

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

STATE OF NEW MEXICO,

Plaintiff,

v.

D-101-CR-2024-00013

ALEXANDER RAE BALDWIN,

Defendant.

**STATE'S RESPONSE TO DEFENDANT'S
MOTION TO DISMISS THE INDICTMENT**

COMES NOW, the State of New Mexico, by and through Special Prosecutors,
Kari T. Morrissey and Jason J. Lewis, who submit the following in response to
Defendant's Motion to Dismiss the Indictment.

The defendant's motion to dismiss is a predictably false, misleading, and
histrionic misrepresentation of the facts and circumstances of the history of the case.
The two special prosecutors who have been assigned the prosecution of Mr. Baldwin
have experienced near countless lies and manipulation from the defense for more than
one year. In addition, we have, and certainly will continue to be, the subject of the
defendant's contrived and unwarranted personal attacks.

The primary goal of Mr. Baldwin and his counsel, which now numbers eight
total attorneys: Heather LeBlanc (local counsel who, despite her reputation for hard
work and competence, has been relegated to largely menial tasks), Alex Spiro (New

York), Luke Nikas (New York), John Bash (Texas), Sara Clark (Texas), Michael Nosanchuk (New York) Jennifer Stern (New York) and Stephanie Kelemen (New York) is to ensure that the case is not heard on its merits, and if it is heard on its merits, to discredit the prosecution, investigation, and witnesses in the media so that a conviction becomes unlikely for reasons that have nothing to do with Mr. Baldwin's criminal culpability. It is the job of the special prosecutors to investigate the case and fairly and impartially prosecute the case and we will continue to do so despite the defendant's relentless attempts to discredit and intimidate the prosecution and the courageous witnesses who continue to participate in the struggle for justice for Halyna Hutchins and her family.

Given the exhaustive nature of the defendant's motion to dismiss, we will begin the response by providing a recitation of the factual and procedural history of the case as we know it.

In October 2021 Mr. Baldwin began filming *Rust* on Bonanza Creek Ranch in Santa Fe County, New Mexico. *Rust* is a story that was written by Joel Souza with participation by Alec Baldwin and coincidentally is a story about a boy who kills a man due to an accidental discharge of a gun. Mr. Baldwin hired Mr. Souza to write the screenplay and sold the rights to the story to Rust Productions, LLC. Mr. Baldwin later became the lead producer of the film (according to the film's call sheet Mr. Baldwin is the top listed producer) and the lead actor in the film. See State's Attached Exhibit L.

This was Mr. Baldwin's project, and that fact is clear when viewing the many video clips from the filming of the movie and interviewing the crew members – Mr. Baldwin was in charge.

Rust Productions hired Hannah Gutierrez, a young and inexperienced armorer to manage all of the weapons on the gun-heavy movie set in addition to fulfilling her role as a props assistant. While it can't be denied that Ms. Gutierrez accepted the responsibility for armorer and props assistant, Ms. Gutierrez was only twenty-four years old and was only legally permitted to purchase guns for a handful of years. In true Hollywood form, Ms. Gutierrez was hired as the armorer due to nepotism, as her father was a well-known armorer, gun handler and gun coach. Many of the crew members on the set of *Rust* immediately noticed that Ms. Gutierrez was inexperienced and overwhelmed (likely with a healthy dose of laziness and bravado mixed in). Curiously, Mr. Baldwin, the most experienced member of all the cast and crew, seems to have missed what most everyone else noticed – Hannah Gutierrez was not up to the job.

Alec Baldwin arrived on the set of *Rust* on October 12, 2021, a week after filming began. Mr. Baldwin's late arrival on set caused him to miss the initial firearms training offered to the actors by Ms. Gutierrez. Baldwin's late arrival made it necessary for Ms. Gutierrez to schedule a separate training session for Mr. Baldwin. Mr. Baldwin was inattentive during this training and spent time during the training on the phone with

his family and making videos of himself shooting the gun for his family's enjoyment.

See State's Exhibit M(A) and M(B)

(<https://www.dropbox.com/scl/fo/0im1aytgdjtyi8xrbas7h/1?rlkey=axhha4kqmun67kfs8x3q23sp&dl=0>).

Upon arriving on set Mr. Baldwin immediately began demanding the crew and the armorer work faster. Mr. Baldwin's relentless rushing of the crew on the movie set routinely compromised safety because *Rust* is not a romantic comedy, it is an action-filled western with dangerous stunts and real guns being used as props. In addition to rushing the cast and crew, Mr. Baldwin was frequently screaming and cursing at himself, at crew members or at no one and not for any particular reason. To watch Mr. Baldwin's conduct on the set of *Rust* is to witness a man who has absolutely no control of his own emotions and absolutely no concern for how his conduct effects those around him. Witnesses have testified that it was this exact conduct that contributed to safety compromises on set.

The combination of Hannah Gutierrez's negligence and inexperience and Alec Baldwin's complete lack of concern for the safety of those around him would prove deadly for Halyna Hutchins, a young cinematographer and rising star in the film industry. 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. The bullet entered her body near her right armpit, went through her rib, punctured her lung, severed her

spine, and exited her body below her left shoulder blade. The bullet then entered the front shoulder of Director, Joel Souza before finally coming to rest just under the skin on Mr. Souza's back.

At the time, a scene was being prepared during which Mr. Baldwin was expected to slowly pull his gun from his holster – that's all. Mr. Baldwin decided to go off-script and take actions contrary to what the director, Joel Souza instructed him to do. To the frustration of Mr. Souza, Mr. Baldwin did this frequently, he ignored direction from Mr. Souza and without warning, acted on his own volition. Unbeknownst to Mr. Baldwin, Ms. Gutierrez inadvertently loaded a live round into the gun and Ms. Hutchins and Mr. Souza were shot. Ms. Hutchins died the same day.

Almost immediately after the incident, when emergency medical services were still on scene and attempts to stabilize Ms. Hutchins for flight to the UNMH trauma center were underway, Mr. Baldwin began preparing the unbelievable narrative that he was not responsible for the discharge of the gun and injuries to his colleagues. He began discussing this defense and nurturing this false narrative before he began his interview with law enforcement the same day as the fatal shooting.

Ultimately, Mr. Baldwin arrived at the sheriff's department for a formal interview and was left momentarily in the interview room after the video recording of the interview began, but before detectives entered the room to begin speaking to Mr. Baldwin. During this time Mr. Baldwin, knowing that Ms. Hutchins had been critically

injured and taken by helicopter to a nearby trauma center and Mr. Souza had been seriously injured and taken to a local hospital for emergency treatment, began to make casual phone/face time video calls. Mr. Baldwin called his wife (on speaker phone or face time) and another personal assistant/employee regarding his family's upcoming trip to New Mexico. Mr. Baldwin's minor daughter was going to have a small part in the movie and his family was planning to join him in New Mexico the following day. During these calls Mr. Baldwin asked that his family not cancel the trip to New Mexico despite the tragedy. He explained, "I won't work and we'll go and enjoy ourselves. It's all paid for. They're not going to give us the money back." See State's Attached Exhibit A, highlighted portion of page 3.

Mr. Baldwin proceeded to provide a video recorded interview with detectives where he described the incident that led to the shooting of Ms. Hutchins and Mr. Souza. The high points of Mr. Baldwin initial interview are highlighted for the Court in State's Exhibit A. In sum, Mr. Baldwin stated numerous times that Hannah Gutierrez handed him the gun before the incident and Mr. Halls never handed him the gun. *Id.* at pages 16, 33, 34 and 36. Mr. Baldwin stated on two occasions that he fired/shot the gun. *Id.* at pages 32 and 43. Mr. Baldwin stated numerous times that "he" (referring to Mr. Souza) was telling him where to point the gun during the rehearsal, not Ms. Hutchins. *Id.* at pages 6, 18, 19 and 37. It is also worth noting that Mr. Baldwin stated that Ms. Hutchins turned her body while speaking to someone else and that is why she was struck in the

armpit. *Id.* at page 6. Mr. Baldwin never stated during his lengthy interview with law enforcement that Ms. Hutchins told him where to point the gun or gave him any instructions about what to do with the gun during the rehearsal/blocking when the gun discharged. Mr. Baldwin did state during his initial interview with detectives that the gun just “went off” as he was not expecting a live round to be in the gun but he never stated that he didn’t pull the trigger.

It is true that Mr. Baldwin consented to an extraction of his cellular phone by the Suffolk County Police Department, but only permitted a very limited report to be generated for New Mexico law enforcement to review. The special prosecutors learned recently that Mr. Baldwin has since obtained the extraction data from the Suffolk County Police Department so it can longer be accessed by law enforcement.

On December 3, 2021, after obviously having conferred with counsel, Mr. Baldwin participated in a televised interview with George Stephanopoulos, Mr. Baldwin’s personal friend. *See State’s Attached Exhibit B.* During this interview everything changed and Mr. Baldwin, with the aid of his attorneys, lied with impunity and blamed the incident on Ms. Hutchins. Mr. Baldwin changed his story and stated repeatedly that it was Ms. Hutchins who was telling him where to point the gun and to point the gun at her. *Id.* at pages 17, 18 and 19. In his shameless attempt to escape culpability for his own negligence and recklessness he went so far as to say that he pointed the gun at Ms. Hutchins’ armpit because that was where she told him to point

it. *Id.* at page 17, line 21-24. This statement was in direct contradiction to his previous statement on October 21, 2021, and very pointedly in direct contraction to the portion of his October 21, 2021, statement where he clearly explained that Ms. Hutchins was struck in the armpit because she was turned to speak to someone else. Very notably, this is the first time that Mr. Baldwin claimed he never pulled the trigger of the gun thereby calling into question the functionality of the gun. *Id.* at page 18, lines 18-25 and page 19, lines 1-2.

On December 8, 2021, Mr. Baldwin provided a recorded interview with Lorenzo Montoya of New Mexico OSHA. *See State's Attached Exhibit C.* In this interview, Mr. Baldwin's story changed again. When speaking to OSHA investigators Mr. Baldwin told new lies and doubled down on previous lies. Again, Mr. Baldwin stated that he didn't pull the trigger of the gun. *Id.* at page 16, lines 19-28 and page 16, lines 2-4 and page 37, lines 11-13. In a surprising turn of events Mr. Baldwin stated that Mr. Halls, the First Assistant Director, handed him the gun. *Id.* at page 34, lines 10-13. This was in direct contradiction to the numerous times Mr. Baldwin stated that Hannah Gutierrez handed him the gun when he was interviewed on October 21, 2021. Mr. Baldwin again stated that Ms. Hutchins was telling him where to point the gun, to the point the gun in her direction and to cock the gun. *Id.* at page 34, lines 15-25, page 35, lines 8-23 and page 36, lines 4-10.

Mr. Baldwin's new story to OSHA on December 8, 2021, included new misrepresentations that Seth Kenney was on the set of *Rust* on October 21, 2021, and that he heard this from "very reliable" people. Mr. Baldwin asserted that Seth Kenney was one of the people who may be responsible for providing live rounds to the set of *Rust*. *Id.* at page 27 lines 6-11, 13-19 and page 29, lines 2-3. Defense counsel have never provided the special prosecutors with the names of the "very reliable" people who told Mr. Baldwin that Seth Kenney was on set the day of the shooting. When Mr. Baldwin planted the seed that Mr. Kenney was on set on October 21, 2021, and provided live rounds to the movie set on October 21, 2021, the digital evidence proving that the live rounds were on set long before October 21, 2021, had not yet been uncovered and disclosed. This was yet another falsehood put forth by Mr. Baldwin to deflect blame away from himself and onto others.

As the OSHA interview continued, Mr. Baldwin's story took a very interesting turn. Mr. Baldwin vacillated between claiming he had virtually no experience with guns and almost daily experience with guns. *Id.* at page 37, lines 11-13. *Id.* at page 24, lines 23-25 and page 25, lines 1-11. Mr. Baldwin stated that he pulled the hammer of the gun back but was not going to cock the gun. *Id.* at 37, lines 1-9. Anyone who has ever shot a single action revolver understands that pulling the hammer back is precisely the action that cocks the gun, thus making Mr. Baldwin's assertion contradictory and absurd. Mr. Baldwin also stated that when pulling the hammer back he did not hear

the clicking sounds that the gun makes at quarter-cock, half-cock and full-cock while the hammer is being cocked. Whether Mr. Baldwin realized it or not at the time of his statement, when the gun handler pulls the hammer back on a single action army revolver and doesn't hear the clicks, it means the trigger was fully depressed during the cocking sequence. To an experienced gun handler, Mr. Baldwin's statement that he did not hear the hammer clicks is synonymous with the trigger being pulled. Mr. Baldwin then made the false statement that he did not pull the hammer all the way back. *Id.* at page 39, lines 2-7. This assertion has already been disproven by forensic testing of the firing pin impressions on the spent casing from the live round that killed Ms. Hutchins. See Defendant's Exhibit 5, page 9 of Lucien Haag's ballistics report (bottom of the page). Finally, and despite his lawyers attempts to mislead, the State, the Court, and the public about the functionality of the gun, Mr. Baldwin made a truthful statement and acknowledged that the gun functioned properly and that the only problem with the gun was that a live round was in it. *Id.* at page 42, lines 6-21. In sum, every time Mr. Baldwin spoke, a different version of events emerged from his mouth and his later statements contradicted his previous statements and his attorneys' assertions as set forth in their motion to dismiss.

After Mr. Baldwin's interview with George Stephanopoulos, detectives became aware that Mr. Baldwin was claiming that the gun discharged without the trigger being pulled. Even though this assertion is absurd on its face, law enforcement was dedicated

to a full and fair investigation and in response to Mr. Baldwin's claims the gun was sent to the FBI for forensic testing. The FBI tested the gun and was only able to make the gun fire absent a trigger pull when the hammer was in its full resting position. This is not a malfunction as Mr. Nikas would like the Court to believe; this is predictable and is a known consequence of the gun's design. In fact, the manufacturers manual for the gun cautions against the handler keeping a round in the cylinder chamber that aligns with the firing pin because significant pressure on the hammer can press the firing pin into the primer of the cartridge and discharge the bullet. *See* Defendant's Exhibit 30, page 58 (page 22 of the Pietta manual), enumerated paragraph 3. The FBI hit the hammer of the gun with a rawhide mallet on numerous occasions when the hammer was in the quarter, half and full-cock positions in an attempt to test Mr. Baldwin's assertion and ultimately and unsuccessfully tried so hard and so often to make the gun fire absent a pull of the trigger that the gun finally broke. The gun was not destroyed as Mr. Nikas claimed, but a small number of the internal mechanisms that engage when the gun is in the full cock position were damaged and one such mechanism was the full-cock notch on the gun's hammer and the trigger sear.

After an investigation by the Santa Fe County Sheriff's Department that took approximately one year, the case file was turned over to the First Judicial District Attorney's Office for review for possible criminal charges and in January 2023 charges were filed against Mr. Baldwin, Ms. Gutierrez and Mr. Halls. Mr. Halls quickly

accepted responsibility and entered a plea to a misdemeanor. Shortly after the charges against Mr. Baldwin were filed his attacks and retaliation against the prosecutors for daring to hold him responsible began. This shouldn't have come as a surprise to undersigned counsel given Mr. Baldwin's history of attacking anyone who tries to hold him accountable for his bad acts. A more complete recitation of Mr. Baldwin's history of attacks and deflection (with the aid of his counsel, Mr. Nikas) is set forth on pages 16, 17 and 19 of State's Attached Exhibit D.

While there is merit to the defendant's assertion that he was incorrectly charged with a firearm enhancement and Ms. Reeb's position as a state legislator *may* have precluded her from serving as a special prosecutor, these were innocent mistakes that were quickly cured by the dismissal of the firearm enhancement and Ms. Reeb's resignation. Any allegation that the former prosecutors engaged in an unethical disparagement of Mr. Baldwin by providing limited statements to the press is legally unsound. As has been previously litigated in the case against Hannah Gutierrez and during the Baldwin grand jury litigation, the media contact by Ms. Carmack-Altwies and Ms. Reeb was not unethical or unlawful as it was done in response to Mr. Baldwin's (and Mr. Bowles') own public appearances and misleading statements to the press.

Mr. Baldwin made numerous public appearances to spread misinformation about the case, protect his already tarnished public image and try to sway the public and future jury in his favor. As discussed above, Mr. Baldwin appeared on national

television on December 3, 2021, and shamelessly lied about his conduct and blamed the victim for her own death. On August 19, 2022 Mr. Baldwin again used his celebrity status to sway public opinion concerning the details of the investigation into the death of Halyna Hutchins by appearing on CNN for an in-person interview with Chloe Melas (<https://www.cnn.com/videos/entertainment/2022/08/19/alec-baldwin-rust-shooting-melas-intvu-new-day-dnt-vpx.cnn>). On August 19, 2022, Mr. Nikas appeared in an interview with Chloe Melas prior to any charging decisions against his client being announced by the District Attorney's Office. Mr. Nikas stated that any criminal charges against his client would be "huge miscarriage of justice."

(<https://www.cnn.com/videos/entertainment/2022/08/19/alec-baldwin-rust-shooting-melas-intvu-new-day-dnt-vpx.cnn>).

A prosecutor is not required to stay silent under these circumstances. She was permitted to rebut the parade of misinformation spread about by Mr. Baldwin, his counsel and counsel for Ms. Gutierrez. The New Mexico Rules of Professional Conduct, Rule 16-306 (A), Trial Publicity, states, "A lawyer shall not make any extrajudicial or out-of-forum statement in a proceeding that may be tried to a jury that the lawyer knows or reasonably should know: (1) is false; or (2) creates a clear and present danger of prejudicing the proceeding." The Committee Commentary goes on to state in Footnote 6,

Finally, extrajudicial statements that might otherwise raise a question under this rule may be permissible when they are made in response to statements made publicly by another party, another party's lawyer, or third persons, where a reasonable lawyer would believe a public response is required in order to avoid prejudice to the lawyer's client. When prejudicial statements have been publicly made by others, responsive statements may have the salutary effect of lessening any resulting adverse impact on the adjudicative proceeding. Such responsive statements should be limited to contain only such information as is necessary to mitigate undue prejudice created by the statements made by others.

It is perplexing that Mr. Baldwin would complain about pre-trial publicity when it was he who elected to appear on national news and use his celebrity status to publicly lie about the facts and circumstances of Ms. Hutchins' death. The prosecution is permitted to respond to statements made by the defendant (and his/her counsel) to lessen the adverse impact on the adjudicatory proceedings.

In March 2023 undersigned counsel and co-special prosecutor, Jason J. Lewis were appointed special prosecutors on all *Rust* related cases and kindly reached out to Mr. Nikas and Mr. Spiro to establish a civil working relationship. After some brief introductory meetings, Mr. Nikas requested that defense counsel and counsel for the State meet in person to fully discuss the case against Mr. Baldwin and undersigned counsel graciously and naively agreed.

On April 12, 2023, Mr. Nikas and his associate, Sara Clark, flew to Santa Fe and met with the special prosecutors to discuss the case against Mr. Baldwin. During this

four-hour meeting Mr. Nikas displayed a power point presentation that outlined his arguments against the prosecution of his client. During this meeting Mr. Nikas stated that if the case proceeded, he may call a variety of A-list actors to testify on Mr. Baldwin's behalf and specifically referenced Harrison Ford and Helen Mirren. Mr. Nikas went further and stated that if the case were to proceed, he would call Mr. Baldwin's supporting actor on *Rust*, Jensen Ackles as a witness for the defense. Mr. Nikas explained that Mr. Ackles would testify that, even though he personally checked his prop gun for live rounds routinely, he would not have checked it if he had been in the same position as Mr. Baldwin on October 21, 2021. Mr. Nikas also asserted that Mr. Baldwin's position as producer on the film gave him power over creative decisions only and that his contract spelled those limitations out clearly. Nearly all of Mr. Nikas' statements to counsel during the meeting on April 12, 2023, would later be determined to be false or misleading.

The deadline for the defendant to list witnesses under Rule 5-502 was March 1, 2024, and not surprisingly he has failed to list Mr. Ford, Ms. Mirren or Mr. Ackles. In fact, undersigned counsel recently contacted Mr. Ackles and was notified that no one from Mr. Baldwin's defense team has ever reached out to him and requested he testify on Mr. Baldwin's behalf.

Mr. Nikas intentionally made numerous false statements in his motion to dismiss but one of the most shocking is his assertion that the defense proved to the State that the

gun used by Mr. Baldwin was modified. On April 18, 2023, Mr. Nikas emailed undersigned counsel three photos of revolver parts, one photo was from the FBI examination of the gun used to kill Ms. Hutchins and the other two presumably came from the defense firearms expert, Brian Leuttke who has yet to be listed a witness for the defendant despite the fact that he examined the evidence revolver at the Santa Fe County Sheriff's Department on April 12, 2023 and is scheduled to examine it again in the coming weeks.

Mr. Nikas used these photos to convince undersigned counsel that the hammer of the revolver *may* have been modified because it appeared to be visibly different than similar exemplar hammers. Undersigned counsel had already retained the services of Lucien Haag, who was to be assisted by his son Michael Haag, to perform forensic testing on the revolver and intended to defer to their examination and testing with regard to the oddity of the hammer. The Haag's are recognized nationally and internationally for their expertise as forensic scientists in the areas of ballistics generally, shooting reconstruction and firearms examination. *See State's Attached Exhibits J and K.*

At this time the preliminary hearing for Mr. Baldwin was scheduled to begin on May 3, 2023. The special prosecutors could easily have proceeded successfully to a preliminary hearing on Mr. Baldwin's case even though the forensic testing of the gun was incomplete. The simple fact that Mr. Baldwin did not have personal knowledge of

the ammunition loaded into the gun, pointed the gun at a person and admitted to detectives that he fired it was likely to be enough to surpass the probable cause standard. However, Mr. Nikas contacted undersigned counsel and specifically requested she consider dismissing the case against Mr. Baldwin without prejudice while the forensic testing took place to ensure that Mr. Baldwin did have to bear the expense of paying his numerous elite attorneys to defend him at the preliminary hearing only to later have the case dismissed if the forensic testing indicated that the hammer of the gun had in fact been modified. Undersigned counsel agreed to dismiss the case without prejudice pending the outcome of the forensic testing and the resolution of outstanding discovery issues related to Mr. Baldwin's producer contract and other items in the possession of Rust Productions, LLC.

Mr. Nikas asserted in his motion to dismiss that Mr. Baldwin was somehow shocked and surprised by the refileing of the charges against him. This is patently false given that the agreement entered into between Mr. Nikas and undersigned counsel was that the case would be dismissed without prejudice pending the outcome of the forensic testing on the firearm and the nolle prosequi filed in the case specifically stated that the investigation was on-going. *See* State's Attached Exhibit E.

Predictably, the forensic testing concluded that the trigger of the gun had to be pulled for the gun to have discharged on October 21, 2021 and the alleged modification of the hammer was simply damage caused when the FBI struck the hammer with the

mallet so many times that it finally damaged the hammer and sear. It is worth noting that the damage to the hammer that Mr. Nikas so desperately wants to convince the Court was some mysterious modification is damage specifically to the full-cock notch of the hammer and the gun was in the full-cock position when the final strike from the FBI's mallet broke the hammer and sear. This isn't rocket science – it's the simplest and most plausible explanation. It is worth noting that further testing of the gun in August 2023 revealed that, even when the damaged hammer was inserted back into the gun and the trigger was replaced, the gun would not remain in the full-cock position and the trigger still had to be pulled to drop the hammer after it was caught at the half-cock and quarter-cock positions. The defendant simply doesn't have a leg to stand on concerning his claim that the hammer of the gun was modified. He used this false claim to create delay in the prosecution of his case and has now complained in his motion to dismiss that the case has been hanging over his head for too long.

After receiving the forensic analysis from Mr. Haag, undersigned counsel was finally able to obtain the video recordings from the filming of *Rust* which also clearly demonstrated that the gun was in perfect working condition every time it was fired by Mr. Baldwin. The videos also confirmed the witness' statements regarding Mr. Baldwin's bullyish behavior on set and that Mr. Baldwin's producer contract was completely devoid of the limitations promised by Mr. Nikas in the April 12, 2023, meeting.

It was now October 2023, and the case was finally ready to be refiled. As disclosed in Defendant's Exhibit 4 to his motion to dismiss (and previously to NBC News), counsel for the State gave Mr. Baldwin the option of accepting a very favorable plea agreement rather than have the case proceed to grand jury for a possible indictment. Counsel extended this plea offer reluctantly, but did so with the intention of ensuring that similarly situated defendant's do not receive disparate treatment. Mr. Halls was offered a favorable plea and it seemed only fair to extend a similar offer to Mr. Baldwin prior to proceeding to a grand jury presentation.

Prosecutors are certainly not bound by the philosophical notion that all similarly situated criminal defendant's must be treated similarly but undersigned counsel is not a career prosecutor, rather she is a career defense attorney and civil rights lawyer and believes strongly in issues related to fundamental fairness. Undersigned counsel has learned some tough lessons about the consequences of her idealistic notions during her dealings with Baldwin's counsel and the series of events that unfolded as result of the plea offer have been the toughest lessons learned to date.

On October 5, 2023, the special prosecutors extended a plea offer to Mr. Baldwin as confidential and privileged plea negotiations and gave Mr. Baldwin until October 27, 2023 to accept the offer or the case would proceed to grand jury on November 16, 2023. Counsel for the State received no response at all – not even an email from defense counsel stating that they received the offer and would discuss it with their client.

Approximately ten days after the offer was extended, and well before the deadline for Mr. Baldwin to accept the offer, undersigned counsel received information that Mr. Nikas provided all the details of the presumed confidential and privileged plea offer to a reporter with NBC News in New York. After determining that the reporter did indeed have all the details of the plea offer extended to Mr. Baldwin, undersigned counsel received additional information that Mr. Baldwin and his counsel were working with the media to generate a campaign designed to deflect attention away from any future plea hearing to protect Mr. Baldwin's public image. Counsel received information that Mr. Baldwin may accept the plea offer but intended to file a civil complaint against the State of New Mexico and the former prosecutors on the same day as the possible future plea hearing to direct media attention to the frivolous lawsuit and away from the plea hearing.

As disturbing this information was, undersigned counsel was not inclined to rescind the plea offer simply because Mr. Baldwin intended to continue to use the media to escape the consequences of his actions and his counsel had flagrantly disregarded the privileged and confidential nature of plea negotiations. Next, undersigned counsel received information that Mr. Baldwin commissioned his own documentary about the death of the woman he killed and was actively pressuring material witnesses in the case against him to submit to interviews for his documentary. It was at this point that the plea offer was rescinded, and the case was scheduled for

grand jury. And *still* Mr. Baldwin complains to this Court that he has been treated unfairly.

It is worth noting that after the plea offer was rescinded the NBC News reporter again contacted undersigned counsel and warned her that she (the reporter) spoke to Mr. Nikas about the retraction of the plea and Mr. Nikas exclaimed that he was “going to destroy” undersigned counsel. Undersigned counsel responded that she expected nothing less.

In response to Mr. Baldwin’s assertions that State’s counsel engaged in inappropriate contact with the media, and somehow disadvantaged him by removing the language related to the forty-eight-hour deadline from his target notice, undersigned counsel incorporates herein all arguments set forth in State’s Attached Exhibit E. State’s counsel further asserts that had she not removed the language related to the forty-eight hour deadline from the target notice and then proceeded to request a modification of the deadline as permitted by Rule 5-302.2(D), the defendant would have complained that he was mistreated by being provided and forty-eight hour deadline and then having the State motion the Court to modify the deadline. Mr. Baldwin wasn’t disadvantaged; he wasn’t treated unfairly, and the State never requested that his time to respond be shortened to anything less than what the rule contemplated.

The reasons for requesting a modification of the deadline were to ensure that the Court would have ample time to address the legal issues raised by the defendant’s

anticipated alert letter and the State could timely accommodate the travel arrangements for the out-of-state witnesses scheduled to appear before the grand jury without disruption. In the end, State's counsel was right, there was not ample time for the Court to address the defendant's arguments and the Court vacated the grand jury presentation scheduled for November 16, 2023, thus demonstrating that the State's request for a scheduling order was not at all frivolous. See Defendant's Exhibit 3 and State's Attached Exhibit G.

In his motion to dismiss Mr. Baldwin complained about counsel's contact with an NBC reporter on November 15, 2023. In truth, the sole reason undersigned counsel had any contact with the reporter is because Mr. Baldwin's counsel released to NBC News all videos from the filming of *Rust* that they requested be provided to the grand jury as exhibits in their grand jury alert letter. Defense counsel released the videos to NBC the night before the grand jury was scheduled to convene and modified the videos to show their client in more favorable light. Undersigned counsel did not provide the January 2023 grand jury date to anyone other than the witnesses being called before the grand jury and instructed those witnesses not to disclose it to anyone else.

Undersigned counsel did not yell at the reporter from NBC News, nor did she threaten her with a subpoena. Undersigned counsel explained her contact with the NBC News reporter in detail during the grand jury litigation and has attached those pleadings for this Court's review and consideration. Undersigned counsel incorporates all statements

and arguments in this regard made during grand jury litigation included in State's Attached Exhibit E.

The meat of Mr. Nikas' arguments related to the presentation of the charges to the grand jury demonstrate a fundamental ignorance on the part of Mr. Nikas with regard to the law as it relates to grand jury proceedings in the State of New Mexico. First, the presenting prosecutor is not required to notify the grand jurors of their ability to subpoena witnesses or documents, this is the purview of the Court. The grand jurors don't walk off the street and sit down in the grand jury room with no information about their powers. The grand jurors go through a formal orientation where they are verbally notified of their ability to subpoena witnesses and evidence and they are provided with a written packet that instructs them on their powers. *See State's Attached Exhibit F.* The written instructions provided to the grand jury by the Court clearly state "The Presiding Judge of the Grand Jury will guide you to assure that your actions are within the authority conferred upon you by law. Any grand juror may at any time, with propriety, seek advice and guidance from him/her as to the scope and propriety of the grand jury's acts and investigations." "The grand jury has the power to order the attendance of witnesses and to cause the production of public and private records or other evidence relative and relevant to its investigations. It has the authority of this court to subpoena witnesses and to obtain execution of subpoenas...". *Id.* at page 2.

Mr. Nikas is correct, the Court ultimately ordered the State to make nearly all of the defendant's requested evidence and witnesses available to the grand jury by way of an alert letter and the State did exactly as instructed and Mr. Baldwin was subsequently indicted. The State went beyond what is required of prosecutors presenting alert letters to the grand jury. Not only did the State read every word of Mr. Baldwin's alert letter to the grand jury, but the State also provided each and every grand juror with their own copy of Mr. Baldwin's alert letter. Even though the alert letter provided to every grand juror detailed the documents Mr. Baldwin requested the grand jury consider, the State had copies of each and every document for each grand juror in the room. There were three banker's boxes of documents sitting in the room and at the conclusion of the evidence undersigned counsel notified the grand jury that copies of all of Mr. Baldwin's requested documents were available for their review should they wish to see them.

The truth is that the grand jurors were alerted to Mr. Baldwin's witnesses and documents, and they had no interest in reading the documents or requesting the attendance of the witnesses. This is typical of grand jury proceedings where the target does not testify, as is his right.

The State provided Mr. Baldwin's requested proximate cause instructions, read the instructions to the grand jury verbatim and included the instructions in the packet of instructions that the grand jurors were required to consider. Mr. Baldwin complained in his motion that the State didn't take enough time to present the case to

the grand jury and rushed through the presentation. This assertion is absolutely false and another attempt by Mr. Baldwin to receive special treatment. The State spent one- and one-half days presenting this case to the grand jury – this is an unprecedented amount of time to spend presenting any case to a grand jury, let alone a fourth-degree felony. The Baldwin grand jury presentation was likely one of the longest in New Mexico history and almost certainly one of the longest in the history of the First Judicial District Court. The grand jury presentation was unusually long because there was a great deal of evidence, witnesses and exculpatory material that needed to be presented. Upon reading the laughable assertion that one- and one-half days was not long enough, undersigned counsel gathered information from prosecutors in the Second Judicial District which is considerably greater in population and crime rates than the First Judicial District. She spoke to two prosecutors who routinely indict and prosecute capital murders, child abuse resulting in death, child molestation cases and adult rape cases and both prosecutors reported that the longest grand jury presentation they have ever participated in lasted no longer than three hours.

Mr. Nikas complained in his motion that the prosecution rushed through the grand jury process and should have postponed the grand jury presentation and simultaneously complained that the charges have been hanging over Mr. Baldwin's head for far too long. There is simply no pleasing Mr. Baldwin or his counsel. As proof, Judge Ellington granted nearly all of Mr. Baldwin's pre-grand jury requests and

after the indictment was filed, the criminal case was assigned to Judge Ellington for trial court proceedings. How did Mr. Baldwin respond? By excusing the judge who granted nearly all of his pre-grand jury requests. *See State's Attached Exhibit H.* Why would the defense excuse a judge who seemingly bent over backwards to accommodate his countless requests? Probably because Judge Ellington denied his request for a modification of the Uniform Jury Instruction that was absolutely contrary to New Mexico law and failed to act on his frivolous motion for sanctions against the special prosecutors.

A cursory review of the allegations contained in his motion to dismiss demonstrates that Mr. Nikas mislead the Court at nearly every turn in his publicly filed pleading. On Page 21 of his motion, he stated "Haag omitted several essential facts regarding that testing (referring to the forensic testing of the gun), including that the FBI testing established that the gun *did* fire without a trigger pull when the firearm was fully loaded with six rounds, as it was on the day of the incident." False - on the day of the incident the gun was fired from the full-cock position. During FBI testing the gun only fired without a trigger pull when the hammer was in the resting position as it is designed to do if a cartridge is loaded into the chamber of the cylinder that aligns with the firing pin. Also on page 21, "Haag admitted that the hammer of the firearm that fired the fatal round was "rounded" (which would make it easier to fire)". False - there is simply no evidence that the hammer was in anything other than perfect condition at

the time the gun fired the fatal round into Ms. Hutchins' body. And if Mr. Nikas doesn't believe Mr. Haag or the counsel for the State, then perhaps he is willing to believe his own client who told OSHA investigators that there was nothing wrong with the gun – the only problem was that it had a live round in it. On page 25 Mr. Nikas argued that Mr. Carpenter "told the grand jury that the safety bulletins issued by the Screen Actors Guild ("SAG") "place...responsibility for firearm safety on the actor" and asserted that this statement is false when in fact the statement is true. *See State's Attached Exhibit I (General Code of Safety Practices, Screen Actors Guild, Section 11, Firearms & Other Weapons)* "Treat all weapons as though they are loaded and/or ready to use...never point one at anyone, including yourself." This same language is found in SAG's Safety Bulleting #1, Firearms along with the following statement "NEVER place your finger on the trigger until you're ready to shoot. Keep your finger alongside the firearm until you're ready to shoot. KNOW where and what your intended target is." These are the rules for actors handling firearms on movie sets and Mr. Baldwin managed to disregard every single one of them. Mr. Nikas is incredibly articulate and very persuasive, but he is certainly not devoted to truth-telling.

Mr. Nikas also demonstrated his ignorance of the rules of evidence as they pertain to grand jury proceedings and criticized the State for presenting its investigator, Connor Rice to testify as to hearsay related to the investigation and the incident. Hearsay is permitted in grand jury proceedings (*See* NMSA 31-6-11(A)) and during

most grand jury proceedings the State calls only one witness who testifies largely to hearsay learned from other sources.

Mr. Nikas accused the State of re-directing the grand jury's inquiries to the witnesses in an attempt to disadvantage Mr. Baldwin, when in fact the State deferred the grand jurors' questions on a couple of occasions because the grand jurors were asking questions of witnesses who were not qualified to answer them. The State purposefully called witnesses back to the stand after their testimony was complete so that the grand jury could have their questions answered completely and by the most qualified witnesses. For example, on page 30 of his motion to dismiss, Mr. Nikas pointed out that when a grand juror asked Detective Hancock a detailed question about the protocols for gun safety on movie sets, the State asked the expert movie set armorer to address the question rather than the law enforcement officer who has never worked a day on a film set. This conduct was appropriate and designed to ensure that the grand jury received the most reliable information available to them. Mr. Nikas argued that the grand jury never heard from Joel Souza, Ryan Smith, Dave Halls or Sarah Zachry as a result of undersigned counsel's diversions. In fact, the grand jury did not hear from these witnesses because they chose not to order the State to produce them after being alerted to every word of Baldwin's alert letter and being fully aware of their powers to compel witness testimony. It is worth noting that only one of these witnesses has been disclosed by the Defendant in accordance with NMRA 5-502.

For all of Mr. Nikas' complaints about the way the grand jury presentation was handled, he failed to remark on the fact that the State spent a large amount of time during the presentation demonstrating that Ms. Gutierrez was the source of the live rounds found on the set of *Rust*, Ms. Gutierrez was the person who loaded the live round into the gun and Mr. Baldwin had no reason to believe there was a live round in the gun given that he opted to forgo the industry standard safety protocols available to him and did so at his own risk and at the risk to those around him. Mr. Baldwin's failure to exercise his option to simply observe the armorer load the dummy rounds into the gun and visually and/or audibly demonstrate to the actor that the rounds are safe, inert dummy rounds was not a violation of the SAG safety bulletins but it was a violation of New Mexico law. New Mexico law prohibits the negligent use of firearms, and this is actually contemplated in the SAG safety bulletins. On at least four separate occasions the SAG guidelines and safety bulletins state "These guidelines are recommended by the Industry Wide Labor-Management Safety Committee and should not be considered binding laws or regulations. However, state, federal and/or local regulations applies and would override the guidelines." See State's Attached Exhibit I pages 2, 3, 5 and 15.

Mr. Nikas complained on page 35, paragraph C of his motion that the special prosecutors issued an improper and prejudicial instruction to the grand jury. This is patently false. The prosecutors did not deviate from UJI 14-231, we simply filled in the

language that was required to be filled in and did so in accordance with the instruction and the facts presented to the grand jury. Mr. Nikas would like the instruction provided to the grand jury to read “1). The target discharged a firearm during the production of the movie, 2). The target should have known the danger involved from the target’s actions, etc, etc.” This argument is ridiculous. The reason Baldwin’s behavior was a violation of the law is because he pointed a gun at a person, cocked it and pulled trigger having no personal knowledge what type of ammunition was in the gun. This is a violation of basic gun safety and New Mexico law. There is a fundamental difference between a gun handler not having personal knowledge of the ammunition in the gun and pointing it at person, cocking it and pulling the trigger and having subjective knowledge that there is a live round in the gun, pointing it at a person, cocking it and pulling the trigger. The difference is that the first satisfies the elements of involuntary manslaughter, a fourth-degree felony and the second is second degree murder and/or depraved mind murder, a first-degree felony. Mr. Baldwin had a duty to confirm that only inert ammunition had been placed in the gun before pointing it at person, cocking it and pulling the trigger as a gun handler in the State of New Mexico subject to New Mexico laws and his failure to do so resulted in negligent homicide as long as the other elements of the crime are satisfied.

Judge Ellington’s January 11, 2024, order provided as Defendant’s Exhibit 11, contradicts Baldwin’s assertions and arguments to this Court. Paragraph 11(a)(i) of

Judge Ellington's order required the State to alert the grand jury to the existence of the following witnesses and their potential testimony *via the Target's grand jury evidence alert letter* (emphasis added): Joel Souza, David Halls, Sarah Zachry, Ryan Smith, Alexandria Hancock, Joel Cano, and Robert Shilling. This was done verbally and in writing to every grand juror in the room.

In Paragraph 11(b)(i) Judge Ellington ordered the State to alert the grand jury to the existence of Documents 1-8, 10, and 12-14 *via the Target's grand jury evidence alert letter* (emphasis added). This was done verbally and in writing to every grand juror in the room.

In Paragraph 11(c)(i) the State was ordered to actually present Documents 9 and 11 and did so. The grand jury did not elect to hear from Baldwin's witnesses and if they had elected to hear from them, they would have been presented in person, virtually after seeking and obtaining approval from the Court or via video recorded statements they previously provided to law enforcement and pretrial interviews. The grand jury did not elect to hear from Mr. Baldwin's witnesses and therefore no scheduling disruptions were encountered. In paragraph 16 of his Order, Judge Ellington cited to *State v. Herrera*, 2014-NMSC-018 ¶ 20 (quoting *Jones*, 2009-NMSC-002, ¶ 12) "Once alerted to target-offered evidence, 'the grand jury remains free to decide not to hear the evidence...or to hear the evidence and weigh it as it sees fit.'" The State followed Judge Ellington's January 11, 2024, Order to the letter and Mr. Baldwin was indicted.

The State, by and through its special prosecutors, Kari T. Morrissey and Jason J. Lewis, respectfully request this Court DENY Mr. Baldwin's Motion to Dismiss.

Respectfully submitted,

/s/ Kari T. Morrissey

Kari T. Morrissey

Jason J. Lewis

Special Prosecutors

1303 Rio Grande Blvd., Suite 5

Albuquerque, New Mexico 87104-2698

505-361-2138

CERTIFICATE OF SERVICE

I hereby certify that I caused to be delivered via E-File and Serve a true and correct copy of the foregoing pleading to all counsel and parties of record, on this 5th day of April, 2024.

/s/ Kari T. Morrissey

Kari T. Morrissey

Jason J. Lewis

Special Prosecutors

1303 Rio Grande Blvd. NW, Suite 5

Albuquerque, New Mexico 87104-2698

505-361-2138

STATE'S EXHIBIT A

Detective Hancock:

I thought he was coming with you. So, yes.

Alec Baldwin:

[inaudible 00:00:02].

Detective Hancock:

I'm Alex, I'm the detective on the case. And can I get you coffee or anything?

Alec Baldwin:

I have water.

Detective Hancock:

Water. You're good? Okay. We'll be in here in just a minute. Okay?

Alec Baldwin:

Can you hear me? Can you hear me? Can you hear me?

Speaker 3:

Hi.

Alec Baldwin:

I'm at the police station, the sheriff's, and they're about to interview me. How is everyone at home?
How are the kids?

Speaker 3:

The kids are great. The kids are great.

Alec Baldwin:

Hold on a second please. Did you tell Carmen what's going on?

Speaker 3:

No, I didn't.

Alec Baldwin:

Okay. Are you convinced you don't want to come tomorrow?

Speaker 3:

I mean, I don't think it's a good idea. Look, call me after you talk with the sheriff, but I don't think it's a great idea. I think this is...

Alec Baldwin:

Let me say this to you, just to be clear. They're going to make me stay here tomorrow anyway, to talk to my insurance investigators. This is really... I mean, I'll talk to you more, but I'm just saying-

Speaker 3:

I'm so sorry. You must have such... You must be so trauma...

Alec Baldwin:

No, what I am is someone who, I don't want to do this filming anymore. I don't. I don't want to be a public person. And I'm the one holding the gun in my hand, that everybody was supposed to have taken care of. They always hand me a cold gun. Where are you now?

Speaker 3:

I'm meeting with Michelle right now.

Alec Baldwin:

Michelle who?

Speaker 3:

Michelle [inaudible 00:02:30].

Alec Baldwin:

And where are you?

Speaker 3:

I'm in [inaudible 00:02:36].

Alec Baldwin:

Okay, all right. All right. I'll call you back when I'm done. Okay?

Speaker 3:

Okay.

Alec Baldwin:

Okay.

Speaker 4:

Hi, Alec.

Alec Baldwin:

Hey, where are the kids?

Speaker 4:

They're sleeping.

Alec Baldwin:

The boys are sleeping?

Speaker 4:

Yeah. Carmen is still out.

Alec Baldwin:

Did she tell you what's going on?

Speaker 4:

Yeah.

Alec Baldwin:

I'm trying to convince her to come. I think we should come, and just spend the time here, and they're going to do what they got to do with, to deal with what they got to deal with, and we shouldn't let... We will go out, and we'll go, I'll [inaudible 00:03:35] work, and we'll go enjoy ourselves. It's all paid for, and they're not going to give us the money back.

Speaker 4:

And we should be staying away from the vultures here.

Alec Baldwin:

Are they outside?

Speaker 4:

No, but I imagine they will be at some point. They're going to find out.

Alec Baldwin:

I think that's a great idea.

Speaker 4:

[inaudible 00:03:49].

Alec Baldwin:

It's a great idea. You should come for that reason also. All right. I'll call Carmen on her iPad. Okay?

Speaker 4:

Okay. Yeah, she's on [inaudible 00:03:55], on her phone. I'm very sorry [inaudible 00:03:58].

Alec Baldwin:

Oh, you have no idea how unbelievable this is, and how strange this is. And I'll explain to you later.

Speaker 4:

I'm sorry you're in this position.

Alec Baldwin:

No, no. It's just-

Speaker 4:

I hope everyone's okay, and that you're okay.

Alec Baldwin:

I'll call you back. Thank you. Bye-bye.

Detective Hancock:

Hey.

Detective Talamante:

Hi, Samantha.

Alec Baldwin:

Alec.

Detective Talamante:

[inaudible 00:04:39]. So, you know why you're here, for this incident. That was unfortunate earlier.
[inaudible 00:04:47] page.

Detective Hancock:

Yeah,

Detective Talamante:

I knew you already agreed to talk to us and everything and that's great. We're just going to go over the rights. She's going to read these to you. As you understand them, and just sign an initial, and then if you read the bottom, and agree to talk to us.

Alec Baldwin:

Initial each of them.

Detective Talamante:

As you understand them. Yes.

Detective Hancock:

Yeah. So first one, you have the right to remain silent. Anything you say may be used against you in court, or other proceedings. You have the right to consult with an attorney before making any statement, or answering any questions, and you may have him or her present with you during questioning. You may have an attorney appointed to you to represent you if you cannot afford one, or

otherwise obtain one. If you decide to answer any questions now with or without a lawyer, you have the right to stop questioning at any time, or stop questioning for the purpose of consulting a lawyer.

Alec Baldwin:

So my only question is am I being charged with something?

Detective Hancock:

No, we're just interviewing.

Alec Baldwin:

That's fine [inaudible 00:05:41]. I'm not worried, because I'm... Yeah. But if you're charging me with something, [inaudible 00:05:46] just tell me [inaudible 00:05:47].

Detective Hancock:

We have to do our job at advising you your rights because this is an investigation.

Alec Baldwin:

You want me to write my name here? Yeah.

Detective Talamante:

Just a formality. You have to do it. You're here. Appreciate it.

Alec Baldwin:

You do whatever you do. What is today?

Detective Hancock:

It is the 21st of October. Long day?

Alec Baldwin:

Well, what's interesting, not to digress on some commentary here, is that we've done this for two weeks, and we did it the right way every day. Every day. You're on a set, you rehearse, they bring you what's called a cold gun. The gun is either completely empty, the chambers, or there is a cosmetic piece. So for example, if you're the camera, and this is going to sound silly, and specific, but if I'm pointing a gun close to the camera, you want to see into the cylinder, that there's material in there. Cosmetic material. So those rounds are cosmetic rounds.

They put them in, and you rehearse, or even in a shot when you don't fire, I pulled it up, and you see there's some material inside the cylinder. They'd hand me a cold gun, no charges. They always hand you a cold gun but nothing in it to rehearse. And then when you shoot, and if you are shooting loads that are flash loads, and they're usually in three denominations, quarter, half, or full load round, so that the flash is bright, and the sound is loud, louder, loudest. Full load is loudest. So if you're outside, you want a full load, bang. You want a loud sound. You're inside, you put a quarter load. Right before you shoot, everyone preps, crew puts the earplugs in. So put headphones on, the camera's there. Very often there's a Lucite screen, but you are the camera operator, and there's the camera, so I should always

shoot off camera. You never shoot into the lens, and you shoot it. There's a flash, and a sound. Now, I went to lunch. She disarmed me. I sat down.

Detective Hancock:

She being?

Alec Baldwin:

Hannah, the armaments person, she was always handling the guns, 99% of the time. So, if I had a cosmetic rifle with no rounds, I would probably hand it to one of her assistants. I'm sitting there, she disarms me. We go to lunch, we come back from lunch, and they hand me the revolver, the Colt.

Detective Talamante:

And I just like some names.

Alec Baldwin:

Her. Hannah.

Detective Talamante:

It's Hannah again.

Alec Baldwin:

They arm me. And you're assuming, as we've done every time that it's a cold gun for the rehearsal. And I put the gag in the shot, here the camera is, I have a coat and I have a holster, and I pull the coat over, and I kind of cup my hands like I folded my hands. And then I'm going to slowly sneak the revolver, the Colt out, and turn and shoot these other guys, or try to shoot them. I take the coat over the thing. I think the camera's there. I believe, my recollection is she was there, turned a bit, like talking to him. So, I think she was hit in the right armpit. But this is all I know. And that is that I take the gun out in the rehearsal, where he wants it very dramatic and very slow, trying to sneak up on them. I take the gun out, and as I take it, as it clears, the barrel clears, the hole, turn and cock the gun over here. I turn and cock the gun. The gun goes off.

Detective Talamante:

Okay.

Alec Baldwin:

It's supposed to be a cold gun, nothing, no flash charges, nothing. Now, this is a puzzle to me. And this is making me very emotional now, but in my time, and I'm older now, but when I was younger and I was shooting guns, and stuff, I've never seen a theatrical flash round with a material went through someone's armpit, came out their body and hit somebody else in the shoulder.

Detective Talamante:

Yeah.

Alec Baldwin:

I'm wondering if your department is prepared to go find out what comes out of his shoulder surgically. Is that a live round?

Detective Talamante:

That's what we are actually looking at.

Alec Baldwin:

Is that a live.... But I don't... It doesn't make any sense otherwise.

Detective Talamante:

Yeah.

Alec Baldwin:

It hits her in the armpit, comes out her shoulder, goes into his shoulder, and he just told me on the phone, I talked to Joel, he said, "They showed me the X-ray, and the shape of the thing in my shoulder is the shape of a bullet." Now, all the rounds, I was told, you need to verify that, this is an important note. They take the gun, they [inaudible 00:09:45], and all the rounds that are in there were either dummy rounds, no flash, cold rounds, or rounds with a flash. In the rehearsal, there should have been nothing. It should have been a cold gun with no rounds inside, or dummy rounds, cosmetic rounds, no flash.

I take the gun out slowly, I turn, I cock the pistol, bang, it goes off. She hits the ground, she goes down, he goes down, screaming. He's like, "Jesus." And I'm going... And I thought that maybe, sometimes the wadding can come out if you're close and you get a burn. Two actors who killed themselves with guns, with theatrical guns. Jon-Erik Hexum, and Brandon Lee, they put the live around in, and I'm told even with the flash powder, you can cause contusions, and you can do a brain bleed and die, which both of them died.

Detective Talamante:

Right.

Alec Baldwin:

I think with Brandon Lee. There was a piece of material lodged in the thing that shot from the... Something.

Detective Talamante:

Yeah.

Alec Baldwin:

I don't remember vividly. But my point is, I've been doing this... I shot enough guns in my day in movies. I've never seen this before, where a flash round... But from my understanding is... Can I borrow your pen for a minute?

Detective Talamante:

Of course. You could even borrow my paper.

Alec Baldwin:

My understanding is that in a bullet, here's the thing with the pin, and here's the bullets. Something over here. When you have a cosmetic round, no flash or nothing, they drill a hole in the side of the brass to show... To signify that it's a cosmetic round. There's nothing in there, there's no powder. But when you have a flash round, and there's stuff in there, wadding, and powder, to make the charge, this material here, that is the bullet, is made of a clay, or some material that just disintegrates. So what you have is bang, and you see the flash go bang, and you hear the sound, but nothing... There's no projectile. And what I'm curious about is, what came out of that bullet that went through her body and into his shoulder?

Detective Hancock:

That's pretty powerful, that could do that.

Alec Baldwin:

I've never heard of it. Now, some people say, you can lodge material in the barrel accidentally, a rock, something, that happens. Which is why she... Every time we've done this, I'm here to tell you, to testify that every time we've done this, she'd done it right. She cleaned the barrel, made sure nothing with lodged in there. We went hot. When they were ready, you always announced, "Going hot." Crew gets ready, and then all of a sudden, you are the camera and I shoot away from you. I sit there, I'm like bang, bang, bang. And flashes are coming out. We shoot the rounds.

She cleans the barrel every time, and she checks that the rounds are all cosmetic rounds, or nothing in the chamber for the rehearsal. She hands me the gun. I'm assuming she's done it the right way. She's done it the last two weeks. I put it in the holster, I pull it out slow, for rehearsing. We're not filming anything. I pull it out slow, turn, cock the pistol, bang, it goes off, and she hits the ground. And then he starts screaming. And I'm thinking, in a flash round, I could see maybe if there was wadding, or there's some stuff like this that's hot, and maybe it hits you and burns you, as they say, sometimes that happens. But remember, we're rehearsing, so no one's protected.

Detective Talamante:

So it's all supposed to be this one, cosmetic one.

Alec Baldwin:

Or nothing.

Detective Talamante:

Or nothing

Alec Baldwin:

For the rehearsal, the gun is normally empty. But my point is that they were standing in positions they wouldn't ordinarily be in, because they assumed it was an empty cold gun. We weren't shooting. We were rehearsing. That's the vital difference. So if she's here, if the camera's here, and she's standing here talking to the guy, and I'm on a bench here, and Joel's behind her, and this guy... This is not proportionate, because obviously the camera's not as big as her body. But I draw the gun slowly, and aim off camera, and this was to be nothing in there. So she's not protecting herself, and standing off, I'm shooting in the direction, and everybody is supposed to be to that side of the camera. There's nobody in

my line. Nobody. And so, when I shoot the gun... So, in the rehearsal, I'm assuming I have an empty gun, and the gun goes off, she's right in front of me. She's as far from me as I am from... Difference between maybe you and the door.

Detective Hancock:

Okay. So pretty close proximity.

Alec Baldwin:

It was a very tight shot.

Detective Hancock:

Okay.

Alec Baldwin:

The shot was here, of me, not of me. It's of me pulling the gun slowly, slowly, turn, cock.

Detective Hancock:

Okay.

Alec Baldwin:

And she's right there, vulnerable, in a position she wouldn't ordinarily be if we were shooting, and this thing, boom, she hits the ground.

Detective Hancock:

Okay. All right. I'm going to back you up just a little bit. Okay?

Alec Baldwin:

Yep. Yep.

Detective Hancock:

How long have you been on set?

Alec Baldwin:

I arrived I Monday the 11th, and started my fittings, and they already were shooting the week before.

Detective Hancock:

And the 11th of October?

Alec Baldwin:

Monday the 11th, I flew in from New York. I flew from New York to Denver, Denver to Albuquerque, because there are no direct flights, and then drove from Albuquerque to here, rehearsed, and fitted, and did all my preparatory stuff.

Detective Hancock:

But that was in October, correct?

Alec Baldwin:

That was Tuesday the 12th. Yeah. I flew on the 11th, rehearsed on the 12th, started shooting the 13th, Wednesday the 13th I started shooting.

Detective Hancock:

Okay.

Alec Baldwin:

We shoot a Wednesday through Sunday schedule. We're off Monday, Tuesday.

Detective Hancock:

So the entire time you've been on set, have you seen the same armorer [inaudible 00:15:01]?

Alec Baldwin:

And her crew, yeah, everybody.

Detective Hancock:

How many people are on her crew?

Alec Baldwin:

My guess is that... What I witness is three.

Detective Hancock:

Okay.

Alec Baldwin:

All young women. Hannah and two other women.

Detective Hancock:

All right.

Alec Baldwin:

And very often their task with me, because we're not shooting every day, guns, there's no armaments every day, they dress me with my holster, my knife. The film is set in 1888, so I'm armed with the classic weaponry of the cowboy era.

Detective Hancock:

Okay.

Alec Baldwin:

And so, they would make sure I was dressed properly. 80, 85% of their task is to make sure I'm dressed with everything properly.

Detective Hancock:

The armorers?

Alec Baldwin:

The armorers.

Detective Hancock:

Or wardrobe?

Alec Baldwin:

Well, the armorers... Wardrobe doesn't necessarily... They sometimes trade back and forth, but wardrobe doesn't necessarily deal with my holster, and the knife, because that's a prop. The armorer, Hannah, and her team, they dealt with me being knifed, and that being lashed properly, so it looks proper, and the holster.

Detective Hancock:

Okay.

Alec Baldwin:

It was wardrobe as much as it was props, as much as it was armaments.

Detective Hancock:

Okay.

Detective Talamante:

Do you know Hannah's last name?

Alec Baldwin:

No.

Detective Talamante:

Do you know what she looks like?

Alec Baldwin:

Yeah.

Detective Talamante:

Or can you describe what she looks like?

Alec Baldwin:

Yeah, multicolored hair, glasses. Not too tall. Everyone knows her pretty well, because her father is a very famous armaments guy. He's a guy that did guns in movies for decades. He's very well known.

Detective Hancock:

Okay.

Alec Baldwin:

She's the daughter of this famous gun guy. Movie gun guy.

Detective Hancock:

And what about the other girls in her crew?

Alec Baldwin:

I don't remember their names.

Detective Hancock:

Okay. Do you know what they look like?

Alec Baldwin:

A blonde, thin, not too short, medium height, and brunette, someone on the shorter side, maybe the same height as Hannah, brunette. And also, there's a... You go back and forth between, they're wearing a mask most of the time on set, in order to do that. But I've seen them with their masks off.

Detective Hancock:

Okay. All right. What time did you guys start today?

Alec Baldwin:

I don't know what time they started. I came in slightly later because they had a couple of shots without me in the morning. So I came in at... I guess I arrived there at about quarter to 8:00.

Detective Hancock:

Okay.

Alec Baldwin:

Normally I'm there at like 6:30.

Detective Hancock:

All right. And then anything abnormal in the day? Or should I say, who handed you your weapon in the day?

Alec Baldwin:

Hannah.

Detective Hancock:

Hannah did. Okay. And physically handed, or put it in the holster?

Alec Baldwin:

Handed it to me.

Detective Hancock:

Okay.

Alec Baldwin:

She would show me the gun.

Detective Hancock:

Okay.

Alec Baldwin:

Or she'd say, "Cold gun." She'd say, "Test it," or some language to indicate... She handed me the gun, said it was fine. And she'd say, "Do you want to check?"

Detective Hancock:

Okay.

Alec Baldwin:

And I always didn't want to insult her, [inaudible 00:17:32] because we never had a problem.

Detective Hancock:

Yeah.

Alec Baldwin:

And I said, "I'm good." And the first AD very often well ask, periodically, he'll say, "Let me check."

Detective Hancock:

Okay.

Alec Baldwin:

And they'll have two people check for this very reason. If we don't have any... Forget about live rounds of bullets, do we have any flash rounds in the gun while we're rehearsing? Because if someone wants to indicate that, and they're thinking, they pull the trigger on the gun, you just hear the hammer, the dead sound of the hammer hitting, and you have no flash rounds at all in there for the rehearsal. The rehearsal gun should be empty.

Detective Talamante:

Okay.

Alec Baldwin:

And as I said, for the two weeks I've been shooting, it has been empty. We haven't had one problem.

Detective Hancock:

And have you physically checked that, or just by her telling you?

Alec Baldwin:

She announces to me that it's clean.

Detective Hancock:

Okay.

Alec Baldwin:

She'll say, "Cold gun," we rehearse. Then when she's done, she takes the gun, goes off to a corner. She has a kit, like a zip, fanny pack, with her elements in there. She puts the flash rounds in there. She'll say, "Quarter load," it is a lower sound. Or she'll say, "Full load," if I'm shooting, if you're the crew and you're shooting me close, and therefore I say the full load, it is rather loud. It's very loud.

Detective Hancock:

Okay.

Alec Baldwin:

She's always announcing what's going to happen.

Detective Hancock:

All right.

Alec Baldwin:

She's been very good about that.

Detective Hancock:

Okay. So have you guys... Backtracking a little bit on this, because she's telling you what's in these guns. Have you guys been practicing with those quarter loads, and full loads, all that through the past couple weeks? Or have you shot with them?

Alec Baldwin:

I came in on Tuesday. That's what I did. Tuesday, the 12th, I came to the ranch, rode the horse. I just got used to that. And because they have a double who really rides in the distance, and really fast, go with the athleticism. You see me on the horse, and they cut to a wide shot of another guy riding, who's horseman. Quite a crew of them.

Detective Hancock:

Okay. So today was not the first day that...

Alec Baldwin:

No, I shot on Tuesday the 12th, with the Henry, the lever, arm action lever of the lever action rifle, and the pistol. I just shot both.

Detective Hancock:

Okay. And...

Alec Baldwin:

And she was there.

Detective Hancock:

All right. We'll move back forward. What time did you guys break for lunch today?

Alec Baldwin:

Usually... I think today was the day we broke at 12:30.

Detective Hancock:

Okay. And who took the weapon at that time?

Alec Baldwin:

Hannah.

Detective Hancock:

Physically took it?

Alec Baldwin:

Always does. Rarely do the other ladies, the two other women handle the pistol that's live shooting in the scene. As I said, I have the Henry in my hand, as a prop. I'd be running through the scene, but no bullets, nothing. When they'd say, "Cut," I could hand it to the blonde girl.

Detective Hancock:

Okay.

Alec Baldwin:

But whenever we were interacting with somebody where rounds were going to go in the gun, you would have flash rounds in the scene, we shot flash rounds, it was only Hannah. Only. With her fanny pack, with the rounds in there, her equipment.

Detective Hancock:

Okay. Do you know what time you guys got back from lunch?

Alec Baldwin:

My guess is 1:30 by the time we all get back to the setup. There's a base camp, and there's the set. So, we go to the base camp for lunch. They always used to drive back, get their wardrobe touched up, get their hair touched up, and makeup, whatever they do, and then we're on set. About an hour in all before we go back on the set.

Detective Hancock:

Okay. And was Hannah the one to physically hand you the gun at that point?

Alec Baldwin:

Yes.

Detective Hancock:

Okay. During the time that you had it, was it ever handed off to anybody else?

Alec Baldwin:

No.

Detective Hancock:

Okay. Did you see where she got the gun from?

Alec Baldwin:

No.

Detective Hancock:

Okay.

Alec Baldwin:

She has a station somewhere with all her stuff.

Detective Hancock:

Okay.

Alec Baldwin:

The elements, and the gun, and a couple different guns. Guns for the other actors, [inaudible 00:21:23] holding guns.

Detective Hancock:

Is anybody else allowed in that area?

Alec Baldwin:

I don't know, but I know that on the... I've never seen anything that was out of the ordinary. She has a... Sometimes they have a cart, almost like if it was using like a hospital catering, there's a big plastic tray, a dark plastic tray, two levels, and wheels. I think that's what she had. But many of the departments have

that. And on that tray would be her... Or something like that. I don't recall what exactly hers was like, but they have a station that they bring to the set for her to put all of her stuff. And if the weather is cooperative, and sometimes they put it under a tent if it looks like it might rain, and damage the property. But she has a little place she would go to, and I think she has a truck where she stores it. When they wrap, everything goes into her truck and she takes off. It's her responsibility to secure the prop weapons.

Detective Hancock:
Everything in there.

Alec Baldwin:
Which are real guns. They're real guns.

Detective Hancock:
Can you actually describe the gun to me?

Alec Baldwin:
It's a Colt, a period Colt. In our emails back and forth when we were prepping the film, she showed me just a couple different styles of guns. This is not a big budget movie, so we didn't have a lot of choices. She showed you three or four choices. I said, "Give me the biggest gun you've got."

Detective Hancock:
Okay.

Alec Baldwin:
And so I didn't... She showed me different guns by email, and different knives by email, cruder knives that were made like someone fashioned the handle out of elk horn, or things. I took a traditional knife, a leather strap, a handle. We went back and forth about the holster, and the material, and we just had a relatively brief conversation. Having made a lot of movies, I know how not to stress them out about the budget. When she shows me something, I'll try to make that work. And so, she showed me, I said, "Just give me the big Colt. We're done." And then on that Tuesday the 12th, I came and shot that gun.

Detective Hancock:
Okay, what color is it?

Alec Baldwin:
I believe it's a brown handle, because she showed me two of the larger Colts. One had a cherry colored handle, and one had a brown handle, and I chose the brown handle.

Detective Talamante:
You didn't want the cherry.

Alec Baldwin:
I could show you my emails in my [inaudible 00:23:26]. I didn't want the cherry. It was too shiny.

Detective Hancock:

Ah, okay.

Alec Baldwin:

My character's a little bit in the retirement side of his career, so he's a retired bank robber.

Detective Talamante:

I'd say out in the wild west cherry would not be [inaudible 00:23:41].

Detective Hancock:

You need the gun to match.

Alec Baldwin:

Well, you always have people in films, I mean, they go to an extensive.... You wouldn't believe some films, if they have the budget, the details you go into, of all the things you wear, jewelry, hats, watches, guns, cars. I mean, people sit down... I mean, I've made a lot of films, and the films that have bigger budgets, you could spend a whole week going to rehearsal, reading with the director. The writer goes, and rewrites. They listen to how the dialogue sounds. And then once you're done rehearsing the text with the director, the producers and the writer, when you're done reading, they'll go make amendments. When they hear it come out of your mouth, they go, "Let's change that line, the way Bob says that." And then they go, then you go right to wardrobe, props. You go do a lot of stuff.

Detective Hancock:

Okay. All right. So you get back from lunch, get ready, she hands you the gun. Was this inside or outside?

Alec Baldwin:

Inside the church. The church set.

Detective Hancock:

And was it the first rehearsal that the incident happened?

Alec Baldwin:

Yeah, I believe so, because we talked about, as we were going to lunch, we always talked about what's next.

Detective Hancock:

Okay.

Alec Baldwin:

So as we were rehearsing scenes, he said, "Now I want to do a scene where..." We'd done other shots before lunch. He said, "When we come back from lunch, we'll do this." And he said, "Wait, pull out, show me." Because I was showing him what I thought was the best angle to see the glint of the gun under my coat. Because you want the scene to work. The shot to work. So, wearing the holsters here,

the gun is here, my coat comes around, and I held my hand, like it looks like I was just cupping my hands, like I was just resting.

Detective Hancock:

Okay.

Alec Baldwin:

And I showed him in the rehearsal. So, when we came back after lunch, we rehearsed for the camera, and I took the gun out, really I'm showing him, I'm going, "I'm going to go like this, like this, like this." Cock and turned, bang, it went off, the first time.

Detective Hancock:

Okay, so it was your first [inaudible 00:25:28].

Alec Baldwin:

It was the very first time that we were shooting that shot, that we were rehearsing for that shot.

Detective Hancock:

Okay.

Alec Baldwin:

That camera shot.

Detective Hancock:

And you may... If you don't don't know, that's fine. Did you happen to see... So obviously you guys left from your upper shooting area to go have lunch? Or did you eat lunch at there?

Alec Baldwin:

No, we always go back to the base camp for lunch.

Detective Hancock:

Okay.

Alec Baldwin:

For the stage. [inaudible 00:25:45].

Detective Hancock:

Did the armorers, or did you see the armorers go down?

Alec Baldwin:

No.

Detective Hancock:

No.

Alec Baldwin:

Nor would I.

Detective Hancock:

Okay.

Alec Baldwin:

Once they're gone, I'm gone.

Detective Hancock:

Okay.

Detective Talamante:

Do people stay up on set, or does everybody go down?

Alec Baldwin:

Well, there are many people who will forego lunch.

Detective Hancock:

Okay.

Alec Baldwin:

No, I take that back. Not many. There are some who will forego lunch, because they have work to do.

Detective Hancock:

Okay.

Alec Baldwin:

Someone will hold them a plate. Some of them will go bring their own lunch. Because many people, they make sacrifices because of their pride for their department. They may sit there and say, "I think I need to paint that wall, and touch up that wall. I think I need to distress those boots." They all have work to do. And very often, a small number of people will stay up top. But we drive down from the set to the base camp. The caterer is there, and eat, but maybe a modest number of people stay up there.

Detective Hancock:

Okay. All right. And then I just want to clarify really... I know you were drawing something. All right. So when you had pulled out the gun, obviously you were not at the cameraman, but you had identified there were two people there. Can you tell me who those people were?

Alec Baldwin:

My recollection is that the operator was there. He's a steady cam operator.

Detective Hancock:

Okay.

Alec Baldwin:

He's a man who, there's either a camera on sticks, that's stationary, or there's [inaudible 00:27:02] the steady cam that moves. The camera operator was there behind the camera, and she was to his right.

Detective Hancock:

And who is she? That's the [inaudible 00:27:05].

Alec Baldwin:

Halyna, the cinematographer.

Detective Hancock:

Okay.

Alec Baldwin:

The camera director.

Detective Hancock:

And she was right next to the cameraman.

Alec Baldwin:

She was to his right, to my left.

Detective Hancock:

And who was behind her?

Alec Baldwin:

Joel.

Detective Hancock:

And he is?

Alec Baldwin:

The director of the movie.

Detective Hancock:

Okay. Can you recall who exactly was inside at the time of the incident?

Alec Baldwin:

No.

Detective Hancock:

Or anyone else [inaudible 00:27:43].

Alec Baldwin:

Dave. Dave Halls.

Detective Hancock:

Okay.

Alec Baldwin:

The first AD. He's in charge of the crew. The first assistant director is the man who's like the foreman of the set. He's in charge of all the grips, all the crew, electric, cable.

Detective Hancock:

Do you know his name?

Alec Baldwin:

Dave Halls.

Detective Hancock:

Okay. Got it.

Alec Baldwin:

Dave Halls is always there. Halyna, Joel, me, the operator, an assistant camera person, the script supervisor, the woman who sits in the corner, in some strategic position to take notes on all the action of the take, so you can match. If one day you're doing a scene, you sit there and go... What is your first name?

Detective Talamante:

Samantha.

Alec Baldwin:

Samantha. Like, "Samantha, it's really important that you and I drink, drink, drink, get together and talk about that case. You drank. When did you..." She makes notes, so we match every take. That's called continuity. That woman who does continuity, she's always there watching. She was in the room.

Detective Talamante:

Okay.

Alec Baldwin:

She's an older woman, like in her 60s, maybe, with colored blonde hair maybe, or brown hair, but I forget her name now. But she is... So there's a group of people that are always there for every shot. Even if you are in a kind of a cramped interior. This set of this church is not large. So then the rest of the

crew is outside. In that side was a limited number of people, maybe eight, nine? I don't remember. But I know that every time I get a shot, those people are always on the set. Camera, assistant camera, cinematographer, director, first AD, script.

Detective Hancock:

Okay. So not too many.

Alec Baldwin:

Very few.

Detective Talamante:

Do you think that any part of this incident that occurred was intentional?

Alec Baldwin:

I can only say this, which is... And it was to me, to place a bullet, and position a bullet that is a live round, to make sure that that bullet is in the chamber if I were to squeeze the trigger in a rehearsal, that that bullet came out, someone has to have extraordinary access to that weaponry to do that. I can't imagine somebody walked around with a round, that was a .45 caliber round. So you see, other people on the set were speculating that it was a .45 caliber round, she'd be dead. It would've blown a big hole on her. And so, we're wondering, was the projectile that went into her some foreign material stuck, and it was an accident, it was a flash round and something came out of a barrel they didn't check? They always check. But...

Detective Hancock:

But to your experience with these armorers-

Alec Baldwin:

I've never heard of anything like this in my life, ever.

Detective Hancock:

Okay.

Alec Baldwin:

I've never heard of a projectile coming out of a prop gun that went through a person's body, regardless of her being a smaller woman, that the bullet went in here, I'm told, went in here, came out here, her shoulder or whatever, and went into his body. I've never heard of that in my life. I don't know of any projectile in a gun, in a flash prop gun that could accomplish that. Now, if somebody put a live round in there accidentally. See, a very important question for Hannah is, have you ever co-mingled live rounds with theatrical rounds in your kit? Because they're forbidden to do that. According to, I think the Union rules and the safety rules for all the Unions, you're not allowed to do that because of the fear of what will happen that you co-mingle. So, whether someone accidentally, and I can't even imagine this, deliberately placed a live round in that gun. I've never ever heard of that in my life. And I don't know anything about what happened.

But all I know is when I... See, the other thing about this is in a live round, you'd have a recoil, usually. When I shot that gun, and it went off, I didn't shoot it, when it went off. I didn't intend for it to... For what happened to happen. When that happened is, I've always told, but because I'm not a gun person, I don't own a gun, they've always told me, they asked me to simulate the recoil. When I shoot the Colt, which is a big gun, .45 caliber bullets, they always teach me where we should go. Action. I go, "Get back here," boom. And they make me take my hand and go, boom, and have the kick, because there's no kick in a flash round.

Detective Hancock:

Okay.

Alec Baldwin:

And when this happened, I don't recall there being any kick either. That's important.

Detective Hancock:

Okay. I know you said you don't own a gun, but are you experienced with shooting guns?

Alec Baldwin:

Only as much as an actor [inaudible 00:32:01] have to be experienced.

Detective Hancock:

Okay. Which is normally not really.

Alec Baldwin:

Well, I mean, if you do a movie, safety with weapons is primary. You go off with people, you can walk with armaments people to ranges. I've gone to ranges in Arizona where we shot a lot of guns in a movie many years ago, and you go to a range, and you shoot for a few hours, and they teach you how to shoot shotguns, a Walter, different little small guns, James Bond guns, big guns, Uzis, machine guns, whatever you're using, they make you go and rehearse for hours, like the whole day.

Detective Hancock:

Okay.

Alec Baldwin:

They're very safety conscious. As they have been here. They've been very safety conscious here throughout. That's what puzzles me. They didn't have anything.

Detective Hancock:

Yeah. And I guess that's more like the question that I'm trying to get at is do you think someone would deliberately do this?

Alec Baldwin:

I can't imagine who would.

Detective Hancock:

Okay.

Alec Baldwin:

People have said that six people got fired from the crew yesterday, because they said that the Union... I don't want to get into a long diatribe about this, but the Union, the International Association of Theatrical Stage Employees, IATSE is their name. IATSE is the Union that controls all the actors. The Directors Guild controls the director, or the Screen Actors Guilds, but all of the crew are controlled by a contract in which those people voted to go on strike against the major studios, the major networks, the major streaming services, but not the independent film community. In fact, the IATSE rep for the New Mexico contract, because every state has different contracts, was instructed by his bosses in LA, he said, "Don't go on strike. The strike is against the majors, not against the indie people." And in the indie films, there's six different tiers, I believe, in terms of the contract, how much they're paid. A bunch of people on the set walked off anyway, even though they were told not to strike. They struck, and they left.

Detective Hancock:

And that was yesterday?

Alec Baldwin:

That was yesterday. That was their last day. The question becomes, I mean, somebody said, would one of them do? I don't even know. I have no idea. I have no idea.

Detective Talamante:

Well, I know, because that was mentioned to me, is that it sounded like it was most of the camera crew that walked off set.

Alec Baldwin:

Yes.

Detective Talamante:

Yesterday, and quit, and maybe they got fired because they walked off. So, the other thing that the two major people, like you said, the director, those are the ones who got hurt. So, with the camera crew, and them quitting, and then your director getting injured, as well as Halyna, you don't think there's anybody that had any anger towards them, or anything that would want [inaudible 00:34:42] the film?

Alec Baldwin:

I don't know the details. I know that one guy whose name I'm forgetting, he was a very heavysset guy.

Detective Hancock:

Okay.

Alec Baldwin:

He was a very... And lovely to me. And he walked up to me and he said, "Thank you for the things you posted on social media in support of the IAST strike." And he said, "I'd like to talk to you privately." He

said, "Because I've got some of my guys sleeping in their car." Many of the crew here, because they're shooting in Albuquerque, and Santa Fe, are Albuquerque based, they live there. So, the drive time, it is kind of common knowledge in the business that the Unions in New Mexico signed very bad deals in order to attract movie shooting here. They wanted to grow the crew base here. So, they signed a deal that wasn't a good deal when they gave them a 60 mile commute radius.

So that means if you live within 60 miles of the set, you come to work, and you don't get paid any... You have to drive home. They don't hotel you. They don't... Now, in New York, it's 30 miles, and they'd have to put you up in a hotel, and give you gas money, and there's a whole other complicated contract in the more expensive markets. Here, this guy was telling me, he turned to me, he goes, "My guys are sleeping in their car." I went to the AD, and the producers, and I asked them, "What's up with that?" He said, "They knew what the contract was. We signed the IATSE contract, New Mexico." And then in the middle of shooting, they decided they wanted to rewrite their deal. They said, "Put us up in hotels." Now if you put the camera crew up in a hotel, all the other crafts are going to ask you to put them in a hotel. We don't have the budget for that. That could be 75, \$80,000. You know what I mean?

Detective Hancock:

Who was that man?

Alec Baldwin:

Who?

Detective Hancock:

The one you said that came up [inaudible 00:36:12]?

Alec Baldwin:

Like I said, I forget his name.

Detective Hancock:

Okay.

Alec Baldwin:

But anybody there could tell you who the big heavysset guy was who was on the crew that quit yesterday. He didn't come to work today.

Detective Hancock:

Okay.

Alec Baldwin:

But my point is that, if I'm standing there in a rehearsal, I'm thinking to myself, "Could someone actually believe that in a rehearsal I would actually aim the gun and hit those two people?" That's farfetched. Or do they want just somebody to get hit, or I keep telling myself, more likely, was it an accident? [inaudible 00:36:36] a large quarter load makes noise, but it's kind of a puff compared. But a half load could shoot a projectile, if something was stuck in the barrel. And like I said, the thing that is I think going to answer all your questions is, what's in Joel's shoulder? Is it a rock, or was it a bullet?

Detective Talamante:

I could actually show that to you.

Alec Baldwin:

What?

Detective Talamante:

What was in his shoulder. We did pull it out.

Alec Baldwin:

Did they take it out?

Detective Talamante:

So, you being on set for so many years, like you said, have you ever seen... You said you've never seen anything come out before?

Alec Baldwin:

I've never seen... No. I've never seen a projectile come out. No, no.

Detective Talamante:

Right.

Alec Baldwin:

No.

Detective Hancock:

But do you know what the bullets look like though?

Detective Talamante:

Would it have looked something like this if anything did ever come out of something? Is that [inaudible 00:37:17].

Alec Baldwin:

Okay. No [inaudible 00:37:17]. Okay.

Detective Hancock:

So let's backtrack a little bit.

Alec Baldwin:

Let me say this too.

Detective Hancock:

Hold on.

Alec Baldwin:

That's a bullet. That's a bullet.

Detective Talamante:

Right.

Alec Baldwin:

So as I suspected, somebody put a live round in the gun. If that's a bullet that was pulled out of his shoulder, then someone loaded a live round into the gun I was holding.

Detective Hancock:

So now, let me ask you, did you see the rounds that were in the gun?

Alec Baldwin:

No.

Detective Hancock:

Have you seen... Throughout the whole time on set, have you seen what they look like?

Alec Baldwin:

I've watched her load, and reload the gun many times. Many times.

Detective Hancock:

Have you seen the bullets and stuff?

Alec Baldwin:

Well, meaning, yes, meaning you see sometimes the head, is the casing, and the head is a pinched... It almost looks like a dumpling. It's closed at the top. There is no piece. And you put the cosmetic round in when you know you're going to see. If I hold the gun, if I say to you, what is your first name again?

Detective Hancock:

Alex.

Alec Baldwin:

If I say to you, "Alex, don't you move a muscle darling, or I'm going to blow you [inaudible 00:38:28]." The camera shoots me, you want to see the material in the cylinder, the cosmetic, clay-based, non-bullet round."

Detective Hancock:

So can you describe to me what those clay-based rounds look like?

Alec Baldwin:

They look like a bullet.

Detective Hancock:

What colors?

Alec Baldwin:

They're gray. They look exactly like a bullet, brass head, A brass base, packed with something I'm assuming. And then the head look like a bullet. So, cosmetically you see that in the cylinder. The other rounds you shoot have a... It's the base with the pin. This comes up, this comes up, and it's a round like this. And if you look at the top, if you're looking down at the bullet, not the pin down here, the top of it, if you look, it's folded in almost like a...

Detective Hancock:

Yeah, it's like a...

Alec Baldwin:

Yeah. Like a dumpling.

Detective Hancock:

Like a pinch.

Alec Baldwin:

Exactly. It's like a folded up thing, and the [inaudible 00:39:18] and all that stuff goes boom. There's no projectile there.

Detective Hancock:

If I showed you a couple rounds, would you be able to tell me if they're the ones that look like they were on set?

Alec Baldwin:

Probably. I think I could probably tell you which were the rounds that were put in cosmetic.

Detective Hancock:

Okay.

Alec Baldwin:

And which were the rounds that were the flash rounds.

Detective Hancock:

All right.

Alec Baldwin:

Now, forgive me because I'm very upset right now.

Detective Talamante:

I know. I know.

Alec Baldwin:

You know what saying? So please take... Don't... Forgive my weirdness about this. That's what came out of Joel's shoulder.

Detective Talamante:

Yes.

Alec Baldwin:

[inaudible 00:39:52] Joel.

Detective Talamante:

Yes. And the reason why I was showing you, because you said you have experience, but you're saying when this does come out, it's supposed to just puff, and not really be-

Alec Baldwin:

Well, usually.

Detective Talamante:

... A hard object.

Alec Baldwin:

If there's any chance, if there's any chance that when you look at the gun... So here's the barrel, here's the sight, and the cylinders around, and it has the holes. We're just looking at the gun, the camera's eye view. When you look at the cosmetic rounds go in, they have no flash. But if you want to have cosmetic rounds that flash, if you want me to hold the gun, you see the bullets, and I shoot, that material is often a clay, or fabricated material that just disintegrates, disturbs the powder. The round that you put that you don't see, you're not seeing down the barrel as you're shooting, those are the flash rounds which have the top that looks like it's like folded kind of things like this, where it's all [inaudible 00:40:44] it looks like someone's packed it, and closed it.

Detective Talamante:

But specifically today was supposed to be either empty, or the ones that don't even make anything, any sound.

Alec Baldwin:

Cold rounds.

Detective Talamante:

So cold rounds the one with the hole in it?

Alec Baldwin:

Yes.

Detective Talamante:

And it's not going to... It's not supposed to puff up, or powder off, like you said, nothing.

Alec Baldwin:

Halls told me that when he checked the rounds with her, they all had the holes in them.

Detective Talamante:

Halls told you?

Alec Baldwin:

Sometimes he told me, when I wasn't familiar with this, they'll take the round, and if it's a cold round, it'll have the holes, and inside will be BBs, and you shake it.

Detective Talamante:

Yeah. [inaudible 00:41:20].

Alec Baldwin:

When you shake the BB, it's an acoustic thing to tell you that's a cold round.

Detective Talamante:

Okay. Yeah. And that's what-

Alec Baldwin:

Inside this base, is stuff that rattled, little BBs that rattled. So you take it, pick up the gun, that's a cold round that goes in the gun.

Detective Talamante:

Okay. And that's what you were supposed to have today.

Alec Baldwin:

I was supposed to have an empty gun.

Detective Talamante:

Empty.

Alec Baldwin:

Or when we shot for the rehearsal, empty. And then when we shot, the flash rounds and everybody preps, and then she says, "Hot gun," she announces it, and the crew gets ready.

Detective Talamante:

But you didn't even get to that part.

Alec Baldwin:

I rehearsed with a hot gun. Now-

Detective Talamante:

But you were supposed to be cold.

Alec Baldwin:

Well, it was supposed to be cold or empty. But now, not only did I rehearse with a hot gun, I rehearsed with a gun that had a bullet inside. If that's what came out of his shoulder, this is the most horrifying thing I've ever heard in my life.

Detective Talamante:

Well, yeah. And that's why I wanted to make sure that you... Any time that you shot a hot gun, you've never seen anything like this come out before.

Alec Baldwin:

Never.

Detective Talamante:

Because I'm not familiar with prop guns. I can tell you what a projectile looks like, and that does look like a projectile.

Alec Baldwin:

Well, let me ask you this... See? That's a bullet.

Detective Talamante:

Yeah. So that's what comes out of [inaudible 00:42:28]

Alec Baldwin:

Well, I think the question, I mean, I don't want to tell you your job, but I'm so sick about this, so sickened by this, that a bullet passed through this girl's body. She's in critical condition in a hospital right now. And I fired the gun. And if you don't think I feel really, really shitty about that, I do. But the question becomes, if you ask Hannah, did you co-mingle live bullets, what they call live rounds, when they say live round, that's a bullet that a police officer would shoot. Where did that come from? In her kit?

Detective Talamante:

Yeah.

Alec Baldwin:

Did she co-mingle live rounds with dummy rounds or movie rounds?

Detective Talamante:

And we asked her, we asked her that. Do you know where you guys get the rounds from? Who orders it? Or you don't have any part of any of that?

Alec Baldwin:

Who me?

Detective Talamante:

Yeah.

Alec Baldwin:

That's her, yeah.

Detective Talamante:

All familiar. Okay.

Alec Baldwin:

All I know is when we come to the set, you hand me a cold gun, nothing's in it. We rehearse, then we load the gun with the flash rounds and we shoot. That's it. Every time. We've never had a problem.

Detective Talamante:

You didn't even get part... To that second part of, you'll hand it back. I do want to ask you about Dave Halls. I understand sometimes she'll hand the gun off to Dave Halls, and then he'll hand it to you. Did that happen at this incident?

Alec Baldwin:

No. I don't recall him ever doing it.

Detective Talamante:

It was Hannah handing off.

Alec Baldwin:

I never recall... I recall that when we would stop the scene, if we finished the scene, Halls is someone who is assumed by his position to be authorized to do nearly everything. So if I was doing a scene with you, and we finished the scene, and we finished your angle, and we were going to turn around and shoot my angle, when they say turning around, that means the time to go to the bathroom, go get a bottle of water, go get a coffee, go smoke a cigarette, we have a break. And if I was going to go to the bathroom, I'd hand Halls the gun to give to her. I would only hand it to her, or if she wasn't around, if she was away, because she'd be at the shot, they clearly [inaudible 00:44:31] hand Halls the gun and say, "Give it to her. Give this to Hannah."

Detective Talamante:

So sometimes you would hand the gun to Halls, but he never handed the gun to you?

Alec Baldwin:

No.

Detective Talamante:

Okay.

Alec Baldwin:

No, never.

Detective Talamante:

But you would hand it to him when [inaudible 00:44:46]?

Alec Baldwin:

I'd pass it off to him if she was not on site, and I was going to run, and use the bathroom, or get a bottle... That's very typical. Halls is empowered and authorized to hand him the weapon. He's the only other person to handle the weapon after we were done. After we were done, whether it was a cold gun with no things, or flash rounds, I'd say hot gun, hand it to him, or usually not. Because usually it was a hot gun, if it was a hot gun, we were going to shoot, she'd be right nearby.

Detective Talamante:

Okay.

Alec Baldwin:

Other times we have rubber guns, We have fake guns. Yeah.

Detective Talamante:

Yeah. Specifically. Sorry. Right before this incident, Hannah handed you the gun, and said, "Cold." It wasn't David.

Alec Baldwin:

I don't recall. No, Hannah had been the gun.

Detective Talamante:

Okay. It wasn't anybody else but Hannah?

Alec Baldwin:

No. Hannah handed me the gun.

Detective Hancock:

And she specifically said?

Alec Baldwin:

I believe she said cold. I don't recall exactly.

Detective Talamante:

So this is... I'm not that great of a drawer, but this is the church, this is the front, where the...

Alec Baldwin:

Enter here. Yeah.

Detective Talamante:

Cross is. Where did she hand the gun to you? Inside, [inaudible 00:45:49]?

Alec Baldwin:

Oh, yes, because I was seated.

Detective Talamante:

You were-

Alec Baldwin:

And there was... I was... This is a scene in the church, where you come in, and there's a lot of disarray. There's benches tipped over, and here was one bench that was upright, and sturdy. Some of the other benches are prop benches, so they can smash easily with explosives. You want the gunfire to have fake benches. They're made of a lighter wood. So if they put charges inside, so when you shoot, cinematically, when a guy's shooting a gun, you turn around, and see what he's shooting at, you're going to see charges that are buried inside. They put a little material behind. You're going to see boom, boom, boom, you see flash. That is a prop bench. There were prop benches around, that they were eventually going to put... Today, were going to put squibs in to have them blow up. And this was a real bench, a heavy... Because if you sat on the prop bench, it would break. This was a live bench. And I sat here, and the camera was here, and she was here, and Joel was here.

Detective Talamante:

She being Halyna?

Alec Baldwin:

Halyna.

Detective Talamante:

Okay. And?

Alec Baldwin:

I'm here on the bench sitting. I'm right here to the right. I'm all the way to one side. They wanted me to go all the way to that side. And the camera guy was here, he's behind. Hannah was here, Joel was here. Where the other people, I believe that the script woman was always in that corner so she can see the action. And when I shot, the gun away from the cameraman, I never aim the gun at the camera. I turned and I went like this to [inaudible 00:47:22] the camera, and she was there, and the gun went off, and she just went right on the ground.

Detective Hancock:

What about the armorer though? Where was she?

Alec Baldwin:

She's outside.

Detective Hancock:

Okay.

Detective Talamante:

She hands you the gun.

Alec Baldwin:

She comes in. She hands me the gun all the time.

Detective Talamante:

And then went back outside?

Alec Baldwin:

If there's any shooting involved in the scene, she always hands me the gun.

Detective Talamante:

Never has Dave handed you the gun?

Alec Baldwin:

Never.

Detective Talamante:

Okay. And then she goes back outside when you're [inaudible 00:47:45]?

Alec Baldwin:

She waits outside, because she just can't be there sitting there [inaudible 00:47:48] see. Sometimes in the scene if there's reflections, like you see. So, you only need the necessary crew when there for shooting the camera, everybody else leaves, and as soon as they say cut, they come running back in.

Detective Talamante:

Okay. Real quick, before she shows you that, the other thing I wanted to know, and it's probably helpful [inaudible 00:48:03] she does show you those rounds. Have you, in your experience, ever been told that you're not supposed to cock the gun?

Alec Baldwin:

No.

Detective Talamante:

No. You're okay to?

Alec Baldwin:

He wanted me to cock the gun in the scene.

Detective Talamante:

Okay.

Alec Baldwin:

He wanted that as part of the scene. He said, "We're going to take the gun out, turn, and cock it to the..." To the right, my left, to their right of the lens. If I'm sitting here, and you're the camera, we don't talk about my left. We talk about camera right. Camera, right. We only talk about the camera. Camera right is my left. So if I'll say to you, "Where do you want me to aim the gun?" They'll say, "Camera right." So I'll aim the gun to my left.

Detective Talamante:

Okay.

Alec Baldwin:

So I always aim the gun away, but she was there, and in the rehearsal, he wanted me to pull out the gun, and cock the gun. And if you're assuming you have a cold gun, there's no problem.

Detective Hancock:

Right.

Alec Baldwin:

And again, a cold gun I'd had... Every time we've used guns on this film the last two weeks, we never had one problem. Never. Never.

Detective Hancock:

Okay. And I don't... Maybe you guys discussed this when I gone. After the gun was shot, who did you hand the gun to?

Alec Baldwin:

I don't remember.

Detective Hancock:

Okay.

Alec Baldwin:

I don't remember. I mean, everybody freaked out.

Detective Hancock:

Yeah, I think so. Okay.

Alec Baldwin:

It was one of those two people, Halls or her. I don't really know. I would imagine... Well, there's the dummy there, so that's probably a dummy round. And there's no drill in this. That might be a flash round. And as I said-

Detective Hancock:

So flash rounds do not have holes.

Alec Baldwin:

Well, the flash round has a charge in here of powder. Different sizes. Like I said, quarter, and half, full load and a wadding in there to pack it in. It's packed in tightly.

Detective Hancock:

Okay.

Alec Baldwin:

So when you hit this pin, it explodes. Now, sometimes it has this material there. If you have to have the cosmetic feature through the gun, and then shoot. But often, it has... There's the BBs in there. This is a dummy round. No dummy here, but there's that. My point is that very often when you give me... Remember, when she's loaded the gun with rounds for us to go hot, and flash, and shoot, they've had that creased, folded head. The dumpling head, as we say.

Detective Hancock:

Okay.

Alec Baldwin:

They've almost never looked like this for the flash. Only when the camera sees inside the cylinder, do you put those in there?

Detective Hancock:

But those are both dummy rounds.

Alec Baldwin:

That's a dummy round? That's a dummy round. That's what they taught me.

Detective Hancock:

Yeah.

Alec Baldwin:

I'm not an expert. [inaudible 00:50:37].

Detective Talamante:

I'm sure you have more experience with [inaudible 00:50:40] than we do.

Alec Baldwin:

[inaudible 00:50:40]. I doubt that. I always say to my wife, "I think I should get a gun. I'm getting a little nervous about the world [inaudible 00:50:46]." I'm met with, "No, no, no, no guns in my house." I have six kids. I'm 63 years old and I have an 8-year-old, a 6-year-old, a five-year-old, a 3-year-old, a 1-year-old, and an eight month old who we had as a surrogate.

Detective Hancock:

Oh my gosh,

Alec Baldwin:

I'm 63 years old, and we had six kids in seven years. So, my wife is always... She was born in the US, but raised in Spain. She's like, "Alec, we will not be having any guns in the house. No, no, no, no." But-

Detective Hancock:

Okay.

Alec Baldwin:

But, [inaudible 00:51:19] a dummy round.

Detective Hancock:

So you called this a flash round, right?

Alec Baldwin:

No, flash round means there's a charge in there. No charge in there. If you hear that sound.

Detective Hancock:

Okay.

Alec Baldwin:

No charge in there, if you see that. So I was told.

Detective Hancock:

So what happens when you shoot these? Or to what [inaudible 00:51:29]?

Alec Baldwin:

You put them in there cosmetically, with nothing in them, so that through the cylinder you can see that.

Detective Hancock:

Okay.

Alec Baldwin:

You can see in the cylinder whether the cylinder's empty. They look bad continuity wise, or that there's a round in there. So they put a cosmetic round in the chamber, they load the gun, close it, and then I hold

the gun. You see the thing's in there. A flash round would be like I told you, crimped is the word, the crimped round with the charge inside. And that one shoots, and there's no projectile. I'm really challenged whether they ever see... I doubt... Sometimes they have these where you can do both. But that's the clay material. But usually, 99% of the time we shot a flash round, it was the crimped thing and you don't see inside the cylinder. So you're in the camera, and I'm not pointing where you can see it. I'm off a little bit. All you see in the flash.

Detective Hancock:

Do you know what would happen if you shot one of these? Have you ever had experience with that?

Alec Baldwin:

Nothing.

Detective Hancock:

Nothing happens with them?

Alec Baldwin:

There's no charge in them.

Detective Hancock:

Okay.

Alec Baldwin:

This indicates-

Detective Hancock:

[inaudible 00:52:39] Bottom?

Alec Baldwin:

Right. Well, sometimes they have the pin to create something. I'm just saying, when I look at this, when I go like this... Now, by the way, there could be a charge in there, and that charge, and those BBs could come out. I don't know. I don't know enough about it to note whether this rattling indicates that it's empty, a cold round. That's obviously a cold round, because that's where the gunpowder would be in here. That's a cold round. This I'm assuming is a cold round, because they go like this to tell themselves it's a cold round, I believe.,, Please don't take my word for it.

Detective Hancock:

Just in your experience.

Alec Baldwin:

I'm a father of six children, pretty much. That's all I do these days. My experience is those are both cold rounds.

Detective Hancock:

Okay.

Alec Baldwin:

And I was told by Halls that when they took the gun away, and looked at it, every round inside the gun was a cold round, except the one round was not only a hot round, it was a live round with a bullet. If you're telling me that that's what came out of his shoulder, there's something really, really scary going on there.

Detective Talamante:

And I think that's what she was trying to ask, is if any time... Well, you said these are cold ones, but the ones that are not cold, the quarter...

Alec Baldwin:

Right.

Detective Talamante:

Those.

Alec Baldwin:

They have the crimped head.

Detective Talamante:

Have you ever seen anything like that ever come out on set?

Alec Baldwin:

No, it's not possible.

Detective Talamante:

Not possible. Okay.

Alec Baldwin:

It's not possible.

Detective Hancock:

Yeah. They don't have a head, I'm seeing these.

Alec Baldwin:

There's no projectile.

Detective Talamante:

There's no projectile. Okay. So then, and these shouldn't...

Alec Baldwin:

Somebody put a live bullet in the gun.

Detective Hancock:

Okay.

Detective Talamante:

Because these shouldn't separate, or do that either.

Alec Baldwin:

No.

Detective Talamante:

Okay.

Alec Baldwin:

Separate? I don't follow you.

Detective Talamante:

Like that shouldn't come out either when, if it does.

Alec Baldwin:

If you did a flash round, that wouldn't be there.

Detective Talamante:

Okay.

Alec Baldwin:

This is a cosmetic round only.

Detective Talamante:

Right.

Alec Baldwin:

I point the gun, that's in the cylinder. When we shoot the gun, 99% of the time it's a flash round that you don't see the cylinder. You are the camera, and I'm slightly off, so you don't see on the...

Detective Talamante:

I'm sorry, we keep having you explain that, but it's just because there's different rounds.

Alec Baldwin:

Right. I'm saying this is a cosmetic round to my knowledge. And if there is, another question for you is, is there a cosmetic round... I mean, is there a flash round, that has the head, which I believe they have, where you could shoot into the gun? Meaning, if the director wants you to aim the gun at the camera,

they put a Lucite screen up there, and I shoot the gun at you, you can see the bullets inside there, or they can go do that with a computer. But if I put the thing toward you, and then shoot, they'll have a round that has this on there, that'll explode. But again, I've been told that is a clay material, or something that just dissolves on explosion. No projectile comes out. On a flash round, it blows up, that you shoot on camera, quarter, half, full. There is no projectile unless some material is stuck in the barrel of the gun.

Detective Hancock:

Okay.

Alec Baldwin:

And I thought for sure what happened was, did they not check, there was a stone or whatever? Now again, I am speechless. We're here shooting, everything was going fine. Joel is my friend, I'm one of the producers on this movie. We've developed this movie together for three years. I left my wife and six kids in New York to come here for a month to shoot this movie. And I'm the one that shot the gun today, that had a live bullet go through that woman's body, and into his body. And I need to know how did that happen? Where did that bullet come from? There are no live rounds in her kit, I'm told. Everybody was sitting around waiting for me to come here with all the sheriffs and all the people, the people that were there, waiting for us to get ready to come and do this with you. All they did was talk about that, speculation of in her kit, she doesn't have live rounds.

Detective Talamante:

And that's what we were told. That's what we asked her. She said there is no live rounds, not even in her kit, not on set anywhere.

Alec Baldwin:

For that very reason,

Detective Talamante:

We want to know the same question too. Yeah. How, if there's not supposed to be any live rounds on set, how, and who?

Detective Hancock:

Then it comes down to possible manufacture defect.

Detective Talamante:

Or that.

Alec Baldwin:

That a cosmetic round shot this projectile through them? Is that possible? Did you find out? I don't know.

Detective Hancock:

It's possible.

Alec Baldwin:

Oh, it is. They told you that mechanically, if that's possible.

Detective Hancock:

Yes. So sometimes there is a charge in the end of... Not intentionally, but...

Alec Baldwin:

A mistake. Today, I sit here, and whether it was a misfiring theatrical round, or a live one, I shot this woman with a gun today. Yeah, it doesn't feel so good, you know.

Detective Talamante:

[inaudible 00:57:37]. I can imagine that would not feel good.

Alec Baldwin:

I feel really bad. It's like I don't... I mean, everything was going great. The only problem we had was when these six guys wanted to quit, and there, I don't know the jargon, but there Union rep or whatever in the New Mexico contract, different contracts in different states. The person that was in charge of these people, and kind of a pipeline, with a lot of shooting going on, a lot of movie, TV work in Albuquerque, Santa Fe, the person, where their head person told them, "Don't strike. Again, we don't want to cripple the indie business and put all of our employees out of work. Our indie contract is set for now. You have a contract you're under. Now we can renegotiate that contract, which no doubt they will. But in the meantime you have a contract that you agreed to."

And those men came, I'm not criticizing them, they came under a contract, which they knew what it was. They reported to work. And then halfway through the shooting, they left. They walked off. And I don't... When he said to me, "Well, my guys are sleeping in my car," the ADs and the producers said to me, "Well, they're all of a sudden complaining about a contract they've been working under for quite a while." And some days we wrap, and they shoot nights. Those are tough. The men, the women, they have to go back to their homes, and [inaudible 00:58:59] Albuquerque and drive an hour. It's three o'clock in the morning. And we try to put the night shooting on the weekends, so when you wake up, following day you're off. And then some days we wrapped very... The day before they walked up the job, we wrapped at 5:45 in the afternoon, we had a very reasonable day. Had a very easy day till six o'clock. Because I'm driving away with them, and I waved to that guy. The guy said, "I want to talk to you," the heavysset guy.

Detective Talamante:

Yeah.

Alec Baldwin:

And I'm leaving. I said, "I'll see you tomorrow." And I left because I want to get home. I want to go call my kids before they go to bed in New York. And yesterday, when I was driving, when I saw him, the sun was still out. We didn't shoot a day like usually we shoot till we lose the light. That's why we're here, to shoot in New Mexico.

Detective Talamante:

Yeah.

Alec Baldwin:

New Mexico is the star of the movie.

Detective Talamante:

Yeah. The scenery.

Alec Baldwin:

Yeah.

Detective Talamante:

Okay. So do you, in your opinion, feel that this could have been an accident? Or do you...

Alec Baldwin:

I want to believe that... Let me ask you this, because I don't know anything about this, because it was such mayhem when this happened. Everybody was sick that this happened, because we didn't know. No one imagined... Everyone thought she was hit by wadding, or something, got burned. No one presumed she was shot with a bullet, any projectile went through in her body. No one even considered that, that wasn't possible. So, the question is, the cartridge that came out, the cartridge, when the gun [inaudible 01:00:29], have you got that?

Detective Hancock:

So we have to send that... We don't analyze that stuff. We collect it, but then we send it to lab.

Alec Baldwin:

It was collected. You have it.

Detective Hancock:

It will be.

Alec Baldwin:

Right. That's all I'm saying, is that to me, I'm wondering what was that? What was in that? As I mentioned, I don't know anything about that. What are they... Ballistics? How can they measure, what was in that, how much of it?

Detective Hancock:

And that'll all be done at the lab.

Alec Baldwin:

Yeah. I don't know. All I knew was the gun went off, she hit the floor, he hit the floor, he started screaming. He's in a lot of pain. She went into shock. She went into... She didn't talk. Her eyes are rolling back in her head, and blah, blah, blah, and bad. And everybody's starts getting really... And then they start doing CPR, putting [inaudible 01:01:12], and everybody gets really panicky. And then people start

wondering, did something... We assumed, because the wadding can burn you, there's material that can come out under that. Very rarely, that could burn you. But remember, that often doesn't happen, because there's always a cold gun on the rehearsal.

By the time you even... The wadding comes out of it, hits somebody, they're 20 feet away from you in a gunfight, the crew is away. You're not shooting anybody near the crew. And my point is that when this, and when she went down, I thought what was stuck? We all said the same thing. "What was stuck in the barrel? Was something left? They didn't clean the barrel." Which they always do, always. And was there a rock or something that went through her body? I didn't know about the passing through her body. I know she was hit. I didn't know where, and I don't know what to what extent. But we all presumed, as we're sitting outside, bullshitting for the last two hours while this went on, the aftermath, we assumed something was lodged in the barrel, was a projectile that went into her body. Now when you tell me that's what came out of Joel's shoulder, that's a faulty round, which I've never heard of that before.

Detective Hancock:

Okay.

Alec Baldwin:

Never. I've never heard of a theatrical flash round that was loaded into a gun, that had a projectile, that misfired, and that projectile came out that was a lethal round. Normally, what you're going to have a round that has this on it. It's the material that disintegrates when you fire the gun. Because if you take a flash round with gunpowder in it, whether it's a quarter, half, or full load, and you put a real bullet on, that's called a bullet. That's not a movie bullet. That's a bullet.

Detective Hancock:

A real bullet, yeah.

Alec Baldwin:

How did that happen? I mean, I'm the person that fired the gun. I'm dying to find out how that happened. How did that bullet that caused it end up in her kit?

Detective Talamante:

And again, we're not going to know if it was manufacturer issues, or someone did bring a live round until it's been tested, and we look at the whole casing, and projectile of it. So, is there anybody on set that you would think want to cause a disturbance in the filming, or have any issues with anybody on set? Minus what happened, if you don't think [inaudible 01:03:27].

Alec Baldwin:

No. In the movie business there are always some whiny people.

Detective Talamante:

Okay.

Alec Baldwin:

But not so much so that they want to shoot somebody.

Detective Talamante:

So nothing-

Alec Baldwin:

I've never heard of anything like this in my lifetime, ever. I've made 75 movies.

Detective Talamante:

So in the past couple of weeks that you've been on set, there's nobody really-

Alec Baldwin:

There's no one I would imagine would be capable of doing something like this.

Detective Talamante:

Nothing out of the ordinary.

Alec Baldwin:

But again, I think it's a critical point to me was just, if this is a flash round, if there's a flash round, and you have a piece here, this piece has to be a certain type. In other words, if you wanted, I've told you before, if you want the shot to go off, and see that the cylinder cosmetically has a round in there. This is not the thing that was in Joel's shoulder.

Detective Hancock:

But, and then I want to come back to this. You said that when the gun went off, you experienced no kick.

Alec Baldwin:

Yeah, there was no recoil. There was no recoil that I remember.

Detective Hancock:

Okay.

Alec Baldwin:

Literally, I'm holding the gun, and slowly, slowly pulled, turned, cocked, as soon as I cocked, it went bang, and I jumped. I mean, you obviously... That's the last thing you think is going to happen. Everything has been done. Every breath we take is to obviate that possibility. And the gun went off, and all I can think of, as I keep saying, is that I've never heard of a flash round that had a bullet on top, that had a projectile similar to what came out of Joel's shoulder. I've never heard of that in my life. Ever. Never, never, never. Never. Flash rounds, never. Flash rounds normally have the crimping. If there's a head on there, it is made of a special material. And in this scene, you were to look down the barrel of the gun and shoot.

You have to ask them that by the way. You have to ask. Well, both of them were in the hospital now. But was it their intention? Because when I would be given the gun, I'm assuming it's a cold gun with nothing in it. When it goes the time to shoot, are they going to see in the barrel that there's a gun there? Very often what they'll do is they'll have you put the cosmetic rounds in, and I'll draw the gun up. I'll aim it, they cut. And cinematically, they'll cut to the other guy, going like this. Then they'll cut back to me with

the flash round, with no projectile. But all I'm saying to you is, a theatrical round, a flash round with a bullet head. I've never heard of that in my life, ever. Never, never, never. Because that's a bullet. Less of a charge. But that's a bullet. I don't know what to say. I've never heard of this in my life.

Detective Hancock:

What's your date of birth, Alec?

Alec Baldwin:

April 3rd, 1958.

Detective Hancock:

Do we have... There's someone that we can contact if we have other questions for you?

Alec Baldwin:

My assistant's name is Jonah

Detective Hancock:

Jonah, J-A?

Alec Baldwin:

J-O-N-A-H. His last name is Foxman. They told me that you wanted this, correct? J-O-N-A-H. Foxman. F-O-X-M-A-N. His number is 814-573-5836.

Detective Hancock:

Okay. You have any other... We have one more here. [inaudible 01:07:07].

Alec Baldwin:

What do you want me to do?

Detective Hancock:

You can go wherever.

Alec Baldwin:

Well, let me ask you this. Originally, and this is a very complicated... I mean modest, compared to what happened to them. But my wife and my whole family were [inaudible 01:07:22]. And on Saturday, my daughter was going to be in the movie, had a little part for my daughter.

Detective Talamante:

The 6-year-old?

Alec Baldwin:

The 8-year-old.

Detective Talamante:

Oh.

Alec Baldwin:

She was so excited to come. And now the question is, Joel's not going to go back to work for a while. I doubt he'll be back to work in a week or two, if that. Who knows what they're going to do? They're going to get the suit out of them.

Detective Talamante:

I mean, I think his was the shoulder, he might... I don't know. It's up to him how he feels and stuff on [inaudible 01:07:52].

Alec Baldwin:

But I'm sure that there are so many insurance issues for them, they may shut down the film.

Detective Talamante:

There's going to probably be a halt on it.

Alec Baldwin:

They're in a lot of trouble insurance wise, and civil action wise. What I'm saying is, I told them I would stay here tomorrow. My family's not going to come down.

Detective Talamante:

Okay.

Alec Baldwin:

I begged them to come, and my wife wants to cancel the trip. She says she thinks it's just a weird energy. I told the producers that I would stay tomorrow in case anybody else, their insurance investigators, anybody their lawyers wanted to talk to me. I'll make myself... And then Saturday I was going to fly home to New York, and just wait for them to tell me what to do. Did you need me to stay here beyond Saturday? I will do whatever you tell me to do.

Detective Talamante:

Okay. So I think what we need to do, we're going to go and process the scene. If there's anything else that comes up, and that we need to contact you, you said you'll be here until Saturday? [inaudible 01:08:44].

Alec Baldwin:

Oh no, as of now, I'm going to stay tomorrow to make myself available to the insurance investigators, and the [inaudible 01:08:50] the production's attorneys, to make myself available. They told me they're not sure they need to talk to me. I'm going to see you tomorrow, and get on a plane Saturday to go home, and God knows when we're going to come back, it might be months.

Detective Talamante:

Okay. So we can contact you.

Detective Hancock:

As long as we have this number, and he's not going to change it.

Alec Baldwin:

No. What I'm trying to say is that I'm going to leave on Saturday unless you tell me not to.

Detective Talamante:

You're okay to leave.

Alec Baldwin:

If you tell me to come back in, I'll do whatever you tell me to do. But my wife wanted me to come home.

Detective Talamante:

Yeah. Yeah. So as long as we have a way of contacting you, is what we need to do to get ahold of you. Okay? But I think you... [inaudible 01:09:27], unless tomorrow you hear something different from us. Because right now we're going to go... We'll interview a couple more people.

Alec Baldwin:

[inaudible 01:09:31] talking again tomorrow, I'll come here right away.

Detective Hancock:

Okay.

Detective Talamante:

Yeah.

Alec Baldwin:

Tell me what you want.

Detective Hancock:

What's your work cell?

Detective Talamante:

490...

Detective Hancock:

Or your office. Sorry.

Detective Talamante:

That one, I don't know. I don't use it.

Detective Hancock:

Well...

Detective Talamante:

So, 2850... 490-2850 is his work cell.

Detective Hancock:

I'll just [inaudible 01:09:52].

Alec Baldwin:

Out. So the two of you are not best friends and you go bowling together, and go to the movies together, no?

Detective Hancock:

Yeah.

Detective Talamante:

Yeah.

Alec Baldwin:

[inaudible 01:10:02].

Detective Hancock:

[inaudible 01:10:05]. So this is my card. I put her name on the back of that one. But my office is that first one.

Alec Baldwin:

How do you prefer to be contacted? The office?

Detective Hancock:

Yeah.

Detective Talamante:

Oh, let me put my... Because mine's a different...

Detective Hancock:

[inaudible 01:10:18].

Detective Talamante:

Yeah, I don't... My desk phone has issues, so I use my work cell phone all the time, and that's usually the best way to get ahold of me.

Detective Hancock:

That is actually true,

Detective Talamante:

And then if I'm not at my desk either.

Alec Baldwin:

If I don't hear from you otherwise, I mean, I'll come in tomorrow if you prefer, but if I don't hear from you otherwise, as of now, I intend to go home on Saturday.

Detective Talamante:

Yeah, and that's fine because right now we still have other interviews to do. We got to go to the scene, process it. The processing at the lab might take longer, so you might even not hear from... If you do.

Detective Hancock:

They're two years backlogged right now.

Detective Talamante:

So, our investigation-

Alec Baldwin:

Would you [inaudible 01:10:57] talk to me remotely?

Detective Talamante:

If it comes to it, we will figure it out at that point. But right now as-

Alec Baldwin:

Just tell me what to do. As of now, my wife wants me to come home.

Detective Talamante:

As of right now, you better listen to your wife, and go home.

Alec Baldwin:

Don't go there.

Detective Hancock:

Okay. Are we ready for... I do have some very unfortunate news to tell you.

Alec Baldwin:

What?

Detective Hancock:

She didn't make it.

Alec Baldwin:

No.

Detective Hancock:

Yeah. So, Joel's still at the hospital, but the other person involved didn't make it. Sorry. I didn't want you to hear it outside of here. Is there something we could do for you?

Detective Talamante:

Is that Jonah in there?

Detective Hancock:

What?

Detective Talamante:

Jonah, the one back there.

Detective Hancock:

[inaudible 01:12:06]. Okay.

Detective Talamante:

Would you want Jonah in here with you?

Alec Baldwin:

I want to go.

Detective Talamante:

You want to... What do you want to do? Do you want to make a call?

Alec Baldwin:

[inaudible 01:12:23].

Detective Hancock:

You can sit.

Alec Baldwin:

We should go. We should go.

Detective Talamante:

Are you guys needing a ride? Or are you comfortable?

Detective Hancock:

I think they've got their [inaudible 01:12:39].

Detective Talamante:

Are you comfortable driving, though?

Alec Baldwin:

I want go call my wife.

Detective Talamante:

Of course. We could even give you privacy.

Alec Baldwin:

No, we're going to go.

Detective Talamante:

Okay. Yeah.

Alec Baldwin:

[inaudible 01:12:53] we're going to go.

Detective Talamante:

Yeah. That's fine. Can I get you more water or anything?

Alec Baldwin:

No.

Detective Talamante:

[inaudible 01:12:56] you guys a few minutes in here?

Alec Baldwin:

I want to go call my wife.

Detective Talamante:

I'm sorry.

Detective Hancock:

[inaudible 01:13:04].

STATE'S EXHIBIT B

1 FIRST JUDICIAL DISTRICT COURT
2 COUNTY OF SANTA FE
3 STATE OF NEW MEXICO
4
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11 IN THE MATTER OF: RUST
12 INTERVIEW OF
13 ALEC BALDWIN WITH
14 GEORGE STEPHANOPOULOS
15 ABC NEWS SPECIAL
16 DECEMBER 3, 2021
17
18
19
20

21 TAKEN BY: Detective Alexandria Hancock
22 Detective Samantha Talamante
23 TRANSCRIBED BY: Raquel Piña-Baca,
24 Certified Stenotranscriptionist
25

1 G. STEPHANOPOULOS: Alec, thank you for
2 doing this. You -- you haven't said much in public
3 since that tragic accident why -- why speak out now?

4 A. BALDWIN: Well, I think that there's a
5 criminal investigation and that could be a while.
6 There's all kinds of civil litigation. And I felt
7 there were a number of misconceptions.

8 Most of it from sources I really wouldn't
9 concern myself about but a couple that I did concern
10 myself about were -- were these authoritative
11 statements about this is what happened.

12 The sheriff's department hasn't even
13 released a report to the DA yet. The reason I wanted
14 to sit down with you is because I really feel like I
15 can't wait for that process to fit to end in February,
16 March. I mean I'm not asking them to speed it up for
17 my benefit that's ridiculous. But I am saying that
18 they're going to do what they need to do and I wanted
19 to come to talk to you to say that I would go to any
20 lengths to undo what happened. I would go to any
21 lengths to undo what happened.

22 G. STEPHANOPOULOS: I think the big
23 question and the one you must have asked yourself a
24 thousand times. How could this have happened?

25 A. BALDWIN: Well, there's two things I

1 want to say about that. One is that when I talk about
2 this, my concern is that I don't sound like I'm the
3 victim because there is a victim. There's a woman who
4 died and my friend got shot; he's my friend and she was
5 a new friend.

6 I met her and we worked together on the --
7 some of the mapping out of what we were going to do on
8 the film, which, you know, in the movie terms if you go
9 make a movie with Scorsese, you and the DP don't sit
10 down and they solicit your ideas of how to make the
11 film. You know what I mean?

12 In the case of Helena, we sat down
13 collaboratively and talked a lot about what we wanted
14 to do in that -- a precious amount of time we had. But
15 I -- I want to make sure that I don't come across like
16 I'm the victim because we have two victims here.

17 And the second thing is is that all of what
18 happened on that day leading up to this event was
19 precipitated on one idea and that is that Helena and I
20 had something profound in common and that is we both
21 assumed the gun was empty. Other than those, you know,
22 dummy rounds.

23 G. STEPHANOPOULOS: I want to get into more
24 detail on the day in a minute but let's take a step
25 back. What was it that drew you to this project in the

1 first place; to Rust?

2 A. BALDWIN: I had worked on a project with
3 Joel before.

4 G. STEPHANOPOULOS: Joel Souza, the
5 director?

6 A. BALDWIN: Right. He did this movie
7 Crown Vic that I produced and Joel and I stayed in
8 touch, we're friends, and I loved Rust. He said, I
9 want to send you this and I read it and I said I love
10 it. I love it.

11 G. STEPHANOPOULOS: Rust, a low-budget
12 western tells the story of an aging outlaw on the run
13 with his young grandson. Baldwin, the film's star, is
14 also one of the producers.

15 A. BALDWIN: Very excited, very, very. So
16 excited that we finally got this made because every
17 independent film has many false starts. You know I
18 mean? And when it finally goes, you finally get -- you
19 feel like a plane when you finally get some lift under
20 your wings. It's very, very gratifying.

21 I am a purely creative producer. My
22 authorities as a producer are casting and script, which
23 are actually married to the role of being a lead actor
24 in a film.

25 G. STEPHANOPOULOS: So you're not the kind

1 of producer that's looking at the line item of each
2 budget?

3 A. BALDWIN: No. No, no, no. There are,
4 basically, two types of producers who are -- who are
5 really in charge of production. People that raise the
6 money and the people who spend the money. My
7 consultations or approvals were completely about
8 casting and about the script. I don't hire anybody in
9 the crew -- I don't even --

10 G. STEPHANOPOULOS: Not even the
11 cinematographer? No one?

12 A. BALDWIN: No, no. But he will apprise
13 me of what he's doing. And they'll say to me, I got
14 Helena Hutchins to be the DPS. Or how do you feel
15 about that? Are you excited? I'm very excited. She's
16 wonderful.

17 G. STEPHANOPOULOS: What did you know about
18 Halyna Hutchins before she started working on this?

19 A. BALDWIN: I knew nothing about her until
20 Joel said to me, I got her. She was fantastic.

21 G. STEPHANOPOULOS: Halyna Hutchins, the
22 talented cinematographer praised by many in the
23 industry was a trailblazer in the field historically
24 dominated by men.

25 [Note: Clip being played.]

1 The Ukrainian-born cinematographer quickly
2 gelled with Baldwin.

3 A. BALDWIN: The people who watched the
4 daily said that her work was beautiful. She was
5 someone who was loved by everyone who worked with and
6 liked by everyone who worked and admired.

7 I'm sorry.

8 But admired by everybody who -- who worked
9 with her.

10 G. STEPHANOPOULOS: Rust 21-day production
11 began filming on October 6th at the Bonanza Creek Ranch
12 just outside Santa Fe, New Mexico. The ranch has long
13 been a favorite location for filming westerns.

14 [Note: Clip being played.]

15 A. BALDWIN: The day that I flew there,
16 they had been shooting for a week already. I come the
17 following week on the 11th. That night of the 11th, I
18 had dinner with Halyna and Joel and we talked about
19 some of the compositions I was thinking of to --

20 G. STEPHANOPOULOS: That was the first time
21 you met her?

22 A. BALDWIN: First time I met Halyna, yeah.

23 G. STEPHANOPOULOS: What was your first
24 impression?

25 A. BALDWIN: When I met her, I knew she had

1 that spark. I knew she had that flint to her that she
2 was gonna get that day's work done and get the shots
3 that she wanted. She was very focused.

4 G. STEPHANOPOULOS: She had a vision for
5 the film?

6 A. BALDWIN: She was very focused. We had
7 a discussion about compositions of shots in which you
8 were shooting these beautiful tableaux of the west.
9 She had that intensity. Every day you went to work,
10 she would say, "Good morning. How are you? How was
11 your evening?" Boom. It was small talk, go. We
12 weren't going to hang out and chit-chat or whatever.
13 She knew that the clock was the enemy, and we have to
14 move forward.

15 G. STEPHANOPOULOS: Once on set, Baldwin
16 posts this video.

17 [Note: Alec Baldwin clip.]

18 A. BALDWIN: I want to say I look at myself
19 in the reflection of this, and I'm really kind of
20 appalled. It's appalling. But we're here shooting a
21 film. We start tomorrow and, no, I'm not playing Santa
22 Claus.

23 [Note: Clip concludes.]

24 On the 12th, I had a safety demonstration
25 with Hannah Reed, the armorer.

1 G. STEPHANOPOULOS: Twenty-four-year-old
2 Hannah Gutierrez Reid seen here in photos by the
3 dailymail.com was hired as the film's armorer in charge
4 of all weapons on set. The daughter of a famous
5 Hollywood armorer, Rust was only her second film in
6 this role. She spoke to the Voices of the West podcast
7 about working as lead armorer for her first film before
8 Rust.

9 [Note: Clip of Hannah Gutierrez-Reed.]

10 MS. GUTIERREZ-REED: I was really nervous
11 about it at first, and I almost didn't take the job
12 because I wasn't sure if I was ready but doing it like
13 it went really smoothly.

14 A. BALDWIN: We spent an hour and a half
15 shooting the pistol, her giving me all her safety info.

16 G. STEPHANOPOULOS: Did you think she was
17 up to the job?

18 A. BALDWIN: I assumed because she was
19 there and she was hired, she was -- she was up for the
20 job.

21 G. STEPHANOPOULOS: And nothing she did
22 raised any red flags with you?

23 A. BALDWIN: No.

24 G. STEPHANOPOULOS: This -- this training
25 course you do, what did she tell you?

1 A. BALDWIN: She said things like:
2 Remember this is a -- this is a blank round, so you
3 have to create the discharge yourself because there's
4 no projectile. So if you shot the gun, you go bang.
5 When you roll the camera, you gotta go bang and have
6 the gun -- gun snap back. You have to create that.

7 She would give you little tips about firing
8 and she'd say to you: When we're done, point the gun
9 down. When we're done, you give the gun to me or to
10 Halls only those two people.

11 G. STEPHANOPOULOS: Dave Halls was Rust's
12 assistant director also known as the first AD. Seen
13 here in this IMDb photo. He was responsible for
14 keeping the production on schedule.

15 A. BALDWIN: Sometimes we would be on a set
16 that was a very, very cramped set, and they wanted
17 people in that room on an as-needed basis. If I'm
18 holding the gun and they say, "Cut," I then hand the
19 gun to Halls if she's not there.

20 G. STEPHANOPOULOS: Yeah. Why Hall's not
21 Hannah? Some people have said that only the armorer
22 should be handed --

23 A. BALDWIN: No, no, no. That's -- that's
24 inaccurate. Meaning in -- in -- in the protocols of
25 the business, meaning Hannah were to hand me the gun 99

1 percent of the time. Whatever the preponderance of the
2 time. But when we would say, "cut," if Hannah was away
3 from the set, I would hand Halls the gun.

4 G. STEPHANOPOULOS: Hannah Gutierrez-Reed
5 had a dual role on set armorer, and she was also the
6 assistant prop master for the film.

7 One of the things her attorney has said is
8 that she was hired for two positions on the film; and,
9 therefore, was stretched in an inappropriate way. Did
10 she raise any of those concerns with you?

11 A. BALDWIN: No. I assume that everyone
12 who's shooting a lower-budget film is stretched myself
13 included. And I -- I got no complaints from her or the
14 prop department. I'm not sitting there when I'm
15 getting dressed and ready to go do a scene saying, "Oh,
16 my god, the prop woman seemed very hurried today.

17 I didn't get a sense of that from -- from
18 any of the -- the people on the film. The first time I
19 heard that there was any problem with anybody in the
20 crew of the film was when Looper said, Well, we have
21 some issues here.

22 G. STEPHANOPOULOS: Lane Looper, the first
23 camera assistant, would email production managers a
24 resignation letter later that night citing safety
25 concerns. Quote: "During the filming of gunfights on

1 this job, things are often played very fast and loose.
2 So far, there have been two accidental weapons
3 discharges." He also wrote about concerns about
4 reasonable rest and housing for local crew with long
5 commutes to the set.

6 A. BALDWIN: When he quit -- now, the day
7 before that happened, we wrapped. And he came up to me
8 and he said, thank you for the position you've taken on
9 behalf of IATSE and the union on social media. I said
10 my pleasure.

11 G. STEPHANOPOULOS: This photo posted by
12 Halyna showed the cast and crew in solidarity with
13 IATSE, the international alliance of theatrical stage
14 employees which had been on the verge of a strike and
15 Alec posted this on Instagram.

16 [Note: Clip of Alec Baldwin playing.]

17 A. BALDWIN: And I want to say to the
18 people in IATSE: "Do what you need to do. You want to
19 go on strike, go on strike. Because I'll tell you
20 something about the executives, they don't give a fuck
21 about you." He said, "Because we have some issues
22 here." I said, "Such as?" And he said, "My men need a
23 better hotel room." With no mention of safety issues.

24 G. STEPHANOPOULOS: He didn't say anything
25 about the accidental discharges on set? He didn't say

1 anything about anything. He goes, "My men need better
2 hotel rooms." I said, "Well, we're leaving we're
3 wrapping. Will you be here tomorrow? He said, "Yes."

4 Because what I was about to do which I've
5 done on any number of films and TV projects was to give
6 more of my salary back to the production to pay for
7 "x," and I was about to say to him, "Let me know what
8 it would be to be and be you guys in a house that's
9 closer to the -- how we can address your problem. I
10 will be happy to contribute to -- to that. The next
11 day they were gone.

12 G. STEPHANOPOULOS: So you had no sense
13 from anyone on the set that people had been stretched
14 to the point where safety was compromised?

15 A. BALDWIN: No, no. I never heard one
16 word about that. None. None.

17 G. STEPHANOPOULOS: Rust producers told ABC
18 News Mr. Looper's allegations around budget and safety
19 are patently false, which is not surprising considering
20 his job was to be a camera operator, and he had
21 absolutely nothing to do with or knowledge of safety
22 protocols or budgets. Safety is always the number one
23 priority on our films.

24 A. BALDWIN: When people say cutting costs,
25 I don't say this with any judgment or any cynicism.

1 Spielberg wants to save money; Tom Cruise wants to save
2 money. Everybody who makes movies has a responsibility
3 not to be reckless and careless with the money that
4 you're given. You know, those are men who make movies
5 that cost \$205 million dollars, and I'm making movies
6 that cost \$5 million or thereabouts.

7 G. STEPHANOPOULOS: The question, though,
8 is: Were costs being cut at the expense of safety and
9 security?

10 A. BALDWIN: In my -- in my opinion, no,
11 because I did not -- now, I did not observe any safety
12 or security issues at all in the time I was there.

13 G. STEPHANOPOULOS: Thursday, October 21st,
14 Baldwin posts a photo of himself in costume on
15 Instagram. "Back to in person at the office. Blimey.
16 It's exhausting."

17 That morning, Looper and six other crew
18 members walked off the set. Filming continued with a
19 replacement camera crew. Scene 118 in the church was
20 slated for after lunch.

21 A. BALDWIN: Everybody there was having a
22 positive experience. People who are watching the show,
23 people who back them. You have no idea how unique an
24 environment a motion picture set is. It's kind of --
25 there's an instant familiarity the amount of care.

1 These are people who are professionals who have really
2 good jobs in a field they love.

3 And I looked at all these people and I see
4 how hard they work. They're so hard working and
5 they're so conscientious. And you're around people and
6 you're part of one of the great collaborative processes
7 in the world, movie making.

8 Everyone moving like a watch to get
9 everything done. And when you kind of -- I -- I don't
10 make that many movies anymore because movie-making
11 demanded that I travel, and I didn't want to leave my
12 family. All these movies I made. I stayed home. I
13 didn't want to -- if I went away, I went away for a
14 week. To leave my family for four weeks and go shoot
15 this movie -- shoot this movie that was a big deal.

16 And I'm sitting on this -- this pew and so
17 help me God, I sat on that pew right before they called
18 lunch and I said, "This movie has made me love making
19 movies again." Because I used to love to make movies.
20 I did.

21 You know, I worked with people once. I was
22 going to do the movie The Edge and they called me and
23 said they got Tony Hopkins to do the film.

24 [Note: Clip playing.]

25 And I started sobbing. I just started

1 sobbing because I thought, Oh, God. That meant I'm
2 going to have a chance to work with this guy.

3 [Note: Clip playing.]

4 When they cast me and it's complicated with
5 Meryl, I thought I'm gonna get to go make a movie with
6 her. You know, I'm sorry. You know, people they have
7 their dreams. No matter how old you are you have your
8 dreams of people you want to work with and this movie
9 made me love making movies again. I really thought we
10 were onto something.

11 G. STEPHANOPOULOS: It was the 12th day of
12 their 21-day shoot.

13 A. BALDWIN: That day I did exactly what
14 I've done every day on that movie.

15 G. STEPHANOPOULOS: Baldwin was preparing
16 for his next scene, a shootout inside this wooden
17 church. Set the scene right before that happened.
18 You're sitting in a pew in the church?

19 A. BALDWIN: Right.

20 G. STEPHANOPOULOS: What's the scene
21 supposed to be?

22 A. BALDWIN: The scene is the two -- two
23 guys are there who have got me, you know, cornered and
24 they think I'm shot pretty bad and I'm kind of wilting
25 and they -- they have a gun. And then a sound outside

1 distracts them and I then draw at a cross draw out of
2 my holster, pull the gun up like that and start to cock
3 the pistol. Cut. I'm handed a gun and someone
4 declares, they said, "This is a cold gun."

5 G. STEPHANOPOULOS: Dave Halls?

6 A. BALDWIN: The -- the -- the first AD.

7 In my years on the sets of film, hot gun
8 meant that there was a charge in there and cold gun
9 meant that there was nothing in there.

10 When he's saying this -- this is a cold
11 gun, what he's saying to everybody on the set is you
12 can relax. The gun is empty.

13 G. STEPHANOPOULOS: That's what cold gun
14 means?

15 A. BALDWIN: Well, cold gun means there's
16 no charge in there. There could be dummy rounds.

17 G. STEPHANOPOULOS: A dummy round looks
18 like a real bullet but is completely inert. It
19 contains no explosive charge.

20 And you were rehearsing that scene?

21 A. BALDWIN: Yes, yes.

22 G. STEPHANOPOULOS: Was it an actual
23 rehearsal? There's some disagreement about that
24 whether it was a formal rehearsal at that time.

25 A. BALDWIN: It was mocking rehearsal where

1 you -- I'm gonna show her. She's standing next to the
2 camera. She's like this. You are me. She's got a
3 monitor here, the camera is here filming that way.

4 She takes a monitor that his -- that is his
5 monitor, the operator, and turns it toward her. It
6 swivels. And she says to me, "Hold the gun lower. Go
7 to your right. Okay. Right there. All right. Do
8 that. Now, show it a little bit lower."

9 And she's getting me to position the gun.
10 Everything is in her direction. She's guiding me
11 through how she wants me to hold the gun for this
12 angle, and I -- I draw the gun out and I find a mark.
13 I draw the gun out. Cut.

14 And what's really urgent is the gun wasn't
15 meant to be fired in that angle.

16 G. STEPHANOPOULOS: So if you're shooting
17 directly into the camera lens, you're not aiming --

18 A. BALDWIN: I'm not shooting into the
19 camera lens. I'm shooting just off.

20 G. STEPHANOPOULOS: Just off.

21 A. BALDWIN: Right. In her direction. I'm
22 holding the gun where she told me to hold it, which
23 ended up being aimed right below her armpit was what I
24 was told. I don't know.

25 This was a completely incidental shot, an

1 angle that may not have ended up in the film at all.

2 But we kept doing this and it was -- so then I said to
3 her, "Now, in this scene, I'm going to cock the gun."
4 I said, "Do you want to see that? And she said, "Yes."

5 So I take the gun and I start to cock the
6 gun. I'm not going to pull the trigger. I -- I said,
7 "Do you see that?" She said, "Well, just cheat it down
8 and tilt it down a little bit like that."

9 And I cocked the gun. I go, "Can you see
10 that? Can you see that? Can you see that? And she
11 says -- and I let go of the hammer of the gun and the
12 gun goes off. I let go of the hammer of the gun, the
13 gun goes off.

14 G. STEPHANOPOULOS: At the moment? The
15 decisive --

16 A. BALDWIN: That was the moment the gun
17 went off, yeah. That was the moment the gun went off.

18 G. STEPHANOPOULOS: It wasn't in the script
19 for the trigger to be pulled.

20 A. BALDWIN: Well, the trigger wasn't
21 pulled. I didn't pull the trigger.

22 G. STEPHANOPOULOS: So you never pulled the
23 trigger?

24 A. BALDWIN: No, no, no, no. I would never
25 point a gun at anyone and pull a trigger at them,

1 never, never. That was the training that I had. You
2 don't point a gun at someone and pull the trigger.

3 On day one of my instruction in this
4 business, people said to me, "Never take a gun and go
5 click, click, click, click, click." Because even
6 though it's incremental, you damage the firing pin on
7 the gun if you do that. Don't do that.

8 G. STEPHANOPOULOS: And Hall's attorney
9 told ABC news that he was watching and agrees that Alec
10 did not pull the trigger and that his finger was
11 outside the trigger guard.

12 So you have this cold .45. You just
13 pulled --

14 A. BALDWIN: The hammer as far back as I
15 could without cocking the actual --

16 G. STEPHANOPOULOS: And you're holding on
17 to the hammer?

18 A. BALDWIN: I'm holding -- I'm -- I'm
19 just showing her. I go, "How about that? Does that
20 work? You see that? Do you see that?" She said --
21 she goes, "Yeah. That's good." I let go of the
22 hammer. Bang. The gun goes off.

23 Everyone is horrified. They're shocked.
24 It's loud. They don't have their earplugs in. No
25 one was -- the gun was supposed to be empty. I was

1 told I was handed an empty gun. Whether if they were
2 cosmetic brass, nothing with a charge at all, a flash
3 round, nothing.

4 She goes down. I thought to myself, "Did
5 she faint?" The notion that there was a live round in
6 that gun did not dawn on me till probably 45 minutes to
7 an hour later.

8 G. STEPHANOPOULOS: Forty-five minutes to
9 an hour?

10 A. BALDWIN: Well, she's laying there, and
11 I go, "Did she get hit by wadding?" Was there a
12 blank -- sometimes those black grounds have a wadding
13 inside that packs. It's like cut -- like a cloth that
14 packs the gunpowder and sometimes wadding comes out and
15 can hit people and it could feel like a little bit of a
16 poke.

17 But no one could understand. Did she have
18 a heart attack? Because remember the idea that someone
19 put a live bullet in the gun was not even in reality.

20 G. STEPHANOPOULOS: Did you go up to her?
21 Did you --

22 A. BALDWIN: I went up to her and then we
23 were immediately we were told to get out of the
24 building. We were forced to get out of the building.
25 The medics came in. I mean, I stood over her for 60

1 seconds, and she just laid there kind of in shock.

2 G. STEPHANOPOULOS: Was she conscious?

3 A. BALDWIN: My recollection is yes.

4 [Note: 911 clip being played.]

5 G. STEPHANOPOULOS: Director Joel Souza is
6 also wounded. His shoulder hit by the same bullet that
7 traveled through Halyna.

8 A. BALDWIN: When she went down; he went
9 down and he was screaming really loudly. And I
10 thought, what is he scream -- what happened?

11 [Note: 911 clip being played.]

12 Within 15 minutes or 20 minutes after
13 that, the police arrived and took the church set and
14 put the crime tape around with the yellow tape and
15 forced us all to the perimeters of the parking area
16 where we sat and waited.

17 She was in the church, and she was not
18 taken out of the church for quite a while.

19 G. STEPHANOPOULOS: In the aftermath, there
20 was chaos and confusion. But nobody told you what
21 happened?

22 A. BALDWIN: No. no. It wasn't until I was
23 in the police station, hours later. I mean, it was
24 like seeing aliens. It was -- it was utter disbelief
25 over the idea. It was unacceptable the idea that it

1 was a live round.

2 And, finally, one of the police officers at
3 the conclusion of my interview, I was there for like an
4 hour and a half or so, she takes her phone and she
5 slides it across to me and she says, "That's what came
6 out of Joel's shoulder." A .45-caliber slug; it was a
7 real bullet.

8 G. STEPHANOPOULOS: Had you know that Joel
9 had been hit?

10 A. BALDWIN: No one had any idea until that
11 police officer, that sheriff's officer said to me,
12 "This is the slug, .45 caliber slug they took out of
13 Joel's arm. And then the kind of insanity-inducing
14 agony of thinking that someone put a live bullet in the
15 gun.

16 [Note: Clip being played.]

17 G. STEPHANOPOULOS: We -- we've all seen
18 that picture of you off the set in that hour or so
19 after the gun went off. What were you doing? What was
20 going through your mind?

21 A. BALDWIN: At the end of -- she was
22 laying there and she was there for a while. I was -- I
23 was amazed at how long they didn't get her in a car and
24 get her up but they waited and a helicopter came. And
25 by the time the helicopter took off with her, and I

1 mean, literally lifted off, we were all glued to that
2 process outside.

3 When she finally left, I -- I don't know
4 how long it was. She was there 30 minutes 40 minutes.
5 It was -- it seemed like a very long. But they kept
6 saying, "Oh, she's stable." Like -- like nobody just
7 as you disbelieved that there was live round in the
8 gun; you disbelieved that this was going to be a fatal
9 accident.

10 G. STEPHANOPOULOS: So you didn't know
11 exactly how serious it was?

12 A. BALDWIN: At the very end of my
13 interview with the sheriff's department, they said to
14 me, "We regret to tell you that she didn't make it.
15 She died." They told me right then and there. And
16 that's when I went in the parking lot and called my
17 wife to talk to my wife.

18 G. STEPHANOPOULOS: Shock and grief.
19 Helena's husband, Matthew, posted a tribute to Halyna.
20 "Halyna inspired us all with her passion and vision and
21 her legacy is too meaningful to encapsulate in words.
22 Our loss is enormous."

23 A. BALDWIN: When this happened, her
24 husband comes to town, her husband, Matthew. And I met
25 with him and their son and he was as kind as you could

1 be.

2 G. STEPHANOPOULOS: What can you possibly
3 say to him?

4 A. BALDWIN: The -- the -- I didn't know
5 what to say. He -- he hugged me and he goes -- he goes
6 like, "I suppose you were not going to go through this
7 together," he said. And I thought, well, not as much
8 as you are. You know and this little boy is there who
9 is nine years old.

10 I have -- I have six kids now. I have my
11 older daughter, Ireland, but of the six kids that he
12 Hilaria and I have, my oldest is eight. I have a
13 nine-month-old baby. And I think to myself this little
14 boy doesn't have a mother anymore.

15 And I know that in my life I'm with my kids
16 and I'm doing quite well with my kids. My kids and I
17 are having a great time right until my wife walks in
18 the room and then I become invisible. My kids all go
19 and they jump on top of their mother.

20 And this boy doesn't have a mother anymore
21 and -- and there's nothing we can do to bring her back.
22 And I told him, I said, "I -- I don't know what to say.
23 I don't know how to convey to you how sorry I am and
24 how I'm willing to do anything I can to cooperate.

25 G. STEPHANOPOULOS: In the aftermath of the

1 shooting a torrent of criticism.

2 [Note: Clip being played.]

3 A. BALDWIN: People said to me, I mean, I
4 -- I got countless people online saying, "You idiot.
5 You never point a gun at someone." Well, unless you're
6 told it's empty and it's the director of photography
7 who's instructing you on -- on the angle for a shot
8 we're gonna do.

9 And she and I had this thing in common
10 where we both thought it was empty and it wasn't. And
11 that's not her responsibility. That's not my
12 responsibility. Whose responsibility it is remains to
13 be seen. But I --

14 G. STEPHANOPOULOS: Well, there are some
15 who say you're never supposed to point a gun at anyone
16 on a set no matter what.

17 A. BALDWIN: Unless the person is the
18 cinematographer who's directing me where to point the
19 gun for her camera angle. That's exactly what
20 happened. That day, I did exactly what I have done
21 every day on that movie.

22 G. STEPHANOPOULOS: Which is what?

23 A. BALDWIN: Which is that there's an
24 armorer there and that word is new to me. In the years
25 I've been in this --

1 G. STEPHANOPOULOS: What did you call?

2 A. BALDWIN: It was a prop guy or woman.
3 And the prop person would come and sometimes they would
4 insist on demonstrating for you and the camera crew.
5 They take the gun if it was a contemporary gun, they'd
6 show you the chamber, they'd show you the clip. They'd
7 say, "The gun is cold." And you look and you go,
8 "Thank you."

9 And in the 40 years --

10 G. STEPHANOPOULOS: Sometimes that would
11 happen? Not all the time?

12 A. BALDWIN: Well, but, no, no, sometimes
13 they wouldn't demonstrate it to me. Some insisted on
14 demonstrating. They would do the demonstration for
15 everybody there right before we rolled the camera or
16 rehearsed.

17 Then there were others who they didn't do
18 that. Because I trusted them to do the job, and,
19 again, this is not just me pointing a gun at somebody
20 else or people pointing guns at me.

21 I've -- I've gotten shot and killed in
22 films before where people had to shoot a flash round at
23 me, and I trusted them to do their job. And in the 40
24 years I've been in this business all the way up until
25 that day, I never had a problem.

1 G. STEPHANOPOULOS: How many times do you
2 think you handled a gun in those 40 years?

3 A. BALDWIN: Oh, god, I don't know. I
4 don't know. What -- what amazes me is how many
5 bullets, how many rounds of bullets do you believe have
6 been fired on the sets of movies and TV shows in the
7 last 75 years?

8 G. STEPHANOPOULOS: No idea.

9 A. BALDWIN: Right. It couldn't be above a
10 billion. You've had hundreds and hundreds of millions
11 of bullets fired on the sets of films and TV shows and
12 four or five people were killed. Now, those deaths are
13 tragic and abhorrent.

14 And believe me, I would do anything in my
15 power -- I would do anything in my power to undo what
16 was done that I don't know how that bullet arrived in
17 that gun. I don't know. But I'm all for doing
18 anything that will take us to a place where we're --
19 it's -- this is less likely to happen again.

20 [Note: Clip being played.]

21 G. STEPHANOPOULOS: How do you respond to
22 actors like George Clooney who say that every time they
23 were handed a gun, they checked it themselves.

24 A. BALDWIN: Well, there were a lot of
25 people who felt it necessary to contribute some comment

1 to the situation, which really didn't help the
2 situation at all. You have your -- if your protocol is
3 you checking the gun every time, well, good for you.
4 Good for you.

5 I mean, I probably handled weapons as much
6 as any other actor in films with -- with an average
7 career. Again, shooting or being shot by someone and
8 in -- in that time, I had a protocol and it never let
9 me down.

10 G. STEPHANOPOULOS: Why did you choose in
11 your 40 years not to check the gun yourself?

12 A. BALDWIN: What I was taught by someone
13 years ago was, as I said, if I -- if I took a gun, and
14 I popped a clip out of a gun or I manipulated the
15 chamber of a gun, they would take the gun away from me
16 and redo it. The person said, "Don't do that," when I
17 was young. And they'd say -- one thing you need to
18 understand is we don't want the actor to be the last
19 line of defense against a catastrophic breach of safety
20 with the gun.

21 My job, they told me, man or woman, my job
22 is to make sure the gun is safe and then I hand you the
23 gun, and I declare the gun safe. The crew is not
24 relying on you to say that it's safe. They're relying
25 on me to say that it's safe. When that person who was

1 charged with that job handed me the weapon, I trusted
2 them and I never had a problem.

3 G. STEPHANOPOULOS: And this was from the
4 beginning of your career?

5 A. BALDWIN: From day one there's one
6 person that's supposed to make sure that what is in the
7 gun is right and that it's -- what's wrong is not in
8 the gun. One person has that responsibility to maintain
9 the gun and --

10 G. STEPHANOPOULOS: And what is the actor's
11 responsibility?

12 A. BALDWIN: I -- I guess that's a --
13 that's a tough question because the actor's
14 responsibility going this day forward is very different
15 than it was the day before that. Yeah. Now, I can't
16 -- first of all, I can't imagine I'd ever do a movie
17 that had a gun in it again. And -- I can't.

18 When you say, "What is the actor's
19 responsibility?" The actor's responsibility is to do
20 what the prop armorer tells them to do, and we did not
21 have a problem.

22 I mean, I understand there was an
23 accidental discharge at one point on the set of a blank
24 round, but we did not have a problem for me until that
25 day. Everything gets slowed down as a Zapruder

1 film-esque here and the issue with that is is there's
2 only one question to be resolved. Only one. That is:
3 Where did the live round come from?

4 [The recording concludes.]
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1 In re:

2 RUST

3
4 **CERTIFICATE**

5
6 I, Raquel Piña-Baca, Certified Transcriptionist,
7 DO HEREBY CERTIFY that the above-captioned
8 transcription was prepared by me **November 15, 2022;**
9 that the RECORDING was reduced to typewritten
10 transcript by me; that I listened to the entire
11 RECORDING; that the foregoing transcript is a complete
12 record of all material included thereon, and that the
13 foregoing pages are a true and correct transcription of
14 the recorded proceedings, to the best of my knowledge
15 and hearing ability. The recording was of GOOD
16 quality.

17
18 I FURTHER CERTIFY that I am neither employed by
19 nor related to nor contracted with any of the parties
20 or attorneys in this matter, and that I have no
21 interest whatsoever in the final disposition of this
22 matter.

23
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25 Raquel Piña-Baca
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**TRANSCRIPT OF
INTERVIEW OF ALEC BALDWIN
FROM AN AUDIO RECORDING**

**December 8, 2021
9:00 a.m.**

ATTENDING:

ALEC BALDWIN

**LORENZO MONTOYA
Safety Compliance Officer
Occupational Health and Safety Bureau
525 Camino de Los Marquez, Suite 3
Santa Fe, New Mexico 87505
lorenzo.montoya@state.nm.us**

**TRANSCRIBED BY: CHERYL ARREGUIN, RPR
New Mexico CCR No. 21
Albuquerque Court Reporting Service, LLC
3150 Carlisle Boulevard, Northeast
Suite 104
Albuquerque, New Mexico 87110
abqcrs@gmail.com**

1 MR. MONTOYA: Okay. So, Mr. Baldwin, thank
2 you very much for taking time out of your day to speak
3 with me this morning.

4 MR. BALDWIN: Right.

5 MR. MONTOYA: If I could ask you to -- I'll
6 introduce myself, and then I'm going to ask you to do so
7 for yourself.

8 My name is Lorenzo Montoya, and I'm an
9 inspector with New Mexico OSHA.

10 MR. BALDWIN: I'm Alec Baldwin.

11 MR. MONTOYA: Pleasure.

12 So, I guess, let me open my notes here.

13 My first question for you would be if you
14 could please tell me how long you've been in the
15 industry as an actor.

16 MR. BALDWIN: Since August, I believe was the
17 month, of 1980.

18 MR. MONTOYA: An acting career. Thank you.

19 And how long have you been producing and the
20 like?

21 MR. BALDWIN: I think I firmed my -- I formed
22 my first real production company in -- '87, '88. I
23 can't remember. But it was '8 -- around that time, '87,
24 '88.

25 MR. MONTOYA: I see.

1 And so I have had the opportunity to speak
2 with Joel Souza, and he was able to describe that this
3 film, Rust, was -- was something of a cooperative idea
4 between the two of you. He had written a very basic
5 sort of script or a screenplay or the sort.

6 Could you explain how the Rust movie had --
7 had come to be?

8 MR. BALDWIN: What -- what do you mean
9 specifically?

10 MR. MONTTOYA: How -- how did -- how was the
11 production company, which is Rust Movie Productions,
12 created? Because from what I understand, you and Joel
13 had wanted to make this film, and so you hired the
14 producers and them all to be --

15 MR. BALDWIN: You -- you know, not
16 necessarily --

17 MR. MONTTOYA: Okay.

18 MR. BALDWIN: -- hired. I mean, everybody is
19 going to have their own words and their own terminology,
20 and in this case you partner with producers. There are
21 producers --

22 MR. MONTTOYA: Oh, okay.

23 MR. BALDWIN: -- who raise money. There --
24 these are the essential categories. There are producers
25 that raise money. There are producers that then spend

1 the money. They decide who the crew is going to be.
2 They try to make deals with states based on tax breaks.
3 There was a constant, and I do mean constant, unending
4 process of marching toward where you're going to get the
5 best tax breaks.

6 So one day you're on the phone, and they're
7 saying you're going go to Georgia, and the next day
8 you're going to Louisville, or the next day you're going
9 to Buffalo. You know, it all just keeps changing, until
10 they finally settle on a funding package that the
11 financiers are comfortable with in terms of their
12 profits.

13 And then you have a -- you know, deals to be
14 made with unions and hotels and flying people. There's
15 many, many considerations that the people who do the
16 physical production, what they call the line producers
17 and executive producers, who decide where the money
18 goes, how many days you're going to shoot, what does it
19 cost per day, what are your insurance costs, what are
20 your contingency fees for weather and so forth, what do
21 you want to pay for set design, all these things.

22 So all of that organization and execution of
23 the actual physical production, that's one group of
24 people. As I said, the other group of people, they
25 raise the money, they get the financiers to the table

1 and come to terms with them.

2 MR. MONTTOYA: Um-hum.

3 MR. BALDWIN: And then there are people who
4 fall under varying categories. Pretty much in the movie
5 business anybody that brings to the table -- anyone that
6 brings what is called an essential element to the table,
7 someone, a person or a thing, that gets the movie
8 made -- if I'm an agent for a writer and that agent --
9 or I'm his manager, and I say to you "My client, Bob
10 Jones, has a movie script," and I give it to the
11 producers, then the manager for Bob Jones, the writer,
12 sometimes gets a producing credit. He brought the
13 script to the movie star, to the producer with the
14 money. He -- the essential element that he put on the
15 table was the script.

16 Then there are people that represent managers,
17 that represent stars. If you are a manager that
18 represents a big star and you deliver that star to film,
19 sometimes they're given a producing credit.

20 The credit that I had was kind of a -- a meld
21 between my rights and approvals as an actor and my
22 rights and approvals as a creative producer. I don't
23 have anything to do with raising the money. I don't
24 have anything to do with spending the money. I don't
25 have anything to do with hiring the crew, nothing.

1 What I did is that Joel and I rewrote the
2 script together. I mean, I gave him my input as to what
3 I wanted to change, some of which he did and some of
4 which he talked me out of. I mean, he is the writer and
5 the director. And then I come in, and as a -- and as an
6 actor, or an actor/producer, the only approvals I have
7 are over cast and script. You can't change one word of
8 the script without my permission, and you can't hire
9 anybody to be in the movie that I don't want to act
10 with. Those are my only two approvals.

11 Everything else, the physical production and
12 so forth, is left to the other producers.

13 MR. MONTOYA: I see. Okay. I appreciate you
14 explaining all that. The film industry is totally alien
15 to us. It's not every day we engage with --

16 MR. BALDWIN: It's still alien to me, believe
17 me.

18 MR. MONTOYA: So I do want to write down what
19 you had said. You can't rewrite the script, and you
20 can't --

21 MR. BALDWIN: My only approvals are script and
22 casting. That's it.

23 MR. MONTOYA: Right. Casting. Got it.

24 MR. BALDWIN: I would -- I would add to that
25 location. So for example, with -- you get a financial

1 deal, and it's a better deal for you to go to Hawaii,
2 and it becomes a 12-hour commute for me to go home, then
3 I have -- I do have some input into -- I would say that
4 I have what's called -- there are two things. You have
5 approval, and you have what's called meaningful
6 consultation, meaning they have to consider your
7 opinion, but they can ignore it if they have to.

8 So if --

9 MR. MONTTOYA: Um-hum.

10 MR. BALDWIN: -- a film -- if they tell me
11 we're going to shoot the film in my backyard and every
12 day I'm going to commute to New Jersey and go home to my
13 family -- that's, obviously, one of my goals in my life,
14 is to stay home --

15 MR. MONTTOYA: Um-hum.

16 MR. BALDWIN: -- then if they say to me "Well,
17 we lost that financier, and we have to go to Buffalo,"
18 and I'm not going to commute from Buffalo, well, then, I
19 have to accept the fact that -- and in one case, the
20 other movie I worked on with Joel, which was a police
21 drama called Crown Vic, like the car Crown Victoria --
22 Crown Vic was a movie that he and I worked on for two
23 years, and eventually when they got the financing
24 together and they got the locations and tax breaks
25 together, I was unavailable.

1 So I had -- I was going to star in the film,
2 and I had them go make the film without me. We cast
3 another actor in my role, and they proceeded to make the
4 film. And this does happen from time to time. I didn't
5 want to stand in Joel's way. And the actor that they
6 got was wonderful. He was marvelous.

7 So I would say casting and script I have
8 approvals over, and I have a very significant
9 consultation into the location, because if they all of a
10 sudden decide they're going to go somewhere and I can't
11 commute home on the weekends to see my family, then
12 sometimes I drop out.

13 MR. MONTAYA: I see. I see. Okay. Good to
14 know. All righty.

15 Now, I'm going to ask you another question,
16 because I -- I don't understand any of this, of course.
17 So I'm totally ignorant.

18 So you and Joel wanted to create this movie,
19 and so you partner with producers that you've either
20 worked with in the past or you know them or you know
21 their -- you've seen their work, at least, and you can
22 appreciate it.

23 Rust Movie Productions, LLC is not at all your
24 production company. Did they technically partner with
25 you, or did they technically hire you with a contract

1 and everything?

2 MR. BALDWIN: Well, as producers we partner in
3 terms of a back end. We -- we are a limited liability
4 corporation. We are a pure LLC.

5 MR. MONTTOYA: Ah.

6 MR. BALDWIN: The various production
7 companies, if you -- you'll have Thomasville Productions
8 and Ryan Smith and his group, they're very much in terms
9 of -- you know, they're the ones that raise the money.
10 They have contacts. They have sources of revenue who
11 are investing in films. They're shooting, you know,
12 four, five, six movies at a time. He -- he's very, very
13 active, Smith. And Thomasville will raise the money.
14 And Thomasville will help control the sale of the film,
15 the distribution of the film.

16 Everything -- everything that kind of speaks
17 to profit and loss is Smith's and Thomasville's
18 responsibility.

19 The -- Winterstern and his group, they're much
20 more physical production, finding the location, the tax
21 breaks, you know, setting up a production office,
22 housing for the crew, getting all the vehicles you need,
23 you know, getting all the equipment you need.

24 You know, it's a -- it's a big operation.
25 It's a big kind of almost military style, very precise

1 operation in terms of cost. You know, you need a crane
2 to shoot a certain day, and you want to make sure you
3 have that crane on those days and no other days. You
4 know, you don't want to pay for things you don't need.

5 MR. MONTTOYA: Right.

6 MR. BALDWIN: They're constantly flying and
7 moving pieces together for the physical production of
8 the film. That's Winterstern.

9 MR. MONTTOYA: I see.

10 MR. BALDWIN: So those two will get together
11 with the star of the film, in this case me, and his
12 company, and that actor will often come with his ideas
13 about the script. The director might be a producing
14 partner. All of them share in a formula of the profits
15 of the film, if the film were to go into profit, which
16 is always, you know --

17 MR. MONTTOYA: The idea. Yeah.

18 MR. BALDWIN: -- nearly impossible. They
19 almost never make a profit.

20 MR. MONTTOYA: Hmm. I see.

21 MR. BALDWIN: But the producers who lay out
22 the money -- like when Smith brings to the table his
23 investors, very often that -- that mechanism is such
24 where -- so you understand the -- there's people who
25 don't make money, but the people who lay out the money,

1 they do make money.

2 If Lorenzo Montoya is making a film, and your
3 budget is \$5 million, and I peel my 20 percent profit, I
4 want 20 percent of my money over 18 months. From the
5 moment we sign the papers, you're supposed to deliver
6 the movie to me within 18 months. We go to the
7 festivals, and we start to sell. I'm giving you just
8 some boilerplate numbers.

9 MR. MONTOYA: Right. Appreciate it.

10 MR. BALDWIN: Let's say Montoya brings us the
11 money and we're going to go shoot this movie and we sign
12 the papers and 18 months after that I'm supposed to have
13 the print ready to take into the market to sell, and if
14 you give me \$5 million for the movie, you peel off your
15 20 percent up front. You don't -- you give us -- you
16 don't give us 5 million. You give us 4 million. You
17 take the 20 percent up front. You take your fee up --
18 many producers do that.

19 MR. MONTOYA: Um-hum.

20 MR. BALDWIN: They take their 20 percent up
21 front. They give you 4, and you owe -- and you owe them
22 5 -- they give you 4, you owe them 5.

23 MR. MONTOYA: I see.

24 MR. BALDWIN: So they don't -- they don't risk
25 5 million, they risk 4, and -- but you owe them 5.

1 They -- the people that -- that put up the money for
2 these films, they protect themselves very aggressively.
3 The financial terms are -- are clearly, clearly to their
4 advantage.

5 MR. MONTOYA: Right, right. It's basically a
6 loan of sorts.

7 MR. BALDWIN: (Unintelligible and/or
8 inaudible).

9 MR. MONTOYA: Okay. I appreciate you breaking
10 that all down for me.

11 MR. BALDWIN: Sure.

12 MR. MONTOYA: Okay.

13 Now, by chance, I do want to ask you, and I
14 know I sort of asked this, but in terms of like a
15 contract. Now, one thing that we were curious about is,
16 of course, a lot of the regular crew have contracts for
17 their employment, here's your duties and
18 responsibilities.

19 Did you happen to have any sort of contract
20 policies that you were beholden to, let's say, as an
21 actor on the film, or, you know, as --

22 MR. BALDWIN: Well, you always -- you always
23 have a contract as an actor, always.

24 MR. MONTOYA: Okay.

25 MR. BALDWIN: It's a union film, so you have

1 a -- you have a standard SAG contract, the Screen Actors
2 Guild. Yeah. You'll -- when you act -- I never act in
3 nonunion films. I mean, I have years ago, when I was
4 first starting out, but now I would never work in a
5 nonunion film. They're -- my agreement is a SAG
6 agreement. Yeah. My agreement --

7 MR. MONTTOYA: Oh, okay.

8 MR. BALDWIN: -- is a SAG agreement.

9 And then I have a separate -- then my
10 produce -- production company, El Dorado Pictures,
11 partnered with them to form Rust Productions, LLC. We
12 all partnered together.

13 MR. MONTTOYA: I see.

14 MR. BALDWIN: So I have two separate
15 contracts, one as a producer, one as an actor.

16 MR. MONTTOYA: Right. Okay.

17 All right. So let me jump from the
18 background -- thank you very much for explaining all of
19 that. Let's see.

20 So you're here in New Mexico. I -- we're --
21 let me restart it this way. I understand you arrived
22 after basically production had started in -- on set in
23 New Mexico, you arrived a few days later.

24 MR. BALDWIN: Yeah. Some of the -- some of
25 the production people arrive early to prep --

1 MR. MONTTOYA: Uh-huh.

2 MR. BALDWIN: -- the director and so forth, to
3 scout locations. Halyna, the cinematographer, they go
4 and they drive around, and they -- they go on a location
5 scout and find out where they want to shoot that works
6 for them. They look at sets and the ranch and so forth,
7 and they start to imagine how they want to shoot certain
8 scenes and make notes.

9 Wardrobe people, different departments come
10 in. In the old days, people would have eight and
11 10-week preps. And the reason that's all died is
12 because they're on the payroll starting then. Now they
13 have preps that are like two weeks. They cut it down to
14 nothing. And everything is done virtually. People do a
15 lot of Zoom calls and FaceTime calls to see things
16 that -- because they've cut the cost of these prep
17 periods way back.

18 So --

19 MR. MONTTOYA: I see.

20 MR. BALDWIN: -- they started on Wednesday,
21 the 6th. I arrived on the 11th, that Monday. Had
22 dinner with Halyna and Joel that night. Tuesday I went
23 to rehearse with the wrangler with the horses. I rode
24 the horses. And I did my gun safety rehearsal with
25 Hannah Reed on Tuesday, the 12th, as well.

1 MR. MONTTOYA: I see.

2 And that was going to be my next question, is
3 do you remember that little gun safety training and what
4 you did exactly, what she showed you?

5 MR. BALDWIN: Yes. Yeah. I mean, it's the
6 same thing I've done in every movie, just very similar.
7 Yeah.

8 MR. MONTTOYA: Okay. Yeah. Could you ex --
9 could you describe it?

10 MR. BALDWIN: We get to the location, and she
11 wanted to show me -- you know, I would -- she would fire
12 the pistol and show me how -- I think I -- I think my
13 recollection is she fired it once or twice to show me
14 the -- that there was no recoil in the gun.

15 One of the things she stressed was "When
16 you're doing the film, because this is a blank round,
17 because there's no projectile coming out, there's no
18 recoil, you have to create the recoil. So when you take
19 the pistol and fire the pistol, you have to have the
20 kick, you have to kind of fake that with your hand, and
21 have the cat -- gun kick back." She said -- she
22 stressed that.

23 Then the basic things. Don't drop the gun in
24 the dirt. Always hold the gun down. Don't -- I --
25 she -- I don't think she -- I can't recall whether she

1 told me don't point the gun at anyone, but I already
2 knew that. She may have said that.

3 It was much more about how to handle not only
4 for safety -- essentially for safety, because if you
5 throw the gun in the dirt, stuff can go in that barrel,
6 and they have to -- and she was very good at this. She
7 was always cleaning the gun and cleaning the barrel so
8 that no projectiles might get stuck in there.

9 So for example, when Halyna was shot, the
10 first thing I thought was was it a stone that was jammed
11 into the barrel of the gun.

12 MR. MONTOYA: Right.

13 MR. BALDWIN: And -- hold on one second,
14 please. Hold on.

15 When Halyna fell to the ground, the first
16 thing we thought was was there a stone in the gun, did
17 that -- is that what happened.

18 MR. MONTOYA: Right.

19 MR. BALDWIN: So -- yeah. Her -- I mean, the
20 idea of pointing a gun at someone on a movie set and
21 pulling a trigger, whether you're being -- whether
22 anybody is being incautious and like they think they're
23 being playful, I -- those aren't my words, but they
24 think this is harmless -- I've never done that in my
25 life, never.

1 MR. MONTTOYA: Um-hum.

2 MR. BALDWIN: Never. And when we get to the
3 circumstances of what happened with Halyna, it's -- it's
4 very tragic and rare, but nonetheless the case.

5 But that is for me always keep the gun down,
6 don't point the gun at someone, don't click the gun.
7 People have told me from day one that even though the
8 damage to the firing pin is incremental, even though
9 it's very modest -- these guns are not period guns,
10 they're reproductions, but you need to treat them
11 carefully. You don't fire the empty gun and click the
12 gun, because you do incremental damage to the firing
13 pin. So I don't do that.

14 MR. MONTTOYA: Right.

15 MR. BALDWIN: Every safety thing I've been
16 taught since the first time I shot a gun in a film in
17 1987, or something, '88 -- we did this movie Miami
18 Blues, and I -- you know, there was a lot of gun firing
19 in that. People shooting at me, as well. Remember that
20 my safety protocols are things that I developed not only
21 with me pointing a gun at someone, but people pointing
22 guns at me.

23 MR. MONTTOYA: Right.

24 MR. BALDWIN: I've had people point guns at me
25 and shoot me in, you know, multiple films. So I -- I've

1 had the same safety consciousness throughout.

2 But to get back to her, so then we shot the
3 rifle. We had a -- a Henry lever rifle. She taught
4 me -- you know, we talked about different ways to use
5 that rifle. And we never got around to using the rifle.
6 All the scenes where I would have shot the rifle --
7 where I would have shot the rifle, the rifle was on my
8 horse, the rifle was -- was nearby, was proximate to me.
9 But the scenes that involved me shooting the rifle were
10 all after the incident happened. So therefore we never
11 got around to those scenes.

12 MR. MONTTOYA: Right.

13 MR. BALDWIN: But the safety instruction with
14 her was about the pistol, you know, shooting the pistol,
15 to mimic the recoil, to watch out for loose things.

16 And, of course, the moment that they say cut,
17 and this is a protocol that I have observed every day of
18 my life on the set, every day -- but the important thing
19 for you to remember is the same thing I've told
20 everybody, is that we did the same thing every day on
21 this set. On the day that Halyna was shot, that day and
22 what we did wasn't different from any other day. No one
23 came up to me and said "Oh, Alec, you didn't do this,
24 and you didn't do that."

25 We would -- with one or two exceptions, Hannah

1 always handed me the gun, except that day, except that
2 day. And I always handed the gun to either Halyna or
3 Halls, because sometimes if Halyna loaded the gun,
4 checked the gun and handed me the gun -- I mean Hannah
5 rather --

6 MR. MONTTOYA: Hannah, right. No worries.

7 MR. BALDWIN: -- Hannah -- if Hannah handed me
8 the gun, then sometimes we were in an arroyo set that
9 was very narrow and crowded, so the people that are
10 nonessential are asked to leave. Hannah hands me the
11 gun, she leaves.

12 There was a scene where I shot somebody -- I
13 mean, I shot into a blank space, but I'm killing Travis
14 Fimmel in the end of the film. We did that shooting.

15 And when they say cut, Halls would take the
16 gun from me. If she wasn't around, Halls would strip
17 the gun from me. So the moment I was done shooting, I
18 got rid of the gun. I handed it to Hannah, or I handed
19 it to Halls.

20 Now, I handed the gun to Halls when they said
21 cut. I was stripped of the gun by Halls on a few
22 occasions, because she would not be proximate to the
23 set. The set was too crowded. But with the exception
24 of Halls handing me the gun that day that Halyna died,
25 Hannah had handed me the gun every other time we were on

1 the set. Every time we were on the set and I was handed
2 a firearm to use in a scene, as a prop, Hannah handed me
3 the gun, except -- except that day, that moment.

4 Because we had rehearsed the scene with the
5 gun prior to lunch. And when you're -- when you call
6 lunch on the set of a film, it's a union obligation, you
7 drop whatever you're doing. You stop. So we're there
8 talking about the shot, and if we wanted to continue to
9 rehearse, it doesn't matter. When they call lunch, you
10 stop. The whole crew goes to lunch on time.

11 MR. MONTOYA: Um-hum.

12 MR. BALDWIN: They have their lunch break,
13 they come back. And then we came back after lunch, and
14 we resumed this process of rehearsing for the camera.
15 And this is when she was shot.

16 Now, when I was handed the gun, after lunch,
17 to resume this process, at the moment that Halyna was
18 killed, Halls handed me the gun. And I don't recall any
19 other time that Halls handed me the gun. I don't.

20 MR. MONTOYA: Right.

21 MR. BALDWIN: He may have, and I don't recall,
22 but -- that's typically what happened. Yeah.

23 MR. MONTOYA: Right. Appreciate it. Okay.

24 So let me -- let's jump back a little bit.

25 You mentioned over the years that you've done

1 film you've developed your own sort of gun safety
2 rules --

3 MR. BALDWIN: No.

4 MR. MONTTOYA: -- yourself --

5 MR. BALDWIN: No.

6 MR. MONTTOYA: -- or others acting with you.

7 MR. BALDWIN: No. That's incorrect.

8 MR. MONTTOYA: Okay.

9 MR. BALDWIN: I didn't -- I did not, quote,
10 unquote, develop my own gun safety rule. I didn't do
11 that.

12 MR. MONTTOYA: Okay.

13 Then perhaps -- perhaps you were saying that
14 you have the rules that you follow because you also have
15 guns aimed at you, and so you're -- you're very --

16 MR. BALDWIN: Oh, I -- the gun safety rules
17 that I observe are the same ones I've observed from day
18 one.

19 MR. MONTTOYA: I see. Okay.

20 MR. BALDWIN: Everybody says the same thing.

21 And, of course, the one missing piece there that's
22 essential for you to write this down is that you don't
23 want the actor to be the final firewall between some
24 catastrophic events and gun safety.

25 Meaning there are people on the set -- I have

1 always deferred to -- I mean, the word "armorer" is new
2 to me. We called them prop people, my early career.
3 We've always deferred to the prop people that handle the
4 guns to indicate -- now, some of them would just --
5 without demanding or insisting, they just made it part
6 of their process, where they would do the demonstration
7 every time. Every time we handled the gun they would
8 open the gun and show you the empty chamber, the empty
9 clip.

10 If the gun was hot and they put a -- a blank
11 round in there with a charge and a flash, they would
12 show you that the gun was going hot. The gun never went
13 hot until we were going to roll the camera. During
14 rehearsals the gun was empty.

15 Always the same. Always the same. Always.
16 Is a person there, a man, a woman, they're an armorer,
17 or they have a kit, and they would demonstrate to me
18 that it was safe, the gun was empty, or they wouldn't
19 demonstrate to me and I -- I trusted them.

20 And of course, when you think about it, I
21 mean, I've often asked the same rhetorical question, how
22 many hundreds of millions of bullets have been fired on
23 TV sets and film sets in the last 75 years --

24 MR. MONTROYA: Right.

25 MR. BALDWIN: -- and yet you have, I think,

1 five deaths, five -- five fatalities.

2 So there's a lot of surface area there for
3 things to go wrong, and the -- the almost inconceivably
4 overwhelming amount of time things don't go wrong,
5 because the people are very, very, very careful.
6 They're very careful. You've never seen people more
7 careful in your life than people on a film set. They're
8 very professional.

9 I mean, regardless of how trivial the movie
10 business may seem on the outside, the shooting of films,
11 the making of a film is very different from all the
12 other red carpet horse shit that you see and magazines
13 and social media that -- that trivializes and just
14 points out just how idiotic the fucking business is.

15 And the business is idiotic. But that part of
16 it isn't. The work that's done by the crew there, they
17 work long days, they work very hard, they're very
18 focused. They have good-paying jobs. They want to keep
19 those jobs. You know, you have very few people on the
20 set of a film who mess around. You know what I mean?
21 They handle the gun thing so carefully.

22 And again with Hannah, everything we did on
23 that day that Halyna was killed, we did the same thing
24 every other day that I was there. We didn't change
25 anything. We didn't modify anything. Halls handed me a

1 gun and said "This is a cold gun." He's on the record
2 about that. He said "This is a cold gun." That means
3 it's supposed to be -- have only dummy rounds with no
4 charge in them, or they drill a hole in the casing.

5 MR. MONTTOYA: Right.

6 MR. BALDWIN: You know, all the things you've
7 probably learned.

8 So that day when Halyna was killed, we didn't
9 change anything. We did everything the same way. But
10 the one difference was Halls handed me the gun as
11 opposed to Halyna -- to Hannah.

12 MR. MONTTOYA: Right.

13 So everything you've said has been very
14 valuable, but to jump back a little bit.

15 The safety protocols that you've been taught
16 over many years, are you familiar with the ones that are
17 written down, Gun Safety Bulletin or -- or called
18 something like that, the last draft was in 20 -- 2008, I
19 believe? I'd have to open it just to make sure here.
20 But are you familiar with any written gun safety
21 policies or protocols, or are you just that you've been
22 so many years, you know --

23 MR. BALDWIN: I'm -- if I was given that
24 material years ago, I don't recall. I wouldn't rule it
25 out. But mostly -- any time I'd do a film where there

1 was guns involved, we would go to a range and shoot.

2 MR. MONTOYA: Okay.

3 MR. BALDWIN: And we would review all the
4 safety measures, we would go. I -- I've done films
5 where we went to ranges and we shot a lot of different
6 guns, semiautomatic guns. No fully automatic guns.
7 We'd shoot every kind of contemporary pistol, Walther,
8 Beretta, Glock. We shot shotguns. We'd go to our --
9 one film in particular I did, we went to a range in
10 Arizona, and we shot for like, you know, half a day. We
11 were there for like three or four hours.

12 MR. MONTOYA: Hmm.

13 MR. BALDWIN: And so everything is to --
14 everything is to have the gun and to handle the gun in a
15 way that you appear like you know what you're doing, in
16 addition to the safety measures that you go over.

17 MR. MONTOYA: Right. Okay.

18 For this film did you all go to a range and
19 practice shooting, or --

20 MR. BALDWIN: No. We went to the -- to the
21 ranch. We did the practice shooting with our -- as I
22 mentioned, on the 12th.

23 MR. MONTOYA: Okay.

24 MR. BALDWIN: That Tuesday I met with Hannah
25 and Sarah Zachary. And I believe Nicole, the other prop

1 person, was there.

2 Because one of the issues we had with the prop
3 people was that they did not cut and measure and make
4 the holster for me to my liking. It was not at all what
5 I asked for. And we didn't have time -- because these
6 were custom made pieces, we didn't have time to adjust
7 it to my liking. I wanted to -- I mean, I wanted to
8 draw, and I wanted to kind of -- an availability of the
9 gun. I wanted it to be in a perfect spot, in a certain
10 spot, which they did not do. We had to modify that with
11 laces and things to hold the thing in place.

12 And so that was our discussion, was the
13 fitting, if you will, like wardrobe, a fitting of the
14 holster, and how we were going to address that problem.
15 And -- and the safety routine with the gun, and
16 practicing shooting the rifle and the pistol.

17 MR. MONTTOYA: Right. But with blanks.

18 MR. BALDWIN: Well, with -- with -- not with
19 dummies, with blanks, where there was a -- yeah, blanks
20 that made a sound.

21 MR. MONTTOYA: Right. And thus --

22 MR. BALDWIN: Dumb -- dummies are no charge,
23 and blanks are the ones with no -- no projectile, but a
24 flash and a bang. Yeah.

25 MR. MONTTOYA: Right, right. Okay.

1 If you give me just a moment.

2 Oh, I do -- I suppose I have one question for
3 that. Did you ever meet a gentleman by the name of Seth
4 Kenney, who is apparently the individual who trained and
5 instructed Hannah and Sarah --

6 MR. BALDWIN: I don't believe -- I mean, if he
7 was there on a day that I was there, I'm not aware of
8 that. I mean, there's been some discussion as to what
9 days was Kenney actually on the set, because we were
10 told by very verifiable sources that Kenney was on the
11 set the day that this happened.

12 MR. MONTTOYA: Hmm.

13 MR. BALDWIN: We were told that he visited --
14 that people saw him there the day that this happened.
15 And Kenney, of course, was the one who they -- is
16 certainly one of the people they believe is responsible
17 for bringing the live ammo onto the set. And I don't
18 know anything about that. I'm just saying that --
19 that --

20 MR. MONTTOYA: Right.

21 MR. BALDWIN: -- Kenney, who I -- if Kenney --
22 here's the problem. It's like saying "Did you ever meet
23 Jeffrey Epstein?" You know, for me, I could have gone
24 to an event in New York in the 1990s that had 800 people
25 there --

1 MR. MONTTOYA: Right.

2 MR. BALDWIN: -- and if Jeffrey Epstein was in
3 the room, people would say to me "Oh, you were in the
4 same room with Jeffrey Epstein."

5 MR. MONTTOYA: Right.

6 MR. BALDWIN: And I'd go "Well, yeah, with 800
7 other people who were supporting the Museum of Natural
8 History," whatever.

9 The same thing with Seth Kenney. He may have
10 been on the set the same day I was. He may have been on
11 the set on days that I was there. But I never met him,
12 never. No.

13 MR. MONTTOYA: Right, right, right. Yeah. I
14 just want to know if you had met him --

15 MR. BALDWIN: Well, I want to be very clear
16 that in your work if you -- on the cover that he was
17 there as this master armorer or this mentor armorer -- I
18 want to be very clear I never met him once. He may have
19 been there, but I never met him.

20 MR. MONTTOYA: Right. No worries. That's all
21 I want to know, is if you had by chance met him
22 personally.

23 MR. BALDWIN: No.

24 MR. MONTTOYA: Because we keep hearing he may
25 or may not have been there. And so I'm just trying to

1 figure out whether he was or wasn't.

2 MR. BALDWIN: Well, we've heard from very
3 reliable people that he indeed was there. Yeah.

4 MR. MONTTOYA: I see. Okay.

5 Oh, I should say -- usually I say this at the
6 beginning, is all my questions are just to the best of
7 your memory, you know. And if you "Oh, well, I've only
8 heard it," that's fine. You can say that. That's okay.
9 Or if you don't know, it's perfectly fine to say that
10 you're -- you're not at all sure. Let's see.

11 I have some questions here that I've written
12 ahead, but they're sort of not in an order. I like to
13 do things in chronological order.

14 So some of the things we've heard is that
15 there were misfires. At this point we know that there
16 were indeed misfires. And with these old style of
17 weapons, misfires aren't uncommon. You know, the
18 simpler the weapon is, the older it is, the more likely
19 it is that it could very easily be set off.

20 The -- are you familiar with either of the two
21 weapons misfires that occurred on --

22 MR. BALDWIN: No.

23 MR. MONTTOYA: -- scenes?

24 MR. BALDWIN: No.

25 MR. MONTTOYA: Okay.

1 MR. BALDWIN: No. When I came to work on my
2 first day, when I came to the set for the first time was
3 on the 12th, I met with Hannah first, went and did the
4 horseback riding second. The company wasn't working
5 that day. Remember they weren't shooting, and they --
6 they shot Wednesday through Sunday. So on Tuesday, the
7 12th, when I came on to the set, everybody was free.

8 MR. MONTROYA: Um-hum.

9 MR. BALDWIN: Hannah was free to schedule the
10 shooting with me. I think we met at like ten or eleven
11 o'clock in the morning. Then I went to go meet Ralieggh,
12 the guy that was the wrangler with the horses. I rode
13 the horses and went over that one, because I have a bad
14 hip, and I have to have my hip replaced. So jumping on
15 the horse became almost impossible with my leg.

16 MR. MONTROYA: Hmm.

17 MR. BALDWIN: So they got this guy that was my
18 double to do most of that.

19 But the point is -- is that -- then I went and
20 met with Joel to go look at the sets, because we were
21 adjacent to the -- we were adjacent to the church. You
22 know, we went to the church, which is to the edge of
23 the -- of the staging area.

24 MR. MONTROYA: Um-hum.

25 MR. BALDWIN: And we -- I went and rode horses

1 there for a while, out in the open country, and then --
2 but prior to that had shot with Hannah adjacent to the
3 church.

4 And the -- what was your question again?

5 MR. MONTTOYA: So my question is if you were
6 present or familiar with the two --

7 MR. BALDWIN: Right. Was -- when I came on
8 that first day, and any of my subsequent days I was
9 there, I heard no mention whatsoever of any accidental
10 discharge that had happened.

11 But I will say that accidental discharges that
12 involved blank rounds, you know, there -- there's a --
13 there's a flash and a bang, and, you know, people at
14 first get very shocked and surprised, then they get
15 angry, because they didn't have their goggles on, they
16 didn't have their earplugs in.

17 I mean, especially if you're inside. If
18 you're inside a building and the gun goes off -- now,
19 sometimes a gun will jam, and in a pistol that's a
20 contemporary pistol, and that person will walk to the
21 perimeter of the set, and the only way to discharge --
22 or the quickest way to discharge is to fire it. And
23 they'll announce that. They'll say "Fire in the hole.
24 I'm testing a weapon." And they'll fire the gun. The
25 whole crew is notified.

1 But when it goes off accidentally, when
2 there's an accidental discharge, people -- I mean,
3 people get yelled at. I mean, it's taken very, very
4 seriously.

5 But I was not informed of any accidental
6 discharge prior to -- during the entire time I was there
7 until the situation resulted -- that resulted in Hannah
8 dying.

9 MR. MONTTOYA: I see.

10 MR. BALDWIN: Halyna dying rather.

11 MR. MONTTOYA: Indeed. So -- okay.

12 Now, one more thing I should mention is that
13 if you need to step away at any point during this
14 interview, you know, drink of water, bathroom break,
15 anything of that nature, you're more than welcome.

16 MR. BALDWIN: You think -- you think we are
17 likely going to finish by 12:00, correct? Because I
18 have a 12:30 appointment. Correct?

19 MR. MONTTOYA: Yes. We've -- we've been in 30
20 minutes, and we're -- I think we're halfway there. So
21 no worries.

22 So let me just go through my questions. Some
23 of these you've already answered.

24 Okay. So let's jump to the day of the
25 incident. You've already discussed some of it.

1 I'd like you to, to the best of your memory,
2 recount the events that resulted -- after lunch that
3 resulted in you sitting in a pew and Halyna is -- is
4 there in front of you. What are they doing? She's
5 setting up for a shot, I know that, but if you could
6 just detail just before the gun had gone off, what was
7 everyone doing.

8 MR. BALDWIN: Well, as I mentioned, we
9 originally started to discuss this angle, which it's
10 vital for you to understand. This is what they call an
11 insert shot of the pistol itself, meaning the camera is
12 very tight on the gun, and I'm in soft focus in the
13 background. I don't -- I didn't look into the lens to
14 see the composition, but in some of these shots you
15 might not even see my face at all.

16 MR. MONTROYA: Um-hum.

17 MR. BALDWIN: And so before lunch I said to
18 her and Joel -- I said to Joel "Well, I kind of need to
19 hold it this way for the light to hit the gun." You
20 know, there's no point in doing it when -- unless it's
21 lit. So there was a window there. So we just described
22 what we were going to do.

23 And then lunch was called, and I handed Hannah
24 the gun. Hannah took the gun. Because there might be
25 more people in the room when you're rehearsing than when

1 you're shooting. Because when you're shooting, you got
2 to be very careful who you see in the lens. You can't
3 have -- you can't have nonessential people there.

4 MR. MONTOYA: Right.

5 MR. BALDWIN: So during the rehearsal, I
6 believe Hannah might have been in the building. I don't
7 remember whether she was in the church. But when they
8 called lunch, I handed Hannah the gun. I handed the gun
9 to Hannah.

10 I go to lunch. I come back from lunch. I sit
11 down in the pew. And Halls hands me the gun. Halls
12 gives me the gun, which was very unusual. That was very
13 unusual. That was very unusual.

14 MR. MONTOYA: Okay.

15 MR. BALDWIN: And Halls hands me the gun, and
16 then Halyna is standing to the right of the cameraman to
17 my left. She's right in front of where I'm going to
18 shoot the gun. I take that back. Where the gun is
19 going to be aimed. The shot did not call for someone to
20 fire the gun. In this shot on action, I cross-draw the
21 pistol out of my holster, I pull it up, I aim it at a
22 spot, and I pull the hammer back to cock the gun.

23 I said "Do you want to see me cock the gun?"

24 She said "Yes. Let's just see it."

25 Whether they use it or not. Sometimes you

1 will shoot things and you end up not using it in the
2 film. It slows things down. You know, but while you're
3 there shooting, you might as well have it.

4 MR. MONTTOYA: Right.

5 MR. BALDWIN: The idea is to try to bank as
6 many options as you can while you're filming and while
7 you have a crew there.

8 So I said "Do you want to see me cock the
9 gun?"

10 She said "Yes." And she keeps saying to me
11 "Okay. Hold it a little lower. Hold it to your left.
12 Okay. Right there. Do you have a visual mark there?"

13 And she's right in front of me. And she's
14 turned to her left. The camera operator is to her left.
15 And she has both her hands up above her body, exposing
16 her midriff, like below her armpit. So she's holding a
17 monitor attached to the camera. She's looking into a
18 monitor to see what he sees.

19 This is how they very often -- I mean, unless
20 she looks through the camera herself, which is very
21 common, she will look at a monitor to tell her what the
22 camera is seeing.

23 And she's guiding me where to point the gun.

24 MR. MONTTOYA: I see.

25 MR. BALDWIN: And she and I, of course, are of

1 the same belief while we're doing this, and that is that
2 the gun is empty. And this is the one vital thing we
3 have in common.

4 I'm aiming the gun at her, and she's
5 instructing me to aim the gun and -- and not at her, but
6 in that direction. She's saying "Yeah, right there.
7 Where -- how does that feel?"

8 I go "Now, you want to see me cock the gun?"

9 She goes "Well, tilt it down, just kind of
10 cheat it so I can see your thumb."

11 Great. I like that. That's -- do you -- you
12 have a good visual, you have a spot you can see, where
13 you're going to line that up. Because you have all
14 these tricks you play laterally and in front of you
15 where you're going to -- because you want to just pull
16 the gun up and do it very effortlessly.

17 MR. MONTROYA: Um-hum.

18 MR. BALDWIN: So you find these ways to find
19 marks to the side, whatever, in terms of the height and
20 how far you thrust the gun forward, all these things.

21 So to do exactly what she wants you to do,
22 which is in your interest to try to do that and get the
23 shot, we're aiming -- and she's instructing me, and
24 she's aiming, and she's instructing me, and finally I
25 said "Now, do you want to see me pull the hammer back?"

1 And as I pull the hammer back -- and I'm not
2 going to cock the gun. I wasn't aiming to cock the gun,
3 where it was locked. I was pulling the hammer back and
4 pulling the hammer. I go "Do you see that?"

5 She said "Yes."

6 And then I -- and I said "Is that good?"

7 And she said "Yes."

8 And I let go of the hammer, and the gun goes
9 off.

10 MR. MONTTOYA: I see.

11 MR. BALDWIN: Now, whether the -- whether the
12 trigger was engaged by me pulling that hammer back -- I
13 don't know anything about guns. I don't own guns. My
14 father was an expert marksman in the Marine Corps and
15 was a rifle instructor his entire career in high school.
16 My father taught riflery at a public high school on Long
17 Island his entire career. My brothers and I accompanied
18 my father to a 22-caliber rifle range every day of our
19 childhoods.

20 So gun safety was something that began for me
21 as a child with my father. My father was a drill
22 instructor. He was a DI in Parris Island in riflery.
23 He was an expert marksman with a rifle.

24 MR. MONTTOYA: Um-hum.

25 MR. BALDWIN: And so when I was a boy, we

1 would go to the rifle range at the school, because back
2 then in the '50s, when all these school districts were
3 built, the downstate schools outside the city, in order
4 to comply with state law, had to offer riflery the same
5 as all the upstate schools do, which was all like farm
6 country.

7 MR. MONTOYA: I see.

8 MR. BALDWIN: So guns and gun culture is so
9 much more significant in upstate New York. But in order
10 to comply with the New York State High School Athletic
11 Association laws, you had to offer riflery in a school
12 on Long Island if your population was X or larger. So
13 the town we grew up in was big enough to qualify. So
14 they forced them to build a rifle range and teach
15 riflery in the heart of residential Long Island.

16 MR. MONTOYA: Um-hum.

17 MR. BALDWIN: And whether -- how many people
18 were gun people I really don't know, but it was the
19 suburbs. There weren't a lot -- I didn't -- never
20 really saw any guns when I was a kid. But my dad taught
21 the Massapequa High School rifle team his entire 28-year
22 career.

23 So from my childhood safety with guns and
24 safety with weapons was something that I was taught my
25 entire life, prior to going into the movie business.

1 MR. MONTOYA: Right. Okay.

2 So when you're pulling the hammer back, do you
3 recall if it had ever clicked?

4 MR. BALDWIN: No. I recall it did not click.
5 I recall there -- I recall there was no -- I did not
6 pull the hammer all the way back.

7 MR. MONTOYA: Right.

8 MR. BALDWIN: Because it would have locked.
9 And then what I would do is assuming I had an empty gun
10 in my hand, assuming I had a gun with nothing in it,
11 or -- or dummy rounds that had no charge, what I would
12 always do was -- because I didn't want to damage the
13 firing pin, is I would hold my hand on the hammer, my
14 thumb, and I would pull the trigger slowly, and I would
15 guide the hammer back slowly.

16 MR. MONTOYA: Right. I --

17 MR. BALDWIN: I would guide the hammer back
18 with the trigger depressed, with the gun pointed down.
19 That's what I've always done. If a gun was cocked, and
20 I wanted to uncock a cocked gun, I would pull the
21 trigger slowly and guide the hammer down. I wouldn't
22 click the gun and fire it.

23 MR. MONTOYA: Right.

24 MR. BALDWIN: I would never do that, never.
25 Never, never, never.

1 MR. MONTTOYA: Right. And that is how you are
2 supposed to return the hammer to its position.

3 MR. BALDWIN: That's exactly what I was --
4 that's exactly what I would have done.

5 However, again when the gun went off, it was
6 as more of a shock to me as anybody else, because again
7 it was supposed to be dummy rounds or cosmetic rounds so
8 when she's doing an insert of the gun you see that
9 there's material in the cylinder. You can't have an
10 empty cylinder.

11 MR. MONTTOYA: Right.

12 MR. BALDWIN: The shot is a shot -- it is an
13 angle on the gun itself. It's like the gun is getting a
14 close-up.

15 MR. MONTTOYA: Um-hum.

16 MR. BALDWIN: And as she's shooting this, you
17 must have material inside the cylinder, or else you're
18 going to see the empty cylinder. So they put the --
19 what I call cosmetic rounds or blank -- or dummy rounds
20 in there which have no charge. There's nothing there.

21 So when the thing went off, everybody was
22 really, really shocked, because there was no -- because
23 there -- because the -- because the scene didn't call
24 for any firing in the scene. All the scene was going to
25 be was I brandish the gun, I pull back the hammer, cut.

1 I pull up the gun, we do it again, we do it again, until
2 she says we got it, and then we move on.

3 MR. MONTTOYA: Um-hum.

4 MR. BALDWIN: So when the gun goes off,
5 everybody was shocked because it was not supposed to
6 have any charge in there. There was to be no blank
7 rounds.

8 And then when she went down on the ground,
9 people were shocked. I thought did she faint, because
10 remember the notion that she was hit with a live bullet,
11 that didn't even enter people's minds until like 45
12 minutes later, when they saw -- when we saw that she was
13 being medevaced and everything and it became clear
14 that -- that the one in a billion prospect that someone
15 put a live bullet in the gun -- that -- I thought she
16 got hit by a stone.

17 I thought someone accidentally put a blank
18 round in there with a charge, there was some projectile
19 lodged in the barrel, maybe they didn't clean the
20 barrel. I mean, I couldn't for the life of me figure --
21 did a rock get shot into her abdomen or something? What
22 did -- what did she get hit by?

23 MR. MONTTOYA: Right.

24 MR. BALDWIN: What would she possibly get hit
25 by? Because there was no way -- there was no way on

1 earth that she could have been shot with a real bullet,
2 because it wasn't possible, until we found out that's
3 exactly what happened.

4 MR. MONTTOYA: Right.

5 So I do want to ask you about the gun itself.

6 So you had mentioned you don't recall hearing
7 any clicks prior to this day, when Hannah's first
8 showing you this revolver.

9 Did it click reliably? Did you feel the
10 hammer would jump forward easily? Did it seem like the
11 gun may have had a mechanical defect?

12 MR. BALDWIN: No. No, because I had used that
13 gun before, I didn't have any problem.

14 MR. MONTTOYA: I see.

15 MR. BALDWIN: I mean, the prop -- the problem
16 with the gun is somebody put a -- the problem with the
17 gun is that there was a live bullet in there. That's
18 the problem with the gun.

19 MR. MONTTOYA: Right.

20 MR. BALDWIN: The problem didn't have to do
21 with the gun. It had to do with the bullet.

22 MR. MONTTOYA: Right. Okay.

23 All right. Now, after Halyna was shot and
24 Joel, and they were removed by the EMTs, you remained in
25 the church during this time?

1 MR. BALDWIN: No. No, no. I -- I got up. I
2 was -- I was, you know, pretty shocked and horrified.
3 Because Joel was really -- I mean, she was very quiet.
4 She laid there in this very -- again that's why I
5 thought she fainted, because she seemed very out of it.
6 I mean, she -- I mean, obviously, we found out why, but
7 it -- I'm only dealing with what's in the moment.

8 MR. MONTROYA: Um-hum.

9 MR. BALDWIN: At that time in the moment, I
10 thought what could possibly be wrong with her, did she
11 faint, or did she have a heart attack, or something. I
12 don't know.

13 And then Joel kept screaming. "Oh, shit, my
14 God, this really hurts." He's like really -- he's on
15 the ground.

16 And no one's letting us get near them. I
17 looked at her. And then they pushed us all out of the
18 building. Within a matter of minutes, the sheriffs
19 arrived. Within a matter of minutes, they have the
20 whole thing taped off with crime scene tape, and we've
21 all moved over to some adjacent trucks to sit on the
22 open tailgates of the very large trucks that they have
23 on the set, generators, equipment, camera trucks, so
24 forth. There's a battery of trucks there. And they
25 open up these big steel tailgates, and we sit on them.

1 We were all sitting, people smoking and waiting.

2 And I must say that another observation I had
3 was she was there for a very long time. She was on the
4 ground in the church for what I thought was an excessive
5 amount of time. I mean, she was laying there for like
6 30 minutes, it seems. It's -- my recollection is for at
7 least 30 minutes.

8 And they didn't medevac her out of there until
9 maybe 40 or 40 -- by the time they got her out of there
10 and on the helicopter, the helicopter took off, it might
11 have been 40 minutes after she was shot, which I found
12 unbelievable. And the fact that they didn't get her
13 into a car and start driving or do something, they let
14 her lay on the floor of that hospital. They kept saying
15 "Well, we have to stabilize her. We have to stabilize
16 her."

17 And I'm like -- you know, I mean, it's not for
18 me to interfere. I'm not a medical expert. It's not
19 for me to say anything. But the fact is she did stay
20 there on the floor -- for someone that it -- that you
21 could see clearly some projectile had gone through her
22 and that same projectile had -- you can't say it was the
23 same one, but something blew a hole in Joel's
24 shoulder -- they had the two of them laying there for
25 quite a while, quite a while. I was surprised by that.

1 MR. MONTTOYA: Right. Right. They don't want
2 to move them before they have those wounds adequately
3 plugged, let's say, to try to stop bleeding. So --
4 okay. So -- I see. So they ushered you out of the
5 building.

6 After Halyna was shot, who did you hand the
7 gun to, or who took it from you?

8 MR. BALDWIN: I believe I gave it to Halls. I
9 believe I gave it to Halls. Halls was there. Hannah
10 wasn't there. Hannah -- they moved Hannah out of the
11 building. When we were about getting ready to shoot,
12 Hannah was gone. As I said, Halls handed me the gun,
13 and he stripped me of the gun after the incident
14 happened.

15 MR. MONTTOYA: I see. Okay.

16 Okay. Now, I suppose my last question for you
17 is did you ever see any incidents on set that gave you
18 pause or concern in terms of how the armorer is doing
19 their job, the props masters, how they're handling the
20 firearms, are they taking their time, or was there a
21 rush, or --

22 MR. BALDWIN: I didn't -- I didn't see
23 anything -- I didn't see anything with them at all that
24 was -- and again what we did on that day was the same
25 thing we did every day except for Halls handing me the

1 gun. The one difference between all the other moments
2 that I handled the gun -- now, remember I started
3 shooting on Wednesday, the 13th, and I shot five days,
4 then I came back the following week and shot Wednesday,
5 the 20th, and then this happened on the 21st.

6 So I did six full days and a piece of the
7 other -- half literally, because we came back from lunch
8 of the other day. And in that time whatever number of
9 times I handled the gun either as a prop -- like I'll
10 have my gun sometimes -- like I won't wear a gun if you
11 don't see it.

12 MR. MONTTOYA: Hmm.

13 MR. BALDWIN: Like in other words, if I'm
14 wearing a coat and I button a coat, I'm not going to
15 have the pistol in there to -- to affect the line of my
16 wardrobe. If you don't see it, we -- we get rid of it.
17 I don't -- that's kind of a school I come from, which is
18 if you're not going to see me open my coat and handle
19 the gun, I don't wear the gun in the shot, in the scene.

20 MR. MONTTOYA: Um-hum.

21 MR. BALDWIN: But the days that I had the
22 coat -- like I say to my double, "Did you ride the horse
23 and get off the horse with your coat open?" He'd say
24 "Of course, I did. Yeah." So I had to open my coat,
25 and you could see the gun, I put the gun in there.

1 Empty.

2 So sometimes I had the gun, rarely I had the
3 gun on me, where the -- where the character was armed
4 but not using the gun. Then there were the handful of
5 times where I used the gun. And every time it was the
6 same. There were no problems. There were no safety
7 issues. Everything was done exactly the way I was used
8 to it. Hannah would hand me the gun. She said "This
9 gun is cleared." She'd hand me the gun. Halls would
10 take the gun, or Hannah would take the gun if she was
11 adjacent.

12 And only that day there were -- there were two
13 very unusual things that day. That is the camera crew
14 quit that day. The camera crew quit that day, that
15 morning, which was very disruptive and very kind of --
16 threw everybody off a bit.

17 And here's this guy, Luper, who is on the
18 media all the time, this guy Lane Luper, who's
19 complaining to everybody that will listen how unsafe the
20 conditions were, and complaining how damaged he is about
21 what happened to Halyna, when behind Halyna's back he
22 bad-mouthed her every day, every day. He'd turn to the
23 crew and say "This woman is a fucking amateur," and he
24 was a very, very whiney, disruptive presence on the set
25 from time to time.

1 And -- and of course, they want to quit the
2 day before. This is a guy -- I mean, you deal with
3 occupational health -- safety and health. This is a guy
4 who came to me the day before Halyna died, he came to me
5 Wednesday afternoon -- we -- we wrapped early. We
6 wrapped about 30 minutes early. The sun was still up.
7 Normally we shoot until the sun is gone. I mean, that's
8 a rule. You just -- you just -- you shoot until you're
9 out of sunlight. Even if you're shooting a picture of a
10 horse, you don't give a shit. You're going to shoot
11 until the sun goes down.

12 So we left a little early. And he came up to
13 me, Luper, and he said "I want to thank you for the
14 positions you've taken in support of IATSE on social
15 media."

16 And I said "You're welcome." I said "If you
17 guys are going to go on strike, we're going to support
18 you, and SAG is going to go on strike, as well."

19 He said "Thank you." He said "Because we do
20 have some issues on this show."

21 I said "Such as?"

22 And he said "Well, my men need a better hotel
23 room."

24 He mentioned nothing about gun safety,
25 accidental discharges. The one -- the only thing he

1 brought up while I'm standing there right in front of
2 him, available to talk to him, was -- he said "My men
3 need better hotel rooms."

4 Now, of course, their hotel package has been
5 prenegotiated in a contract with his union. So they
6 want to now renegotiate their contract in the middle of
7 the film, which is really, really not cool.

8 But the second thing is -- is that he's -- I
9 said "Well, will you be here tomorrow?" They hadn't
10 quit yet. "I said "Will you be here tomorrow?"

11 And he said "Yes."

12 I said "Well, let's talk about it tomorrow."

13 And as I have on multiple occasions, even on
14 this film, I was going to give up more of my fee in an
15 attempt to make their hotel package right if it seemed
16 like the right thing to do. I had to do some examining.

17 So for example, there was a producer who was
18 entitled to a fee of \$50,000, and all the other
19 producers decided to waive their fees and take their
20 fees later at the sale of the film. They would be --
21 we -- they would be reimbursed later on.

22 MR. MONTTOYA: Um-hum.

23 MR. BALDWIN: They would forego their fees,
24 which is very common for producers who don't need the
25 money, they -- they'll get their money later on.

1 And one of the producers couldn't afford to do
2 that. He needed the money. So I gave them the money
3 out of my paycheck.

4 Frances Fisher, the actress, they were going
5 to make her a scale offer, a union scale offer, which is
6 like, you know, \$2,100 to come and do the movie for a
7 week. And I said "That's preposterous. This woman is a
8 famous actress. And the optics are terrible. You need
9 to offer her something that's real." So I took out
10 \$50,000 more from my paycheck and gave it to Frances.

11 So my combined fees were \$250,000. There's
12 already 50,000 to Frances, \$50,000 to this producer,
13 Matt DelPiano. Now I'm down to 150. I tell them that
14 I'll pay half a day -- the day rate for shooting is
15 75,000 a day. I said I'll cover half.

16 Lane Luper, I'm going to -- talked a bit about
17 him. I mean, I just kept giving all my money away. I
18 mean, I'm not counting on this money to, you know, pay
19 my bills, but it was -- we got down to the point where
20 it was like I gave away half or more of my fees. And I
21 was prepared to do the same thing for Lane Luper if upon
22 examination I found out that what they were offered
23 wasn't sat -- was unfair.

24 MR. MONTROYA: Um-hum.

25 MR. BALDWIN: What I later found out was they

1 were in the same hotel with the rest of the crew and
2 they just wanted a better hotel. This guy -- there's
3 something about this guy that doesn't add up. Because
4 he's in the media now, shooting his mouth off all the
5 time about how unsafe it was and how horrible it was,
6 what happened to Halyna. We've got people on the crew
7 ready to testify that all he did was bad-mouth her
8 behind her back.

9 MR. MONTOKA: Right.

10 MR. BALDWIN: And then they quit that day.
11 They don't pack up their equipment the night before.
12 They come in the following day, they quit, they pack up
13 their equipment. Seth Kenney is on the set, I'm told.
14 Halls hands me the gun for the first time to shoot the
15 scene. The gun's got a live round in it.

16 There's a lot of very, very anomalous things
17 and unusual things that happened that day, a lot.

18 MR. MONTOKA: Right. Okay.

19 MR. BALDWIN: There's a lot.

20 MR. MONTOKA: So, Mr. Baldwin, we are
21 approaching your other appointment.

22 MR. BALDWIN: Yeah.

23 MR. MONTOKA: And so let me ask you, is it all
24 right if other questions come up that I didn't have the
25 opportunity to ask if I can send your office an e-mail,

1 and then you can address those questions by e-mail?

2 MR. BALDWIN: Yeah.

3 MR. MONTOYA: At this time I don't necessarily
4 have any --

5 MR. BALDWIN: Come on in. Come on in. Come
6 here, come here, come here.

7 Are you there? All right. Don't go away.

8 Go ahead. I'm sorry.

9 At this point you don't have anything else,
10 but you may want to follow up later on with something by
11 e-mail?

12 MR. MONTOYA: At this point off the top of my
13 head, I don't have questions for you, but I might in 30
14 minutes, I might in next week. And so if I could send
15 you an e-mail if I do develop a few more questions for
16 you, I would like the opportunity if you're willing
17 to --

18 MR. BALDWIN: Just e-mail Jonah. Okay?

19 MR. MONTOYA: Right. Okay.

20 Well, then, thank you very much for your time,
21 for explaining what you saw and what had been going on
22 from your perspective and the like. Yeah. Thank you.

23 (Simultaneous speaking.)

24 MR. BALDWIN: All right. Thank you. Be in
25 touch. Thank you so much. Thank you. Bye-bye.

1 MR. MONTROYA: Bye-bye.
2 (End of transcription.)
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CORRECTION PAGE

Any changes to your statement may be listed below with a statement as to the reason for such change.

PAGE	LINE	CORRECTIONS	REASON FOR CHANGE
N/A	N/A	N/A	N/A

I have read and had the opportunity to correct this statement consisting of 54 pages, and these facts are true and correct to the best of my knowledge.

I request that this statement be held in confidence to the extent provided by law.

ALEC BALDWIN



DATE 1/13/2022

STATE'S EXHIBIT D

DEC 05 2023

AR

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

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2288
Santa Fe, NM 87504-2288

STATE OF NEW MEXICO,

Plaintiff,

v.

No. D-101-GJ-2023-00008

ALEXANDER RAE BALDWIN III,

Target.

**STATE'S RESPONSE TO MOTION FOR SANCTIONS AGAINST
SPECIAL PROSECUTORS KARI MORRISSEY AND JASON LEWIS**

COMES NOW, Kari T. Morrissey and Jason J. Lewis, Special Prosecutors for the First Judicial District Attorney's Office, who submit the following in response to the target's motion for sanctions:

1. In his motion for sanctions, defense counsel claims that Special Prosecutor Kari T. Morrissey released information that the Court vacated the grand jury setting and reset it to a later date so it could address outstanding legal issues and did this within an hour of the conclusion of the November 15, 2023 hearing. Defense counsel is mistaken, undersigned counsel did not wait an hour after the hearing to disclose the information, she disclosed it within minutes of the conclusion of the hearing, although not to the media.
2. As the Court noted at the beginning of the November 15, 2023 hearing, undersigned counsel had numerous witnesses scheduled to appear to give testimony before the grand jury on November 16, 2023, some of whom were travelling from out-of-state. Undersigned counsel notified all of her witnesses immediately after the hearing that the grand jury setting on November 16, 2023 was vacated. She further notified her witnesses

that it had been rescheduled to January 18, 2024 so that they could make the appropriate changes to their January schedules. Making these changes likely requires the witnesses to notify their spouses, children and employers of the need to testify and the date that the testimony is required. When asked why the grand jury was being vacated with such little notice, counsel explained to the witnesses that there were outstanding legal issues that needed to be addressed by the Court. There is nothing sanctionable about this conduct and undersigned counsel did not intentionally violate the Court's verbal order handed down on November 15, 2023. In fact, undersigned counsel went further than the Court ordered and instructed all witnesses not to disclose the January grand jury date in order to avoid it becoming public. The comments Mr. Nikas complains of can absolutely be attributed to undersigned counsel as she had to notify her witnesses of the status of the grand jury proceeding. The case against Mr. Baldwin has garnered a great deal of press coverage that is largely outside the control of the prosecution and the Court.

3. The state, by current or previous prosecutors, has not pursued a prejudicial media campaign against Mr. Baldwin. In January 2023 the State issued a press release that did not violate the Rules of Professional Conduct and was issued subsequent to numerous public statements made by Mr. Baldwin and Ms. Gutierrez's lawyers. Like Ms. Gutierrez's counsel, Mr. Baldwin and his counsel have consistently used the press to disseminate detailed information about the case and have made patently false statements to the press in order to sway public opinion against the prosecution and cast doubt on the criminal investigation.
4. Mr. Baldwin appeared in a highly televised interview with his personal friend, George Stephanopoulos on December 2, 2021. Mr. Baldwin gave a detailed interview about the

tragedy and denied all culpability related to the death of Ms. Hutchins. During the interview he asserted that someone was responsible for Ms. Hutchins death, but it wasn't him. He seemed to point the finger at Ms. Gutierrez and Mr. Halls, even though it was Mr. Baldwin who failed to confirm that the gun in his hand was safe to handle before he pointed it at Ms. Hutchins, cocked it and pulled the trigger. Mr. Baldwin vehemently denied pulling the trigger of the gun but conveniently gave no reasonable explanation for how a single action revolver could discharge without the trigger being pulled.

(<https://abcnews.go.com/Entertainment/alec-baldwin-exclusive-trigger-pulled-pull-trigger/story?id=81491305>). He was not able to give such an explanation because there is none to give. No doubt, many targets of criminal investigations would like to have an opportunity to convince the public that they are being unfairly targeted but don't have the public notoriety or powerful friends to obtain a prime-time platform on a national television network. Mr. Baldwin's appearance and blanket denial of all responsibility in the death of Ms. Hutchins kindled a flame with the media that he continues to stoke.

5. On December 8, 2021, Mr. Baldwin gave a statement to OSHA investigators in New Mexico where he was asked if it seemed "like the gun may have had a mechanical defect." Mr. Baldwin responded unequivocally that the gun had no defects and that the only "problem with the gun" was that there was a live bullet in the gun. "The problem didn't have to do with the gun. It had to do with the bullet." See OSHA interview by Safety Compliance Officer, Lorenzo Montoya of Alec Baldwin, December 8, 2021, page 42 lines 10-21. This statement is seemingly in direct conflict with the statements he gave to ABQ News a mere six days earlier.

6. On August 19, 2022 Mr. Baldwin again used his celebrity status to sway public opinion concerning the details of the investigation into the death of Halyna Hutchins. Mr. Baldwin appeared on CNN for an interview with Chloe Melas wherein he asserted that he hired his own investigator who he claimed obtained information from the Santa Fe County Sheriff's Department that the Sheriff's Department "knew" in January 2022 that he would not be criminally charged. Mr. Baldwin made this statement presumably with full knowledge that law enforcement officers do not make final charging decisions in felony criminal cases. Mr. Baldwin went further during the televised interview and accused prop supplier Seth Kenney of co-mingling live rounds in the dummy rounds that he provided to the set of *Rust*.

<https://www.cnn.com/videos/entertainment/2022/08/19/alec-baldwin-rust-shooting-melas-intvu-new-day-dnt-vpx.cnn>). Mr. Baldwin did this after the interview with Hannah Gutierrez by sheriff's detectives on November 9, 2021 wherein Ms. Gutierrez acknowledged that she personally provided (albeit unknowingly) the box of dummy rounds that contained the live rounds, not Mr. Kenney. See AHancock_Lapel_1171-3R9U1X_0325_S1.mp4 at 10:00.

7. As a result of the misleading statements made by Mr. Baldwin and Ms. Gutierrez's lawyers concerning the origin of the live rounds, Mr. Kenney's lucrative business supplying props to western genre films and television shows was destroyed. A consequence that has likely not crossed Mr. Baldwin's mind. The Santa Fe County Sheriff's Department made available to the public all of the evidence related to its investigation on April 25, 2022 by making a link to the evidence available for electronic download. Mr. Baldwin was certainly in possession of all of the video interviews of the

witnesses long before his media appearance on August 19, 2022 and likely watched the video of the interview of his co-defendant.

8. On August 19, 2022 Mr. Nikas appeared in an interview with Chloe Melas prior to any charging decisions against his client being announced by the District Attorney's Office. Mr. Nikas stated that any criminal charges against his client would be "huge miscarriage of justice." (<https://www.cnn.com/videos/entertainment/2022/08/19/alec-baldwin-rust-shooting-melas-intvu-new-day-dnt-vpx.cnn>).
9. Mr. Baldwin used his position as a famous actor to cast doubt on the criminal investigation less than six weeks after he shot and killed Halyna Hutchins. Mr. Baldwin has continued to use his status to cast doubt on the validity of the criminal investigation, the prosecutors and the criminal charges being considered against him. As recently as October 31, 2023 a podcast by Kelly Ripa aired concerning Mr. Baldwin's new reality television show. Mr. Baldwin made time during the interview that had nothing to do with the ongoing criminal proceedings to comment on the status of the case.
<https://podcasts.apple.com/fr/podcast/alec-baldwin-eight-is-enough/id1676166337?i=1000633303999>.
10. There is no law preventing Mr. Baldwin from using the national press to sway public opinion in the hope that he will escape criminal prosecution. However, it hardly seems appropriate to complain in November 2023 that prosecutors in January 2023 made statements to the press that prejudiced him when he made false statements to the press intended to sway public opinion in December 2021 and August 2022.
11. Defense counsel points to press conferences made by the previous prosecutors and a flippant and joking email exchange between Ms. Carmack-Altweis and Ms. Reeb. It is

important to review the supposed political motives defense counsel alleges were in play at the time of the email exchange. The email shows that Ms. Reeb's intention was, in fact, to not announce that she was going to be the special prosecutor, specifically assuring District Attorney Carmack-Altwies that she would not disclose to any media personnel that she had been chosen as special prosecutor. Then, in a clear joking aside, Ms. Reeb states, "At some point, though, I'd at least like to get out there that I am assisting you as it might help in my campaign lol." District Attorney Carmack-Altwies replied that it was her intent to announce Ms. Reeb's appointment at some future date, once the investigation was handed over to the DA's office. **Nearly two months later, and after the primary election was already over,** on August 3, 2022, the District Attorney's office announced Ms. Reeb's appointment. Compelling evidence of political impropriety this is not.

12. Had Ms. Reeb been serious in her desire to make the announcement of being appointed as special prosecutor in order to aid her campaign, it defies logic that the announcement would come nearly two months later, and after the primary election was over. Moreover, to the extent her request could be construed as serious, it was rejected. District Attorney Carmack-Altwies responded by saying that an announcement would only come after the investigation was complete, with no timeline promised, and not contemporaneously with Ms. Reeb's jovial request. Indeed, time reveals that District Attorney Carmack-Altwies acted exactly as she said she would: nearly two months later, and after the investigation was released by the Sheriff's office, only then was Ms. Reeb's appointment announced.
13. Mr. Nikas complains that the previous prosecutors acted unlawfully when failing to notify Mr. Baldwin that he would be charged prior to releasing the information to the

press. Mr. Nikas claims that the *Wall Street Journal* article from January 2023 “resulted in a massive and prejudicial press cycle.” In truth, the massive press cycle was started by Mr. Baldwin appearing on prime-time news programs within weeks of Ms. Hutchin’s death, again appearing personally on CNN, discussing the case with Kelly Ripa in an interview that had nothing to do with the case and seemingly using the media to sway grand jurors on November 15, 2023. It’s difficult to imagine that Mr. Baldwin and his counsel did not play a role in the NBC Nightly News story on November 15, 2023 given the timing and sympathetic tone of the story. Finally, Mr. Baldwin has commissioned a documentary about the death of woman he killed without the approval of the victims or their families. Mr. Baldwin has used his status to inappropriately attempt to persuade witnesses to the killing of Ms. Hutchins to participate in the documentary in the hopes of improving his long-tarnished public image. See Unopposed Petition for Out-of-State Subpoena Duces Tecum Issued to Moxie Films, Inc. filed on November 2, 2023 in D-101-CR-2023-40.

14. In March 2023 Kari Morrissey and Jason Lewis were appointed special prosecutors.

Speaking for herself, undersigned counsel entered into the case against Mr. Baldwin with a healthy level of skepticism about the criminal charges against Mr. Baldwin.

Undersigned counsel had personally been swayed by Mr. Baldwin’s claims that he was not responsible as he was told the gun was safe to handle. Upon entering into the case and beginning a review of the massive amount of available discovery, counsel determined it prudent to hire a ballistics expert to examine the gun and Mr. Baldwin’s statements that the gun discharged without the trigger being pulled. As the preliminary hearing neared, Mr. Nikas provided information in the form of photographs that he

claimed supported the defense that the hammer of the gun had been intentionally modified (a claim that was later determined to be patently false). Undersigned counsel assured Mr. Nikas that his concerns about any potential modification of the gun would be addressed by the future forensic examination of the gun by the retained expert. In response, Mr. Nikas requested that the case against Mr. Baldwin be dismissed without prejudice while the testing of the gun and further investigation proceeded. Mr. Nikas explained that it wasn't fair to put his client through the cost of a preliminary hearing and maintain the criminal charges while the investigation was ongoing. Counsel agreed to dismiss the charges against Mr. Baldwin without prejudice until further investigation was completed. When the further investigation was completed, counsel for the state notified Mr. Baldwin of their intent to present his case to a grand jury.

15. Presenting the case to a grand jury, rather than proceeding to a preliminary hearing, provides two obvious benefits to Mr. Baldwin. First, Mr. Baldwin does not have to pay his attorneys to appear at a preliminary hearing that would likely take approximately two-weeks, a task that Mr. Nikas indicated would cost Mr. Baldwin well into the six-figure range. Second, all of the evidence against Mr. Baldwin (including several highly relevant videos from the filming of *Rust*) would not be presented publicly as it would during a preliminary hearing.
16. Out of fairness to Mr. Baldwin, and in the spirit of ensuring that similarly situated defendants do not receive disparate treatment by the prosecution, Mr. Baldwin was offered the same plea that was previously offered and accepted by David Halls. This plea offer was tendered despite Mr. Nikas' previous statements that he and his client would not consider such a resolution. Counsel for the state was under the mistaken belief that

they were engaging in confidential plea negotiations with defense counsel. While awaiting Mr. Baldwin's decision regarding the proposed plea, counsel for the state received information that the details of the supposed confidential plea negotiations had been leaked to the press by defense counsel and that a strategy had been developed by the defense team to use the press to deflect attention from the plea, should Mr. Baldwin agree to take it. While this realization was unsettling, state's counsel did not rescind the plea offer until they were notified about Mr. Baldwin's ongoing conduct that will continue to cause harm to the victims and their families. Upon confirming the information about Mr. Baldwin's conduct, the plea offer was rescinded.

17. On or about October 17, 2023 undersigned counsel announced that the charges against Mr. Baldwin would be presented to a grand jury and did provide the anticipated date of the presentation. While counsel is more than willing to abide by the Court's order and keep the grand jury presentation date secret, she has been unable to find anything in New Mexico law that mandates that the date of the proceeding must be held in confidence. After all, the date of the presentment is released to members of the public out of necessity by notifying the target and the witnesses of the presentment date. Undersigned counsel now understands the difficulty this announcement created for the Court and will not release the date to anyone other than the witnesses. If the Court believes this conduct is sanctionable, counsel will accept the sanction.
18. The portion of the October 17, 2023 article that pertained to the forensic testing of the gun and the conclusion that the trigger had to have been pulled for the gun to fire was previously released to the press and was the subject of countless news articles when the ballistics report was released by Ms. Gutierrez's counsel, Mr. Bowles.

<https://www.nytimes.com/2023/08/16/arts/alec-baldwin-gun-trigger-rust.html>;
<https://www.cbsnews.com/news/rust-shooting-alec-baldwin-charges-halyna-hutchins-gun-analysis-pulled-trigger-forensic-report/>; <https://www.nbcnews.com/news/us-news/alec-baldwin-may-still-face-charges-fatal-rust-shooting-new-report-all-rcna100158>;
<https://www.usatoday.com/story/entertainment/celebrities/2023/08/16/alec-baldwin-rust-new-gun-analysis/70601042007/>; <https://www.latimes.com/entertainment-arts/business/story/2023-08-15/rust-alec-baldwin-firearms-report-trigger-pulled>;
<https://www.koat.com/article/new-report-rust-movie-shooting/44823227>;
<https://www.cnn.com/2023/08/16/entertainment/rust-shooting-gun-report-alec-baldwin/index.html>; <https://variety.com/2023/film/news/alec-baldwin-rust-charged-trigger-pulled-1235697194/>; <https://people.com/alec-baldwin-could-still-be-charged-over-rust-shooting-7643987>; <https://www.boston25news.com/news/trending/rust-shooting-alec-baldwin-pulled-trigger-firearms-report-shows/E2SJ7AJAMBHSXIFLMLTTNGTP3M/>; <https://nypost.com/2023/08/16/alec-baldwin-could-be-charged-again-over-rust-shooting/>; <https://www.rollingstone.com/tv-movies/tv-movie-news/rust-shooting-forensic-report-alec-baldwin-claim-1234807240/>;
<https://www.foxnews.com/entertainment/alec-baldwin-could-be-charged-again-fatal-rust-shooting-new-report-claims-he-pulled-trigger>; <https://abcnews.go.com/US/gun-rust-shooting-fired-pulling-trigger-fbi-report/story?id=88311336>;
<https://www.salon.com/2023/08/16/alec-baldwin-rust-trigger/>;
<https://www.npr.org/2022/08/15/1117577604/alec-baldwin-fbi-report-movie-shooting>;
https://www.unionleader.com/news/back_page/alec-baldwin-must-have-pulled-the-trigger-in-rust-shooting-new-firearms-report-says/article_997d5202-77ba-5877-8a29-

[d2c8fe6773d1.html](#) and many more. Mr. Bowles was provided the report as it is exculpatory to Mr. Gutierrez in her reliance on the same defense of proximate cause that Mr. Baldwin relies upon. Ms. Gutierrez claims that the chain of proximate cause was broken by Mr. Baldwin pulling the trigger of the gun, while Mr. Baldwin claims that the chain of proximate cause was broken by Ms. Gutierrez unknowingly placing a live bullet in the gun.

19. Mr. Bowles avoided allegations of extra-judicial comments contrary to NMRA 16-306 by filing a frivolous motion with the Court on August 15, 2023 and attaching the full forensic report as an exhibit. (See Defendant Motion Requesting Jury Instruction on Causation). Judge Marlowe Sommer relieved the state of its obligation of filing a formal response to Mr. Bowles' motion because the issues raised in the motion were not yet ripe for consideration. Within hours of the filing of the motion every major news outlet in the country had a full copy of the forensic report that concluded that Mr. Baldwin had to have pulled the trigger of the gun for the gun to have discharged the live round. See numerous cites provided above. Undersigned counsel referred to the report that had previously been made public by Mr. Bowles when she commented in the October 17, 2023 article. The only reason there is an issue as to whether Mr. Baldwin pulled the trigger of the gun is because Mr. Baldwin appeared on a national prime time news network and claimed that he did not pull the trigger. Mr. Baldwin's lawyers now want to cry that they have been unduly prejudiced after Mr. Baldwin initially brought this issue to the press and Ms. Gutierrez's lawyer released evidence contrary to Baldwin's claim to the press in an attempt to sway the media against Mr. Baldwin. The state is not responsible for the conduct of Mr. Baldwin or Ms. Gutierrez or their counsel.

20. The ABA Model Rules do not provide specific information about when lawyers generally, and prosecutors in particular, should discuss their cases in the media, they do focus on circumstances in which lawyers may not speak extrajudicially. Under the ABA Model Rules, all lawyers, including prosecutors, may not make extrajudicial statements that they “know or reasonably should know will be disseminated to ...the public,” and that would have a “substantial likelihood of materially prejudicing an adjudicative proceeding.” See ABA Model Rule 3.6 (a): Trial Publicity.

21. New Mexico Rules of Professional Conduct, Rule 16-306 (A), Trial Publicity, states, “A lawyer shall not make any extrajudicial or out-of-forum statement in a proceeding that may be tried to a jury that the lawyer knows or reasonably should know: (1) is false; or (2) creates a clear and present danger of prejudicing the proceeding.” The Committee Commentary goes on to state in Footnote 6,

Finally, extrajudicial statements that might otherwise raise a question under this rule may be permissible when they are made in response to statements made publicly by another party, another party's lawyer, or third persons, where a reasonable lawyer would believe a public response is required in order to avoid prejudice to the lawyer's client. When prejudicial statements have been publicly made by others, responsive statements may have the salutary effect of lessening any resulting adverse impact on the adjudicative proceeding. Such responsive statements should be limited to contain only such information as is necessary to mitigate undue prejudice created by the statements made by others.

22. Mr. Baldwin has provided no evidence to the Court that the proceeding, the grand jury or a future jury would be prejudiced by the limited statements made to the press by the prosecutors. If Mr. Baldwin is frustrated by the press coverage of the criminal investigation and proceedings, perhaps he should stop using the press to attempt to sway public opinion.

The law in New Mexico is not that the defendant and his counsel can continue to use and manipulate the press but the prosecution must remain silent.

23. Defense counsel expressed concerns about *NBC News* reports on November 15 and 16, 2023. The news story on November 15, 2023 concerned a handful of videos from the filming of the movie that purportedly depicted Mr. Baldwin in a positive light. Some of the videos shown by *NBC News* are the exact videos referenced in the target's Bort-Jones letter as being exculpatory. The special prosecutors and counsel for Ms. Gutierrez were provided the videos under a protective order and were not aware that *Rust* producers, Mr. Baldwin among them, had copies of the videos as Mr. Nikas previously indicated that he was not privy to the videos (a claim that now appears to be untrue). State's counsel was more than surprised to see the videos on the *NBC News* website prior to the story being aired during the prime evening broadcast. Undersigned counsel does not watch the news on any of the primary network stations (NBC, ABC, CBS or FOX) but was notified of the story when she was contacted by *NBC News* on November 15, 2023 and asked to comment on the videos. State's counsel refused to comment of the videos pursuant to the protective order but did notice and expressed concern to NBC that the videos aired were not complete. To be clear, *NBC News* modified the videos prior to airing them and removed portions that would have been damaging to Mr. Baldwin. The November 15, 2023 article states "*NBC News* asked Kari Morrissey – one of two lead special prosecutors on the case with Jason Lewis, which footage her team reviewed and whether any of it was involved in charging decisions. She declined to comment, citing the pending grand jury proceedings." It is undersigned counsel's recollection that she

declined to comment due to the ongoing protective order, not pending grand jury proceedings but reporters frequently get the facts wrong.

24. Undersigned counsel does not watch the *Today Show* or any other morning news program. She was completely unaware of the portion of the *Today Show* on November 16, 2023 that pertained to the case against Mr. Baldwin until receiving Mr. Nikas' motion for sanctions. After finally locating a video of the *Today Show* portion related to Mr. Baldwin on *YouTube* (which appeared to be a re-broadcast of the November 15, 2013 story that was aired on *NBC Nightly News*) she noticed at the 1:00 minute mark the story narrator stated "Baldwin's legal team and the special prosecutors declined to comment on the videos."
25. Defense counsel has expressed concerns over the statements in both articles related to prior instances where Mr. Baldwin's has run afoul of the law, and assertions that the prosecutors believe him arrogant, and that the prosecution is simply an attempt at humbling Mr. Baldwin. Charges against Mr. Baldwin are not being pursued because of his criminal history, his impressive level of arrogance or to teach him a lesson. State's counsel did not anticipate refiling charges against Mr. Baldwin after the *nolle prosequi* was filed in April 2023. Counsel's intention was to complete the investigation and make a sound and reasonable charging decision in a case where a human life was lost. The loss of human life necessitated that a full and detailed investigation be completed. The evidence that came to light during the course of the investigation made clear that a probable cause determination must be formally made as inculpatory information has been discovered concerning Mr. Baldwin's conduct on the set of *Rust* that is relevant to the

charge of Involuntary Manslaughter. Out of fairness to Mr. Baldwin counsel offered him a very generous plea but was forced to rescind the plea due to Mr. Baldwin's actions.

26. In May 2023 Ms. Gutierrez's lawyers filed a motion that was strikingly similar to the instant motion asking the Court to dismiss the charges against her due to prejudice suffered as a result of the previous prosecutors' statements to the press. The Court properly denied that motion and in doing so noted that Ms. Gutierrez failed to establish any prejudice that did not amount to speculation. See Order Denying Defendant's Motion to Dismiss First Amended Information, and Supplement to Motion to Dismiss Second Amended Information and Motion to Dismiss Third Amended Information, filed August 7, 2023, D-101-CR-2023-40.
27. Here, Mr. Baldwin has failed to establish that he has suffered any prejudice from the limited statements made by prosecutors to the press. The defense must do more to prove prejudice than simply assert in a pleading that prejudice has been suffered. As Judge Marlowe Sommer noted in her August 7, 2023 order, "dismissal of an indictment before *voir dire* is an extreme remedy." See Id at page 3, ¶ 1. Judge Marlowe Sommer cited *United States v. Silver*, 103 F. Supp. 370, 380 (S.D.N.Y. 2015)(citing *United States v. Curcio*, 712 F.2d 1532, 1544 (2nd Cir. 1983))("[E]ven publicity partly engendered by the Government would not warrant the extreme remedy of dismissal of an indictment before a *voir dire*.").
28. In the instant case, counsel for the state requested that they be able to ask a limited number of questions to ensure that the grand jurors could be fair to the state and to the target given the amount of press coverage of the incident, criminal investigation and prosecution. The special prosecutors do not wish to present the case to a grand jury that

cannot be fair to Mr. Baldwin. The Court denied that request noting that the grand jurors have already been counseled on the requirement that they are fair and impartial.

29. Counsel for the state previously addressed the targets claims that he was treated unfairly by being provided a target letter that removed the language concerning the forty-eight-hour deadline for the Bort-Jones letter. The reason this was done is simple and was not done to disadvantage Mr. Baldwin. The language was removed because the forty-eight-hour deadline can be modified by the Court, the state intended to ask the Court to modify the deadline and indeed motioned the Court to modify the deadline. Moreover, undersigned counsel notified defense counsel that she was removing the language. The fact that the Court denied the state's motion is not evidence of unclean hands on the part of the prosecutors. The State's request to the Court for the setting of some reasonable deadlines was appropriate and still left Mr. Baldwin with two days more time to prepare his Bort-Jones letter than the rule contemplates. The fact that Mr. Nikas continues to claim prejudice does not make it so.

30. Mr. Baldwin has a history of using his fame and influence to access the media to defend his criminal conduct. In 2018 Mr. Baldwin allegedly punched a man in the face for taking his parking spot. After the incident Mr. Baldwin appeared on the Ellen Degeneres show and claimed that the victim had tried to run over his wife, Hilaria Baldwin. (<https://www.thedailybeast.com/alec-baldwin-comes-clean-to-ellen-i-never-punched-anybody-over-parking-space>). Mr. Baldwin was sued by the victim and in-turn filed a countersuit against the victim for defamation claiming that he pushed the victim but did not punch him in the face. Mr. Baldwin's litigation included a signed "affirmation" from Luke Nikas asserting that the video of the incident absolved Mr. Baldwin of wrongdoing.

In the end, Mr. Baldwin entered a guilty plea to harassment and settled civilly with the victim. (<https://pagesix.com/2020/03/27/newly-released-video-shows-alec-baldwins-parking-spot-fight/>)

31. Mr. Baldwin has a long history of engaging in aggressive, inappropriate and/or criminal conduct and then using the press or social media to sway public opinion. For example, in 2007 there was a great deal of press coverage over rude comments he made to his daughter, he responded on his professional website that his conduct was actually the fault of his ex-wife subjecting him to parental alienation.

<https://www.theguardian.com/world/2007/apr/21/usa.richardadams>. In 2011 Mr. Baldwin was kicked off an American Airlines flight for refusing to turn his phone off. In response Mr. Baldwin posted on social media and agreed to an interview with the Huffington Post wherein he blamed the flight attendant for “singling him out.” In 2012 Mr. Baldwin was accused of physically assaulting a photographer in New York City. Mr. Baldwin’s responded by having a “representative” conduct an interview with People magazine and posting on social media that the paparazzi should be “waterboarded.” In 2013 Mr. Baldwin was criticized for using a homophobic slur (one that he continued to use in the video clips from the filming of *Rust*). His response was to deny the use of the slur and then post on the MSNBC website apologizing for use of the slur. In 2014 Mr. Baldwin was arrested for failing to produce his identification after being stopped for a violation while riding his bicycle. In response, Mr. Baldwin posted on Twitter and blamed the police officer. (<https://people.com/tv/alec-baldwin-history-arrests-paparazzi/>).

32. Mr. Baldwin's conduct in all of the instances outlined above has absolutely nothing to do with the current case involving the death of Ms. Hutchins. However, what Mr. Baldwin is doing in the current case, by using the press and blaming others (even blaming others for using the press) is par for course for him and he has even been aided in the past by Mr. Nikas. While all of the press contacts and coverage in this case are new to New Mexico prosecutors and courts, they are not new to Mr. Baldwin – this is what he does. He deflects the negative attention that his conduct invites by turning the focus to others by using the press. Undersigned counsel would gladly enter into a full gag order on all things pertaining to Mr. Baldwin and the criminal charges being proposed against him. Based on Mr. Baldwin's history of consistently using the news media and social media to his own benefit, it is highly unlikely that he or his attorneys would agree to anything that would limit their ability to use the press for their own benefit, so it appears the status quo will continue.

33. As to the motion to remove and/or sanction Special Prosecutor Jason J. Lewis, the State sees zero allegations in the target's motion that even allege any misconduct by Mr. Lewis. It is asinine that target even included Mr. Lewis' name in the motion given the target cannot and does not point to a single instance of alleged misconduct by Mr. Lewis. The target's counsel should be sanctioned for filing a frivolous motion against Mr. Lewis.

CONCLUSION

For the reasons stated herein, the State respectfully requests the Court enter an order denying the target's motion for sanctions.

RESPECTFULLY SUBMITTED,

/s/ Kari T. Morrissey

Kari T. Morrissey

Jason J. Lewis

Special Prosecutors for the State of New Mexico

1303 Rio Grande Blvd., NW Suite 5

Albuquerque, NM 87104

Phone: 505-361-2138

Email: ktm@morrisseylewis.com

jjl@jjllaw.com

I hereby certify that a true and correct
copy of the foregoing pleading was emailed
to opposing counsel this 5th day of December, 2023.

/s/ Kari T. Morrissey

Kari T. Morrissey

STATE'S EXHIBIT E

**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-202300039

Judge Mary Marlowe Sommer

NOLLE PROSEQUI

COMES NOW the State of New Mexico, by and through special prosecutors Kari T. Morrissey and Jason J. Lewis, and enters a nolle prosequi in the above-numbered and styled cause, as new facts were revealed that demand further investigation and forensic analysis which cannot be completed before the May 3, 2023, preliminary hearing. The case is dismissed without prejudice and the investigation is active and on-going.

Respectfully submitted,

/s/ Jason J. Lewis

Jason J. Lewis

Kari T. Morrissey

Special Prosecutors

1303 Rio Grande Blvd. NW, Ste. 5

Albuquerque, NM 87104

T: 505-361-2138

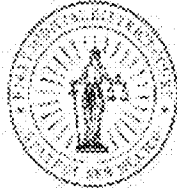
CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April 2023, I served the forgoing pleading to all parties or counsel of record:

/s/ Jason J. Lewis

Jason J. Lewis

STATE'S EXHIBIT F



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

IN THE MATTER OF THE
SANTA FE GRAND JURY

D-0101-GJ-2024-00001
D-0101-GJ-2024-00002 Non Public

INSTRUCTIONS TO THE GRAND JURY

LADIES AND GENTLEMEN OF THE GRAND JURY

FUNCTION OF THE GRAND JURY

The court, being advised in the premises and deeming it necessary finds that a grand jury should be convened for the purpose of considering criminal cases which may be presented to it, offenses presented for consideration and indictment, special inquiry or investigation of a public officer regarding removal on grounds specified in 10-4-2 NMSA 1978.

IT IS THEREFORE ORDERED that a grand jury for SANTA FE County, New Mexico, be convened to meet at **on Thursdays**, to consider any matters brought before the grand jury. You have been summoned to serve as members of the grand jury for Santa Fe County to investigate offenses presented for consideration and indictment, special inquiry or investigation of a public officer regarding removal on grounds specified in 10-4-2 NMSA 1978. These instructions to the grand jury filed on **Friday, January 26, 2024**, convened this grand jury. You have qualified as members of such grand jury and it is my duty as District Judge to instruct you as to your duties, authority and the special responsibilities you now have as members of the grand jury.

The Presiding Judge of the Grand Jury will guide you to assure that your actions are within the authority conferred upon you by law. Any grand juror may at any time, with propriety, seek advice and guidance from him/her as to the scope and propriety of the grand jury's acts and investigations. The grand jury, however, is subject to no other supervision or control from any person, office or body.

Your purpose as grand jurors is to investigate the matter for which this grand jury was called and to determine from the evidence if there is probable cause to believe an offense has been committed.

EVIDENCE

The grand jury has the power to order the attendance of witnesses and to cause the production of public and private records or other evidence relative and relevant to its investigations. It has the authority of this court to subpoena witnesses and to obtain execution of subpoenas by any public officers charged with such duties. If you have reason to believe that evidence not presented to you is available that may excuse or disprove a charge or accusation or that would make an indictment unjustified, then you may order that evidence be produced.

In the course of your investigation and the presentation of charges by the prosecutor, you shall consider the oral testimony of witnesses under oath and any documentary or other physical evidence exhibited to the grand jury.

It is for you to decide whether the witnesses know what they are talking about and whether they are being truthful. You may give the testimony of any witness whatever weight you believe it merits.

You must decide the case solely upon the evidence received during these proceedings. It is for you to decide whether the evidence presented is true or false. You may give the evidence whatever weight you believe it merits. You must not consider anything you may have read or heard about the case except as a part of your inquiry as members of the grand jury.

In the course of your investigation, it is your duty to protect citizens against unfounded accusations whether they come from the government or others, and to prevent anyone from being indicted through malice, hatred or ill will.

PROBABLE CAUSE

For you to return an indictment you must find probable cause. "Probable cause" means the evidence presented would cause a reasonable person to believe that an offense has been committed and that the accused committed the offense. Probable cause does not require proof beyond a reasonable doubt.

LIMITS OF INVESTIGATION

The indiscriminate summoning of witnesses, on the mere chance that some crime may be discovered, is forbidden.

The grand jury has no right to conduct an investigation into the personal affairs of citizens. It may not investigate the function, operation and housekeeping of any branch of government, except the jails or prisons within the county. It is not a function of the grand jury to criticize or regulate agencies of government or private persons or institutions except jails or prisons.

Witnesses brought before the grand jury shall not be harassed nor subjected to unreasonable repeated appearance before the grand jury or the prosecuting attorney. This does not mean, however, that witnesses may not be brought before you on more than one occasion if either you or the prosecuting attorney shall so require.

ASSISTANCE FOR GRAND JURY

The court shall assign a clerk to you, as all testimony presented must be recorded. The court may also assign to you a bailiff, interpreter or others necessary individuals to carry out your duties, but no one except members of the grand jury may be present during your deliberations or upon your taking of a vote.

The District Attorney, the Attorney General, or their assistants shall assist you, examine witnesses, prepare indictments and reports at your request, and provide your foreperson with a form of oath to be administered by the foreperson to the witnesses who appear before you. The Prosecuting Attorney will advise you of the essential elements of any offense which is to be considered. You must carefully consider these elements prior to returning an indictment. The Prosecuting Attorney will answer, on the record, any questions you may have. The statutes of New Mexico will be available to you and the Prosecuting Attorney can explain at your request our criminal laws to you. A copy of this and other instructions will be placed in your hands for further guidance and information.

You may call upon this court for assistance and advice and you may request this court to call upon the attorney general of the state to aid you. If necessary, you may request this court for legal or other assistance in your inquiry.

SECRECY OF GRAND JURY PROCEEDINGS

If any person attempts to contact you with respect to any of your duties as a grand juror, advise such person that you cannot discuss with him any matter pertaining to your duties as a grand juror, obtain his name and address, if possible, and report the matter to the court without delay.

The law requires that all that you hear, see, say or vote upon shall be kept secret and shall not be revealed to anyone outside of the grand jury room except in your official reports, indictments and no-bills.

No grand juror shall, except in the performance of his official duty, disclose the fact that an indictment has been found against any person for any offense. You will allow no one in the grand jury room during your deliberations nor will you consult with anyone other than members of the grand jury as to how you should vote on any matter.

No one should have any advance information as to the activities of the grand jury or as to any activities which are planned by the grand jury.

A grand juror may not be questioned for anything he may say or any vote he may give relative to a matter legally pending before the grand jury except in the trial or prosecution of a witness for perjury before the grand jury.

The institution of the grand jury and its requirements in the due administration of the criminal law require that grand jurors observe and obey strictly this requirement as to the secrecy of all matters transacted before them. Any person found to have violated his oath as a grand juror is guilty of a misdemeanor.

Although all proceedings in the grand jury room will be reported verbatim, your deliberations will not be reported.

Any violations of the orders of the court by any person or persons committed in the presence of the grand jury should be reported to the court at once by any grand juror with knowledge thereof, and any public activity which violated the rule will be dealt with by the court in an appropriate manner.

FOREPERSON OF THE GRAND JURY

The foreperson of the grand jury shall convene the grand jury during the regular hours of this court. The foreperson may appoint a clerk from among you to aid in keeping your records of votes during secret sessions when other persons are not able to be present, and the foreperson shall sign all indictments and reports and shall swear in all witnesses before you. The clerk must preserve the minutes of your deliberations but no records shall be kept of the votes of the individual members of the grand jury on an indictment or on any other matter voted upon by the grand jury. You will be guided by the orders of your foreperson who shall preside over the sessions of the grand jury. The foreperson may recess the sessions of the grand jury and reconvene them. The foreperson, for good cause, may request the court to excuse or discharge individual grand jurors and to replace them with alternate grand jurors as necessary to continue the work of the grand jury.

INSTRUCTIONS BY THE COURT

The law governing these proceedings is contained in instructions given to you by the court, and it is your duty to follow that law. You must consider these instructions as a whole. You must not pick out one instruction or parts of an instruction and disregard others.

I will now administer the oath to you and give you a copy of these opening instructions.

M. Marlowe Sommer
DISTRICT COURT JUDGE

STATE'S EXHIBIT G

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

STATE OF NEW MEXICO,

Plaintiff,

v.

ALEXANDER RAE BALDWIN,

Defendant.

ENDORSED
First Judicial District Court

NOV - 6 2023

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2888
Santa Fe, NM 87504-2888

D-0101-GJ 2023-00008

**REPLY TO TARGET'S RESPONSE TO STATE'S OPPOSED EXPEDITED MOTION
FOR SCHEDULING ORDER ESTABLISHING DEADLINE FOR BORT JONES
LETTER AND FOR HEARING ON DEFENDANT'S REQUESTED GRAND JURY
EVIDENCE**

COMES NOW the State of New Mexico, through Special Prosecutors Kari T. Morrissey and Jason J. Lewis, pursuant to N.M.S.A. 1978, §31-6-11 and N.M.R. CRIM. P. DIST. CT., Rule 5-302.2, and submits its reply to the target's response to the State's Opposed Expedited Motion for Scheduling Order, and for its reply, the State submits the following:

1. The vast majority of the assertions and arguments made by defense counsel in their response are not germane to the State's motion. Rather, their response is simply an attempt to force the State to disclose its theories of the case and any outstanding discovery to defense counsel prior to grand jury.

2. The defense argues in its introduction that the existence of a live round on a movie set was unfathomable and indiscernible to *anyone* in Baldwin's position. Defense counsel is well aware that other actors on the set of *Rust* took efforts to ensure that live rounds were not present in the gun they were handling by requesting the armorer show the rounds in the gun to the actor prior to use and by dry firing the gun to test every round to ensure that all were inert. Actors frequently take steps to ensure that all rounds are inert because dummy rounds are designed to

look exactly like real bullets therefore an armorer or prop supplier may mistake a dummy round for a live round. Moreover, the Screen Actors Guild disseminates safety bulletins with suggested guidelines for actors handling firearms on movie sets. These guidelines include basic safety protocols such as “treat all weapons as if they are loaded and/or ready to use. Do not play with weapons and **never** point one at anyone, including yourself.” Screen Actors Guild, November 2009, Industry Wide Labor-Management Safety Committee, Safety Bulletins, General Code of Safe Practices for Production, #11. The above-mentioned safety bulletins have existed since the 1980’s – nearly the entire time that Mr. Baldwin has worked in the film industry.

3. Counsel for the State has learned since beginning their investigation into the facts and circumstances surrounding the death of Halyna Hutchins and the maiming of Joel Souza, that the film industry requires very little training and experience of set armorers. A fact that Mr. Baldwin knew or should have known given his vast experience in the entertainment industry. Baldwin was also well-aware that a low budget film such as *Rust* offered lower wages than higher budget films resulting in the hiring of inexperienced and/or less than competent crew members.

4. Counsel for the State dismissed the case against Mr. Baldwin on April 21, 2023, after filing a *nolle prosequi* that clearly indicated that the investigation was ongoing, forensic testing was planned and the state did not have sufficient time to further its investigation prior to the May 3, 2023 preliminary hearing date.

5. Counsel for the defendant stated in their response on page 2 “The Special Prosecutors did not provide any of that information to Baldwin. Not a single page.” This statement is one of many false statements undersigned counsel has heard from counsel for Mr. Baldwin and the numerous false statements are the reason counsel for the State explained to defense counsel on November 1, 2023, that she wished only to communicate in writing about grand jury issues.

6. The discovery in the cases against Hannah Gutierrez and Alec Baldwin is located in an electronic server that both defendants and their counsel have had access to since March 2023. Ms. LeBlanc, local counsel for Baldwin's defense team, was granted access to the discovery server on March 9, 2023 and Mr. Nikas and Mr. Spiro were granted access on March 13, 2023. All defense counsel for Mr. Baldwin were provided hard drives on March 24, 2023 with all of the discovery available to date. See State's attached exhibits A, B, and C. In fact, Ms. LeBlanc personally picked up the hard drive that was provided to her by the District Attorney's office and on at least two occasions thereafter she returned the drive and had the most recent discovery uploaded onto the drive as additional discovery became available. Moreover, despite the fact that the case against Mr. Baldwin was dismissed in April 2023, counsel for the State did not remove defense counsel's access to the electronic server until September 2023. Defense counsel had access to all of the discovery for five months after the dismissal of their client's case. See State's attached exhibit D. All discovery located on the server was always available for download by defense counsel. Undersigned counsel will concede that there is additional discovery that has been obtained since September 2023 that has not been provided to Mr. Baldwin or his counsel as is customary prior to a grand jury proceeding.

7. After reviewing all of the discovery, obtaining new discovery after long and arduous negotiation and litigation with Rust Productions, LLC and completing forensic testing of the gun, the Special Prosecutors made a decision to refile charges against Mr. Baldwin. A plea to a misdemeanor was offered and the Special Prosecutors received no communication from the defense team for one week. During that time the Special Prosecutors learned certain facts about Mr. Baldwin that caused them to rescind the plea prior to the offer being accepted. This fact has

nothing to do with the issue presently before the Court concerning the upcoming grand jury proceeding.

8. Mr. Baldwin is not legally entitled to provide his request for exculpatory evidence at least forty-eight hours prior to the grand jury proceeding. NMRA 5-302.2(D) is clear “the times set forth in this rule may be *changed* by the grand jury judge...” (emphasis added). Mr. Baldwin is entitled to provide his exculpatory information no less than forty-eight hours before the grand jury proceeding unless the Court rules otherwise and the Court has been asked to rule otherwise, due to the need to schedule the travel of out of state witnesses requested by the target and because of the target’s promise to submit a “voluminous” alert letter, which will presumably require significant time to review and for the Court to rule on any disputes over the admissibility over the allegedly exculpatory evidence.

9. NMRA 5-302.2(A)(2) requires that an out of custody defendant be notified of the grand jury proceeding ten business days prior to the grand jury proceeding and submit the request for exculpatory information at least forty-eight hours prior to the proceeding (unless otherwise ordered by Court), giving the target a total of eight days from the time of the notice to the latest possible time that the request for exculpatory information must be provided to the State. In this case, defense counsel was served a target notice fourteen business days prior to the grand jury proceeding (business days were counted excluding weekends, Veteran’s Day and the day of the actual grand jury proceeding) but will not agree to provide the request for exculpatory evidence ten business days after receipt of the target notice. The State’s request that the letter outlining exculpatory evidence be provided on November 10, 2023, gives Mr. Baldwin’s defense team ten business days to provide the alert letter – which is two business days more than Rule 5-302.2 requires.

10. The target notice to Baldwin did not contain the language that the request for exculpatory evidence need be submitted forty-eight hours in advance of grand jury because that language is not required to be in the target notice pursuant to NMRA 5-302.2. Moreover, NMSA 31-6-11(B) sets forth a deadline of at least twenty-four hours for the request for exculpatory evidence thereby being in conflict with NMRA 5-302.2 and counsel for the State intended to ask the Court for a different deadline as she explained in her email. It did not occur to undersigned counsel to notify defense counsel that they were required to provide the request for exculpatory information at least forty-eight hours in advance of the grand jury proceeding and then ask the Court to establish a different deadline. Counsel for the State removed the language from target notice (that is not legally required to be in the target notice), explained to defense counsel that she removed the language from the target notice and asked if they would agree to a deadline of November 10, 2023. The language pertaining to the forty-eight-hour deadline was not removed from Ms. Gutierrez's target notice as the State is not asking that her request for exculpatory evidence be changed by the Court and provided prior to forty-eight hours before the grand jury proceeding.

11. Defense counsel provides a slanted interpretation of *Jones v. Murdoch*, 2009-NMSC-002, 145 N.M. 473. Preliminarily, the Court's holding in that case has nothing to do with the 48-hour alert deadline nor the Court's ability to modify that deadline. Rather, the case affirms a target's right to submit exculpatory evidence to the grand jury and the prosecutor's right to screen the alert letter prior to its submission to the grand jury. "The heart of this case involves the statutorily created right of the target to alert the grand jury to exculpatory evidence. The provision at issue does not purport to command the grand jury to accept the target's evidence. Instead, the provision simply identifies the prosecutor as the conduit by which a target may alert

the grand jury to pertinent evidence. As such, the provision at issue in this case does not diminish the grand jury's prerogative to weigh the evidence before it as it sees fit in making an independent decision whether to indict. Indeed, the grand jury is not even required to hear the evidence once it is made aware of its existence. But the grand jury cannot choose to ignore what it does not know.” *Id.* at ¶ 27, 482.

12. Referencing an amendment to N.M.S.A. 1978, § 31-6-11(B) , the Court stated, “With that change, the Legislature clearly intended to give the prosecutor time to screen the target's tendered evidence before the commencement of the grand jury proceeding. And as noted above, in our briefing order we already acknowledged the screening function the prosecuting attorney must perform to avoid the presentation of inappropriate information to the grand jury.” *Id.* at ¶ 31, 483.

13. Clearly, the Court wished to establish a procedure that protected two rights: the right of the target to submit exculpatory evidence to the grand jury and the right of the prosecutor to have sufficient time to screen the target's tendered evidence. The special prosecutors are not asking the Court to infringe on the target's right to submit evidence or to compress the timeline for him to do so; in fact, the special prosecutor's proposed deadline for submission of an alert letter provides the target's defense counsel two days more than are afforded pursuant to Rule 5-302.2 - rather than having eight business days, the target would have ten. However, the target does not wish to permit the special prosecutors sufficient time to screen what they have admitted will be a “voluminous” alert letter, with attendant requests for the appearance of out-of-state witnesses, in an attempt to circumvent the intent rule. Given the plain language in Rule 5-302.2 which states, “The times set forth in this rule may be *changed* by the grand jury judge on written motion demonstrating that an extension is necessary in order to assure compliance with the requirements

of this rule.” (emphasis added). The rule does not state that the times may only be changed in one direction; it states they may be changed as is necessary to ensure compliance with the requirements of the rule, including the obligation of the prosecutor to be able to screen the submission to ensure it contains evidence that is directly exculpatory before presentation to the grand jury.

14. Counsel for Mr. Baldwin does not need additional time to submit his requested exculpatory evidence. Mr. Baldwin’s legal team have had access to all of the discovery available in this case up to September 2023, and were initially provided a hard drive that contained all of the police reports, FBI reports, body worn camera video and recordings of witness statements.

15. On October 26, 2023, counsel for the State and the First Judicial District Attorney’s office received an IPRA request from Baldwin’s defense team that requests in-part, all of the discovery generated since the current Special Prosecutors took over the case. This IPRA request also requested all communications any of the attorneys have had with “any member of the public.” See State’s attached exhibit E. This IPRA request will likely take significant time to fulfill given the breadth of the request. Defense counsel has had the vast majority of the discovery for nearly a year but would like a postponement of the current grand jury with the hope that their IPRA request will be fully responded to by the time the case proceeds to grand jury at a future date. If defense counsel had the time to put together a lengthy IPRA request, they have the time to research and write the request for exculpatory evidence on November 10, 2023

16. Counsel for the State have overseen an extensive investigation into the facts and circumstances into the fatal shooting and closely examined Mr. Baldwin’s role in the incident prior making a decision to refile charges. While Mr. Baldwin’s counsel feels that this decision is sudden and the grand jury proceeding is being rushed, that is simply not the case. The

investigation has been ongoing for more than two years and a decision has been made to charge Mr. Baldwin with the shooting death of Halyna Hutchins.

17. Defense counsel points the Court to Mr. Shilling's resignation as investigator for the prosecution in this case as though it was somehow relevant to the charges against their client. In truth, Mr. Shilling sent an email resigning after he came to understand that his contract would not be renewed in the coming month. At the time Mr. Shilling tendered his resignation, he was unaware of the vast majority of the efforts that had been made to shore up the investigation, and was not up to date on the current facts known to the Special Prosecutors. Consequently, his opinion as to the quality of investigation was outdated, is irrelevant and lacked foundation.

18. Defense counsel claims that the gun Mr. Baldwin was using at the time of Ms. Hutchins's death contained defective, modified internal components. This is simply another false statement being put forth by defense counsel in an effort to assist their client in escaping responsibility. The State hired the best internationally recognized firearm and ballistics experts who determined that nothing was wrong with the gun prior to the FBI testing. The FBI damaged the hammer of the gun after attempting dozens of times to make it fire without the trigger being pulled in keeping with Mr. Baldwin's report of what happened at the time he shot Ms. Hutchins and Mr. Souza. While it is true that the hammer of the gun was damaged during the FBI testing, the gun still today requires that the trigger be pulled for the gun to fire even with the damaged hammer installed. Moreover, the scenes recorded during the filming of the movie demonstrate that Mr. Baldwin's gun worked exactly as designed. These recorded scenes further demonstrate that Mr. Baldwin handled the gun incorrectly and dangerously on several occasions (this was after using the time allocated for his firearms training to instead engage in horseplay with the gun for cell phone videos to send to his wife and children).

19. During the meeting between defense counsel and the Special Prosecutors in April 2023, defense counsel also claimed that Mr. Baldwin's contract for his services as producer of *Rust* contained limitations such that he only had power over creative decisions and not the general powers of a producer (generally producers are the "boss" of the movie set and have vast powers to change virtually anything related to the set and control set safety). Upon finally receiving a copy of the contract, it became clear that this statement was also false. The contract contains zero limitations on the scope of Mr. Baldwin's authority on set.

20. Counsel for the State delayed the prosecution of Mr. Baldwin in April 2023 at the request of his counsel after being provided misleading information by his attorneys that there was evidence that the hammer of the gun may have been modified pre-production and false information that Mr. Baldwin did not have the full powers of a producer on the set of *Rust*. Counsel for the State is not intending to delay the prosecution further because defense counsel claims they cannot manage to put together a Bort-Jones letter with more than one thousand attorneys at their disposal at one of the largest law firms in the world with two additional business to prepare than is required by the rule. If an attorney with the Office of the Public Defender can prepare a Bort-Jones letter in eight business days with no discovery, certainly the lawyers at Quinn Emmanuel can prepare one in ten business days with access to nearly all of the discovery for eight months.

RESPECTFULLY SUBMITTED,


/s/ Kari T. Morrissey
Kari T. Morrissey

Jason J. Lewis
Special Prosecutors for the State of New Mexico
1303 Rio Grande Blvd., NW Suite 5
Albuquerque, NM 87104
Phone: 505-361-2138
Email: ktm@morrisseylewis.com
jjl@jllaw.com

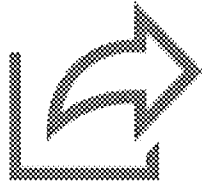
I hereby certify that a true and correct
copy of the foregoing pleading was emailed
to opposing counsel this 6th day of November 2023.

/s/ Kari T. Morrissey
Kari T. Morrissey

STATE'S EXHIBIT A

From: Shadrick Bowe SBowe@da.state.nm.us 
Subject: Shadrick Bowe shared the folder "RustShare" with you.
Date: March 9, 2023 at 9:30 AM
To: heather@blj.law, jason@bowles-lawfirm.com, lisatorraco@gmail.com

SB



Shadrick Bowe shared a folder with you

FJDA Rust Discovery Share

Please let Shadrick Bowe, sbowe@da.state.nm.us, know if you have any issues
with accessing this share.



RustShare



This link only works for the direct recipients of this message.


Open



Microsoft

[Privacy Statement](#)

STATE'S EXHIBIT B

From: Shadrick Bowe SBowe@da.state.nm.us 
Subject: Shadrick Bowe shared the folder "RustShare" with you.
Date: March 13, 2023 at 12:12 PM
To: lukenikas@quinnemanuel.com, alexspiro@quinnemanuel.com, saraclark@quinnemanuel.com



Shadrick Bowe shared a folder with you

FJDA Rust Discovery Share

Please let Shadrick Bowe, sbowe@da.state.nm.us, know if you have any issues
with accessing this share.

Thank you & Best regards,
Shad



RustShare



This link only works for the direct recipients of this message.

Open



Microsoft

[Privacy Statement](#)

STATE'S EXHIBIT C

From: Shadrick Bowe SBowe@da.state.nm.us
Subject: RE: Baldwin discovery
Date: November 6, 2023 at 12:10 PM
To: ktm ktm@morrisseylewis.com
Cc: jil jil@jillaw.com, Mary Carmack-Altwies MCarmack-Altwies@da.state.nm.us

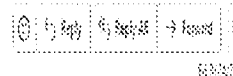
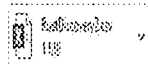


USB Stick #1 -- Sent to Sara on 24 March 2023, at some point in the afternoon.

RE: NM v. Baldwin - Discovery



Shadrick Bowe
To: Sara Clark, Heather LeBlanc
Cc: Mary Carmack-Altwies, Cristina Zuniga



Hi Sara,

I have finished the downloads and imports to your USB sticks. There is one additional item of discovery, lapel camera footage, that I can add to your USB stick or just send the stick as-is.

Attached is the full list of discovery in OneDrive that's been shared with you reflecting the path and, on both USB sticks, I also included the same file as it pertains to the drive letter and path too.

Thank you & Best regards,
Shad

Shadrick Bowe
Program Administrator, First Judicial District Attorney
327 Sandoval Street | Santa Fe, NM 87501
505-428-6927
sbowe@da.state.nm.us

Error: Error: File not found. Please check the file path and name.

USB Stick #2 -- Physically picked up by Heather on 24 March 2023, in the afternoon. (I don't remember exactly when she showed up but here is her acknowledgement of picking it up):

Re: NM v. Baldwin - Discovery



Shadrick Bowe
To: Heather LeBlanc

From: Heather LeBlanc <heather@leblanc.lawfirm.com>

Sent: Friday, March 24, 2023 4:55:13 PM

To: Shadrick Bowe <sbowe@da.state.nm.us>

Cc: Cristina Zuniga <cristina@morrisseylewis.com>; Mary Carmack-Altwies <MCarmack-Altwies@da.state.nm.us>; Sara Clark <sarac@leblanc.lawfirm.com>

Subject: Re: NM v. Baldwin - Discovery

And I picked up mine in-person a little while ago today. I haven't tried it, yet, but will confirm once I'm in front of my computer.

Thanks, Shad.

On Fri, Mar 24, 2023 at 4:54 PM Shadrick Bowe <sbowe@da.state.nm.us> wrote:

Hi Sara,

quinn emanuel trial lawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.
(212) 849-7228

WRITER'S EMAIL ADDRESS
lukenikas@quinnemanuel.com

October 26, 2023

VIA ELECTRONIC MAIL

Kari T. Morrissey, Esq.
Special Prosecutor, First Judicial District
c/o MORRISSEY | LEWIS, LLC
2501 Rio Grande Blvd. NW Suite B
Albuquerque, NM 87104
ktm@morrisseylewis.com

Re: Request Pursuant to the Inspection of Public Records Act

Dear Ms. Morrissey:

Pursuant to New Mexico's Inspection of Public Records Act (NMSA 1978, § 14-2-1), the undersigned officially requests that your office make copies of public records relating to the listed topics available to the individuals below. For the avoidance of doubt, this request encompasses documents and communications sent or received on individuals' personal devices (cell phones, computers, tablets) when those individuals were reasonably acting in their official capacity. *See* NMSA 1978, § 14-2-6 (defining "public records" as "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, *regardless of physical form or characteristics*, that are used, created, received, maintained or held *by or on behalf of any public body* and relate to public business") (emphases added).

- Documents and communications from October 21, 2021, to the present related to requests for funding from the Legislature or Governor's Office, including special or emergency funding requests, for the 2023 and 2024 fiscal year, related to your service as a special prosecutor.
- Documents and communications (including phone records, voicemail, email, and text or other messaging application, or any notes reflecting the same) between you and any member of the public, including, but not limited to, any film industry professional, actor, crew member, armorer, firearms expert or professional, or any other member of the public regarding the incident on the *Rust* set, or that bear in any way on any standard or duty related to actors, producers, or other film or media professionals, the operation of the set, the responsibilities of any cast or crew

quinn emanuel urquhart & sullivan, llp

ATLANTA | AUSTIN | BERLIN | BOSTON | BRUSSELS | CHICAGO | DALLAS | DOHA | HAMBURG | HONG KONG | HOUSTON | LONDON |
LOS ANGELES | MANNHEIM | MIAMI | MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | RIYADH | SALT LAKE CITY |
SAN FRANCISCO | SEATTLE | SHANGHAI | SILICON VALLEY | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | ZURICH

member, or that relate to the use of or operation of firearms, whether generally or specific to certain types of arms or circumstances.

- Documents and communications from October 21, 2021, to the present related to your hiring, employment, retention, or duties of as special prosecutor, including, but not limited to, any documents that memorialize any terms of employment.
- Documents and communications from October 21, 2021, to the present related to the consideration, hiring, employment, retention, or duties of any individual for the position of special prosecutor, including, but not limited to, any documents that memorialize the terms of any such engagement or employment.
- Documents and communications from October 21, 2021, to the present related to the removal of Andrea Reeb as special prosecutor.
- Documents and communications from October 21, 2021, to the present related to the decision to choose you or Jason Lewis to serve as a special prosecutor.
- Communications between you or Jason Lewis and members of the public, including the media, from October 21, 2021, to the present related to information updates or commentary on the investigation into and criminal charges related to the shooting on the *Rust* set.
- Communications between the you or Jason Lewis and any member, employee or advisor of any state or federal governmental entity (including, but not limited to, the Attorney General's Office, the Governor's Office, the state legislature, law enforcement, or the FBI) from October 21, 2021, to the present related to the shooting on the *Rust* set or the service of any individual prosecuting the case.
- Communications between the First Judicial District Attorney's Office, including any employee, former employee, and consultant of that office, and you or Jason Lewis from October 21, 2021 to the present related to the shooting on the set of *Rust*.
- Documents and communications from October 21, 2021, to the present relating to any firearm testing, formal or informal, performed in connection with the shooting on the set of *Rust*.
- Documents or communications regarding the retention of any firearms expert by the First Judicial District Attorney's Office or any special prosecutor in connection with the shooting on the set of *Rust*, including any expert considered but not ultimately retained.
- Documents and communications from October 21, 2021, to the present related to the shooting on the set of *Rust*.

- Documents or communications reflecting any “additional facts that have come to light”¹ since March 27, 2023 related to the shooting on the set of *Rust*.
- Documents and communications produced to the New York Times or other news outlets in response to an IPRA request regarding the shooting on the set of *Rust*.
- Documents and communications with any media organization or journalist related to the shooting on the set of *Rust*.

Please provide copies of the aforementioned records to the individuals listed immediately below.

Luke Nikas
51 Madison Avenue, 22nd Floor
New York, New York 10014
lukenikas@quinnemanuel.com
(212) 849-7228

Alex Spiro
51 Madison Avenue, 22nd Floor
New York, New York 10014
alexspiro@quinnemanuel.com
(212) 849-7364

John F. Bash
300 W. 6th St., Suite 2010
Austin, TX 78701
johnbash@quinnemanuel.com
(713) 221-7006

As required by § 14-2-8 of the Inspection of Public Records Act, please confirm within three business days when the records will be available for inspection or when you will respond to this request.

Sincerely,

/s/ Luke Nikas

Luke Nikas

¹ As referenced in the statement given by the Special Prosecutors on October 17, 2023.

STATE'S EXHIBIT D

From: Shadrick Bowe <SBowe@da.state.nm.us>
Subject: RE: Defense server
Date: September 13, 2023 at 2:42:27 PM PDT
To: ktm <ktm@morrisseylewis.com>
Cc: jjl <jjl@jjllaw.com>, Shadrick Bowe <SBowe@da.state.nm.us>

Kari,

Their access has been removed.

Thank you & Best regards,
Shad

Shadrick Bowe
Program Administrator, First Judicial District Attorney
327 Sandoval Street | Santa Fe, NM 87501
505-428-6927
sbowe@da.state.nm.us

From: Kari Morrissey <ktm@morrisseylewis.com>
Sent: Wednesday, September 13, 2023 7:30 AM
To: Shadrick Bowe <SBowe@da.state.nm.us>
Cc: jjl <jjl@jjllaw.com>
Subject: Defense server

Shad

Please remove the access by the Baldwin lawyers from the defense server. I don't want them to have access to it unless we refile. The only people who should have access to it are the lawyers/investigator for Hannah Gutierrez. Thanks,

Kari

STATE'S EXHIBIT H

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

STATE OF NEW MEXICO

Plaintiff,

v.

D-202-CR-2024-00013

ALEXANDER RAE BALDWIN,

Defendant.

NOTICE OF PEREMPTORY EXCUSAL OF JUDGE

Defendant Alexander Baldwin, by and through his counsel of record, hereby notifies the Court that the Honorable T. Glenn Ellington, First Judicial District Court Judge, is excused from presiding over the above captioned case pursuant to NMSA 1978, § 38-3-9 and Rule 5-106, NMRA.

Respectfully submitted,
QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: /s/ Luke Nikas

Luke Nikas (admitted *pro hac vice*)

Alex Spiro (admitted *pro hac vice*)

51 Madison Avenue, 22nd Floor

New York, NY 10010

Tel: 212-879-7000

Fax: 212-849-7100

lukenikas@quinnemanuel.com

alexspiro@quinnemanuel.com

LEBLANC LAW, LLC

By: /s/ Heather M. LeBlanc

Heather M. LeBlanc

823 Gold Ave. SW

Albuquerque, NM 87102

Tel: 505-331-7222

heather@leblancclawnm.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2024, I electronically filed the foregoing with the Clerk of the Court using the Court's electronic filing system, which caused all participants and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing.

/s/ Heather M. LeBlanc

Heather M. LeBlanc
Counsel for Defendant

STATE'S EXHIBIT I



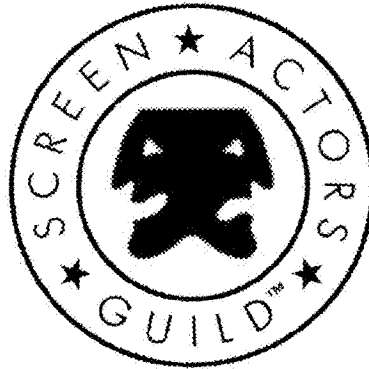
SAFETY BULLETINS

**RECOMMENDED BY
INDUSTRY WIDE LABOR-MANAGEMENT
SAFETY COMMITTEE**

**FOR THE
MOTION PICTURE AND TELEVISION
INDUSTRY**

November 2009

**COURTESY OF
THE NATIONAL STUNT & SAFETY DEPARTMENT
SCREEN ACTORS GUILD**



November 2009

Re: Industry Wide Labor-Management Safety Committee
Safety Bulletins

This booklet contains the recommended Safety Bulletins for work in a film or television production. These guidelines are recommended by the Industry Wide Labor-Management Safety Committee and should not be considered binding laws or regulations. However, state, federal and/or local regulations applies and would override the guidelines. Additionally, each SAG collective bargaining agreement has provisions concerning Safety issues that impact the performers.

If any safety issue should occur, please report it to the Guild's Stunt & Safety Department (323) 549-6855. For after business hours and on weekends, you may contact the Guild at (323) 954-1600. Or if you are working in another state, you may contact one of the local SAG offices listed in this booklet. Safety problems could also be reported to one of the applicable studio safety hotlines listed here.

Lastly, the Industry Wide Labor-Management Safety Committee researches and issues these bulletins during the course of the year. You may receive a newly released Safety Bulletin by contacting the Guild's Stunt & Safety Department. Or you may locate the full compendium of Safety Bulletins on the website for the Contract Services Administration Trust Fund, at www.CSATF.org.

Please join us in ensuring that Safety remains the highest priority when working in any production.

Sincerely,

A handwritten signature in cursive script, reading "Glenn K. Hiraoka", followed by a horizontal line.

Glenn K. Hiraoka
National Director, Stunt & Safety Department

INTRODUCTION

This publication contains SAFETY BULLETINS which were researched, written, and distributed by the Industry Wide Labor-Management Safety Committee for use by the motion picture and television industry. The Industry Wide Labor-Management Safety Committee is composed of Guild, Union, and Management representatives active in industry safety and health programs.

These SAFETY BULLETINS are guidelines recommended by the Safety Committee. They are not binding laws or regulations. State, federal, and/or local regulations, where applicable, override these guidelines. Modifications in these guidelines should be made, as circumstances warrant, to ensure the safety of the cast and crew.

The Committee and these SAFETY BULLETINS are representative of the commitment of both Labor and Management to safe practices in the motion picture and television industry. The members of the Committee and all those who contributed to its work have devoted a great deal of time and effort to these guidelines because of the importance of safety to our industry.

All industry personnel have legal and moral responsibility for safety on the set or wherever they may be working. These SAFETY BULLETINS may be reproduced and attached to Call Sheets or otherwise distributed to affected employees.

SAFETY BULLETINS are written or revised to meet new standards or situations. Your questions or suggestions are invited. Safety is something in which we all have a share.

Contact:

**INDUSTRY WIDE LABOR-MANAGEMENT SAFETY COMMITTEE
CONTRACT SERVICES AND ADMINISTRATION TRUST FUND
15503 VENTURA BOULEVARD
ENCINO, CALIFORNIA 91436-3140**

(818) 995-0900 or www.csaft.org

- **AS AN ACTOR, YOU ARE ULTIMATELY RESPONSIBLE FOR YOUR OWN SAFETY AND THE SAFETY OF YOUR FELLOW CAST MEMBERS.**

Production management and crew are responsible for creating and maintaining safe conditions, but it is your right and responsibility to double check the set up to ensure your own Safety.

- **YOU HAVE THE ABSOLUTE RIGHT TO SAY NO TO ANY STUNT OR SCENE YOU THINK MIGHT BE DANGEROUS**

SAG contracts guarantee your right to refuse to perform any Stunt or hazardous activity you even think might put you in any danger. If you have doubts about the Safety of any set-up, say no and stick to it.

- **YOU HAVE THE RIGHT TO REQUEST A STUNT DOUBLE**

SAG contracts guarantee your right to request a Stunt Double for any potentially hazardous activity or scene. Stunt Performers are experienced in the special skills required to safely perform dangerous looking scenes -- that is their job! Of course, Stunt Performers also have the right to say NO to any dangerous set-up.

- **SUPPORT YOUR FELLOW PERFORMERS WHO SAY NO.**

If another Actor or Stunt Performer says NO to a Stunt or hazardous activity, support that Performer by providing the No behind the No. Don't ever be pressured or induced to take a chance with your safety.

- **IF YOU HAVE A PROBLEM, CALL THE GUILD**

The Screen Actors Guild will confidentially counsel and advise you by phone and send a staff representative to the set, if necessary. SAG has the right to delay production until safe conditions are implemented. If requested, your name and phone call will be held in confidence.

**ALL THE RECOMMENDATIONS
CONTAINED HERIN ARE INTENDED TO
CONFORM WITH APPLICABLE LAWS AND
GOVERNMENTAL REGULATIONS, AND IN
THE EVENT OF ANY CONFLICT,
APPLICABLE LAWS AND GOVERNMENTAL
REGULATIONS
WILL PREVAIL.**

GENERAL CODE OF SAFE PRACTICES FOR PRODUCTION

This "**General Code of Safe Practices**" incorporates information from safety bulletins that have been developed and issued by the Industry-Wide Labor Management Safety Committee over the past 20 years. Many of these guidelines are simply common sense; others have evolved from Federal, State and/or Local laws and regulations.

These laws require every employer to have and post a general set of *Code of Safe Practices* at each job site.

This document is not intended to take the place of the Safety Bulletins. You should also refer to the Safety Bulletins (*index attached*), which address concerns specific to your work environment.

By following these guidelines, Safety Bulletins, laws, regulations and company policy and procedures, serious accidents and injuries can be prevented.

Working conditions may change from day to day, particularly on location. To prevent accidents, you need to be aware of your work environment and the equipment being used. Pay special attention to call sheets as they may contain important safety information for the next day's shoot. **Safety Meetings** will be conducted as necessary to brief you on potentially hazardous set conditions. (Additional information on "**Safety Awareness**" and "**Safety Meetings**" may be found in **Bulletin #5**)

If you have any questions or concerns, or notice anything you believe could be hazardous and/or unsafe to the cast and crew, please talk to your supervisor, unit production manager, producer, union

representative or studio safety representative and/or call the studio safety hotline anonymously. You will not be disciplined or discharged for bringing attention to safety concerns.

Each company is required to name the person responsible for safety on the production as outlined in their Injury and Illness Prevention Program (IIPP).

A production company or studio may have additional or specific guidelines as part of their IIPP. You should refer to the IIPP and Safety Manual of the employer for whom you are employed.

1. **GENERAL RULES**

Familiarize yourself with emergency procedures for each location. You are responsible for knowing how to react in an emergency situation. Contact your supervisor if you do not know emergency procedures.

At a minimum, a four-foot perimeter should be kept clear around the interior of the stage walls. Make sure all exit doors are unobstructed, unlocked and capable of being opened from the inside.

Good housekeeping should be maintained at all times. Walkways and work areas are to be kept clear of materials, trash, equipment and debris.

All decorative set materials should be flame retardant or made of non-combustible materials if such materials will be exposed to hot lamps, fire effects or other ignition sources.

Obey all "No Smoking" signs. Observe designated smoking areas and always extinguish cigarettes in the appropriate containers (butt cans).

Fire equipment (hydrants, extinguishers, sprinklers, hoses, etc.) must be accessible at all times.

Always be aware of personnel working above and below you. All overhead equipment fixtures and props should be properly secured.

All cables should be neatly routed. Cables in walkways and traffic areas should be covered with mats and/or cable crossovers.

Pranks and other types of horseplay are unacceptable. Distracting crewmembers could result in accidents and injuries.

Report accidents immediately to your leadman, foreman, supervisor, and/or medical personnel. Follow instructions given to you when referred for medical treatment for any injury and retain documentation. **All injuries must be reported on the date of occurrence.**

Wear appropriate clothing and any required personal protective equipment (PPE). A shirt and proper footwear should be worn at all times. Safety glasses or hearing protection must be worn when operating equipment or performing work where eye or ear damage could potentially occur.

Medication which might interfere with your alertness or ability to perform your work should be used only under a doctor's direction. If you feel that any medication is impairing your work, please discuss this with your supervisor. Do not work while under the influence of illegal drugs or

alcoholic beverages. Don't put yourself or your fellow workers at risk.

Attend all on-production, off-production and/or individual department **Safety Meetings**.

If involved in any stunt, special effect, aviation sequence, water sequence or other potentially hazardous or unusual activities, attend any additional **Safety Meetings** held for that activity.

Be aware of general location safety concerns, including extreme temperature conditions, physical surroundings, indigenous critters and nasty plants.

Additional information can be found in Industry Safety Bulletins #17, #21, #26, #27, #31, #34, #34A and #35.

2. LIFTING AND MOVING OBJECTS

Lifting loads improperly can cause back injuries.

Make sure you get the appropriate assistance when lifting or moving heavy or awkward objects. Avoid lifting such objects whenever possible by using carts, dollies and other mechanical devices or **GET ADEQUATE HELP.**

Before lifting any load, check for slivers, jagged edges, burrs, rough or slippery surfaces and protruding nails.

Check your intended path for obstructions.

3. COMMON FALL RISKS

Fall Protection:

Use appropriate fall protection equipment whenever you are working greater than 30 inches (general use/California) or 6 feet (during construction) above the floor, ground or other working area, when standard guardrails or other equivalent protection is not available.

Unprotected work areas such as platforms, sets, walkways, cliffs, floor openings, shafts and rooftops (when approaching within 6 feet of the roof's edge) require the use of approved fall protection measures. These measures include but are not limited to guardrails, barriers, safety net systems, a written fall protection plan, and/or the use of personal fall arrest, fall restraint, or work positioning systems.

Fall arrest equipment is always required when working in the permanent grid and truss system (perms) outside the catwalks and handrails.

DO NOT use fall protection equipment without proper training and instruction. Only use appropriate anchorage points.

Temporary stair railings and guardrails are required around elevated surfaces, pits, holes or other unprotected openings.

Ensure proper lighting in such areas and post signs as necessary.

Scaffolds:

Only use scaffolds with the appropriate guardrails, mid rails and toe boards. **DO NOT** remove guardrails; contact the scaffold "competent person" if they need to be

removed to perform special work. **REPORT** any missing guardrails at once.

DO NOT climb across braces.

Ladders:

Inspect all ladders before each use for broken or missing rungs, steps, split side rails or other defects.

NEVER place ladders in doorways unless protected by barricades or guards.

NEVER stand on the top two rungs of a ladder.

USE only approved ladders or steps. Check the labels for compliance.

ALWAYS USE both hands while climbing.

4. CHEMICALS AND FLAMMABLE MATERIALS

Store all flammable liquids in approved safety containers or cabinets. Paint, chemicals, and other materials should not accumulate on stage floors, under platforms or in other work areas.

You should know and follow proper handling and storage procedures for all combustible or flammable materials.

Ensure that there is proper ventilation and wear appropriate personal protective equipment (PPE).

A **Material Safety Data Sheet (MSDS)** shall be obtained from the manufacturer or distributor and a copy of the MSDS must be kept on file for all chemicals and substances being used and/or stored.

5. HAND TOOLS AND RELATED EQUIPMENT

Use the right tool for the job. **Do Not** use tools or equipment for which you have not been properly trained and qualified. See your supervisor if you are unfamiliar with the equipment, have any questions or feel that you need additional training.

Ensure that all equipment is in proper working order and that all protective guards are in place and used.

Do Not attempt to alter, modify, displace, or remove any existing safety equipment. Saw guards, safety switches and other safety mechanisms are installed for your protection. Tag ("**Do Not Use**") and report any damaged or malfunctioning equipment.

Wear appropriate personal protective equipment (PPE) and be aware of flying debris.

Additional information can be found in Industry Safety Bulletin #21.

6. FILMING EQUIPMENT & VEHICLES

(Including Booms, Camera & Insert Cars, Cranes, Process Trailers, Tow Dollies, Camera Dollies, Elevated Platforms, Fixed Wing Aircraft, Boats, Cars, Helicopters, Motorcycles, Trains)

Ratchet straps and/or ropes are the preferred method of securing loads and/or equipment. If using "bungees," "rubber snubbers" or other elastic-type devices, ensure they are not frayed, worn, damaged, cracked or have damaged or bent hooking devices. Uncontrolled release can cause severe injuries to unprotected body parts, particularly to the face or eyes.

Use the proper equipment for the job; be aware of load and rider capacities. **Never allow more than 9 people (including the driver) on an insert car.**

Operators and passengers of all vehicles should always use personal protective equipment (PPE).

Obtain training from a qualified instructor prior to operating aerial lift platforms, scissor lifts, forklifts or rough terrain variable-reach forklifts. OSHA requires the operators of such equipment to wear approved personal protective equipment (PPE).

Be particularly cautious when driving, walking or traveling; proceed slowly and watch for sudden movements of objects or individuals.

Be especially careful when working around helicopters or on runways. Remain at least 50 feet away from helicopters or other aircraft unless directed by the Aerial Coordinator and/or Pilot in Command or ground safety contact.

Under no circumstances should you approach the helicopter or aircraft without permission from the ground safety contact or the Pilot in Command.

Whether the rotors are turning or not, always approach and leave the helicopter from the front. **NEVER WALK NEAR OR AROUND THE TAIL ROTOR OF A HELICOPTER.**

The use of aircraft, boats, trains or cars may require special permits and/or operator certifications. All vehicles, including their peripheral safety equipment (*i.e.*, harnesses, belts, roll-cage, fuel cells, etc.), must undergo thorough safety inspection and testing on a daily basis by qualified experienced personnel.

Additional information can be found in Industry Safety Bulletins #3, #3A, #8, #8A, #8B, #8C, #11, #11A, #15, #20, #22, #28, #29, #29A, #36 and #37.

7. ELECTRICAL SAFETY

POWER LINES: California Code of Regulation, Title 8, Section 2946, **Overhead Clearances**, *must* be observed and maintained at all times (applicable regulations are set forth in Addendum #8C, #22A and #25A of the Industry Safety Bulletins). This applies to ladders, scaffolds, booms, forklifts, aerial lifts, scissor lifts, cranes, rigging, sets, truss work, backdrops and other equipment that could come in contact with power lines.

To prevent electrocutions and injury resulting from contact between overhead power lines and conductive tools, materials, or scaffolds, OSHA recommends that employees be informed that most overhead, high voltage power lines are not insulated and, when in doubt, employees should assume that power lines are not insulated.

Employers should notify the utility company when work must be performed under and/or near overhead power lines where clearances cannot be maintained. In such situations, utility companies should de-energize the power lines or temporarily move or cover them with insulating hoses or blankets before any work is initiated.

Properly maintain all electrical equipment and wiring; no live parts should be exposed. Use equipment only for its intended purpose. Be particularly careful around water, especially when filming in rain scenes.

All A.C. (alternating current) electrical systems shall be grounded.

Keep electric panels accessible at all times. There should be no obstructions or storage within three feet (3') of a panel.

Remember that lights placed too closely to props, sets and other materials may pose a fire risk and, therefore, make sure that lights are placed far enough away to alleviate risk.

Only qualified persons with the appropriate technical knowledge should perform electrical work.

Additional information can be found in Industry Safety Bulletins #8, #8A, #22, #22A, #23, #23A and 25.

8. WATER HAZARDS

If working on or near water, an employee should make the Production Company aware if he or she has a fear of working around water or cannot swim.

All cast and crewmembers working on or near water should wear life vests or other water safety gear when appropriate.

When using watercraft, be aware of load and rider capacity limits. Only required personnel should be on watercraft; all others should remain on land.

Safety lines, nets, watch safety personnel and/or divers should be used when filming in rivers or other bodies of water where potentially hazardous conditions could exist (e.g., swift currents, thick underwater plant life, or rocks).

Know as much as you can about the body of water you're working on or in, including its natural hazards and animal life. The Production Company, Location Manager or the Safety Coordinator should have all relevant information.

If personnel are going to enter the water, when appropriate, samples of the water should be taken and analyzed for any potential environmental concerns and/or health hazards.

Additional information can be found in Industry Safety Bulletins #7, #15 and #17.

9. STUNTS & SPECIAL EFFECTS

All stunts and special effects should be reviewed by all participants prior to execution to help ensure that they are performed in the safest manner possible.

Before filming a stunt or special effect, the involved parties should all perform an on-site dry run or walk-through. A safety meeting should be held and documented.

Special effects involving pyrotechnics, explosives and/or fire must be noted in advance on the call sheet. Properly licensed individuals must perform all such effects. The necessary permits must be obtained and the appropriate regulatory agencies notified. Explosives must be stored and disposed of properly.

Appropriate personal protection equipment (PPE) and/or other safety equipment must be provided to the cast and crew as needed. There must be a planned escape route and each person involved should personally check all escape routes. Only persons authorized

by the special effects and/or stunt coordinator shall be allowed in the area.

Radios, cell phones, pagers, personal data assistants (PDAs), transmitting equipment or remote control equipment should not be used around pyrotechnic or other explosive devices.

Additional information can be found in Industry Safety Bulletins #1, #2, #3A, #4, #11A, #14, #16, #18, #20, #29A, #30 and #37.

10. ARTIFICIALLY CREATED SMOKES, FOGS & DUST EFFECTS

Be aware that the use of atmosphere smoke has become highly regulated and limited by a variety of regulatory agencies. Contact the Safety Coordinator or Studio Safety Representative for guidelines and regulations.

Additional information can be found in Industry Safety Bulletin #10 and the Photographic Dust Awareness Sheet.

11. FIREARMS & OTHER WEAPONS

Treat all weapons as though they are loaded and/or ready to use. Do not play with weapons and ***never*** point one at anyone, including yourself. Follow the directions of the Property Master and/or Weapons Handler regarding all weapons.

The use of firearms and other weapons may require special permits and/or operator certifications. Anyone that will be using a weapon shall know all the operating features and safety devices. All weapons must undergo thorough safety inspection, testing and cleaning on a daily basis by qualified personnel.

Anyone handling a weapon shall receive the proper training and know all operating features and safety devices.

If firearms and other weapons are used in filming, the Property Master and/or Weapons Handler must meet with cast and crew and inform them of the safety precautions in effect and answer any questions.

Additional information can be found in Industry Safety Bulletins #1, #2, #16 and #30.

12. ANIMALS

Animals are unpredictable. If animals are used in filming, the Animal Handler should meet with cast and crew and inform them of the safety procedures in effect and answer any questions. Safety meetings should be held when appropriate.

Do not feed, pet or play with any animal without the permission and direct supervision of its trainer. **Defer to the animal trainers at all times.**

When working with exotic animals, the set should be closed and notices posted to that effect, including a note on the call sheet.

Additional information can be found in Industry Safety Bulletins #6, #12 and #31.

13. ENVIRONMENTAL CONCERNS

All hazardous waste generated by the company, including paint, must be disposed of properly. Proper documentation and permits for the

transportation and disposal of such waste is required by law.

Be aware of hazards associated with lead paint and asbestos. If encountered, **do not disturb** and immediately report to your supervisor or safety representative.

Be aware of biological hazards such as human or animal waste, mold, fungus, bacteria, body fluids, blood borne pathogens, used needles (sharps), vermin, insects and other potentially infectious materials.

Employees shall not enter confined spaces (manholes, underground vaults, chambers, silos, etc.) until the oxygen and gas levels have been checked and confirmed to be within acceptable levels.

Certain situations may require permits and/or licenses, for example, when the production will be using artificial smoke, large dust effects, creating excessive noise or when working around endangered plant or animal life. Please be sure to comply with all applicable statutes and/or regulations.

Additional information can be found in Industry Safety Bulletins #17, #24 and #26.

NOTE:

Additional information regarding "job specific" safe practices and guidelines relating to special equipment should be reviewed as necessary. Contact the production company Safety Coordinator, Studio Safety Representative, supervisor or your union representative for additional information.

INDUSTRY WIDE LABOR-MANAGEMENT SAFETY COMMITTEE

SAFETY BULLETIN #1

RECOMMENDATIONS FOR SAFETY WITH FIREARMS AND USE OF "BLANK AMMUNITION"

BLANKS CAN KILL. TREAT ALL FIREARMS AS THOUGH THEY ARE LOADED.
"LIVE AMMUNITION" IS NEVER TO BE USED NOR BROUGHT ONTO ANY STUDIO LOT OR STAGE.

These guidelines are intended to give recommendations on the safe handling, use, and storage of firearms. Firearms include prop guns, rubber guns, plastic guns, non-guns, flintlock guns, pistols, machine guns, rifles, and shotguns that shoot "**Blank Ammunition.**"

The Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) will be the individual acting in the interest of the Producer for obtaining, maintaining and handling all firearms for the production. He/she will work in conjunction with the production's designated Safety Representative to assure that the following standards are adhered to.

Before any use of a firearm in a rehearsal and/or on-camera sequence or off-camera use, all persons involved must be thoroughly briefed at an on-site SAFETY MEETING where the firearms will be used. This meeting shall include an "on-site walk through" and/or "dry-run" with the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**, designated production representative, and anyone that will be using and/or handling a firearm. An understanding of the intended action, possible deviations, plans to abort, emergency procedures, and chain of command should be made clear.

No one shall be issued a firearm until he or she is trained in safe handling, safe use, the safety lock, and proper firing procedures. If there are any questions as to the competency of the person who will use the firearm, **the Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** shall determine if additional training is required.

A **SAFETY MEETING** for the cast and crew shall be conducted. If there are any questions as to the safety of firearms being used in the sequence or if any changes are made from the original sequence, another **SAFETY MEETING** shall be held.

Additionally, this Bulletin should be attached to the call-sheet each day firearms will be used.

GENERAL SAFE USE AND HANDLING OF FIREARMS

1. Refrain from pointing a firearm at anyone, including yourself. If it is absolutely necessary to do so on camera, consult the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** or other safety representative, such as the First A.D./Stage Manager. Remember that any object at which you point a firearm could be destroyed.
2. **NEVER place your finger on the trigger until you're ready to shoot.** Keep your finger alongside the firearm and off the trigger.
3. **KNOW** where and what your intended target is.
4. **DO NOT** engage in horseplay with any firearms.
5. **NEVER** discharge a firearm when the barrel is clogged. The **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** should inspect the firearm and barrel **before and after every** firing sequence.
6. **UTILIZE** all safety devices until the firearm is ready to be used.
7. **NEVER** lay down a firearm or leave it unattended. Unless actively filming or rehearsing, all firearms should be safely secured.
8. **ONLY** a qualified person shall perform hand loading or altering factory loaded blank ammunition to work on firearms (either licensed or experienced). Check with local, state and federal regulations to see if a specific license is required.
9. **NO PERSON** is to be coaxed, coerced, or otherwise forced into handling a firearm.
10. The **jamming of firearms** or any malfunctions must be reported immediately to the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**. Do not attempt to adjust, modify, repair, or un-jam the firearm. Malfunctioning firearms should be taken out of service until properly repaired by a person qualified to work on firearms.
11. Protective shields, eye, and hearing protection or other appropriate Personal Protective Equipment (PPE) shall be issued and utilized by all personnel in close proximity and/or directly in the line of fire.

12. The Studio Safety and Security Departments are to be notified prior to any firearm use on studio property.
13. All personnel should remain a set safe distance from the weapon firing area (to be determined by the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production), Stunt Coordinator and/or designated Studio Safety Representative**) to ensure personal safety from blank debris and hot ejected blank casings.
14. All local, state and federal laws and regulations are applicable and can override these guidelines if they are more stringent.

The Property Master (or, in his/her absence, a weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) is responsible for the following:

1. Ensuring the control and distribution of all firearms on the set.
2. Ensuring that all firearms which will be used on the production (whether company owned, rented, or privately owned) are given to and are in possession of the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**.
3. The designation of experienced persons working under his or her immediate supervision to assist as necessary.
4. Their own qualifications for working with the type of firearms being used, the knowledge of their safe handling, use, and safekeeping, and familiarity with the **"BLANK AMMUNITION"** to be utilized.
5. Seeking expert advice if he or she is not familiar with the firearm to be used.
6. Ensuring current licenses and permits have been obtained for the possession and use of production firearms.
7. The knowledge of the applicable laws governing transportation, storage, and use of firearms and be in compliance with those laws.
8. The knowledge of and adherence to all manufacturers' warnings, expiration dates, storage, and handling procedures for **"BLANK AMMUNITION"** and firearms.

9. Ensuring that a sufficient amount of time has been allotted for training and rehearsal.
10. The ability to demonstrate prior knowledge of the safe handling of firearms and **"BLANK AMMUNITION."**
11. The personal loading of firearms or the personal designation of an experienced person working under his or her immediate supervision to load the firearms. Firearms are to be loaded just before they are used in a scene.
12. Ensuring that any actor who is required to stand near the line of fire be allowed to witness the loading of the firearms.
13. Using the lightest load of **"BLANK AMMUNITION"** consistent with the needs of the scene and advising the Director and other involved personnel.
14. The notification to all those present including the Sound Mixer, First Assistant Director and/or Stage Manager prior to any firing of **"BLANK AMMUNITION."**
15. The possession of all firearms except during actual filming or rehearsal. Afterwards, the **Property Master (or, in his/her absence, a weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** will **immediately unload** the **"BLANK AMMUNITION"** from the firearm.
16. Checking all firearms **before each use**. All firearms must be cleaned, checked and inventoried at the close of each day's shooting.
17. Ensure all firearms have been accounted for before personnel are allowed to leave the area. The Production Company needs to allow time in its shooting schedule for this procedure.
18. The utilization of replica or rubber prop guns whenever possible.
19. **Ensuring that an inspection is made of the set (location) and all spent "brass casings" and unspent "blank ammo" have been picked up and disposed of properly.**

INDUSTRY WIDE LABOR-MANAGEMENT SAFETY COMMITTEE

SAFETY BULLETIN #2

SPECIAL USE OF "LIVE AMMUNITION"

THIS BULLETIN SHALL ONLY BE ISSUED IF "LIVE AMMUNITION" WILL BE UTILIZED

These guidelines are intended to give recommendations, special guidelines, and conditions for the safe handling of firearms utilizing **"LIVE AMMUNITION."**

On controlled second units, there may be a very rare occasion when **"LIVE AMMUNITION"** must be used to obtain an effect.

In those very special circumstances, **"LIVE AMMUNITION"** may be used only if the following criteria and special conditions have been met.

The Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) will be the individual acting in the interest of the producer for obtaining, maintaining and handling all firearms for the production. He/she will work in conjunction with the production's designated Safety Representative to assure that the following standards are adhered to.

1. The Director, Producer, Director of Photography, First Assistant Director, Special Effects Technician and the licensed **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** have jointly determined a situation exists in which there is no other practical alternative but to use **"LIVE AMMUNITION"** to achieve the effect.
2. **"LIVE AMMUNITION"** should not be used under circumstances where a desired special effect can be achieved by using conventional special effects techniques by a qualified and licensed Special Effects Technician and/or by computer generated means (computer generated images ["CGI"]).
3. This special use of **"LIVE AMMUNITION"** shall only be performed at a site that is suitable for the use of **"LIVE AMMUNITION"** (*i.e.*, a military, police, or private gun range, the deck of a vessel, or in an area deemed safe for this procedure).
4. Additionally, the permission and/or a permit shall be obtained from the authority having jurisdiction (AHJ) (sheriff, police, county, city, township, military base, or agency having authority to issue this type of permit).

5. The insurance company providing insurance for the production should be notified of the intention to use **"LIVE AMMUNITION"** and the circumstances surrounding the special use and conditions. Approval must be obtained for the use of **"LIVE AMMUNITION."**
6. The Studio Safety Department and/or Safety Representative shall be notified prior to the use of any **"LIVE AMMUNITION."**
7. Notification of this type of activity shall be made on the call-sheet. If the call-sheet is not available before the date the **"LIVE AMMUNITION"** is to be used, advanced notice is to be given.
8. Before any use of a firearm and the loading of **"LIVE AMMUNITION"** in a rehearsal and/or for an on-camera sequence, all persons involved shall be thoroughly briefed at an on-site **SAFETY MEETING** where the firearms will be used.
9. The **SAFETY MEETING** shall include an "on-site walk through" and/or "dry-run" with the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**, Range Master (if applicable), designated production representative, and anyone that will be using and/or handling the firearms. An understanding of the intended action, possible deviations, plans to abort, emergency procedures, and chain of command should be made clear.
10. Cast and crew members shall be limited to those members absolutely required to capture the effect. No minor(s) may be present in any scene or in the vicinity when **"LIVE AMMUNITION"** is being fired.
11. The **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** with the appropriate licenses required by the authority having jurisdiction (AHJ), shall procure and maintain the proper firearms to achieve the effect and determine that the firearm is in good and safe working condition. The firearms will be kept in the control of only the Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production). **SUCH FIREARMS WILL NOT BE USED AS PROPS.**

12. On days where the production will be utilizing firearms for **"LIVE AMMUNITION"** firing and have replicas and/or a "prop firearm," the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** shall identify the **"LIVE AMMUNITION"** firearms by color or some other easily recognizable means of identification. **These types of firearms shall never be kept together and/or stored together.**
13. All **"LIVE AMMUNITION"** shall be kept in the control of the licensed **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**. Additionally, it shall be stored in a manner to keep it safe and secure and in compliance with all applicable local, state, and federal regulations related to the storage and use of **"LIVE AMMUNITION."**
14. **"LIVE AMMUNITION"** will not be kept on the set for any longer than is necessary to complete the scene in which it is being used. **"LIVE AMMUNITION"** shall be secured in a locked box and clearly marked in a manner to differentiate it from blank ammunition.
15. **"LIVE AMMUNITION"** will be transported in compliance with all applicable laws and regulations to and from the set on the day of its use.
16. While on a gun range and/or military base, the **Range Master** shall have overall control and final authority of the range and every person present, including the production cast and crew and the Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production).
17. All safety procedures and requirements shall be strictly followed. There shall be no deviation of the intended sequence without the permission of the **Range Master or Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** depending on who is in charge of the specific location to be utilized.
18. Immediately prior to the firearm discharge, a rehearsal shall be held to ensure that all who will be present know the assigned location, the safe zones that have been identified, and to ensure that no one is down in the range area. Upon completion of the rehearsal, a formal announcement shall be made to all those present that **"LIVE AMMUNITION"** will be fired.

19. Particular attention shall be paid to the line of fire. Ensure the area is clear of all personnel and be aware of possible ricochet hazards and/or the ejection of hot shell casings.

GENERAL SAFE USE AND HANDLING OF FIREARMS

1. **NEVER POINT** a firearm at anyone, including yourself.
2. **NEVER PLACE** your finger on the trigger until you are ready to shoot. Keep your finger alongside the firearm and off the trigger.
3. **KNOW WHERE AND WHAT** your intended target is.
4. **DO NOT** engage in horseplay with any firearms.
5. **NEVER** discharge a firearm when the barrel has become clogged. The Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) should inspect the firearm and barrel **before and after every firing sequence**.
6. **UTILIZE** all safety devices until the firearm(s) is ready to be used.
7. **NEVER** lay down a firearm or leave it unattended.
8. **ONLY** a person qualified shall perform loading of the **"LIVE AMMUNITION"** (either licensed or experienced). Check with state regulations to see if a specific license is required.
9. **Once the firearm** has been loaded with the **"LIVE AMMUNITION"** the firearm is to be considered "hot."
10. **No person** is to be coaxed, coerced or otherwise forced into handling a firearm.
11. The **jamming or malfunctions** of the firearms must be reported immediately to the attention of the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)**. Do not attempt to adjust, modify, repair or try to un-jam the firearm. Malfunctioning firearms should be taken out of service until properly repaired by a person qualified to work on firearms.

The Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production) is responsible for the following:

1. Ensuring the control of and distribution of all firearms on the set.
2. Ensuring that all firearms which will be used on the production (whether company owned, rented, or privately owned) are given to and are in possession of the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production).**
3. The designation of experienced persons working under his or her immediate supervision to assist as necessary.
4. Their own qualifications for working with the type of firearms being used, the knowledge of their safe handling, use, and safekeeping, and familiarity with the **"LIVE AMMUNITION"** to be utilized.
5. Seeking expert advice if he or she is not familiar with the firearm to be used.
6. Ensuring current licenses and permits have been obtained for the possession and use of production firearms.
7. The knowledge of the applicable laws governing transportation, storage, and use of firearms and be in compliance with those laws.
8. The knowledge of and adherence to all manufacturers' warnings, expiration dates, storage, and handling procedures for **"LIVE AMMUNITION"** and firearms.
9. Ensuring that a sufficient amount of time has been allotted for training and rehearsal.
10. The ability to demonstrate prior knowledge of the safe handling of firearms and **"LIVE AMMUNITION."**
11. The personal loading of firearms or the personal designation of an experienced person working under his or her immediate supervision to load the firearms. Firearms are to be loaded just before they are used in a scene.
12. Ensuring that any actor who is required to stand near the line of fire be allowed to witness the loading of the firearms.

13. The possession of all firearms except during actual filming or rehearsal. Afterward, the **Property Master (or, in his/her absence, the weapons handler and/or other appropriate personnel determined by the locality or the needs of the production)** will immediately unload the **"LIVE AMMUNITION"** from the firearm.
14. Ensuring that all firearms are cleaned and checked at the close of each day's shooting.
15. Ensuring that all firearms and "LIVE AMMUNITION" are accounted for before any personnel is allowed to leave the area.
16. Ensuring that an inspection is made of the set (location) and all spent "brass casings" and unspent "live ammunition" have been picked up and disposed of properly.

NOTE: The Term "LIVE AMMUNITION," as used herein, does not include projectiles (regardless of the material or manufacture), which are intended solely for the purpose of creating bullet-hit type special effects, such as, projectiles fired from Air Rifles, Air Pistols, Air and/or Gas-operated Capsule Guns, Paintball Guns, Blow Guns, Squib-fired Trunion Guns, Crossbows or Crossbow-type devices, Slingshots or any other type of special effects device designed to propel any projectile intended to create a bullet -hit or recoil type special effect. Additionally, any propelled projectile required to be photographed in flight shall likewise not be considered "LIVE AMMUNITION." All such projectiles described are to be supervised and operated under the direction of the licensed Special Effects Technician in charge.

STATE'S EXHIBIT J

BIOGRAPHICAL INFORMATION

Lucien C.

“Luke” Haag is a former Criminalist and Technical Director of the Phoenix Crime Laboratory, with over 57 years of experience in the field of criminalistics and forensic firearms examination.

He is the author of the 1st edition of the book, **Shooting Incident Reconstruction**, Elsevier/Academic Press, 2005 ISBN # 0-12-088473-9 and co-author of the 2nd and 3rd editions (Elsevier/Academic Press, 2011/2021).

Presently he is an independent forensic consultant with his own company, Forensic Science Services, Inc., that provides criminalistics services to prosecutors, public defenders, private attorneys, law enforcement agencies, insurance companies, educational institutions and private individuals.

Luke Haag has a Bachelor of Science degree in chemistry from the University of California at Berkeley with subsequent forensic training at California State University at Long Beach, Indiana University, Arizona State University, the FBI Laboratory, the FBI Forensic Training Facility, and course work in Forensic Microscopy from the McCrone Institute.

In addition to Distinguished Membership status in the Association of Firearm and Toolmark Examiners and the California Association of Criminalists, he is a member of the Southwest Association of Forensic Scientists, The American Academy of Forensic Sciences, an Associate Member of ENFSI and past board member of the International Wound Ballistics Association.

He has authored and presented over 200 scientific papers, most of which have dealt with various exterior and terminal ballistic properties, effects and behavior of projectiles. His primary area of special interest is the reconstruction of shooting scenes and incidents.

Past service in the Association of Firearms and Toolmark Examiners has included the Scientific Advancement Committee (1978-1980), Board of Directors (1980-1981), Program Chairman (1981), Board of Admissions (1983-1984), 2nd Vice-President (1983-1984), 1st Vice-President (1984-1985) and President of the Association (1985-1986), Instructor in Shooting Reconstruction workshops and classes for AFTE in 1994 and 1995, the California Department of Justice in 1995 and 1998, the California Association of Criminalists in 1996 and 1997, the Arizona Homicide Investigators Association in 2000, 2004, 2005 and 2007 and multiple locations (Arizona, California, Georgia, Oregon, Switzerland, England).

LUCIEN C. HAAG

PO Box 5347

Criminalist/Firearms Examiner

Carefree, AZ 85377

(480) 488-4445

e-mail *haagfssi@aol.com*

PERSONAL DATA

Place of Birth: Springfield, Illinois, USA

Date of Birth: July 15, 1940

EDUCATION

UNIVERSITY OF CALIFORNIA at Berkeley: Bachelor of Science in Chemistry (1963)

CALIFORNIA STATE COLLEGE at LONG BEACH:

Criminalistics I and II

(to include basic firearms evidence and examination),

Questioned Documents Examination, Clinical Chemistry, Math (1963-1965)

ARIZONA STATE UNIVERSITY at TEMPE: Absorption Spectroscopy course (1966)

Criminal Law, Criminology, Statistics and other Criminal Justice courses (1978-1982)

SPECIAL FORENSIC TRAINING PROGRAMS

McCrone Research Institute Polarized Light Microscopy and Forensic Soil Examination

FBI Forensic Training Center: Criminalistic Laboratory Information System/

General Rifling Characteristics Program

Shooting Reconstruction Seminar-1996

Association of Firearm and Toolmark Examiners: Annual Training Seminars

(over 30 training seminars from 1974 to present)

Metallurgy for the Non-Metallurgist 2015

LICENSES/CERTIFICATES

Certified Instructor in Criminalistics (Arizona Board of Directors of Community Colleges)

Certified Criminalist (California Association of Criminalists)

Federal Firearms License #9-86-007-01-OD-37865

Written Certification Examinations, AFTE, Firearms Examination & Gunshot Residue

PROFESSIONAL MEMBERSHIPS

Southwest Association of Forensic Scientists

California Association of Criminalists

American Academy of Forensic Sciences

Forensic Science Society of Great Britain

Association of Firearm and Toolmark Examiners

Arizona Homicide Investigators Association

European Network of Forensic Science Institutes-

Firearms Working Group

LUCIEN C. HAAG

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CITATIONS/AWARDS

Distinguished Member: Association of Firearm and Toolmark Examiners (1976)

Distinguished **PRESENTATIONS/PUBLICATIONS** Member Award:
 California Association of Criminalists (1988)
 Key Member Award: Association of Firearm and Toolmark Examiners (1978)
 Key Member Award: Association of Firearm and Toolmark Examiners (1979)
 Best Technical Presentation Award: Spring 1986, California Association of Criminalists, for
 "The Measurement of Bullet Deflection by Intervening Objects and
 the Study of Bullet Behavior after Impact"
 Best Technical Presentation Award: Fall 1987, California Association of Criminalists, for
 "Projectile Induced Mechanical & Thermal Effects in Fibers"
 Best Technical Presentation Award: Spring 1989, California Association of Criminalists, for
 "American Lead-, Barium-, and Antimony-Free Centerfire Ammunition"
 Key Member Award: Association of Firearm and Toolmark Examiners (1992)
 Best Technical Presentation Award: Spring 1996, California Association of Criminalists, for
 "A Shot from Afar?"
 Best Technical Presentation Award: Fall 1996, FBI Shooting Scene Reconstruction Seminar for
 "Bullet Perforation of Sheet Metal"
 Alfred Biasotti Award - Fall 1998 and Spring 2018 CAC Seminars
 (Exterior, Terminal, Wound Ballistics of Frangible Ammunition)
 Roger S. Greene III Memorial Award, CAC May 2000
 Best Technical Presentation Award: Spring 2000, California Association of Criminalists, for
 "Contemporary Russian 7.62x39mm Ammunition"
 Calvin Goddard Award – AFTE 2012

PROFESSIONAL OFFICES/SERVICE

- California Association of Criminalists: Recording Secretary,
 Board of Directors, Ethics Committee, Certification Board of Examiners
- Association of Firearm and Toolmark Examiners: Board of Directors, Board of Admissions,
 Scientific Advancement Committee, 2nd Vice-President ('83-84),
 1st Vice-President ('84-85), President ('85-86), Certification Committee
- American Academy of Forensic Sciences: Delegate to the Soviet Union, 1988
- Forensic Science Delegate to the Soviet Union, 1990
- Member-AFTE Editorial Review Panel
- Member-Board of Editors- Am. Jour. of For. Med. & Path.

PROFESSIONAL EXPERIENCE

Criminalist/Supervising Criminalist, Phoenix Police Crime Laboratory (June 1965-March 1982)
 Criminalistics Instructor, Phoenix College/Central Arizona College (1968-1979)
 President: Forensic Science Services, Inc. (1982-present)

SUMMARY OF EXPERIENCE AND ACTIVITIES

Lucien C. (Luke) Haag has been providing criminalistic services to prosecutors, public defenders, private attorneys, law enforcement agencies, insurance companies, educational institutions, the military and the firearms and ammunition manufacturing industry for over 50 years. He is also a frequent speaker at legal, judicial and law enforcement conferences and seminars throughout the United States. (See attached list of publications and presentations.)

COURT EXPERIENCE

Lucien C. Haag has qualified and testified as an expert witness on the subject of firearms identification, firearms-related evidence and the reconstructive aspects of shooting incidents in both the United States Federal Courts and state courts. States in which such testimony has been given include Alabama, Alaska, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington and West Virginia. He has also testified on behalf of the Crown in Canada and Northern Ireland.

LUCIEN C. HAAG Criminalist/Firearms Examiner

"Bullet Ricochet: An Empirical Study and Device for Measuring Ricochet Angle"
AFTE Journal, 7:3 (December 1975)

"The Use of Ballistics Calculations in the Solution of a Crime"
AFTE Journal , 8:4 (1976)

"Heckler & Koch Polygonal Rifling"
AFTE Journal, 9:2 (1977)

"Class Characteristics of Rifled Barrels"
AFTE Journal, 10:2 (1978)

"Firearms Evidence-Field Expedient Determinations"
**I.N.F.O.R.M. Western Conference on Civil and Criminal Problems
Wichita, KS (May 1977)**

"Shotgun Evidence"
AFTE Journal, 10:3 (1978)

"Shotgun Ballistics"
1978 Training Monograph for Police Investigators

"The Forensic Use of Exterior Ballistics Calculations"
AFTE Journal, 11:1 (1979)

"Bullet Ricochet from Water"
AFTE Journal, 11:3 (1979)

"Sound Spectrographic Characterization of Gunshots"
AFTE Journal, 11:3 (1979)

"An Unusual Interior Ballistic Phenomena"
AFTE Journal, 11:4 (1979)

*"The Unwinding of Rifling Engravings through Rotational Deceleration
During Penetrative Impact"*
AFTE Journal, 12:2 (1980)

"The Characterization of Propellant Types through the Examination of Fired Bullets"
AFTE Journal, 12:2 (1980)

"The Identification of Percussion Caps"
AFTE Training Seminar, Kansas City, MO (1980)

*"The Analysis and Comparison of Smokeless Propellants by
Reverse-Phase High Performance Liquid Chromatography"*
Fall 1980 CAC Seminar

"Bullet Impact Spalls in Frangible Surfaces"
AFTE Journal, 12:4 (1980)

"Class Characteristics of Smokeless Propellants"
AFTE Seminar, Denver, CO (1981)

**Lucien C. Haag
Presentations/Publications 2**

"Geometric Aspects of Shotgun Patterns on Various Surfaces"
Video Training Tape

"Thermal Effects on Ammunition Stored at High Ambient Temperatures"
AFTE Journal, 14:1 (1982)

"Exterior and Terminal Shotgun Ballistics"
AFTE Seminar, Orlando, FL (1982)

"The Exterior and Terminal Ballistic Properties of Shotgun Pellets"
Inter-American Congress of Forensic Sciences/CAC Seminar (1982)

"A Microchemical Test for Copper-Containing Bullet Wipings"
AFTE Journal, 13:3 (1981)

"Double 00-Buck"
AFTE Journal, 13:3 (1981)

"Firearms Evidence for Police Officers"
(1st Edition) Seminar: Central Arizona College (1978)
Arizona Homicide Investigators Association Seminars (1982)

"Forensic Ballistics - An Illustrated Overview"
APAAC Seminar (1982)

"A Novel Means of Propellant Identification in a Shooting Mishap"
AFTE Seminar, San Mateo, CA (1983) and AFTE Journal, 15:4 (1983)

"The Class Characteristics of Six New Canister Propellants from the Accurate Powder Company"
CAC Seminar (1984)

"Shooting Incident Reconstruction"
2-day Seminar for the Northeast Multi Regional Training Organization
Aurora, IL (October 1984)

"Firearms Evidence for Police Officers"
(2nd Edition) Iowa Chapter-International Association for Identification
Training Seminar, Des Moines, IA (May 1985)

"Differentiating Firearms-Related Accidental Deaths and Suicides"
American Academy of Forensic Sciences Seminar, Las Vegas, NV (1985)

*"Accident, Suicide or Murder:
An Integrated Approach to the Investigation of Death by Firearms"*
CAC Seminar, Oakland, CA (1985)

"Some Typical Fields of View for Optical Sights"
AFTE Journal, 17:2 (April 1985)

"Shooting Reconstructions"
Association of Firearms and Toolmark Examiners Training Seminar, Lansing, MI (1985)
Arizona Homicide Investigators Association Seminar, Flagstaff, AZ (1985)

Lucien C. Haag
Presentations/Publications 3

*The Construction of a Small Portable Laser and its Use
in External and Terminal Ballistic Measurements"*
AFTE Training Seminar, Baltimore, MD(1986) and AFTE Journal, 19:2 (1987)

*"The Measurement of Bullet Deflection by Intervening Objects
and the Study of Bullet Behavior After Impact"*
**AFTE Training Seminar, Baltimore, MD (1986) and AFTE Journal, 19:4 (1987);
also presented at Spring CAC Seminar (1986)**

"Firearms Evidence for Attorneys"
Arizona Prosecuting Attorneys Advisory Council, Scottsdale, AZ (1986)

"Firearms Evidence for Police Officers/Shooting Reconstructions"
Mesa, AZ, Police Department Training Program (February 1987)

Computer Workshop-Ballistics Programs
American Academy of Forensic Sciences Meeting, San Diego, CA (1987)

"Ballistics Programs for Personal Computers: Capabilities and Application to Forensic Problems"
**Combined CAC/NWAFS Seminar, Reno, NV (May 1987);
also given at AFTE Training Seminar, Seattle, WA (1987)**

"An Adjustable Shooting Platform for Use in Ricochet Studies"
AFTE Seminar, Seattle, WA (June 1987)

"Shooting Reconstruction Training Program"
Arizona Department of Public Safety, Phoenix, AZ (September 1987)

"Shooting Reconstruction and Scene Investigations"
International Association of Law Enforcement Firearms Instructors (September 1987)

"Class Characteristic Differences in the Same Box of .22's"
AFTE Journal, 19:3 (July 1987)

"Projectile-Induced Mechanical and Thermal Effects in Fibers"
CAC Seminar (October 1987), AFTE Training Seminar (1989), SWAFS Seminar (1996)

*"The Measurement of Bullet Deflection by Intervening Objects and in the Study of Bullet
Behavior After Impact"*
CAC Newsletter (January 1988)

"Firearms Evidence for Attorneys"
Northwestern University Law School, Chicago, IL (August 1988)

"Firearms Evidence for Pathologists"
Armed Forces Institute of Pathology Training Program, Bethesda, MD (September 1988)

"Shooting Reconstructions and Crime Scene Procedures"
Special Panel presentation for the CAC Seminar (October 1988)

"Firearms Evidence for Police Investigators/Shooting Reconstructions"
DPS/AZ Law Enforcement Training Academy, Tucson, AZ (January 1989)

**Lucien C. Haag
Presentations/Publications 4**

*"Ballistic Gelatin: Controlling Variances in Preparation
and a Method for the Calibration of Gelatin Blocks"*
Panel Member/Presenter in Wound Ballistics Seminar, Phoenix, AZ (February 1989)

"Firearms Evidence/Shooting Reconstructions"
Northwestern Law School, Chicago, IL (March 1989 and August 1990)

"Shooting Reconstructions"
**National Homicide Seminar-California District Attorneys Association,
Costa Mesa, CA (April 1989)**

"American Lead-, Barium-, and Antimony-Free Primers"
CAC Seminar, Sacramento, CA (May 1989)

"Bullets Through Glass"
AFTE Seminar, Omaha, NE (June 1990)

"A Means for Improving the Rhodizonate Test for Lead-Containing GSR on Bloody Clothing"
**CAC Seminar, San Francisco, CA (Spring 1990)
and AFTE Seminar, Omaha, NE (June 1990)**

"Suggested Method for Calibration of Gelatin Blocks"
AFTE Journal, 21:3 (July 1989) pp. 483-489

"Firearms Evidence and Examination in the United States"
**Combined meeting of the All-Union Research Institute of Soviet Forensic Sciences
and the Ministry of Internal Affairs, Moscow (July 1990)**

"Shooting Scene Evaluation and Reconstruction"
Arizona Homicide Investigators Association, Flagstaff, AZ (August 1990)

"Shots in the Dark"
*(A photographic technique for recording the source and nature of muzzle/cylinder gap flash from
firearms),*
SWAFS Seminar, Tucson, AZ (October 1990)

*"A Method for Improving the Griess and Sodium Rhodizonate Tests for GSR on Bloody
Garments"*
**Southwestern Association of Forensic Scientists Seminar, Tucson, AZ (1990)
SWAFS Journal (April 1991)**

"Vertical Ballistics"
AFTE Journal, 22:1 (January 1990)

"Powder in a Most Peculiar Place"
AFTE Journal, 22:2 (April 1990)

"Hornady Knurled Bullets: Their Class Characteristics and Properties of Forensic Interest"
AFTE Journal, 22:2 (April 1990)

"Firing Pin Protrusion and Impression Depth Measurement"
AFTE Journal, 22:3 (July 1990)

**Lucien C. Haag
Presentations/Publications 5**

"Class Characteristic of the Colt AR-15 Conversion Kit"
AFTE Journal, 22:3 (July 1990)

"Portable Laser-Theodolite System for Use in Shooting Scene Reconstruction"
"An Inexpensive, Portable Bullet Recovery Device"
AFTE Journal, 23:1 (January 1991)

"Light and Sound as Physical Evidence"
California Association of Criminalists Seminar, San Francisco, CA (May 1991)

"The Forensic Aspects of Percussion Revolvers"
AFTE Seminar, Houston, TX (June 1991)

"Involuntary Discharge of Firearms"
AFTE Seminar, Houston, TX (June 1991)

"Contemporary Soviet Pistols and Ammunition"
AFTE Seminar, Houston, TX (June 1991)

Fingernail Striae Symposium: Panel Member and Speaker
AFTE Seminar, Houston, TX (June 1991)

"To Create a Hangfire"
AFTE Journal, 23:2 (April 1991)

*"A Method for Improving the Griess and Sodium Rhodizonate Tests
for GSR Patterns on Bloody Garments"*
AFTE Journal, 23:3 (July 1991)

"An Inexpensive Method to Assess Bullet Stability in Flight"
AFTE Journal, 23:3 (July 1991)

"Firearms Evidence: Shooting Incident Investigation"
Speaker: SW Homicide Seminar, El Paso, TX (October 1991)

180-Minute Video Production, 1991:
"Forensic Firearms Evidence: Elements of Shooting Incident Investigation"
ANITE Productions, PO Box 375, Pinole, CA 94564

*"A Shot in the Dark: A Procedure for the
Photographic Documentation of a Firearm's Muzzle Flash"*
AFTE Journal, 23:4 (October 1991)

"Newly Discovered Firearms Evidence in the Assassination of Senator Huey P. Long"
American Academy of Forensic Sciences Meeting, New Orleans, LA (February 1992)
AFTE Seminar, Miami, FL (April 1992)
CAC Fall Seminar, Ventura, CA (1992)

"Forensic Firearms Evidence"
California District Attorneys Association Meeting, Costa Mesa, CA (April 1992)
IXth National Homicide Symposium/CDA
San Francisco, CA (May 1993) and Lake Tahoe, CA (October 1993)

Lucien C. Haag
Presentations/Publications 6

"Forensic Ballistics"

3-Day Seminar-Southern Institute of Forensic Science, New Orleans, LA (April 1993)

"The Forensic Value of Various Terminal Ballistic Events"

"The Forensic Aspects of Black Powder Firearms"

AFTE Seminar, Raleigh, NC (May 1993)

"Terminal Ballistic and Trace Evidence Aspects of Firearms Evidence and Examination"

IAFS Dusseldorf, Germany (August 1993)

"The Persistence of Fingernail Striae with the Passage of Time and Following Injury"

IAFS Dusseldorf, Germany (August 1993)

California Association of Criminalists (October 1993)

".380 Automatic in the 9x18mm Makarov: Exterior and Terminal Ballistic Characteristics"

First IWBA Conference, Sacramento, CA (March 1994)

AFTE Journal, 26:4 (October 1994) and IWBA Journal, 2:1 (1995)

"9mm Parabellum in .40 S&W Pistols: Exterior and Terminal Ballistic Characteristics"

First IWBA Conference, Sacramento, CA (March 1994)

IWBA Journal, 2:1 (1995)

"Russian 7.62x39mm 'Hunting' Ammunition: Design and Performance"

First IWBA Conference, Sacramento, CA (March 1994)

"Federal Premium .308 Winchester 168 Grain JHP-BT: A SWAT/HRT Round with Some Idiosyncrasies"

First IWBA Conference, Sacramento, CA (March 1994)

"Falling Bullets: Terminal Velocities and Penetration Studies"

First IWBA Conference, Sacramento, Ca (March 1994)

IWBA Journal, 2:1 (1995)

"Shotgun Barrel Shortening Effects on Pellet Pattern, Velocity and Penetration"

Paper by L. Haag and Gene Wolberg, presented by G. Wolberg

First IWBA Conference, Sacramento, CA (March 1994)

"Shooting Incident Investigation"

US Department of the Interior/National Park Service Training Seminar

Mesa Verde, CO (May 1994)

"Fire Lapping"

AFTE Training Seminar, Indianapolis, IN (June 1994)

"Transference of Class Characteristics on Bullets to the Inner Surfaces of Bullet Holes in Plastic"

AFTE Training Seminar, Indianapolis, IN (June 1994)

"First Stones"

AFTE Training Seminar, Indianapolis, IN (June 1994)

"Shooting Incident/Trajectory Workshop"

Coordinator/Speaker on Projectile Strikes on Automobiles

AFTE Training Seminar, Indianapolis, IN (June 1994)

**Lucien C. Haag
Presentations/Publications 7**

"Taking Aim at Firearms: Dissection of a Murder"
Arizona Attorneys for Criminal Justice Seminar (Phoenix-September 1994)

*"The Makarov Mixup:
380Automatic in the 9x18mm Makarov. Exterior and Terminal Ballistic Characteristics"*
AFTE Jour. 26:4 (Oct. 1994) pp. 276-282

"Assault Weapons": Design Characteristics and Ballistic Properties of Forensic Interest
American Academy of Forensic Sciences, Seattle, WA (February 1995)

"Hardness as a Class Characteristic of Lead Bullets and Bullet Cores"
AFTE Journal, 27:1 (Jan. 1995)

"American Lead-Free 9MM-P Cartridges"
AFTE Journal, 27:2 (April 1995)

*"An Evaluation of the Role of Rifling Twist Direction and Bullet Stability in the Deflection
and Precession for Some .30-.31 Caliber Bullets"*
AFTE 1995 Seminar, San Diego, CA

"Phenyltrihydroxyfluorone: A 'New' Reagent for Use in Gunshot Residue Testing"
AFTE 1995 Seminar, San Diego, CA
AFTE Journal, 28:1 (January 1996)

*"Hornady Vector Ammunition: A New Tool in Studying Selected
Exterior and Terminal Ballistic Events of Forensic Interest"*
AFTE 1995 Seminar, San Diego, CA
AFTE Journal, 28:1 (January 1996)

"Ballistic Wind"
AFTE 1995 Seminar, San Diego, CA

"Trajectory Analysis Workshop: Projectile Strikes to Automobiles"
(Gene Wolberg - Co-Instructor)
AFTE 1995 Seminar, San Diego, CA

1994 "IWBA Conference Ammunition Tests"
"BB Perforation of Fresh Pigskin over Ballistic Gelatin" pp.50-51.
IWBA Journal, 2:1 (1995)

"Firearms Trajectory Analysis" - Instructor, 3-Day Training Class
California Department of Justice
Sacramento, CA (January 29-31, 1996)

"Long Shots in Fact and Fiction"
American Academy of Forensic Sciences, Nashville, TN (February 1996)

"Trace Evidence Considerations Associated with Firearms Evidence"
Northwest Association of Forensic Scientists, Spokane, WA (April 1996)

"A Shot from Afar?"
"Two New Black Powder Substitutes: Their Physical and Chemical Properties"
"Nitrosonaphthol as an Alternative to the DTO Test for the Detection of Copper in Bullet Impact Marks"

CAC Seminar, Milpitas, CA (May 1996)

"Firearms and Toolmark Evidence"
California District Attorneys Assoc. Forensic Evidence Seminar, San Diego, CA (May 1996)

"The Ballistics of Cartridge Case Ejection"
"The Siege at Ruby Ridge"
AFTE Seminar, Milwaukee, WI (July 1996)

"Bullet Penetration and Perforation of Sheet Metal"
International Association of Forensic Scientists, Tokyo, Japan (August 1996)
FBI Shooting Scene Processing & Reconstruction Seminar, Quantico, VA (September 1996)

"Return to Ruby Ridge"
"Vector Ammunition Update"
CAC Fall Seminar, Palm Springs, CA (October 1996)

"Shooting Incident/Trajectory Training Class"
Mesa Police Department, Mesa, AZ (October 22-24, 1996)

"Shooting Scene Reconstruction-Firearms Evidence"
University of California at Riverside (November 1996)

"Firearms Identification and Evidence"
CAC General Knowledge Certification Examination Preparation Class
Los Angeles, CA (December 1996)

"Firearms and Toolmark Evidence"
National Homicide Symposium XI - CDAA
Monterey, CA (May 1997)

"Shooting Reconstruction Workshop"
CAC Seminar, Sacramento, CA (May 1997)

"A Novel Silicon Rubber Extrusion Gun for Use in Toolmark and Firearms Examinations"
AFTE Journal, 29:2 (Spring 1997)

"The In-Flight Behavior and Ballistic Performance of Destabilized and Ricocheted Bullets"
"The Forensic Properties of Contemporary Frangible Ammunition"
"The Forensic Applications of Oehler's Model 43 Personal Ballistics Laboratory"
AFTE Seminar, Annapolis, MD (July 1997)

"Contemporary Issues in Forensic Firearms Identification"
American Academy of Forensic Sciences/Association of Firearms and Toolmark Examiners
University of California at Los Angeles, Los Angeles, CA (August 1997)

"Extended Ballistic Properties of Some Law Enforcement 9mmP Cartridges"
AFTE Journal 29:3 pp. 331-345 (Summer 1997)

"Wound Ballistics of Frangible Ammunition"
"Sphere Penetration in Tissue Simulant"
"Wound Ballistics of Billy Dixon's Long Shot"
"Wound Ballistics in Fact and Fiction"

*Co-presented with Dr. Martin Fackler

1997 IWBA Conference, Manhattan Beach, CA (Oct. 4&5 1997)

"The Exterior Ballistics of Contemporary Air Guns and BB Guns"
Co-authored with Michael G. Haag
CAC News pp. 20-24 (Fall 1997)

"Bullet Impact Workshop: Characteristics and Identification"
L. Haag - Instructor
Fall 1997 CAC Seminar, Irvine, CA

"Some Forensic Aspects of Spherical Projectiles"
AFTE Journal 30:1 pp. 102-107 (Winter 1998)

"Bullet Penetration and Perforation of Sheet Metal"
AFTE Jour. 29:4 pp. 431-459 (Fall 1997)

"Firearms Evidence"
Annual Short Course and Scientific Evidence Course
Northwestern University Law School, Chicago, IL (twice yearly, ca. 1990 through 1998)

"Cartridge Case Ejection Patterns"
AFTE Journal 30:2 (Spring 1998), pp. 300-308

*"Romanian 'AKM' Semi-Automatic Rifles and Ammunition in 5.45x39mm:
Characteristics and Performance"*
AFTE Journal 30:3 (Summer 1998)

"Firearms Evidence and Shooting Scene Reconstruction"
Utah DPS and Forensic Science Association
Salt Lake City, Utah (April 1998)
CDAA Forensic Evidence Seminar
Newport Beach, CA (May 1998)
Arizona Homicide Investigators Association Seminar
Scottsdale, AZ (August 1998)

"The Physical and Chemical Properties of Black Powder Substitutes"
"Firearms and Toolmark Identification: Is It Really Science?"
AFTE Seminar, Tampa, FL (July 1998)

"Firearms Trajectory Analysis" - Instructor, 5-Day Training Class
California Department of Justice
Sacramento, CA (September 21-25, 1998)

"The Design, Composition, Exterior Ballistic-, Terminal Ballistic-, and Wound Ballistic Properties of Contemporary Frangible Ammunition"

CAC Fall Seminar, San Diego, CA (October 1998)

<received the *Alfred A. Biasotti - Most Outstanding Presentation Award*>

CAC News, Second Quarter 1999 pp. 18-27

AFTE Journal 31:3 (Winter 1999), pp.344-362

"Firearms Evidence -Shooting Reconstruction"

National Homicide Symposium XII - CDAA

Costa Mesa, CA (May 1999)

"Firearms Evidence and Shooting Scene Reconstruction"

Maricopa County Attorney's Office Advanced Trial Advocacy Course

Phoenix, AZ (June and October 1999)

"The Sound of Bullets"

"5.56x45mm SS109/M855 Bullets:

Design, Exterior and Terminal Ballistic Performance"

"Base Deformation as an Index of Impact Velocity for Full Metal Jacketed Rifle Bullets"

International Association of Forensic Scientists, Los Angeles, CA (August 1999)

"Shooting Scene Reconstruction"

Arizona Homicide Investigator's Association Seminar

Mesa, AZ (September 1999)

"Russian 5.56mm Ammunition"

AFTE Journal 31:4 (Fall 1999), pp. 490-492

"Rates of Fire for Some Common Semi-Automatic and Full Automatic Firearms"

SWAFS Journal 22:1 (February 2000), pp. 31-43

"Firearms Evidence -Shooting Reconstruction"

California District Attorneys Association

Monterey, CA (April 2000)

"Reference Ammunition for Gunshot Residue Testing"

CACNews Journal (Second Quarter 2000), pp. 24-29

"Firearms Evidence -Shooting Reconstruction"

Maricopa County Public Defender's Office

Phoenix, AZ (April 2000)

Shooting Incident Investigation and Reconstruction Class

Arizona Homicide Investigators Association

Glendale, AZ (April 24-25, 2000)

"Contemporary Russian 7.62x39mm Ammunition"

California Association of Criminalists Seminar

<received the *Alfred A. Biasotti - Most Outstanding Presentation Award*>

Napa, CA (May 2000)

- "A Rapid Non-Destructive Method for Analyzing and Comparing Bullet Lubricants"*
AFTE Journal 32:2 (Spring 2000), pp. 143-153
SWAFS Journal 23:1 (February 2001), pp. 38-52
 *Co-authored with Michael G. Haag
"Drop-Fired or Fired and Dropped?"
AFTE Journal 32:2 (Spring 2000), pp. 154-157
- "Firearms Evidence and Shooting Scene Reconstruction"*
 Maricopa County Attorney's Office Advanced Trial Advocacy Course
Phoenix, AZ (June 2000 / October 2000)
- "The Enigmatic Bullet- the Case of Private Clegg, Belfast, Northern Ireland"*
*"Design, Exterior and Terminal Ballistic Performance
 of 5.56x45mm SS109/M855 Bullets"*
"Base Deformation as an Index of Impact Velocity for Full Metal Jacketed Rifle Bullets"
AFTE Seminar, St. Louis, MO (June 2000)
- Shooting Incident Investigation and Reconstruction Class*
 Pima County Attorney's Office
Tucson, AZ (July 31, 2000)
 Northwestern University -School of Law-Short Course
Chicago, IL (August 10, 2000)
- "Contemporary Russian 7.62x39mm Ammunition"*
"Bullets through Glass: Sequence and Orientation at Impact"
 European Academy of Forensic Science
Krakow, Poland (September 16, 2000)
- "The Firearms Evidence in the 1959 Clutter Murder Case-Holcomb, KS"*
 NIJ Conference on Science and the Law
San Diego, CA (Oct. 11-14, 2000)
- "Drop-Fired or Fired and Dropped?"*
AFTE Journal 32:2 (Spring 2000), pp. 154-157
- "Rates of Fire for Some Common Semi-Automatic and Full Automatic Firearms"*
AFTE Journal 32:3 (Summer 2000), pp. 252-258
- "The Analysis and Comparison of Shotshell Buffers"*
 *Co-authored with Michael G. Haag
AFTE Journal 32:3 (Summer 2000), pp. 277-284
- "Contemporary Russian 7.62x39mm Ammunition"*
The CACNews First Quarter 2001, pp. 31-37
- "Reference Ammunition for Gunshot Residue Testing"*
CACNews Second Quarter 2000, pp. 24-29
AFTE Journal 32:4 (Fall 2000), pp. 332-336
SWAFS Journal 23:1 (February 2001), pp. 27-37
- "Preliminary Study to Evaluate the Deposition of GSR on Unfired Cartridges
 in the Adjacent Chambers of a Revolver"*
AFTE Journal 32:4 (Fall 2000), pp. 346-351

"A "Drop-Fired Cartridge"
AFTE Journal 32:4 (Fall 2000), pp. 352-353

Shooting Incident Investigation and Reconstruction
Los Angeles District Attorney's Office Seminar
Los Angeles, CA (January 27, 2001)

"Sunday, Bloody Sunday- It's Not Just the Name of a Song"
American Academy of Forensic Sciences
Seattle, WA (February 20, 2001)

"Übungspatronen"
American Academy of Forensic Sciences
Seattle, WA (Feb. 21, 2001)

*"Design, Exterior and Terminal Ballistic Performance
of 5.56x45mm SS109/M855 Bullets"*
"Base Deformation as an Index of Impact Velocity for Full Metal Jacketed Rifle Bullets"
AFTE Journal Vol. 33, No. 1 (Winter 2001)

"Contemporary Russian 7.62x39mm Ammunition"
AFTE Journal Vol. 33, No. 2 (Spring 2001) pp. 152-160

"Zee Bullets- Another Entry into the Lead-Free Market"
AFTE Journal Vol. 33, No. 2 (Spring 2001) pp. 149-152

"The Sound of Bullets"
"Once Fired, Twice Fired, Thrice Fired-More?"
Co-Instructor: Ricochet Workshop
AFTE Seminar (July 2001)

"Black Powder Substitutes: Their Physical and Chemical Properties and Performance"
The CACNews Third Quarter 2001, pp. 20-33

"Sources of Lead in Gunshot Residue"
AFTE Journal Vol. 33, No. 3 (Summer 2001), pp. 212-218

*"Two Unique .22 Caliber Rimfire Bullets from Aguila:
Performance and Properties of Forensic Interest"*
AFTE Journal Vol. 33, No. 3 (Summer 2001), pp. 276-279

"Übungspatronen: an Unusual Cartridge with some Unusual Properties of Forensic Interest"
**European Network of Forensic Science Institutes-F/A Working Group meeting
Brugge, Belgium (September 24, 2001)**

"Black Powder Substitutes: Their Physical and Chemical Properties and Performance"
AFTE Journal Vol. 33, No. 4 (Fall 2001), pp. 313-325
"Some Basic Analytical Techniques for Unfired Primer Compositions"
AFTE Journal Vol. 33, No. 4 (Fall 2001), pp. 326-331

Shooting Incident Investigation and Reconstruction
Arizona Prosecuting Attorneys' Advisory Council Seminar
Tucson, AZ (August, 2001)
National College of District Attorneys Forensic Evidence Conference
San Diego, CA (December, 2001)

Shooting Scene Reconstruction Class
Arizona Homicide Investigator's Association
3-day class with live-fire demonstrations
Glendale, AZ (March, 2002)

*"Once Fired, Twice Fired, Thrice Fired, More?
A Novel Method for Assessing the Number of Firings of Shotshells with Plastic Bodies"*
AFTE Journal Vol. 34, No. 1 (Winter 2002), pp. 11-15

"The Forensic Uses of the Oehler Model 43 Personal Ballistics Laboratory System"
AFTE Journal Vol. 34, No. 1 (Winter 2002), pp. 16-25

*"Balloting Bullets: Exterior and Wound Ballistics of Fired Bullets,
Physical Characteristics of Fired Bullets and Cartridge Cases"*
"The Calibration of Ballistic Chronographs"
*"The Effects of Cyanoacrylate Fuming on Trigger Pull Measurements
and Bullet Identification"*
AFTE Seminar (May 2002)

Ricochet Workshop
Instructor
AFTE Seminar (May 2002)

"RE: Comet Tailing"
AFTE Journal Vol. 34, No. 2 (Spring 2002), pp. 134-135

*"Average Pellet-to-Pellet Distance for Estimating Range of Fire
in Cases Involving Partial Pellet Patterns"*
AFTE Journal Vol. 34, No. 2 (Spring 2002), pp. 139-143

"The Exterior and Terminal Ballistics of 00 Buckshot"
AFTE Journal Vol. 34, No. 2 (Spring 2002), pp. 148-153

"The Sound of Bullets"
SWAFS Journal Vol. 24, No. 1 (May 2002) pp. 31-42
AFTE Journal Vol. 34, No. 3 (Summer 2002), pp. 255-263

"Skin Perforation and Skin Simulants"
AFTE Journal Vol. 34, No. 3 (Summer 2002), pp. 232-345
[Co-authored with Michael Haag]
"Custom-Made Molds for Ballistic Gelatin"
AFTE Journal Vol. 34, No. 3 (Summer 2002), pp. 321-322

"The Basics of Bullet Ricochet"
"The Bizarre and Mysterious Death of Sgt. 'C'"
ENFSI Firearms Working Group- Bratislava, Slovakia (Sept. 2002)

Lucien C. Haag
Presentations/Publications 14

5-day Shooting Reconstruction Course – Gunsite Training Center (Oct. 2002)
co-instructor with Michael Haag

Instructor - *Ricochet Workshop*

“The Bizarre and Mysterious Death of Sgt. ‘C’”

SWAFS Seminar - Scottsdale, AZ (Nov. 2002)

CAC/NWAFS Seminar - Reno, NV (April, 2003)

AFTE Seminar - Philadelphia, PA (May, 2003)

Maricopa County Medical Examiner’s Office presentation (Aug. 2004)

Arizona Homicide Investigators Association Seminar (Oct. 2004)

*“Balloting Bullets: Exterior and Wound Ballistics of Fired Bullets,
Physical Characteristics of Fired Bullets and Cartridge Cases”*

AFTE Jour. 34:4 (Fall 2002) pp. 375-378

“Sound as Physical Evidence in a Shooting Incident”

SWAFS Jour. 25:1 (January 2003) pp. 36-41

“The Exterior and Terminal Ballistics of 00 Buckshot”

AFTE Jour. 35:1 (Winter 2003) pp. 25-34

“The SVD (Dragunov) Sniper Rifles: Features of Forensic Interest”

“Identifiable Bullets from Glock in 60 Seconds”

AFTE Seminar - Philadelphia, PA (May, 2003)

“Multiple Collector ICPMS: A New Tool for Isotopic Analysis of Bullet Lead”

co-authored with Dr. Michael Ketterer, J.R. Vargas, M.T. Beddow and D.W. Smith

AFTE Seminar - Philadelphia, PA (May, 2003)

“Projectile-Induced Mechanical and Thermal Effects in Fibers”

*“Contemporary Less Lethal Munitions: Their Source, Design,
Exterior and Terminal Ballistic Properties”*

EAFS Seminar - Istanbul, Turkey (September, 2003)

“Light and Sound as Physical Evidence in Shooting Incidents”

AFTE Jour. 35:3 (Summer 2003) pp. 317-321

*Contemporary Firearms Evidence and Wound Ballistic Properties of Selected Projectiles
of Importance to Forensic Pathologists*

Presentations at the Forensic Science Center/Medical Examiner’s Office

Phoenix, AZ - March 10, 2004

“Ballistic ID Tagging – A Further Look”

“Distance Determination Based on Pseudo-Stippling by Shotshell Plastic Buffer Material”

“MAKI Ballistic Medium”

AFTE Seminar - Vancouver, B.C. (May, 2004)

“Sequence of Shots through Tempered Glass”

AFTE Jour. 36:1 (Winter 2004) pp. 54-64

“The Case of the Talking Cartridge Case”

ENFSI Firearms Working Group Conference – Madrid, Spain (Oct. 2004)

Lucien C. Haag
Presentations/Publications 15

Instructor
5-day Shooting Incident Reconstruction Course
Gunsite Training Academy – Paulden, AZ
November 8-12, 2004

“Ballistic ID Tagging and Microstamping – Performance and Practice”
National Academy of Sciences – Washington D.C.
December 9, 2004

“Extreme Pressure during Discharge or Something Else?”
AFTE Jour. 36:3 (Summer 2004) pp. 230-236
“Physical Forms of Small-Arms Propellants and Their Forensic Value”
Am Jour For Med & Path 26:1 March 2005) pp. 5-10

“Firearms Misadventures”
1-day workshop by L. Haag, A. Jones & Fred Schmidt
“The Case of the Talking Cartridge Case”
AFTE Seminar - Indianapolis, IN (June, 2005)

“The Source and Persistence of Lead in Gun Barrels”
“The Dimethylglyoxime Test for Nickel Residues”
ENFSI Firearms Working Group Conference - Oslo, Norway (Sept, 2005)

Lecture & Demonstration: *“Projectile Ricochet and Deflection”*
Shooting incident Reconstruction Course
Gunsite Training Academy, Paulden, AZ
October 2005

Lecture: *“Firearms Identification and Shooting Reconstruction”*
Maricopa County Attorney’s Office Seminar
December 16, 2005, Phoenix, AZ

“Buried Secrets” (Tool Marks on Bone – the Alferd Packer Case)
National Geographic / New Dominion Pictures –August 2005

Lecture: *“Shooting to Kill-From the Expert’s Eyes:
Firearms- What the Expert Can and Can’t Tell You”*
National College of District Attorneys
National District Attorneys Association-
Seminar on Prosecuting Homicide Cases
May 7, 2006, Mesa, AZ

“Bullet Holes in Wood and What We Can Tell from Them”
“The Lincoln Target Board”
CAC/FSS of the UK Seminar - Concord, CA (May, 2006)

*“Some Thoughts, Observations and Suggestions
on the ENFSI FAID2005 Proficiency Test*
ENFSI FA/WG Meeting - Høje Taastrup, Denmark (June, 2006)

“Bullet Holes in Wood- What Can We Tell from Them?”
“The Lincoln Target Board”
AFTE Seminar - Springfield, MA (June, 2006)

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Presentations/Publications 16

"Long Distance Shootings, Sniper Cases and Falling Bullets"
1-day workshop by L. Haag
AFTE Seminar - Springfield, MA (June, 2006)

"Anatomy of a Shooting: a Civilian's Death in Iraq"
National Public Radio (NPR) – All Things Considered 6/23/06

"Firearms Evidence and Shooting Scene Reconstruction"
APAAC Seminar - Tucson, AZ (July, 2006)

Letter to the Editor – "Identifiable Bullets from Glock's in 60 Seconds"
"The Effect of Revolver Cylinder Gap on GSR Production and Projectile Velocity"
[co-authored with Jon Tew]
AFTE Jour. 38:3 (Summer 2006)

"A Trail of Evidence"
NBC's Dateline – October 2006
(supplied ballistic data on 10mm pistol & ammunition)

"Firearms Evidence and Shooting Scene Reconstruction"
MCAO Fall Seminar - Phoenix, AZ (November, 2006)

"Licht und Knall als Beweismittel"
BKA/LKA Schusswaffensymposium - Dresden, Germany (November, 2006)
Der Auswerfer, 18. Ausgabe, Jan. 2007 pp. 85-101

"Trace Bullet Metal Testing for Copper and Lead at Suspected Projectile Impact Sites"
AFTE Jour. 38:4 (Fall 2006) pp. 301-301
[co-authored with Michael Haag]

"The Lincoln Target Board"
American Academy of Forensic Sciences – Last Word Society
San Antonio, TX (February, 2007)

"Firearms Evidence and Shooting Scene Reconstruction-Four Case Examples"
AHIA Spring Seminar - Glendale, AZ (March, 2007)

"Wound Production by Ricocheted and Destabilized Bullets"
Am. Jour. of For. Med. and Path. 28:1 (March 2007) pp. 4-12

Technical Contributor
Ruby Ridge: The Final Report
National Geographic Channel – March 13, 2007

"The Source and Persistence of Lead in Gun Barrels"
AFTE Jour. 39:1 (Winter 2007) pp. 8-23
[co-authored with Dr. Ludwig Niewöhner]

*"Bullet Length to Diameter Ratios and Caliber Determination of Bullets
in Surviving Gunshot Victims"*
AFTE Jour. 39:1 (Winter 2007) pp. 31-43
[co-authored with Melvin Lee Garrett]

"Shotgun Range of Fire Determinations from Skin Stippling by Plastic Buffer Material"
AFTE Jour. 39:1 (Winter 2007) pp. 50-61

"Firearms Identification and Battlefield Archaeology"
Scottsdale Community College Lecture
Scottsdale, AZ (April 26, 2007)

"Muzzle Flash: Why Many See It and a Few Do Not"
"Words We Use and What They Tell Us About Our Thinking"
CAC Spring Seminar - Anaheim, CA (May, 2007)

"Listen to the Minié Balls: Identifying Firearms in Battlefield Archaeology", pp. 102-120,
Fields of Conflict: Battlefield Archaeology from the Roman Empire to the Korean War –
Vol. 1, Praeger Security International, Westport, CN-London (2007)
[co-authored with Dr. Doug Scott]

"Words We Use and What They Tell Us About Our Thinking"
"Who Shot Sammy Weaver?"
"The Matching of Cast Bullets to the Moulds that Made Them"
Instructor: 2-day Workshop on-
Long Distance Shootings, Sniper Cases and Falling Bullets
AFTE 2007 Seminar - San Francisco, CA (May-June, 2007)

"Muzzle Flash: Why Many See It and a Few Do Not"
CACNews 3rd Quarter 2007 pp. 30-33
AFTE Jour. 39:2 (Spring 2007) pp. 116-126

"Muzzle Flash! Documenting the Demon"
The American Handgunner, Nov/Dec 2007

"Firearms Identification and Battlefield Archaeology"
Ft. Verde Days Lecture
Camp Verde, AZ (Oct. 13, 2007)

Co-Instructor with Michael Haag
5-Day Shooting Incident Reconstruction Course-Gunsite Training Facility
Paulden, AZ Oct. 29-Nov. 2, 2007, Sept. 29-Oct. 3, 2008

"The Matching of Cast Bullets to the Moulds that Made Them"
AFTE Jour. 39:4 (Fall 2007) pp. 313-322

"Talking Bullets"
"Falling Bullets"
Instructor: 1-day Workshop on-
Basic Trajectory Reconstruction
AFTE 2008 Seminar - Honolulu, HI (May, 2008)

"The Lincoln Target Board"
AFTE Jour. 40:1 (Winter 2008) pp. 47-56

"The Exterior and Wound Ballistics Aspects
of Billy Dixon's Long Shot
and the Battle of Adobe Walls"
AFTE Jour. 40:2 (Spring 2008) pp. 195-213

Lucien C. Haag

"Letter to the Editor-Microstamping Legislation"
AFTE Jour. 40:2 (Spring 2008) pp. 126-136

Book review (Human Factors Issues in Handgun Safety and Forensics)-
Journal of Forensic Sciences, 53:5, Sept. 2008, p. 1236

"Soft Damage – Hard Damage"
So. Cal Firearms Study Group - Santa Ana, CA (March 5, 2009)

"Cartridge Case Aging"
Arizona Firearms Study Group - Mesa, AZ (March 19, 2009)

"On the Matter of Chronograph Calibration"
AFTE Jour. 41:1 (Winter 2009) pp. 4-23

"Blackhorn 209 Propellant-A New Black Powder Substitute"
[Co-authored with Mahesh Patel – Phoenix PD Crime Laboratory]
AFTE Jour. 41:1 (Winter 2009) pp. 66-33

"Was That a Gunshot I Heard?"
CAC 2009 Spring Seminar - Lake Arrowhead, CA (May, 2009)
AFTE 2009 Seminar – Miami Beach, FL (June 2009)

"Is It a Bullet Hole?"
1-day Workshop
AFTE 2009 Seminar – Miami Beach, FL (May 31, 2009)

"Quo Vadis"
AFTE 2009 Seminar – Miami Beach, FL (June 2009)

"Flash Suppressors for AR-15 Type Firearms"
Co-authored with Aaron Brudenell – Tucson DPS Crime Laboratory,
Torrey Johnson – CA Criminalistics Institute, Sacramento, CA
Idan Greenberg – Firearms Advisor, Phoenix, AZ
AFTE Jour. 41:2 (Spring 2009) pp. 138-152
Small Arms Review Vol. 12 No. 12 (Sept. 2009) pp. 33-40

Co-Instructor with Michael Haag
5-Day Shooting Incident Reconstruction Course-Swiss Army Facility
Zürich, Switzerland June 22-26, 2009

"The Death of Huey Long, The Enigmatic Bullet and other New Evidence of Historic Interest"
AFTE Jour. 41:3 (Summer 2009) pp. 268-282

"Bore Lapping Compounds and Their Effect on Traditional Firearms Identification"
AFTE Jour. 41:3 (Summer 2009) pp. 232-245

Co-authored with Michael Haag, Lee Garrett, John Knell and Mahesh Patel
"Comet Tail / Vortex Effect"

AFTE Jour. 41:3 (Summer 2009) pp. 257-267

Co-authored with Evan Thompson

"Chemical and Instrumental Tests for Suspected Bullet Impact Marks", European Network of Forensic Science Institutes, 16th Annual Meeting of the Expert Working Group-Firearms/GSR, Wiesbaden, Germany, October 20-22, 2009
[co-authored with Mahesh Patel]

"Firearm Sound Level Measurements: An Impulse Sound Control Source of dB Measurements of Gunshots, Part 1"
AFTE Jour. 41:4 (Fall 2009) pp. 349-357

"The Tom Horn Affair: A Ballistic View"
American Academy of Forensic Sciences 2010 – Seattle, WA (Feb. 25, 2010)
Last Word Society

"Standard Steel BB Perforation of Pigskin over Standard Ordnance Gelatin"
AFTE Jour. 42:1 (Winter 2010) pp. 56-60

"Firearm Sound Level Measurements: A Study of Selected Parameters and Variables, Part 2"
AFTE Jour. 42:1 (Winter 2010) pp. 34-41

Author of the manual *"Forensic Pathology of Gunshot Wounds-Recognizing and Collecting Firearms Evidence"*,
2-day course, April 6-7, 2010, California DOJ/Criminalistics Institute
co-instructor with Dr. Frank Sheridan, Forensic Pathologist

"The Behavior of Expelled Glass Fragments during Projectile Penetration and Perforation"
"Chemical and Instrumental Tests for Suspected Bullet Impact Sites"
California Association of Criminalists – Yosemite, CA (April, 2010)
AFTE Seminar – Henderson, NV (May, 2010)

Terminal Ballistic Workshop
Instructor: 1-day class
May 7, 2010
AFTE 2010 – Henderson, NV

Class for AZ DPS Firearms Examiners:
Recognizing Reloaded Ammunition
May 26, 2010
FSSI-Carefree, AZ

"Chemical and Instrumental Tests for Suspected Bullet Impact Sites"
AFTE Jour. 42:2 (Spring 2010) pp. 132-144
CACNews, 3rd Quarter, 2010 pp. 11-25
Co-authored with Mahesh Patel

"Firearm Sound Level Measurements: Suppressed and Unsuppressed Firearms, Supersonic Bullets and Comparable High Amplitude Impulse Sounds, Part 3"
AFTE Jour. 42:3 (Summer 2010) pp. 209-228

"The Exterior and Wound Ballistic Aspects of Billy Dixon's Long Shot and the Battle of Adobe Walls"
CACNews, 4th Quarter, 2010 pp. 31-41

*"Firearms Identification, Shooting Scene Reconstruction and
Who Shot Sammy Weaver?"*

MindQuest presentation
October 12, 2010

*"Bullets that Aren't"
"Handheld Portable XRF Testing
of*

Suspected Bullet Holes and Bullet Impact Sites"

European Network of Forensic Science Institutes-F/A-GSR Group
Paphos, Cyprus
November 10-11, 2010

*"The Behavior of Expelled Glass Fragments
during Projectile Penetration and Perforation of Glass"*

AFTE Jour. 43:1 (Winter 2011) pp. 5-15

Am Jour For Med & Pathology, Vol. 33, No. 1(March 2012), pp. 47-52

"Drywall: Terminal Ballistic Properties of Forensic Interest"

AFTE Jour. 42:3 (Summer 2010) pp. 229-252

Co-authored with Alec Jason

Founder's Lecture

"Polythinking: Does It Have a Place and a Chance in the Modern Crime Laboratory?"

CAC Spring 2011 Seminar
Long Beach, CA May 17-20, 2011

"Talking Bullets-Talking Cartridge Cases"

Instructor – 1 Day Workshop – May 29, 2011

AFTE 2011 – Chicago, IL

"Bullets that Aren't Bullets"

"A Fatal SKS Incident"

June 1, 2011

AFTE 2011 – Chicago, IL

"Letter to the Editor-An Evaluation Study of Blood Elimination Solutions and Gunshot Residue"

"Letter to the Editor-A Comparison of Several Substrates

Used for Gunpowder Stippling Evaluations"

AFTE Jour. 43:2 (Spring 2011) p. 105

Shooting Incident Reconstruction:

Case Examples and New Technology

AZ Attorney General's Forensic Science Academy

October 7, 2011

"Bone Particles in Bullets: Their Recognition, Identification and Forensic Value"

"The Standard Bullet: Part 1 of 2"

European Network of Forensic Science Institutes-F/A-GSR Group

Lisbon, Portugal

October 25-28, 2011

Author of the manual *"Forensic Pathology of Gunshot Wounds-*

Recognizing and Collecting Firearms Evidence",

2-day course, November 15-16, 2011, **California DOJ/Criminalistics Institute**

Sacramento, CA

co-instructor with Dr. Frank Sheridan, Forensic Pathologist

"Some Exterior and Wound Ballistics of BB Guns, Pellet Guns and Airsoft Guns"

Southern California Firearms Study Group

Los Angeles, CA Dec. 8, 2011

"Hot Bullets vs. Cold Bullets: Are They Ballistically Stable - - "

Small Arms Review, Vol. 15, No. 4, (January 2012) pp.38-43

Co-authored by Idan Greenberg

Recognizing and Collecting Firearms Evidence

Sponsored by the Coconino County Medical Examiner's Office

Flagstaff, AZ

March 20, 2012

"Contemporary and Historical Black Powder:

Physical and Chemical Properties of Forensic Interest"

AFTE Jour. 44:2 (Spring 2012) pp. 92-105

Co-authored with Mahesh Patel

"Bone Particles in Bullets:

Their Recognition and Forensic Value"

AFTE Jour. 44:2 (Spring 2012) pp. 156-162

Co-authored with Mahesh Patel

Lecture and Demonstration of Infinition® Doppler Radar System-

Chronograph Calibration

SoCal Firearms Study Group, April 26, 2012

San Bernardino, CA

Firearms Evidence for Death Investigators

Harris County Institute of Forensic Science

May 17, 2012

Houston, TX

Bullets through Bone: Hole Size as it Relates to Caliber

AZ Firearms Study Group Meeting

May 31, 2012

"Bone Particles in Bullets:

Their Recognition and Forensic Value"

"Where Are the Bullets?"

1-day Ricochet Workshop

AFTE 2012 Training Seminar

Buffalo, NY June 2012

Lucien C. Haag

Presentations/Publications 22

"Where are the Bullets?"

Co-authored with Alexander Jason

AFTE Jour. 44:3 (Summer 2012) pp. 196-207

"A Stable Reagent for Nitrite/Nitrate Detection and the Verification of Suspected Gunpowder Particles"

Co-authored with Michael Haag

AFTE Jour. 44:3 (Summer 2012) pp. 233-238

"A Fatal Misadventure with a Chinese Type 56 Carbine"

AFTE Jour. 44:4 (Fall 2012) pp. 63-70

"An Extreme Misadventure with an Inappropriate Propellant in an Otherwise Fine Rifle"

AFTE Jour. 44:4 (Fall 2012) pp. 71-79

Shooting Incident Reconstruction:

Case Examples and New Technology

AZ Attorney General's Forensic Science Academy

October 5, 2012

1-1/2 Day Shooting Incident Reconstruction Workshop

Co-instructor with Michael Haag

SWAFS Seminar-Scottsdale, AZ

October 22-23, 2012

1/2 Day Workshop- "Is It a Bullet Hole-Impact Site?"

SWAFS Seminar-Scottsdale, AZ

October 24, 2012

"The Ballistic Evidence in the Assassination of John Fitzgerald Kennedy"

Breakfast Seminar – American Academy of Forensic Sciences

Washington, D.C.

February 21, 2013

"The Forensic Aspects of Contemporary Disintegrating Rifle Bullets"

Am Jour For Med & Pathology, Vol. 34, No. 1 (April 2013), pp.50-55

"Range of Fire Determination from the Pseudo-stippling of Skin by Shotshell Buffer Material"

Am Jour For Med & Pathology, Vol. 34, No. 1 (April 2013), pp.56-62

"Revisitation of the 'Standard Bullet' and the Genesis of the Ballistic Coefficient",

AFTE Jour. 45:2 (Spring 2013) pp. 102-114

"Penetration Depth as a Statement of Impact Velocity: Forensic Implications and Importance",

AFTE Jour. 45:2 (Spring 2013) pp. 140-149

"Detecting and Identifying Bullet Holes by Tracer Bullets"

"The Assassination of John Fitzgerald Kennedy-

A 2hr. Special Presentation"

June, 2013

AFTE 2013 – Albuquerque, NM

Instructor – 1 Day *Wound Ballistics Workshop*

June, 2013

AFTE 2013 – Albuquerque, NM

Lucien C. Haag
Presentations/Publications 23

*"The Recognition, Collection and Preservation of Critical Firearms Evidence
at Scenes and at Autopsy"*

Masters 15 Seminar for Pathologists and Death Investigators
St. Louis School of Medicine, St. Louis, MO
July 23, 2013

*"The Assassination of John Fitzgerald Kennedy-
A Special Presentation"*

August 15, 2013
Southern California Firearms Study Group, Santa Ana,, CA
September 18, 2013
Arizona Firearms Study Group, Phoenix, AZ
NEAFS Seminar, Cromwell, CT
September 26, 2013
National Association of Medical Examiners (N.A.M.E.)
Milwaukee, WI
October 13, 2013

"The Ballistic Coefficients of Ricocheted and Destabilized Bullets", **AFTE Jour.**, 45:4 (Fall 2013),
pp.309-335

Radio Interview- *America Weekend* Nov. 9, 2013

Television Program: *Fox News Reporting: 50 Years of Questions-The JFK Assassination*
Aired Nov. 9, 2013

Television Program: *CBS: This Morning with Charlie Rose*
Aired Nov. 11, 2013

Television Program: *MSNBC: The Cycle*
Aired Nov. 21, 2013

Television Program: **PBS NOVA** *"Cold Case:JFK"*
Aired Nov. 13, 2013

Radio Program: *PBS: Science Friday* with Ira Flatow
Aired Nov. 22, 2013

"The Ballistic Evidence in the Assassination of John Fitzgerald Kennedy"
MINDQUEST – November 12, 2013
Phoenix, AZ

"A Firearms Examiner's Lament",

Acad. Forensic Pathol. (N.A.M.E. Jour) 2013 3(2): pp. 164-170

"The Use of Radio-Controlled Drones at the JFK Assassination Scene"

"Demonstration of Momentum Transfer in Wound Ballistics"

"Thoughts and Observations Regarding Wound Ballistic Media"

Arizona Firearms Study Group Meeting, Scottsdale, AZ – Jan. 29, 2014

SoCal Firearms Study Group Meeting, Los Angeles, CA – Feb. 6, 2014

"A Preliminary Look at Thermal Imaging of Firearms", **AFTE Jour.**, 46:1 (Winter 2013), pp.67-71

Instructor
2-Day Firearms Evidence-Wound Ballistics Course
Santa Ana-Orange Co, California
March 3&4, 2014

Instructor
3-Day Lecture
CCI Firearms Academy
Research and Research Methods in Forensic Firearms
Sacramento, California
March 17-19, 2014

*"Tracking the 'Magic' Bullet in the JFK Assassination", AFTE Jour., 46:2 (Spring 2014),
pp.104-113*

New England Div. of IAI Jour., Vol. 3, 2014, pp.6-19

*"The Production and Persistence of Gunpowder Tattooing and Stippling of Living Human Skin",
AFTE Jour., 46:2 (Spring 2014), pp.125-132*

*"Identifying Bullet Holes and Gunshot Wounds Produced by Tracer Bullets: Elemental Mapping of
Bullet Holes", AFTE Jour., 46:2 (Spring 2014), pp.114-124*

*"Bullet Entry Holes in Fabric: Fibers, Facts and Fallacies", AFTE Jour., 46:2 (Spring 2014),
pp.133-137*

"The Gun that Really Won the West"
May, 2014
AFTE 2014 – Seattle, WA

Instructor- 3 Day Shooting Incident Reconstruction Class
Brigham City, UTAH
June 9-11, 2014

*"President Kennedy's Fatal Gunshot Wound and the Seemingly Anomalous Behavior
of the Fatal Bullet", AFTE Jour., 46:3 (Summer 2014), pp.218-223*

Co-author with Rick Wyant
Chapter 5
Less Lethal Impact Munitions: The Forensic Testing Model
**Risk Management of Less Lethal Options:
Evaluation, Deployment, Aftermath and Forensics**
By Wyant and Burns, CRC Press (2014)

PBS-NOVA "**COLD CASE: JFK**"
Presented at the ENFSI Conference,
Leeds, England
September 2014

*"President Kennedy's Fatal Head Wound and His Rearward Head 'Snap'",
AFTE Jour., 46:4 (Fall 2014), pp.279-289*

"The Gun that Really Won the West"
"PCP Airguns-Characteristics and Performance"
"The Soviet PSM Pistol"
December 3, 2014
SoCal Firearms Study Group – Fontana, CA

Lucien C. Haag
Presentations/Publications 25

"Base Deformation of Full Metal-Jacketed Rifle Bullets as a Measure of Impact Velocity and Range of Fire", Am. Jour. For. Med. and Path., 36:1 (March 2015), pp.16-22

"Wood Hardness via the Lowly Steel BB", AFTE Jour., 47:1 (Winter 2015), pp.34-40
CACNews, 1st Quarter 2015 pp. 9-15

"The Gun that Really Won the West"
(Meriwether Lewis's Airgun)
Desert Foothills Library Lecture Series
February 19, 2015

"A Full-Auto Bryco: Measuring Cyclic Rate with *SoundForge*"
Projectile Momentum or Kinetic Energy: What if Anything Moves You?"
"Confronting and Exposing Unqualified 'Expert' Witnesses"
Arizona Firearms Study Group Meeting-Tucson, AZ
March 5, 2015

"The Ballistic Evidence in the Assassination of John Fitzgerald Kennedy"
The Forensic Science Academy
March 27, 2015
Phoenix, AZ
Desert Foothills Library Series
May 13, 2015

"The Missing Bullet in the JFK Assassination", AFTE Jour., 47:2 (Spring 2015), pp.71-82
"The Russian PSM Pistol: A Unique Pistol and Unique Ammunition", AFTE Jour., 47:2 (Spring 2015), pp.116-120

"Base Deformation of Full Metal-Jacketed Rifle Bullets as a Measure of Impact Velocity and Range of Fire", Amer. Jour. of Foren. Med. and Pathology, 36:1 (March 2015), pp.16-22

"The Sound of Gunshots and Measuring Cyclic Rate with *SoundForge*"
SoCal Firearms Study Group Meeting-San Bernardino, CA
April 23, 2015

"A Momentous and Moving Case"
CAC Spring 2015 Seminar
May 7, 2015
Ventura, CA.

"The Ballistic Evidence in the Assassination of John Fitzgerald Kennedy"
AFTE 2015 Seminar
May 26, 2015
Dallas, TX

Instructor-AFTE 2015 Workshop:
"Exterior and Terminal Ballistic Testing in the Assassination of John Fitzgerald Kennedy"
May 24, 2015
Dallas Police Department Range & Training Facility, Dallas, TX

"Firearms Evidence for Forensic Pathologists and Death Investigators"
[PowerPoint presentation and Syllabus]
International Association of Coroners and Medical Examiners Conference
Las Vegas, NV
July 30, 2015

3 Part Presentation – Arizona Homicide Investigator's Association
Flagstaff, AZ
July 31, 2015

Part 1: *"Shooting Incident Reconstruction-Avoiding Errors and Omissions"*
Part 2: *"The Ballistic Evidence in the Assassination of John Fitzgerald Kennedy"*
Part 3: *"Using the Kennedy Assassination as a Planning and Learning Exercise"*

"Death of the Shooter on the Grassy Knoll", **AFTE Jour.**, 47:3 (Summer 2015), pp.144-148

"The September 8, 1935 Assassination of Senator Huey Long, the Subsequent Shooting of Dr. Carl Austin Weiss and the Enigmatic Bullet"
Desert Foothills Library Series
September 29, 2015

"Gunshots, Bullet Sounds and Bullet Impacts"
SoCal Firearms Study Group Meeting-Santa Ana, CA
October 20, 2015

CBS-KPHO Phx. JFK Interview & Ballistics Demonstration
Nov. 22, 2015

"Bullet Impact, Kinetic Energy, Momentum, and What Will Move You", **CACNews**, 1st Quarter
2016, pp. 33-38

"Basic Forensic Firearms: Evidence-Chemical & Instrumental Aspects"
Lecture
Metropolitan State University of Denver
Chemistry Department – Instrumental Analysis Class
Jan. 28, 2016

"The Lindbergh Case Revisited – The Case that Never Dies"
Desert Foothills Library Series
February 13, 2016

"Misfired, Snap-Fired, Drop-Fired, Bang&Drop Firing Pin Impressions"
SoCal Firearms Study Group Meeting
Feb. 18, 2016
Az. Firearms Study Group Meeting
April 13, 2016

Author's Response to Aguilar/Wecht letter RE: Haag JFK articles, **AFTE Jour.**, 48:2 (Spring
2016, pp. 86-91

"Bullet Impact, Kinetic Energy, Momentum, and the Physics of What Will Move You", **AFTE Jour.**,
48:2 (Spring 2016), pp. 102-109

"The September 8, 1935 Assassination of Senator Huey Long, the Subsequent Shooting of Dr. Carl Austin Weiss and the Enigmatic Bullet"

"Misfired, Snap-Fired, Drop-Fired, Bang&Drop, Drop&Bang Firing Pin Impressions"

"Federal TSJ Syntech Ammunition"

"The MagnetoSpeed Chronograph"

AFTE 2016 Seminar – May-June 2016, New Orleans, LA

Instructor- 5 Day Shooting Incident Reconstruction Class
for the

Forensic Science Society of the UK

Lincoln, England

June 20-24, 2016

"The Exterior and Terminal Ballistics of the Model 1780 Girardoni Air Rifle Carried by Meriwether Lewis During the Voyage of Discovery-1803-1806", **AFTE Jour.**, 48:3 (Summer 2016), pp. 131-137

"PCP Airguns: A Not so New Technology", **AFTE Jour.**, 48:3 (Summer 2016), pp. 155-162

"Gun Sounds, Gunshots, Bullet Sounds and Bullet Impacts: The Need for Consideration and Practical Research", **AFTE Jour.**, 48:3 (Summer 2016), pp. 138-154

"50 years of Reduced Loads"

"The Use of Downloads for Bullet Recovery and the Potential Effects of Striae Production"

"A Renewed Look at the Determination of Twist Rate in Certain Firearms"

"The LabRadar™ and MagnetoSpeed™ Chronographs"

SoCal Firearms Study Group meeting September 28, 2016

Fontana, CA

Co-Instructor- 3 Day Shooting Incident Reconstruction Class

Bend, Oregon

Oct. 18-20, 2016

"The Use of Downloads for Bullet Recovery and the Potential Effects on Firearms Identification"

AZ Firearms Study Group meeting November 2, 2016, Scottsdale, AZ

Letters to the (AFTE) Editor RE: Gunshot Sounds and Max Holland's "The Lost Bullet"

AFTE Jour., 48:4 (Fall 2016), pp. 197-214

"Firearms Identification: Historical Development and Practice"

Arizona Supreme Court Judicial Conference,

Tempe, AZ

December 1, 2016

"The Use of 3D Laser Scanning in the Kennedy Assassination Scene-Dallas, TX"

Forensic Mapping Seminar

Phoenix, AZ

Dec. 16, 2016

"Firearms Identification and Evidence"

Maricopa County Attorney's Office Training Program

Phoenix, AZ

December 16, 2016

"Chlorindazon DS: a New Reagent for the Detection of Trace Amounts of Copper"
SoCal Firearms Study Group meeting February 9, 2017
Fontana, CA

Letters to the AFTE Editor RE: Holland & DeRonja "The Missing Bullet in the JFK Assassination"

AFTE Jour., 49:1 (Winter 2017), pp. 67-78

"Re-examination of the Value of Bunter Marks",

<Co-authored with Sergey Perunov and John Knell>

AFTE Jour., 49:1 (Winter 2017), pp. 23-35

"The Application of Doppler Radar to Bullet Ricochets from Water",

AFTE Jour., 49:1 (Winter 2017), pp. 36-42

Lecture:

Three Assassinations as Learning Exercises and Future Planning:

Huey Long,

JFK

and

Yitzhak Rabin

Forensic Science Academy

Phoenix, AZ

April 7, 2017

Keynote Speaker

The John F. Kennedy Assassination as a Learning and Planning Exercise

Topics in Forensic Science

Harris County Institute of Forensic Sciences

Houston, TX

April 28, 2017

The John F. Kennedy Assassination as a Learning and Planning Exercise

American Society of Crime Laboratory Directors (ASCLD) Annual Meeting

Guest Speaker – Sixth Floor Museum – Texas School Book Depository

Dallas, TX

May 2, 2017

"The Lindbergh Case Revisited – The Case that Never Dies"

AFTE 2017 – May 2017, Denver, CO

Instructor – 1 day workshop – May 19, 2017

The Reconstruction of Shootings of Motor Vehicles

Denver, CO

"Accidental Discharge or Suicide: Normally-Fired or 'Drop-Fired' Cartridge"

(the application of new technology to the measurement of firing pin impressions)

AFTE 2017 BYOS session

"Reading Primers", AFTE Jour., 49:3 (Summer 2017), pp. 133-149

"The Beretta 'Swoosh' Mark", AFTE Jour., 49:3 (Summer 2017), pp. 153-158

B. Planka, L. Haag and A. Jason, "Methodology of Identification the Non-Standard Discharge from Firearm CZ82 Pistol, 9mm Makarov and Revolver Colt .22LR Scout", (in Czech), **Podokroky v Kriminalistice 2017**

"The Lindbergh Case"
"Contemporary Frangible Ammunition: A New Challenge for the Forensic Firearms Examiner and GSR Analyst"

California Association of Criminalists Seminar – Oct. 2017, Newport Beach, CA

"The Ballistics Evidence in the Assassination of John F. Kennedy"

"The JFK Assassination as a Learning Exercise"

SW Regional Homicide Investigators Conference

Las Vegas, NV

Oct. 9, 2017

"Contemporary Frangible Ammunition: A New Challenge for the Forensic Firearms Examiner and GSR Analyst"

ENFSI Conference – Helsinki, Finland

October 11, 2017

"The Effective Ballistic Coefficients of Some Bullets in Imported 7.62x39mm Ammunition", **AFTE Jour.**, 49:4 (Fall 2017), pp. 197-207

Ballistic Chronograph Accuracy Assessment", **AFTE Jour.**, 50:1 (Winter 2018), pp. 13-30

Primary author- Duncan MacPherson

"The Ballistics Evidence in the Assassination of John F. Kennedy"

"The JFK Assassination as a Learning Exercise"

Western States Joint IAI Conference

Las Vegas, NV

April 30, 2018

"The JFK Assassination as a Learning Exercise"

Western IAI Conference

Las Vegas, NV

April 2018

"The JFK Assassination as a Learning Exercise"

*"Trace Evidence on Bullets – Forensic Importance"**

*AI Biasotti Best Presentation Award

CAC Conference – Concord, CA

May 2018

"Bullets through Windshields – Some Recent Studies"

"Some Tests and Observations Regarding So-Called Bump-Stocks"

"The Application of a Contemporary Portable XRF Device to Firearms Evidence"

SoCal Study Group Meeting

Fontana, CA

May 2018

"Talking Bullets"

AFTE Training Seminar – Charleston, WV

June 2018

“Bullets through Glass”
Instructor
1-day Workshop with Live Fire Demonstrations
AFTE Training Seminar – Charleston, WV
June 6, 2018

Co-Instructor with Michael Haag
5-day Shooting Incident Reconstruction Course
Billings, MT
July 23-27, 2018

“The Forensic Aspects of High Angle Gunfire”,
AFTE Jour., 50:3 (Summer 2018), pp. 161-168

“Some Tests and Observations Regarding So-Called Bump-Stocks”
“Bullets through Windshields – Some Recent Studies”
“The Application of a Contemporary Portable XRF Device to Firearms Evidence”
AZ Firearms Study Group Meeting
Phoenix, AZ
Sept. 2018

“The Assassination of John F. Kennedy: Part 1-The Ballistic Evidence and Events”
“Part 2: Wound Ballistic Behavior – Some Comparisons”
7th International Wound Ballistics Workshop,
Hitzkirch, Switzerland
October 10-12, 2018

“The September 1935 Assassination of Senator Huey Long,
The Subsequent Shooting of Dr. Carl Austin Weiss
and
The Enigmatic Bullet”
Fall 2018 CAC meeting – Oct.-Nov. 2018, San Diego, CA
[Received the ‘Best Paper’ Award]

“Federal’s New Syntech Ammunition: Properties of Forensic Interest”, **AFTE Jour.**, 50:4 (Fall 2018), pp. 212-219

“The Forensic Aspects and Challenges of Winchester’s Tin .22LR Bullets”, **AFTE Jour.**, 50:4 (Fall 2018), pp. 230-242

“Slide-Stock Operation, Familiarization and Rates of Fire”
“A New and Novel 9mm Frangible Ammunition”
“Firing ‘Pin Bounce’ vs. Double-Struck .22LR Cartridges”
Mesa, AZ
March 2019

“Quo Vadis – Quo Tendimus?”
Spring 2019 CAC meeting – May 2019, Oakland, CA

“Frangible Bullets: Past and Present”
Annual AFTE Training Seminar- May 2019
Nashville, TN

“Bullet Deflection Workshop”
Co-Instructor with Michael Haag
1-day Workshop with Live Fire Demonstrations
AFTE Training Seminar – Nashville, TN
May 31, 2019

“CCI Polymer-Coated .22LR Bullets”
AFTE Jour.51:3, (Summer 2019) pp.159-164

“Evofinder – Sensofar Comparisons”
Firing Pin Impression Depth Measurements
FBI Virtual Comparison Microscopy Meeting
Nov. 5-6, 2019
FBI Academy – Quantico, VA

“The Labrador Device as a Forensic Tool”
AFTE Jour.51:4, (Fall 2019) pp.198-219

“Book Review: Firearms Identification by Calvin Goddard”
AFTE Jour. 51:4, (Fall 2019) pp.195-197

“The Unique and Misunderstood Wound Ballistics in the John F. Kennedy Assassination”,
Am J Forensic Med Pathology, 40:4, (December 2019) pp.336-346

“Chlorindazon DS: An Improved Reagent for the Detection of Trace Amounts of Copper”,
AFTE Jour. 52:1, (Winter 2020) pp.40-47

“Synthetic Gelatin as a Soft Tissue Simulant”, **AFTE Jour.**, 52:2, (Spring 2020), pp.67-84

“A Study of Firing Pin Impressions”
Co-authored and co-presented with Brian Renegar (NIST)
TWG3D2D-FBI Virtual Comparison Microscopy Virtual Meeting
Nov. 9, 2020

“THE CCU Carbine:
The Settling-In Process
Ejector Mark Production and Identification
Evofinder and TopMatch Comparisons of Ejector Marks”
Combined SoCal and NoCal Firearm Study Group Meeting
December 8, 2020

“Atypical Bullet Behavior-Misleading Gunshot Wounds and Bullet Impact Sites”
AFTE Jour. 52:4, (Fall 2020) pp.214-229
(Co-authored with Alexander Jason)

“Perplexing Ballistic Identification Problems with Contemporary Hi-Point C9, 3-Left 9mm Pistols”
AFTE Jour. 53:1 (Winter 2021) pp. 9-19

“The Effect on Firearms Identification by Tubb’s *Final Finish*™ Treatment”, **AFTE Jour.** 53:2
(Spring 2021), pp. 61-66

“Simultaneous Velocity Measurements by 3 Methods and 4 Devices”, **AFTE Jour.** 53:2 (Spring 2021), pp. 84-89

“A Digital 3D Imaging and Computer Study of Consecutively Manufactured Beretta 9mm Barrels”
“Firearm Identification Based on Ejector Marks”
BYOS: “Bullets through Glass, But Which Glass?”
“Black Powder Workshop”
AFTE Training Seminar – Miami, FL
August 23-27, 2021

“The Shooting of Tires”, **AFTE Jour.** 53:4 (Fall 2021), pp. 159-180

Lecture: “Forensic Firearms Identification: History and Practice”
March 25, 2022
University of North Dakota, Grand Forks, ND
(by Zoom connection)

Haag, L.C. and A. Jason, “Misleading Entry Wounds from Atypical Bullet Behavior”,
Am J Forensic Med Pathol 43:2 June 2022 pp.174-182

“Firearm Identification Applied to Battlefield Archaeology”
AFTE Training Seminar – Atlanta, GA
May 30-June 3, 2022

“Lead Isotope Analyses in Ricochet Marks and Bullet Fragments”
<Co-speaker with Professor Gwyneth Gordon, ASU>
AIC Educational Conference – Gilbert, AZ
October 26, 2022

Lecture: “The Fundamental of Forensic Research”
January 26, 2023
University of North Dakota Forensic Science Club, Grand Forks, ND
(by Zoom connection)

“A Dangerous Glock Modification”
“A Fatal Incident”
“GSR Around Bullet Holes in Glass”
“Best Non-Matches-Ruger 10 Barrel Test”
SoCal Firearms Study Group – Fontana PD, CA
February 8, 2023

“Ricochet Workshop – Live Fire Demonstration”
AZ Firearms Study Group – DPS Range
February 17, 2023

Co-Instructor with Michael Haag
5-day Shooting Incident Reconstruction Course
West Palm Beach, Florida
Feb. 27 through March 3, 2023
Current as of March 2023

STATE'S EXHIBIT K

Michael G. Haag

EDUCATION

Bachelors of Science in Chemistry from the University of Arizona
Math/Physics Minor

EMPLOYMENT

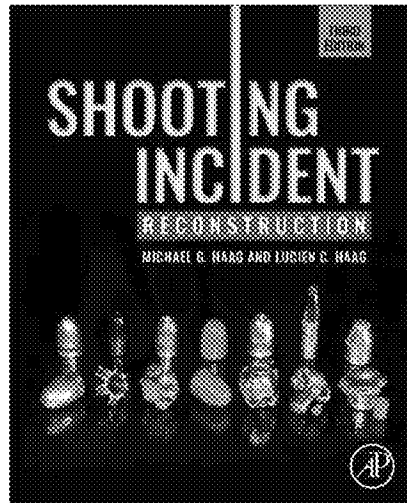
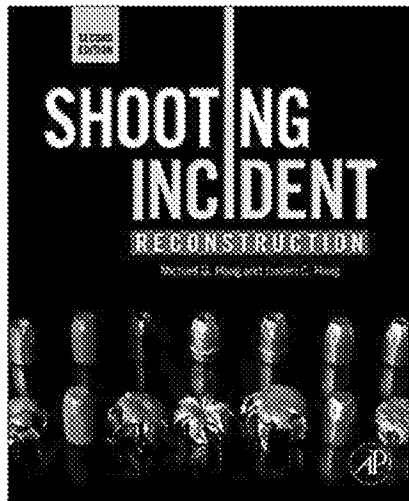
Forensic Science Consultants
Independent Forensic Services
www.forensicfirearms.com
(1999-present)

Albuquerque Police Department
(1998 – 2022 retired)
Supervisor Physical Identification Unit (Firearms, Controlled Substances, Blood/Breath Alcohol)
Technical Leader (Firearm and Toolmark Unit)
Firearm & Tool Mark Examiner (SCIII)
Major Crime Scene Team
Controlled Substances Analyst
Blood Alcohol Analyst

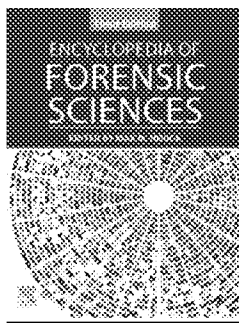
Forensic Science Services Inc.
Independent Forensic Laboratory, Carefree, AZ
(~1990-1998)

AUTHOR

SHOOTING INCIDENT RECONSTRUCTION (2nd Edition and 3rd Edition)
Haag and Haag
Elsevier / Academic Press Copyright 2011 and 2020



ENCYCLOPEDIA OF FORENSIC SCIENCES (3rd Edition)
CHAPTER – SHOOTING INCIDENT RECONSTRUCTION
Elsevier / Academic Press Copyright 2023



PROFESSIONAL MEMBERSHIPS

**Association of Firearms and Toolmarks Examiners
(AFTE)**

Distinguished Member

AFTE Member of the Year (Walter Howe Award) 2012-2013

AFTE Key Member of the Year (Steve Molnar Award) 2006-2007

**American Academy of Forensic Sciences
(AAFS)**

**European Network of Forensic Science Institutes
(ENFSI)**

**Southwest Association of Forensic Scientists
(SWAFS)**

**Association for Crime Scene Reconstruction
(ACSR)**

CERTIFICATIONS / LICENSES

Association of Firearm and Tool Mark Examiners (AFTE) Certifications:

Firearm Identification
Gunshot Residues & Distance Determination
Tool Mark Identification

Technical Working Group 3D Toolmark Technologies (TWG3D2T) 2020-

NIST / Organization of Scientific Area Committees (OSAC) for Forensic Science

Firearm and Tool Mark Subcommittee (~2014-2017)
Crime Scene Subcommittee (~2017-2020)

International Association for Identification (IAI) Certification:

Certified Crime Scene Reconstructionist (Discontinued by IAI)

New Mexico State DPS Certified Instructor:

Firearm and Tool Mark Forensics
Trajectory Analysis
Serial Number Restoration
Shooting Scene Reconstruction

New Mexico State Certified Law Enforcement Firearms Instructor

NRA Certified:

Range Safety Officer, Pistol Instructor, Rifle Instructor, Shotgun Instructor
Personal Protection in the Home, Firearms Safety in the Home

TRAINING / SEMINARS / CONFERENCES

Association of Firearms and Toolmarks Examiners (AFTE) Conferences

2023, Austin
2022, Atlanta
2021, Miami
2019, Nashville
2018, Charleston
2017, Denver
2015, Dallas
2014, Seattle
2013, Albuquerque (host)
2012, Buffalo
2010, Henderson
2009, Miami Beach
2005, Indianapolis
2004, Vancouver
2002, San Antonio
2001, Newport Beach
2000, St. Louis
1999, Williamsburg
1998, Tampa Bay
1997, Annapolis
1996, Milwaukee

Association of Firearm and Tool Mark Examiners (AFTE) Committees

Board of Directors – Member at Large (2021-2023)
Assistant Editor – AFTE Journal
AFTE Journal Editorial Review Committee
Past Editor – AFTE News
Chairman AFTE Journal OCR Committee
BYOS (2013-present)
AFTE Training Committee
AFTE 2013 Host Committee
AFTE 2017 Host Committee

Montana Violent Crimes Investigators Association Annual Meeting

Missoula, MT
October 17-19, 2023

Swiss International Wound Ballistics Workshop

Hitzkirch, Switzerland December 2022

Effective Preparation for Evidentiary Hearings

Advanced Training for Firearm and Toolmark Examiners
July 2020

Winchester Ammunition - Wound Ballistics Workshop
Albuquerque, New Mexico, February 2019

European Network of Forensic Science Institutes (ENFSI)
2018, Copenhagen, Denmark

Trajectory of Vehicles: Rods, Strings, and Lasers
June 6, 2018

Understanding the Math of Bullet Path Analysis
June 3, 2018

American Academy of Forensic Science (AAFS) Conferences
Washington DC, 2013
Washington DC, 2008

Western States Joint International Association for Identification (IAI)
April 30 - May 2, 2018

Pacific Northwest International Association for Identification
June 6-8, 2017

The Reconstruction of Vehicle Shootings
May 19, 2017

Subclass Characteristics Workshop
May 19-20, 2016

Metalurgy for Non-Metalurgists
May 29, 2015

Toolmarks on Reloaded Ammunition Forensic Training Course
September 22-24, 2014

Practical Considerations of Ammunition Reloading Workshop
May 11, 2014

International Forensic Services Conference
Pretoria, South Africa, 2014

ASCLD / LAB International Measurement Confidence Level 100A 100B 100C
February 7 - 9, 2012

Southwest Association of Forensic Scientists
Scottsdale, AZ October 2012

Federal Bureau of Investigation Wound Ballistics Presentation
Albuquerque, NM August 2012

**Midwestern Association of Forensic Scientists Conference
and
Crime Scene Investigation Symposium**
Kansas City, MO
October 4th -8th, 2010

California Association of Criminalists Conference
April 20th -23rd, 2010
Yosemite, CA
Tenth International Police Workshop
"Photogrammetry and Laser Scanning"
July 20th – 24th, 2009
Neuss, Germany

Federal Bureau of Investigation
Shooting Incident Reconstruction
September 8th – 11th, 2008
Fort Dix, NJ

State of New Mexico Law Enforcement Firearms Instructor's Course
2008

Bernalillo County Sheriff's Department Basic Field Investigations Course
Albuquerque, NM February 2008

Polarized Light Microscopy
McCrone College of Microscopy
Westmont, IL June 11th – 15th 2007

Leica Geosystems High-Definition Surveying Scanner Training
Albuquerque, NM
January 2006 - 5 days

Leica Geosystems High-Definition Surveying Scanner Training
Albuquerque, NM
October 2006 - 4 days

Leica Geosystems High-Definition Surveying Scanner Training
Albuquerque, NM
December 2006 - 4 days

Alliant Techsystems (ATK) - Wound Ballistics Workshop
Albuquerque, New Mexico June 2006

First Choice Body Armour - Soft Body Armour Workshop
Albuquerque, New Mexico
May 2006

Glock Armorer's Course
September 14, 2006

Urban Rifle Course and Certification

Albuquerque Police Department

October 3-5, 2005

National Law Enforcement and Corrections Technology Center

DNA Evidence from Crime Scene to Courtroom

Albuquerque, NM

January 26th-27th, 2005

Hi Point Armorer's Course

Vancouver, BC 2004

Criteria for Identification Workshop

Vancouver, BC

May 23rd and 28th, 2004

**Federal Bureau of Investigation
Techniques in Firearms Identification**

Quantico, VA

April 14th – 18th, 2003

SIG Sauer Armorer's Course

San Antonio, TX 2002

NIBIN/IBIS Operators Training Course

Largo, FL

June, 2002

AFTE Ballistics Workshop

Shooting Reconstruction Techniques

June 2001

California Criminalistics Institute (CCI) Courses

Firearms and Tool Marks Introduction I

Firearms and Tool Marks Introduction II

Sacramento, California

Sept.-Oct. 2000

San Diego City Police Department Firearms Unit, Cross Training

San Diego, CA June 1999

**Modern Pistol and Shotgun Technique
(Albuquerque 79th Police Academy Class)**

17 week class ending in April 99

Bureau of Alcohol Tobacco and Firearms Serial Number Restoration Course

Albuquerque, Spring 1998

Albuquerque Police Department Field Investigations Course
Albuquerque, NM March 1998

Firearms Related Crime Scene Reconstruction Class
Mesa, AZ 1997

Internship, Bundeskriminalamt (BKA)
German Federal Law Enforcement
Wiesbaden, Germany Sept.-Nov. 1997

Joint CAC and United Kingdom Forensic Science Service Meeting
Harrogate, UK July 1997

Bloodstain Evidence Institute Course
Corning, NY Fall 1996

Annual U.S. Army Yuma Proving Grounds Trajectory Workshops
1993, 1994, 1996, 1997, 1998, 2003

PRESENTATIONS

Shooting Incident Reconstruction

2023 Montana Violent Crimes Investigator's Association
Missoula, MT

The Damage Tells the Tale

The Use of “Soft” and “Hard” Damage in the Reconstruction of Shooting Incidents

2022 Swiss International Wound Ballistics Workshop
Hitzkirch, Switzerland

The Re-Reconstruction of a Simple Homicide Using Terminal and Wound Ballistic Characteristics

2022 Swiss International Wound Ballistics Workshop
Hitzkirch, Switzerland

The Wound and Terminal Ballistic Properties of Squibbed Bullets

2022 Swiss International Wound Ballistics Workshop
Hitzkirch, Switzerland

Shooting Incident Reconstruction (SIR): Fundamentals and Nuances of the Current State of Shooting Incident Reconstruction

2021 Asian Forensic Sciences Network
Phillipines (virtual)

Bullet Deflection as a Result of Perforation

2019 AFTE Conference
Nashville, TN

Two Bullets, One Gunshot Wound, the Limited Universe, and Squibs

2018 AFTE Conference
Charleston, WV
and
2018 ENFSI Conference
Copenhagen, Denmark

The Determination of Bullet Impact Sites by Detection of Common Bullet Metals

2017 Pacific Northwest International Association for Identification Workshop
Bend, OR

The Determination of Bullet Impact Sites by Detection of Common Bullet Metals

2017 AFTE Workshop
Denver, CO

Designing Practical Experiments: Concepts and Procedures Using the Caracano Rifle and JFK Assassination as a Template

2015 AFTE Workshop
Dallas, TX

**1260 Smith & Wesson M&P9 Pistols Inter-Compared Using MatchPoint:
An Evaluation of the Science of Firearm and Tool Mark Identification**

2014 AFTE Conference
Seattle, WA

**Terminal Ballistics and Ricochet,
The Gun and Its Condition
and
Chemical Tests at Suspected Bullet Impact Sites**
2014 National Forensic Services Conference
Pretoria, South Africa

**Presenting Scan Data to
Juries, Judges, Attorneys, Investigators, and Command Staff**
2012 Leica World Wide Users Group
Las Vegas, NV

3D Laser Scanning and the Daubert Criteria
2011 Leica World Wide Users Group
Orlando, FL
ScanStation Validation in the Post-NAS Report Environment
2010 Leica World Wide Users Group
San Ramon, CA

Fundamentals of Shooting Incident Reconstruction
2010 Crime Scene Investigation Symposium
Kansas City, MO

**The Case of the Sniped Sniper: A Long Distance Trajectory and Reconstruction
and
A Long Distance Trajectory Reconstruction: The Random Shot?**
2009 AFTE Conference
Miami, FL

**Validation and Accuracy Assessments for
Law Enforcement Uses of 3D Laser Scanners
and
Trajectory Extrapolation Using Leica Cyclone 6.0, and the Accuracy and Precision
of Trajectories with 3D Laser Scanning**
2009 International Association of Forensic and Security Metrology (IAFSM)
Denver, CO
and
2009 Tenth International Police Workshop "Photogrammetry and Laser Scanning"
Neuss, Germany

**Technical Overview and Application of 3D Laser Scanning
for Shooting Reconstruction and Crime Scene Investigations**

2008 American Academy of Forensic Sciences (AAFS)

Washington, DC

and

2008 International Association of Forensic and Security Metrology (IAFSM)

Houston, TX

Firearms Myths and Misconceptions

2007 and 2008 Office of the Medical Investigator (OMI)

Advanced Training Conference

Albuquerque, NM

Case Study of Officer Homicide

Wound Ballistics

2007 California Detective Conference (POST)

San Francisco, CA

Presidential Assassination Attempt in Taiwan

2007 California Association of Criminalists (CAC)

Orange County, CA

and

2006 ACSR Conference

Albuquerque, NM

Chemical Tests at Suspected Bullet Impact Sites

2006 ACSR Conference

Albuquerque, NM

Interior Ballistic Deformation

2000 AFTE Conference

St. Louis, MI

**A Scientific Examination and Comparison of
Skin Simulants for Distance Determinations**

1999 AFTE Conference

Williamsburg, VA

**Some Observations on Threshold Velocities Necessary
to Perforate Skin and Skin Simulants**

1998 AFTE Conference

Tampa, FL

**The Physical and Chemical Properties
of Shotgun Buffer Material
and
Projectiles Through Glass: Characteristics
Present on Recovered Projectiles**
1997 AFTE Conference
Annapolis, MD

**The Exterior Ballistics of Contemporary
Air Guns and BB Guns**
1997 Joint CAC and United Kingdom Forensic Science Service Meeting
Harrogate, England

**2-Nitroso-1-Naphthol vs. Dithiooxamide in
Trace Copper Detection at Bullet Impact Sites**
1996 IABPA/ACSR Meeting
Albuquerque, NM

PUBLICATIONS

Comparative Evaluation of Potentially Radiolucent Projectile Components by Radiographs and Computed Tomography

Co-authored with Miller, Gerrard, et. al.

Journal of Forensic Sciences

January 2017

Asymmetrically-Positioned Concentric and Radial Cracks at Shallow Angle Glass Impact Sites for Determination of Projectile Direction of Travel

AFTE Journal Vol. 48 No. 3

The Production and Persistence of Gunpowder Tattooing and Stippling of Human Skin

Co-authored with Lucien C. Haag and Aaron Brudenell

AFTE Journal Vol. 46 No. 2

A Ballistics Study of the Winchester Supreme Elite PDX1 Ammunition

Academic Forensic Pathology Journal

(National Association of Medical Examiners)

Vol. 3 Issue 2

Cartridge Mismatch: 9x19mm in a 357 SIG

AFTE Journal Vol. 45 No. 2

A Stable Reagent for Nitrate / Nitrite Detection and the Verification of Suspected Gunpowder Particles

AFTE Journal Vol. 44 No. 3

Bore Lapping Compounds and Their Effect on Traditional Firearms Identification

AFTE Journal Vol. 41 No. 3

Ejection Patterning – Standard Testing and the Effects of Non-Standard Angles, Orientations, and Maneuvers

AFTE Journal Vol. 41 No. 2

The Accuracy and Precision of Trajectory Measurements

AFTE Journal Vol. 40 No. 2

Trace Bullet Metal Testing for Copper and Lead at Suspected Projectile Impacts

Co-authored with Lucien C. Haag, Forensic Science Services Inc.

AFTE Journal Vol. 38 No. 4

Shotgun Pellet Pattern: Federal FliteControl Law Enforcement Shotshell

AFTE Journal Vol. 38 No. 4

The Forensic Effects of Aftermarket Porting of a Glock Model 23

Journal of the Association for Crime Scene Reconstruction

Vol. 11 Issue 3

and

AFTE Journal Vol. 37 No. 3

Skin Perforation and Skin Simulants

Co-authored with Lucien C. Haag, Forensic Science Services Inc.

(Presented in part AFTE 1998 by Michael Haag)

AFTE Journal Vol. 34 No. 3

The Reconstructive Aspects of Bullet Jacket and Core Weights

AFTE Journal Vol. 34 No. 2

The Analysis and Comparison of Shotshell Buffers

Co-authored with Lucien C. Haag, Forensic Science Services Inc.

(Presented AFTE 1997 by Michael Haag)

AFTE Journal Vol. 32 No. 3

**A Rapid Non-Destructive Method for Analyzing
and Comparing Bullet Lubricants**

Co-authored with Lucien C. Haag, Forensic Science Services Inc.

AFTE Journal Vol. 32 No. 2

and

Southwestern Association of Forensic Scientists (SWAFS) Journal Vol. 23 No. 1

**A Scientific Examination and Comparison of
Skin Simulants for Distance Determinations**

Co-authored by Gene Wolberg, San Diego PD

AFTE Journal Vol. 32 No. 2

**Applications of Focused Ion Beam Systems
in Gunshot Residue Investigation**

Co-authored with Ludwig Niewöhner, Bundeskriminalamt (BKA), Germany

Journal of Forensic Sciences Vol. 44 No. 1, p. 105

January 1999

**The Exterior Ballistics of Contemporary
Air Guns and BB Guns**

AFTE Journal Vol. 30 No. 2

**2-Nitroso-1-Naphthol vs. Dithiooxamide
in**

Trace Copper Detection at Bullet Impact Sites

AFTE Journal Vol. 29 No. 2

East German 7.62x39mm Übungsmunition

AFTE Journal Vol 27 No. 1

INSTRUCTOR

Practical Trajectory Reconstruction: Training and Test
Pacific Northwest Division International Association for Identification, Bend, OR
June 20-23 2022

Shooting Incident Reconstruction with 3D Laser Mapping
Using the Leica Scan Station
Las Vegas, NV May 1, 2018

3D Laser Scanning of Crime Scenes
and
Shooting Reconstruction Based on 3D Laser Scanning
San Diego, CA February 27, 2014
and
Olathe, KS August 31, 2013

Shooting Incident Reconstruction -Introduction
Southwest Association of Forensic Scientists, Scottsdale, AZ
October 22-23 2012

Shooting Scene Reconstruction and Trajectories with 3D Laser Scanning
Leica World Wide Users Group, Las Vegas, NV
June 4th 2012

Shooting Scene Reconstruction and Trajectories with 3D Laser Scanning
Leica World Wide Users Group, Orlando, FL
June 5th 2011

Shooting Scene Reconstruction and Trajectories with 3D Laser Scanning
Leica World Wide Users Group, San Ramon, CA
October 24th 2010

Bullet Penetration, Perforation and Deflection Workshop
Association of Firearm and Tool Mark Examiners Conference
Henderson, NV May 7th 2010

Proper Trajectory Measurement
Association of Firearm and Tool Mark Examiners Conference
Henderson, NV May 6th 2010

3D Laser Scanning of Shooting Scenes and Trajectories
California Association of Criminalists
April 20th, 2010

Introduction to Crime Scene Investigation
International Association for Forensic and Security Metrology (IAFSM)
Instructor
Houston, TX 2007 and 2008

Proper Trajectory Measurement
California Association of Criminalists (CAC)
Orange County, CA May 8th 2007

Proper Trajectory Measurement
Association for Crime Scene Reconstruction
Albuquerque, NM February 10th 2006

Forensic Shooting Scene Reconstruction Courses and Host Agency / Location

Utah State Crime Lab
Salt Lake City, UT September 18-22, 2023

Michigan State Police
Lansing, MI June 26-30, 2023

Gilbert Police Department
Phoenix, AZ April 24-28, 2023

Harris County Sheriff's Office
Houston, TX March 27-31, 2023

Lake County Sheriff's Office
Orlando, FL March 20-24, 2023

West Palm Beach County Sheriff's Office
West Palm Beach, FL February 27 March 3, 2023

Boston Police Department
Boston, MA October 17-21, 2022

Louisiana State Police
Baton Rouge, LA September 26-30, 2022

Oregon State Patrol and Bend Police Department
Bend, OR June 13-17, 2022

Ohio Attorney General Office
Columbus, OH October 18-22, 2021

Albuquerque Police Department
Albuquerque, NM October 26-30, 2020

Los Angeles Police Department
Burbank, CA September 30-October 4, 2019

Danish National Police
Copenhagen, Denmark October 8-12, 2018

Montana State Crime Lab and Billings Police Department
Billings, MT July 23-27, 2018

Washington State Patrol
Snoqualamie, WA September 18-22, 2017

Larimer County Sheriff's Department
Fort Collins, CO July 24-28, 2017

Oregon State Police
Bend, OR October 18-20, 2016

Ventura County Sheriff's Office
Camarillo, CA August 10-14, 2016

Chartered Society of Forensic Sciences, United Kingdom
Faldingworth, UK June 20-24, 2016

Indiana State Police
Danville, IN September 23-25, 2015

Toronto Police Service
Toronto, Canada January 12-16, 2015

Indiana State Police
Greencastle, IN September 17-19, 2014

San Diego County Sheriff's Office
San Diego, CA February 24-26, 2014

Ohio Bureau of Criminal Investigation
London, OH 2013

Johnson County Sheriff's Office
Olathe, KS August 28-30, 2013

Glendale Police Department / Arizona Homicide Investigators
Glendale, AZ March 20-22, 2013

Georgia Bureau of Investigation
Forsythe, GA September 12-14 and 17-19, 2012

South Dakota Criminal Bureau of Investigation
Mitchell, SD May 7-9, 2012

San Diego Police Department
San Diego, CA January 18-20, 2012

Los Angeles County Sheriff's Department
Los Angeles, CA May 23-25, 2011

Naval Criminal Investigation Service
Washington, DC November 1-5, 2010

LGC Forensics
Leeds, United Kingdom June 29-July 1st, 2009

Zurich Stadtpolizei
Zurich, Switzerland June 22-26, 2009

Bernalillo County Sheriff's Office
Albuquerque, NM March 23-27, 2009

GUNSITE
Paulden, AZ September 29-October 3, 2008

Eugene Police Department
Eugene, OR August 4-8, 2008

Royal Canadian Mounted Police
Vancouver, BC Canada February 26-27, 2008

GUNSITE
Paulden, AZ October 29-November 2, 2007

Centre of Forensic Sciences
Toronto, Ontario Canada September 10-14, 2007

Albuquerque Police Department
Albuquerque, NM June 18-22, 2007

GUNSITE
Paulden, AZ October 16-20, 2006

Los Angeles Police Department
Burbank, CA December 2-4, 2005

Arizona Homicide Investigator's Association
Show Low, AZ July 6-8, 2005

GUNSITE

Paulden, AZ October 17-21, 2005

Los Angeles County Sheriff / Long Beach Police Department

Long Beach, CA February 16-18, 2005

GUNSITE

Paulden, AZ November 8-12, 2004

Los Lunas Police DEpartment

Los Lunas, NM June 14-18, 2004

Forensic Science Consultants Inc.

Castle Rock, CO July 14-18, 2003

GUNSITE

Paulden, AZ October 14-18, 2002

Miami-Dade Police Department

Miami, FL March 27-30, 2001

RECURRENT INSTRUCTORSHIPS

Bureau of Alcohol Tobacco and Firearms (BATF)

Trajectory Analysis and Shooting Reconstruction Instructor

National Firearms Examiners Academy (NFEA)

Ammendale, MD April 11-14, 2023

Ammendale, MD April 19-22, 2022

Ammendale, MD July 19-22, 2021

Ammendale, MD May 7-10, 2019

Ammendale, MD April 17-20, 2017

Ammendale, MD April 3-4, 2014

Ammendale, MD May 2-5, 2011

Ammendale, MD May 10-13, 2010

Ammendale, MD May 4-7, 2009

Ammendale, MD Nov 5-8, 2007

Ammendale, MD May 8-11, 2006

Ammendale, MD Oct. 26-29, 2004

Ammendale, MD Oct. 20-24, 2003

Rockville, MD Oct. 28-30, 2002

Rockville, MD Oct. 31-November 2, 2001

Rockville, MD Oct. 30-31, 2000

Bullet Trajectory Workshop for APD Field and Crime Scene Investigators

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,

2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

Albuquerque, New Mexico

Crime Scene Firearms Safety and Documentation

2003, 2004, 2005, 2006, 2007, 2008, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021,
2022

Forensic Firearms Terminal Ballistics and Wound Ballistics for Pathologists

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013,
2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021

Tactical Forensic Firearms for Officers

2007, 2008, 2009

FIREARMS RELATED TOURS

TECHNICAL

Glock USA – Smyrna, GA
G2 Research- GA
Nosler Bullets- Bend, OR
Colt- Canada
Elysium Barrels- Raton, NM
HPR Ammunition- Payson, AZ
TASER International- Scottsdale, AZ
Winchester Ammunition Plant-East Alton, IL
Obermeyer Barrel Manufacturers-Milwaukee, WI
Accu-Match Barrel Manufacturers-Mesa, AZ
Smithsonian American History Museum Firearms Collection-WashingtonD.C.
Precision Made Cartridge (PMC) Ammunition Plant-Boulder City, NV
Sturm Ruger Firearms Manufacturing Plant-Prescott, AZ
Leica Geosystems- Heerbrug, Switzerland
Leica Microsystems- Heerbrug Switzerland
Royal Armouries- Leeds England

CRIME LABORATORIES

Montana State Crime Laboratory
Boston Police Department
Louisiana State Crime Lab – Baton Rouge
Colorado Springs Police Department
Salt Lake City Police Department
Utah State Crime Lab – Salt Lake City
Denver Police Department
Oregon State Patrol - Bend
Oklahoma State Bureau of Investigation
RCMP - Vancouver
Centre of Forensic Science Toronto
Miami Dade County
Mesa PD
West Valley PD
Dallas PD
Southwest Institute of Forensic Science
Milwaukee PD
Arizona DPS Phoenix
Arizona DPS Tucson
Arizona DPS Flagstaff
Tucson PD
San Bernardino County
Los Angeles PD
New Mexico State
Long Beach PD
San Diego PD
San Diego County

Zurich Stadt Polizei
Bayern Landesamt
Bundeskriminalamt (old and new facility)
LGC Forensics UK
Eugene PD
FBI Quantico and FBI Washington DC
Virginia State Norfolk
Taiwan National Laboratory (CIB)
Contra Costa County Sheriff's Office
Los Angeles Sheriff's Department
Scottsdale Police Department
United States Army Crime Lab (USACIL)
Johnson County Sheriff's Office
South African Police Services, Pretoria

10/23

Michael G. Haag

*Forensic Scientist
Supervisor – Physical Identification Unit
Firearm and Tool Mark Examiner
Shooting Scene Reconstructionist
Criminalist
Major Crime Scenes*

(505) 401-6225



PBS's acclaimed NOVA science program featured Haag



Taiwan's 2004 Presidential assassination attempt was investigated onsite by Haag

STATE'S EXHIBIT L

STATE'S EXHIBIT M(A) and M(B)

<https://www.dropbox.com/scl/fo/0im1aytgdjtyl8xrba57h/h?rlkey=axhha4kqmun67lxf8x3q23sp&dl=0>