

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* 9  
TO EXCLUDE PORTIONS OF THE CAD REPORTS**

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Defendant Alec Baldwin, by and through his attorneys, submits this response to the State's motion *in limine* number 9 to exclude portions of the computer aided dispatch reports (CADs) related to the October 21, 2021 incident.

#### ARGUMENT

The State argues (at 2-3) that certain, unidentified "narrative portions" of the computer aided dispatch reports (CADs) must be excluded because, while the non-narrative portions are admissible under the business and public record exceptions, *see* Rule 11-803(6), (8) NMRA, the narrative portions are hearsay within hearsay.

Hearsay within hearsay requires an exception to cover each level. *See United States v. DeLeon*, 316 F. Supp. 3d 1303, 1306 (D.N.M. 2018). Here, the State acknowledges that the CAD reports (level one) are covered by the business and public record exceptions. The State then claims that certain, unidentified "narrative statements" in the reports (level two) are not subject to any exception. For this second assertion, however, the State provides no argument or justification. Nor could it without identifying any specific statements. There are several hearsay exceptions that may cover the type of hearsay that the State posits (but fails to actually identify), such as present sense impression, excited utterance, then-existing mental, emotional, or physical condition, or statements made for medical diagnosis or treatment, among others. *See, e.g.*, Rule 11-803(1), (2), (3), (4). However, since the State has failed to identify any specific statements in the CADs to which it objects, it is impossible for either the Court or Baldwin to determine the statements at issue and which hearsay exceptions may apply.

The Court should deny the motion. To the extent the State has concerns over *specific* hearsay statements in the CAD reports, it should raise those at trial when they arise.

Date: July 1, 2024

Respectfully submitted,

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By: /s/ Luke Nikas

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**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