

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

**STATE OF NEW MEXICO,**

**Plaintiff,**

**No. D-101-CR-2024-00013**

**vs.**

**Judge Mary Marlowe Sommer**

**ALEXANDER BALDWIN,**

**Defendant.**

**STATE'S RESPONSE TO DEFENDANT'S MOTION *IN LIMINE*  
TO PRECLUDE OPINION AND TESTIMONY FROM ALLESANDRO PIETTA**

COMES NOW the State of New Mexico by and through Special Prosecutors, Kari T. Morrisey and Erlinda O. Johnson, and hereby respectfully submits the following response in opposition to Defendant Alexander Baldwin's motion *in limine* to preclude inadmissible, cumulative expert testimony, and in support thereof submits the following:

Mr. Pietta owns and works for the company that manufactured the gun used by Mr. Baldwin to kill Ms. Hutchins. Mr. Pietta is being called as an expert in the manufacturing and quality control procedures of the *Pietta* revolver used by Mr. Baldwin on October 21, 2021 and as such he can testify to hearsay. Mr. Pietta is not being called as a fact witness to discuss the functionality of the gun on October 21, 2021. It is anticipated that Mr. Pietta's will explain why this gun has components that are a different color than most *Pietta* single action army revolvers. Mr. Pietta has personal knowledge that his particular gun was created to be a show gun and that is why the metal components are chrome and not case-hardened metal. Mr. Pietta will testify that there is no difference between the tolerance of the metals manufactured for the Baldwin gun and any other *Pietta* revolver. Mr. Pietta can testify that the broken parts of the gun are Pietta

parts, the parts did not leave Italy in their current condition and will testify to what parts are broken. Mr. Pietta can also testify based on his knowledge of the parts and the internal working mechanism of the gun that the hammer, sear and bolt appear to be damaged when the gun was in the full-cock position. This testimony corroborates the testimony of Bryce Ziegler.

Mr. Pietta will testify as to the process of manufacturing of *Pietta* guns and the metal components, all of which are manufactured in-house at the *Pietta* manufacturing facility. Mr. Pietta will testify to the manufacturing process, extensive quality control measures taken at the manufacturing facility and the quality control measures taken at the “proof house” in Italy that is required of all firearms manufactured in Italy. Mr. Pietta can and will testify that the Baldwin gun was manufactured at the Pietta facility and was shipped to *Early & Modern Firearms Co., Inc. (EMF)*. *EMF* is an import company owned by *Pietta* and Mr. Pietta can testify about the type of business *EMF* is and what *EMF* does.

The defense has developed a theory that the gun was modified and spontaneously fired with no help from Mr. Baldwin. The State will present testimony by Mr. Pietta that the gun was in perfect working order when it left Italy and was shipped to *EMF*. An importer from *EMF* will testify about the condition the gun was in upon arrival (perfect condition) and that the gun was not modified or tampered with prior to being sold to Seth Kenney for use on the set of *Rust*. Mr. Pietta’s testimony is a cog in the wheel of the State’s case with regard to the functionality of the gun and is admissible.

Wherefore, for the foregoing reasons, the State respectfully requests this Court deny the defendant’s motion *in limine* to preclude opinion and testimony from Allesandro Pietta in accordance with the above offer of proof.

Respectfully Submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

Erlinda O. Johnson

Special Prosecutors

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I hereby certify that a true and accurate copy of the foregoing was provided to counsel for the defendant via e-mail this 29th day of June 2024.

/s/ Kari T. Morrissey

Kari T. Morrissey