

FILED  
FIRST JUDICIAL  
DISTRICT COURT

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

2023 JAN 31 PM 12:17

STATE OF NEW MEXICO

Plaintiff

v.

No.D-0101-CR-2023-00040

HANNAH GUTIERREZ-REED, Defendant

Defendant

### STATEMENT OF PROBABLE CAUSE

#### *BACKGROUND-SYNOPSIS*

On October 21, 2021, in the County of Santa Fe, State of New Mexico, a shooting involving a handgun/revolver (firearm) occurred that resulted in the death of Halyna Hutchins and the serious injury of Joel Souza. The shooting involved a .45 caliber revolver and occurred on a Western movie set located in rural Santa Fe County, referred to and known as Bonanza Creek Ranch (15 County Road 45, Santa Fe, NM 87508; 545 Bonanza Creek Ranch Road).

On this date, being filmed and/or rehearsed at this location was a film at the time named/referred to as "Rust". Through interviews, statements, and evidence it was learned that defendant Hannah Gutierrez-Reed (hereinafter GUTIERREZ-REED) was the lead and only armorer hired for and present during production.

Through these same statements, interviews, and evidence it was determined that actor Alec Baldwin (hereinafter BALDWIN) was seated in what is referred to and appears to be a church on this movie set. BALDWIN was in possession of a .45 long Colt caliber revolver type firearm, one of a type and kind often used and/or seen in or on Western genre type movie(s) and/or set(s). The firearm is a single action revolver handgun, which requires the cocking of the external hammer to rotate the cylinder and then pressing of the trigger to fire the weapon.

GUTIERREZ-REED, in performing her armoring duties, loaded the weapon prior to the lunch break. After some time and rehearsal(s), the crew broke for lunch. GUTIERREZ-REED took possession of the firearm and secured it in the safe located in the prop truck. REED did not follow safety protocol requiring the unloading and proper storage of "dummies" prior to securing the revolver. After lunch, she retrieved the weapon, and did not perform an industry standard safety check upon removing the weapon from storage and provided it on-set to the first assistant director, David Halls (hereinafter HALLS). For the third time, not properly, or to industry standards and safe practices, clear and show safe the weapon and rounds.

In front of BALDWIN, standing, were victims Halyna Hutchins and Joel Souza. Hutchins and Souza were viewing and moving a camera in rehearsal for a scene filming to occur at a later, undetermined date and/or time. Through these same statements, interviews, and physical

evidence, it was learned that Halyna Hutchins was the Director of Photography for the film, and Joel Souza was the Director/Writer for the film.

Information and evidence obtained showed that BALDWIN was seated in a pew facing in a northerly direction, towards the front of the church. In front of him was Halyna Hutchins and Joel Souza, and a camera operator, along with other crew (i.e. sound, script, costume, etc.). Not present among all the ancillary crew was REED in direct violation of established safety policy and procedure utilized on all film sets when firearms are being used. BALDWIN was wearing a shoulder holster, which was securing/holding a .45 long colt caliber, six shot revolver. BALDWIN was practicing drawing and pointing the weapon for the scene with guidance and instruction from Halyna Hutchins and Joel Souza.

The set-up was to be a close-up on BALDWIN and the firearm, as he drew the weapon and pointed it. Halyna Hutchins and Joel Souza were viewing the scene on a monitor attached to the camera. BALDWIN drew the revolver from the holster, pointed it at Halyna Hutchins and fired the weapon. When reviewing the script and witness interviews, for this scene and close-up shot, evidence indicates the scene did not require the weapon to be fired with blank rounds. Only dummy rounds (rounds that are inert but cosmetically appear to be real) were to be used. It was also determined by consultation with expert armorers that in a rehearsal, a plastic gun or replica gun should be used as no firing of blanks is required.

At approximately 1:48 PM, the shooting was reported to Santa Fe County Regional Emergency Communications Center (RECC) via 911. This resulted in the response of Fire, Emergency Medical, and Santa Fe County Sheriff's Office personnel. This further resulted in a Case Number/CAD Incident number being generated, 2021-007949. The Santa Fe County Sheriff's Office investigated this shooting under this Case Number, as a "Death Investigation". The response of emergency personnel resulted in Joel Souza being transported by ambulance to St. Vincent Regional Medical Center located at 455 St. Michael's Drive, within the city limits of Santa Fe, NM. Halyna Hutchins was transported from the scene by air ambulance/helicopter to the Level 1 trauma center at the University of New Mexico Hospital located in Bernalillo County, Albuquerque, NM.

Halyna Hutchins was pronounced deceased at approximately 3:37 PM by attending medical personnel. Joel Souza was treated and released, but not before a projectile was removed from his back. The projectile appeared to be a lead projectile of the type and kind found in 'live' ammunition. This item was secured and turned over to the Santa Fe County Sheriff's Department.

Evidence and analysis showed that the recovered projectile had first struck and then passed entirely through Halyna Hutchins (NM Office of the Medical Investigator reports/finding) and then struck Joel Souza. The projectile penetrated through the front of Joel Souza's right shoulder and became lodged under the skin on his back. The Office of the Medical Examiner, State of New Mexico listed Halyna Hutchins cause of death preliminarily as "Gunshot wound of the chest" after conducting an autopsy on October 22, 2021.

*The following additional information and evidence is provided in further support of probable cause of the enumerated crime(s) having been committed by GUTIERREZ-REED:*

***FIREARM, AMMUNITION AND GUTIERREZ-REED IN HER ROLE AS ARMORER***

Industry standards, best practices, common practices, historical practices, policies and/or procedures, and union guided policies and/or procedures require and/or mandate certain members of a filming crew have, assume or are assigned certain obligations and responsibilities. Industry expert(s) and/or armorer(s) were consulted for information and evidence in this realm. GUTIERREZ-REED was the designated and hired armorer for this production. As such, all safety and training considerations involving firearm(s) were the responsibility of GUTIERREZ-REED to make available and present to production. All on-set protocols when firearm(s) are present were the responsibility of GUTIERREZ-REED to manage, be present and enforce. Industry standard(s) require that movie set armorers be responsible for all firearm safety in training, handling, discharging, loading/unloading, best practices and best safety practices as set forth in safety material and industry established protocol.

Based on her position, GUTIERREZ-REED, through act(s) and/or omission(s), contributed to or failed to mitigate or address multiple significant safety violations, safety issues, protocol violation(s) and/or concerns that resulted in multiple noted instances of recklessness leading up to, contributing to, and causing the fatal shooting.

Statements and evidence show BALDWIN was not present for required firearms training prior to the commencement of filming. Statements, depositions from OSHA, and evidence show BALDWIN was provided only minimal training on firearms. REED knew BALDWIN required more training. In interviews and depositions from OSHA, REED stated she felt this training was very important for BALDWIN in his character in Rust. During what was supposed to be an over one-hour training, BALDWIN was distracted and consistently talking on his cell phone to his family. The actual training session only consisted of approximately 30 minutes due to BALDWIN'S distractions. This was a primary responsibility of GUTIERREZ-REED, wherein she failed to meet industry standards and common safety practices in conducting the proper training with the lead actor. REED stated in her deposition, this training was essential and could have prevented the fatal shooting.

Photo and video evidence from inside the church, on the day of the shooting, have been obtained from an individual that was inside the church, during the rehearsal and moments before the shooting. The photos and videos depict the above-described actions of BALDWIN prior to the shooting (practicing drawing and pointing the weapon). The photos and videos clearly show BALDWIN, multiple times, with his finger inside of the trigger guard and on the trigger, while manipulating the hammer and while drawing, pointing and holstering the revolver. GUTIERREZ-REED was reckless in her responsibility to ensure set safety with the firearm. She failed to correct BALDWIN from committing the dangerous and reckless safety violations by pointing the weapon at/towards people and by having his finger on the trigger. Evidence shows that GUTIERREZ-REED did not stay on set with the firearm as required by common practice, safety protocol(s) and industry standard(s). Additionally, REED allowed 1<sup>st</sup> assistant director David Halls (hereinafter HALLS) to take possession of the firearm unsupervised in direct violation of safety standards and procedures. Her absence from the set allowed the reckless

behavior to happen and continue, resulting in the fatal shooting. REED also did not follow protocol and safety procedures by unloading the firearm in front of HALLS or BALDWIN. REED was required to show each of them every bullet to prove they were dummies. REED failed to do this and should have demanded, as armorer, it be done.

The revolver involved in the shooting was seized by detective(s) as evidence. It was later submitted to the Federal Bureau of Investigation (FBI) crime lab for examination and analysis. As part of that examination/analysis, the FBI conducted a function/malfunction check of the revolver; this involved trying to get the weapon to fire without the trigger being depressed, i.e. striking it on 6 separate planes with considerable force and onto the hammer, with a solid object multiple times. The revolver did not malfunction (i.e. fire when it should not/accidentally). This analysis clearly showed that the weapon could not 'accidentally fire'; in order for the weapon to fire, the trigger had to have been depressed.

The FBI additionally analyzed various types and kinds of ammunition seized from the scene, including the prop truck. This included dummy rounds and suspected live ammunition. A total of five (5) suspected live rounds one (1) spent casing of a live round that was discharged causing the shooting were seized by investigators. The five (5) unspent rounds were determined to be actual/live ammunition by analysis at the FBI laboratory.

Industry standards, practices, requirements, and common firearm safety protocols and procedures indicate that the most egregious incident(s) of a reckless violation of safety and armorer duties is to allow live ammunition on or even near a film set where firearms are being used. GUTIERREZ-REED was responsible for this safety item, and recklessly failed to ensure safety by allowing live ammunition on the set. The live round(s) found at the scene were found on the armorer's cart and within 'loop loader' ammunition holder(s) that were on the cart and/or used by BALDWIN. REED should have caught this live ammunition on set but put everyone on the RUST set in danger by failing to do her job.

Evidence and statements indicate that aside from what GUTIERREZ-REED may have brought to the set with her, all weapons and ammunition (blank, dummy) for the production were obtained from a supply company in Albuquerque; PDQ Arms and Prop, LLC.

Detectives investigated these facts, including service of a search warrant at the place of business of PDQ Arms and Prop in Albuquerque. Several suspected live rounds of 45 Long Colt caliber cartridges were seized as a result; some supplied by the company owner to investigator(s), and some found at the place of business. These rounds were submitted to the FBI for comparison with the suspected live rounds found at the shooting scene. The 'Explosives Chemistry' examination of the rounds showed that the smokeless powder in the live rounds found at the scene did **not** match the live rounds seized from the props/arms supplier in question. This means the live rounds on RUST did not match the rounds explosive chemistry make-up taken from PDQ Arms and Prop.

Evidence shows BALDWIN failed to appear for mandatory firearms training and firearms safety training prior to filming. Evidence also shows BALDWIN requested and was afforded a training session 'on-set', and that the training was 30 minutes in length. The limited time of training does



not comport to industry standards, safety standards and safety protocols. GUTIERREZ-REED was responsible for all firearm safety and training, and she allowed this sub-standard and reckless practice to occur. Failing to demand or escalate to others what she herself admitted was inadequate.

Evidence shows that the production company hired Hannah GUTIERREZ-REED as the lead armorer for the production. Evidence shows that she possessed no certification or certifiable training, or union 'card' for this practice, and that she admitted she was the armorer for only one (1) film prior to this production, in April of 2021, approximately. GUTIERREZ-REED failed to demand the required safety and training protocols, or assistance, resulting in a climate of recklessness and ultimately the fatal shooting. Her lack of experience or training was inadequate for a production utilizing the number of firearms as RUST. REED had a duty and omitted that duty when she took an armorer position she was not qualified to accept.

GUTIERREZ-REED was hired and assigned by production to be a props assistant initially then assistant prop master in addition to her armorer duties. Evidence shows that this resulted in GUTIERREZ-REED not focusing her entire attention to her primary and most important responsibility as armorer. Industry standards, practices, policies, and protocols consider this a reckless and unsafe practice on any production following proper, common sense, established safety expectations. GUTIERREZ-REED failed to address this unsafe situation in any manner consistent with standards and/or protocols. An experienced armorer, after consulting with expert armorers, should have refused to do both jobs so safety would be her primary responsibility with firearms.

Evidence shows that Sarah Zachary was hired as the prop master for the production. It also shows that she was assigned to assist GUTIERREZ-REED with her armorer duties. Evidence and statements show that Sarah Zachary possessed little to no experience with firearms, firearm safety, armorer duties and responsibilities, etc. It also shows that Sarah Zachary was assigned to/allowed to load and unload ammunition in firearm(s), handle firearm(s), and act as an armorer when on-set with actors/doubles taking possession of the firearms. Evidence shows this was done multiple times and without GUTIERREZ-REED being on the set as well or supervising ZACHARY. Evidence shows that GUTIERREZ-REED did not act to address this reckless process/procedure that is contrary to industry standards and safety protocols and in fact knowingly allowed it. This is direct violation of commonly understood firearms safety protocols.

Prior to the shooting incident, Sarah Zachary had a negligent discharge while handling a revolver intended to be used by an actor in the filming. This weapon was different from BALDWIN's weapon, but similar mechanical function and appearance and was intended for use by the "...marshals...". Statements show that Sarah Zachary was holding and manipulating the weapon while walking and she discharged a blank cartridge into the ground next to her foot. Industry standards, practices and protocol consider negligent discharge(s) reckless in nature and that they require immediate action and/or swift mediation, remedial training, demotion, removal from the set, termination, etc. Evidence shows GUTIERREZ-REED failed to act to address this reckless situation. GUTIERREZ-REED additionally failed to address and/or mitigate another negligent

discharge on the set, contrary to common safety protocols, procedures, and industry standards. This too contributed to the reckless climate documented on this set/production.

On another separate occasion REED loaded blanks into a lever action rifle and allowed a stunt performer to take possession, unsupervised, in direct violation of some of the most stringent safety protocols in film. The stunt performer returned to the "holding tent" where he allowed an ND (negligent discharge) to occur. REED in this instance alone violated multiple safety protocol contributing to and resulting in a serious safety issue.

Through evidence and interviews, these significant safety violations were deemed reckless and negligent by the investigation as there was no indication(s) or evidence that the firearm(s) in question malfunctioned at any time; rather there is evidence the weapon(s) fired because of mishandling/misuse by those handling the firearm, i.e. pressing the trigger when it should not be. As armorer, GUTIERREZ-REED was ultimately responsible for correcting or mitigating these and any safety violations from cast/crew. In this circumstance it is common practice (an expected) for any actor handling or firing a weapon to check for safety. The armorer's role is to provide that proper safe handling and management in order for them to do so. REED not only failed in this regard but was not even present. This ultimately was exaggerated by the weapon being used by BALDWIN in an unsafe manner in close proximity to cast and crew ultimately pointing the weapon, in violation of the most cross-industry established safety rule, at Halyna and firing. All these actions knowingly without an armorer present against industry safety standards, practice and Union regulations.

Evidence and statements also show that HALLS, by virtue of his position, is the first point of contact for an armorer when they bring a firearm on set, and is the first person required to conduct a safety check with the armorer and weapon. HALLS is further required to announce to crew when a firearm is on set, and whether it is 'cold' or if the weapon will be fired in the scene (i.e. announce 'fire in the hole' or other common phrase to put the crew on notice for shooting/loud noise/hearing protection, etc.).

HALLS, additionally, by virtue of his position and industry standards and practices, is prohibited and/or strictly discouraged from handling any of the firearms on a set. As such, industry standards, policies and practices call for the armorer to be on set and to stay on set any time a firearm is on set. GUTIERREZ-REED allowed the reckless practice of allowing HALLS to handle the weapon, on the day of the fatal shooting.

Prior to lunch, statements and evidence show that HALLS requested BALDWIN'S firearm be prepped and brought to the set by the armorer GUTIERREZ-REED, for rehearsal/practice purposes. GUTIERREZ-REED states that she loaded the firearm with dummy rounds, performed a safety check with HALLS and the firearm, and then HALLS took possession of the firearm from GUTIERREZ-REED. GUTIERREZ-REED departed the church. GUTIERREZ-REED leaving the set and HALLS handling the firearm are considered very reckless actions according to industry standards, expectations, and common firearm safety protocols and considerations. However, there are contradictory statements that REED brought an empty gun to HALLS and then at some point loaded it with dummies while in the church. REED then shows HALLS the gun again, only opening it and not taking out the bullets. REED then leaves the set.

Regardless, REED had a duty to show whomever she handed the gun to, whether HALLS or BALDWIN, a safe gun by taking out each bullet and showing them each one was a dummy. Yet, she failed to do this and did not assert herself when it didn't happen. REED also had a duty to stay with the weapon.

Further evidence and statements show that when the crew broke for lunch, firearms, including BALDWIN'S, were secured in the prop truck safe. Outside of the church was a cart used by the armorer, GUTIERREZ-REED (and the prop master, contrary to standard safety protocols), that contained leather gear/rigs like holsters and belts, and ammunition. Evidence clearly indicates this cart and associated items was not secured during the break and was not in visual range of GUTIERREZ-REED or Sarah Zachery for safety and security nor was a "fire-watch" in place at the cart. The unsecured cart with equipment, ammunition, and firearms is considered reckless by industry standards and by common firearm safety standards and protocol. REED should have made sure all ammunition was always secured.

Upon returning from lunch, evidence and statements show that GUTIERREZ-REED retrieved BALDWIN'S revolver but didn't empty the weapon and perform a safety check. Additionally, GUTIERREZ-REED again is asked and complied with HALLS by handing him the firearm once inside the church. Evidence and statements also indicated that an 'after lunch' safety check of the firearm between GUTIERREZ-REED and HALLS or between GUTIERREZ-REED and BALDWIN did not occur. GUTIERREZ-REED again departed the church. This 'after lunch' sequence of events is documented to have had no less than four (4) reckless violations of industry standards, safety, protocol, best practices, and common firearm safety protocols in a very short, compressed period of time by REED, HALLS and BALDWIN.

On the day of the shooting alone, evidence shows that many acts or omissions of recklessness occurred in the short time prior to lunch and the time of the shooting, and this does not account for the reckless handling of the firearm by BALDWIN. GUTIERREZ-REED directly contributed and/or failed to mitigate numerous reckless and dangerous actions in the course of a very short time period.

Evidence and statements indicate that Locations Dept "props" and the armorer were sharing a vehicle, and its associated storage space. It further indicates that while firearms may have indeed been controlled, ammunition and associated boxes were not securely stored. This is a reckless violation of common safety practice(s) for armorers, of which GUTIERREZ-REED failed to act to address this recklessness. This created a disorganized, chaotic environment which REED did not address and contributed to resulting in further violations of common safety practices and standards.

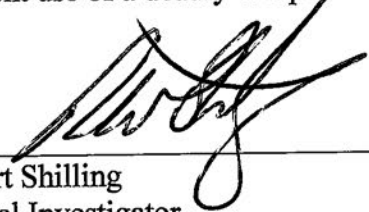
Finally, industry standards, protocols, and common firearm safety procedures on movie sets require the armorer, after conducting a safety check with the 1<sup>st</sup> assistant director, to conduct a second safety check with the actor to be handling the firearm (and others on set). In this instance, it would have required completely emptying the firearm, shaking each round to ensure it is a dummy round. This safety check is then conducted with the actor as well. This reckless violation of standards and firearm safety occurred two (2) times leading up to the shooting, and

GUTIERREZ-REED failed to act to mitigate or correct the reckless safety violations. Directly resulting in HUTCHINS death.

Evidence exists to clearly show that On October 21, 2021, Halyna Hutchins was killed when BALDWIN fired a firearm pointed at her. The evidence and statements documented in this affidavit confirm many instances of extremely reckless acts or reckless failures to act REED in a 10-day period. Evidence and statements clearly indicate that GUTIERREZ-REED loaded the firearm, provided it to the set, secured it for lunch, and then again provided it to the set for use. Evidence clearly shows that none of the incidents or issues were addressed by GUTIERREZ-REED in her position as armorer to mitigate future occurrences of recklessness, correct reckless behavior, correct training deficiencies, etc.

REED's deviation from known standards, practice and protocol directly caused the fatal death of Hutchins. By not insisting BALDWIN had the proper training, not checking the rounds she was loading into the firearms, not showing HALLS or BALDWIN each bullet before handing them the firearm, allowing live rounds on scene, not staying in the church with the firearm, allowing BALDWIN to point the firearm at Hutchins, not voicing her concerns to management of her double duties as armorer and props assistant, allowing ammunition to not be secured, not making sure a rubber or replica gun was used in a rehearsal scene, and allowing BALDWIN to handle a firearm in a negligent manner, REED acted with willful disregard for the safety of others and in a manner which endangered other people, specifically HUTCHINS and SOUZA. REED clearly should have known the danger of her actions which led to the death of HUTCHINS.

-Probable cause exists that GUTIERREZ-REED committed involuntary manslaughter contrary to and defined in NMSA 30-2-3 "Manslaughter"...in the commission of a lawful act which might produce death in an unlawful manner or without due caution and circumspection or during the unlawful act not amounting to a felony, to wit: Negligent use of a deadly weapon.



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