

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-0101-2024-00013
Hon. Mary Marlowe-Sommer

ALEXANDER BALDWIN.

Defendant.

STATE'S INITIAL PROPOSED JURY INSTRUCTIONS

COMES NOW, the State of New Mexico, by and through, Special Prosecutors, Kari T. Morrissey and Erlinda O. Johnson, and hereby submits that, dependent upon the evidence adduced during the balance of this trial, the following proposed jury instructions may be appropriate in the above referenced matter.

GENERAL INSTRUCTIONS

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
1.	14-103	Explanation; instructions	___	___	___	___
2.	14-6001	Duty to follow instructions	___	___	___	___
3.	14-5060	Presumption of innocence	___	___	___	___
4.	14-6006	Jury sole judge of facts	___	___	___	___
5.	14-6008	Duty to consult	___	___	___	___
6.	14-6007	Jury must not consider penalty	___	___	___	___
7.	14-5020	Credibility of witnesses	___	___	___	___
8.	14-5031	Defendant not testifying; no inference of guilt	___	___	___	___
9.	14-5050	Opinion testimony	___	___	___	___
10.	14-118	Expert witness	___	___	___	___
11.	14-5001	Direct and Circumstantial Evidence	___	___	___	___

ELEMENTS INSTRUCTIONS COUNT 1 – INVOLUNTARY MANSLAUGHTER

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
12A-B.14-231		Involuntary Manslaughter and Alternative	___	___	___	___

GENERAL CONCLUDING INSTRUCTIONS – BEFORE CLOSING ARGUMENT

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
13.	14-133	Negligence; Defined	___	___	___	___
14.	14-704	Firearm; Defined				
15.	14-251	Homicide; “Proximate Cause” Defined	___	___	___	___
16.	14-252	Homicide; Negligence of Deceased or Third Person	___	___	___	___
17.	14-104	Explanation; closing argument	___	___	___	___

FINAL CONCLUDING INSTRUCTION – FOLLOWING CLOSING ARGUMENT

18.	14-6020	Final instruction	___	___	___	___
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FORMS OF VERDICT COUNT 1 – INVOLUNTARY MANSLAUGHTER

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
19.	14-6010	General verdict; no insanity or mental illness issue; no lesser included offenses	___	___	___	___
20.	Verdict Forms		___	___	___	___

/s/ Kari T. Morrissey
Kari T. Morrissey
Erlinda O. Johnson

I hereby certify that on the 8th day
of July 2024, I served the forgoing
pleading to all parties or counsel of
record through odyssey file and serve:

/s/ Kari T. Morrissey

Kari T. Morrissey

Erlinda O. Johnson

GENERAL INSTRUCTIONS – NOS. 1-12(B)

PROPOSED INSTRUCTION NO. 1

You have heard all the evidence. It is now my duty to tell you the law that you must follow in this case.

UJI CR 14-103
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

You have heard all the evidence. It is now my duty to tell you the law that you must follow in this case.

PROPOSED INSTRUCTION NO. 2

The law governing this case is contained in instructions that I am about to give you. It is your duty to follow the law as contained in these instructions. You must consider these instructions as a whole. You must not pick out one instruction or parts of an instruction and disregard others. A copy of these instructions will be given to you when you begin your deliberations.

UJI CR 14-6001

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. ____

The law governing this case is contained in instructions that I am about to give you. It is your duty to follow the law as contained in these instructions. You must consider these instructions as a whole. You must not pick out one instruction or parts of an instruction and disregard others. A copy of these instructions will be given to you when you begin your deliberations.

PROPOSED INSTRUCTION NO. 3

The law presumes the defendant to be innocent unless and until you are satisfied beyond a reasonable doubt of his guilt.

The burden is always on the state to prove guilt beyond a reasonable doubt. It is not required that the state prove guilt beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense--the kind of doubt that would make a reasonable person hesitate to act in the graver and more important affairs of life.

UJI CR 14-5060

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. ____

The law presumes the defendant to be innocent unless and until you are satisfied beyond a reasonable doubt of his guilt.

The burden is always on the state to prove guilt beyond a reasonable doubt. It is not required that the state prove guilt beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense--the kind of doubt that would make a reasonable person hesitate to act in the graver and more important affairs of life.

PROPOSED INSTRUCTION NO. 4

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

UJI CR 14-6006
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

PROPOSED INSTRUCTION NO. 5

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous.

It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a verdict.

You are judges—judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case.

UJI CR 14-6008

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. ____

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous.

It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a verdict.

You are judges—judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case.

PROPOSED INSTRUCTION NO. 6

You must not concern yourself with the consequences of your verdict.

UJI CR 14-6007

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. ____

You must not concern yourself with the consequences of your verdict.

PROPOSED INSTRUCTION NO. 7

You alone are the judges of the credibility of the witnesses and the weight to be given to the testimony of each of them. In determining the credit to be given any witness, you should take into account the witness's truthfulness or untruthfulness, ability and opportunity to observe, memory, manner while testifying, any interest, bias or prejudice the witness may have and the reasonableness of the witness's testimony, considered in the light of all the evidence in the case.

UJI 14-5020
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

You alone are the judges of the credibility of the witnesses and the weight to be given to the testimony of each of them. In determining the credit to be given any witness, you should take into account the witness's truthfulness or untruthfulness, ability and opportunity to observe, memory, manner while testifying, any interest, bias or prejudice the witness may have and the reasonableness of the witness's testimony, considered in the light of all the evidence in the case.

INSTRUCTION NO. 8

You must not draw any inference of guilt from the fact that the defendant did not testify in this case, nor should this fact be discussed by you or enter into your deliberations in any way.

UJI 14-5031
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

You must not draw any inference of guilt from the fact that the defendant did not testify in this case, nor should this fact be discussed by you or enter into your deliberations in any way.

PROPOSED INSTRUCTION NO. 9

You should consider each opinion received in evidence in this case and give it such weight as you think it deserves. If you should conclude that the reasons given in support of the opinion are not sound or that for any other reason an opinion is not correct, you may disregard the opinion entirely.

UJI CR 14-5050
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

You should consider each opinion received in evidence in this case and give it such weight as you think it deserves. If you should conclude that the reasons given in support of the opinion are not sound or that for any other reason an opinion is not correct, you may disregard the opinion entirely.

PROPOSED INSTRUCTION NO. 10

An expert witness is a witness who, by knowledge, skill, experience, training or education, has become expert in any subject. An expert witness may be permitted to state an opinion as to that subject.

You should consider each expert opinion and the reasons stated for the opinion, giving them such weight as you think they deserve. You may reject an opinion entirely if you conclude that it is unsound.

UJI CR 14-118

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. ____

An expert witness is a witness who, by knowledge, skill, experience, training or education, has become expert in any subject. An expert witness may be permitted to state an opinion as to that subject.

You should consider each expert opinion and the reasons stated for the opinion, giving them such weight as you think they deserve. You may reject an opinion entirely if you conclude that it is unsound.

PROPOSED INSTRUCTION NO. 11

There are two types of evidence. One is direct evidence, such as the testimony of an eyewitness, which directly proves a fact. The other is circumstantial evidence. Circumstantial evidence means evidence that proves a fact from which you may infer the existence of another fact.

As a general rule, the law makes no distinction between direct and circumstantial evidence, but simply requires that, before convicting a defendant, the jury be satisfied of the defendant's guilt beyond a reasonable doubt from all the evidence in the case.

UJI CR 14-5001

Given

Denied

Modified

Withdrawn

INSTRUCTION NO. 11

There are two types of evidence. One is direct evidence, such as the testimony of an eyewitness, which directly proves a fact. The other is circumstantial evidence. Circumstantial evidence means evidence that proves a fact from which you may infer the existence of another fact.

As a general rule, the law makes no distinction between direct and circumstantial evidence, but simply requires that, before convicting a defendant, the jury be satisfied of the defendant's guilt beyond a reasonable doubt from all the evidence in the case.

**ELEMENTS INSTRUCTIONS COUNT 1 – INVOLUNTARY MANSLAUGHTER
NO. 12**

STATE'S REQUESTED INSTRUCTION NO. 12A

For you to find the defendant guilty of involuntary manslaughter, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant Alexander Baldwin endangered the safety of another by handling or using a firearm in a reckless manner;
2. The defendant Alexander Baldwin should have known of the danger involved by Alexander Baldwin's actions;
3. The defendant Alexander Baldwin acted with a willful disregard for the safety of others;
4. Alexander Baldwin's act caused the death of Halyna Hutchins;
5. This happened in New Mexico on or about the 21st day of October 2021.

UJI 14-231
Given _____
Denied _____
Modified _____
Withdrawn _____

STATE'S REQUESTED INSTRUCTION NO. ____

For you to find the defendant guilty of involuntary manslaughter, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

6. The defendant Alexander Baldwin endangered the safety of another by handling or using a firearm in a reckless manner;
7. The defendant Alexander Baldwin should have known of the danger involved by Alexander Baldwin's actions;
8. The defendant Alexander Baldwin acted with a willful disregard for the safety of others;
9. Alexander Baldwin's act caused the death of Halyna Hutchins;
10. This happened in New Mexico on or about the 21st day of October 2021.

STATE'S REQUESTED INSTRUCTION NO. 12B

For you to find the defendant guilty of involuntary manslaughter, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant Alexander Baldwin fired a gun at Halyna Hutchins;
2. The defendant Alexander Baldwin should have known of the danger involved by Alexander Baldwin's actions;
3. The defendant Alexander Baldwin acted with a willful disregard for the safety of others;
4. Alexander Baldwin's act caused the death of Halyna Hutchins;
5. This happened in New Mexico on or about the 21st day of October 2021.

UJI CR 14-231

Given _____

Denied _____

Modified _____

Withdrawn _____

STATE'S REQUESTED INSTRUCTION NO. ____

For you to find the defendant guilty of involuntary manslaughter, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

6. The defendant Alexander Baldwin fired a gun at Halyna Hutchins;
7. The defendant Alexander Baldwin should have known of the danger involved by Alexander Baldwin's actions;
8. The defendant Alexander Baldwin acted with a willful disregard for the safety of others;
9. Alexander Baldwin's act caused the death of Halyna Hutchins;
10. This happened in New Mexico on or about the 21st day of October 2021.

STATE'S REQUESTED INSTRUCTION 13

For you to find that the defendant acted recklessly in this case, you must find that the defendant acted with willful disregard of the rights or safety of others and in a manner which endangered any person or property.

14-133 NMRA

Given _____

Denied _____

Modified _____

Withdrawn _____

STATE'S REQUESTED INSTRUCTION _____

For you to find that the defendant acted recklessly in this case, you must find that the defendant acted with willful disregard of the rights or safety of others and in a manner which endangered any person or property.

STATE'S REQUESTED INSTRUCTION NO. 14

A firearm means any weapon which will or is designed to or may readily be converted to expel a projectile by the actions of an explosion; the frame or receiver of a firearm, any firearm muffler or firearm silencer. Firearm includes any handgun, rifle or shotgun.

UJI 14-704 NMRA. FIREARM; DEFINITION

Given _____

Denied _____

Modified _____

Withdrawn _____

STATE'S REQUESTED INSTRUCTION NO. _____

A firearm means any weapon which will or is designed to or may readily be converted to expel a projectile by the actions of an explosion; the frame or receiver of a firearm, any firearm muffler or firearm silencer. Firearm includes any handgun, rifle or shotgun.

STATE’S REQUESTED INSTRUCTION NO. 15

In addition to the other elements of the crime of involuntary manslaughter as set forth in instruction number 12A and B, the state must also prove to your satisfaction beyond a reasonable doubt that:

1. The death was a foreseeable result of Alexander Baldwin firing a gun at Halyna Hutchins without confirming that the gun contained only inert ammunition;
2. The act of the defendant was a significant cause of the death of Halyna Hutchins. The defendant’s act was a significant cause of death if it was an act which, in a natural and continuous chain of events, uninterrupted by an outside event, resulted in the death and without which the death would not have occurred.

There may be more than one significant cause of death. If the acts of two or more persons significantly contribute to the cause of death, each act is a significant cause of death.

STATE'S REQUESTED INSTRUCTION NO. ____

In addition to the other elements of the crime of involuntary manslaughter as set forth in instruction number 12A and B, the state must also prove to your satisfaction beyond a reasonable doubt that:

3. The death was a foreseeable result of Alexander Baldwin firing a gun at Halyna Hutchins without confirming that the gun contained only inert ammunition;
4. The act of the defendant was a significant cause of the death of Halyna Hutchins. The defendant's act was a significant cause of death if it was an act which, in a natural and continuous chain of events, uninterrupted by an outside event, resulted in the death and without which the death would not have occurred.

There may be more than one significant cause of death. If the acts of two or more persons significantly contribute to the cause of death, each act is a significant cause of death.

STATE'S REQUESTED INSTRUCTION NO. 16

The State must prove beyond a reasonable doubt that the defendant's act was a significant cause of the death of Halyna Hutchins. An issue in this case is whether the negligence of a person other than the defendant may have contributed to the cause of death. Such contributing negligence does not relieve the defendant of responsibility for an act that significantly contributed to the cause of the death so long as the death was a foreseeable result of the defendant's actions.

However, if you find the negligence of a person other than the defendant was the only significant cause of death or constitutes an intervening cause that breaks the foreseeable chain of events, then the defendant is not guilty of the offense of Involuntary Manslaughter.

STATE'S REQUESTED INSTRUCTION NO. ____

The State must prove beyond a reasonable doubt that the defendant's act was a significant cause of the death of Halyna Hutchins. An issue in this case is whether the negligence of a person other than the defendant may have contributed to the cause of death. Such contributing negligence does not relieve the defendant of responsibility for an act that significantly contributed to the cause of the death so long as the death was a foreseeable result of the defendant's actions.

However, if you find the negligence of a person other than the defendant was the only significant cause of death or constitutes an intervening cause that breaks the foreseeable chain of events, then the defendant is not guilty of the offense of Involuntary Manslaughter.

**GENERAL CONCLUDING INSTRUCTIONS
BEFORE CLOSING ARGUMENT – NO. 17**

PROPOSED INSTRUCTION NO. 17

Now the lawyers will argue the case. What is said in the arguments is not evidence. It is an opportunity for the lawyers to discuss the evidence and the law as I have instructed you. The state has the right to argue first; the defense may then argue; the state may then reply.

UJI 14-104
Given
Denied
Modified
Withdrawn

INSTRUCTION NO. ____

Now the lawyers will argue the case. What is said in the arguments is not evidence. It is an opportunity for the lawyers to discuss the evidence and the law as I have instructed you. The state has the right to argue first; the defense may then argue; the state may then reply.

**FINAL CONCLUDING INSTRUCTION
AFTER CLOSING ARGUMENT – NO. 18**

PROPOSED INSTRUCTION NO. 18

I will now ask you to retire to the jury room to begin your deliberations. You will be provided a copy of the jury instructions and the exhibits introduced as evidence will be made available to you.

Prior to beginning your deliberations you will need to select one of you to act as foreperson. That person will preside over your deliberations and speak for the jury here in court.

Forms of verdict have been prepared for your use.

You will take these forms to the jury room; when you have reached unanimous agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.

_____ and _____ are alternate jurors in this case and therefore will need to remain in the courtroom.

UJI CR 14-6020 (included space for Judge to name alternate juror(s) in copy *not* sent with jury)
Given
Denied
Modified
Withdrawn

PROPOSED INSTRUCTION NO. ____

I will now ask you to retire to the jury room to begin your deliberations. You will be provided a copy of the jury instructions and the exhibits introduced as evidence will be made available to you.

Prior to beginning your deliberations you will need to select one of you to act as foreperson. That person will preside over your deliberations and speak for the jury here in court.

Forms of verdict have been prepared for your use.

You will take these forms to the jury room; when you have reached unanimous agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.

_____ and _____ are alternate jurors in this case and therefore will need to remain in the courtroom.

FORMS OF VERDICT COUNT 1 – INVOLUNTARY MANSLAUGHTER – NO. 19

PROPOSED INSTRUCTION NO. 19

In this case, as to the charge of involuntary manslaughter contained in Count 1, there are two possible verdicts:

- (1) guilty of involuntary manslaughter;
- (2) not guilty of involuntary manslaughter;

UJI CR 14-6010
Given
Denied
Modified
Withdrawn

PROPOSED INSTRUCTION NO. ____

In this case, as to the charge of involuntary manslaughter contained in Count 1, there are two possible verdicts:

- (1) guilty of involuntary manslaughter;
- (2) not guilty of involuntary manslaughter;

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-101-CR-2024-00013
Hon. Mary Marlowe-Sommer

ALEXANDER BALDWIN,

Defendant.

VERDICT FORM

COUNT 1: We find the defendant, Alexander Baldwin, GUILTY of involuntary manslaughter as charged in Count 1.

FOREPERSON

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

STATE OF NEW MEXICO,

Plaintiff,

vs.

No. D-101-CR-2024-00013
Hon. Mary Marlowe-Sommer

ALEXANDER BALDWIN,

Defendant.

VERDICT FORM

COUNT 1: We find the defendant, Alexander Baldwin, NOT GUILTY of involuntary manslaughter as charged in Count 1.

FOREPERSON