form and particle size to *Bullseye*™ Pistol Powder. The design and manufacturing characteristics of these bullets were in agreement with the surviving manufacturing characteristics observed on the evidence bullet, specifically a single, deep lubricating groove (cannelure) approximately 0.1-inch above the bullet's flat base and a flat-nose and a much shallower upper crimping groove. Likewise, these cartridge cases and the fired evidence cartridge case, SFSO Item 3) were all plain brass, *Starline*™ cases containing nickel-plated primers.

Live Cartridges Collected from Seth Kenney, Albuquerque, NM
SFSO Items 211, 235, 236

These cartridges contained semi-wadcutter and truncated cone lead bullets of lighter weights and different design from the SFSO Item 25 evidence bullet collected from Joel Souza. Representative examples of these bullets are depicted in **Figure 12**. These cartridges were previously disassembled by the FBI, and were found, by this writer, to have been loaded with *Trail Boss*™ powder, a propellant specifically designed for lead bullets in handgun cartridges.

FIGURE 12

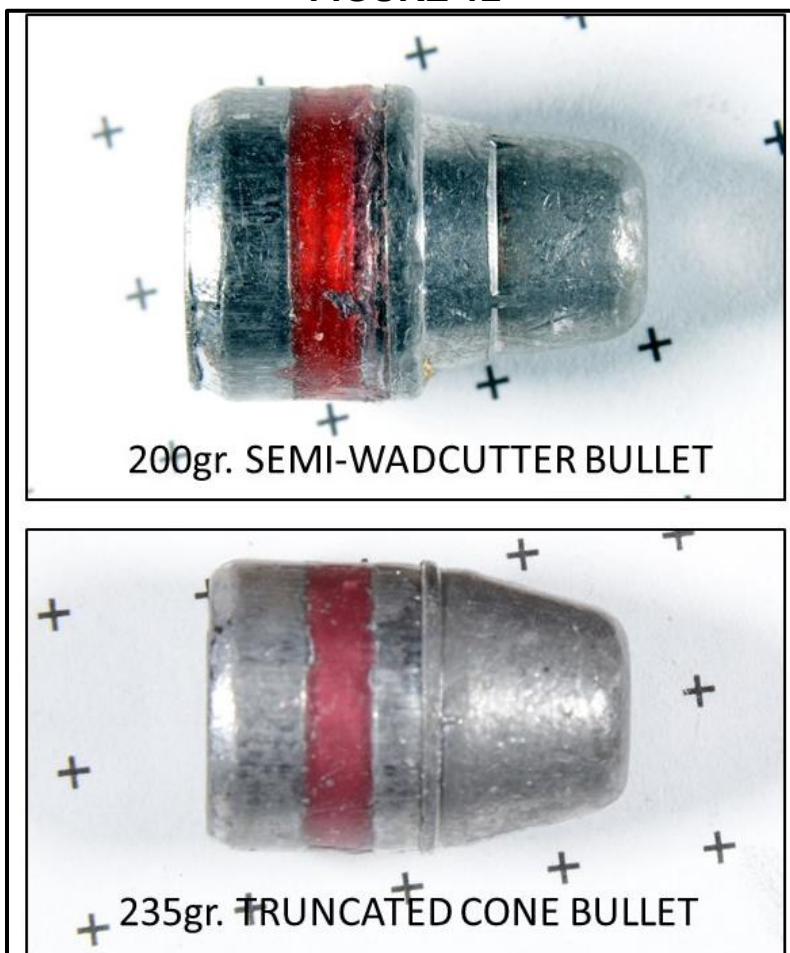


EXHIBIT B

Fired .45 Colt Cartridge Cases, SFSO Items 143, 144, 145, 146 and 161

These items contained fired .45 Colt cartridge cases, all of which were listed as having come from the Property Truck at the RUST movie set.

The contents of SFSO Item 143 consisted of sixteen (16) .45 Colt cartridge cases containing brass primers and bearing the *Starline*[™] headstamp. [See **Figure 13**]

SFSO Item 144 contained four (4) .45 Colt cartridge cases with nickel-plated primers and bearing the *Starline*[™] headstamp. [See **Figure 14**]

SFSO Item 145 contained two (2) .45 Colt cartridge cases with brass primers and bearing the *Black Hills Armory*[™] headstamp. [See **Figure 15**]

SFSO Item 146 contained one (1) .45 Colt cartridge case with a brass primer and bearing the *Sellier & Bellot*[™] headstamp. [See **Figure 16**]

SFSO Item 161 contained one (1) .45 Colt cartridge case with a brass primer and bearing the *Winchester*[™] headstamp. [See **Figure 17**]

FIGURE 13



FIGURE 14



FIGURE 15



FIGURE 16

ITEM 146



FIGURE 17

SFSO ITEM 161



EXHIBIT B

Summary for Fired .45 Colt Cartridge Cases, SFSO Items 143, 144, 145, 146 and 161

These items were described as having been collected from the “prop truck”. A minimum of four (4) firearms were represented among the 23 fired cartridge cases in SFSO Items 143, 144, 145 and 146 based on the inter-comparisons of the 3D digital scans of the primers in these items. Additional firearms were indicated but not confirmed due to the paucity of breechface markings in the primers and firing pin impressions. Item 161 is not a fired cartridge.

Test-fired cartridge cases (3 each) from the twelve (12) impounded .45 Colt caliber, single-action revolvers were scanned with the *Evofinder*™ device. None of the fired cartridge cases in SFSO Items 143, 144, 145 and 146 could be identified as having been fired from the 12 impounded revolvers, SFSO Items 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204 and 205.

Blanks and Dummy Cartridges

Blanks do not contain a projectile, nor can one be inserted in a blank cartridge. Their customary purpose insofar as Western movies or period reenactments is to make noise and smoke upon discharge in a firearm for which they are designed. The propellant employed for such purpose is either traditional black powder or one of the contemporary, black powder substitutes. All these propellants leave copious solid residues in the bores and chambers of the firearms in which they are discharged. Such heavy residues were observed in several of the impounded revolvers. FSO Item 2 contained a full, 50- cartridge carton of unfired, .45 Colt blank cartridges. This item appears in **Figure 18a** after five (5) representative blank cartridges have been removed. **Figure 18b** provides an oblique view of one of the blank cartridges and its headstamp. No fired blank cartridges were found among the numerous items of evidence examined in this case.

FIGURE 18a

From SFSO ITEM 2



FIGURE 18b



Dummy cartridges, as employed in this case, are intended to look like and to simulate real cartridges, but they are incapable of being fired. When properly assembled, this is insured by the absence of any propellant in the cartridge case and the absence of live primers.

The various .45 Colt dummy cartridges represented in the submitted evidence existed in four (4) forms as follows:

- 1) Brass *Starline*[™] cases with lead round nose-flat point bullets lacking primers (empty primer pockets). Items examined in this category include SFSO Items 84 and 129.
- 2) Brass *Starline*[™] cases with lead round nose-flat point bullets containing simulated brass primers and one or more spherical shot pellets within the cartridge cases to produce an audible rattle when the cartridge is shaken near one's ear. Items examined in this category include SFSO Items 2 (13-2 and 13-3), 29, 30, 46, 47 and 85
- 3) Brass *Starline*[™] cases with lead round nose-flat point bullets containing nickel-plated primers and one or more spherical shot pellets within the cartridge cases to produce an audible rattle when the cartridge is shaken near one's ear. Items examined in this category include SFSO Items 58, 59, 87, 140 and 187.
- 4) Brass *Starline*[™] cases with lead round nose-flat point bullets with a large, readily visible hole in the cartridge case wall. **Figure 19** provides a composite view of the four forms of dummy cartridges and the two primer finishes found in the various SFSO Items examined by this writer. Items examined in this category include SFSO Items 31, 84 and 129.

EXHIBIT B

The five (5) disassembled cartridges in SFSO Items 2, 26 (2 specimens), 27 and 28 in their originally assembled form could be differentiated from the three forms of dummy cartridges in that they-

- lacked any hole in their case walls,
- would not rattle when shaken,
- possessed unstruck, nickel-plated primers,
- contained bullets that were bright/shiny compared to the often dull, partly oxidized bullets in the dummy cartridges.
-

FIGURE 19



SUMMARY: OBSERVATIONS and OPINIONS

The Pietta M1872 Evidence Revolver, Serial Number E52277, SFSO Item 1

This item was inoperative upon receipt but was returned to proper operating condition following the replacement of the gun's hammer, trigger/sear and bolt. These three parts were dimensionally indistinguishable from and fully interchangeable with the broken parts. Once installed, the evidence revolver was found to function properly and in accordance with the original Colt 1873 single-action revolver. This included the timing and alignment of the cylinder and one of its six chambers with the axis of the barrel just as the retracting of the revolver's external hammer was manually drawn to the full-cock position.

The half-cock and quarter-cock positions on the original hammer and the substitute hammer were intact and fully capable of fulfilling their intended purposes of providing a loading position and safety position for the hammer. They also provide a means of capturing the retracted hammer in situations where there is a loss of control (grasp) of the

EXHIBIT B

hammer during the manual retraction process *before* reaching the fully cocked position or during a failed attempt to lower a previously cocked hammer.

The average force, in pounds, necessary to discharge this firearm with replacement parts was found to be 1.9 ± 0.3 pounds for six (6) measurements with the *TriggerScan*[™] device. These tests yielded an average trigger pull value of 1.9 ± 0.3 pounds with the highest result at 2.3 pounds and the lowest result at 1.7 pounds. This 1.9-pound value is in close agreement with the FBI Laboratory value of 2 to 2½ pounds. It is also in good agreement with the 2.1 ± 0.6 pounds average for the nine (9) impounded Pietta .45-caliber, single-action revolvers.

The amount of rearward trigger movement necessary to release the hammer from its full-cock position and fire a live cartridge was approximately 0.10-inches. This value was in close agreement with that of a new, Pietta M1873 single-action revolver (0.11-inches) and noticeably greater than the 0.068-inch average for the nine (9) impounded Pietta .45-caliber, single-action revolvers..

The Evidence Cartridge Case, SFSO Item 3

This item consisted of a spent, .45 Colt brass cartridge case, bearing the *Starline*[™] headstamp with a nickel-plated primer.

It was determined to have been fired in the previously described evidence revolver, SFSO Item 1.

Its nickel-plated primer possessed a normal-appearing firing pin impression (FPI) which measured 0.026-inches in depth. This value is in good agreement with 24 measurements taken on six (6) cartridges discharged in the evidence revolver by this writer which yielded an average FPI depth of 0.029 ± 0.003 -inches with high and low values of 0.032-inches and 0.024-inches respectively. Twenty-two (22) measurements on eleven (11) FBI-generated test-fired cartridges from the evidence revolver produced an average FPI depth of 0.028 ± 0.003 -inches with high and low values of 0.032-inches and 0.022-inches respectively.

Summary

The fired evidence cartridge is the consequence of a normal hammer fall from the fully cocked position of the hammer.

Five Previously Disassembled .45 Colt Cartridges, SFSO Items 2, 26, 27, 28

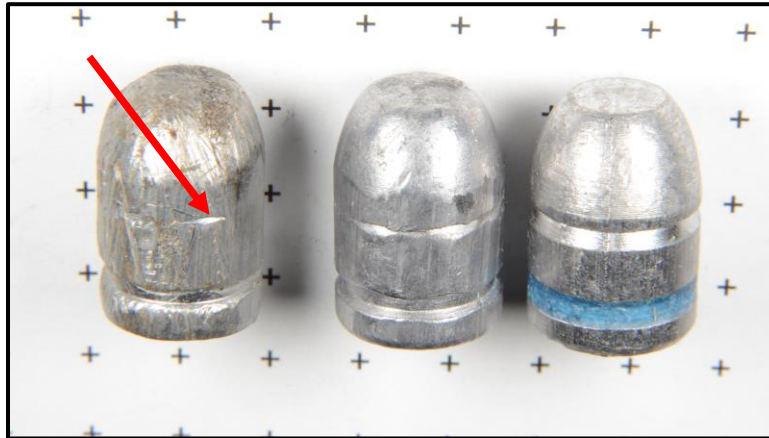
These five cartridges had all been loaded with the same style and weight of .45-caliber cast lead bullets. The bullets were 250-gr, hard-cast, .45-caliber, lead round nose-flat point bullets. The cartridge cases were virgin *Starline*[™] brand, plain brass cases containing nickel-plated primers and a disk-flake powder comparable in form and particle size to *Bullseye*[™] Pistol Powder.

the design features of these bullets were in agreement with the surviving class characteristics features of the evidence bullet, namely a single, deep lubricating groove (cannelure) approximately 0.1-inch above the bullet's flat base, an upper, crimping groove in a comparable location and a flat-nose. [See **Figure 20**] Likewise, these cartridge cases

EXHIBIT B

and the fired evidence cartridge case, SFSO item 3, were all plain brass, *Starline*™ cases containing nickel-plated primers.

FIGURE 20



The Evidence Bullet, SFSO Item 25

This fired, cast lead bullet has experienced substantial terminal ballistic damage and deformation. It is consistent with having been fired through a heavily fouled bore to the extent that it possesses a slightly reduced diameter and only shows remnants of the firearm's rifling marks on one side of the bearing surface of this bullet.

The general design features which have survived discharge and impact with two gunshot victims are that of a hard cast lead, round nose-flat point bullet with a single, deep lubricating groove (cannelure) approximately 0.1-inch forward of the bullet's flat base and faint, surviving traces of an upper crimping groove.

The SFSO Item 25, is similar to the bullets from the five (5) previously disassembled live cartridges of SFSO Items 2, 26, 27 and 28 and is dissimilar to the bullets in the ammunition obtained from Seth Kenney, SFSO Items 211, 235 and 236.

The Fatal Incident

From an examination of the fired cartridge case and the operationally restored evidence revolver, this fatal incident was the consequence of the hammer being manually retracted to its fully rearward and cocked position followed, at some point, by the pull or rearward depression of the trigger. The only conceivable alternative to the foregoing would be a situation in which the trigger was already pulled or held rearward while retracting the hammer to its full cock position. Although unlikely and totally contrary to the normal operation of these single action revolvers, such improper handling, would result in the discharge of a live cartridge.

At the moment of discharge, the evidence revolver was pointed at Halyna Hutchins behind whom was Joel Souza.

The bullet passed completely through Halyna Hutchins then nearly passed through Joel Souza ending up just under the skin of his back from which it was removed at the hospital.

EXHIBIT B

Although Alec Baldwin repeatedly denies pulling the trigger, given the tests, findings and observations reported here, the trigger had to be pulled or depressed sufficiently to release the fully cocked or retracted hammer of the evidence revolver.

If the hammer had not been fully retracted to the rear, and were to slip from the handler's thumb without the trigger depressed, the half cock or quarter cock notches in the hammer should have prevented the firing pin from reaching any cartridge in the firing chamber. If these features were somehow bypassed, a conspicuously off-center firing pin impression would result.

Three (3) frames from one of the videos submitted to this writer on April 19, 2023, and two (2) frames from a second video received on that same date are useful in evaluating his account of this incident.

figures 21a, 21b and **21c** show Mr. Baldwin cocking the silver-colored hammer of a long-barreled revolver with his right index finger ending up on or near the trigger.

This description of the revolver in the video corresponds to the evidence revolver.

FIGURE 21a



EXHIBIT B

FIGURE 21b



FIGURE 21c



EXHIBIT B

Figures 22a and 22b, taken from the second video, shows two frames from two fast-draw demonstrations in which Mr. Baldwin's right index finger is inside the trigger guard and either on, or near the trigger. His thumb is not in contact with the hammer.

FIGURE 22a

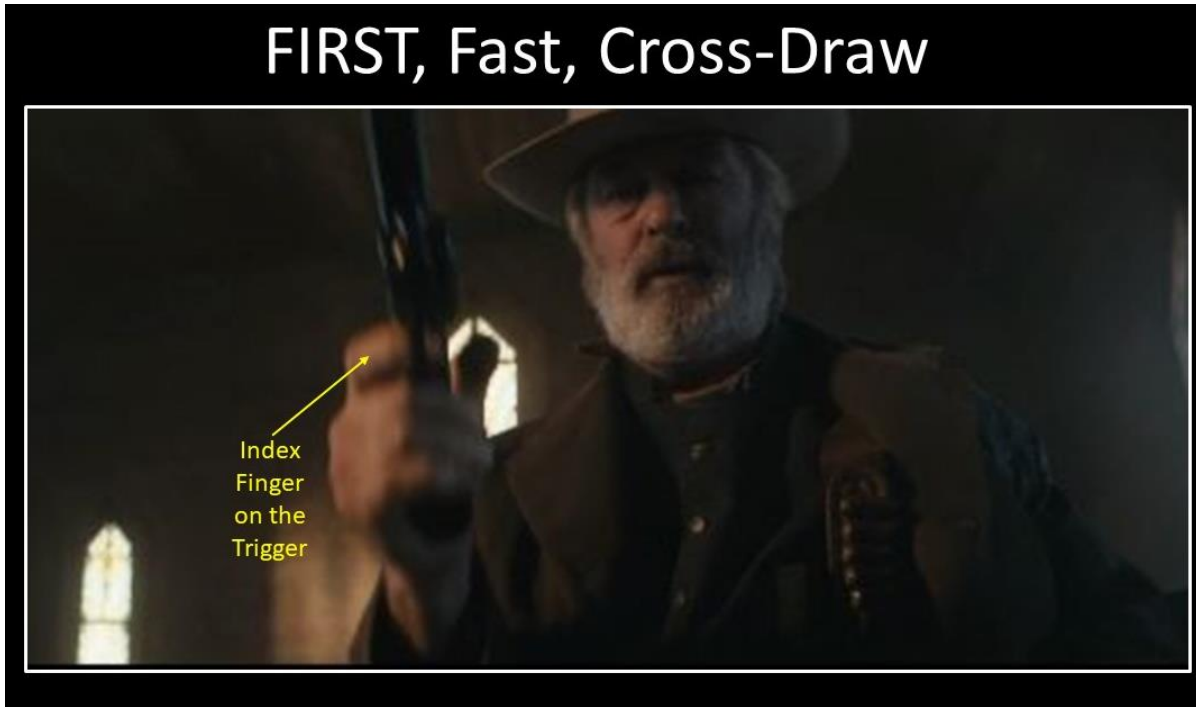
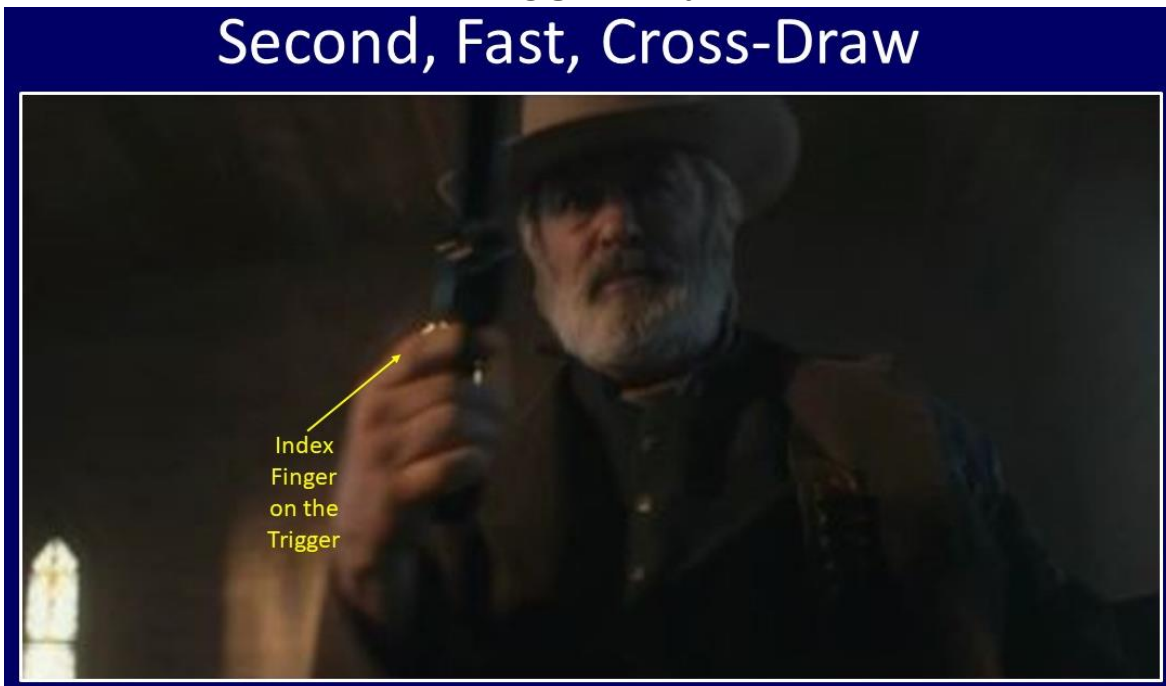


FIGURE 22b



Disposition of the Evidence

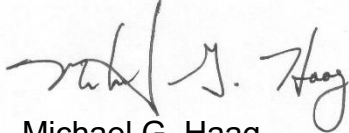
At the conclusion of the examinations, the evidence items were returned to their original containers, resealed with the seals initialed and dated for the return to the SFSO Property Facility. This occurred on the morning of August 2, 2023 at 9:30am.

Signed,



Lucien C. Haag
Forensic Science Services, Inc.
Carefree, Arizona

Technical and Administrative Review



Michael G. Haag
Forensic Science Consultants
Albuquerque, New Mexico