

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

PLAINTIFF,

VS.

ALEXANDER RAE BALDWIN III,

DEFENDANT.

No. D-0101-CR-2024-0013
Judge Mary Marlowe Sommer

DEFENDANT ALEC BALDWIN'S MOTION TO DISMISS THE INDICTMENT COMBINED
EXHIBIT SET 6 OF 10

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EXHIBIT 16

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IN THE MATTER OF:
The Rust Criminal Matter

Interview of David Halls
Friday, January 6th, 2023
1:30 PM

Job Number: NM 5666757

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ALSO PRESENT:

Robert Schilling, Special Investigator

1 MS. REEB: Okay. Do we need to go through who
2 all is here, probably?

3 MS. TORRACO: Yeah, why don't you just go
4 ahead and you can do the intro.

5 MS. REEB: Okay. So today -- what is today's
6 date? Let me --

7 MS. TORRACO: The 6th of January.

8 MS. REEB: -- 6th of January. It's 1:30. My
9 name is Andrea Reeb. I'm here with Mary Carmack-Altwies,
10 Jennifer Padgett Macias, and Bob Schilling, Robert
11 Schilling.

12 And then I'll let you guys introduce
13 yourselves for the recorder.

14 MS. TORRACO: Okay. Okay. My name is Lisa
15 Torraco, and I'm here present with David Falls and also
16 Angela Gordon. Ms. Gordon is assisting me, and she is
17 with Hartline Barger, a law firm here in Santa Fe.
18 Mr. Halls, of course, is the subject of the inquiry.

19 MS. REEB: Okay. Is there any -- do we need
20 to discuss the letter at all, or are you --

21 MS. TORRACO: Yes.

22 MS. REEB: Okay.

23 MS. TORRACO: We're expecting that you're
24 going to read it.

25 MS. REEB: Okay. Just to read the entire

1 thing?

2 MS. TORRACO: Well, how do you eyes usually do
3 it?

4 MS. CARMACK-ALTWIES: Well, this is -- I mean,
5 you've already gone through, initialled and signed it.
6 We can read it.

7 MS. TORRACO: Okay.

8 MS. REEB: We can read it. I don't mind. Go
9 ahead.

10 Okay. So it's dated December 15th, 2022. The
11 subject is David Halls. It's a proffer of information.
12 Mr. Halls, pursuant to our recent discussions with your
13 attorney, this letter will confirm that you are
14 interested in meeting with the State, to include
15 prosecutors, law enforcement officers, agents, and staff
16 for the purpose of proffering truthful information
17 related to criminal activities.

18 In order to assure that there are no
19 misunderstandings about this agreement, the State is
20 providing this proffer letter that must be executed and
21 that represents the only agreement between the State and
22 the defendant absent a specific plea offer that has been
23 reduced in writing and executed.

24 The purpose of this proffer is to determine
25 whether or not you have truthful and relevant information

1 in a pending case. Please review the following
2 paragraphs closely before signing your initials after
3 each paragraph. And your signature below will indicate
4 that you have read and understand the following.

5 And there are eight items that have all been
6 Xed.

7 Number one: you agree to provide truthful and
8 complete information during the course of the proffer.

9 Number two: no statements made or other
10 information provided during your proffer may be used by
11 the State against you in the Government's direct case in
12 any criminal prosecution. The State will not use the
13 words spoken by you or information provided by you in
14 presenting its direct case in criminal case against you.

15 Number three: the State may make derivative
16 use of any information and may pursue any investigative
17 leads suggested by any statements made or by other
18 information provided by the defendant. This provision is
19 necessary in order to eliminate the necessity for a
20 Kastigar hearing at which the State would have to prove
21 that the evidence it would have introduced at trial is
22 not tainted by any statements made by you or other
23 information provided by you during the proffer.

24 Number four: in the event that you testify as
25 a witness at any trial, hearing, or other judicial or

1 administrative proceeding and offer testimony materially
2 different from any statements made or other information
3 provided during the proffer, the State may cross-examine
4 you concerning the statements made or other information
5 provided during the proffer. This provision is necessary
6 in order to assure that you do not abuse this proffer of
7 opportunity. Do not make materially false statements to
8 any government agency and do not commit perjury when
9 testifying at any trial or other proceeding.

10 Number five: in the event that you advance or
11 offer any argument which is materially different from any
12 statement that you or other information -- made by you or
13 other information provided by you during this proffer,
14 the State may offer and make use of the substance of any
15 statement made by you during this proffer, which
16 contradicts said argument.

17 Number six: in the event that you knowingly
18 offer materially false information, the State will not be
19 bound by the terms of the agreement, including any plea
20 offer, and will instead be free to offer any and all
21 statements made by you or information offered by you
22 during the course of the proffer, meaning in any
23 proceeding, to include any civil, administrative, or
24 criminal proceeding without the limitations set out
25 herein.

1 Number seven: No other promises or
2 representations are made by the State, and this proffer
3 agreement represents the only agreement between the
4 undersigned parties.

5 And finally number eight: your signature
6 indicates that you have read this proffer agreement, have
7 discussed it, understand it, and have agreed to be bound
8 by its conditions and provisions.

9 All boxes have been marked. It's respectfully
10 Mary Carmack-Altwies, the district attorney has signed
11 it. And then there's a page on here where it says: I,
12 David Halls, have read the promises and conditions set
13 forth in this letter from District Attorney Mary
14 Carmack-Altwies and Chief Deputy Padgett Macias dated
15 December 15th, 2022 and indicate my agreement with my
16 signature below. No other promises, conditions,
17 inducements, or threats of any kind have been made to the
18 undersigned other than those conditions specifically set
19 forth in the above letter.

20 It appears to have been signed by your
21 attorney, Lisa Torracco, and your signature, Mr. Halls, on
22 the 16th of 2022 of December.

23 And is that your signature on the proffer?

24 THE WITNESS: That is.

25 MS. REEB: And do you still want to proceed

1 with the interview based on this letter?

2 THE WITNESS: Yeah. Yes.

3 MS. CARMACK-ALTWIES: Okay. Does that
4 suffice?

5 Okay. Any questions before we start or --

6 MS. REEB: Okay. So we're just going to kind
7 of go over some things. My first question is: did you
8 just do the one interview that was the detective?

9 THE WITNESS: Yes.

10 MS. REEB: Okay. And no other statements,
11 like formal statements or anything?

12 THE WITNESS: No. I had a couple OSHA.

13 MS. REEB: OSHA --

14 THE WITNESS: A deposition in an OSHA
15 interview.

16 MS. REEB: Right. And I did see that there
17 were state -- I think it was referenced somewhere that
18 you had given some statements to OSHA somewhere. But
19 other than that, are those the only statements?

20 THE WITNESS: Yeah. Yes.

21 MS. REEB: Okay. And I haven't read the OSHA
22 statement, so I won't really be talking about that today.
23 But just to begin a little bit, can you go back? You
24 were the assistant -- what was your position in the movie
25 Rust.

1 THE WITNESS: First assistant director.

2 MS. REEB: First assistant director. And what
3 does that position entail to your understanding.

4 THE WITNESS: It's hard to explain. It's very
5 nuancy.

6 MS. REEB: Okay.

7 THE WITNESS: My parents don't understand what
8 it is.

9 MS. REEB: Okay.

10 THE WITNESS: But --

11 MS. REEB: The best you can.

12 THE WITNESS: I guess you would equate it to
13 you're -- you're the job site foreman. You're making
14 sure that the set is being run efficiently.

15 MS. REEB: Okay.

16 THE WITNESS: Like you're staying at a pace.
17 Every day is scheduled.

18 MS. REEB: Uh-huh.

19 THE WITNESS: And it's my job to make
20 sure -- it's called in the industry, get your day. Okay.

21 MS. REEB: Okay.

22 THE WITNESS: So I -- I guess you could
23 consider myself to be the chief inseminator of
24 information.

25 MS. REEB: Okay.

1 THE WITNESS: Everybody knows this is what
2 we're doing, this is when we're doing it, this is when we
3 need to do it. This is the cast that needs to be there.
4 These are the props, the elements that -- that -- that
5 need to be there.

6 MS. REEB: Okay. And so how do you perform
7 that job? How do you get that information to the people
8 that are on the set? Like this is what we need to do.

9 THE WITNESS: Well, I have preparatory time.

10 MS. REEB: Uh-huh.

11 THE WITNESS: Usually it's about four weeks
12 where I break down the script. And there's a universal
13 piece of software that's used in the industry. And what
14 you're doing is you're going through each scene in the
15 script and you're breaking it down. This is where it is,
16 this is the cast that needs to be in it, here's the
17 elements, the props, animals.

18 MS. REEB: Whatever.

19 THE WITNESS: Stunts, and you're breaking it
20 down. You're putting it into this piece of software.
21 And it creates a strip. And this system has been used
22 since, I don't know how long.

23 MS. REEB: Okay. So --

24 THE WITNESS: Early 1900s. And you're
25 basically in the -- and you're moving strips around.

1 MS. REEB: Okay.

2 THE WITNESS: Per day.

3 MS. REEB: Of what's going to happen that day?

4 THE WITNESS: A day will have several strips
5 in it, you know.

6 MS. REEB: Okay.

7 THE WITNESS: And you're not necessarily, as
8 you know, shooting it in script order. It's just, okay,
9 we're at this location, here are the scenes that take
10 place in this location. So you put it all together.

11 Yeah, so I schedule the movie, give out the
12 information, we generate a call sheet every day.

13 MS. REEB: Okay.

14 THE WITNESS: The cast and crew certainly have
15 a schedule before we start shooting, so they're aware
16 of --

17 MS. REEB: What scenes are going to happen
18 that day?

19 THE WITNESS: Yeah, yeah. Right, right.

20 MS. REEB: What props are going to be used
21 that, that type of thing.

22 THE WITNESS: Right. Exactly.

23 MS. REEB: And is that entirely your decision
24 or are you acting as the direction of someone else?

25 (Coughing.)

1 THE WITNESS: Oh. Oh, Lisa.

2 MS. TORRACO: I'm okay.

3 THE WITNESS: Huh, I suppose I could be
4 overridden.

5 MS. REEB: Okay.

6 THE WITNESS: But it's a back and forth
7 discussion.

8 MS. REEB: Okay.

9 THE WITNESS: Well --

10 MS. REEB: Who overrides you?

11 THE WITNESS: -- why -- why would you want to
12 schedule it that way, you know. Producers.

13 MS. REEB: Oh, producers. Okay.

14 THE WITNESS: The director could certainly
15 have some input.

16 MS. REEB: So like in this case Baldwin's a
17 producer so he could say, "Why are we doing it this way,"
18 and you guys could discuss it. And if you agree with him
19 you could --

20 THE WITNESS: Yes.

21 MS. REEB: -- change it up or --

22 THE WITNESS: Yes.

23 MS. REEB: All right. And then I know I've
24 been reading your statement and you were asked about
25 whether it -- you were talking about it's like kind of

1 also a safety position.

2 THE WITNESS: A safety coordinator, yeah.

3 MS. REEB: Okay. A safety coordinator. What
4 does that mean to you?

5 THE WITNESS: That -- that means that I make
6 sure that all the department heads are following their
7 safety protocols. And there is -- there are documents
8 that have been generated by an alliance between the
9 Screen Actors Guild. I honestly -- which is the union
10 representing the crew and -- and the Directors Guild of
11 America.

12 MS. REEB: Okay.

13 THE WITNESS: And they've created these
14 documents, here are the protocols for working with
15 animals, working with blanks, working with --

16 MS. REEB: God knows, whatever. Yeah.

17 THE WITNESS: Yeah.

18 MS. REEB: Okay. And so you say it's on a
19 sheet. And so I want to talk about the safety meetings.
20 I mean, there's been a lot of like talk about a lack of
21 safety meetings on the Rust set.

22 THE WITNESS: Yeah.

23 MS. REEB: And where would those be documented
24 when -- when they occurred? Because when I look at the
25 sheets, the call sheets and what's happening, I don't see

1 any indication, you know, like if they're at 6 in the
2 morning or 6:30 of where those are happening --

3 THE WITNESS: Yeah.

4 MS. REEB: -- on the set. And were those
5 happening on the set.

6 THE WITNESS: They did not happen every day.

7 MS. REEB: Okay.

8 THE WITNESS: There were only a few times
9 where --

10 MS. TORRACO: They did happen every time,
11 though, that there was a firearm.

12 THE WITNESS: Yes, if there was ever a day
13 with -- involving stunts or firearms or --

14 MS. REEB: There would be one -- would it be
15 in the morning.

16 THE WITNESS: It would be in the morning. And
17 usually it's customary at call time --

18 MS. REEB: Okay.

19 THE WITNESS: -- to have the safety meeting.

20 MS. REEB: Okay.

21 THE WITNESS: And I -- I tend to wait until
22 the cast.

23 MS. REEB: Okay.

24 THE WITNESS: I like --

25 MS. REEB: And you run those.

1 THE WITNESS: I run those.

2 MS. REEB: So they're not going to be -- are
3 they -- even though you're saying you had them on days
4 that firearms were involved, for example, they're not
5 going to be documented any way of when those occurred.

6 THE WITNESS: No.

7 MS. REEB: No. Okay. I have to -- there's
8 some statements in here by actors and things of that
9 nature who said that in their experience when there's a
10 safety meeting they're scheduled on the call -- like they
11 should be on the sheet.

12 THE WITNESS: There's a statement, I think
13 usually on the call sheet, you'd have to -- I'm pretty
14 sure if you had the call sheet there would be --

15 MS. REEB: And I flipped --

16 THE WITNESS: -- a safety meeting was held at
17 crew call. It's --

18 MS. REEB: Okay. And I -- I -- I've looked
19 and I haven't seen any indication on any of the sheets
20 that a safety meeting was held.

21 THE WITNESS: Yeah.

22 MS. REEB: At any time. So I guess that's my
23 question. If there -- they were held, is it -- is it
24 your statement they would be on that call sheet.

25 THE WITNESS: It's my usual experience that

1 they're -- they're on the call sheet. So I'm a little
2 surprised.

3 MS. REEB: Okay. So that's the --

4 THE WITNESS: So, you know --

5 MS. REEB: -- normal practice.

6 THE WITNESS: Yeah. And, you know, quite
7 frankly, I don't look at the call sheet because I know
8 it.

9 MS. REEB: Okay.

10 THE WITNESS: I'm the guy that told the second
11 assistant director this is what needs to be on the call
12 sheet.

13 MS. REEB: Okay.

14 THE WITNESS: So I -- I know what the day is.

15 MS. REEB: All right.

16 THE WITNESS: So --

17 MS. REEB: Do you have a question?

18 MS. CARMACK-ALTWIES: No, go ahead.

19 MS. REEB: So it's customary that it would be
20 on the call sheet.

21 THE WITNESS: Yes.

22 MS. REEB: But you don't know in this
23 situation if they were listed on the call sheet.

24 THE WITNESS: I don't recall ever seeing it.

25 MS. REEB: Okay. And your statement is that

1 you had a safety meeting every morning that there was a
2 firearm.

3 THE WITNESS: Yes.

4 MS. REEB: And approximately how many times
5 would you think that occurred.

6 THE WITNESS: I --

7 MS. REEB: An estimate is fine.

8 THE WITNESS: All I can tell you is probably
9 there was two or three times that we did not have a
10 safety meeting.

11 MS. REEB: Like --

12 MS. TORRACO: So two or three days?

13 MS. REEB: Two or three days.

14 MS. TORRACO: Of the three weeks?

15 THE WITNESS: Yes.

16 MS. CARMACK-ALTWIES: Okay. I just -- I just
17 need to clarify that, and maybe it's -- I'm
18 misunderstanding. But are you saying only two or three
19 days with firearms that you didn't have a safety meeting?

20 THE WITNESS: No.

21 MS. CARMACK-ALTWIES: Or are you saying two or
22 three --

23 MS. REEB: No, every time there is a firearm.

24 THE WITNESS: Every time there was a
25 firearm --

1 MS. TORRACO: Or a stunt.

2 THE WITNESS: -- or a stunt, there was a safety
3 meeting.

4 MS. CARMACK-ALTWIES: Okay. And then --

5 THE WITNESS: I would tend to -- we would
6 just -- you know, it would be on what I would call a
7 dialogue day where it would just be, you know, actors
8 talking. And we would just get into it and we'd just,
9 you know, the -- the safety meeting.

10 MS. REEB: Okay. So to sort of further
11 clarify. So there were two or three days that were
12 dialogue days out of about the three weeks that you had
13 filming.

14 THE WITNESS: Yeah.

15 MS. REEB: Right.

16 THE WITNESS: Uh-huh, yes.

17 MS. REEB: And you'd had -- let's say it was
18 21 days. So you'd had 18, 19 days of safety meetings
19 except for those two or three days that were just
20 dialogue days.

21 THE WITNESS: Well, we never made it the 21
22 days.

23 MS. REEB: Well, didn't you.

24 THE WITNESS: No.

25 MS. REEB: Oh, okay.

1 MS. TORRACO: They didn't start --

2 THE WITNESS: The total -- the total
3 production was scheduled for 21 days.

4 MS. REEB: Oh, okay.

5 THE WITNESS: I think we were about on the
6 13th day when --

7 MS. REEB: Okay. So then you would have had
8 10 safety meetings and then three days of not safety
9 meetings? Give or take. I'm not holding you to those
10 numbers, but --

11 THE WITNESS: Yeah, yeah.

12 MS. REEB: Okay. Did you have one that day.

13 THE WITNESS: On the --

14 MS. REEB: October 21st.

15 THE WITNESS: Yes.

16 MS. REEB: You did.

17 THE WITNESS: Yes.

18 MS. REEB: Okay. And do you recall like some
19 people who would have been present at that -- that day
20 that could verify that there was a safety meeting.

21 THE WITNESS: Oh, the -- the entire crew and
22 cast that was needed for that scene, yeah.

23 MS. REEB: Okay. So everybody who was present
24 should be able to confirm that.

25 THE WITNESS: Yes.

1 MS. REEB: Okay. And just to jump backwards a
2 little because I wanted to ask you, how many other
3 movies -- like when did you start in this business and
4 how many other movies have you been the AD on over the
5 years.

6 THE WITNESS: Yeah.

7 MS. REEB: Like I know it might be a lot, but
8 approximately.

9 THE WITNESS: I don't know.

10 MS. REEB: I'm not trying to date anybody, but
11 I just want to --

12 THE WITNESS: I started in the business at a
13 low entry position in 1985. And I think I started
14 assistant directing in the early '90s. And there's
15 maybe -- you could look it up on IMDB, if you're familiar
16 with IMDB.

17 MS. REEB: So you've been doing it for --

18 THE WITNESS: 30 movies, maybe. Yeah.

19 MS. REEB: And AD for a good -- since 1995,
20 you said? Is that what you said.

21 THE WITNESS: Yeah.

22 MS. REEB: 20, 30?

23 MS. TORRACO: Yeah, 30-odd years.

24 MS. REEB: Yeah, okay.

25 MS. TORRACO: Okay. Can we back up just a

1 little bit?

2 MS. REEB: Yeah, absolutely.

3 MS. TORRACO: I'm concerned that -- about the
4 last set of questions, and I want Dave to make it clear.

5 Like when you have a safety meeting, you know
6 if other people would confirm or deny whether or not
7 there was a safety meeting this morning, I mean, do you
8 come into a room like this and everyone sits down and,
9 you know, you call a meeting to order? Or can you just
10 tell them how these safety meetings are held?

11 THE WITNESS: Well --

12 MS. REEB: That was my next question that I
13 was going to ask.

14 MS. TORRACO: So great minds think --

15 MS. REEB: Yeah.

16 MS. CARMACK-ALTWIES: Yeah.

17 THE WITNESS: Well, for example, if you're
18 familiar with Bonanza Creek Ranch.

19 MS. REEB: Uh-huh.

20 THE WITNESS: I don't know if you've been
21 there.

22 MS. REEB: We have.

23 THE WITNESS: Okay. So you know how it kind
24 of intersects. There's like, you know, the main part,
25 center of town.

1 MS. REEB: Yeah.

2 THE WITNESS: And I was provided with a
3 wireless microphone.

4 MS. REEB: Okay.

5 THE WITNESS: We call it the voice of God.

6 MS. REEB: Okay.

7 THE WITNESS: Introducing this up as a
8 portable speaker that was provided to me by the sound
9 department. So I'm standing in the middle of the street
10 and the cast, background actors, the crew are all around
11 me.

12 MS. REEB: Okay.

13 THE WITNESS: And we're talking about, you
14 know, this is what's going to happen today. We're going
15 to do a live fire. We're going to -- you know, there's
16 going to be some pyrotechnics. There's going to be
17 annals on set. You know, if you have any safety
18 concerns, come to me or the producer. Watch your true
19 member's backs. They'll watch you. Stay hydrated.
20 Here's Cher, the set medic, is over here. We have the
21 snake wrangler.

22 And then -- then I go through the scheduled
23 events for the day. That's my opportunity to really kind
24 of go over here's -- here's the plan of what we're doing
25 today. And we should be at this scene at this time.

1 And --

2 MS. REEB: So you're kind of on a loud speaker
3 and there's just people standing kind of all around the
4 crew.

5 THE WITNESS: Yeah.

6 MS. REEB: Kind of all over the place.

7 THE WITNESS: Right. It would be -- you know,
8 in the old days it would be a megaphone. Now it's, you
9 know, this wireless microphone.

10 MS. REEB: Yeah. Do you wait for people or if
11 it says, you know, safety meeting is at 6:15. You walk
12 out at 6:15:00 --

13 THE WITNESS: Well --

14 MS. REEB: -- and start talking.

15 THE WITNESS: Like I said, I did it a little
16 different than most ADs do it.

17 MS. REEB: Okay.

18 THE WITNESS: Most ADs do it at the beginning
19 of the day.

20 MS. REEB: Okay.

21 THE WITNESS: And I -- I like to wait until
22 the cast gets on set.

23 MS. REEB: Okay.

24 THE WITNESS: So that they're -- they're
25 looped in and they're informed. Again, you know, it's

1 addressing concerns but it's also addressing the
2 scheduled events for today. You know, and my -- my major
3 responsibility is to make sure that we get the day. And
4 I want everybody to be informed as to what we're doing
5 and when -- when we should be doing it and when we should
6 be done with it.

7 MS. REEB: Okay.

8 THE WITNESS: So what was the question? So
9 what -- what I do is the director for photography will
10 tell me I'm ready or I'm getting close to ready. And I
11 will call for the cast from base camp. And in this case
12 it was a five-minute band drive.

13 MS. REEB: Okay.

14 THE WITNESS: Cast arrives on set. The
15 background extras arrive on set. I -- I get on the radio
16 and I'm connected to different department heads on the
17 radio. And I'm -- my department, which consists of a
18 second assistant director, a second, second assistant
19 director, four production assistants, and they -- they
20 will yell -- yell it out, "safety meeting, safety
21 meeting." And one of the production assistants will go
22 through all the channels on the radio.

23 MS. REEB: Okay.

24 THE WITNESS: To make sure everybody knows
25 that there's a safety meeting. So I will see everybody

1 come in.

2 MS. REEB: Uh-huh.

3 THE WITNESS: And I -- I don't typically do a
4 head count.

5 MS. REEB: No. Sure.

6 THE WITNESS: But I do a visual.

7 MS. REEB: Make sure there's a good group of
8 people.

9 THE WITNESS: Yeah, these are the people that
10 need to be here, you know, and --

11 MS. REEB: Okay. You mentioned earlier that
12 you said, you know, if there are any safety concerns come
13 to me or a producer.

14 THE WITNESS: Uh-huh.

15 MS. REEB: Had that happened on this set.

16 THE WITNESS: No.

17 MS. REEB: Not one person? Not just that day,
18 any other prior day?

19 THE WITNESS: No, never.

20 MS. REEB: Not to you.

21 THE WITNESS: No.

22 MS. REEB: Or to your knowledge to anyone
23 else.

24 THE WITNESS: Not at all.

25 MS. REEB: Okay. And so would your -- if the

1 way you do it is like do your safety, I guess, meeting
2 prior to a certain scene or whatever it is, would your
3 sheets say safety meeting, like let's say at 2:30 or 1:30
4 or -- okay.

5 THE WITNESS: No.

6 MS. REEB: I just want to make sure that if
7 maybe -- I didn't see because them because they were in
8 the middle somewhere.

9 THE WITNESS: If there was to be a stunt or a
10 shootout, we would have a safety meeting before that.

11 MS. REEB: Okay. And it would maybe say that.

12 THE WITNESS: Just to -- this is what's going
13 to happen. Okay. And --

14 MS. REEB: And would that be on the sheet then
15 prior -- no, okay.

16 THE WITNESS: Huh-uh, no.

17 MS. REEB: Okay. All right. I just didn't
18 want to look through the middle of them if they --

19 MS. TORRACO: So, Dave, are some of the safety
20 meetings kind of ad hoc? Like you're like, oh, I think I
21 should just call everybody together and make sure they
22 know or are they all planned? Or a mix of both or
23 something else?

24 THE WITNESS: Well, I -- I -- to me it's just
25 protocol. Is that a good answer? I mean --

1 MS. TORRACO: I just wanted to --

2 THE WITNESS: It's not ad hoc, I guess.

3 I -- whatever ad hoc means, but it's like, okay, we're
4 going to do a shootout and we're going to do a stunt.

5 MS. REEB: Like your procedure?

6 THE WITNESS: And we're going to -- we're
7 going to review this. This is -- you know, we're going
8 to review what we're going to do.

9 MS. REEB: Okay.

10 MS. TORRACO: So you said you don't know what
11 ad hoc means. To me ad hoc would be just like calling
12 one on the spur of the moment.

13 MS. REEB: Impromptu.

14 MS. TORRACO: Impromptu.

15 MS. REEB: Yeah.

16 MS. TORRACO: So, but you're telling me that
17 every time there's a firearm or maybe you're going to
18 have some horse just run through the scene, you know.

19 THE WITNESS: Yeah.

20 MS. TORRACO: You have to let everyone know
21 there's going to be a horse running through the scene.

22 THE WITNESS: Yes. Yeah.

23 MS. REEB: Okay. So then before the shooting
24 in the church, the incident that occurred, that's -- is
25 that what you recall doing right before that scene or in

1 the morning.

2 THE WITNESS: Well, that -- that shot did not
3 require any shooting.

4 MS. REEB: Okay.

5 THE WITNESS: It was just simply Mr. Baldwin
6 taking out his gun.

7 MS. REEB: Right.

8 THE WITNESS: And pointing it. There was not
9 to be any live fire.

10 MS. REEB: Okay. So no -- there would have
11 been no safety meeting about that scene.

12 THE WITNESS: I wouldn't -- no, I wouldn't
13 have done a safety meeting for that.

14 MS. CARMACK-ALTWIES: Okay. So then question.
15 You said, though, that there was a safety meeting that
16 day. Were there other scenes that were involving live
17 fire that day?

18 THE WITNESS: No. I mean, we were getting
19 into the first -- this whole scene taking place in the
20 church was a shootout.

21 MS. CARMACK-ALTWIES: Okay.

22 THE WITNESS: So, but, no, there was no
23 other --

24 MS. TORRACO: So there was going to be more
25 shooting later after the church?

1 THE WITNESS: Oh, yeah.

2 MS. CARMACK-ALTWIES: Okay.

3 THE WITNESS: Once we are -- you know, once we
4 were going to get this shot --

5 MS. REEB: That kind of makes sense.

6 THE WITNESS: -- we were going to get into it.

7 MS. CARMACK-ALTWIES: Okay.

8 THE WITNESS: There would have been
9 pyrotechnics in the ceiling. There were, you know --

10 MS. CARMACK-ALTWIES: Yeah.

11 THE WITNESS: There were, you know -- yeah,
12 there was going to be blanks and, you know --

13 MS. CARMACK-ALTWIES: Now, my understanding,
14 and correct me if I'm wrong, was that that particular,
15 the pulling out was not actually fully planned for when
16 it -- when it was happening?

17 MR. SCHILLING: It was not on the call sheet.

18 MS. CARMACK-ALTWIES: It was not on the call
19 sheet.

20 MR. SCHILLING: It was an impromptu rehearsal?

21 MS. PADGETT MACIAS: Well, didn't Halyna ask
22 him to point the gun for the --

23 THE WITNESS: Wait a minute, you guys, let me
24 get -- the scene was on the call sheet. The call sheet
25 doesn't represent each shot.

1 MR. SCHILLING: No, no, I understand.

2 MS. CARMACK-ALTWIES: Okay.

3 THE WITNESS: Okay. So within that scene,
4 Rust takes refuge in an abandoned church, sits in the
5 pew, two U.S. marshals walk in, Rust removes his revolver
6 from his holster and points it at the U.S. marshals.

7 MS. CARMACK-ALTWIES: Okay.

8 THE WITNESS: That's part of the scene.

9 MS. CARMACK-ALTWIES: Okay.

10 THE WITNESS: No, there's other parts of the
11 scene where they're going to get into a shootout, he's
12 going to roll around on the church floor, eventually jump
13 out the window. And so that's -- that's the scene.

14 Okay. So like I said, I mean, the shot was just of him
15 pulling out the gun and -- and pointing it at the U.S.
16 marshals. The U.S. marshals weren't even involved in the
17 shot because we didn't see them. It was just they would
18 have been on the other side of the camera, so we didn't
19 need them in the church.

20 MS. TORRACO: But didn't she direct him to
21 point it right at --

22 MS. CARMACK-ALTWIES: Well, we're going to get
23 there.

24 MS. REEB: But so the whole scene, you're
25 saying, would be -- is on the call sheet.

1 THE WITNESS: Yeah.

2 MS. REEB: Okay. I guess I got -- my
3 understanding was, though, that that particular, the
4 pulling out and then the pointing at the camera and all
5 of that --

6 MS. TORRACO: Like the rehearsal.

7 MS. REEB: -- the rehearsal part was somewhat
8 impromptu or ad hoc.

9 THE WITNESS: Well, this -- this rehearsal
10 thing is really, every time I read it I just cringe.

11 MS. REEB: Okay.

12 THE WITNESS: It's just, you know, yes, he was
13 rehearsing, you know, practicing, taking the gun -- you
14 know, getting used to taking it out of his holster.

15 MS. REEB: Okay.

16 THE WITNESS: But there's many times where you
17 just, okay, I got it, let's go, and you shoot.

18 MS. REEB: Okay. Okay.

19 MS. CARMACK-ALTWIES: You shoot the scene.

20 THE WITNESS: You shoot the scene.

21 MS. REEB: You shoot the scene. I -- so --

22 THE WITNESS: He -- he was not asked to be in
23 the church until the camera was ready, so --

24 MS. REEB: Okay. So he was in there maybe a
25 little bit early, fair to say?

1 THE WITNESS: What typically happens is
2 he -- you want me to tell it from the beginning?
3 MS. REEB: Yeah.
4 MS. CARMACK-ALTWIES: Yeah.
5 MS. REEB: Sure.
6 THE WITNESS: Okay. So we're in the church.
7 MS. REEB: Okay.
8 THE WITNESS: This is after lunch.
9 MS. REEB: Uh-huh.
10 THE WITNESS: Because of COVID, I asked if
11 you -- if you do not have to be in the church, please
12 leave. Mr. Baldwin's stand in was there. Now, I said,
13 Bill -- Bill, why don't you just go outside the church.
14 I'll sit in the pew.
15 MS. REEB: Okay.
16 THE WITNESS: So Halyna, the director of
17 photography just needed a face to look at, a body to
18 light. And I'm -- I'm just -- I'm sitting in the pew.
19 MS. REEB: Okay.
20 MS. CARMACK-ALTWIES: With firearm or no
21 firearm?
22 THE WITNESS: No firearm.
23 MS. REEB: Okay.
24 THE WITNESS: No firearm.
25 MS. CARMACK-ALTWIES: Okay. That's while

1 you're sitting in the pew.

2 THE WITNESS: No firearm.

3 MS. CARMACK-ALTWIES: Right.

4 THE WITNESS: Contrary to other people's
5 testimony, no firearm.

6 MS. CARMACK-ALTWIES: Okay.

7 MS. REEB: Okay.

8 THE WITNESS: So the director photographer
9 says to me, "I'm ready." I go on my radio. Like I said,
10 I'm connected to all different department heads in my
11 department. Camera is ready, first team. First team is
12 the cast. So Mr. Baldwin arrives on set and walks into
13 the church, takes his place in the pew. Replaces me. He
14 sits in the pew. I'm -- if you're Mr. Baldwin --

15 MS. REEB: Okay. I'm in the pew.

16 THE WITNESS: I'm maybe a little more over
17 here. No -- no more than five feet away from him.

18 MS. REEB: So are you facing him or -- okay.
19 You're facing him.

20 THE WITNESS: I'm -- I'm facing him.

21 MS. REEB: Okay.

22 MS. CARMACK-ALTWIES: Okay.

23 THE WITNESS: So when I go on the radio, I
24 said -- when the cast arrives on set I'll go on the radio
25 and say, "first team is on set."

1 MS. REEB: Okay.

2 MS. TORRACO: Just when I start coughing,
3 because we care so much about what you say, and I am
4 sorry, please just stop just so that we can get you on
5 the record.

6 THE WITNESS: Yeah, okay.

7 When Mr. Baldwin arrived on set, I
8 said, "first team is on set." At that moment the armorer
9 showed up on my left side, let's do the gun check.

10 MS. REEB: Okay.

11 THE WITNESS: She opens up the gun, spins the
12 drum. It's an empty gun.

13 MS. REEB: Okay.

14 THE WITNESS: And she hands it to Mr. Baldwin.
15 It might have been two to four minutes later, I didn't
16 see anybody take the gun from Mr. Baldwin. I might have
17 had my back turned, but she appeared back on my side and
18 she said, "I put dummy rounds in it."

19 MS. REEB: Okay. Time out. At this point
20 you're standing up. You're still five feet away from
21 Baldwin.

22 THE WITNESS: Yep.

23 MS. REEB: Hannah shows up.

24 THE WITNESS: Uh-huh.

25 MS. REEB: You see her hand an empty gun.

1 THE WITNESS: Yes.

2 MS. REEB: And you know it's empty.

3 THE WITNESS: Yes.

4 MS. REEB: In your mind you're seeing it as
5 empty. Okay.

6 Who else, so there's Baldwin, Hannah, you.

7 THE WITNESS: Yeah.

8 MS. REEB: Halyna, obviously. Joel. Who else
9 is in there?

10 THE WITNESS: Well, a camera operator.

11 MS. REEB: Okay.

12 THE WITNESS: A boom operator for the
13 microphone.

14 MS. REEB: Okay.

15 THE WITNESS: I believe the script supervisor
16 was in there.

17 MS. REEB: Okay.

18 THE WITNESS: And somebody from the costume
19 department.

20 MS. CARMACK-ALTWIES: Like makeup or
21 something.

22 MS. REEB: Okay. So nine people?

23 THE WITNESS: That's my recollection.

24 MS. REEB: Okay.

25 THE WITNESS: It was about --

1 MS. REEB: Okay.

2 THE WITNESS: -- nine people.

3 MS. REEB: All right. So two to four minutes
4 later, let's go back to you didn't see --

5 THE WITNESS: I do -- I do -- I do recall
6 seeing one of -- one of the prop masters, is her name
7 Nicole?

8 MS. REEB: Yeah, there was a Nicole. Yeah.

9 THE WITNESS: Yeah, yeah.

10 MS. REEB: Nicole or Sarah would have been
11 the --

12 THE WITNESS: Yeah.

13 MS. REEB: Okay. So you potentially recall
14 her.

15 THE WITNESS: Yeah.

16 MS. REEB: Okay. You did not see Baldwin hand
17 the gun back to Hannah?

18 THE WITNESS: I did -- I did not.

19 MS. REEB: Okay. But you became aware that
20 somehow a new gun had gotten to Baldwin.

21 THE WITNESS: Well, the same gun, but it
22 had --

23 MS. REEB: The same -- okay, same gun.

24 THE WITNESS: -- but -- but dummy -- dummy
25 rounds in it.

1 MS. REEB: Okay. So you didn't see her,
2 Hannah, come back to get the gun from Baldwin.

3 THE WITNESS: No.

4 MS. REEB: You didn't see her loading it.

5 THE WITNESS: No.

6 MS. REEB: And then you didn't see her giving
7 it back; is that --

8 MS. TORRACO: Well, yeah, she -- she came up
9 alongside me.

10 MS. REEB: Okay.

11 THE WITNESS: Opened it up. And I saw at
12 least three rounds, and I had seen dummy rounds before.

13 MS. REEB: Okay.

14 THE WITNESS: Bright brass shiny ends,
15 depressed primers. I saw what I needed to see.

16 MS. REEB: Okay. Did she spin it that time?

17 THE WITNESS: I don't recall her spinning it.

18 MS. REEB: Okay. You really only recall kind
19 of seeing three? Okay.

20 THE WITNESS: I recall every time she showed
21 me a gun she spun it around. And --

22 MS. CARMACK-ALTWIES: You just don't remember
23 that time?

24 THE WITNESS: I don't remember this time.

25 MS. REEB: Okay. Okay.

1 MS. PADGETT MACIAS: But if you can interject,
2 the only thing that could have been in there, to your
3 thinking, was either dummies or blanks.

4 THE WITNESS: It was unfathomable that there
5 would be live ammunition on a film set.

6 MS. PADGETT MACIAS: Sure. Sure.

7 MS. CARMACK-ALTWIES: Is that the -- is that
8 the point that -- that you had said then cold gun?

9 THE WITNESS: I didn't say cold gun. It was
10 usually her practice to say cold gun as she would hand
11 off the gun to the actor.

12 MS. REEB: Do you recall if she said it the
13 first time --

14 THE WITNESS: I don't -- I don't recall.

15 MS. REEB: Do you recall if maybe you would
16 have said it?

17 THE WITNESS: I don't recall.

18 MS. REEB: Okay.

19 MS. PADGETT MACIAS: Do you remember hearing
20 it?

21 THE WITNESS: I don't recall.

22 MS. REEB: Okay. We have several people that
23 said they heard you say it.

24 THE WITNESS: Yeah.

25 MS. REEB: And I'm not saying -- I'm not

1 drawing any conclusions from that. My question, though,
2 is would that -- does that sound like you? Do you -- do
3 you dispute that you would have said it?

4 THE WITNESS: All I have is a recollection
5 that throughout the production it was her that would say
6 hot gun or cold gun.

7 MS. REEB: Okay.

8 THE WITNESS: I -- I --

9 MS. REEB: You just don't know?

10 THE WITNESS: You know, the typical protocol
11 would be there's a -- I would say there's a firearm on
12 set.

13 MS. REEB: Okay.

14 THE WITNESS: Or there's multiple firearms on
15 set.

16 MS. REEB: Okay.

17 THE WITNESS: I'm inspecting them along with
18 the armorer. And if anybody else would like to inspect
19 them, now would be the time.

20 MS. REEB: Did you do that that day?

21 THE WITNESS: I did.

22 MS. REEB: With the -- when it was fully
23 empty?

24 THE WITNESS: Yes.

25 MS. REEB: Okay. Did you do it the second

1 time when she said I -- I put dummies in it?

2 THE WITNESS: I don't -- I don't recall.

3 MS. REEB: Okay. And -- and, again, this
4 isn't going to be used against you. Do you not recall or
5 you don't -- you don't think you said it the second time?

6 THE WITNESS: I don't think I -- I don't think
7 I said it.

8 MS. REEB: Okay. That's okay. All right.
9 You said it if first time.

10 MS. CARMACK-ALTWIES: Well, that makes more
11 sense on your statements because they kind -- as I read,
12 after we talked, you know, I was kind of -- and you said
13 you didn't have -- hold the gun, I was trying to get your
14 statement together, and it looked like two separate
15 time -- I started looking at it and I'm like maybe this
16 was two separate times that you looked at the gun; one
17 when it was empty -- okay. And that makes a little more
18 sense now.

19 THE WITNESS: Which I did.

20 MS. CARMACK-ALTWIES: Okay.

21 MS. REEB: Yeah.

22 MR. SCHILLING: Just real quick on that.

23 MS. REEB: Go ahead.

24 MR. SCHILLING: Do you recall if there was
25 ever a request from the director or the photography, hey,

1 it's empty but we want to be able to see it. We want to
2 be able to see fake bullets in the cylinder and a request
3 being made to get dummies put into it?

4 THE WITNESS: No, I did not ever hear that.

5 MS. PADGETT MACIAS: Is that a part of the way
6 that the scene was supposed to be shot, was to get a
7 photograph of a round?

8 MR. SCHILLING: Well, given the proximity of
9 the actor to the camera and how they were trying to set
10 up the shot.

11 THE WITNESS: Yeah. Yes.

12 MR. SCHILLING: And I -- I'm a layman, and
13 I'll admit that right up front, but to make a good movie
14 cool is when the actor pulls the gun out the camera is
15 going to see --

16 THE WITNESS: Yes.

17 MR. SCHILLING: -- bullets in the cylinder.

18 THE WITNESS: Yes.

19 MR. SCHILLING: Because if it doesn't then
20 everybody and their brother is going to be sending emails
21 and calling the --

22 THE WITNESS: Yeah.

23 MR. SCHILLING: -- studio and saying, hey, you
24 screwed this up.

25 THE WITNESS: That's exactly right.

1 MR. SCHILLING: Right.

2 THE WITNESS: It's my assumption that the
3 armorer made a creative decision. Oh, we're -- we're
4 tight on the gun, maybe we should have some dummy rounds
5 in it. Because I did not hear that request coming from
6 the director or the director of photography.

7 MS. REEB: Okay.

8 THE WITNESS: Now --

9 MS. REEB: And you certainly didn't make the
10 request?

11 THE WITNESS: No.

12 MS. REEB: Okay.

13 THE WITNESS: If you -- if you look at that
14 shot.

15 MS. REEB: Uh-huh.

16 THE WITNESS: If you've been able to see that
17 shot, you can't tell if there's -- if it was a dummy
18 round. It wasn't that.

19 MS. REEB: It wasn't that tight on the gun?

20 THE WITNESS: It wasn't that tight, you know.

21 MS. REEB: So that's sort of my question,
22 though, the reason I brought up rehearsal, is that
23 there's a shot from earlier in the day. It looks like it
24 was on a cell phone where they were practicing that shot.
25 And -- and then what we have been told by other people in

1 the industry is that maybe before they actually shoot the
2 scene they would -- they would have the camera going and
3 they would be recording it so that they could -- they
4 could see how it looked.

5 THE WITNESS: Sure.

6 MS. REEB: And then they would actually shoot
7 the scene.

8 THE WITNESS: Yeah.

9 MS. REEB: But this scene, when this happened,
10 was not being recorded. There is no recording of it.

11 THE WITNESS: Well, the -- well, the visual
12 that I've seen online looks like it was shot through our
13 big main camera. To me it doesn't look like it was shot
14 on a cell phone, but --

15 MS. REEB: Well, the cell phone is not out
16 there. But when she got shot we do not have --

17 MS. TORRACO: A rolling.

18 MS. REEB: -- a rolling film of that.

19 THE WITNESS: Yeah, right. Yeah.

20 MS. REEB: Do you know why?

21 THE WITNESS: I don't know why.

22 MS. REEB: Okay.

23 THE WITNESS: I mean, to me it was -- it was
24 really unusual to have that shot to -- to begin with.

25 MS. REEB: Okay.

1 THE WITNESS: Like you said, maybe they just
2 rolled on it to get reference or -- or something.

3 MS. REEB: Okay. Should the camera have been
4 rolling? Would that have been your protocol?

5 THE WITNESS: No, not --

6 MS. REEB: Okay.

7 THE WITNESS: -- necessarily, no.

8 MS. REEB: Explain to me why not. Or -- and
9 then as a corollary to that, explain to me when the
10 camera starts actually rolling.

11 MS. PADGETT MACIAS: Okay, wait. I just want
12 to interrupt. Whose decision is it --

13 MS. REEB: Yeah.

14 MS. PADGETT MACIAS: -- when the camera starts
15 rolling?

16 MS. CARMACK-ALTWIES: Yeah, that's a good
17 question.

18 MS. PADGETT MACIAS: Just to set up the
19 foundation --

20 THE WITNESS: Yeah.

21 MS. PADGETT MACIAS: -- because Mary's
22 questions are important.

23 THE WITNESS: It would be -- it would be the
24 deep -- the director of photography, it would be a back
25 and forth between her and I, are you ready.

1 MS. REEB: Okay.

2 THE WITNESS: Or sometimes she'll say I'm
3 ready. And then I'll go -- go on the radio, okay, camera
4 is ready, picture is up, quiet, please. Lock it up,
5 which means for my staff to make sure that nobody is
6 talking outside the set.

7 MS. REEB: Yeah.

8 THE WITNESS: And then roll sound.

9 MS. REEB: Okay. And you had none of that
10 yet.

11 THE WITNESS: I had done none of that yet.

12 MS. REEB: Because you weren't ready.

13 THE WITNESS: I would say we were moments
14 away.

15 MS. REEB: Okay.

16 MS. CARMACK-ALTWIES: That kind of makes sense
17 it wasn't being filmed because nobody heard any
18 announcements or anything like that.

19 THE WITNESS: Yeah.

20 MS. CARMACK-ALTWIES: So it does --

21 MS. REEB: Okay.

22 MS. CARMACK-ALTWIES: -- appear to be a
23 rehearsal happening, would you agree?

24 THE WITNESS: Yeah, sure.

25 MS. CARMACK-ALTWIES: I mean, just --

1 THE WITNESS: But I don't know -- I don't know
2 what the -- this whole rehearsal thing is.

3 MS. PADGETT MACIAS: So I think --

4 THE WITNESS: From -- from everybody, I don't
5 know.

6 MS. CARMACK-ALTWIES: -- it's we're getting
7 lost in translation. But if you weren't --

8 MS. REEB: Oh, okay. I see what you're
9 saying.

10 MS. CARMACK-ALTWIES: It wasn't a rehearsal
11 but you were setting up shots, getting ready to actually
12 start shooting.

13 THE WITNESS: Sure.

14 MS. CARMACK-ALTWIES: Okay.

15 MS. TORRACO: Yeah, I think she was saying --

16 MS. REEB: What's the word? What's the right
17 word?

18 MS. TORRACO: A lineup?

19 MS. REEB: All right.

20 THE WITNESS: Yeah.

21 MS. REEB: Is that what the --

22 THE WITNESS: You could a lineup.

23 MS. TORRACO: Like the way that I've -- I've
24 kind of learned about the sequencing is lineup. You
25 know, you're trying to get the lighting, you're trying to

1 get people in the right places, followed by then a
2 rehearsal, followed by then live action.

3 THE WITNESS: Yeah.

4 MS. REEB: Okay. She was sitting at the --

5 THE WITNESS: I mean, keep in mind that she's
6 already -- the DP has the shot lit.

7 MS. REEB: Yeah.

8 THE WITNESS: She has the actor in the spot.
9 He's just you know, and because it was a tight shot he's
10 getting direction on where to point the camera from the
11 director of photography.

12 MS. CARMACK-ALTWIES: Point the gun.

13 MS. PADGETT MACIAS: Back up.

14 MS. CARMACK-ALTWIES: Point the gun.

15 THE WITNESS: Where to point the gun. The sad
16 irony of this whole --

17 MS. REEB: Okay.

18 MS. PADGETT MACIAS: You had -- you had said a
19 few minutes ago that in your opinion, or an assumption, I
20 think was the word you used, that it may have been
21 putting -- putting the dummy round into the revolver may
22 have been a creative decision by the armorer. Should the
23 armorer, in your experience, be making these types of,
24 quote, unquote, creative decisions?

25 THE WITNESS: Yeah, I think it would be

1 perfectly acceptable. Yeah.

2 MS. REEB: Okay. And as far as you kind of
3 had described it in COVID and what was happening, I guess
4 I'm just like not familiar with movies really, but that's
5 a lot of people in a church. And I'm just going to say
6 kind of what I'm thinking, the most important person
7 being in the room, to me, seems like the armorer would be
8 the important person to have in there.

9 THE WITNESS: Totally acceptable for her to be
10 there.

11 MS. REEB: For -- for safety purposes.

12 THE WITNESS: Yeah, and she claims --

13 MS. REEB: Yet there's --

14 THE WITNESS: -- she claims that I have kicked
15 her out because of COVID, which I did not do.

16 MS. REEB: I don't even know if she said that.
17 I don't know if --

18 MS. CARMACK-ALTWIES: Well, okay, but
19 let's -- okay. Did you kick her out?

20 THE WITNESS: No.

21 MS. CARMACK-ALTWIES: Did you ever tell her to
22 leave?

23 THE WITNESS: No.

24 MS. CARMACK-ALTWIES: Did you hear anyone tell
25 her to leave?

1 THE WITNESS: No.

2 MS. CARMACK-ALTWIES: Should she have left in
3 your estimation?

4 THE WITNESS: No.

5 MS. CARMACK-ALTWIES: Okay.

6 MS. REEB: That's -- that's what I --

7 MS. CARMACK-ALTWIES: So she should have been
8 there? If there's -- if there's a gun being used --

9 THE WITNESS: Well, you know, look, I -- I
10 don't know, that's questionable.

11 MS. CARMACK-ALTWIES: Okay. Let's --

12 THE WITNESS: If she believes and everybody
13 believes that there's dummy rounds in -- in a revolver
14 and all he's doing is pulling it out --

15 MS. CARMACK-ALTWIES: Okay.

16 THE WITNESS: You know, she's right
17 out -- she's 20 feet away right outside the door.

18 MS. CARMACK-ALTWIES: Is it typical, though,
19 that armorers are present when guns are being
20 manipulated, used by actors?

21 THE WITNESS: Yeah. Yes.

22 MS. CARMACK-ALTWIES: Okay.

23 MS. REEB: And did you see -- I mean, I know
24 she -- I know you said this probably didn't happen, but
25 just to clarify, the ad -- the discussion and the

1 opinions we've gotten from armorers and experts said that
2 it was very customary in protocol to take each bullet out
3 and shake it in front of the person they're giving the
4 gun to. You know, not just open it and show it. And as
5 you're -- in your experience, would that be the -- the
6 more customary --

7 THE WITNESS: It's -- it's customary.

8 MS. REEB: Okay. But that didn't happen, this
9 kind of shaking it? No.

10 MS. CARMACK-ALTWIES: Okay. So you shook your
11 head, no, it did not happen. Did the projectile -- the
12 cartridges were taken out. Okay. In a typical movie,
13 would that have been done by the armorer or by you or by
14 the actor, the taking out and the shaking and the putting
15 it back?

16 THE WITNESS: I mean, I've seen it a different
17 number of ways where the armorer will come in with the
18 dummy rounds and they're pulled and shake them. And show
19 me loading them into the gun.

20 MS. REEB: Okay. And that's what we've heard,
21 it normally happens that way. So is that your
22 experience, that it normally does happen that way?

23 THE WITNESS: Yeah.

24 MS. CARMACK-ALTWIES: Are you usually, as the
25 AD, intimately involved in that process and the taking

1 out of the shooting, or is it between the armorer and the
2 actor?

3 THE WITNESS: Yeah, between the armorer and
4 myself.

5 MS. CARMACK-ALTWIES: Between the armorer and
6 you. Okay.

7 MS. PADGETT MACIAS: Let me -- let me back up,
8 though. Like it's not always done that way, right?
9 There are a variety of ways that it is done in all of the
10 movies that you've done.

11 THE WITNESS: I mean, I've just -- you know,
12 I've been shown just drums with, you know --

13 MS. CARMACK-ALTWIES: Yeah.

14 MS. PADGETT MACIAS: So it's not like that's
15 the only --

16 THE WITNESS: There need to be dummy rounds in
17 them, yeah. Yeah.

18 MS. CARMACK-ALTWIES: Okay.

19 MS. TORRACO: Okay. Can we, just as the
20 lawyers, have a little conversation about this?

21 MS. CARMACK-ALTWIES: Uh-huh.

22 MS. TORRACO: And -- and, Mr. Halls, I want
23 you to correct me if I'm wrong, but films are different
24 depending on the personalities involved. It's kind of
25 like getting a bunch of people together in a kitchen to

1 cook a meal. It's going to go differently even if the
2 recipe is the same. Is that fair? So, I mean, one
3 person does it -- one armorer works this way, but you're
4 not the boss of armorer, right? I guess I'm trying to
5 elicit a conversation about that.

6 MS. REEB: Well, and -- and -- and --

7 MS. TORRACO: Because you're saying
8 they're -- because there are no protocols for exactly how
9 it has to happen, right, or are there?

10 THE WITNESS: I did -- I have not seen any
11 language regarding protocols for dummy rounds.

12 MS. PADGETT MACIAS: But how -- how do you
13 know then as a person in charge of safety, if you aren't
14 seeing those rounds come out and hearing them between you
15 and the armorer, as you say, how do you know that they're
16 actually --

17 MS. TORRACO: Wait, he's not in charge of
18 safety. He's the safety coordinator.

19 MS. PADGETT MACIAS: Safety coordinator.

20 MS. TORRACO: Which is different than being in
21 charge of safety.

22 MS. CARMACK-ALTWIES: Well, okay, let me
23 rephrase it. You -- you did say it's between you and the
24 armorer and not the armorer and the actor, generally. So
25 how do you know as the person that's verifying this with

1 the armorer that these are blank rounds or not live
2 rounds if you're not hearing them or seeing them and each
3 one is checked? I mean, obviously you can't open a gun
4 and know for sure that she did her job. You understand
5 the question?

6 THE WITNESS: Uh-huh.

7 MS. CARMACK-ALTWIES: And so --

8 MS. PADGETT MACIAS: This goes back to what I
9 was saying initially, which is no assistant director has
10 ever had to be like, wait, are there any live ones.
11 That's unfathomable, so the most he could have thought
12 would be in there that was different from dummies is
13 blanks.

14 MS. CARMACK-ALTWIES: Right. But, I mean, he
15 wouldn't know unless he pulls them out and -- with her
16 and/or an armorer and they actually go through each one.

17 MS. PADGETT MACIAS: But can you tell by when
18 she would spin it as well, you can tell by the
19 depressed --

20 MS. CARMACK-ALTWIES: But that's not always
21 the case though.

22 MS. REEB: That's not always the case. That's
23 the problem.

24 MS. GORDON: And we're talking about the
25 rounds and maybe they're not being, you know, written

1 protocols and standards. They're round blanks and dummy
2 rounds. But what about just protocols around firearms?
3 Right? I mean, there's -- when you have a -- when you
4 have a firearm on the set --

5 MS. CARMACK-ALTWIES: I don't think there's a
6 set --

7 MS. GORDON: Huh?

8 MS. CARMACK-ALTWIES: Yeah, I don't think
9 there's some set protocol that you have to do, is there?
10 There's thing -- different ways --

11 THE WITNESS: I've never read anything about
12 protocols involving dummy rounds. I had seen her dummy
13 rounds before.

14 MS. REEB: Okay.

15 THE WITNESS: I had seen them on her cart.
16 They have a distinct bright brass bottom to them.
17 There's a depressed primer.

18 MS. REEB: Uh-huh.

19 THE WITNESS: She opened up the gun and showed
20 me. And just -- it was just unfathomable, the -- the
21 thought that there would be a live round of ammunition on
22 a movie set. And I -- you know, she had been doing a
23 competent job, and I just --

24 MS. REEB: Okay. Well --

25 MS. TORRACO: Wait, just let --

1 THE WITNESS: Well, how could she put anything
2 else but dummy rounds in the gun.

3 MS. REEB: Did you ever, in any way, touch the
4 gun during that interaction, the first time when she spun
5 the drum? I mean, and I don't mean like take it and have
6 it in your hand. But like if somebody is showing me
7 something, like Annie is showing me her cell phone, often
8 I'll just put my hand on it. Did you touch it? Did you
9 touch it?

10 THE WITNESS: No.

11 MS. REEB: Okay. Okay. So you're --

12 THE WITNESS: It's one -- Lisa knows this as
13 well as anybody. There's one (inaudible) area in this
14 whole thing that just bothers me, and it's kind of
15 irrelevant, but it started from the get-go that I grabbed
16 the gun from the armorer's cart and handed it to Alec
17 Baldwin.

18 MS. REEB: Okay. And I have not seen anything
19 that says you took it from the cart.

20 THE WITNESS: Well, in the search warrant
21 affidavit.

22 MS. REEB: Okay.

23 THE WITNESS: First it says Director David,
24 oh --

25 MS. CARMACK-ALTWIES: That's not the

1 statements of the people in the church, the people that
2 saw the exchange of the gun.

3 THE WITNESS: Well --

4 MS. CARMACK-ALTWIES: You say Hannah to
5 you --

6 THE WITNESS: It's in every press article that
7 you ever read, you know.

8 MS. CARMACK-ALTWIES: Yeah. Well, I mean,
9 yeah. And that's kind of what I'm getting at, whether
10 you took it from the cart or from Hannah, and even if it
11 was a, you know, like literally just a -- like a -- a
12 telephone line where it just goes down the line, you're
13 saying you never touched it? You looked at it visually,
14 never put your hands on it as far as you know.

15 THE WITNESS: Well, just to clarify --

16 MS. REEB: Okay.

17 THE WITNESS: -- there's before lunch and after
18 lunch.

19 MS. REEB: Right.

20 THE WITNESS: The incident happens after
21 lunch.

22 MS. REEB: Right.

23 THE WITNESS: We move into the church before
24 lunch. We shoot a couple shots in the -- in the church.
25 I'm standing next to Mr. Baldwin, and he's wearing this

1 shoulder harness. And there's a leather strap that's
2 going between his legs. And that's always giving him
3 discomfort, and he was always adjusting it. He pulls out
4 the gun and he says, "Can you hold onto this?"

5 And I distinctly pinched the handle of the gun
6 with two fingers. A friend that was in the church said
7 it looked like you were holding a stinky diaper. And I
8 held it out to my side.

9 MS. REEB: While he was adjusting.

10 MS. CARMACK-ALTWIES: Okay.

11 THE WITNESS: And he adjust, I gave it back to
12 him.

13 MS. REEB: Okay.

14 THE WITNESS: The second time I -- I handled
15 the gun was after the incident.

16 MS. CARMACK-ALTWIES: Yes.

17 MS. REEB: Yeah. And we'll get --

18 THE WITNESS: And I grabbed the gun and --

19 MS. REEB: Okay. Okay.

20 MS. TORRACO: So before we move on,
21 Ms. Padgett had a good question for you. She asked if
22 there were any like protocols or rules or standards or
23 regulations or anything about how things are supposed to
24 be handled if there's a firearm on set.

25 MS. PADGETT MACIAS: Uh-huh, correct.

1 MS. TORRACO: Is that a fair recitation?

2 MS. PADGETT MACIAS: Yeah. Especially, you
3 know, functional replica because, you know, we know there
4 are different versions of this particular gun. There's
5 one that wasn't functional.

6 THE WITNESS: Well, yeah.

7 MS. PADGETT MACIAS: It was this gun that
8 obviously was fully functional. And then we had a rubber
9 one. All three different types of this particular
10 weapon --

11 THE WITNESS: Uh-huh.

12 MS. PADGETT MACIAS: -- on the prop cart. Are
13 there regulations that kind of differentiate between the
14 different types of firearms, and -- and what are those?

15 THE WITNESS: I'm -- I'm only familiar with
16 the protocols relating to using blanks, and the language
17 about that the gun should be checked that it's free of
18 obstructions in the barrel and --

19 MS. PADGETT MACIAS: Because, I mean, I think
20 we know from experience in terms of the Brandon Lee
21 incident is that it didn't matter that that was --

22 THE WITNESS: Uh-huh.

23 MS. PADGETT MACIAS: -- not a live round.

24 MS. REEB: It was a blank.

25 MS. PADGETT MACIAS: You know, it was a blank

1 that, you know, the wadding, because the gun --

2 THE WITNESS: Yeah.

3 MS. PADGETT MACIAS: -- the firearm was
4 functional it caused the projectile.

5 THE WITNESS: Yes.

6 MS. PADGETT MACIAS: And so it's not just
7 about the rounds but the safety concerns when there are
8 in fact just --

9 THE WITNESS: Yeah.

10 MS. PADGETT MACIAS: -- guns and firearms on
11 set.

12 THE WITNESS: Yeah.

13 MS. PADGETT MACIAS: Same thing with, you
14 know, the -- the -- I might not be using the right word,
15 the pyrotechnics in the -- in the ceiling of the -- of
16 the risers. There were protocoling around those even
17 though they were just little --

18 THE WITNESS: Yeah.

19 MS. PADGETT MACIAS: -- little --

20 MS. TORRACO: But there aren't; is that right,
21 Mr. Halls? Are there protocols or rules and regulations
22 about --

23 THE WITNESS: Yeah, for pyrotechnics, yes.

24 MS. TORRACO: No, but we're talking about for
25 firearms.

1 MS. REEB: I would say for armorers.

2 MS. TORRACO: Okay, armorers.

3 MS. REEB: Armorers.

4 MS. PADGETT MACIAS: And why have an armorer?

5 MS. REEB: Yeah, what's the purpose?

6 MS. TORRACO: Wait, let's stick to --

7 MS. REEB: Yeah. Yeah.

8 THE WITNESS: Well, to make sure that the guns
9 are safely handled and loaded properly if there's blanks
10 or --

11 MS. PADGETT MACIAS: But there's not just one
12 protocol that everyone follows, like the Screen Actors
13 Guild, here's the thing if there's a gun.

14 THE WITNESS: The only literature that I have
15 seen regarding gun protocols is with the use of blanks.

16 MS. REEB: Okay.

17 THE WITNESS: And I can't recall the details
18 of it. That's --

19 MS. REEB: Okay. So is it fair to say if
20 there are protocols you're not familiar with them?

21 THE WITNESS: Oh, I'm familiar enough with
22 them just from past experience.

23 MS. REEB: Okay. Well --

24 THE WITNESS: I mean, I can't give you the
25 exact language.

1 MS. REEB: Well, no, I'm not -- I wouldn't
2 expect you to. But if -- because it sounds to me like
3 you're saying there are no protocols and then you said
4 you're familiar with them. So that then implies that
5 there are protocols.

6 MS. PADGETT MACIAS: Well, there is for
7 blanks, correct?

8 THE WITNESS: Yes.

9 MS. PADGETT MACIAS: But not necessarily --

10 THE WITNESS: Yeah, and I -- I think in the
11 safety protocol it's like, you know, a gun should not be
12 pointed at a person, always put it away.

13 MS. REEB: Okay.

14 THE WITNESS: Yeah.

15 MS. REEB: Okay. So there -- there are
16 protocols.

17 THE WITNESS: Yes.

18 MS. REEB: All right. Let's --

19 MS. TORRACO: But I think how this question,
20 and I'm sorry to belabor the point, but I think how this
21 question came about when you were asking do you always,
22 you know, take each little cartridge out and -- and
23 jiggle it or, you know, who does that, is that between
24 the armorer and the AD or is that between the armorer and
25 the actor. So there's --

1 MS. REEB: Well, there's --

2 MS. TORRACO: -- none about those kind of
3 details.

4 MS. REEB: Sure. But there are also two sets
5 of inquiries with regard to that. So there are protocols
6 about it but then also your general practice. And
7 correct me if I'm wrong, it seemed like it was kind of
8 your general practice to actually look at them.

9 THE WITNESS: It has been in the past.
10 And --

11 MS. REEB: And that day, for whatever
12 reason --

13 THE WITNESS: Yeah.

14 MS. REEB: -- you didn't do it when you saw
15 the three rounds in -- in the gun.

16 THE WITNESS: Yeah, there's nothing in the
17 safety bulletin that says that the AD should --

18 MS. REEB: That you must or --

19 THE WITNESS: -- shake the -- the dummy rounds
20 with the armorer.

21 MS. REEB: Okay.

22 MS. PADGETT MACIAS: It might be the armorers,
23 all the armorers have a practice of doing that. You
24 know, experienced armorers, I guess.

25 THE WITNESS: Yeah.

1 MS. PADGETT MACIAS: And, I mean, had you ever
2 seen -- did Hannah normally do that when she did a scene,
3 shake them, take them out and shake them? Or was this
4 the way she pretty much always handed, if you know,
5 the --

6 THE WITNESS: There was only one other time
7 that we were using dummy rounds and I saw --

8 MS. PADGETT MACIAS: What did she do in that
9 one?

10 THE WITNESS: -- I saw her shame them.

11 MS. PADGETT MACIAS: You saw like take each
12 one out and shake them?

13 MS. REEB: Okay. So now I want to -- unless
14 you have others on this.

15 MS. PADGETT MACIAS: Yeah.

16 MS. REEB: I want to talk about Hannah.
17 Because earlier you mentioned that she was competent.

18 THE WITNESS: Uh-huh.

19 MS. REEB: Or you felt like she was competent.
20 Why did you think that? Why did you feel that way?

21 THE WITNESS: Well, from the beginning there
22 was a training session with most of the principal cast.

23 MS. REEB: Uh-huh.

24 THE WITNESS: At Bonanza Creek. And I thought
25 that she ran that very well.

1 MS. REEB: Okay.

2 THE WITNESS: Was very instructive. On day
3 one of shooting we had a safety meeting, and I said,
4 "Hannah, would you, you know, like to say anything?" And
5 I thought she had a wonderful presentation about, you
6 know, just I -- nobody handles the guns except me and
7 actors.

8 And every time we were using guns she was very
9 thorough.

10 MS. REEB: Okay.

11 THE WITNESS: There wasn't a lot of live
12 shooting.

13 MS. REEB: Uh-huh.

14 THE WITNESS: It would be just like cop,
15 marshals walking around time or whatever. But even --
16 even then, you know, if there was a gun on set it was
17 always inspected with her or me.

18 MS. REEB: Okay.

19 THE WITNESS: So --

20 MS. REEB: Okay. Were you aware of a previous
21 misfire that had happened with one of the guns?

22 THE WITNESS: Yes.

23 MS. REEB: Okay. What -- what happened then?

24 THE WITNESS: Well, there were two misfires.

25 MS. REEB: Oh, right. Yes. Yeah.

1 THE WITNESS: The first misfire was with Alec
2 Baldwin's stunt double.

3 MS. REEB: Okay.

4 THE WITNESS: My recollection, there was two
5 misfires with that rifle.

6 MS. REEB: Okay.

7 THE WITNESS: But I've heard reported that
8 there was just two misfires on that day. The shot is
9 Alec Baldwin's character is in this shack and there's
10 these two bounty hunters out front. "Hey, Rust, come on
11 up."

12 MS. REEB: Yeah.

13 THE WITNESS: Baldwin's character takes the
14 rifle, puts it through a slat in the shad and he's going
15 to -- there's going to be a shootout. Well, there's --
16 there was -- again, this is a shot where there was no
17 live fire required. So she put dummy rounds in the gun
18 for that. Then we did a shot where there was live fire,
19 and the rifle went off inside this -- this shack.

20 MS. REEB: With the stunt double?

21 THE WITNESS: The stunt double.

22 MS. REEB: Was Bill Du.

23 THE WITNESS: Stunt -- Blake.

24 MS. REEB: Okay.

25 THE WITNESS: Blake holding the gun. And

1 I -- I said what the bleep is going on in there.

2 MS. REEB: Yeah.

3 THE WITNESS: And he said it just went off.

4 MS. REEB: But this was a rifle.

5 THE WITNESS: Rifle.

6 MS. REEB: Okay. Okay.

7 MS. PADGETT MACIAS: So this is a
8 different -- but you said you hadn't been reported any
9 problem -- you know, safe -- gun safety problems on set.
10 So this is not the misfires, this is a different -- the
11 ones with Sarah. You know which ones I'm talking about?

12 MS. REEB: Yeah, you're talking about --

13 THE WITNESS: Uh-huh.

14 MS. PADGETT MACIAS: These are what we're
15 talking about?

16 THE WITNESS: Yeah, we're getting into this.

17 MS. PADGETT MACIAS: Oh, okay.

18 MS. REEB: Yeah.

19 MS. PADGETT MACIAS: Because I thought when
20 she asked you earlier, that's why I was confused, did
21 anybody report any problems with, you know, I think it
22 was firearms or mishaps on set. And you had said no, so
23 I just didn't think you were --

24 MS. TORRACO: Okay.

25 THE WITNESS: You know --

1 MS. PADGETT MACIAS: Do you remember that
2 question?

3 MS. TORRACO: Yeah, but I thought --

4 MS. PADGETT MACIAS: I want to clarify.

5 MS. TORRACO: Yeah, I think it's -- I agree,
6 but I don't -- I thought the question was more like I
7 offer, you know, if there's problems and, you know, you
8 need somebody to come to me or the producers.

9 MS. PADGETT MACIAS: Yeah, I agree.

10 MS. TORRACO: Which I think is different
11 than --

12 MS. PADGETT MACIAS: Okay. I wanted to
13 clarify.

14 MS. TORRACO: Do you see? It was kind of like
15 inviting --

16 MS. PADGETT MACIAS: Okay.

17 MS. TORRACO: -- like, you know, if you don't
18 feel safe around Lisa because she's groping everyone.

19 MS. PADGETT MACIAS: I gotcha. That's why I
20 was confused.

21 MS. CARMACK-ALTWIES: But you had the wire
22 less mic and --

23 MS. TORRACO: That's kind of how I took that
24 invitation.

25 MS. PADGETT MACIAS: Okay. I didn't take it

1 that way, but I understand what you're saying.

2 MS. REEB: Okay.

3 THE WITNESS: Yeah, to me this misfire
4 thing --

5 MS. PADGETT MACIAS: I just want to clarify
6 that because --

7 THE WITNESS: -- is to irrelevant to the
8 incident.

9 MS. PADGETT MACIAS: Well --

10 THE WITNESS: And it's been perpetuated by the
11 whole camera crew situation.

12 MS. REEB: Okay.

13 MS. PADGETT MACIAS: That makes sense. I'm
14 glad you -- that's what I was trying to clarify.

15 THE WITNESS: It's been amplified. The second
16 misfire, I'm not certain who loaded the blank in the gun.

17 MS. REEB: Okay.

18 THE WITNESS: But I'm walking -- I'm walking
19 alongside Sarah and she's taking the gun to the actor.
20 She's pointing it down.

21 MS. REEB: Uh-huh.

22 THE WITNESS: And I felt the concussion in my
23 boot. I thought she shot me in the boot with a blank.
24 So she claims that her thumb slipped off the hammer.

25 MS. REEB: Okay.

1 MS. PADGETT MACIAS: Okay.

2 THE WITNESS: Because when you're loading it I
3 can see you've got to pull back the hammer.

4 MS. REEB: Uh-huh.

5 MS. PADGETT MACIAS: Uh-huh.

6 THE WITNESS: Put the blank in and then you've
7 got to kind of pull the trigger some and then slowly let
8 the hammer go back --

9 MS. REEB: Okay.

10 THE WITNESS: -- into position. So it sounds
11 like it went back a little too fast. But --

12 MS. REEB: Okay. So one misfire was a rifle.
13 The second was a revolver?

14 THE WITNESS: Yes.

15 MS. REEB: Okay. All right. And Hannah
16 wasn't around or was not responsible? I don't know
17 exactly how to phrase that, but for either one of those?

18 THE WITNESS: My recollection she was there,
19 yes.

20 MS. REEB: She was there.

21 THE WITNESS: Yeah.

22 MS. REEB: Okay.

23 THE WITNESS: Yes.

24 MS. REEB: But Sarah kind of took
25 responsibility for the revolver misfire?

1 THE WITNESS: Yeah, in my mind, you know, like
2 Hannah loaded the blank and then handed it to Sarah and
3 then Sarah walked it to the --

4 MS. REEB: Okay.

5 THE WITNESS: -- the actor. That's -- that's
6 my --

7 MS. REEB: And in -- did that in any way make
8 you think that there's a problem with Hannah?

9 THE WITNESS: No.

10 MS. REEB: Why not?

11 THE WITNESS: Because it was operator error.
12 It wasn't Hannah's operation.

13 MS. REEB: Okay. Okay. That's fair. Are
14 misfires common on sets?

15 THE WITNESS: I have -- I've never seen a
16 misfire, but somebody told me yesterday that there's been
17 two misfires on Big Sky or Dark Skies, if that's still in
18 here.

19 MS. REEB: Uh-huh. Oh, my God, if there's
20 another one of these.

21 THE WITNESS: You know.

22 MS. REEB: Okay. So you --

23 THE WITNESS: And it's just something that,
24 you know --

25 MS. REEB: Yeah.

1 THE WITNESS: You know, it -- they're blanks.

2 MS. REEB: Yeah. So -- all right. So you
3 said you had never seen one. You've been doing this
4 30-odd years.

5 THE WITNESS: Yeah.

6 MS. REEB: You've never seen one.

7 THE WITNESS: But I've never done a lot of gun
8 work.

9 MS. REEB: Okay.

10 THE WITNESS: It's not like every --

11 MS. CARMACK-ALTWIES: I was going to ask you
12 like how many movies --

13 THE WITNESS: That's never, you know, like
14 every work out of --

15 MS. REEB: Yeah.

16 MS. CARMACK-ALTWIES: What's percentage --

17 THE WITNESS: They're shooting guns. I
18 don't -- I couldn't tell you.

19 MS. CARMACK-ALTWIES: Okay.

20 MS. REEB: I mean, this wasn't your first gun
21 movie, but it's not a huge part of your repertoire?

22 THE WITNESS: Right.

23 MS. REEB: Okay. So I would say you've never
24 seen it but it's not something that's just completely
25 unheard of to have misfires; fair to say?

1 THE WITNESS: I've never heard of a misfire
2 other than one I just told you about.

3 MS. REEB: Okay. We've gotten the impression
4 that perhaps this set was a little more unsafe, a little
5 more loosey-goosey, describe it how you will, than other
6 movies. What -- what would you say to that impression?

7 THE WITNESS: There was never any comment to
8 me about any safety concerns.

9 MS. REEB: Okay.

10 THE WITNESS: There have been people, I won't
11 name any names that said it was, you know, one of the
12 safest sets that they've been on. There's a public
13 statement, I don't know if you're aware of it, signed by
14 many --

15 MS. REEB: Uh-huh.

16 THE WITNESS: -- crew.

17 MS. REEB: Okay.

18 THE WITNESS: Saying that at no time did they
19 ever feel that this was an unsafe set.

20 MS. REEB: Okay. What did you think, though,
21 when the camera crew quit? I mean, what did you think?

22 THE WITNESS: I wasn't happy.

23 MS. REEB: I wouldn't --

24 THE WITNESS: Because we had this continuity
25 going.

1 MS. REEB: Yeah.

2 THE WITNESS: You know, with your crew. I
3 thought that their demands were a little too precious.

4 MS. REEB: Okay.

5 THE WITNESS: Their -- I don't know, how far
6 is Bonanza Creek from Albuquerque? Most of the crew --

7 MS. REEB: Yeah.

8 THE WITNESS: -- lived in Albuquerque. Is it
9 50 minutes?

10 MS. REEB: Yeah.

11 THE WITNESS: Try living and working in
12 Los Angeles.

13 MS. REEB: Okay. And fair enough, and I know
14 that that was a big demand of theirs. But in their final
15 email --

16 THE WITNESS: And they were complaining about
17 the motel room, and I stayed in that motel for a week and
18 a half and I thought it was just fine.

19 MS. REEB: Yeah.

20 THE WITNESS: You know, and it was just -- and
21 I -- yeah.

22 MS. REEB: But in that email they did bring up
23 safety concerns.

24 THE WITNESS: Sure.

25 MS. REEB: Did you -- what did you think about

1 that?

2 THE WITNESS: I didn't see that email until
3 after --

4 MS. REEB: Okay.

5 THE WITNESS: -- after the incident.

6 MS. REEB: Okay.

7 THE WITNESS: But my impression that they were
8 using -- using it as a way to justify their position.

9 MS. REEB: Okay.

10 THE WITNESS: It clearly felt like that to me.

11 MS. REEB: Okay. So two follow ups to that.

12 In your estimation you thought it was a very safe set?

13 THE WITNESS: Yeah, I --

14 MS. REEB: Okay.

15 THE WITNESS: I -- like I -- like I told you
16 there were never any safety concerns brought out to me.
17 Nobody went to our producer and had any safety concerns
18 because if they did the producers would have come to me
19 saying, you know, so-and-so --

20 MS. REEB: Okay.

21 THE WITNESS: -- has a concern about this. And
22 we had a really well seasoned crew. You know, there was
23 a lot --

24 MS. REEB: Let's -- let's talk about like --

25 THE WITNESS: -- experienced people.

1 MS. REEB: -- who hired -- who made the choice
2 to hire Hannah and who makes the choices to put Hannah
3 with props and, you know, being an armorer at the same
4 time.

5 THE WITNESS: Yeah.

6 MS. REEB: Like who -- who makes those
7 decisions?

8 THE WITNESS: It would be the line producer.

9 MS. REEB: Okay. And who would that be?

10 THE WITNESS: Gabrielle Pickle.

11 MS. REEB: Gabrielle Pickle, okay.

12 MS. CARMACK-ALTWIES: Had you seen inside the
13 prop truck or -- or really looked at the gun cart?

14 THE WITNESS: I've never been -- I've never
15 been in a prop truck --

16 MS. CARMACK-ALTWIES: Okay.

17 THE WITNESS: -- in my entire career.

18 MS. CARMACK-ALTWIES: So, okay, what about the
19 gun cart? I mean, that's kind of out and about.

20 THE WITNESS: Well, yeah, sure. That's on set
21 every day.

22 MS. CARMACK-ALTWIES: Did it seem to be well
23 organized to you?

24 THE WITNESS: Sure.

25 MS. CARMACK-ALTWIES: Okay. All right.

1 MS. REEB: When you were -- you talked about
2 the gun safety protocols, and I think we went back and
3 forth on whether there were. And I know when you gave
4 your previous statement, and I'm sure you reviewed it and
5 you're like, "Oh -- oh, set, there is, yes, absolutely
6 these protocols." They're asking you about for handling
7 of weapons and you say, "On set there is, yes, absolutely
8 there's protocols."

9 THE WITNESS: Uh-huh.

10 MS. REEB: And you're -- so you -- we were
11 talking about that and then you talk about like you don't
12 point a firearm at somebody. I want to talk about but
13 Halyna asking, you said, to point the firearm in a
14 certain direction. As the safety coordinator, did you
15 have concerns about the fact that Mr. Baldwin, even at
16 her direction, was pointing a firearm right at her?

17 THE WITNESS: Yeah, it was -- you know,
18 because of my position. You know, again, if you're
19 Mr. Baldwin --

20 MS. REEB: Okay.

21 THE WITNESS: -- and I'm basically here and the
22 camera is maybe about three feet back.

23 MS. REEB: Uh-huh.

24 THE WITNESS: You know, I -- I couldn't see.

25 MS. REEB: If it was a direct line or --

1 THE WITNESS: Yeah. Yeah, I couldn't see.

2 MS. REEB: So is there a ways to wrap the
3 camera around to get shots like that without --

4 MS. TORRACO: No, that's what's interesting
5 about that is had the camera crew not quit she would not
6 have been there. She would have been over in the tent.

7 THE WITNESS: So the tragic irony of this
8 whole thing is that --

9 MS. REEB: Okay.

10 THE WITNESS: -- because the camera crew walked
11 out the -- the day before, the night before, they brought
12 in a new camera crew. They were shorthanded.

13 MS. REEB: Uh-huh.

14 THE WITNESS: The director of photography has
15 this monitor that's been told to me that's a \$40,000
16 monitor. And it's usually placed in a popup tent.

17 MS. REEB: Uh-huh.

18 THE WITNESS: You know, the side is blackened.
19 And it's called video village. And that's where the
20 director and the director of photography would usually be
21 and shoot.

22 MS. REEB: Okay.

23 MS. CARMACK-ALTWIES: Off the set.

24 MS. REEB: Off the set.

25 MS. PADGETT MACIAS: Yeah.

1 THE WITNESS: She would be on a radio talking
2 to her technicians, her camera crew. Because they were
3 shorthanded --

4 MS. PADGETT MACIAS: Oh, interesting, yeah.

5 THE WITNESS: -- they were unable to set --

6 MS. PADGETT MACIAS: So she would normally not
7 even be in the church had the camera crew not --

8 THE WITNESS: She was --

9 MS. REEB: Okay.

10 MS. TORRACO: Okay. And it -- there's more.

11 MS. REEB: Uh-huh.

12 MS. TORRACO: Because not only would she not
13 have been standing there but no one would have been
14 standing there; is that right, Mr. Halls? So like --

15 THE WITNESS: There might have been somebody
16 in -- in the line of fire, you know, in back or
17 something. But, you know, if you can imagine this is the
18 camera, and it has a little on board monitor, like six by
19 nine sticking off to the side. And she's looking at it,
20 and the director is over her shoulder looking at it. And
21 she's telling Mr. Baldwin where to point the gun.

22 MS. REEB: But you're actually facing away
23 from her. You're facing Baldwin.

24 THE WITNESS: The camera is in back of me.

25 MS. REEB: Yeah. Okay. And so you're just

1 hearing this. Okay.

2 MS. PADGETT MACIAS: So if you had seen and
3 known that it was a direct aim at her, just would you
4 have done anything to --

5 THE WITNESS: Sure. You know, I customarily
6 do that. You know, let's make sure we're pointing guns
7 away.

8 MS. REEB: Yeah. Okay.

9 THE WITNESS: You know --

10 MS. TORRACO: So -- I'm sorry, go ahead,
11 Jennifer.

12 MS. PADGETT MACIAS: And these -- these
13 cameras, if they're -- if it was on the script part of
14 the scene to point the firearm, these cameras have remote
15 functions or sometimes there would be plexiglass set up.
16 I mean, at what point would the camera have been remote
17 operating out of safety?

18 THE WITNESS: If there was live gunfire. And
19 there was no need for live gunfire.

20 MS. REEB: Was there a need for him to be
21 depressing the trigger and/or the hammer? And/or
22 manipulating the hammer?

23 THE WITNESS: I can't answer that.

24 MS. REEB: Okay.

25 THE WITNESS: In my mind it was just pulling

1 out the gun and pulling back the hammer.

2 MS. REEB: Okay.

3 THE WITNESS: And then a back and forth, you
4 know, kind of confrontation.

5 MS. REEB: Yeah. Yeah.

6 THE WITNESS: And then --

7 MS. REEB: No, I'm not asking if you --

8 MS. CARMACK-ALTWIES: How was that not live?

9 THE WITNESS: Shootout. Huh?

10 MS. CARMACK-ALTWIES: How was that not live
11 fire?

12 THE WITNESS: Because it was just the shot of
13 him pulling out the gun.

14 MS. CARMACK-ALTWIES: But pulling back
15 the -- the hammer.

16 THE WITNESS: Yeah. But there was no need for
17 live fire in that shot. So we were going to get out
18 other shots with live fire. It wasn't necessarily going
19 to be that shot where there's going to be blanks.

20 MS. REEB: Okay.

21 MS. TORRACO: Wait, going back, Mr. Halls, to
22 the absence of the camera crew. If the camera -- okay.
23 So this -- and you explained for everyone that there's
24 this little monitor on the side of the camera --

25 THE WITNESS: Yes.

1 MS. TORRACO: -- that the director of
2 photography was staring into.

3 THE WITNESS: Yes.

4 MS. TORRACO: If the director of the
5 photography could have been offset where she typically
6 is.

7 THE WITNESS: Uh-huh.

8 MS. TORRACO: What side of the camera would
9 the camera crew have been standing on if things had
10 functioned properly?

11 THE WITNESS: On the left-hand side.

12 MS. TORRACO: And she was standing on the
13 right-hand side?

14 THE WITNESS: Uh-huh.

15 MS. TORRACO: So typically no one would be
16 standing on the right-hand side of the camera, which was
17 in the direction of fire?

18 THE WITNESS: Yes.

19 MS. REEB: Okay. When this shot is being set
20 up and he's pulling out the gun, are you watching him or
21 were you focused on other things? Or are you lasered in
22 on Baldwin?

23 THE WITNESS: I'm lasered in on Baldwin,
24 pretty much.

25 MS. REEB: Okay. Do you recall his finger on

1 the trigger?

2 THE WITNESS: I do not recall his finger on
3 the trigger.

4 MS. REEB: As in you don't -- you just cannot
5 tell me or you don't think it was but you can't -- you're
6 not sure?

7 THE WITNESS: In my mind I did not see him
8 pull the trigger.

9 MS. REEB: Okay. Okay.

10 MR. SCHILLING: Do --

11 MS. REEB: Go ahead.

12 MR. SCHILLING: Just real quick, just in case
13 we -- we move on from this shot, I feel like we kind of
14 glossed over it a little bit and I want to get it right
15 in my mind is the break for lunch. Can you rehash your
16 interactions with Hannah and the firearm prior to the
17 lunch break and Hannah and the firearm after the lunch
18 break.

19 THE WITNESS: Yes.

20 MR. SCHILLING: Yeah, I want to make sure I
21 have -- have that clear.

22 THE WITNESS: Yeah, there's a couple scenes
23 that we did. One was with Mr. Baldwin's character and
24 the young person that he's -- his grandson, who he's
25 trying to help out. And then there was another shot of

1 the marshals entering the church. All those times the
2 gun was inspected. As they were given to the actor they
3 were inspected between Hannah, the armorer, and myself.

4 MR. SCHILLING: Empties?

5 THE WITNESS: Empties.

6 MR. SCHILLING: Okay. Break for lunch.

7 THE WITNESS: Yes.

8 MR. SCHILLING: So I want to make sure, the
9 scene that caused all of this that was being practiced,
10 was that practiced prior to the lunch break as well?

11 THE WITNESS: No.

12 MR. SCHILLING: No. So it was other -- other
13 scenes going on.

14 THE WITNESS: Yeah.

15 MR. SCHILLING: But you're still having
16 interactions with Hannah and the firearm; empty, empty,
17 empty.

18 THE WITNESS: Yes.

19 MR. SCHILLING: You come back from lunch, the
20 first she hands you an empty firearm.

21 THE WITNESS: She didn't hand me.

22 MR. SCHILLING: Or shows you an empty firearm.

23 THE WITNESS: Yes.

24 MR. SCHILLING: And she rotated the cylinder?

25 THE WITNESS: Yes.

1 MR. SCHILLING: And then there's other things
2 going on. And then --

3 THE WITNESS: She -- she gives the gun to
4 Mr. Baldwin.

5 MS. REEB: Yeah.

6 MR. SCHILLING: Okay.

7 THE WITNESS: I did not see it being taken
8 back from Mr. Baldwin. But she appeared back on my
9 left-hand side. She said I put dummies in.

10 MS. REEB: Minutes -- minutes later?

11 THE WITNESS: It seemed like -- I always say
12 like two to four minutes.

13 MS. REEB: Okay.

14 THE WITNESS: It was just like very quick.

15 MS. REEB: Okay. So very quickly.

16 MS. TORRACO: He never saw her leave the
17 church between, like she --

18 THE WITNESS: I didn't see the gun being taken
19 from Mr. Baldwin. I'm assuming that she went out to her
20 cart, which was right there, outside --

21 MS. CARMACK-ALTWIES: Or she wore a fanny
22 pack.

23 THE WITNESS: -- outside the church, you know.

24 MS. CARMACK-ALTWIES: She wore that fanny pack
25 too. Could -- could she ever grab -- I know you didn't

1 see it, but have you ever seen her take rounds out of her
2 fanny pack?

3 THE WITNESS: I don't recall.

4 MS. CARMACK-ALTWIES: Okay.

5 MR. SCHILLING: And -- and in your initial
6 statement, gosh, about an hour now we're into this, when
7 she comes back in, she says I put dummies in. She shows
8 you the weapon again but only shows you three cylinders?

9 THE WITNESS: Yes, sir.

10 MR. SCHILLING: Okay.

11 MS. TORRACO: Okay. I think is it that she
12 only showed it to you or that's all you remember?

13 THE WITNESS: That's all I -- I can't have a
14 clear recollection that she spun it or not.

15 MR. SCHILLING: But she didn't -- she didn't
16 remove them from the cylinder and show you, hey, I've got
17 six dummies here, here's six dummies. She just spun the
18 cylinder, you recognized the brass primers with the
19 indentations already in them. And what was the term? It
20 was --

21 MS. CARMACK-ALTWIES: A depressed or --

22 MR. SCHILLING: Yeah.

23 No, but you think she may have done it on her
24 own for artistic license or whatever? Okay.

25 MS. PADGETT MACIAS: Creative decision.

1 MR. SCHILLING: Okay. Thank you.

2 MS. REEB: Define live fire for me.

3 THE WITNESS: Define live fire.

4 MS. REEB: Yeah. Because you're saying this
5 is not live fire even though he's pulling back the
6 hammer.

7 THE WITNESS: There would be use of blanks.

8 MS. REEB: Okay. So actual like bangs.

9 THE WITNESS: Yeah.

10 MS. REEB: That would be live fire.

11 THE WITNESS: Yes.

12 MS. REEB: Okay.

13 MS. CARMACK-ALTWIES: In a -- and, again,
14 sorry to go back to this, but live -- the use blanks in a
15 functional firearm.

16 THE WITNESS: Yes.

17 MS. REEB: Okay. And so live fire then
18 clearly requires a trigger pull.

19 THE WITNESS: Yes.

20 MS. REEB: Clearly. Is live fire ever with a
21 trigger pull but dummy rounds, would -- would that be --
22 would that fall under the definition of live fire?

23 THE WITNESS: Say that again.

24 MS. REEB: So I have dummies.

25 THE WITNESS: Yeah.

1 MS. REEB: In my revolver, so it's not going
2 to bang.

3 THE WITNESS: Yeah.

4 MS. REEB: But I'm going to pull the trigger
5 for a shot, say.

6 THE WITNESS: Yeah. I've never been in that
7 situation.

8 MS. REEB: Would that be called live fire or
9 is that called something else?

10 THE WITNESS: I -- I've never been in that
11 situation. I don't know why you would ever do that.

12 MS. REEB: Okay. So it really only involves
13 shooting, pulling the trigger with blanks?

14 THE WITNESS: Yes.

15 MS. REEB: Okay. And so this scene with
16 Baldwin did not involve, to your knowledge, blanks, and
17 it also was not going to involve a trigger pull.

18 THE WITNESS: Right.

19 MS. REEB: Okay. When it happened and you
20 hear a loud noise, what was your first thought? And
21 I'm -- I'm sorry, but what -- what went through your
22 head?

23 THE WITNESS: I thought she put a blank in the
24 gun.

25 MS. REEB: Okay.

1 THE WITNESS: I thought --

2 MS. REEB: And you were going to --

3 THE WITNESS: -- you put a blank in -- how did
4 you put a blank in the gun? Because I -- my mind is
5 just, you know --

6 MS. REEB: Yeah.

7 THE WITNESS: -- just racing and I'm -- again,
8 the thought of a live round of ammunition on a film set
9 was just unfathomable.

10 MS. REEB: Yeah.

11 THE WITNESS: And I thought she put a blank in
12 the gun. How could this happen. And it was similar to
13 the Brandon Lee, you know. That's what was going through
14 head. And I went did some kind of wadding or whatever
15 the concussion, you know, knocked both of them on the
16 ground.

17 MS. REEB: Yeah.

18 THE WITNESS: And -- and I was the first one
19 to where I'm holding her in my arms and saying, "Are you
20 okay?"

21 And she looks up at me and says, "I can't feel
22 my legs."

23 So I gave her over to somebody else and made
24 sure that 911 was being called. And, again, I'm just
25 what is going on, how could this happen. And I went back

1 in the church and Mr. Baldwin had put the revolver on the
2 pew. And I grabbed the revolver, I took it out to her
3 cart, and I said, "I need you to unload this gun. I need
4 to know what's in that gun."

5 MS. REEB: Okay. Let me stop -- let me stop
6 you. So you go back -- well, you didn't leave the
7 church. But you go over to the pew, pick up the gun.

8 THE WITNESS: Yes.

9 MS. REEB: Hannah is still outside.

10 THE WITNESS: Well, I went outside the church
11 to make sure somebody was calling 911.

12 MS. REEB: Oh, okay. So you -- you go out.
13 Is anyone calling 911? Yes. You go back, that's when
14 you grab the gun.

15 THE WITNESS: Yes.

16 MS. REEB: Okay. And then you take it to
17 Hannah and she's standing at the cart?

18 THE WITNESS: Yes.

19 MS. REEB: What was her demeanor?

20 THE WITNESS: It was like how could this
21 happen? How can -- this can't happen.

22 MS. REEB: Okay.

23 THE WITNESS: This is not supposed to happen.

24 MS. REEB: I mean, were you furious at her?
25 Were you cursing at her? I would have been.

1 THE WITNESS: I wasn't.

2 MS. REEB: Like what -- what the fuck happened
3 or --

4 THE WITNESS: I was just -- it was like I need
5 you to empty this gun right now and show it to me. That
6 was my tone.

7 MS. REEB: Okay. And so -- so what -- tell me
8 about that.

9 THE WITNESS: She unloaded the gun.

10 MS. REEB: And what did you see?

11 THE WITNESS: And I saw five dummy rounds,
12 holes drilled on the side.

13 MS. REEB: Okay.

14 THE WITNESS: Bright brass endings, depressed
15 primers.

16 MS. REEB: Five dummies.

17 THE WITNESS: Holes drilled in the side.

18 MS. REEB: Holes, depressed primers.

19 THE WITNESS: And I saw one empty shell casing
20 without a projectile.

21 MS. CARMACK-ALTWIES: Okay. And just so
22 I'm -- I'm looking at your statement. I just want to
23 make sure. "And I don't know the exact count. I don't
24 know if she fully loaded it, but I remember at least
25 four. Four dummy casings because they had the hole

1 drilled on the side and then there was one casing that
2 didn't have a hole in it." Is that --

3 THE WITNESS: Yes.

4 MS. REEB: Okay.

5 MS. PADGETT MACIAS: And not being -- you
6 know, you did the stinky diaper, you know, with the gun.
7 Not being a firearm guy, right, not being a gun guy.
8 Were you -- did you notice the difference between --
9 would you have been able to look at the head stamp and
10 know the difference between a dummy and a live round?
11 Would you have been able to -- when you saw the empty
12 shell casing, were you like, oh, my gosh, there was a
13 blank, or, oh, my gosh, there was a live round?

14 THE WITNESS: Well, it was a shell casing to
15 me without --

16 MS. REEB: Did you see if it had --

17 THE WITNESS: -- without a projectile on it.

18 MS. REEB: Okay.

19 MS. PADGETT MACIAS: Meaning what to you?

20 MS. CARMACK-ALTWIES: At that moment did you
21 know it was live?

22 THE WITNESS: That a live bullet had been
23 shot.

24 MS. REEB: Okay. So you did know that. I
25 mean, as soon as it comes out of the gun you look at it

1 and you're like --

2 THE WITNESS: And I still --

3 MS. REEB: -- that doesn't have a hole, oh, my
4 God.

5 THE WITNESS: -- you know, of course, you know,
6 I thought it might have been a blank and --

7 MS. REEB: Yeah. But you knew --

8 THE WITNESS: Or they made -- somebody made a
9 dummy, the manufacturer made a dummy but they forgot to
10 take out the -- all the powder and they put the
11 projectile back on, all these things.

12 MS. REEB: Yeah.

13 THE WITNESS: You know, it was just the idea,
14 again, of a live round of ammunition of a film set was
15 just unfathomable. I just --

16 MS. REEB: Yeah.

17 THE WITNESS: I couldn't get it in my head.

18 MS. REEB: And so you saw it, you immediately
19 recognized something is different, unfathomable. You're
20 kind of going through that. Did Hannah have that exact
21 sort of same like, oh, my God, moment? What -- what did
22 she say?

23 THE WITNESS: I just remember -- I remember
24 saying, "This is not supposed to happen. I don't know
25 what happened, I don't know what happened."

1 And then I had a recollection of Sarah, she
2 had gone through the box that contained the dummies and
3 she said there's some -- there's some rounds that are not
4 shaking.

5 MS. REEB: Right then?

6 THE WITNESS: Yeah.

7 MS. REEB: So while you guys are emptying the
8 gun she's going through that box?

9 THE WITNESS: Yeah, shortly after?

10 MS. REEB: Or, I mean, yeah.

11 THE WITNESS: In that timeframe.

12 MS. REEB: Okay. Okay. Okay.

13 MS. PADGETT MACIAS: And what does she say to
14 you when -- when she's -- so there's this gun. You know,
15 you're making her unload the gun and you see what you
16 see. What does she say?

17 THE WITNESS: The only thing she said is like
18 what I said, this -- how did this happen. This is not
19 supposed to happen. That's all I remember her saying.
20 And then I remember her supervisor kind of taking her
21 away.

22 MS. CARMACK-ALTWIES: Her supervisor being
23 Sarah?

24 THE WITNESS: No, her supervisor being the
25 production designer, Brian.

1 MS. CARMACK-ALTWIES: Oh, okay.

2 MS. REEB: And then where did the -- the
3 bullets or whatever, the blanks from the gun, where did
4 they go after they were taken out? Did they stay with
5 somebody or go to the cart, or if you know?

6 THE WITNESS: I --

7 MS. REEB: Or were they with you, if you know?

8 THE WITNESS: No, they weren't with me.
9 I -- I don't know for sure. I just was in, you know --

10 MS. REEB: Shock.

11 THE WITNESS: -- shock, and I had to just, you
12 know --

13 MS. PADGETT MACIAS: As Sarah was taking those
14 out of the box and saying some of these aren't shaking,
15 was she putting them back in the box or was she dropping
16 them on the cart?

17 THE WITNESS: I --

18 MS. PADGETT MACIAS: Okay.

19 THE WITNESS: -- I don't know.

20 MS. PADGETT MACIAS: Okay. That's fine. This
21 is a little bit of a bomb throwing question, so I'm
22 prefacing it that way. Whose fault is this?

23 THE WITNESS: I think it's a systematic
24 failure.

25 MS. PADGETT MACIAS: Okay. I think that's

1 fair.

2 THE WITNESS: It's like a plane crash, so many
3 things. So many things that just lined up. You know,
4 somebody supplied live rounds in the ammunition to a film
5 set. You've got the whole issue with the film crew,
6 shorthanded, forcing the director of photography and the
7 director into the church. You've got the director of
8 photography telling Mr. Baldwin where to point the gun.
9 You've got the armorer loading a live round of
10 ammunition.

11 MS. REEB: Yeah.

12 THE WITNESS: And I didn't do a complete check
13 on the gun.

14 MS. REEB: Okay.

15 MS. PADGETT MACIAS: What -- what did you
16 think -- oh, sorry, go ahead.

17 MS. REEB: I mean --

18 MS. PADGETT MACIAS: I just was wondering what
19 you -- when you heard the -- as you know now there were
20 five live rounds found in different places on that set --

21 THE WITNESS: There was only five.

22 MS. REEB: There was six.

23 MS. PADGETT MACIAS: Six if you count the --

24 MS. REEB: The bull -- the --

25 THE WITNESS: Oh, I thought half of the dummy

1 bars had a live round in them. Okay.

2 MS. REEB: Only six?

3 MS. PADGETT MACIAS: Yeah, only six. But, you
4 know, somewhere in the bandoliers, somewhere on the cart,
5 I believe, and obviously one was in the gun.

6 What -- what goes through your mind when you think about
7 the amount of live rounds that were scattered amongst
8 this set? Do you have any thoughts on that or how that
9 could have happened or --

10 MS. REEB: Let me -- let me change this
11 around. Who could have stopped that from happening? Who
12 should have stopped it from happening? Not whose fault
13 was it, but who -- who should have -- who should have
14 stopped it?

15 THE WITNESS: The armorer.

16 MS. REEB: Okay.

17 MR. SCHILLING: Just real quick on her. Any
18 indication hungover, smoking weed on her lunch break,
19 anything like that?

20 THE WITNESS: No.

21 MS. REEB: Did she seem young for the other
22 armorers compared to --

23 THE WITNESS: Look, you know, I -- it's
24 prejudicial, and -- but, yeah, she's young for that --

25 MS. REEB: And that's --

1 THE WITNESS: -- she's young for that position.
2 It's usually an ex-cop, ex-military, a man, and somebody
3 that's been doing it for a while.

4 MS. REEB: Did you ever see anything on set
5 that made you believe, and I don't know Alec Baldwin, and
6 everybody got a feeling of his personality, anything that
7 would make you believe that maybe Hannah was
8 uncomfortable with setting -- you know, standing up for
9 herself and saying, no, if I'm not going to be in here
10 with a gun then this -- you know, like we talked about,
11 you know, I'm leaving or we're --

12 THE WITNESS: No.

13 MS. REEB: Anything like that?

14 THE WITNESS: Like she would be intimidated?

15 MS. REEB: Yeah, that's a good word.

16 MS. CARMACK-ALTWIES: Uh-huh.

17 THE WITNESS: No.

18 MS. REEB: Intimidated in any form?

19 THE WITNESS: No, absolutely not.

20 MS. REEB: Okay.

21 MS. PADGETT MACIAS: The -- you had -- you had
22 mentioned that part of your -- part of your job --

23 THE WITNESS: And he was not intimidating.

24 MS. PADGETT MACIAS: He's not?

25 THE WITNESS: No.

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MS. PADGETT MACIAS: No.

THE WITNESS: Very nice man.

MS. PADGETT MACIAS: Part of your -- your job is to get the day done.

THE WITNESS: Yes.

MS. PADGETT MACIAS: And 21 days for a production and not knowing anything about your world seems short. Was that a short amount of time to --

THE WITNESS: Yes.

MS. PADGETT MACIAS: -- get the day done?

THE WITNESS: Yes.

MS. PADGETT MACIAS: And in your experience, when -- when you're crunched, maybe you're crunched for time.

THE WITNESS: Yeah.

MS. PADGETT MACIAS: Maybe you're crunched for money, the set is walking off the crew, are there --

MS. CARMACK-ALTWIES: Crews walk out of the set.

MS. PADGETT MACIAS: Yeah, crew -- that's it, crews walking off the set. I mean, are there compromises in terms of safety? Is that one of the first kind of --

THE WITNESS: Never.

MS. PADGETT MACIAS: -- shortcuts made --

THE WITNESS: Never.

1 MS. PADGETT MACIAS: -- in your experience?

2 THE WITNESS: Never. There's compromises made
3 other places. Okay. We're not going to do this shot.
4 We're going to -- you know, but safety is never
5 compromised.

6 MS. REEB: Including the armorer?

7 THE WITNESS: We never -- we never felt crazy
8 rushed. We kept a good pace. But we weren't running
9 around like our hair -- hair was on fire. We had an
10 impossible last day scheduled, the 21st day. On paper it
11 just was not going to work. And Mr. Baldwin was kind
12 enough to offer some money to buy another day. I
13 remember those discussions. So, yeah, but we were never
14 running around with our hair on fire.

15 MS. PADGETT MACIAS: You never felt like there
16 were shortcuts around --

17 THE WITNESS: No.

18 MS. PADGETT MACIAS: -- safety measures at
19 all?

20 THE WITNESS: No. Like I said, nobody ever
21 came to me with any safety concerns.

22 MS. REEB: And you were the person they were
23 supposed to come to?

24 THE WITNESS: Sure.

25 MS. REEB: Okay.

1 THE WITNESS: Or a producer.

2 MS. REEB: Yeah.

3 THE WITNESS: And then a producer would come
4 to me.

5 MS. REEB: Okay.

6 MS. CARMACK-ALTWIES: Time out?

7 MS. REEB: And -- oh.

8 MS. PADGETT MACIAS: Yeah, can we take a
9 couple minute break?

10 MS. REEB: Sure. Yeah.

11 MS. PADGETT MACIAS: I'd also like to talk
12 to -- what time do you have to leave?

13 MS. CARMACK-ALTWIES: I'm actually good. She
14 went home with a friend, so I'm --

15 MS. PADGETT MACIAS: Perfect. Can we talk
16 outside?

17 MS. CARMACK-ALTWIES: Yeah, sure.

18 (Off the record conversation.)

19 MS. CARMACK-ALTWIES: I lost my train of
20 thought.

21 MS. REEB: Oh, I'm sorry.

22 MS. CARMACK-ALTWIES: There was one -- no, no,
23 it's not you. It was just, I think it was like a kind of
24 ready to go there --

25 MS. REEB: Oh, let me show them where --

1 MS. CARMACK-ALTWIES: Yeah. Oh, I wanted to
2 go into whether she's -- he's had conversations with
3 Hannah since this.

4 MS. REEB: Uh-huh. But what else would you
5 want us to make sure we cover?

6 MS. CARMACK-ALTWIES: I think just maybe,
7 we've talked a lot -- oh.

8 MS. REEB: We're going to stop the recording.

9 (Recess taken.)

10 MS. CARMACK-ALTWIES: Okay. We're recording
11 again, so we're back on the record. We took a little
12 break. And the same people are in the room except
13 Jennifer Padgett, the CS, left for something. So okay.

14 MS. REEB: And I know you guys wanted to take
15 the break because there's some things that you wanted to
16 tell us about, maybe Mitchell and maybe other topics. So
17 let's start with that.

18 THE WITNESS: Okay. It's going to be very
19 technical.

20 MS. CARMACK-ALTWIES: Okay.

21 THE WITNESS: So the director is also the
22 writer of the script.

23 MS. CARMACK-ALTWIES: Okay.

24 THE WITNESS: And he would make revisions to
25 the script. And normal protocol is that when there's a

1 change made to a script that that page or pages, it
2 starts out white. The script is all white. And then if
3 there's a page revision that page becomes blue. And then
4 if there's another one it's yellow and it's green.

5 MS. REEB: It changes.

6 THE WITNESS: It's a whole -- whole color
7 coding system. So the director would make revisions to
8 the script. And he -- there's a universal piece of
9 software that's used for screenwriting. It's called
10 final draft. Every screenwriter uses it. Well, he was
11 not familiar with how to make the proper revisions. So
12 the script would get formatted all weird and extra pages,
13 and it just wasn't formatted correctly.

14 MS. REEB: Uh-huh.

15 THE WITNESS: I didn't know how to run the
16 software to that extent to fix it and neither did the
17 script supervisor Mamie Mitchell.

18 MS. REEB: Okay.

19 THE WITNESS: But Mamie Mitchell knew a guy,
20 knew a guy in Albuquerque whose job was a script
21 coordinator. And his job is to make sure that the script
22 is formatted properly.

23 MS. REEB: Script coordinator. Okay.

24 THE WITNESS: Okay. So every time they -- you
25 know, the director would make a revision, sure enough he

1 would screw it up and it would have to be reformatted.
2 Well, the script coordinator, it's \$1500 every time you
3 get a --

4 MS. CARMACK-ALTWIES: Good grief.

5 THE WITNESS: -- reformat. And, you know,
6 they're counting pennies on this production.

7 MS. CARMACK-ALTWIES: Uh-huh.

8 THE WITNESS: So on the day of the
9 incident -- well, let me back up. And I -- I get
10 uncomfortable doing this, but Mamie Mitchell is
11 interesting. If you were to ask most people in the -- in
12 the New Mexico field community her name would be prefaced
13 with crazy.

14 MS. REEB: Okay.

15 MS. CARMACK-ALTWIES: Okay.

16 THE WITNESS: Very opinionated. She's been in
17 the business for 40 years. She'll never stop letting you
18 know that. She would whisper, you know, give suggestions
19 to the director, whisper in his ear, and the director,
20 who is Joel Souza, who is the nicest, sweetest man in the
21 world, said to her very politely, "Mamie, please no more
22 suggestions."

23 Mamie gets up, "Well, I'll just go over here
24 in the corner and put lipstick on like a good little
25 girl," and she goes on this five-minute rant, and she's

1 pulling the feminist card.

2 MS. REEB: Uh-huh.

3 THE WITNESS: You know, male energy and then
4 blah, blah, blah, blah. And interesting enough, who is
5 her chief counsel? So -- and the director is looking at
6 me going can you note this?

7 MS. CARMACK-ALTWIES: Can you what this?

8 THE WITNESS: Note this.

9 MS. CARMACK-ALTWIES: Oh, note this. Okay.

10 THE WITNESS: And she's going on and on and
11 on. And I said -- finally I went over, I said, "Mamie,
12 stop it. Just stop it." So she stopped it and we went
13 on for the next couple weeks. And Mamie and I had a
14 decent enough relationship.

15 So on the day of the incident --

16 MS. REEB: Uh-huh.

17 THE WITNESS: -- we broke for lunch, and we all
18 load in the vans and we take this less than five-minute
19 drive to the base camp big catering tent. I was sitting
20 next to Mamie. She said, "You know what the problem is
21 with this production is Gabby," which is Gabrielle
22 Pickle, "didn't hire Shawn to reformat the script."

23 MS. REEB: And he's --

24 THE WITNESS: Well, I have just gotten an
25 email about Gabrielle Pickle saying that she had Shawn

1 reformat the script. So Mamie wasn't looped in.

2 MS. REEB: Uh-huh.

3 THE WITNESS: And she should have been. She's
4 the script supervisor. Anything to do with the script
5 she should be notified. And I said, "Well, I just got an
6 email from Gabby that she had Shawn reformat the script."

7 She goes off. She just -- because she's not
8 included. She gets out of the van and she's like
9 any -- anybody's ear that she can get, I mean, she's
10 talking to extras --

11 MS. REEB: Uh-huh.

12 THE WITNESS: -- that the -- assistant
13 directors are not getting my script revisions to me.
14 They're not script revisions. It's just the reformatting
15 of the script.

16 MS. REEB: Right.

17 THE WITNESS: Okay. And she's going from like
18 table to table in this catering tent, you know, telling
19 people, you know, the ADs are not getting my script
20 revisions. So a producer comes out to me at lunch and
21 says, "Why isn't Mamie getting her script revisions?"

22 And I just went -- I got up and I walked over
23 to Mamie's table. And you're Mamie, I'm not hot --

24 MS. REEB: Uh-huh.

25 THE WITNESS: -- but I'm kind of -- and I went.

1 And she said, "Whoa, get away with your male energy."
2 And she just kept going on and on and on. I can't get a
3 word in edgewise. So we get back from lunch. The
4 incident happened shortly after lunch.

5 MS. REEB: This is the day of, day of.

6 THE WITNESS: What's the first thing heard on
7 CNN? It's Mamie Mitchell making the 911 call saying
8 there's being -- there's been a shooting at Bonanza Creek
9 Ranch. It's the first assistant director's fault because
10 he yelled at me at lunch.

11 MS. REEB: I listened to that.

12 MS. CARMACK-ALTWIES: Yeah.

13 THE WITNESS: That's the first thing heard to
14 the world.

15 MS. REEB: Yeah.

16 THE WITNESS: And it's my suspicion that the
17 search warrant affidavit that states that I grabbed the
18 gun off the armorer's cart (inaudible) came from Mamie
19 Mitchell. That's just my speculation.

20 MS. REEB: I'll have to get -- there was an
21 interview done of her, and it's being transcribed. And,
22 you know, you guys will get copies, of course.

23 MS. CARMACK-ALTWIES: Yeah.

24 MS. REEB: So I can't remember specifically
25 but she definitely said some stuff about you in there,

1 and I just can't remember the specifics offhand.

2 THE WITNESS: Uh-huh.

3 MR. SCHILLING: Where did she fall in in that
4 whole chain of command on set there? Who is her boss?

5 THE WITNESS: You know, these film
6 productions, they're not a typical corporate structure.
7 You know, I suppose a producer could fire her, the
8 director could say, you know, I -- I don't want her
9 around anymore.

10 MR. SCHILLING: How about Sarah and Hannah,
11 where were they -- how about their chain of command?
12 Producers?

13 THE WITNESS: Producers. Producer, you know,
14 if the director didn't look the work of the prop master
15 or the armorer, you know, he could certainly have a say.

16 MS. CARMACK-ALTWIES: Could you have had her
17 fired?

18 THE WITNESS: I -- I --

19 MS. CARMACK-ALTWIES: If you thought she's
20 incompetent, I want her out of here.

21 THE WITNESS: Yeah, I -- I would go to a
22 producer and voice that concern. Yeah.

23 MS. CARMACK-ALTWIES: Okay. But you couldn't
24 just walk up and be like "out"?

25 THE WITNESS: No.

1 MS. CARMACK-ALTWIES: Okay. That was a
2 producer thing.

3 THE WITNESS: Yeah.

4 MS. CARMACK-ALTWIES: And you couldn't walk up
5 to Mamie and say "out".

6 THE WITNESS: Yeah.

7 MS. CARMACK-ALTWIES: That was a producer
8 thing.

9 THE WITNESS: Yeah.

10 MS. CARMACK-ALTWIES: Could Joel have fired
11 her or --

12 THE WITNESS: Sure.

13 MS. CARMACK-ALTWIES: -- would he have had to
14 go to a producer?

15 THE WITNESS: Yeah, I think his opinion would
16 have sway if he went to --

17 MS. CARMACK-ALTWIES: Okay. But, I mean, kind
18 of --

19 THE WITNESS: -- a producer and said she's got
20 to go, you know.

21 MS. CARMACK-ALTWIES: Yeah.

22 THE WITNESS: They would --

23 MS. CARMACK-ALTWIES: But it sounds like the
24 structure as it is is there's a lot of sort of
25 independent departments and then producer is over all.

1 THE WITNESS: Yeah, uh-huh.

2 MS. CARMACK-ALTWIES: And Gabrielle Pickle is
3 on set. Obviously Baldwin is on set. Any other
4 producers on set?

5 THE WITNESS: Yeah.

6 MS. CARMACK-ALTWIES: Okay. Who?

7 THE WITNESS: Well, that would be Ryan
8 Winterstern.

9 MS. CARMACK-ALTWIES: Okay.

10 THE WITNESS: Nathan Klingher, and Ryan Smith.

11 You know, Mr. Baldwin was kind of producer by name.

12 MS. CARMACK-ALTWIES: Kind of the extra.

13 THE WITNESS: You know, it's like --

14 MS. CARMACK-ALTWIES: We'll let you be a
15 producer.

16 THE WITNESS: People attach him as a producer.

17 MS. CARMACK-ALTWIES: Yeah, we've heard how
18 that --

19 THE WITNESS: And -- and that attracts money
20 and, you know. Yeah.

21 MS. REEB: Okay.

22 MS. CARMACK-ALTWIES: So are they all there
23 all day or do they just -- okay. They don't just kind of
24 come and go?

25 THE WITNESS: No.

1 MS. CARMACK-ALTWIES: They're all there.

2 Okay.

3 MS. REEB: Okay. Now --

4 THE WITNESS: Gabrielle Pickle would come and
5 go.

6 MS. REEB: Okay.

7 THE WITNESS: Because she would have -- she's
8 in charge of overseeing the (inaudible).

9 MR. SCHILLING: And who would advertise,
10 interview, and say you're hired armorer, I'm going to
11 hire you, armorer, for this production?

12 THE WITNESS: I think it would -- in this case
13 it was Gabrielle Pickle.

14 MR. SCHILLING: Okay.

15 THE WITNESS: Because I remember --

16 MS. REEB: Is that who hired you?

17 THE WITNESS: Well, I had worked with those
18 three other producers on a movie --

19 MS. REEB: Okay.

20 THE WITNESS: -- last January.

21 MS. REEB: Okay. All right. I'm writing some
22 notes. Could Alec Baldwin, as a producer, but as you
23 said sort of a name only or just as a name, could he have
24 fired you?

25 THE WITNESS: I -- I think that he would have

1 enough sway, yeah.

2 MS. REEB: Okay. Could he --

3 THE WITNESS: If he went -- went to our
4 producer and said he's got to go.

5 MS. REEB: Yeah. Could he have fired Hannah?

6 THE WITNESS: Sure.

7 MS. REEB: Okay. Okay.

8 MS. CARMACK-ALTWIES: Yeah, it sounds like
9 producers can kind of --

10 MS. REEB: Yeah. So --

11 THE WITNESS: Well, especially if you're the
12 main actor.

13 MS. REEB: Yeah.

14 THE WITNESS: If you wanted anything.

15 MS. REEB: Right.

16 THE WITNESS: Right.

17 MS. REEB: Okay. So I want to -- I want to
18 talk about Alec Baldwin. The -- the first -- I hate to
19 have you keep reliving this. But I sort of want a
20 shot-by-shot, blow-by-blow of you're standing there
21 looking at him as all of this is going down. So can we
22 start with when you became aware that Hannah had given
23 him the gun with the dummies in it. Where are you
24 looking?

25 She just said -- she's right here. She

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1 says, "I gave him a gun with the dummies in it. Here."

2 THE WITNESS: Opens it up, shows me.

3 MS. REEB: Okay. Then you see her hand it to
4 Alec.

5 THE WITNESS: Yeah.

6 MS. REEB: What's he do?

7 THE WITNESS: Like put it in his holster.

8 MS. REEB: Okay. So he puts it in his
9 holster.

10 THE WITNESS: Yes.

11 MS. REEB: Is he sitting or standing?

12 THE WITNESS: Sitting.

13 MS. REEB: Okay. And what's the next thing
14 that he does?

15 THE WITNESS: Just getting used to the feel of
16 it, taking it out of his holster.

17 MS. REEB: Okay. I'm just going to describe
18 it for the tran -- the -- that.

19 THE WITNESS: Yeah.

20 MS. REEB: You're making a gesture like he's
21 putting it into his holster, he's taking it out and
22 pointing it, putting it back in. So he's I don't want to
23 say playing with it, but he's sort of rehearsing.

24 THE WITNESS: Yeah.

25 MS. REEB: Removing it from the holster and

1 pointing it.

2 THE WITNESS: Uh-huh.

3 MS. REEB: Trying to get that to be a smooth
4 movement.

5 THE WITNESS: Yes. Yes.

6 MS. REEB: Okay.

7 MS. CARMACK-ALTWIES: And it's across body.

8 THE WITNESS: Yeah, holster. Yeah.

9 MS. REEB: Okay. Is he right-handed or
10 left-handed?

11 THE WITNESS: I believe he's right-handed.

12 MS. REEB: Okay. So assuming he's
13 right-handed, he's pulling it out of like under his left
14 armpit, basically?

15 THE WITNESS: Well --

16 MS. REEB: Well, left chest area. Yeah,
17 sorry.

18 THE WITNESS: Yes.

19 MS. REEB: Over here. And so then there's so
20 this kind of 90-degree angle whereby --

21 THE WITNESS: Yeah.

22 MS. REEB: -- before his arm gets straight and
23 he starts pointing it. Is he pointing it when he's
24 practicing, rehearsing, what's he pointing it at?

25 THE WITNESS: Towards the direction of the

1 camera.

2 MS. REEB: Okay. Is he -- is Halyna back
3 there, Halyna and Joel the whole time?

4 THE WITNESS: Yes.

5 MS. REEB: Okay. Are they directing him or is
6 he -- is he practicing sort of on his own to get that?

7 THE WITNESS: It's my recollection that she's
8 telling him where to point the gun.

9 MS. REEB: Okay. And you said earlier he was
10 a nice guy, he's easy to work with; is that accurate?

11 THE WITNESS: Yes.

12 MS. REEB: Okay. Is he just listening to them
13 and doing what they're saying or are they having a
14 conversation?

15 THE WITNESS: Oh, I believe there was a
16 conversation, like is that good, is that where you want
17 it?

18 MS. REEB: Okay. Okay. So --

19 THE WITNESS: And she would say yes.

20 MS. REEB: Okay. And estimate for me how many
21 times he tried to do this before the shooting.

22 THE WITNESS: I don't -- I would say at least
23 three, four times.

24 MS. REEB: Okay.

25 THE WITNESS: I would say.

1 MS. REEB: And when he's pulling it out, tell
2 me about how his hand is on the gun.

3 THE WITNESS: My recollection, that he had his
4 finger not on the trigger, but he was pulling back the
5 hammer.

6 MS. REEB: Okay. Are you hearing the hammer
7 click?

8 THE WITNESS: No.

9 MS. REEB: Okay. Let me rephrase that. Can
10 you not hear the hammer click because you couldn't hear
11 it because it was loud or is he not letting it go?

12 MS. CARMACK-ALTWIES: Or could you even hear
13 it?

14 MS. REEB: Yeah, would you have been able to
15 hear it?

16 THE WITNESS: Yeah, I don't know if I'd be
17 able to hear it.

18 MS. REEB: Okay. Okay. And he's pulling
19 back, you're saying, on the hammer. Is he all the way
20 back?

21 THE WITNESS: I -- I don't --

22 MS. REEB: Really.

23 THE WITNESS: I have no recollection if he
24 pulled it all the way back or not.

25 MS. REEB: Okay. So you're kind of focussed

1 on the bigger movements. And so you said your
2 recollection is his finger is not on the trigger.

3 THE WITNESS: Yeah.

4 MS. REEB: To your knowledge, was that gun a
5 fully functional gun?

6 THE WITNESS: Yeah.

7 MS. REEB: Had you had issues with it prior to
8 this?

9 THE WITNESS: We -- we had shot blanks --

10 MS. REEB: Uh-huh.

11 THE WITNESS: -- with it.

12 MS. REEB: And it worked?

13 THE WITNESS: Yeah.

14 MS. REEB: Okay. And no concerns about that
15 gun?

16 THE WITNESS: No.

17 MS. REEB: It seemed like a good gun?

18 THE WITNESS: Yeah.

19 MS. REEB: It seemed like it worked?

20 THE WITNESS: Yeah.

21 MS. REEB: Okay.

22 THE WITNESS: Yes.

23 MS. REEB: It wasn't a hair trigger or
24 anything like that, that you knew of?

25 THE WITNESS: Right. Yeah.

1 MS. REEB: Okay. At some point his finger had
2 to have gotten on the trigger; would you agree with that?

3 THE WITNESS: I guess that's my understanding
4 of what I'm hearing on when he had to release the hammer,
5 you do have to pull the trigger and then just slowly,
6 with your thumb --

7 MS. REEB: Yeah.

8 THE WITNESS: -- let -- that makes sense to me.

9 MS. REEB: Okay. But you also didn't see
10 that?

11 THE WITNESS: I didn't see that.

12 MS. REEB: Okay. Have you had any
13 conversations with Alec Baldwin since that day?

14 THE WITNESS: No.

15 MS. REEB: Not a one?

16 THE WITNESS: No.

17 MS. REEB: Okay. Have you had any
18 conversations with Hannah?

19 THE WITNESS: No.

20 MS. REEB: Or Sarah?

21 THE WITNESS: No.

22 MS. REEB: Okay.

23 MS. CARMACK-ALTWIES: And before you move past
24 that, just real quick, I wanted -- on the pulling out of
25 the firearm, there's some phone messages from Hannah

1 requesting training, that Baldwin needed to practice
2 that. And it seemed like in the messages he's -- she's
3 kind of put off, you know, I'll -- the assistance, like
4 I'll tell Baldwin --

5 THE WITNESS: Yeah.

6 MS. CARMACK-ALTWIES: -- that you want to do
7 this training. And then I don't think it ever happened.
8 Do you know why it didn't happen or these are --

9 THE WITNESS: Well, that's so odd to me.

10 MS. CARMACK-ALTWIES: How come?

11 THE WITNESS: Like I told you, there was this
12 extensive training before the start of production. And
13 because of his schedule Mr. Baldwin could not be at that
14 training. But I do witness -- I did witness a training
15 session with Hannah and --

16 MS. CARMACK-ALTWIES: Right.

17 THE WITNESS: -- and Mr. Baldwin.

18 MS. CARMACK-ALTWIES: Yes, there was one, I
19 believe, that was discussed.

20 MS. REEB: Yeah. How -- oh.

21 MS. CARMACK-ALTWIES: But this was
22 specifically on the pull, the cross pull. I don't know
23 what you call it.

24 THE WITNESS: Okay.

25 MS. CARMACK-ALTWIES: The --

1 MR. SCHILLING: Cross draw.

2 MS. REEB: Cross draw. Thank you. Cross
3 draw.

4 MS. CARMACK-ALTWIES: How long -- the one that
5 you witnessed, how long did it last?

6 THE WITNESS: It's hard to say. I just
7 remember seeing it down at the -- down by the church,
8 other end of town shooting blanks. You know, pulling out
9 the gun, shooting it.

10 MS. CARMACK-ALTWIES: Okay.

11 THE WITNESS: And her with him.

12 MS. CARMACK-ALTWIES: Teaching him or
13 whatever.

14 THE WITNESS: Yeah.

15 MS. CARMACK-ALTWIES: Okay.

16 MS. REEB: Did you ever -- did Hannah ever
17 approach you, said, hey, we need training and he's not
18 doing it?

19 THE WITNESS: No.

20 MS. REEB: Okay. And I know you say he's a
21 nice guy and everything, but have you ever seen
22 situations where you have like a famous actor, like Alec
23 Baldwin, strong personality. I think we all agree he's a
24 strong personality to where, you know, an actor or
25 somebody like him, it might be requested he do training,

1 and -- and they kind of decide, you know, on their own
2 whether they're going to do this training or not do this
3 training. Have you ever seen that or experienced that?

4 THE WITNESS: No.

5 MS. REEB: Okay. All right.

6 MS. CARMACK-ALTWIES: If he was asked to do
7 something on the set, was he compliant?

8 THE WITNESS: Yes.

9 MS. CARMACK-ALTWIES: Okay. Did you ever see
10 him lose his temper in his any way?

11 THE WITNESS: No, never.

12 MS. CARMACK-ALTWIES: Okay. I mean, you know,
13 there's all these TMZ videos out there where he loses his
14 temper pretty frequently. Are you say -- would it be
15 your impression that those are not like how he is?

16 THE WITNESS: Yes.

17 MS. REEB: Okay. All right.

18 THE WITNESS: He's a very jovial man.

19 MS. REEB: Yeah.

20 THE WITNESS: And, yeah, very --

21 MS. REEB: There's quite a few of them.

22 MS. CARMACK-ALTWIES: Yeah.

23 MS. REEB: On recording.

24 THE WITNESS: No.

25 MS. REEB: But to you he was --

1 THE WITNESS: He was very, very kind to
2 everybody. Yeah.

3 MS. CARMACK-ALTWIES: Okay. He wasn't
4 condescending to your PAs or whatever.

5 THE WITNESS: No. No, not at all.

6 MS. CARMACK-ALTWIES: Okay.

7 THE WITNESS: Very respectful.

8 MS. CARMACK-ALTWIES: Okay.

9 THE WITNESS: To the group.

10 MS. CARMACK-ALTWIES: Okay.

11 MS. REEB: After the -- after the accident or
12 whatever occurred, what did Baldwin --

13 MS. CARMACK-ALTWIES: Oh, yeah.

14 MS. REEB: -- what did he do? Like what did
15 you -- how did he react when he figured out what was
16 going on? And then if you can kind of describe as this
17 is playing out, waiting for law enforcement, what he's
18 doing as far as like is he standing there, is he on the
19 phone, is he --

20 THE WITNESS: He's sitting next to me. We're
21 on a tailgate of a truck.

22 MS. REEB: Uh-huh.

23 THE WITNESS: And we're chain smoking.

24 MS. REEB: Okay. And you've seen all those
25 videos --

1 THE WITNESS: And our heads are down.

2 MS. REEB: Oh, sorry. Go ahead.

3 THE WITNESS: You know, and we're -- but I
4 remember at one time he did step away and he was on the
5 phone with the director from the hospital.

6 MS. REEB: Okay. You saw him making phone
7 calls? And I think those have been on TV.

8 THE WITNESS: Yeah.

9 MS. REEB: And things.

10 THE WITNESS: Yeah.

11 MS. CARMACK-ALTWIES: Yeah.

12 THE WITNESS: And then he came back and
13 reported to me that the director said that there was a
14 piece of metal that looks like a bullet that's in his
15 shoulder.

16 MS. CARMACK-ALTWIES: Yeah. Okay.

17 MS. REEB: What is -- what was his demeanor?

18 THE WITNESS: Serious.

19 MS. CARMACK-ALTWIES: So Hannah's lawyers,
20 after this first happened went all over the news and they
21 were yelling and screaming about sabotage.

22 THE WITNESS: Yes.

23 MS. CARMACK-ALTWIES: How -- what did you
24 think about that?

25 THE WITNESS: I thought it was just the most

1 ridiculous thing I've ever heard in my life.

2 MS. CARMACK-ALTWIES: Okay. I will mark that
3 one off. Great.

4 THE WITNESS: I mean, absolutely --

5 MS. REEB: I don't see any evidence of that.

6 MS. CARMACK-ALTWIES: No, there's none.

7 THE WITNESS: -- I just -- you know, the
8 detectives brought that up right away and I said if
9 you're going there, get it out of your head because
10 there's just -- these were good guys.

11 MS. REEB: Uh-huh.

12 MS. CARMACK-ALTWIES: Yeah.

13 THE WITNESS: And the -- the idea that they
14 would -- the night before they walked off they would go
15 into the prop truck and put --

16 MS. CARMACK-ALTWIES: Yeah.

17 THE WITNESS: -- six -- it's just absurd.

18 MS. GORDON: Do you know Seth Kenney and have
19 you ever worked with him before?

20 THE WITNESS: I do not.

21 MS. GORDON: Okay.

22 MS. REEB: I'm sure since this happened you
23 have racked your brain about how did live bullets -- I
24 mean, you keep saying it's unfathomable. So I'm asking
25 you to speculate. Clearly I could not ask this in court.

1 How do you think they got there? Do you have any ideas?

2 Okay.

3 THE WITNESS: Somebody got some stuff mixed
4 up.

5 MS. GORDON: I will say that didn't you say
6 their shop -- tell them about the shop, when you go to
7 their shop, the prop shop.

8 THE WITNESS: Well, I had seen pictures.

9 MS. GORDON: Okay.

10 MS. REEB: Okay. Seen pictures of what?

11 THE WITNESS: Online of what I believed to be
12 his shop or somebody's shop.

13 MS. REEB: Seth Kenney's.

14 MS. CARMACK-ALTWIES: Seth Kenney's. Oh,
15 yeah.

16 THE WITNESS: And there were just bullets
17 everywhere in bags and things. It just seemed --

18 MS. CARMACK-ALTWIES: Yeah.

19 THE WITNESS: Kind of disorganized.

20 MS. CARMACK-ALTWIES: So you thought possible
21 that maybe they came from his disorganization?

22 THE WITNESS: Yeah.

23 MS. CARMACK-ALTWIES: Hannah, so there are
24 also pictures of like her prop cart and the prop truck.
25 You already said you didn't really look in the prop truck

1 ever. But it was a pretty disorganized mess as well.
2 Did she strike you as a detailed oriented organized
3 person?

4 THE WITNESS: Yeah, I didn't see anything.

5 MS. CARMACK-ALTWIES: Okay. Well, let me --
6 let me ask it this way: so after this happened, when
7 she's taken to the sheriff's department, she's having her
8 interview, and she had dummy rounds. I think they were
9 dummies in her pocket. She had like five or six. She
10 pulls them out of her pocket. And then she also has a
11 fanny pack. She has a series of rounds just free
12 floating in her fanny pack as well.

13 THE WITNESS: Uh-huh.

14 MS. CARMACK-ALTWIES: And then there was the
15 prop truck. There was some free floating rounds in the
16 prop -- sorry, not truck, cart. The gun cart.

17 THE WITNESS: Uh-huh.

18 MS. CARMACK-ALTWIES: Is that, in your
19 experience, with other armorers, that they just have
20 projectiles and cartridges just willy-nilly in different
21 pockets, or is that not usual?

22 THE WITNESS: I couldn't tell you.

23 MS. CARMACK-ALTWIES: Okay.

24 THE WITNESS: I would say it would be more on
25 the cart than anything, but I just, I don't have any

1 recollection of fanny packs on different people and --

2 MS. CARMACK-ALTWIES: Okay. All right.

3 That's fine. And every other movie is -- and now I don't
4 remember why I read that.

5 MS. REEB: What was that question that -- it
6 was Jennifer, right? We already talked about the --

7 MS. CARMACK-ALTWIES: Oh, so there were some
8 news reports, and I need to ask about this if you're
9 going to be a witness.

10 THE WITNESS: Uh-huh.

11 MS. REEB: Where it was stated that you had
12 either been fired or let go from other movie sets for
13 safety concerns.

14 THE WITNESS: Uh-huh.

15 MS. REEB: Tell me about that.

16 THE WITNESS: Another low budget independent
17 feature with a single war period movie.

18 MS. REEB: Okay.

19 THE WITNESS: They had an inexperienced
20 armorer. They hired a civil war reenactor.

21 MS. REEB: Okay.

22 THE WITNESS: And at the time it seemed like a
23 good idea, if anybody knows about muskets or anything.
24 Another case with a camera crew, a disgruntled camera
25 crew.

1 MS. CARMACK-ALTWIES: Yeah.

2 THE WITNESS: And they were disgruntled over
3 pay. And we had a little, little tiff between their
4 department and myself and so I guess I wasn't their
5 favorite guy. One week left of shooting, and there's a
6 shot of a slave hunter standing at the -- on a riverbank
7 going, all right, you slaves, you better come out.

8 MS. REEB: Yeah.

9 THE WITNESS: But no need for live fire. But
10 the arm -- this armorer went and loaded the musket with
11 black powder. And there's a boom operator right there.

12 MS. REEB: Uh-huh.

13 THE WITNESS: And it -- the gun went off and
14 it kind of caused some temporary damage, I guess.

15 MS. CARMACK-ALTWIES: To like his ears or --

16 THE WITNESS: Yeah.

17 MS. REEB: Oh, okay.

18 THE WITNESS: It was quite (inaudible). So
19 the camera crew went to the producers and they said it's
20 either Dave or it's us. And they came to me, tears in
21 their eyes, even though we got -- we got to finish the
22 movie, you know. Sorry, but we've just got to get
23 (inaudible) at the camera, walk off.

24 All right. Then -- then the other reports.
25 Supposedly I'm accused of sexual misconduct on the TV

1 series that I worked on in Los Angeles.

2 MS. CARMACK-ALTWIES: Oh, I didn't hear -- I
3 haven't --

4 MS. REEB: Oh, I -- actually, I think I have.
5 But I didn't pay too much attention.

6 THE WITNESS: Yeah, so I'm working on this
7 television series in Los Angeles and a female producer
8 comes to me. She says can we go talk? She said there's
9 a female crew member that feels that you're invading her
10 personal space. And I was mortified. This is at the
11 height of Me Too. This is at the height of Harvey
12 Weinstein and all that. I was just mortified because I'm
13 not that guy. You'd have to interview every female crew
14 member I've worked with over 30 years and -- and get
15 that.

16 And subsequently I've found out who this
17 person is and there's no way I would feel a need to
18 invade her personal space.

19 MS. CARMACK-ALTWIES: Understand.

20 THE WITNESS: And then -- and then somebody on
21 the same movie accused me of --

22 MS. REEB: Same movie or same television
23 series?

24 THE WITNESS: Television series --

25 MS. REEB: Okay.

1 THE WITNESS: -- of being lackadaisical with
2 gun checks. There was a shot where a woman was going to
3 hold a gun to her head and I rolled my eyes supposedly
4 over the idea of a gun check. And -- and there was going
5 to be a pyrotechnical thing where sparks were going to
6 come out of the ceiling. It was kind of like Carrie
7 type --

8 MS. CARMACK-ALTWIES: Oh, Carrie, the --

9 THE WITNESS: Yeah, it's like the prom scene,
10 you know.

11 MS. CARMACK-ALTWIES: The prom bloody scene,
12 yeah.

13 THE WITNESS: Stuff goes crazy. So there was
14 going to be sparks coming out of the ceiling. You know,
15 she's causing all this with her mind. And -- and so in
16 Los Angeles it's very union based.

17 MS. REEB: Uh-huh.

18 THE WITNESS: So to do -- to be a pyrotechnic
19 expert you have to have a special card.

20 MS. CARMACK-ALTWIES: Okay.

21 THE WITNESS: It's called a card. And there
22 was a silver gentleman named Uncle Al. And Uncle Al
23 supposedly was having some kind of seizure in the parking
24 lot. And this person is accusing me of being just
25 cavalier, like asking another special effects person, can

1 you do it?

2 MS. REEB: Uh-huh.

3 THE WITNESS: And I didn't know the
4 (inaudible). I just turned to the guy and said, well,
5 can you do it? And it turned out he was having a
6 diabetic reaction. He recovered. He came back, he did
7 the whole thing.

8 MS. REEB: Uh-huh.

9 THE WITNESS: So it's all this stuff. You
10 know, it just --

11 MS. REEB: Uh-huh.

12 THE WITNESS: -- and it's my opinion it came
13 from that initial statement that it's the first assistant
14 director's fault because he yelled at me at lunch. And
15 then the search warrant happened. (Inaudible) grabbed
16 the gun off the cart and handed it to Alec Baldwin. And
17 what people in the business and industry, they got the
18 monster, you know.

19 MS. REEB: So that TV --

20 THE WITNESS: Because --

21 MS. REEB: Oh, go ahead. Go ahead. I didn't
22 mean to interrupt.

23 THE WITNESS: And assistant directors tend not
24 to be the most popular on set. They can be yellers and
25 screamers, and I'm not like that. Everybody will

1 generally say that I'm pretty calm. But --

2 MS. REEB: So you think --

3 THE WITNESS: I think there's a general
4 opinion, you know, that assistant directors can be a
5 little bit jerks most of the time.

6 MS. REEB: But did you ever -- like the TV
7 series, did they ever let you go from that or --

8 THE WITNESS: No.

9 MS. REEB: Okay. In any other --

10 MS. TORRACO: And there's no evidence of the
11 write up. There's no documentation in the contract.

12 MS. REEB: Nothing, okay.

13 THE WITNESS: Yeah, the woman that's accusing
14 me of the safety issues, I guess, said that she reported
15 it to the Directors Guild of America, which is non-union.

16 MS. REEB: Uh-huh.

17 THE WITNESS: And if that was the case the
18 Directors Guild of America would have gone right to the
19 production company. And there's no record.

20 MS. TORRACO: There is no paper trail.

21 MS. CARMACK-ALTWIES: Okay.

22 MS. REEB: So the only sort of document was
23 the civil war movie?

24 THE WITNESS: Yeah, if it's documented at all.

25 MS. REEB: Okay.

1 THE WITNESS: I think, yeah --

2 MS. CARMACK-ALTWIES: And that being 30 years
3 of doing it. Are those the only two -- like only
4 incidents that --

5 MS. TORRACO: Can we go off the record for a
6 minute?

7 MS. REEB: Yeah.

8 MS. CARMACK-ALTWIES: Yeah, sure.

9 (Recess taken.)

10 MS. REEB: Okay. We just went off the record
11 for a minute, and we're back on the record.

12 MS. CARMACK-ALTWIES: All right. I had one
13 other thing.

14 MS. REEB: Just real quick.

15 MS. CARMACK-ALTWIES: Okay.

16 MS. REEB: Do you have anything while you're
17 sitting there?

18 MR. SCHILLING: I just have a few, just
19 background stuff. Again, who -- who directly hired you
20 for Rust?

21 THE WITNESS: Well, again, I've worked with
22 three producers that I managed on another production in
23 January.

24 MR. SCHILLING: Okay.

25 THE WITNESS: So, I mean, it is typical of how

1 it happens. You know, you create relationships, you do a
2 good job. Plus I -- I was a New Mexico resident and they
3 were not. And there's really good incentives if they
4 hire people from New Mexico, like maybe up to 30 percent
5 back.

6 MR. SCHILLING: It's still a contract thing,
7 though.

8 THE WITNESS: In labor, yeah.

9 MR. SCHILLING: You sit down and say we're
10 going to hire you for Rust. They throw you a contract
11 across the table, you sign it, and away you go.

12 THE WITNESS: Yeah.

13 MR. SCHILLING: Okay. Had you ever worked
14 with Sarah Zachary, the prop master before?

15 THE WITNESS: No.

16 MR. SCHILLING: No. Did you -- did you ever
17 take any corrective action on that set, those 12 to 13
18 days, for safety violations, reprimand anyone verbally?

19 THE WITNESS: No. As I said, there was no
20 safety concerns.

21 MR. SCHILLING: Even for the negligent
22 discharges?

23 THE WITNESS: Yeah, even for those. Yes.

24 MR. SCHILLING: Okay. Do you recall -- you
25 guys broke for lunch. You said you all piled in the van

1 and went down, do you recall what Baldwin did with his
2 shoulder rig when you left for lunch?

3 THE WITNESS: I didn't.

4 MR. SCHILLING: You didn't see?

5 THE WITNESS: Yeah.

6 MR. SCHILLING: Any formal firearms training
7 in your background?

8 THE WITNESS: No.

9 MR. SCHILLING: Did you have a rap protocol
10 for the end of the day?

11 THE WITNESS: A rap protocol?

12 MR. SCHILLING: Like, okay, we're done for the
13 day, armorer, secure your stuff. I mean did you have any
14 kind of --

15 THE WITNESS: Well, it's all automatic. You
16 know, I don't tell her to put the guns away. She -- just
17 part of her automatic process of doing her duties. I
18 mean, just --

19 MR. SCHILLING: That's all I've got.

20 MS. CARMACK-ALTWIES: A few simple questions.
21 Have you had any contact with Halyna's husband?

22 THE WITNESS: No.

23 MS. CARMACK-ALTWIES: No, okay. And I'm
24 just -- this is more out of my curiosity. You know,
25 there's been a lot of publicity that Alec is going to

1 redo this movie in another place --

2 THE WITNESS: Yes.

3 MS. CARMACK-ALTWIES: -- possibly, or here
4 possibly, and all the original people --

5 THE WITNESS: California.

6 MS. CARMACK-ALTWIES: Yeah, and all the
7 original people are going to be in it. Have you decided
8 whether you're going to be a part of that?

9 THE WITNESS: No, it's -- it's clearly
10 stipulated in the --

11 MS. TORRACO: Settlement agreement.

12 THE WITNESS: -- in the settlement that neither
13 David Halls or Hannah Gutierrez Reed will be part of this
14 crew.

15 MS. CARMACK-ALTWIES: Has a settlement -- are
16 you aware if it's finished or gone -- I mean, I know that
17 it was still pending.

18 MS. TORRACO: I -- I think we probably
19 shouldn't talk about that on the record.

20 MS. CARMACK-ALTWIES: Okay.

21 MS. REEB: That's fine.

22 MS. CARMACK-ALTWIES: And I wanted to -- and
23 this may be the same -- the same thing. I was kind of
24 curious, I know there's a lot of civil suits out there,
25 and we're trying to keep them all straight, but -- and I

1 know Baldwin has that possible settlement with the
2 deceased's family, is it fair to assess where your cases
3 are at, like procedurally?

4 MS. TORRACO: I don't think on the record
5 right now we should do that.

6 MS. REEB: Yeah, probably not.

7 MS. CARMACK-ALTWIES: Okay. I just was -- I
8 mean, because if there are -- you know, we won't do -- we
9 can do it off the record, but if there are deals made and
10 things that could affect credibility --

11 MS. TORRACO: Right.

12 MS. CARMACK-ALTWIES: -- I would -- we want to
13 like to talk about that before we make decisions.

14 MS. TORRACO: Definitely. And we can make
15 that happen on another day, and maybe Ms. Gordon and I
16 can come and meet at your office because she's in charge
17 of a lot of -- a lot of that.

18 MS. CARMACK-ALTWIES: Okay. Perfect. And
19 you're familiar with all that.

20 I'm trying just to wrap my brain and make sure
21 there's nothing else because I know he might want --

22 MS. REEB: I've got one other.

23 MS. CARMACK-ALTWIES: Go ahead.

24 MS. REEB: The discharge where Sarah Zachary
25 kind of shot unintentionally at your boot, who did you

1 think was responsible for that, Sarah or Hannah?

2 THE WITNESS: The gun was in Sarah's hand. I
3 guess it's Sarah.

4 MS. REEB: Okay.

5 THE WITNESS: She had to --

6 MS. REEB: Okay.

7 THE WITNESS: -- either release the harmer or
8 pull the trigger.

9 MS. REEB: Okay. You made a good follow up
10 for when Alec was holding the gun. Did you think he was
11 responsible for shooting Halyna? The gun was in his
12 hand.

13 MS. TORRACO: And this is not going to be a
14 question you'd be asked in a jury, but --

15 THE WITNESS: I didn't -- I just don't want
16 anybody to be at fault. He's being told where to point
17 the gun. He thinks that he has an in -- inward gun in
18 his hand.

19 MS. REEB: Yeah. And then this was kind
20 of -- Lisa had sort of told me to ask this. Do you feel
21 responsible for what happened?

22 MS. TORRACO: I didn't tell you to ask.

23 MS. REEB: Well, you suggested, but --

24 MS. TORRACO: That is so like unfair. What
25 kind of attorney tells the prosecutor --

1 MS. REEB: No. No, but I don't mean in
2 a -- in a criminal sense.

3 MS. TORRACO: No, no, no.

4 MS. REEB: Do you feel responsible?

5 MS. TORRACO: No, no, no. We were -- hold on.
6 That is so unfair.

7 MS. REEB: Lisa, simmer. I'm -- I'm not -- do
8 you feel -- not in a criminal sense. Do you feel
9 responsible for what happened, at least in part?

10 THE WITNESS: I feel like I could have been,
11 some culpability.

12 MS. REEB: Okay.

13 THE WITNESS: I could have been possibly the
14 last line of defense.

15 MS. REEB: Okay. That's fair.

16 MS. CARMACK-ALTWIES: Is there anything like
17 else that you want us to know that, you know, you've
18 heard or you want to clear up or that comes to mind, like
19 maybe Mitchell's stuff? Like anything that you -- you
20 just --

21 MS. TORRACO: So --

22 MS. CARMACK-ALTWIES: -- want to tell us?

23 MS. TORRACO: So we have -- and I had offered
24 on many occasions, we have statements from people.

25 MS. CARMACK-ALTWIES: Uh-huh.

1 MS. TORRACO: That have not, as far as I can
2 tell, gone into the public purview. And we have evidence
3 and we have all sorts of things, and this is the first
4 opportunity since the incident that I've had to sit down
5 with you. So after we go off the record, I'm happy to
6 share things.

7 MS. REEB: Okay.

8 MS. CARMACK-ALTWIES: Okay. Well, I think
9 that's it. We have no other questions.

10 MS. REEB: I don't think we have
11 any -- anything else.

12 MR. SCHILLING: No thank you.

13 THE WITNESS: Can I ask just out of curiosity.

14 MS. TORRACO: I would just go off the record.

15 THE WITNESS: Yeah, let's go off the record.

16 MS. REEB: Let me -- let me go ahead and turn
17 this off.

18 (The recording concludes.)

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In Re:
In the Matter of Rust Criminal Matter: David Halls

C E R T I F I C A T E

I, Lisa Reinicke, New Mexico Certified Steno Transcriptionist, DO HEREBY CERTIFY that the above captioned transcription was prepared by me; that the RECORDING was reduced to typewritten transcript by me; that I listened to the entire RECORDING; that the foregoing transcript is a complete record of all material included thereon, and that the foregoing pages are a true and correct transcription of the recorded proceedings, to the best of my knowledge and hearing ability. The recording was of GOOD quality.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this matter, and that I have no interest whatsoever in the final disposition of this



Lisa Reinicke,
Certified Steno Transcriptionist

[10 - affidavit]

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