

IN THE MAGISTRATE COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

No: M-49-SW-2021-00004
SFSO CASE# 2021007949

STATE OF NEW MEXICO
Plaintiff,

Vs.

IN THE MATTER OF THE DEATH INVESTIGATION OF HALYNA
HUTCHINS

IN THE MATTER TO THE ISSUANCE OF A
SEARCH WARRANT IN REGARDS TO:

THE SEIZURE AND SEARCH OF A CELLULAR PHONE BELIEVED TO BE AN APPLE IPHONE DUE TO CONVERSATIONS BETWEEN AFFIANT AND ALEC BALDWIN BEING CONDUCTED THROUGH "IMESSAGES." THE PHONE BELONGS TO ALEC BALDWIN AND IS BELIEVED TO BE IN HIS POSSESSION, AND HAS A MOBILE PHONE NUMBER OF (XXX)XXX-3999. THE FULL TELEPHONE NUMBER IS KNOWN, HOWEVER IS REDACTED FOR CONFIDENTIALITY AND PRIVACY. THE CARRIER FOR THE PHONE IS VERIZON WIRELESS.

SEARCH WARRANT

THE STATE OF NEW MEXICO
TO ANY OFFICER AUTHORIZED, TO EXECUTE THIS WARRANT.

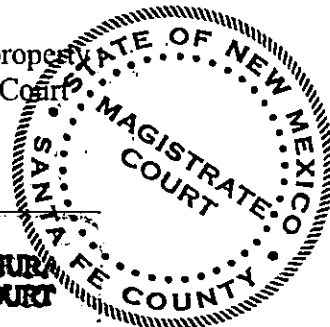
Proof by Affidavit for Search Warrant, having been submitted to me, I am satisfied that there is probable cause that the person named or property described in the Affidavit is located where alleged in the Affidavit and I find that grounds exist for the issuance of the Search Warrant. A copy of the Affidavit is attached and made a part of this warrant.

YOU ARE HEREBY COMMANDED to search forthwith the person or place described in the Affidavit between the hours of 6:00 a.m. and 10:00 p.m., unless I have specifically authorized a night-time search, for the person or property described in the Affidavit, serving this warrant together with a copy of the Affidavit, and making the search and if the person or property be found there, to seize the person or the property and hold for safekeeping until further order of the court.

You are further directed to prepare a written inventory of any person or property seized. You are further directed to file the return and written inventory with the Court promptly after its execution.

12-16-2021 @ 2:34pm
DATE & TIME

JUDGE
JUDGE DAVID A. SECUR
S.F. MAGISTRATE COURT
2056 GALISTEO ST
SANTA FE, N.M. 87505



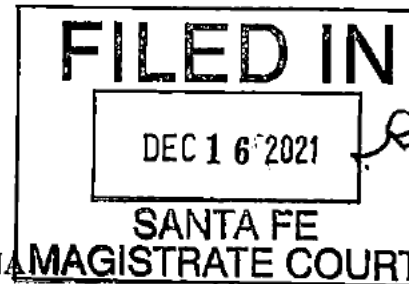
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AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon her oath, states that I have reason to believe the following described cellular phone, may contain items of evidentiary value.

THE SEIZURE AND SEARCH OF A CELLULAR PHONE BELIEVED TO BE AN APPLE IPHONE DUE TO CONVERSATIONS BETWEEN AFFIANT AND ALEC BALDWIN BEING CONDUCTED THROUGH "IMESSAGES." THE PHONE BELONGS TO ALEC BALDWIN AND IS BELIEVED TO BE IN HIS POSSESSION, AND HAS A MOBILE PHONE NUMBER OF (XXX)XXX-3999. THE FULL TELEPHONE NUMBER IS KNOWN, HOWEVER IS REDACTED FOR CONFIDENTIALITY AND PRIVACY. THE CARRIER FOR THE PHONE IS VERIZON WIRELESS.

ITEMS TO BE SEIZED:

1. The cellular phone of Alec Baldwin (DOB [REDACTED] 1958).
2. A forensic download of this cellular phone to include digital images, digital movies, emails, social network accounts, social network private messages, deleted digital images, deleted digital movies, evidence of multiple or deleted social network accounts, internet browser histories, phone book, stored contacts, network connection logs, text messages (MMS and SMS) to include aftermarket text applications, phone use timelines, event logs, database cache histories, image cache histories, passwords or documents containing possible passwords, access to

- any "cloud" drives which may contain digital images or digital movies, or documents containing passwords.
3. All contacts, including names, phone numbers, addresses, and all other information included with the contact.
 4. Recent call list that will display all recent phone numbers that have called the cellular phone, or have been dialed from the cellular phone.
 5. All graphic files and multimedia files, that could include photographs taken by the phone or transferred onto the phone by another service, videos taken by the phone or transferred onto the phone by another service, or any other mixed media messages that might contain both graphic and video files. This also includes any audio only recordings that were taken by the phone or transferred on the phone by another service. Some of these files could appear as text, but be part of a media presentation.
 6. All "Short Message Service" (SMS) messages and "Mixed Media Messages" (MMS) stored on the phone, including any attachments with the messages, including the Recipients address and date/time stamp information commonly associated with these messages. SMS and MMS are not limited to only "Text Messages," as it is common in some phones to use different services than standard text messages, and these messages can be in other applications running on the cellular phone.
 7. Any Owner information found on the phone identifying the telephone number that is assigned to it, what Cellular Provider, and any name or other demographical information commonly found on cellular phones.
 8. Any "Global Positioning System" (GPS) data that can be stored on some telephones, which can include physical location associated with dates and times of where the phone was physically present.
 9. Any other removable memory present on the phone that could contain any of the above information accessed by the phone. This includes SIM cards.
 10. Affiant also requests to take photographs of the cellular telephone, including photographs of some or all of the information contained on the phone as it's presented on the screen, which might have to occur if the phone cannot be downloaded.
 11. Affiant is requesting all information and data from the cellular phone in relation to the production of Rust, and any member working on the production. Pursuant to the ECPA, no information will be collected that is unrelated to the objective of the investigation.

And that the facts tending to establish the foregoing grounds for issuance of a Search Warrant are as follows:

- 1) Affiant is a full-time, certified peace officer in the State of New Mexico, currently commissioned and salaried by the Santa Fe County Sheriff's Department, where she serves as a Violent Crimes Detective in the Criminal Investigations Division. Affiant has 4 years of law enforcement experience.
- 2) Affiant is aware that suspect(s), victim(s) and/or witnesses may document information relating to the crime(s) on computers and/or on other forms of social media.

They often make and/or receive telephone calls and/or messages before, during and/or after the commission crime(s). Such information, if it exists, may be material and relevant to this investigation. This warrant shall include the viewing, listening to, copying, transcribing, transferring and/or recording of data on the herein-described item(s), to be seized.

3) Affiant is aware through training and experience that people who have apparent knowledge of the incident often reach out to individuals involved in ongoing criminal investigations. Individuals also could have been at the incident location/scene and later attempt to communicate with each other during the time that law enforcement personnel are executing the search warrant.

INVESTIGATION CONDUCTED:

On Thursday, October 21, 2021, Santa Fe RECC received a call at 545 Bonanza Creek Road in Santa Fe County, in reference to a multiple victims with a gunshot wound. The Criminal Investigations Division responded to the incident a short time later.

The initial call came in at approximately 1:48 PM to SFRECC (Santa Fe Regional Communications Center). An individual by the name of Mamie Mitchell called 911. While listening to the 911 call, Mamie advises they need an ambulance at Bonanza Creek Ranch due to two people being shot on a movie set accidentally. The dispatcher then transfers Mamie over to medical dispatch. Mamie again advises the medical dispatcher help is needed immediately due to people being shot by a "prop" gun.

Santa Fe County Deputies responded to the scene, and advised there was one female with a gunshot wound to the chest, and a male with a gunshot wound to the stomach/shoulder. The female, identified as Halyna Hutchins, was transported to the University of New Mexico Hospital in Albuquerque by Careflight. The male, identified as Joel Souza, was transported to St. Vincent Hospital in Santa Fe by Santa Fe County Medics. While Affiant was conducting interviews at the Santa Fe County Sheriff's Office, it was discovered Halyna passed away at UNMH due to her injuries.

Affiant interviewed multiple people in reference to the incident to include the armorer, Hannah Gutierrez-Reed, the gun handler Alec Baldwin, and the Assistant Director David Halls. The set of Rust began filming on October 6, 2021.

During Hannah's interview, she said the morning of the incident (10/21/2021), she got to work and got the guns out. She advised her co-worker, Sarah Zachry, helped her out with the morning tasks. Hannah advised after they retrieved the guns, they took them to set. Hannah said while on set, she "dummied the guns up with the dummy rounds." Hannah stated they got on set around 7:30 AM, but didn't dummy the gun up until a short time before lunch.

Hannah advised when they all returned from lunch, Sarah pulled the gun out of the safe (the gun utilized by Alec) and handed it to her. Affiant asked Hannah if she loaded the gun after lunch, to which she stated it was already loaded before they went to lunch. Hannah advised, "we had the gun the whole time before that, and nothing happened, and I wasn't in there, and they weren't even supposed to be pulling the hammer back." Affiant asked Hannah to clarify where the guns were located before lunch, to which she responded they were inside with the camera crew, and she was hardly allowed inside due to COVID precautions. Hannah advised she handed the gun to Alec (Baldwin) a couple times in the morning inside the set. Hannah said at one point Dave (Halls) had the gun when he was sitting in for the shot. She advised she handed the gun off to Dave while he was sitting in, and this hand off occurred after lunch.

Affiant asked Hannah when the last time she loaded the gun was, and she advised she loaded the gun with 5 dummy rounds before lunch. Hannah stated there was one round that wouldn't go in so after lunch she took the cleaner, cleaned "it" out, and put another round in, which brought the total to six rounds loaded in the weapon. Hannah described the gun to be a long barrel Colt, .45 caliber.

Hannah advised they all went to lunch at 12:30 PM, and after they came back, she and Sarah took the guns to the set. She said the guns were all in bags at this point, and described the bags to look like "socks." She stated the guns were checked on set,

however she “didn’t really check it too much” (the firearm), due to it being locked up at lunch. Hannah said after she did the check, she put in the last round.

Hannah advised a short time later, she remembered she could hear the gun shot, then heard people calling for a medic emergency. Hannah said she looked in to see Joel (Souza) on the ground, and asked if it was the gun, to which Dave responded it was the gun that went off.

Hannah said when she checked the gun after the incident, she checked the cartridge which would have been the one fired and said the first one she pulled out didn’t have “that” (pointing to the projectile end of a bullet). Hannah said she checked all the other rounds and they all had the ringing sound when she shook them, or a hole in the side, indicating it was a dummy round. Hannah advised the box of dummies may have some “wonky” rounds, and they received the box approximately a week ago from Seth (Seth Kenney), her supplier.

Hannah made a statement that she did not believe anyone on the film set would be that malicious to bring live ammo onto the set. Hannah confirmed when she was handed the gun after the incident, she was the only one to manipulate it, and it was closed when it was handed to her.

Alec Bladwin was brought into the interview room at approximately 5:12 PM. He was advised of his Miranda Rights and agreed to speak with Detectives. Alec advised in the scene he slowly takes the gun out of the holster, then very dramatically turns it and cocks the hammer, which is when the gun goes off. He said it was supposed to be a “cold gun” so no flash charge or anything should have gone off. Alec said all the rounds in the gun were supposed to be cosmetic or “dummy” rounds. Alec advised when the gun went off, he could recall Halyna (Hutchins) going down to the ground, and Joel (Souza) start to scream.

Alec said since they were in rehearsal, he assumed he had an empty gun, therefore when he shot the gun, Haylena was right in front of him.

Alec described the gun to be a “period” Colt. He said there were emails transferred back and forth between Hannah and him where she showed him different styles of guns. He said he requested a bigger gun, and she also showed him different styles of knives for the production. Alec was shown a Colt with a brown handle, and a cherry handle, and he ultimately chose the one with the brown handle.

In a brief search of Halyna Hutchins phone, Affiant discovered conversations about the Rust production dating back to July 14, 2021. Affiant also discovered photographs of receipts in the phone dating back to September 7, 2021, showing various receipts of businesses in Santa Fe. Affiant believes gathering information prior to the film start date of Rust is essential for a full investigation. Affiant requested Alec’s phone from him, as well as his attorney, and was instructed to acquire a warrant. Alec Baldwin has contacted Affiant numerous times through phone calls and text messages using the number listed, therefore Affiant believes this to be the phone/phone number Alec uses on a regular basis. Affiant is aware of the entire cellular phone number, however has redacted the beginning of the number for confidentiality and privacy of the individual. Affiant also believes the phone is an Apple iPhone, due to text messages sent/received between defendant and Affiant being “iMessages” which is typical of any Apple device.

Affiant is requesting a warrant for the seizure and search of Alec Baldwins’ cell phone to search for any evidence relating to the death investigation of Halyna Hutchins. Affiant believes there may be evidence on the phone, due to individuals using cellular phones during and/or after the commission of crime(s). Such information, if it exists, may be material and relevant to this investigation. Affiant was also made aware there were several emails and text messages sent and received regarding the movie production “Rust” in the course of interviews.

Affiant has not included every fact related to this investigation, but has included only those facts Affiant believes are necessary to establish probable cause, for the issuance of a search warrant for the above mentioned device.

As required by the NM Electronic Communications Privacy Act, information obtained through the execution of this warrant that is unrelated to the objective of the warrant and not exculpatory to the target (individual(s)) shall be sealed and shall not be subject to further review, use or disclosure except pursuant to a court order or to comply with discovery as required.

What may be considered exculpatory by the defense, may not be immediately clear to investigator(s) or prosecution. Review of the information from the search warrant will require an analysis of data, records, communication and location services and/or related materials specifically related to the focus of the search warrant. This review and analysis shall be conducted within a reasonable period of time.

Again, any information obtained through the execution of this warrant that is unrelated to the objective of this warrant will be sealed and later destroyed as soon as feasible after the termination, adjudication, and conclusion of the investigation and court proceedings.


Based upon the aforementioned information and investigation, Affiant requests and believes there are sufficient grounds sought for the issuance of a Search Warrant.


Signature of Affiant – Detective Alexandria Hancock

Detective

Title of Affiant

Subscribed and sworn to or declared and affirmed to before me in the above-named county of the State of New Mexico this 16 day of December, 2021 @ 2:34 p.m.
Time: 2:34 p.m.


Judge, Notary or other officer
Authorized to administer oaths.

Magistrate Judge
Official Title

JUDGE DAVID A. SEGURA
S.F. MAGISTRATE COURT
1030 GALISTEO ST
SANTA FE, N.M. 87505

Approved for legal sufficiency and format
By: Chief Deputy District Attorney, Kent Wahlquist