

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

HANNAH GUTIERREZ

No. D-101-CR-202300040

Defendant.

Judge Mary Marlowe Sommer

SUBPOENA DUCES TECUM

SUBPOENA FOR

SUBPOENA FOR DOCUMENTS

TO: Moxie Films, Inc.

Attention: Agent for Service of Process Mark Bailey

29169 Heathercliff Road, Suite 204

Malibu, California 90265

Mark Bailey

7238 Birdview Avenue

Malibu, California 90265

YOU ARE HEREBY COMMANDED to produce at the office of the Special Prosecutors, Kari T. Morrissey and Jason J. Lewis, 1303 Rio Grande Avenue NW, Suite 5, Albuquerque, New Mexico 87104-2698 on the 30th day of November 2023 at 10:00 a.m.:

All audio and/or video in which Alec Baldwin discusses, mentions, alludes to, comments on, or in any way describes:

1. Halyna Hutchins,

2. the filming of “Rust” in New Mexico,
3. the events surrounding the shooting of Halyna Hutchins and/or Joel Souza,
4. the criminal charges filed against him and/or any other member of the Rust cast and crew,
5. The firearm involved in the shooting of Halyna Hutchins and Joel Souza, including its selection, operation, alleged misfiring or any other discussion whatsoever of said firearm,
6. Hannah Gutierrez,
7. the investigation and subsequent prosecution of Alec Baldwin by law enforcement officials, the district attorney, and/or special prosecutors,
8. any statements of any nature referencing the shooting of Halyna Hutchins and/or Joel Souza,
9. the development and production of “Rust,”
10. Alec Baldwin’s role as a producer of “Rust”

[X] All audio and/or video in which any person discusses, mentions, alludes to, comments on, or in any way describes:

1. Halyna Hutchins,
2. the filming of “Rust” in New Mexico,
3. the events surrounding the shooting of Halyna Hutchins and/or Joel Souza,
4. the criminal charges filed against Alec Baldwin and/or any other member of the Rust cast and crew,
5. The firearm involved in the shooting of Halyna Hutchins and Joel Souza, including its selection, operation, alleged misfiring or any other discussion whatsoever of said firearm,
6. Hannah Gutierrez,
7. the investigation and subsequent prosecution of Alec Baldwin by law enforcement officials, the district attorney, and/or special prosecutors,
8. any statements of any nature referencing the shooting of Halyna Hutchins and/or Joel Souza,
9. the development and production of “Rust,”
10. Alec Baldwin’s role as a producer of “Rust”

CALL Kari T. Morrissey or Jason J. Lewis 505-361-2138

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

Dated: November 2, 2023

Kari T. Morrissey
Kari T. Morrissey
Office of Special Prosecutor
1303 Rio Grande Blvd. NW, Suite 5
Albuquerque, NM 87104-2698

THIS SUBPOENA issued by or at request of:

/s/ Kari T. Morrissey
Kari T. Morrissey
Office of Special Prosecutor
1303 Rio Grande Blvd. NW, Suite 5
Albuquerque, NM 87104-2698
505-361-2138

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY. I certify that on the day of _____, _____ in _____ County, State of California I served this subpoena , along with a Copy of the Certificate of Authenticity, on _____ by delivering to the person named _____ a copy of the subpoena for the production of records as set forth in the above Subpoena.

Deputy Sheriff

RETURN FOR COMPLETION BY OTHER PERSON
MAKING SERVICE

I being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of _____, 2023 , in _____ County, State of California, a copy of the subpoena, along with a copy of the Certificate of Authenticity [a witness fee in the amount of \$_____ and mileage as provided by law in the amount of \$_____] .

Person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____ (date).

Judge, notary or other officer authorized to administer oaths

TO BE PRINTED ON EACH SUBPOENA

1. A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.
2. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
3. If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.
4. To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided by Rule 1-005. If service is by a party, an affidavit of service must be used instead of a certificate of service.

Person Served: Moxie Films, Inc.
 Attention: Agent for Service of Process Mark Bailey
 29169 Heathercliff Road, Suite 204
 Malibu, California 90265

 7238 Birdview Avenue
 Malibu, California 90265

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall

enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to Subparagraph (2) of Paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance;
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (4) subjects a person to undue burden.

If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(3) requires a person who is not a party or an officer of a party to incur substantial expense to travel, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.