

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

**REPLY IN FURTHER SUPPORT OF DEFENDANT ALEC BALDWIN'S
MOTION TO DISMISS THE INDICTMENT COMBINED EXHIBITS**

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EXHIBIT 33

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April 17, 2024

VIA E-MAIL

Kari Morrissey
Jason Lewis
Erlinda Ocampo Johnson
ktn@morrisseylewis.com
jlewis@da.state.nm.us
erlinda@erlindajohnsonlaw.com

Re: State v. Baldwin (No. D-101-CR-2024-00013)

Kari, Jason, Erlinda,

Based on recent pre-trial interviews and review of the materials provided by the state to date, the defense appears to be missing a substantial volume of materials that are available to the state and that contain material that is relevant to the preparation of Mr. Baldwin's defense. Accordingly, we would request the prompt production of the below items. As interviews are ongoing and the defense continues to learn of the existence of additional materials, we note that the below list is not exhaustive, and that the defense may add or supplement this request based on additional information gathered in the course of these interviews.

1. Corporal Alexandria Hancock's notes from the interviews she conducted or attended during the course of the *Rust* investigation (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview).
2. Corporal Samantha Talamante's notes from the interviews she conducted or attended during the course of the *Rust* investigation (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview).
3. Notes, records, recordings, "books," "binders," reports, or other files related to the Rust investigation or any related prosecution from any officer who performed work on the Rust investigation, including texts, emails, call logs, and typed or handwritten notes or reports, to the extent such materials have not been previously produced. For the avoidance of doubt, this request includes any updates that may have been made to Cpl. Hancock's "book"

subsequent to her provision of the same for copying (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview), as well as reports, recordings, and/or notes of any interactions between any law enforcement officer and any witness, from October 21, 2021 through present.

4. Communications (or notes of the same) related to the *Rust* investigation or any related prosecution between Cpl. Hancock, Joel Cano, or any other employee or contractor of the Santa Fe Sheriff's Office and any member of the prosecution team, including Jennifer Padgett, Mary Carmack-Altwies, Andrea Reeb, Kari Morrissey, Jason Lewis, Erlinda Ocampo Johnson, and any investigator working under or at the direction of the prosecution in this case, including Gaspar Garcia, Paul Prentice, and Robert Shilling (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview).
5. Communications (or notes of the same) related to the *Rust* investigation or any related prosecution involving Cpl. Hancock, Joel Cano, Marissa Poppell, or any other employee or contractor of the Santa Fe Sheriff's Office and any member of the Federal Bureau of Investigations (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview).
6. Documents and communications related to or reflecting the transfer of lead investigator on the *Rust* investigation from Joel Cano to Cpl. Hancock.
7. The names of any cases in which Corporal Talamante was involved where there was an alleged mishandling of evidence (as referenced by Cpl. Talamante in her April 2, 2024 Pretrial Interview).
8. The book(s) or log(s) Seth Kenney used to maintain records for his firearms business in 2021 (as referenced by Kenney in his April 1, 2024 Pretrial Interview).¹
9. Any recordings, transcriptions, summaries, or notes from Seth Kenney's interviews with members of the State's former and current prosecution teams, including but not limited to Mary Carmack-Altwies, Andrea Reeb, Cindy Garcia, Paul Prentice, Kari Morrissey, and Jason Lewis (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
10. Any text messages, emails, or other communications between Seth Kenney and members of the State's former and current prosecution teams, including but not limited to Mary Carmack-Altwies, Andrea Reeb, Cindy Garcia, Paul Prentice, Kari Morrissey, and Jason Lewis (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
11. Any text messages, emails, or other communications between Seth Kenney and Corporal Hancock on or after October 21, 2021 (as referenced by Kenney in his April 1, 2024 Pretrial Interview and Cpl. Hancock in her April 10, 2024 Pretrial Interview).

¹ The defense understood from Mr. Kenney that he retains the reference log book, as well as the referenced communications, and that he either has previously or would now make them available to law enforcement or the state.

12. Any text messages, emails, or other communications between Seth Kenney and Connor Rice on or after October 21, 2021 (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
13. Any text messages, emails, or other communications between Seth Kenney and Troy Teske on or after October 21, 2021 (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
14. Any text messages, emails, or other communications between Seth Kenney and Cameron Martinez regarding the *Rust* production (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
15. Any text messages, emails, or other communications between Seth Kenney and Anjul Nigam regarding the *Rust* production (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
16. Any text messages, emails, or other communications between Seth Kenney and Gabrielle Pickle regarding the *Rust* production (as referenced by Kenney in his April 1, 2024 Pretrial Interview).
17. Communications, or the content thereof, between any member of the current or former prosecution teams and any member of the public pertaining to the film industry, including with respect to set safety and the handling of firearms. The foregoing includes, but is not limited to, any such information that was then provided to Cpl. Hancock to inform her understanding of the film industry (as referenced by Cpl. Hancock in her April 10, 2024 Pretrial Interview).
18. Communications from October 1, 2023 to January 31, 2024 between any member of the prosecution team and any witness called to testify before the grand jury in connection with Case No. D-101-GJ 2023-00008.
19. Communications from October 1, 2023 to January 31, 2024 between any member of the prosecution team and any witness the state was ordered to make available to testify in connection with Case No. D-101-GJ 2023-00008 (e.g., Dave Halls, Sarah Zachry, Joel Souza, Ryan Smith, Joel Cano, and Robert Schilling).
20. The *curricula vitae* for Kent Jorgensen, Paul Jordan, Lucien Haag, Michael Haag, Michael Primeau, and any other expert the state intends to call as a witness.
21. Documents exchanged or communications between the prosecution team and Kent Jorgensen, including, but not limited to, any industry manuals, policies, or similar documentation provided by Mr. Jorgensen to the prosecution team (as referenced by Mr. Jorgensen in his April 1, 2024 Pretrial Interview).
22. All materials (including but not limited PowerPoints, syllabi, outlines, literature, videos, notes, transcripts, and/or course descriptions) used, prepared, distributed, or referenced in connection with any classes, courses, seminars, industry panels, roundtables, newsletters,

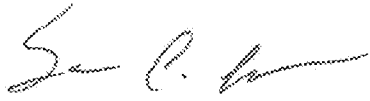
conferences, meetings, or trainings related to the film industry (as referenced by Mr. Jorgensen in his April 1, 2024 Pretrial Interview).

23. Documents exchanged or communications (or notes of the same) between Kent Jorgensen and Bryan Carpenter related to the *Rust* incident (as referenced by Mr. Jorgensen in his April 1, 2024 Pretrial Interviews).
24. Documents exchanged or communications between the prosecution team and Bryan Carpenter, including, but not limited to, any industry manuals, policies, or similar documentation provided by Mr. Carpenter to the prosecution team.
25. Documents exchanged or communications between the prosecution and any representative of EMF, including, but not limited to, Justin Neal.
26. Documents exchanged or communications between the prosecution and any representative of Pietta, including, but not limited to, Alessandro Pietta.
27. Communications between any member of the prosecution team and any member of the public, including any member of the media, from October 21, 2021 to the present. For the avoidance of doubt, this includes communications and transmittals of materials from any prosecutor or special prosecutor or their agents to any member of the public, and is expressly not limited to incoming media queries.²
28. Communications between any member of law enforcement and any member of the media from October 21, 2021 to the present. For the avoidance of doubt, this includes communications and transmittals of materials from any member of law enforcement or their agents to any member of the public, and is expressly not limited to incoming media queries.
29. Communications (including notes of the same), between any member of the Santa Fe Sheriff's Office and any member of the public related to the *Rust* incident or investigation.
30. All recordings of interviews related to the *Rust* investigation conducted by, or obtained by, any member of the prosecution including Jennifer Padgett, Mary Carmack-Altwhies, Andrea Reeb, Kari Morrissey, Jason Lewis, Erlinda Ocampo Johnson, and any investigator working under or at the direction of the prosecution in this case, including Gaspar Garcia, Paul Prentice, and Robert Shilling.

To the extent you have previously provided all materials in response to any of the foregoing requests, please confirm as to each request.

² These materials are encompassed within an existing IPRA requests that was submitted to the DA's office and to the Special Prosecutors dated October 26, 2023. To date, this request remains outstanding. Given the impending trial, these materials should be produced without further delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Clark". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sara Clark

EXHIBIT 34

Subject: Fwd: Re: State v. Baldwin - Discovery Notice

Date: Friday, April 19, 2024 at 12:22:41 PM Eastern Daylight Time

From: Kari Morrissey

To: Sara Clark

CC: Luke Nikas, Alex Spiro, Michael Nosanchuk, Jason J. Lewis, Erlinda Johnson, Alexandria J. Hancock

[EXTERNAL EMAIL from ktm@morrisseylewis.com]

Sara

The State's disclosure obligations are outlined in 5-501NMRA. The State will fulfill the defendant's discovery requests as outlined below if they are deemed discoverable under 5-501(A)(3) as material to the preparation of the defense or are intended for use by the state as evidence at the trial, or were obtained from or belong to the defendant.

I am forwarding your request to Corporal Hancock as it pertains to paragraphs 1-7, 11, 17 and 28.

Paragraph 8 - The State is not in possession of any documents referenced in this request.

Paragraph 9 - The State is not in possession of any responsive documents.

Paragraphs 10 and 12 - I will search for any communications that would be responsive to this request and provide them as soon as possible.

Paragraphs 13, 14, 15 and 16 - The State is not in possession of any responsive documents that have not previously been provided.

Paragraph 18 - I will search for any communications that would be responsive to this request and provide them as soon as possible.

Paragraph 19 - The State is not in possession of any responsive documents.

Paragraph 20 - CV's for Luke and Mike Haag were attached as exhibits to the State's response to Mr. Baldwin's motion to dismiss and as such have already been provided. The State is not in possession of any additional responsive documents.

Paragraph 21 - I will search for any communications that would be responsive to this request and provide them as soon as possible.

Paragraphs 22-23 - The State is not in possession of any responsive documents.

Paragraph 24 - All responsive documents have previously been provided.

Paragraphs 25 and 26 - The State will provide the limited email communications between the prosecution team and the attorney for EMF and Pietta as soon as possible.

Paragraph 27 - The defendant's request is overbroad and unduly burdensome, does not contemplate responsive documents under 5-501 and will be provided in response to the IPRA request made by defendant's counsel on October 26, 2023.

Paragraph 28 - All responsive documents have previously been provided.

Kari Morrissey

On 04/17/2024 11:16 AM MDT Sara Clark <saraclark@quinnemanuel.com> wrote:

Kari, Jason, Erlinda,

Please find attached correspondence.

Regards,

Sara

Sara Clark
Associate,
Quinn Emanuel Urquhart & Sullivan, LLP

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EXHIBIT 35

INTERVIEW WITH: DAVID HALLS, 12/12/2023

MS. MORRISSEY: Today is December 12th, 2023. This is the formal deposition of David Halls in the case of State of New Mexico versus Hannah Gutierrez, case number D-101-CR-2023-40. And I'm Kari Morrissey on behalf of the state of New Mexico. On behalf of Ms. Gutierrez is Mr. Bullion. And we have two attorneys on behalf of Mr. Halls. Present is Angela Gordon and Lisa Torracco. Thank you, Christine. Go ahead.

THE COURT REPORTER: Good afternoon, sir. Please raise your right hand. Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

MR. HALLS: I do.

THE COURT REPORTER: Thank you, sir.

MS. MORRISSEY: All right. All right, Mr. Halls, thank you for joining us today. Obviously, we're here to take yet another statement regarding the fatal shooting of Halyna Hutchins on the set of the Rust movie. We had your pretrial interview scheduled on November 15th, and you were unable to appear. Can you tell me why you were unable to appear?

MS. TORRACO: I'm going to object to that question. That's not relevant.

MS. MORRISSEY: I think it's absolutely relevant because

1 THE COURT REPORTER: No, I think it'd be better if we
2 just finish.

3 MR. BULLION: All right.

4 THE COURT REPORTER: Okay. So I'll see you after the
5 break.

6 (Whereupon, a brief recess was taken.)

7 MR. BULLION: All right. I'm just going over notes.
8 Some of my questions Ms. Morrissey covered, so I can
9 skip them. Mr. Halls, do you believe that any one
10 person bears responsibility for what happens to Ms.
11 Hutchins, or was this an accident that was caused by
12 multiple people and multiple events?

13 MR. HALLS: Thank you for asking that. Look, I -- you
14 know it's -- I think it's -- it's similar to what they
15 say about maybe an airplane crash. You know, it -- it's
16 one thing, and then that causes a failure to another
17 part of the system, which causes another failure to a
18 part of the system. And I will try to put what I think
19 are the things that went -- that went wrong and broke
20 down.

21 And I'll try to put them in order of importance,
22 like proper -- like certainly, the number one important
23 factor in all this is that a live round of ammunition
24 ended up on a film set. Two, that the gun was not
25 checked properly by the armorer and myself. Three, and

1 this is indirectly, directly related, I don't know.

2 Even the -- the camera crew resigning left the camera
3 crew shorthanded.

4 Normally, Halyna and Joel, the director, would be
5 in what's called video village. It's a pop-up tent that
6 is close to where the camera is. The sides are blacked
7 out, and there's a very special monitor. Somebody's
8 told me at one time it was a \$40,000 monitor. And this
9 monitor provides Halyna to see the correct color, the
10 shots in focus.

11 Because they were shorthanded, that video village
12 was not able to be set up outside the church in time, so
13 -- which forced both Halyna and Joel into the church to
14 look at this tiny, bigger than an -- than an iPhone
15 onboard monitor to look at the shot and to light the
16 shot. She's looking at the monitor. The director is
17 looking over her shoulder at that monitor. The director
18 of photography is telling the actor where to -- where to
19 point the gun.

20 I don't know if Mr. Baldwin knew he was pointing it
21 directly at her. And of all the times that Hannah
22 showed me the gun, that we inspected the guns together,
23 the multiple times throughout this production that we
24 inspected the guns together, at this -- at that one
25 moment, there was not a full spin of that -- of that

1 drum.

2 And looking back at, you know, what I could have
3 done better, what could -- you know, what shouldn't have
4 happened, what -- you know, if -- if perhaps if I had
5 seen all of those rounds, that that one round would have
6 jumped out at me, and I would have taken appropriate
7 action.

8 So I told you the order of importance, number one,
9 again, that a live round of ammunition ended up on a
10 film set. It begins there. And I hope that answers
11 your question.

12 MR. BULLION: Thank you for that. Give me just a moment
13 to go through my notes here. In a previous statement,
14 sir, you mentioned something about Mamie Mitchell. You
15 said that she was unstable and mentally off, and you
16 could see her saying something. What did you mean by
17 that?

18 MR. HALLS: I think it's in a -- it was in a -- well,
19 Mamie is a unique person. She's very opinionated and
20 quick -- quick to give that opinion, reactive. Her and
21 I had a little somewhat hot discussion during lunch.
22 And -- and, you know, I -- you're referring to what I
23 said in my initial state -- statement with the Santa Fe
24 County sheriff's detectives, what I said about Mamie.

25 And while -- while the people -- the people that