

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 RESPONSE TO STATE'S
REQUEST FOR EXHIBIT DEADLINE**

LEBLANC LAW LLC

Heather M. LeBlanc
823 Gold Ave. SW
Albuquerque, NM 87102
Tel: 505-331-7222
heather@leblanclawnm.law

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Luke Nikas (admitted *pro hac vice*)
Alex Spiro (admitted *pro hac vice*)
Michael Nosanchuk (admitted *pro hac vice*)
51 Madison Avenue, 22nd Floor
New York, NY 10010
Tel: 212-849-7000
lukenikas@quinnemanuel.com
alexspiro@quinnemanuel.com
michaelnosanchuk@quinnemanuel.com

Sara Clark (admitted *pro hac vice*)
700 Louisiana St., Ste. 3900
Houston, TX 77002
Tel: 713-221-7000
saraclark@quinnemanuel.com

Counsel for Alec Baldwin

Defendant Alexander R. Baldwin III, by and through undersigned counsel, hereby responds to the State's Expedited Motion for Exhibit List Deadline as follows:

As the State correctly noted, there is no requirement that an exhibit list be filed prior to trial. However, Baldwin agrees that a procedure for exhibit disclosure would increase the efficiency of the trial process. Indeed, Baldwin's counsel sought to organize a Meet and Confer with the State for the purpose of attempting to work through matters such as stipulations and a procedure for exhibit disclosure, among other things. Ultimately, a date was set for June 7, 2024, with the intention of this being the first of a number of conferences between the parties to see how much could be worked through and agreed upon in advance of trial. Instead, on June 6, the State informed Baldwin's counsel that they would not agree to meet via video conference or any other live means and would only communicate with counsel via email. The same day, the State emailed Baldwin's counsel a request for position on a motion to set a June 21 deadline for both parties to produce their exhibit lists. The email from the State did not include an attachment with the proposed motion or even an explanation of the basis for their specific proposal; it certainly did not invite discourse on the subject.

Baldwin is also interested in efficiency, but opposes the State's proposal that both parties have the same fixed deadline. That the State and Local rules permit introduction of exhibits without the requirement of an exhibit list is likely in recognition of the fluid nature of trial and of developing evidence. Additionally, as the State carries the burden of proof in a criminal case, the State submits their case-in-chief first. By contrast, the Fifth and Sixth amendments to the United States Constitution and Article II, Sections 14 and 15 of the New Mexico constitution provide that Baldwin need not present a case-in-chief, or even any case at all. Hence, the State necessarily prepares their case with the understanding that the defense may not call any witnesses or present

any evidence. The State is, therefore, better situated to identify the evidence and exhibits they intend to use at trial. Baldwin, on the other hand, carries no burden. As a result, his presentation will be determined by the State's presentation. Requiring Baldwin to disclose exhibits prior to the State's presentation would reveal defense theories of the case, and would also undermine Baldwin's ability to fully challenge the evidence presented by the State by limiting him to introduction of only those exhibits he was able to anticipate without full knowledge of the State's case against him.

In order to achieve the goal of efficiency, while also preserving Baldwin's constitutional right to present a defense and to a fair trial, Baldwin proposes that the party presenting their case-in-chief submits each day by end of the lunch break a list of the exhibits they expect to use the following day. The parties can then address any objections or stipulations before the Court the following morning, in advance of the jury's arrival at the courthouse. This procedure has been implemented in other trials with which Baldwin's counsel is familiar and has accomplished the smooth operation of trial as well as judicial efficiency.

Baldwin respectfully requests that this Court deny the State's proposed exhibit list deadline and, instead, adopt a procedure that allows for the natural development of the evidence at trial, while also preserving Baldwin's constitutional rights under the Sixth Amendment to the United States constitution and Article II, Section 14 of the New Mexico Constitution.

Date: June 20, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: /s/ Luke Nikas

Luke Nikas (admitted *pro hac vice*)
Alex Spiro (admitted *pro hac vice*)

Michael Nosanchuk (admitted *pro hac vice*)
51 Madison Avenue, 22nd Floor
New York, NY 10010
Tel: 212-849-7000
Fax: 212-849-7100
lukenikas@quinnemanuel.com
alexspiro@quinnemanuel.com
michaelnosanchuk@quinnemanuel.com

John F. Bash (admitted *pro hac vice*)
300 W. 6th St., Suite 2010
Austin, TX 78701
Tel: 713-221-7000
Fax: 737-667-6110
johnbash@quinnemanuel.com

Sara Clark (admitted *pro hac vice*)
700 Louisiana St., Ste. 3900
Houston, TX 77002
Tel: 713-221-7000
Fax: 737-667-6110
saraclark@quinnemanuel.com

LEBLANC LAW LLC

Heather M. LeBlanc
823 Gold Ave. SW
Albuquerque, NM 87102
Tel: 505-331-7222
heather@leblanclawnm.com

Counsel for Defendant Alec Baldwin

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2024, a true and correct copy of the foregoing filed through the New Mexico Odyssey File & Serve system, which caused all counsel of record to be served by electronic means.

/s/ Heather M. LeBlanc

Heather M. LeBlanc