

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 PROPOSED JURY INSTRUCTIONS

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Counsel for Alec Baldwin

Defendant Alec Baldwin, by and through his attorneys, hereby submits his proposed jury instructions and respectfully requests that the Court include the following in its instructions to the jury and permit the jury to retain a copy of these instructions during its deliberations. Defendant reserves the right to modify, withdraw, or add any proposed instructions based on the evidence adduced at trial.

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No.	UJI No.	Title	Given	Refused	Modified	Withdrawn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	14-6004	Multiple counts; single defendant	_____	_____	_____	_____
7	14-6007	Jury must not consider penalty	_____	_____	_____	_____
8	14-5031	Defendant not testifying; no inference of guilt	_____	_____	_____	_____
9	14-5062	Lost, destroyed, or uncollected evidence; adverse inference permitted	_____	_____	_____	_____
10	14-5020	Credibility of witnesses	_____	_____	_____	_____
11	14-5050	Opinion testimony	_____	_____	_____	_____
12	14-118	Expert witness	_____	_____	_____	_____

ELEMENTS INSTRUCTION COUNT 1 – INVOLUNTARY MANSLAUGHTER

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
13A-B	14-231	Involuntary manslaughter and alternative	_____	_____	_____	_____
14	14-231 (defined)	Voluntary act	_____	_____	_____	_____
15	14-703	Negligent use of a deadly weapon	_____	_____	_____	_____
16	14-231 (defined)	Subjective knowledge	_____	_____	_____	_____
17	14-231 (defined)	Willful disregard	_____	_____	_____	_____

GENERAL CONCLUDING INSTRUCTIONS – BEFORE CLOSING ARGUMENT

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
18		Contemporaneous facts and circumstances	_____	_____	_____	_____
19	14-251	Homicide; “Proximate Cause” defined	_____	_____	_____	_____
20	14-252	Homicide; Negligence of Deceased or Third Person	_____	_____	_____	_____
21	14-141	General criminal intent	_____	_____	_____	_____
22		Mere negligence	_____	_____	_____	_____
23	14-5120	Ignorance or mistake of fact	_____	_____	_____	_____
24		Other act evidence	_____	_____	_____	_____

FORMS OF VERDICT COUNT 1 – INVOLUNTARY MANSLAUGHTER

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
25	14-6010	General verdict; no insanity or mental illness issue; no lesser included offenses	_____	_____	_____	_____

FINAL CONCLUDING INSTRUCTIONS – AFTER CLOSING ARGUMENT

No.	UJI No.	Title	Given	Refused	Modified	Withdrawn
26	14-104	Explanation; closing argument	_____	_____	_____	_____
27	14-6020	Final instruction	_____	_____	_____	_____

By: /s/ Luke Nikas
Luke Nikas (admitted *pro hac vice*)
Alex Spiro (admitted *pro hac vice*)
Heather LeBlanc

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2024, a true and correct copy of the foregoing brief was emailed to opposing counsel.

/s/ Heather LeBlanc
Heather LeBlanc

DEFENDANT'S 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.

Source: UJI 14-103 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S 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.

Source: UJI 14-6001 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S 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.

Source: UJI 14-5060 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S 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.

Source: UJI 14-6006 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT’S 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.

Source: UJI 14-6008 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S PROPOSED INSTRUCTION NO. 6

Each crime charged in the indictment should be considered separately.

Source: UJI 14-6004 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

Each crime charged in the indictment should be considered separately.

DEFENDANT'S PROPOSED INSTRUCTION NO. 7

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

Source: UJI 14-6007 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

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

DEFENDANT'S PROPOSED 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.

Source: UJI 14-5031 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S PROPOSED INSTRUCTION NO. 9

If the State fails to produce evidence because the State lost, destroyed, or inadequately preserved that evidence, then you may, but are not required to, infer that the evidence would be unfavorable to the State.

Source: UJI 14-5062 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

If the State fails to produce evidence because the State lost, destroyed, or inadequately preserved that evidence, then you may, but are not required to, infer that the evidence would be unfavorable to the State.

DEFENDANT’S PROPOSED INSTRUCTION NO. 10

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.

Source: UJI 14-5020 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S PROPOSED INSTRUCTION NO. 11

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.

Source: UJI 14-5050 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S PROPOSED INSTRUCTION NO. 12

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.

Source: UJI 14-118 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT'S PROPOSED INSTRUCTION NO. 13A

For you to find the defendant guilty of Involuntary Manslaughter (Negligent Use of a Firearm) as charged in Count I, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. Alec Baldwin, through a purposeful and volitional act, committed the unlawful act of Negligent Use of a Deadly Weapon while rehearsing a scene during the production of a movie.
2. Alec Baldwin should have known of the danger involved from his actions. To find that Alec Baldwin should have known of the danger, you must find that he had subjective knowledge of the danger or risk to others posed by his actions.
3. Alec Baldwin acted with a willful disregard for the safety of others. To find that that Alec Baldwin acted with willful disregard, you must find that his conduct was more than merely negligent or careless. Rather, you must find that he consciously disregarded a substantial and unjustifiable risk of harm to others. A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than Alec Baldwin out of concern for the safety of others. Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.
4. Alec Baldwin's act caused the death of Halyna Hutchins.
5. This happened in New Mexico on or about the 21st day of October 2021.

Source: UJI 14-231 NMRA (modified, as explained in Defendant's Proposed Instruction Nos. 14, 17, and 18).

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find the defendant guilty of Involuntary Manslaughter (Negligent Use of a Firearm) as charged in Count I, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. Alec Baldwin, through a purposeful and volitional act, committed the unlawful act of Negligent Use of a Deadly Weapon while rehearsing a scene during the production of a movie.
2. Alec Baldwin should have known of the danger involved from his actions. To find that Alec Baldwin should have known of the danger, you must find that he had subjective knowledge of the danger or risk to others posed by his actions.
3. Alec Baldwin acted with a willful disregard for the safety of others. To find that that Alec Baldwin acted with willful disregard, you must find that his conduct was more than merely negligent or careless. Rather, you must find that he consciously disregarded a substantial and unjustifiable risk of harm to others. A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than Alec Baldwin out of concern for the safety of others. Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.
4. Alec Baldwin's act caused the death of Halyna Hutchins.
5. This happened in New Mexico on or about the 21st day of October 2021.

DEFENDANT'S PROPOSED INSTRUCTION NO. 13B

For you to find the defendant guilty of Involuntary Manslaughter (Without Due Caution or Circumspection) as charged in Count I in the alternative, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. Alec Baldwin, through a purposeful and volitional act, fired a gun at another person while rehearsing a scene during the production of a movie.
2. Alec Baldwin should have known of the danger involved from his actions. To find that Alec Baldwin should have known of the danger, you must find that he had subjective knowledge of the danger or risk to others posed by his actions.
3. Alec Baldwin acted with a willful disregard for the safety of others. To find that Alec Baldwin acted with willful disregard, you must find that his conduct was more than merely negligent or careless. Rather, you must find that he consciously disregarded a substantial and unjustifiable risk of harm to others. A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than Alec Baldwin out of concern for the safety of others. Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.
4. Alec Baldwin's act caused the death of Halyna Hutchins.
5. This happened in New Mexico on or about the 21st day of October 2021.

Source: UJI 14-231 NMRA (modified, as explained in Defendant's Proposed Instruction Nos. 14, 17, and 18).

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find the defendant guilty of Involuntary Manslaughter (Without Due Caution or Circumspection) as charged in Count I in the alternative, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. Alec Baldwin, through a purposeful and volitional act, fired a gun at another person while rehearsing a scene during the production of a movie.
2. Alec Baldwin should have known of the danger involved from his actions. To find that Alec Baldwin should have known of the danger, you must find that he had subjective knowledge of the danger or risk to others posed by his actions.
3. Alec Baldwin acted with a willful disregard for the safety of others. To find that Alec Baldwin acted with willful disregard, you must find that his conduct was more than merely negligent or careless. Rather, you must find that he consciously disregarded a substantial and unjustifiable risk of harm to others. A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than Alec Baldwin out of concern for the safety of others. Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.
4. Alec Baldwin's act caused the death of Halyna Hutchins.
5. This happened in New Mexico on or about the 21st day of October 2021.

DEFENDANT'S PROPOSED INSTRUCTION NO. 14

For you to find that the defendant committed an act as defined under the first element of Involuntary Manslaughter, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the act was committed purposefully and volitionally.

Source: This instruction is based upon and defines the first element of UJI 14-231 NMRA, which requires the State to prove beyond a reasonable doubt that the defendant committed a specifically described act. *See also* June 28, 2024 Order Denying Defendant Alec Baldwin's Motion to Dismiss the Indictment for Failure to Allege a Criminal Defense ¶ 11 ("To convict a Defendant of involuntary manslaughter, the State must prove that the Defendant: 1) committed an act . . ."). As set forth below an instruction defining the "act" requirement to make clear that the "act" must be a volitional act is supported by New Mexico law, *see State v. Schoonmaker*, 2005-NMCA-012, ¶ 12, 105 P.3d 302, *reversed on other grounds*, 2008-NMSC-010, 176 P.3d 1105 (defining "actus reus" as a "voluntary act"), as well as the fundamental principles of criminal law. While simply describing the conduct at issue is almost always sufficient for the purposes of jury instructions, here, this additional explanation is necessary to adequately instruct the jury on that law given the unique circumstances of this particular case. *See* UJI Crim. Gen. Use Note ("[A]n elements instruction may only be altered when the alteration is adequately supported by binding precedent or the unique circumstances of a particular case, and where the alteration is necessary in order to accurately convey the law to the jury."); *State v. Juan*, 2010-NMSC-041, ¶ 16, 242 P.3d 314 ("The decision to issue additional jury instructions generally lies within the sound discretion of the trial court.").

In this case, as the Court is aware, Mr. Baldwin has continuously and vigorously asserted that he did not pull the trigger of the firearm he was handling on October 21, 2021; by all accounts, Mr. Baldwin was shocked and horrified when the firearm went off. Of course, the State has argued otherwise, and has argued that Mr. Baldwin's actions in pointing the gun at Ms. Hutchins, cocking the gun, and pulling the trigger are what make him criminally responsible for Ms. Hutchins' death. *See, e.g.*, Apr. 5, 2024 State's Opposition to at 4 ("Ms. Hutchins was shot and killed by Alec Baldwin who pointed a .45 caliber single action army revolver at her, cocked the hammer of the gun and pulled the trigger when a scene was not being filmed and cameras were not rolling."); July 1, 2024 State's Response to Defendant's Motion *In Limine* No. 5 ("The State maintains that Defendant Baldwin is also responsible for Ms. Hutchins' death because Baldwin pointed a real gun at another human being, cocked the hammer and pulled the trigger."). The State will no doubt continue to make that argument at trial. Accordingly, it must be held to its burden to prove beyond a reasonable doubt that Mr. Baldwin indeed voluntarily committed the actions that it contends form the basis for his criminal liability. The instruction utilized by the State at the grand jury proceeding simply required the grand jury to find that Mr. Baldwin "discharged a firearm"—a highly (and perhaps deliberately) vague phrase that could encompass both intentionally pulling the trigger, as the State asserts, and involuntarily causing the firearm to discharge, as Mr. Baldwin asserts. While the former would satisfy the requirement of an *actus reus*, the latter would not. In these circumstances, where there is evidence in the record that raises the issue of voluntariness, giving the jury the standard elements instruction without elaboration would not accurately convey

to the jury that Mr. Baldwin can only be convicted based on the “convergence of the proper act and state of mind requirements,” see *State v. Henley*, 2010-NMSC-039, ¶ 14, 237 P.3d 103, including an “actus reus,” meaning a “voluntary act,” see, e.g., *State v. Schoonmaker*, 2005-NMCA-012, ¶ 12.

Under well-established New Mexico law, any crime, including a crime with the *mens rea* of criminal negligence, or recklessness, requires an *actus reus*—that is, a physical, voluntary act. In the context of involuntary manslaughter, New Mexico law recognizes that the unintentional aspect of the crime is that the defendant did not intend the victim’s death, not that the defendant committed the physical action itself involuntarily. *State v. Young*, 2021-NMCA-049, ¶ 15, 495 P.3d 1189 (“A crime generally consists of two elements, a physical, wrongful deed (the ‘actus reus’) and a guilty mind that produces the act (the ‘mens rea’).” (quotation omitted)); *id.* (stating that the “unintentional” aspect of involuntary manslaughter is that “the defendant did not intend the victim’s death”); *Schoonmaker*, 2005-NMCA-012, ¶ 12 (stating in context of child abuse, which can have the *mens rea* of “intentionally or criminally negligent,” that the statute incorporates “an *actus reus* element: the ‘voluntary act’ that inflicts serious harm or death to the child”); *State v. Montoya*, 2015-NMSC-010, ¶ 36, 345 P.3d 1056 (holding that statutes criminalizing intentional and negligent child abuse are mutually exclusive because “one cannot commit an intentional act and an unintentional but substantially risky act at the same time, even though the act is voluntary as to both”); *State v. Cole*, 2007-NMCA-099, ¶¶ 8, 10-11, 164 P.3d 1024 (holding that even where defendant had the requisite *mens rea* for the offense of bringing contraband into jail—knowledge of the possession—the defendant could not be held liable where the defendant did not commit the underlying action “voluntarily”); *id.* ¶ 8 (citing *Schoonmaker* as “defining ‘the actus reus’ as ‘the voluntary act’”); *State v. Reuda*, 2009 WL 6593952, at *2 (N.M. Ct. App. Sept. 30, 2009) (considering similar circumstances as *Cole*, citing *Cole* as holding that “a voluntary act requires something more than awareness,” and stating that “[t]he *actus reus* requires an ability to choose which course to take-i.e., an ability to choose whether to commit the act that gives rise to criminal liability” (quotations omitted and alterations adopted)).

Indeed, this is a fundamental principle of criminal law. § 2.01. Requirement of Voluntary Act; Omission as Basis of Liability; Possession as an Act., Model Penal Code § 2.01 (“A person is not guilty of an offense unless his liability is based on conduct that includes a voluntary act or the omission to perform an act of which he is physically capable.”); § 4:2. Definition of voluntary act, 1 Wharton’s Criminal Law § 4:2 (16th ed.) (“The act requirement presupposes that the act in question is a voluntary one.”); 22 C.J.S. Criminal Law: Substantive Principles § 41 (“According to the actus reus requirement, guilt of a criminal offense ordinarily requires proof that the defendant voluntarily committed a physical or overt act. Some voluntary act thus lies at the foundation of every crime. There must be a sufficient criminal act or omission as well as a criminal intent; mere criminal intention is not punishable since no crime is committed unless there is a union of act and either wrongful intent or criminal negligence.”); § 6.1. Requirement of an act, 1 Subst. Crim. L. § 6.1 (3d ed.) (“A bodily movement, to qualify as an act forming the basis of criminal liability, must be voluntary.”).

Although it is universally accepted that in order to find someone criminally liable, they must have committed a voluntary act, “[i]n most cases there is no issue of voluntariness and the State’s burden is carried by proof of commission of the act itself.” *Baird v. State*, 604 N.E.2d 1170, 1176 (Ind.

1992). “However, once evidence in the record raises the issue of voluntariness, the state must prove the defendant acted voluntarily beyond a reasonable doubt.” *Id.* Case law discusses this most frequently in the context of involuntary manslaughter through driving while intoxicated. In that circumstance, the defendant must have engaged in a “willful act of becoming voluntarily intoxicated and driving in that condition.” *United States v. Phillips*, 976 F.2d 739 (9th Cir. 1992) (“The district court properly instructed the jury that, to convict Phillips of involuntary manslaughter, the jury had to find Phillips committed a criminal act (*actus reus*), with a specified mental state (*mens rea*), which resulted in a certain result. To find a criminal act, the jury had to find that ‘the defendant engaged in a willful act of becoming voluntarily intoxicated and driving in that condition.’”). To be found liable, the defendant must have “intended both the act of drinking alcoholic beverages and the act of driving his car”; the *mens rea* of criminal negligence, or recklessness, lies in the fact that the defendant did not intend the consequences of those acts. Once again, this is because of the fundamental principle that “[e]very crime of recklessness necessarily requires a purposeful, volitional act that sets in motion the later outcome.” *United States v. Woods*, 576 F.3d 410-11 (7th Cir. 2009) (“In *Begay* itself, the defendant intended both the act of drinking alcoholic beverages and the act of driving his car; he was reckless only with respect to the consequences of those acts. As we have explained at more length above, this position was entirely consistent with the classic line that has been drawn between the *actus reus* and the *mens rea* of a criminal offense.”).

Because the facts presented in Mr. Baldwin’s prosecution are unique, New Mexico courts have not confronted them. As such, this Court must consider the particular need to ensure the jury understands the fundamental principle that a finding of criminal liability must be predicated upon a voluntary *actus reus*—even where the requisite *mens rea* does not require intentionality and the crime is called “involuntary” manslaughter. When faced with a virtually identical fact pattern, another court found that a trial court’s refusal to give a requested instruction on voluntary conduct was error. *See State v. Therrien*, 1997 ME 100, ¶¶ 11-12, 695 A.2d 119 (holding that the trial court erred where it refused to give the defendant’s requested instruction on voluntary conduct because “[v]iewing the evidence in the light most favorable to [the defendant], [the defendant] testified that he did not intent to shoot [the victim], he did not remember pulling the trigger, and he was surprised that [the victim] was shot,” and “[o]n this evidence, the jury could have concluded that the force applied to the trigger was involuntary”). Defendant’s proposed instruction, which states uncontroversial and fundamental principles of criminal law, is necessary in order to ensure that the jury properly understands the law in the unique circumstances of this case.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find that the defendant committed an act as defined under the first element of Involuntary Manslaughter, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the act was committed purposefully and volitionally.

DEFENDANT'S PROPOSED INSTRUCTION NO. 15

For you to find the defendant guilty of Negligent Use of a Deadly Weapon as an unlawful act as set forth in Instruction 13, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant discharged a firearm knowing that he was endangering a person;
2. This happened in New Mexico on or about the 21st day of October 2021.

Source: UJI 14-703 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find the defendant guilty of Negligent Use of a Deadly Weapon as an unlawful act as set forth in Instruction 13, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant discharged a firearm knowing that he was endangering a person;
2. This happened in New Mexico on or about the 21st day of October 2021.

DEFENDANT’S PROPOSED INSTRUCTION NO. 16

For you to find that the defendant should have known of the danger involved from his actions as required for the second element of Involuntary Manslaughter, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the defendant had subjective knowledge of the danger or risk to others posed by his actions.

Source: This instruction is based upon and defines the second element of UJI 14-231 NMRA. The additional language Defendant proposes quotes from binding New Mexico law. *See State v. Henley*, 2010-NMSC-039, ¶¶ 16-17, 237 P.3d 103 (“To be convicted of involuntary manslaughter, a defendant must have been aware of the risk caused by his or her conduct and continued to act. . . . Criminal negligence in the context of involuntary manslaughter requires subjective knowledge by the defendant of the danger or risk to others posed by his actions.”); *see also State v. Young*, 2021-NMCA-049, ¶ 15, 495 P.3d 1189 (describing UJI 14-231 NMRA as “defining ‘criminal negligence’ for purposes of involuntary manslaughter as existing where the defendant was (1) aware of the danger or risk to his actions posed by the victim, and (2) acted with willful disregard for the safety of the victim”).

Here, it is particularly important to ensure that the jury understands the awareness and subjective knowledge required for criminal negligence under New Mexico law. As the Court is aware, much of the State’s case will turn on whether it can prove that Mr. Baldwin had the requisite knowledge to establish criminal—not civil—negligence. The State pays lip service to the New Mexico Supreme Court’s requirement that “[t]o be convicted of involuntary manslaughter, a defendant must have been *aware* of the risk caused by his or her conduct.” *See, e.g.*, May 21, 2024 State’s Response to Defendant’s Motion to Dismiss the Indictment for Failure to Allege a Criminal Offense at 14. And in denying Defendant’s motion to dismiss, the Court explicitly recognized the applicability of *Henley*’s articulation of criminal negligence. *See* June 28, 2024 Order Denying Defendant Alec Baldwin’s Motion to Dismiss the Indictment for Failure to Allege a Criminal Defense ¶¶ 12-13 (“Additionally, the act must have been committed with a criminally negligent state of mind. . . . Said another way, ‘[t]o be convicted of involuntary manslaughter, a defendant must have been aware of the risk caused by his or her conduct . . .’” (quoting *Henley*, 2010-NMSC-039, ¶ 16)).

However, in articulating its theory of the case, the State consistently falls back on the argument that under the jury instructions, it simply must show that Mr. Baldwin “should have known” of the danger—not that he was in fact aware or had the “subjective knowledge” required by *Henley*. *See, e.g.*, May 21, 2024 State’s Response to Defendant’s Motion to Dismiss the Indictment for Failure to Allege a Criminal Offense at 3 (arguing that Mr. Baldwin’s motion “assumes that Ms. Gutierrez was a qualified armorer who adhered to industry standard safety protocols,” but that “Mr. Baldwin knew *or should have known* that Ms. Gutierrez was not to be entirely trusted”); *see also id.* at 13-14. The State appears poised to argue to the jury that Mr. Baldwin was criminally negligent because he *should have known* that he could not rely on Ms. Gutierrez (or Mr. Halls) based on evidence of other crew members’ descriptions of concerns about Ms. Gutierrez arising from

incidents there is no indication Mr. Baldwin was present for, was told about, or knew about at all. This is a far cry from the awareness and subjective knowledge required by New Mexico law.

Both the State and the Court understand that these requirements articulated in *Henley* are intended to be incorporated into the language of UJI 14-133 NMRA requiring the jury to find “willful disregard.” An instruction simply quoting the seminal New Mexico case defining the criminal negligence standard for involuntary manslaughter cannot be objectionable; all it can do is ensure that in this case where the Defendant’s actual knowledge is a critical question, the jury does not mistakenly latch onto the words “should have known” and fail to understand the import of the word “willful” in context of the criminal negligence standard. Indeed, in context of other crimes with a *mens rea* of criminal negligence, the New Mexico Uniform Jury Instructions have moved away from the use of the phrase “should have known” for precisely this reason. *Compare* UJI 14-602 NMRA (1999) *with* UJI 14-621 NMRA; *see also* *State v. Mascarenas*, 2000-NMSC-017, 4 P.3d 1221 (reversing conviction, on review for fundamental error, for negligent child abuse based on instruction that stated only that the defendant “knew or should have known of the danger” and “acted with reckless disregard for the safety” because “to allow [the] conviction to stand when there is a distinct possibility that he was convicted under a civil negligence standard and not the proper criminal negligence standard would result in a miscarriage of justice”).

The State argues that “[t]he facts are simple, guns kill and everyone, including Mr. Baldwin, knows it.” May 21, 2024 State’s Response to Defendant’s Motion to Dismiss the Indictment for Failure to Allege a Criminal Offense at 14. In this case, the key question is whether that rationale indeed carries over to an actor rehearsing and filming on the set of a Western film. Given the unique facts of this case, it is essential that the Court provide the jury a full and accurate understanding of the awareness and knowledge required under New Mexico law. *See* UJI Crim. Gen. Use Note (“[A]n elements instruction may only be altered when the alteration is adequately supported by binding precedent or the unique circumstances of a particular case, and where the alteration is necessary in order to accurately convey the law to the jury.”); *State v. Juan*, 2010-NMSC-041, ¶ 16, 242 P.3d 314 (“The decision to issue additional jury instructions generally lies within the sound discretion of the trial court.”). Without this understanding, the jury cannot adequately fulfill its role in deciding the question of Mr. Baldwin’s “knowledge or intent” and “whether the Defendant had a criminally negligent state of mind.” June 28, 2024 Order Denying Defendant Alec Baldwin’s Motion to Dismiss the Indictment for Failure to Allege a Criminal Defense ¶¶ 16, 19.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find that the defendant should have known of the danger involved from his actions as required for the second element of Involuntary Manslaughter, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the defendant had subjective knowledge of the danger or risk to others posed by his actions.

DEFENDANT'S PROPOSED INSTRUCTION NO. 17

For you to find that the defendant acted with willful disregard as required for the third element of Involuntary Manslaughter and for the unlawful act of Negligent Use of a Deadly Weapon, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the defendant's conduct was more than merely negligent or careless. Rather, you must find that the defendant consciously disregarded a substantial and unjustifiable risk of harm to others.

A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than the defendant out of concern for the safety of others.

Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.

Source: This instruction is based upon and defines the third element of UJI 14-231 NMRA. *See State v. Henley*, 2010-NMSC-039, ¶ 16, 237 P.3d 103 (“The showing of criminal negligence required for an involuntary manslaughter jury instruction includes the concept of recklessness, in which a defendant ‘consciously disregards a substantial and unjustifiable risk’ that harm will result from his conduct. . . . To be convicted of involuntary manslaughter, a defendant must have been aware of the risk caused by his or her conduct and continued to act.”); UJI 14-621 (defining the terms “reckless disregard” and “substantial and unjustifiable risk” in another criminal negligence context); *State v. Mascarenas*, 2000-NMSC-017, 4 P.3d 1221 (on review for fundamental error, reversing conviction for negligent child abuse because the instruction that the defendant “knew or should have known of the danger” and “acted with reckless disregard for the [child’s] safety” created “a distinct possibility that he was convicted under a civil negligence standard and not the proper criminal negligence standard,” such that allowing the conviction to stand “would result in a miscarriage of justice”); *State v. Magby*, 1998-NMSC-042, ¶¶ 9, 17, 22 (reversing conviction where trial court refused defense counsel’s tendered instruction defining the term “reckless disregard” patterned on uniform jury instruction for a different crime because “the distinction between criminal negligence and civil negligence turns on an understanding of the concept of recklessness”); *see also id.* ¶ 19 (noting that despite “the general rule that uniform jury instructions are presumed to be correct,” since there was a “distinct possibility of juror confusion,” the case “illustrates that there are exceptions to the foregoing presumptions and that this is a proper case in which to modify” the uniform jury instruction); UJI Crim. Gen. Use Note (“[A]n elements instruction may only be altered when the alteration is adequately supported by binding precedent or the unique circumstances of a particular case, and where the alteration is necessary in order to accurately convey the law to the jury.”).

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

For you to find that the defendant acted with willful disregard as required for the third element of Involuntary Manslaughter and for the unlawful act of Negligent Use of a Deadly Weapon, you must find that the State has proved to your satisfaction beyond a reasonable doubt that the defendant's conduct was more than merely negligent or careless. Rather, you must find that the defendant consciously disregarded a substantial and unjustifiable risk of harm to others.

A substantial and unjustifiable risk is one that any law-abiding person would recognize under similar circumstances and that would cause any law-abiding person to behave differently than the defendant out of concern for the safety of others.

Further, to find that that Alec Baldwin acted with willful disregard, you must find that he was subjectively aware of the risk caused by his conduct and continued to act.

DEFENDANT'S PROPOSED INSTRUCTION NO. 18

In considering the question of willful disregard, you should take into consideration all of the facts and circumstances that are unique to this case. Determining whether an act involves a substantial and unjustifiable risk requires an examination of the events and circumstances from the viewpoint of the defendant at the time the events occurred, without viewing the matter in hindsight.

Source: *State v. Lee*, 1967-NMCA-017, ¶ 3, 432 P.2d 265 (“In passing upon the question of intent the jury was properly instructed that it could take into consideration all of the facts and circumstances proved on the trial of the case.”); *Williams v. State*, 235 S.W.3d 742, 753 (Tex. Ct. App. 2007) (“And, of course, determining whether an act or omission involves a substantial and unjustifiable risk requires an examination of the events and circumstances from the viewpoint of the defendant at the time the events occurred, without viewing the matter in hindsight.” (quotations omitted)).

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

In considering the question of willful disregard, you should take into consideration all of the facts and circumstances that are unique to this case. Determining whether an act involves a substantial and unjustifiable risk requires an examination of the events and circumstances from the viewpoint of the defendant at the time the events occurred, without viewing the matter in hindsight.

DEFENDANT'S PROPOSED INSTRUCTION NO. 19

In addition to the other elements of the crime of Involuntary Manslaughter as set forth in instruction number 13 and as set forth in the alternative in instruction number 13A, the State must also prove to your satisfaction beyond a reasonable doubt that:

1. The death was a reasonably foreseeable result of Alec Baldwin's act;
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.

Source: UJI 14-251 NMRA (modified). Under New Mexico law, in order to find negligence, the harm that materializes must be reasonably foreseeable. In this case, where it is possible the State will argue Ms. Hutchins' death was foreseeable because of the known risk of harm from live ammunition despite the unique context of a movie set, it is critical that jury understand the meaning of the word "foreseeable." *See State v. Chavez*, 2009-NMSC-035, ¶ 26, 211 P.3d 891 ("We have declined to uphold endangerment convictions where the risk of harm is too remote, which may indicate that the harm was not foreseeable."); *see also* Black's Law Dictionary (defining foreseeable as "[a] reasonable or likely consequence of an act"). Indeed, this is true even in the civil negligence context, where the bar for negligence is far lower. *See Ferreira v. Sanchez*, 1969-NMSC-001, ¶ 5, 449 P.2d 784 ("[T]he mere fact that the injury stemmed from such an intervening act does not of itself exonerate these defendants from negligence, if under the facts of this case the intervening force is reasonably foreseeable.").

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

In addition to the other elements of the crime of Involuntary Manslaughter as set forth in instruction number 13 and as set forth in the alternative in instruction number 13A, the State must also prove to your satisfaction beyond a reasonable doubt that:

1. The death was a reasonably foreseeable result of Alec Baldwin's act;
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

DEFENDANT'S PROPOSED INSTRUCTION NO. 20

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.

Source: UJI 14-252 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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

DEFENDANT'S PROPOSED INSTRUCTION NO. 21

In addition to the other elements of Involuntary Manslaughter, the state must prove to your satisfaction beyond a reasonable doubt that the defendant acted intentionally when he committed the crime. A person acts intentionally when he purposely does an act which the law declares to be a crime. Whether the defendant acted intentionally may be inferred from all of the surrounding circumstances, such as the manner in which he acts, the means used, his conduct, and any statements made by him.

Source: UJI 14-141 NMRA; *see also* Transcript of 1/19/24 Grand Jury Proceedings at 99:16-100:1.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

In addition to the other elements of Involuntary Manslaughter, the state must prove to your satisfaction beyond a reasonable doubt that the defendant acted intentionally when he committed the crime. A person acts intentionally when he purposely does an act which the law declares to be a crime. Whether the defendant acted intentionally may be inferred from all of the surrounding circumstances, such as the manner in which he acts, the means used, his conduct, and any statements made by him.

DEFENDANT'S PROPOSED INSTRUCTION NO. 22

A death caused by mere negligence, not amounting to reckless, willful and wanton disregard of consequences to others, lays no foundation for criminal liability.

Source: *State v. Myers*, 1975-NMCA-055, ¶ 10, 536 P.2d 280 (citing *State v. Harris*, 1937-NMSC-046, ¶ 6, 70 P.2d 757).

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

A death caused by mere negligence, not amounting to reckless, willful and wanton disregard of consequences to others, lays no foundation for criminal liability.

DEFENDANT’S PROPOSED INSTRUCTION NO. 23

An issue in this case is whether the defendant believed he was handed a “cold gun” that contained no live ammunition, which had been verified by the armorer and/or the head of safety, such that the gun was unlikely to cause lethal harm. Another issue in this case is whether the defendant believed there was not a substantial risk that there could be live ammunition in the gun. The burden is on the State to prove beyond a reasonable doubt that the defendant did not have an honest and reasonable belief in the existence of either of those facts at the time of the alleged conduct. If you have a reasonable doubt as to whether the defendant’s alleged conduct resulted from a reasonable belief in either of those facts, you must find the defendant not guilty.

Source: UJI 14-5120 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

An issue in this case is whether the defendant believed he was handed a “cold gun” that contained no live ammunition, which had been verified by the armorer and/or the head of safety, such that the gun was unlikely to cause lethal harm. Another issue in this case is whether the defendant believed there was not a substantial risk that there could be live ammunition in the gun. The burden is on the State to prove beyond a reasonable doubt that the defendant did not have an honest and reasonable belief in the existence of either of those facts at the time of the alleged conduct. If you have a reasonable doubt as to whether the defendant’s alleged conduct resulted from a reasonable belief in either of those facts, you must find the defendant not guilty

DEFENDANT'S PROPOSED INSTRUCTION NO. 24

You may have heard evidence or testimony about the defendant's conduct on days other than October 21, 2021. Such evidence is not relevant to your determination of whether the defendant's conduct on October 21, 2021 meets the elements of Involuntary Manslaughter as I have explained them to you.

Source: July 8, 2024 Hearing on the Parties' Motions *in Limine*.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

You may have heard evidence or testimony about the defendant's conduct on days other than October 21, 2021. Such evidence is not relevant to your determination of whether the defendant's conduct on October 21, 2021 meets the elements of Involuntary Manslaughter as I have explained them to you.

DEFENDANT'S PROPOSED INSTRUCTION NO. 25

In this case, there are two possible verdicts as to the defendant:

(1) guilty; and

(2) not guilty.

Only one of the possible verdicts may be signed by you as to the defendant. To render a guilty verdict, you must be unanimous in finding the defendant guilty either under Count I (Negligent Use of a Deadly Weapon) or Count I in the alternative (Without Due Caution and Circumspection). If you have agreed upon one verdict, that form of verdict is the only form to be signed. The other form is to be left unsigned.

Source: UJI 14-6010 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED INSTRUCTION NO. ____

In this case, there are two possible verdicts as to the defendant:

(1) guilty; and

(2) not guilty.

Only one of the possible verdicts may be signed by you as to the defendant. To render a guilty verdict, you must be unanimous in finding the defendant guilty either under Count I (Negligent Use of a Deadly Weapon) or Count I in the alternative (Without Due Caution and Circumspection). If you have agreed upon one verdict, that form of verdict is the only form to be signed. The other form is to be left unsigned.

DEFENDANT'S PROPOSED INSTRUCTION NO. 26

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.

Source: UJI 14-104 NMRA.

Given
Denied
Modified
Withdrawn

DEFENDANT'S PROPOSED 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.

DEFENDANT’S PROPOSED INSTRUCTION NO. 27

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 will 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 _____ (name of each alternate juror) are alternate jurors in this case and therefore will need to remain in the courtroom.

Source: UJI 14-6020 NMRA.

Given
Denied
Modified
Withdraw

DEFENDANT'S 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 will 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 _____ (name of each alternate juror) are alternate jurors in this case and therefore will need to remain in the courtroom.

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 PROPOSED VERDICT FORMS

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Counsel for Alec Baldwin

Pursuant to the Court's February 26, 2024 Scheduling Order, Defendant Alec Baldwin, by and through his attorneys, hereby submits his proposed verdict forms and respectfully requests that the Court submit the following verdict forms to the jury for its deliberations. Defendant reserves the right to modify the proposed verdict forms based on the evidence adduced at trial.

**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

VERDICT FORM

We find the defendant Alec Baldwin GUILTY of Involuntary Manslaughter as charged in
Count I.

FOREPERSON

**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

VERDICT FORM

We find the defendant Alec Baldwin NOT GUILTY of Involuntary Manslaughter as charged in Count I.

FOREPERSON

Date: July 8, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

By: /s/ Luke Nikas

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Counsel for Alec Baldwin

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2024, a true and correct copy of the foregoing brief was emailed to opposing counsel.

/s/ Heather LeBlanc
Heather LeBlanc