

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 THE STATE'S MOTION *IN LIMINE* 11
TO EXCLUDE DEFENDANT'S STATEMENTS AS HEARSAY AND
PROHIBIT TESTIMONY REGARDING THE "CREW LETTER"**

LEBLANC LAW LLC

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

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
Fax: 212-849-7100
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
Fax: 737-667-6110
saraclark@quinnemanuel.com

Counsel for Alec Baldwin

Defendant Alec Baldwin, by and through his attorneys, submits this response to the State's motion *in limine* number 11 to exclude (1) evidence and testimony related to the crew letter and (2) Baldwin's statements if offered by the defense.

ARGUMENT

Crew Letter. The Court should deny the State's request to preclude evidence and testimony related to the crew letter. The defense may or may not introduce the crew letter. If it does, several circumstances exist in which the letter might be properly used. For example, if a witness testifies in a manner that is inconsistent with the letter's contents, or if a witness raises the crew's position about issues raised in the letter, then the letter may be admissible. It is impossible, however, to know the precise circumstances in which the letter may come up, or if it will at all, and it would therefore be premature to make an evidentiary ruling on such an issue without knowing the relevant context. *See Colwell v. Rite Aid Corp.*, 2011 WL 398274, at *3 (M.D. Pa. Feb. 4, 2011) (ruling that excluding evidence based on hearsay concerns "would be premature" given that the court did not yet know how the defendants would attempt to use the documents and noting that "there are many non-hearsay uses to which the [documents] could be put"); *United States v. Aiyaswamy*, 2017 WL 1365228, at *3 (N.D. Cal. Apr. 14, 2017) (same).

Notably, the State's motion has failed to identify any specific hearsay issues with the letter; nor does it detail its specific concerns or the circumstances in which the letter will be raised in violation of the evidentiary rules. To the extent Baldwin ultimately decides to use the letter, the circumstances of the use will be crystalized at that time. Baldwin can then explain the basis for admissibility, and the Court can make an appropriate and fully informed ruling. There is no reasoned way to make such a ruling, in a vacuum, now.

Defendant's Statements. The State also asserts (at 1) in one sentence, without any explanation or argument, that Baldwin's "statements if offered by the State are an exception to the

rule against hearsay, but statements offered by the defendant are inadmissible.” (citing Rule 11-801 NMRA). It is impossible to know what, exactly, the State has in mind with this single sentence. Or what precise ruling about evidence, in what context, the State is seeking from the Court. Moreover, the State’s assertion fails to note that Baldwin’s prior statements can be introduced by the defense to rebut a charge of recent fabrication, as well as any other permissible non-hearsay purpose. Or that the introduction of prior statements may be necessary under the rule of completeness. The State’s failure, once again, to identify any specific statements it seeks to have excluded, or the context in which it wants them excluded, means that any ruling on this issue “would be premature.” *Colwell*, 2011 WL 398274, at *3.

The Court should deny the motion.

Date: July 1, 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
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

John F. Bash (admitted *pro hac vice*)
300 W. 6th St., Suite 2010
Austin, TX 8701
Tel: 737-667-6100

johnbash@quinnemanuel.com

LEBLANC LAW LLC

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

Counsel for Alec Baldwin

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, a true and correct copy of the foregoing brief was emailed to opposing counsel.

/s/ Heather LeBlanc _____
Heather LeBlanc