

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

**Motion In Limine No. 2**

**DEFENDANT'S MOTION *IN LIMINE* TO PRECLUDE INADMISSIBLE CHARACTER AND PRIOR ACT  
EVIDENCE AND STATEMENTS UNRELATED TO THE EVENTS OF OCTOBER 21, 2021**

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Defendant Alec Baldwin, by and through his attorneys, submits this motion *in limine* to preclude inadmissible character and prior act evidence and statements unrelated to the events of October 21, 2021.

#### **PRELIMINARY STATEMENT**

The State has charged Baldwin with Involuntary Manslaughter under one of two alternative theories: (1) negligent use of a firearm, and (2) acting without due caution or circumspection. *See* Grand Jury Indictment (Jan. 19, 2024). The indictment states that both counts are based on the commission of an “unlawful act” that took place “on or about October 21, 2021.” To return an indictment under the theory of “without due caution or circumspection,” the State told the grand jury it needed to find probable cause that Baldwin “discharged a firearm during the production of a movie without first verifying the firearm contained no live ammunition and while the firearm was pointed in the direction of another . . . on or about October 21, 2021.” Ex. A at 97:2-16. Moreover, the State told the grand jury that to return an indictment under any count, it needed to find probable cause that Halyna Hutchins’ death “was a foreseeable result of” (1) “Alec Baldwin negligently using a firearm” or (2) “Alec Baldwin discharging a firearm during the production of a movie without first verifying the firearm contained no live ammunition and while the firearm was pointed in the direction of another.” *Id.* at 97:21-98:3.

In light of the facts above and the instructions grand jurors were given about “the relevant law in this case,” *id.* at 95:22-23, there can be no dispute about when the conduct underlying the indictment took place: sometime after lunch on October 21, 2021, between approximately 1:40 p.m. and 1:48 p.m. Despite these crystal clear parameters, the State seeks to introduce a plethora of other act evidence purporting to show Baldwin acting recklessly over a *different* ten-day period. *See* State’s Notice of Intent to Introduce Other Acts Evidence” (June 17, 2024) (“NOI”). The State argues that this evidence is admissible as “intrinsic to the offense” because it is “intimately . . .

blended with the factual circumstances of the charged offense,” or in the alternative, as evidence “admissible to prove lack of accident or mistake.” Both arguments are meritless.

The State’s real reasons for offering this evidence are improper. The State offers the evidence to allow jurors to draw the impermissible inference that because Baldwin is a reckless person who had recklessly handled firearms on other occasions before October 21 (neither of which is true), he must have acted in conformance with those traits on October 21 in the moments before Halyna Hutchins’ death. It is difficult to imagine a better textbook example of inadmissible evidence under Rule 11-404(B). The State also wants the jury to see videos of Baldwin “screaming” and “cussing” and “horsing around” because it believes the videos show that Baldwin is an “arrogant” jerk. But Baldwin is on trial for involuntary manslaughter, not his attitude.

The State has sought to vilify Baldwin from the moment this prosecution began.<sup>1</sup> Indeed, it attached an *entire exhibit* to one of its recent pleadings for the sole purpose of demonstrating “Mr. Baldwin’s history of attacking anyone who tries to hold him accountable for his bad acts.” The exhibit—a grand jury pleading that had never previously been made public—purports to recount Baldwin’s “long history of engaging in aggressive, inappropriate and/or criminal conduct,” citing articles from *Page Six* and *People* magazine that purport to describe, among other things, run-ins with flight attendants, paparazzi, his ex-wife, the NYPD, and an altercation over a parking space. Incredibly, after devoting more than a page of its grand jury pleading to this topic, the State concedes that “Baldwin’s conduct in all of the instances outlined above ***has absolutely nothing to do with the current case*** involving the death of Ms. Hutchins.” *Id.* Nevertheless, it insisted that “what Mr. Baldwin is doing in the current case . . . ***is par for [the] course for him***” because “***this***

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<sup>1</sup> See, e.g., No. D-0101-GJ-2023-00008, “Motion for Sanctions Against Special Prosecutors Kari Morrissey and Jason Lewis” (Nov. 20, 2023), at 7-11; see also D-0101-CR-2024-00013.

*is what he does.” Id.* at 18. According to the State, “[b]ased on Mr. Baldwin’s history of consistently using the news media and social media to his own benefit . . . *it appears the status quo will continue.” Id.*

Not only is the evidence identified in the State’s NOI irrelevant, its probative value (which is zero) is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, and needless presentation of cumulative evidence.

The Court should exclude all of the evidence identified in the State’s Notice of Intent, as well as similarly improper evidence, testimony, and argument.

#### ARGUMENT

In its Notice of Intent, the State disclosed nine categories of other acts evidence that it intends to offer at trial: (1) evidence that, on other occasions, Baldwin “used his gun as a pointer directing crew members”; (2) evidence that, on other occasions, Baldwin “discharged the revolver after the filming was over and ‘cut’ was called, in violation of rules governing the safe handling of firearms”; (3) evidence that, on other occasions, Baldwin “shot several scenes wherein he placed his finger on the trigger of the revolver where the scene did not require any shooting of the firearm”; (4) evidence that, on other occasions, Baldwin “rushed the armorer to reload and crew members to work at a faster pace”; (5) evidence that, on one occasion, Baldwin “was inattentive during the firearms training conducted by Ms. Gutierrez and was distracted by texting/face timing family members and making videos for his family’s enjoyment”; (6) evidence that, on other occasions, Baldwin “engaged in horseplay with the revolver while making videos during his firearms training while using pull load blanks”; (7) evidence that, on other occasions, Baldwin “displayed erratic and aggressive behavior during the filming of Rust that created potential safety concerns”; (8) evidence that, on other occasions, Baldwin “displayed reckless behavior as it related to the use of a firearm, such as pointing it and firing a blank round at a crew member while using

that crew member as a line of site as his perceived target”; and (9) evidence that “after October 21, 2021” Baldwin “was insistent that he not be required to follow safety recommendations made by film set safety experts on the continuation of the filming of Rust,” which took place more than a year after Halyna Hutchins’ death. The evidence in each of these categories is patently inadmissible and highly improper.

**I. THE COURT SHOULD PRECLUDE ALL OTHER ACT EVIDENCE PROPOSED BY THE STATE**

“Evidence of a crime, wrong, or other act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Rule 11-404(B) NMRA. “Empirical studies indicate that uncharged misconduct is generally ‘one of the most damning species of evidence,’” because while “the probative value of such evidence is often not very great, its prejudicial effect can be substantial.” *State v. Aguayo*, 1992-NMCA-044, ¶ 25, 835 P.2d 840. “The potential for prejudice is especially great” in cases like this one, where “the evidence is entirely circumstantial and such uncharged conduct may thus assume a crucial role.” *Id.* ¶ 27.

The State seeks to introduce evidence purporting to show that between October 12 and October 21, 2021, Baldwin “displayed reckless behavior as it related to the use of a firearm,” including using it “as a pointer,” “discharg[ing] [it] after . . . ‘cut’ was called,” and, on one occasion, “pointing [the firearm] and firing a blank round at a crew member while using that crew member as a line of site as his perceived target.” NOI at 1-2. The State also seeks to introduce photos and video clips “wherein [Baldwin] placed his finger on the trigger of the revolver where

the scene did not require any shooting.” *Id.* at 2. Under Rule 11-404(B), this evidence is inadmissible because it is offered to show that Baldwin has a propensity to act recklessly.<sup>2</sup>

The State argues that Rule 11-404(B) does not apply here because the acts or omissions reflected in its proposed evidence are “intrinsic to the charged offense” and “part of the crime itself.” NOI at 5-6. Not even close. Each count of the indictment is based on the commission of an “unlawful *act*” that took place “on or about October 21, 2021.” The grand jury that returned the indictment was instructed to consider whether there was probable cause to believe that (1) Baldwin “negligently used a deadly weapon . . . on or about October 21, 2021”; or (2) Baldwin “discharged a firearm during the production of a movie without first verifying the firearm contained no live ammunition and while the firearm was pointed in the direction of another . . . on or about October 21, 2021.” Ex. A at 95:23-96:9, 97:2-16. In addition, the grand jury was told to indict only if it found probable cause to believe that Halyna Hutchins’ death “was a foreseeable result of” one of these two singular alleged acts. *Id.* at 97:2-98:3. The indictment cannot possibly be understood to encompass conduct that took place even hours before Hutchins’ death, let alone more than a week, and the State does not make any serious arguments to the contrary.<sup>3</sup> Instead, the State’s attempts to show the “intrinsic” nature of the evidence only further demonstrate the improper purpose for which the State seeks to use it. *See* NOI at 7 (“[D]efendant’s acts of handling the firearm in a reckless manner and in violation of guidelines for handling firearms on a movie

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<sup>2</sup> Without conceding its admissibility, it is unlikely that a photo showing Baldwin handling the gun “minutes before the 911 call was made” constitutes other act evidence under 11-Rule 404(B).

<sup>3</sup> The State’s only cited New Mexico authority for this argument, *State v. Loza*, involved a predicate offense to a racketeering charge—which is, by definition, part of the same crime. 2016-NMCA-088, ¶ 16, 382 P.3d 963 (“[because] predicate offenses are essential components of a racketeering offense . . . [e]vidence of the predicate offenses is . . . intrinsic rather than extrinsic to a racketeering charge”). The State’s non-New Mexico authorities are similar to *Loza* in that they both involved conspiracy charges where the underlying act was inherently part of the crime. NOI at 6 (citing *Parker*, 553 F.3d at 1314; *Green*, 617 F.3d at 249).

set, between October 12 and 21<sup>st</sup>, 2021, . . . are relevant to evaluate all of the circumstances and state of mind of the defendant on October 21, 2021.”); *see also id.* at 9 (“His reckless or criminally negligent state of mind may be proven by his conduct in the days leading up to shooting of Ms. Hutchins on October 21, 2021.”). Again, it would be difficult to articulate a better textbook example of an improper purpose under Rule 11-404(B).

The State further argues that its other act evidence is admissible “to prove lack of accident or mistake.” NOI at 5, 9-11. While the State notes that “evidence of other acts is admissible under Rule 11-404(B) if relevant to a material issue other than the Defendant’s character or propensity to commit a crime” (NOI at 9), it leaves out the critical caveat that the State must still “explain how the proffered evidence [is relevant] *in a way that does not depend upon an inference of a propensity for criminal behavior.*” *State v. Kerby*, 2005-NMCA-106, ¶ 25, 118 P.3d 740, *aff’d*, 2007-NMSC-014, ¶ 25, 156 P.3d 704 (emphasis original).

Here, the State argues that evidence of Baldwin’s conduct on the set of *Rust*—“such as, *inter alia*, using the firearm to point at people on set, putting his finger on the trigger when handling the firearm, pressuring crew members to get things done quickly”—is “admissible to show lack of accident or mistake.” NOI at 11. That argument makes no sense in a prosecution *premised* on the allegation that Baldwin killed Halyna Hutchins *by mistake*. *See State v. Beachum*, 1981-NMCA-089, ¶ 7, 632 P.2d 1204 (“The rule in New Mexico and many other jurisdictions is that evidence is not admissible under Rule 404(b) to prove a material element of the crime charged unless that element is in issue.”). This is not a case where the State alleges that Baldwin unlawfully entered someone’s house and his defense is that he mistook it for a different house. The State cannot introduce evidence to show absence of mistake when a mistake is what the State alleges.

Moreover, “[e]ven when it is shown that evidence of other acts has a legitimate alternative use that does not depend upon an inference of propensity, the proponent must establish that under Rule 11-403 NMRA, the probative value of the evidence used for a legitimate, non-propensity purpose outweighs any unfair prejudice to the defendant.” *Kerby*, 2005-NMCA-106, ¶ 25; *see also State v. Aguayo*, 1992-NMCA-044, ¶ 25, 835 P.2d 840 (“Even if Defendant’s prior actions toward Joey were probative of criminal intent on the evening of the fatal injury, the court must weigh the probative value against the potential for prejudice.”). The State’s proposed other act evidence is not only irrelevant, but whatever probative value it has (which is none) is substantially outweighed by unfair prejudice and the danger of misleading the jury. The photos and video clips the State seeks to introduce are completely removed from their surrounding context—and are almost entirely from days *other* than October 21. They depict only what was captured in the moments before, during, and after a scene where dozens of people are working together to convey a heightened sense of reality and drama. The State produced hundreds of video clips and thousands of photographs from set of *Rust*, the majority of which are unremarkable examples of people doing their jobs on days *other* than October 21. The only way to introduce such evidence without misleading the jury is to introduce *all* of the photos and video clips produced by the State, which would take weeks. And if the evidence identified in the State’s NOI comes in, it would be fundamentally unfair and a violation of due process not to allow Baldwin to put on a multi-week presentation showing jurors all of the photos and videos the State *didn’t* show—which would turn into an irrelevant mini-trial about what happened on days *other* than October 21.

## **II. THE COURT SHOULD PRECLUDE ALL IMPROPER CHARACTER EVIDENCE**

“Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.” Rule 11-404(A) NMRA. Here, the State seeks to introduce numerous clips that purport to show Baldwin “cussing



loudly,” “screaming at the crew,” “engaging in horseplay,” and “exerci[sing] complete control over the set.” NOI at 1-2. The State seeks to introduce this evidence for the improper purpose of showing that Baldwin is an angry, reckless, domineering person who acted in conformance with those traits in the moments before Halyna Hutchins’ death. *See, e.g.*, MTD Opp. at 4 (“To watch Mr. Baldwin’s conduct on the set of *Rust* is to witness a man who has absolutely no control of his own emotions and absolutely no concern for how his conduct effects those around him.”). The law prohibits the State from doing that. *See Aguayo*, 1992-NMCA-044, ¶ 22, 835 P.2d 840 (“Admission of character traits to prove that the defendant acted in accordance with those traits is, of course, exactly what Rule 404(B) is designed to prohibit.”); *id.* (“[E]vidence of the defendant’s bad character or disposition to commit the crime charged is clearly inadmissible and prejudicial.”); *U.S. v. Woody*, 250 F. App’x 867, 880 (10th Cir. 2007) (evidence of defendants’ “violent and threatening characters” was inadmissible to support government’s theory of the crime because it was “nothing more than evidence of [defendant’s] general propensity toward violence when drinking and angry”).

Moreover, the notion of using video clips captured during the filming of a movie about reckless outlaws as evidence that Baldwin acted like a reckless outlaw is borderline absurd and more prejudicial than probative. The State’s selection of video clips represent a series of fleeting snapshots of moments captured over a ten-day period from a perspective that is specifically designed to manipulate reality in ways that heighten or skew on-screen performances for dramatic effect. Using isolated clips of an actor playing a cowboy on a movie set as evidence of the actor’s recklessness is like using footage of a boxing match as evidence that the boxer is violent. The danger of allowing that to happen is particularly severe in a case like this, where the State’s theory of recklessness is based on circumstantial evidence. *See, e.g.*, MTD Opp. at 4 (“The combination

of Hannah Gutierrez’s negligence and inexperience and Alec Baldwin’s complete lack of concern for the safety of those around him would prove deadly for Halyna Hutchins.”); Ex. B (6/21/24 Hr’g Tr.) at 117:18-15 (THE COURT: “Involuntary manslaughter talks about the defendant should have known of the danger . . . and [the State] is saying here [is] some circumstantial evidence as to how or why Mr. Baldwin should have known.”); *see also State v. Lamure*, 1992-NMCA-137, ¶ 41, 115 N.M. 61, 69, 846 P.2d 1070, 1078 (Hartz, J., specially concurring) (“This prohibition, particularly in the context of criminal prosecutions, is justified by concern that character evidence when used circumstantially is likely to be given more probative value than it deserves and may lead the fact-finder to punish a bad person regardless of the evidence of what happened in the specific case.”). !

### **III. THE COURT SHOULD PRECLUDE EVIDENCE OF SIMILAR STATEMENTS AND CONDUCT UNDER RULE 11-401 AND RULE 11-403**

Finally, in addition to the evidence noticed in the State’s NOI, the Court should preclude all arguments, testimony, and evidence that do not relate directly to the events of October 21, 2021. The State’s filings and arguments in this case and at Gutierrez-Reed’s trial are replete with improper references to statements, conduct, and matters that have nothing to do with the issues in this case and would cause substantial prejudice to Baldwin if they were presented to a jury. By way of example and without limitation:

- It is irrelevant whether New Mexico offers tax incentives to production companies that are filmed on location in New Mexico. Ex. C (HGR Trial Tr., Day 8), at 10:4-14. And even if it were relevant, it is prejudicial and misleading to suggest that Baldwin had any involvement in decisions about tax credits, that there is anything improper about relying on them, or that it had any impact on the film’s budget (which, in any event, is also irrelevant).
- It is irrelevant and prejudicial—as Morrissey conceded at the grand jury—that Baldwin allegedly used a camera assistant’s monitor “as an ashtray for a cigar he was smoking.” Ex. D (Tr. of 1/18/24 Grand Jury Proceedings) at 242:7-17.
- It is irrelevant that Baldwin called his wife during his October 21, 2021 interview at the Santa Fe Sherriff’s Office to discuss the incident and its impact of his family’s pre-existing plans to

travel to New Mexico during filming. MTD Opp. at 5-6. And it would be highly prejudicial to introduce such evidence to the extent it shows a lack of remorse (which is also irrelevant).

- It is irrelevant that Baldwin has been involved in any way in the making of documentary films about the incident. *Id.* at 20-21. And it would be highly prejudicial to introduce such evidence to the extent it shows a lack of remorse (which, again, is irrelevant).
- It is irrelevant whether Baldwin has ever engaged public media strategists to deal with the aftermath of the incident or the State's decision to press charges. *Id.* at 20. In fact, the State hired an outside publicist to advise on its public relations strategy and release quotes to the media attacking Baldwin. *See* Ex. E.
- It is irrelevant whether Baldwin purportedly engaged in unsafe conduct at the continued filming of *Rust* in Montana well over a year after the accident on October 21. *See also* Baldwin's Motion *in Limine* To Preclude Improper Opinion And Testimony From Paul Jordan.
- It is irrelevant how the State obtained access to Baldwin's phone and the level of access they ultimately obtained. *See, e.g.,* Ex. F (HGR Trial Tr., Day 5) at 51:24-52:2.

The above examples are by no means exhaustive; they only begin to illustrate the kinds of highly improper other acts and character evidence and argument the State may seek to introduce.

### CONCLUSION

For the above reasons, the Court should preclude inadmissible character and other act evidence and statements unrelated to the events of October 21, 2021, including all of the above evidence.

Date: June 24, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2024, a true and correct copy of the foregoing brief was emailed to opposing counsel.

*/s/ Heather LeBlanc* \_\_\_\_\_  
Heather LeBlanc

# **EXHIBIT A**

GRAND JURY 01/19/2024, 0838

MS. MORRISSEY: Okay. We are back on the record. Today is January 19th, 2024. Time is 8:49 a.m. There's never going to be a time I do something that I don't have to be corrected. It's not going to happen. We are continuing the grand jury presentation in -- with the target Alexander Baldwin. In the room, we have the grand jurors, the court monitor, a trainee for the court monitor. We do have two Spanish interpreters for one of our grand jurors, and sir, would you state your name? I can see that you're different than the -- the lady that we had here yesterday.

MR. ORTIZ: Yes. I'm Christian Ortiz (ph), certified court interpreter for New Mexico, and I have been sworn in already, so.

MS. MORRISSEY: Okay. Great. And for the record, your name?

MS. DRAKE: Marissa Drake.

MS. MORRISSEY: Okay. And -- and you're being trained today. Okay. Great. In addition to that, we have Shadrick Boe (ph), Kent Whalquist, and Jason Lewis.

I want to take a moment, if -- if it's okay, to -- if you recall, when I read the elements instructions initially, we -- we had some language in there that -- that was more designed for criminal trials and not grand

1 MS. MORRISSEY: So do you want me to show it or can we  
2 just give it to you for your deliberations?

3 JUROR: You can give it to us.

4 MS. MORRISSEY: Everything that we've looked at is  
5 coming to you on a blank computer with a flash drive,  
6 and they are all labeled exhibit number blah, blah,  
7 blah. You can go through and pull them up.

8 JUROR: Okay.

9 MS. MORRISSEY: Is that okay?

10 JUROR: Yeah.

11 MS. MORRISSEY: Okay. Can Mr. Rice be excused?

12 JUROR: Yes.

13 FOREMAN: You may be excused. Thank you.

14 MR. RICE: Thank you, again.

15 MS. MORRISSEY: Mr. Rice is leaving the room. I do want  
16 to -- okay. Mr. Lewis has reentered the room. Mr.  
17 Whalquist -- Mr. Whalquist is here. Mr. Boe is here.  
18 The grand jurors are here. Right now, we have one  
19 certified in -- interpreter in the room. We have the  
20 court monitor and the monitor's assistant.

21 I am going to start over. Ladies and gentlemen,  
22 that concludes the presentation of evidence. I will now  
23 instruct you on the relevant law in this case. "Count  
24 I, involuntary manslaughter, negligent use of a firearm.  
25 14 231 involuntary manslaughter essential elements. For



1 you to return a true bill on the charge of involuntary  
2 manslaughter, you must find probable causes to each of  
3 the following elements: The target negligently used a  
4 deadly weapon; the target should have known of the  
5 danger involved from the target's actions; three, the  
6 target acted with a willful disregard for the safety of  
7 others; four, the target's act caused the death of  
8 Halyna Hutchins; five, this happened in New Mexico on or  
9 about October 21st, 2021.

10 "Deadly weapon definition. Deadly weapon means any  
11 firearm, whether loaded or unloaded, or any weapon which  
12 is capable of producing death or great bodily harm,  
13 including but not restricted to any types of daggers,  
14 brass knuckles, switchblade knives, bowie knives,  
15 poniards, butcher knives, dirk knives, and all such  
16 weapons with which dangerous cuts can be given or with  
17 which dangerous thrusts can be inflicted, including  
18 sword canes and any kind of sharp pointed canes; also  
19 slingshots, slung shots, bludgeons, and any other  
20 weapons with which dangerous wounds can be inflicted.

21 "Negligence definition. 14 133, negligence  
22 defined. For you to find that the target acted  
23 negligently in this case, you must find that the target  
24 acted with willful disregard for the rights or safety of  
25 others and in a manner which endangered any person or

1 property.

2 "Count II, alternative, involuntary manslaughter  
3 without due caution and circumspection. 14 231  
4 involuntary manslaughter essential elements. For you to  
5 return a true bill on the charge of involuntary  
6 manslaughter, you must find probable cause as to each of  
7 the following elements: The target discharged a firearm  
8 during the production of a movie without first verifying  
9 the firearm contained no live ammunition and while the  
10 firearm was pointed in the direction of another; two,  
11 the target should have known of the danger involved from  
12 the target's actions; three, the target acted with  
13 willful disregard for the safety of others; four, the  
14 target's act caused the death of Halyna Hutchins; five,  
15 this happened in New Mexico on or about October 21st,  
16 2021.

17 "14 251 homicide approximate cause defined. In  
18 order -- in addition to the other elements of the crime  
19 of involuntary manslaughter as set forth in instruction  
20 number 14 231, you must find probable causes to each of  
21 the following elements: One, the death was a  
22 foreseeable result of Alec Baldwin negligently using a  
23 firearm or Alec Baldwin discharging a firearm during the  
24 production of a movie without first verifying the  
25 firearm contained no live ammunition and while the

1 firearm was pointed in the direction of another; two,  
2 the act of the target was a significant cause of the  
3 death of Halyna Hutchins. The target's act was a  
4 significant cause of death if it was an act which, in a  
5 natural and continuous chain of events uninterrupted by  
6 an outside event, resulted in the death and without  
7 which the death would not have occurred. There may be  
8 more than one significant cause of death. If the acts  
9 of two or more persons significantly contributed to the  
10 cause of death, each act is a significant cause of  
11 death.

12 "14 252 homicide negligence of deceased or third  
13 person. The state must prove beyond -- must prove  
14 probable cause that the target's act was a significant  
15 cause of the death of Halyna Hutchins. An issue in this  
16 case is whether the negligence of a person other than  
17 the target may have contributed to the cause of death.  
18 Such contributing negligence does not relieve the target  
19 of responsibility for the act that significantly  
20 contributed to the cause of the death so long as the  
21 death was a foreseeable result of the target's actions.  
22 However, if you find the negligence of a person other  
23 than the target was the only significant cause of death  
24 or constitutes an intervening cause that breaks the  
25 foreseeable chain of events, there is no probable cause

# **EXHIBIT B**



## **Transcript of Proceedings**

**Date:** June 21, 2024

**Case:** State of New Mexico v. Alec Rae Baldwin, III

**Case Number:** D-0101-CR-2024-0013

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STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

) )  
STATE OF NEW MEXICO, ) )  
) )  
Plaintiff, ) ) No.  
) ) D-0101-CR-2024-0013  
vs. ) )  
) )  
ALEC RAE BALDWIN III, ) )  
) )  
Defendant. ) )

TRANSCRIPT OF REMOTE PROCEEDINGS  
JUNE 21, 2024  
9 A.M. MOUNTAIN TIME  
SANTA FE, NEW MEXICO

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1 JUNE 21, 2024; 9 A.M.  
2 SANTA FE, NEW MEXICO  
3  
4  
5 JUDGE MARLOWE SOMMER: Good morning.  
6 Okay. I'm just making sure that the people that are  
7 trying to get on are viewed.  
8 Okay. So good morning. Let's have  
9 counsel state their appearance.  
10 D-0101-CR-2024-00013, State of New Mexico versus  
11 Alexander Rae Baldwin.  
12 Parties state their name.  
13 MS. MORRISSEY: Kari Morrissey and  
14 Erlinda Ocampo Johnson on behalf of the State of New  
15 Mexico.  
16 MR. SPIRO: Alex Spiro and  
17 Heather LeBlanc on behalf of Mr. Baldwin again.  
18 JUDGE MARLOWE SOMMER: All right. Thank  
19 you.  
20 So we'll start with the defendant's  
21 expedited motion for court order excluding defense  
22 witnesses.  
23 Go ahead.  
24 MR. SPIRO: We have just one technical  
25 issue, which is Mr. Bash has not been allowed into



1 A. Right.  
 2 So that statement is in regards to the  
 3 testing I did with the hammer in the quarter and half  
 4 cock notches, and as I previously spoke about, the  
 5 design of this firearm allowed me to test the gun  
 6 with a hammer in those two positions without doing  
 7 the strikes.  
 8 So I could test those two positions by  
 9 actually pulling the trigger, allowing the hammer to  
 10 fall and seeing if it was even feasible for that --  
 11 the hammer to fire the cartridge in that position.  
 12 So -- so I actually tested it by pulling  
 13 the trigger. And in my report, I mistakenly wrote  
 14 that I tested it without a pull of the trigger.  
 15 So the end result was the same. It still  
 16 did not fire, but I felt the description of the  
 17 process was inaccurate.  
 18 Q. And who brought that issue to your  
 19 attention?  
 20 A. I actually found that issue when I was in  
 21 preparation for a previous trial.  
 22 Q. You broke the gun. That's when you take  
 23 it apart for the first time; fair?  
 24 A. Yes.  
 25 Q. And there were several parts internally

1 of the gun that were damaged and broken?  
 2 A. That's correct.  
 3 Q. And you don't know if the gun had any  
 4 internal damage before you did the test; correct?  
 5 A. I can't verify that. I can just tell you  
 6 that it had no effect on the function of it when I  
 7 received it.  
 8 Q. And you don't know if the gun had been  
 9 modified before you ran that test; correct?  
 10 A. That's true, I do not.  
 11 Q. You also noticed that the full cock notch  
 12 was flatter than the other two notches; fair?  
 13 A. Yes, I did.  
 14 Q. It didn't have as much of a claw shape to  
 15 it; correct?  
 16 A. That is correct.  
 17 Q. And you have no way to compare the  
 18 condition of the prop gun now to the condition before  
 19 the test, do you?  
 20 A. That's correct, I cannot.  
 21 Q. And even after performing the test, you  
 22 don't know whether it's possible for the gun to have  
 23 fired without the trigger being pulled; correct?  
 24 A. Can you repeat that?  
 25 Q. Sure.

1 You can't say as you sit here whether or  
 2 not it was possible for that gun to have fired  
 3 without the trigger being pulled?  
 4 A. Right. So I can only testify about my  
 5 exams. So my results, how it performed in my  
 6 laboratory.  
 7 Q. And you know that outside experts can't  
 8 examine this firearm in the condition you got it in;  
 9 correct?  
 10 A. Right. It would be different than the  
 11 condition that I originally received it.  
 12 Q. And you also know -- Well, let me ask  
 13 you this.  
 14 As we look -- as you looked at the  
 15 State's Exhibit 5, the broken pieces of gun, right,  
 16 you don't even know for sure that you got every  
 17 single fragment of the broken firearm as you  
 18 transferred it on, do you?  
 19 A. That is possible. We're talking about  
 20 very small pieces of metal, very thin pieces of  
 21 metal. So, yes, it's certainly possible they could  
 22 have fallen out of the gun at the time, they could  
 23 have fallen out in transport. Again, these are very  
 24 tiny pieces. So you're correct, it is possible that  
 25 I was not able to account for everything.

1 Q. And even under the best of circumstances,  
 2 you did this in the lab, you can't account when  
 3 you're doing these tests for every variable that  
 4 might occur in the real world on a movie set; right?  
 5 A. That's -- that's fair, I would say, yes.  
 6 Q. How did you inform Detective Hancock of  
 7 the breaking of the firearm?  
 8 A. I don't -- I don't specifically recall  
 9 that.  
 10 Q. And from the moment of the destruction of  
 11 the firearm in 2022, April of 2022, were you ever  
 12 asked to do any further tests in 2022, 2023, and  
 13 2024?  
 14 A. In regards to the firearm?  
 15 Q. Yes.  
 16 A. There was never -- nothing was ever  
 17 submitted, there was never a formal request, no.  
 18 Q. And were you ever asked during that  
 19 period of time to meet with any other firearm expert  
 20 in this case or speak with any other firearm expert  
 21 in this case?  
 22 A. No, sir.  
 23 Q. Even up until today?  
 24 A. I did have a pretrial where another  
 25 firearms expert was present. I didn't consult with



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1 them regarding my examinations.  
2 Q. You just happened to be sitting in the  
3 same room during the pretrial?  
4 A. No, it was virtual.  
5 Q. You just happened to be sitting in the  
6 same virtual room during the pretrial?  
7 A. I'm not sure I understand your question.  
8 Q. When you said you weren't consulting with  
9 them, what were you doing sitting in the same room  
10 with them?  
11 A. It was preparation for trial and I  
12 believe the prosecution team chose to have  
13 individuals there to, I guess, see if what I was  
14 saying made sense to other people in -- who had  
15 experience with firearms.  
16 Q. And that was the first time they asked to  
17 do that in all of 2022, 2023, and 2024, was -- the  
18 first time they asked to do that was this week?  
19 A. No, sir.  
20 Q. Was this week the first time that you  
21 were in a room discussing the facts of this case with  
22 another expert witness? Yes or no?  
23 A. Oh, another expert witness? Yes, that  
24 was the only time.  
25 Q. Okay. And so I think -- I won't ask it

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1 A. To the best of my recollection, no.  
2 Q. And what did you all talk about?  
3 A. It was essentially preparing for this  
4 testimony here.  
5 Q. Can you give me a little bit more  
6 information?  
7 A. It's general trial prep, going over my  
8 results, how -- how this process is going to unfold.  
9 This is the first time I've done a  
10 hearing like this.  
11 Q. Do you have any notes from that meeting?  
12 A. I did not take notes.  
13 Q. Did you speak to anybody else after the  
14 meeting about the meeting?  
15 A. Probably just some coworkers. That would  
16 be it.  
17 Q. Your supervisor?  
18 A. I share a lab suite with my supervisor,  
19 so, yes, he was aware that the meeting occurred.  
20 Q. And was this the meeting -- and, you  
21 know, now from meeting with the State's expert,  
22 Lucien Haag, that he believed there to have been no  
23 purpose of -- for this test; right? You know that,  
24 don't you?  
25 A. I understand --

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1 again. I think it's clear.  
2 A. Sorry. I thought you said another  
3 examiner. That's where my confusion was.  
4 Q. I apologize, if it was my fault.  
5 That individual that you met with, who  
6 was that?  
7 A. I --  
8 Q. I understand it's virtual, I understand  
9 you're not calling it a consultation.  
10 But while you and another expert witness  
11 on this case were in the same virtual room together,  
12 who was that other expert witness?  
13 A. Right. This was a preparation, a  
14 pretrial, and it was Mr. Haag.  
15 Q. Who else was present during that?  
16 A. Ms. Johnson and Ms. Morrissey.  
17 Q. Anybody else?  
18 A. Also a representative from my laboratory  
19 OGC, Office of General Counsel.  
20 Q. I see.  
21 Ever in any of the thousands of guns that  
22 you've ever tested, have you ever had a pretrial  
23 meeting with another expert and the prosecutors and  
24 somebody from the FBI general counsel's office all  
25 present in a meeting? Has that ever happened before?

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1 MS. JOHNSON: I'm sorry, objection. He's  
2 asking him to comment on what another witness  
3 believes. I think that's improper and it's also  
4 calling for Mr. Ziegler to speculate.  
5 MR. SPIRO: I'm asking if that came -- if  
6 you know that from having met with him. I'm not the  
7 one that put them together three days before his  
8 testimony for the first time in three years.  
9 JUDGE MARLOWE SOMMER: What was -- what  
10 was the question?  
11 MR. SPIRO: The question is just that it  
12 goes to his state of mind, and it goes to what  
13 happened at that meeting three days before his  
14 testimony in his preparation, that he has been  
15 informed that that other expert believes that there  
16 was no beneficial purpose to the test that he  
17 performed.  
18 JUDGE MARLOWE SOMMER: No beneficial  
19 purpose to the test that Mr. Ziegler performed?  
20 MR. SPIRO: Correct.  
21 JUDGE MARLOWE SOMMER: All right. I'll  
22 allow that question.  
23 THE WITNESS: Yes, I'm aware that is his  
24 opinion.  
25 Q. BY MR. SPIRO: And you're aware from that





1 meeting that Mr. Haag had issued a report that  
 2 indicated that he thought that this firearm had been  
 3 modified in some way outside of the FBI lab; true?  
 4 A. I am aware he's authored a report. I do  
 5 not know -- I haven't read that report, so I don't  
 6 know the content of that report.  
 7 Q. But you understood in that preparatory  
 8 meeting that that report was an issue that you all  
 9 needed to discuss; fair?  
 10 A. I'm aware that he saw marks that he was  
 11 trying to figure out how to explain. Again, I don't  
 12 know the content of his report. I don't know what  
 13 his conclusion was.  
 14 Q. Well, you were aware that you were being  
 15 called in to try to give Mr. Haag more information to  
 16 deal with this -- the issue of this report; true?  
 17 A. That wasn't necessarily the purpose of  
 18 that meeting. That is something that occurred as a  
 19 byproduct of that meeting.  
 20 Q. Well, but you didn't need to have that  
 21 meeting before you testified at Hannah  
 22 Gutierrez-Reed's trial, did you?  
 23 A. I did not have that meeting.  
 24 Q. Right. No prosecutor told you before  
 25 this trial we really need to have this meeting with

1 another expert that's never happened before in your  
 2 career; right? Nobody said that?  
 3 A. No, but it is customary to have a  
 4 pretrial meeting with the prosecutor, which this is  
 5 what that was.  
 6 Q. But it's not only unprecedented -- it's  
 7 not only unusual, but it has never happened in your  
 8 entire career that at such a pretrial meeting another  
 9 expert is present asking questions and bringing up  
 10 issues about the report that they authored; true?  
 11 MS. JOHNSON: Objection, Your Honor.  
 12 That question contains facts not in evidence, and it  
 13 assumes speculation. It's asking Mr. Ziegler to  
 14 speculate on what this other expert believed or what  
 15 he opined. He's already said he has not read that  
 16 report.  
 17 JUDGE MARLOWE SOMMER: Overruled.  
 18 Q. BY MR. SPIRO: You have the transcript  
 19 and you looked at the questions, I think it's a  
 20 natural follow-up question.  
 21 A. Can you repeat your question, please?  
 22 Q. I will do my best. I don't have a  
 23 realtime transcript or -- so I will do my best, okay.  
 24 What I'm asking you is, I understand that  
 25 it is common to have pretrial preparation with

1 prosecutors. I believe you've already testified that  
 2 never before in your career have you been brought in  
 3 to have a pretrial interview where another expert is  
 4 present asking questions about their report; true?  
 5 A. That's correct.  
 6 Q. Okay. And you knew, you called it "a  
 7 byproduct of that meeting." One of the topics of  
 8 importance at this meeting was the report that  
 9 Mr. Haag issued in which you understood generally he  
 10 did not think it was your mallet hammering that  
 11 caused the modification to the firearm.  
 12 You knew that and you discussed that at  
 13 that meeting sir; true?  
 14 A. Your question is partially incorrect.  
 15 Q. Well, why don't you tell me what's  
 16 correct and then you can tell me what's incorrect.  
 17 A. So I was -- you pose that question as  
 18 though I knew that's what the purpose of this meeting  
 19 was. I did not know he was going to be a participant  
 20 in this meeting until the meeting occurred. So, no,  
 21 I didn't know that was going to be a topic of  
 22 conversation.  
 23 Q. And once you were at the meeting, it  
 24 became a topic of conversation; correct?  
 25 A. That is correct.

1 Q. Okay. And this is the first time --  
 2 Withdrawn.  
 3 And you understood from this conversation  
 4 that the questions being posed to you were trying to  
 5 elicit information that helped explain Mr. Haag's  
 6 report, which was, in sum and substance, that the FBI  
 7 was not how the firearm got modified but rather that  
 8 the gun was modified by somebody other than the FBI.  
 9 You understood that; right?  
 10 A. I -- I can't testify to Mr. Haag's intent  
 11 or what his goal was.  
 12 Q. Okay. But can you understand -- I'm  
 13 asking what you understood, sir.  
 14 You understood that part of what occurred  
 15 at that meeting was trying to understand, right -- at  
 16 that meeting, did you demonstrate how you used the  
 17 mallet?  
 18 A. He asked me a series of questions to gain  
 19 an understanding of how I conducted that test.  
 20 Q. Including a demonstration of how you used  
 21 the mallet?  
 22 A. I -- I don't believe I physically held my  
 23 arm up into the air, but I explained it just as I did  
 24 here today, that I would liken it to a -- in a  
 25 similar fashion to hitting a nail with a hammer,

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1 something to that effect.  
 2 Q. And a nail with a hammer you're trying to  
 3 hit straight; right?  
 4 A. I suppose so.  
 5 Q. Okay. And you know that his report, what  
 6 he found so unusual and why he thought the gun was  
 7 modified by something other than your test was  
 8 because the lines were diagonal; true?  
 9 A. He did mention that.  
 10 Q. Okay. And that is when the testimony --  
 11 that is the first time that anyone posed to you in  
 12 this entire case for three years, well, couldn't you  
 13 have hit the firearm diagonally; right?  
 14 A. That is the first time that I was asked  
 15 that, yes.  
 16 MR. SPIRO: I have no further questions  
 17 for this witness at this time.  
 18 JUDGE MARLOWE SOMMER: Redirect?  
 19 MS. JOHNSON: Briefly, Your Honor. Thank  
 20 you.  
 21  
 22 REDIRECT EXAMINATION  
 23 BY MS. JOHNSON:  
 24 Q. Did the sheriff's department initially  
 25 request the accidental discharge test when they

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1 accidental discharge test?  
 2 A. Sure. If -- if it was doing that during  
 3 my function evaluation, yes, I -- I definitely would  
 4 have noticed that.  
 5 Q. Now, Mr. Spiro asked you questions about  
 6 why you suggested the accidental discharge test.  
 7 Were you concerned that this gun fired without a pull  
 8 of the trigger and is that why you suggested this  
 9 test?  
 10 A. It's not something that I detected. It's  
 11 that I had been made aware that statements were being  
 12 made in, you know, national news that the trigger was  
 13 not pulled. So I felt I had a duty to inform the  
 14 case agent, this is a test, this is -- we have a  
 15 capability to conduct this examination, explain the  
 16 test, explain the caveats and then leave it up to  
 17 them to decide if they want to pursue that test or  
 18 not.  
 19 Q. Now, you were asked some questions about  
 20 disassembling this gun. Why didn't you disassemble  
 21 the gun before the accidental discharge test?  
 22 A. As I've stated before, there was nothing  
 23 abnormal or out of the ordinary during my function  
 24 evaluation and test firing. So if something was  
 25 occurring, if the hammer was falling, or if

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1 requested testing of this gun?  
 2 A. No, they did not.  
 3 Q. Now, do -- as the FBI lab, is it your  
 4 practice to learn the facts of a case before you  
 5 conduct any sort of scientific testing?  
 6 A. No, not necessarily. When evidence is  
 7 submitted, it's typically submitted with a written  
 8 request. We call that an EC or an electronic  
 9 communication, and sometimes that request has  
 10 background information; sometimes it doesn't. It  
 11 just depends on the person who is authoring that  
 12 request.  
 13 But it's not something I would go and  
 14 seek out and most times I -- you know, I would  
 15 typically prefer to have less information. I'm just  
 16 asked to examine the evidence, not necessarily take  
 17 into account external information.  
 18 Q. So it's your practice as a scientist to  
 19 have less information because you want to focus on  
 20 the evidence. Would that be accurate?  
 21 A. Yes, I believe that's true.  
 22 Q. Okay. So if this particular gun was able  
 23 to fire without putting -- or pulling the trigger,  
 24 excuse me, would that have been something that you  
 25 would have noticed during the exam before the

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1 otherwise, you know, maybe the cylinder wasn't  
 2 aligned, if something was occurring to where this gun  
 3 was not functioning normally, then, yes, I would have  
 4 wanted to take that apart to try to figure out what  
 5 was causing this. But because nothing like that  
 6 happened, I had no reason to disassemble it.  
 7 Q. Now, do you always or is it protocol or  
 8 SOP for the FBI for you to videotape your exams?  
 9 A. No.  
 10 Q. And in this case you were asked about the  
 11 sequence of the testing. Was the accidental  
 12 discharge test the last test you conducted?  
 13 A. On the firearm, yes.  
 14 Q. Yes, on the firearm, that's what I'm  
 15 referring to. Okay.  
 16 Now you were also asked about the use of  
 17 the word "complex." Was the exam on the firearm,  
 18 just the firearm, a complex -- complex exam?  
 19 A. Not necessarily. I would say it's  
 20 routine and, you know, again, for each of these  
 21 exams, I followed my standard operating procedures.  
 22 So pertaining to just the firearms exam, as far as  
 23 the function, those sorts of things, those are fairly  
 24 routine. So, no, I wouldn't necessarily consider  
 25 that to be complex.



# **EXHIBIT C**

HEARING: JURY TRIAL - DAY 8, 3/4/2024, 8:44 A.M.

MS. MORRISSEY: Ma'am, state your full name for the record.

MS. KUEHN: Karen Ann Kuehn.

MS. MORRISSEY: And how do you spell your last name?

MS. KUEHN: K-U-E-H-N.

MS. MORRISSEY: How are you currently employed?

MS. KUEHN: I am a stills photographer on film sets and sometimes a wrangler.

MS. MORRISSEY: What does a stills photographer do on film sets?

MS. KUEHN: We document scenes, behind the scenes, and do gallery work and specials for billboards, posters. Whatever -- whatever the production needs.

MS. MORRISSEY: Okay. Were you employed as the stills photographer on the set of Rust?

MS. KUEHN: Yes.

MS. MORRISSEY: And if you recall, can you estimate for us approximately how many photographs you took during the time that you were working on Rust? Do you have any idea?

MS. KUEHN: Maybe nine -- 9000.

MS. MORRISSEY: Okay. A lot.

MS. KUEHN: About 2000 a day at the most, probably.

MS. MORRISSEY: Okay. I am going to -- well, before you

1 MS. MORRISSEY: Do you generally work on movies in the  
2 state of New Mexico?

3 MS. KUEHN: Yes.

4 MS. MORRISSEY: You live in New Mexico. Right?

5 MS. KUEHN: Yes.

6 MS. MORRISSEY: And are a lot of films that are made in  
7 New Mexico, low-budget movies?

8 MS. KUEHN: It's a mix. It's a mix.

9 MS. MORRISSEY: Okay. Do you have any knowledge about  
10 New Mexico tax incentives and how that happens with  
11 regard to different tiers of movies?

12 MS. KUEHN: Not enough to talk about, but they get a  
13 discount if they hire our local crew, which we  
14 appreciate.

15 MS. MORRISSEY: Okay, of course. Understood. On  
16 October 21st, 2021, when you were inside the church --  
17 and I'm talking about shortly before the incident where  
18 Ms. Hutchins was shot -- were you paying close attention  
19 to Ms. Gutierrez and what she was doing?

20 MS. KUEHN: No. I was paying attention to Alec 'cause  
21 he was handling a gun. As I walked in the church, I  
22 thought, oh, there's some shots happening, photographs.  
23 So I kind of went right in to get some photos of him.  
24 And then he pointed at me to get out of the way and out  
25 of his personal space.

# **EXHIBIT D**

GRAND JURY, 01/18/2024, 9:08:37 AM

MS. MORRISSEY: I'm going to do a little reading. I apologize for that. Good morning. I'm Kari Morrissey. I'm a special prosecutor for the First Judicial District. Also present in the Grand Jury room is the court monitor along with the members of the Grand Jury. We also have --

MS. PADILLA: Alenna Padilla. I'm shadowing today.

MS. MORRISSEY: Okay. You're shadowing the court monitor?

MS. PADILLA: Court monitor.

MS. MORRISSEY: Okay. Great. And do we have an interpreter?

UNIDENTIFIED SPEAKER: Two interpreters over here.

MS. MORRISSEY: Two interpreters.

UNIDENTIFIED SPEAKER: Ashley (inaudible).

MS. MORRISSEY: Thank you. Appreciate you. And we have Shadrick Boe (ph). He is going to help us with technical issues. Today's date is January 18th, 2024. I show the time as 9:10 a.m. The District Attorney file number is SF 23-221. This morning I will be presenting to you a case where Alexander Baldwin is the target. The witnesses in this case will be Corporal Alexandra Hancock, Marissa Poppell, Michael Haag, Bryan Carpenter, Ross Addiego, Lane Luper, and Connor Rice.

1 for the strike, and you know, it was a whole pep talk  
2 online. So I actually went up to him and I was like,  
3 hey, thank you for that video, but there's some -- some  
4 issues on this show about what you were kind of talking  
5 about in your video. He's like, oh, well, that's a real  
6 shame, but I got to do my scene. I'll, you know, I'll  
7 talk to you about it later. And he walked off and he  
8 did his scene and never heard from him again, except  
9 later in the day when he was using my monitor as an  
10 ashtray for a cigar he was smoking.

11 MS. MORRISSEY: So, if --

12 MR. LUPER: I have a picture of it.

13 MS. MORRISSEY: And I'm actually going to instruct the  
14 members of the grand jury to disregard that comment --

15 MR. LUPER: Sorry.

16 MS. MORRISSEY: -- because I don't think it's relevant  
17 to this issue.

18 MR. LUPER: I apologize.

19 MS. MORRISSEY: So, in terms of why go to Alec Baldwin  
20 and have this conversation? Did you go to any of the  
21 other actors?

22 MR. LUPER: I did not go to any of the other actors.  
23 The reason why I actually went to Alec Baldwin, first,  
24 on October 16th, I had the conversation with Row  
25 Walters; nothing happened. I had a conversation that



# **EXHIBIT E**

## Valeria Heras

---

**From:** Heather Brewer <heather@hbstrategiesnm.com>  
**Sent:** Monday, April 10, 2023 8:51 PM  
**To:** Kari Morrissey  
**Cc:** Jason J. Lewis  
**Subject:** Re: DRAFT: Statement on Baldwin Waiving Appearance

Boo!!

I'd say, in that case, let's not say anything. It'd end up being more of a hit on the judge.

Sent from my iPhone

On Apr 10, 2023, at 7:36 PM, Kari Morrissey <ktm@morrisseylewis.com> wrote:

Heather

I have calmed down a bit and am remembering that my ethical rules prevent me from commenting too much to the press. Can we tone this down and say something like "the judges decision to waive his appearance for prelim is unprecedented in the first judicial district but we respect the courts decision. Blah, blah...."

On 04/10/2023 6:07 PM MDT Heather Brewer  
<heather@hbstrategiesnm.com> wrote:

Please see below and review for edits. Also, do we want to proactively send to the full media list or just to folks asking for comment? It's a nuclear option to send to the full list as it will initiate a lot of stories that otherwise would not have been written. However, if this is an important line of narrative (Baldwin not taking his crimes seriously) then it may be strategic. More than likely, though, once one outlet has a statement from the SPs (that's what I call y'all), many, many more will come asking. It's really a question of how important is this message to the overall strategy/message?

Should this be attributed to Kari? Me?

Thanks!

"Mr. Baldwin may not be planning to appear in court for his preliminary hearing on manslaughter charges, but the state will still hold him fully accountable for shooting and killing Halyna Hutchins.

"Refusing to show up for his own day in court is not only disrespectful to the people of New Mexico and the family of the victim, but also a sign that Mr.



Heather Brewer  
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# **EXHIBIT F**

HEARING: JURY TRIAL - DAY 5, 2/28/2024, 8:51 A.M.

MS. MORRISSEY: Are we on the record? Okay, we'll go ahead and resume the video at one hour and five minutes.

[State's Exhibit 68 video is played.]

MS. MORRISSEY: And I'm sorry, Corporal. I, myself, couldn't hear what kind of an instructor you were asking her about. Can you summarize that?

CPL. HANCOCK: Yeah. So I had asked her if she was a certified firearms instructor.

MS. MORRISSEY: Okay. Thank you.

[State's Exhibit 68 video is played.]

THE COURT: Can I just ask you to stop? Are we good on hearing okay? Okay. Thank you.

[State's Exhibit 68 video is played.]

MS. MORRISSEY: Corporal, based on your understanding of dummy rounds and how an armorer would check dummy rounds, based on your investigation, is it possible to determine that every round in a box is a dummy round if you just shake the entire box?

CPL. HANCOCK: No.

MS. MORRISSEY: Because if you just shake the box, how can you tell?

CPL. HANCOCK: I mean, yeah, you could more than likely hear some of them jingling, but it wouldn't be, you know, feasible to point out that every single one of

1 Gutierrez-Reed fired?

2 CPL. HANCOCK: I would disagree with him wanting her  
3 fired. I believe the conversation that I had seen was  
4 that Sarah had the ability to fire her because  
5 essentially she wasn't pulling her -- her weight.

6 MR. BOWLES: Well, did you ever corroborate and try to  
7 investigate that with the statements of Troy Teske and  
8 Sarah Zachry?

9 CPL. HANCOCK: Corroborate --

10 MS. MORRISSEY: I'm sorry, I'm just confused what --  
11 about the question. If you can --

12 MR. BOWLES: Okay, sure. I'll reword it. Did you  
13 interview or talk to both Sarah Zachry and Troy Teske  
14 and did they give you information about whether Seth  
15 Kenney wanted her fired?

16 CPL. HANCOCK: I -- I don't recall.

17 MR. BOWLES: Okay. Now, you would agree with me, would  
18 you not, that Ms. Gutierrez-Reed was cooperative with  
19 you in terms of sitting down for interviews?

20 CPL. HANCOCK: Yes.

21 MR. BOWLES: And she was also cooperative in providing  
22 her phone?

23 CPL. HANCOCK: Yes.

24 MR. BOWLES: Okay. So you didn't have to do a search  
25 warrant for that?

1 CPL. HANCOCK: No, I didn't have to on anyone's,  
2 essentially, besides Alec Baldwin's.

3 MR. BOWLES: Okay. Yeah, Alec Baldwin had to have a  
4 search warrant, had to go through New York and that  
5 whole process. Is that what happened?

6 CPL. HANCOCK: That's correct.

7 MR. BOWLES: Okay. Now, as part of your investigation,  
8 you concluded not only that Hannah was not in the church  
9 at the time, but that she had handed the weapon to Mr.  
10 Halls?

11 CPL. HANCOCK: Yes.

12 MR. BOWLES: And did you also conclude that Mr. Halls  
13 had handed that to Mr. Baldwin?

14 CPL. HANCOCK: Yes. I just want to specify this was  
15 before the incident.

16 MR. BOWLES: I'm sorry. Yes, I should have given you a  
17 timeframe.

18 CPL. HANCOCK: Thank you.

19 MR. BOWLES: So yes, you're right. That's right before  
20 -- that's right after lunch and right before the  
21 shooting, is what I'm talking about.

22 CPL. HANCOCK: Okay.

23 MR. BOWLES: And so in that timeframe, did you conclude  
24 based on all your investigation?

25 CPL. HANCOCK: So by statements, that is what I