

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.

**UNOPPOSED MOTION TO TRANSFER CUSTODY OF CERTAIN ITEMS OF
EVIDENCE FROM SANTA FE COUNTY SHERIFF'S DEPARTMENT
TO A BALLISTICS EXPERT FOR FORENSIC TESTING**

COMES NOW, the State of New Mexico by and through Special Prosecutors,
Kari T. Morrissey and Jason J. Lewis, who respectfully request this court issue an order
allowing for the transfer of the items of evidence referenced below from the custody of
the Santa Fe County Sheriff's Department to Lucien "Luke" Haag for additional forensic
testing and as grounds the State of New Mexico states as follows:

1. On or about the time of the fatal shooting of Halyna Hutchins on October 21,
2021 hundreds of items of evidence were collected by the Santa Fe County
Sheriff's Department from the scene and the prop truck located on scene and
tagged into evidence at the Santa Fe County Sheriff's Department.
2. Certain items of evidence, including certain items of ammunition and the firearm
used in the fatal shooting, were sent to the Federal Bureau of Investigations for
forensic testing and have since been returned to the Santa Fe County Sheriff's
Department.

3. The investigation into the shooting of Ms. Hutchins is ongoing and has been extensive and multiphasic due to the large number of items of evidence and the large number of potential witnesses.
4. To continue and complete the investigation into the killing of Ms. Hutchins it is necessary that the State of New Mexico have all 45 caliber revolvers in evidence disassembled and inspected for possible modifications and to determine if any revolvers were prone to malfunction. In addition, it is necessary to have certain items of live and “dummy” ammunition and any powder residue on Ms. Hutchins outer layer of clothing be inspected and tested.
5. During recent investigation it was discovered that the hammer of the gun used in the fatal shooting *may* have been intentionally modified. The modification appears to be related to the notches on the internal portion of the hammer for full cock, half cock and quarter cock positions. It appears that these notches *may* have been partially removed or ground down so that they are less prominent. This possible modification is speculative without additional forensic testing. While the possible modification did not result in an accidental discharge while the firearm was being tested by the FBI, additional inspection and testing is warranted to determine if the hammer was in fact modified, the possible sources of the modification and the effect of any modification on the performance of the firearm. Moreover, it is important to determine if any of the other revolvers used

on the set of Rust may have been similarly modified possibly for ease of use by actors. Certain items of ammunition are being submitted to Mr. Haag for testing related to tool markings, manner of assembly, origin of manufacture and primer inspection/testing. Ms. Hutchins outer clothing will be submitted for powder residue testing.

6. Lucien "Luke" Haag is a very well-respected and nationally recognized ballistics expert. "Luke" Haag is a former Criminalist and Technical Director of the Phoenix Crime Laboratory, with over 57 years of experience in the field of criminalistics and forensic firearms examination. Mr. Haag is the author of the 1st edition of the book, Shooting Incident Reconstruction, Elsevier/Academic Press, 2005 ISBN # 0-12-088473-9 and co-author of the 2nd and 3rd editions (Elsevier/Academic Press, 2011/2021).
7. Presently he is an independent forensic consultant with his own company, Forensic Science Services, Inc., that provides criminalistics services to prosecutors, public defenders, private attorneys, law enforcement agencies, insurance companies, educational institutions and private individuals. Luke Haag has a Bachelor of Science degree in chemistry from the University of California at Berkeley with subsequent forensic training at California State University at Long Beach, Indiana University, Arizona State University, the FBI

Laboratory, the FBI Forensic Training Facility, and course work in Forensic Microscopy from the McCrone Institute.

8. In addition to Distinguished Membership status in the Association of Firearm and Toolmark Examiners and the California Association of Criminalists, he is a member of the Southwest Association of Forensic Scientists, The American Academy of Forensic Sciences, an Associate Member of ENFSI and past board member of the International Wound Ballistics Association. He has authored and presented over 200 scientific papers, most of which have dealt with various exterior and terminal ballistic properties, effects and behavior of projectiles. His primary area of special interest is the reconstruction of shooting scenes and incidents.

9. The State of New Mexico is requesting the Court authorize a transfer of the following items of evidence to the custody of Mr. Haag:

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 rnds 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 rnd w/hole primer intact
Item No. 47 described as nine 45 colt rnds 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 rnd 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 rnds w/bbs silver primer
Item No. 88 described as one spain 45 denix round no sound
Item No. 129 described as three 45 colt rnds 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 rnds
Item No. 144 described as 4 spent 45 colt rnds w/ silver primer **(this item is currently unavailable as it is currently being tested by the FBI but will be transferred to Luke Haag after the testing at the FBI is complete).**
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

10. The items of evidence will be transferred to Luke Haag at a date and time agreed upon by Mr. Haag and personnel from the Santa Fe County Sheriff's Department.

11. Jason Bowles, Attorney for Hannah Gutierrez-Reed, has no opposition to the relief sought in this motion.

WHEREFORE, for the above-described reasons, the State of New Mexico, respectfully requests the above-described items of evidence be transferred from the custody of the Santa Fe County Sheriff's Department to the Lucien "Luke" Haag for forensic inspection and testing.

Respectfully Submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

Jason J. Lewis

Special Prosecutors for the State of New Mexico

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I hereby certify that a true and correct copy of the foregoing pleading was provided to opposing counsel this 17th day of May 2023 via odyssey efile and serve.

/s/ Kari T. Morrissey

