

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

**STATE OF NEW MEXICO,  
Plaintiff,**

**No. D-101-CR-2024-0013**

**vs.**

**Judge Mary Marlowe Sommer**

**ALEXANDER RAE BALDWIN,  
Defendant.**

**STATE'S MOTION IN LIMINE 5 TO PROHIBIT THE DEFENSE  
FROM ARGUING TO THE JURY EXAMPLES AND THEIR  
DEFINITION OF REASONABLE DOUBT**

COMES NOW the State of New Mexico by and through its Special Prosecutors Kari T. Morrissey and Erlinda O. Johnson and hereby moves this Court for an *in limine* order prohibiting the defense from arguing to the jury examples of reasonable doubt and their definition of what constitutes reasonable doubt and in support thereof submits the following.

**INTRODUCTION**

On October 21, 2021, the defendant Alexander Baldwin shot and killed Halyna Hutchins during a rehearsal while filming the movie Rust. After the shooting, the Santa Fe County Sheriff's Department (SFCSD) initiated a criminal investigation. Defendant Alec Baldwin has been charged with involuntary manslaughter for his role in the killing of Ms. Hutchins. The case is scheduled to proceed to trial on July 9, 2024.

**ARGUMENT**

The New Mexico Supreme "has held that 'UJI 14-5060 adequately expresses [the] definition [of 'beyond a reasonable doubt'] and is to be used in all jury trials, unadorned by any added, illustrative language.'" *State v. Montoya*, 2016-NMCA-098, ¶ 16, 384 P.3d

1114 (quoting *State v. Garcia*, 2005-NMSC-017, ¶10, 116P.3d 72). In *Montoya*, the Court of Appeals held "that the district court did not abuse its discretion in prohibiting defense counsel from discussing before the jury the definition of 'reasonable doubt' [...] and from providing a hypothetical example involving a visit to the doctor." *Montoya*, 2016-NMCA-098, at ¶16. The Court addressed whether the parties, as opposed to the courts, may deviate from the definition codified in UJI 14-5060. "If our district courts are not permitted to vary the language of the definition, certainly parties must be similarly limited." *Id.*

During the trial in *Montoya*, defense counsel read the definition of "beyond a reasonable doubt" and then gave the example of open-heart surgery as "a pretty grave and important affair in [one's] life." *Id.* at ¶12. Trial counsel continued by saying, "[i]magine, you go to your doctor..." At which the court interrupted and asked for counsel to approach the bench. The court ordered defense counsel to "leave the jury instruction as it is." *Id.* at ¶¶12-13.

The defendant was ultimately convicted and on appeal the issue was raised as to whether the court had abused its discretion in limiting defense counsel's additions and explanations of "grave and important affairs" in context of the UJI defining "proof beyond a reasonable doubt." The Appellate Court ruled that the trial court had properly limited defense counsel's explanations of "the graver and more important affairs" in the context of the UJI on "proof beyond a reasonable doubt." *Id.* at ¶¶16-17.

The *Montoya* Court refocused the requirement announced by the New Mexico Supreme Court in *Garcia*, that the instruction be used "unadorned by any added, illustrative language." The Court of Appeals in *Montoya* appears to prohibit the state, defense counsel and Trial Court

from providing examples and explanations to the "proof beyond a reasonable doubt" definition. The *Montoya* Court cited *United States v. Williams*, 526 F3d 1312, 1320 (11th Cir.2008) ("holding that defense counsel's comparison of reasonable doubt 'to a patient's desire to seek a second opinion when told by a doctor 'you know, I'm looking at you and I think you need to have both of your legs amputated' 'was both inaccurate and confusing"). The Court also cited *People v. Nguyen*, 40 Cal.App.4th 28, 36 (1995) ("We strongly disapprove of arguments suggesting the reasonable doubt standard is used in daily life to decide such questions as whether to change lanes or to marry.").

The Court in *Montoya* noted that limiting counsel from explaining or elaborating on the statutory definition does not prevent either party from pursuing a viable trial strategy or from making proper argument during summation. *Montoya*, 2016-NMCA-098, ¶ 17. Counsel may still relate the applicable law to the facts of the case, may still discuss reasonable doubt and to present his or her view of the evidence and to suggest whether the evidence supports reasonable doubt. Counsel may argue that evidence and theories in the case before the jury either amount to or fall short of the definition of reasonable doubt - nothing more. *Id.*

The State respectfully requests this Court prohibit defense counsel from providing examples to the jury of what reasonable doubt is and what they believe "reasonable doubt" means.

Wherefore, for the foregoing reasons the State respectfully requests this Court prohibit the defense from providing to the jury examples of "reasonable doubt" and arguing what they believe the legal definition of reasonable doubt means.

Respectfully Submitted,

/s/Erlinda O. Johnson

Kari T. Morrissey

Erlinda O. Johnson

Special Prosecutors

First Judicial District

1303 Rio Grande NW, Suite 5

Albuquerque, New Mexico 87104

(505) 361-2138

(505) 573-2784

[ktm@morrisseylewis.com](mailto:ktm@morrisseylewis.com)

I hereby certify that a true and accurate  
Copy of the foregoing was provided to  
Counsel for the defendant via e-mail  
This 24th day of June 2024.

/s/Erlinda O. Johnson

Erlinda O. Johnson