

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-101-CR-2023-00040

HANNAH GUTIERREZ,

Defendant.

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**DEFENDANT’S REPLY TO STATE’S RESPONSE TO DEFENDANT’S SENTENCING  
MEMORANDUM AND REQUEST FOR CONDITIONAL DISCHARGE**

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Hannah Gutierrez Reed, by and through her counsel of record, Jason Bowles of Bowles Law Firm, and Monnica L. Barreras of the Law Office of Monnica L. Barreras, hereby replies to the State’s Response to Defendant’s Sentencing Memorandum and Request for Conditional Discharge, and replies as follows:

The State asks that Ms. Gutierrez Reed be sentenced to 18 months with a designation of serious violent offender due to her "extreme recklessness" while working as an armorer on the "Rust" set. Yet, the State has recently made other statements exculpatory to Ms. Gutierrez Reed and the notion that she was “extremely reckless” in the case against Alec Baldwin. They can’t have it both ways consistent with a prosecutor’s duty to “do justice” and seek truth.

In the Baldwin case, in a response to Baldwin’s motion to dismiss, the special prosecutors contend that Baldwin had “absolutely no control of his own emotions” while on set. The filing further states that during filming, Baldwin demanded a faster and faster pace from the crew and armorer **Hannah Gutierrez Reed**, which resulted in a “relentless rushing of the crew” and a routine compromise of safety measures. The response states that Baldwin frequently shouted and

cursed at crew members, either directed at individuals or no one in particular, demonstrating a lack of concern for the impact of his conduct on those around him. The response noted that numerous crew members observed Gutierrez Reed's lack of experience, and Baldwin, the film's producer, failed to address these concerns. The response concluded that Gutierrez Reed's negligence and inexperience, coupled with Baldwin's alleged lack of regard for safety, resulted in Hutchins's death.

If the State believes all of this, which it must because it wrote these things in a pleading, and no doubt will assert them at Baldwin's trial, then Ms. Gutierrez Reed did the best she could under poor circumstances and made a mistake or at worst was negligent under terribly rushed circumstances and a poor safety environment caused by production. This is precisely what OSHA found and what Ms. Gutierrez Reed stated in defense at her trial. The State cannot have it both ways, consistent with their obligation to the truth. Indeed, that is our entire system's obligation, to find the truth.

Ms. Gutierrez Reed has felt real sadness and remorse over the tragic events. She has experienced this largely in private and has sought counseling to deal with her emotions and mental breakdowns. The prosecutors' highlighting of Ms. Gutierrez Reed's jail calls evidencing frustration at the system does not detract from Ms. Gutierrez Reed's heart break and extreme sadness over what occurred on the Rust set. No doubt, some things said on those jail calls were not accurate, including regarding this Court. We live in a country, however, where people are accorded some latitude in stating even unpopular opinions and statements which are wrong and lamentable. The system still has an obligation to move forward in an unbiased manner with respect to all aspects including sentencing. The special prosecutors have reacted at times in pleadings with an evident bias and retaliatory attitude towards Ms. Gutierrez Reed. Yet, what really matters is the

conduct that is being punished. Here, by the prosecutors' own words, Ms. Gutierrez Reed was plagued with inexperience and working on a rushed set caused by production and Baldwin, and her negligence in that atmosphere should be considered in totality in the sentence that this Court fashions.

Indeed, in yet another very problematic occurrence in this case, last week the special prosecutor disclosed to counsel for the first time a prior interview of Seth Kenney with district attorney's office investigators that lasted two and a half hours. The statement isn't dated but it was represented as happening before trial and it's also unclear who the investigators are from the district attorney's office. The bottom line is the statement had to be turned over consistent with Brady and Giglio and their progeny and would have been used effectively in cross examination of Mr. Kenney to rebut points being made in the State's case. It's inconceivable that the district attorney's office wouldn't have remembered this statement and to disclose it to the new special prosecutor. The special prosecutor denied knowledge of this interview, which contains abundant Brady and Giglio material, that would have been used in cross examination, and to rebut aspects of the State's case. That includes the following statements in summary that Mr. Kenney made and that was never disclosed to the defense prior to trial:

He praises Hannah's work at times in the interview

He says there is a standard that the prop master is the boss. He says Sarah is the boss and if something goes missing or stolen she has to report it. She is managing things which allows the armorer to focus on guns and Sarah is everything else.

Mentions that Hannah grew up on the set of movies and has a lot of immersion in set industry. He says she has more experience with Westerns than he did up until 1883.

He says prop masters who handle guns won't call out armorer to test bullets.

Mentions that sheriffs confuse replica guns with real guns.

Sarah told him Hannah was doing great with the guns and the director was happy.

He says he heard nothing but good things about Hannah's skills. All the stuff that came out after about safety he hadn't heard. He felt like people were "piling on" after the fact.

He mentions the anonymous hotline and that if there was something going on why didn't they call.

Sabotage could be anyone on set.

Nic Cage said "she almost blew my eardrums out" then Seth says why did she get an invite to the next Nic Cage movie if that was true. He mentions a little girl on the set of that movie that Hannah taught to shoot. The girl gave her a tribute painting. "Things went well there"

"Maybe she got beat down by AD and Alec."

"It's a boys club. Alec trusts AD because he's a man" "If she said she got pushed around no one would disagree. She's got the experience. If she ever came up with that kind of defense then I'd think well finally you're going to be real about this thing."

If the camera crew didn't feel safe well then call the hotline.

"It's kind of suspicious to me. If they got their hotels would they have said they didn't feel safe?" (Talking about the camera crew)

He talks about Sarah's accidental discharge. Sarah was super responsible and apologized to everyone. Hannah was trying to punch down on Sarah for accidental discharge. Accidental discharges happen. Mentions Tim McGraw, Daniel Craig and Denzel having them. He told Hannah to let it go about Sarah's accidental discharge.

He says about the AD and Alec "How are you not making sure a 24 year old armorer has every ounce of support."

"She's got the experience and history. She had more set time on westerns than I did before 1883." "Maybe it stopped being fun for her." "Was she swimming from the bottom"

Hannah came out strong. She was pushed around by Alec and AD.

Props dept needs every ounce of support

"Any work coming up" interviewer asks at end. Seth "well shit with all the heat they said maybe it's best you don't come back to the set of 1883. They don't know what

to believe. My attorneys got things cleared up with the LA Times but the collateral damage is there. Just trying to hit the reset button and get back to work in March”

These statements individually and collectively are exculpatory and clear Brady and Giglio disclosures that were not made to the defense. They should be considered by this Court as well at sentencing and will be the subject of another motion.

Accordingly, Ms. Gutierrez Reed requests this Court to consider the totality of the circumstances and information provided and to fashion a reasonable sentence, including probation with supervision and monitoring.

Respectfully submitted,

/s/ Jason Bowles

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-and-

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading was sent through the ESF system, which caused the following parties to be served by electronic means, as reflected on the Notice of Electronic Filing this 14<sup>th</sup> day of April, 2024, to the counsel listed below:

Kari Morrissey, Special Prosecutor  
Jason Lewis, Special Prosecutor

/s/ Jason Bowles  
Jason Bowles  
Bowles Law Firm