

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

State of New Mexico

Plaintiff,

Vs.

Number _____
SFSO CASE #2021007949

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

A WOODEN FIXED STRUCTURE, GRAY/BROWN IN COLOR WITH A PITCHED ROOF AND A CROSS ON THE ROOF. THE FRONT OF THE STRUCTURE FACES WEST AND HAS FOUR MEDIUM SIZE WINDOWS FACING NORTH, TWO MEDIUM SIZE WINDOWS AND ONE SMALL SIZE WINDOW FACING EAST AND FOUR MEDIUM SIZED WINDOWS FACING SOUTH. THE LOCATION IS IDENTIFIED AS 545 BONANZA CREEK ROAD, SANTA FE, NEW MEXICO 87508. THE GPS LOCATION IS IDENTIFIED AS N35.32.35, W106.5.52.

Defendant(s); Unknown

SEARCH WARRANT

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

Proof of 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 to the Affidavit is attached and made a part of this warrant.

YOUR ARE HEREBY COMMANDED to search forthwith the person of 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 with a copy of the Affidavit, and making the search and if the person or property to be found there, to seize the person or the property and hold for safekeeping until further order of this court.

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

October 22, 2021 @ 1809
DATE



JUDGE

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Defendant(s); Unknown

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon his oath, states that I have reason to believe that on the following described premises.

Residence to be searched: A WOODEN FIXED STRUCTURE, GRAY/BROWN IN COLOR WITH A PITCHED ROOF AND A CROSS ON THE ROOF. THE FRONT OF THE STRUCTURE FACES WEST AND HAS FOUR MEDIUM SIZE WINDOWS FACING NORTH, TWO MEDIUM SIZE WINDOWS AND ONE SMALL SIZE WINDOW FACING EAST AND FOUR MEDIUM SIZED WINDOWS FACING SOUTH. THE LOCATION IS IDENTIFIED AS 545 BONANZA CREEK ROAD, SANTA FE, NEW MEXICO 87508. THE GPS LOCATION IS IDENTIFIED AS N35.32.35, W106.5.52.

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

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 Office, where he serves as a detective within the Criminal Investigations Division of the Santa Fe County Sheriff's

Office. Affiant has four years of law enforcement training and experience investigating criminal matters.

ITEM(S) TO BE SEIZED:

1. Photographs of the exterior and interior of structure
2. Video camera(s), video tape(s), DVD(s), DVR's that captures, documents and records any video. Video captured/recorded during the filming of the movie, "Rust."
3. All computer hardware equipment and connector cables, (including: central processing units, monitors, modems, routers, keyboards, printers, computer scanner equipment and or video transfer equipment and storage devices [including: external and internal hard drives, cell phones and PDA's capable of sending and receiving images and/or text messages, thumb drives, magnetic tapes, optical and digital storage devices, digital cameras, CD's, DVD's, memory cards, Micro SD Cards, iPods, iPads, all other computerized Tablets, X-Box, PSP players, floppy disks or other media capable of storing data].
4. Firearm(s), Firearm(s) components, documentation that establishes ownership of said firearm(s). Ammunition(s), used or unused whether it be live ammunition or prop ammunition, projectiles, casings whether spent or unspent.
5. All cameras, digital cameras, and film or memory cards used by cameras.
6. Clothing including but not limited to shirt(s), pant(s), hat(s), to include Old Western Style clothing worn by the actor/staff during the incident that may still be in the structure/building.
7. A scan of the scene by a Leica MS60 which measures the room by laser.\
8. Latent and/or visible print(s), including but not limited to fingerprint(s) and footwear impression(s).
9. Fingerprint, palmprint and/or footprint standards sufficient for laboratory examination from any person(s) located at the herein-described premises and/or vehicle(s), to be searched.
10. Bodily fluid(s), bodily tissue(s) and/or bodily organ(s) including but not limited to saliva, semen, blood, bone fragments, skin, hair and/or any item(s) that may have said item(s) upon and/or within them.
11. Residue(s) apparently deposited by the discharge of firearm(s) and/or any explosion(s) and/or any item(s) and/or material(s) that may have said item(s) and/or material(s) on and/or within them.
12. Trace evidence, including but not limited to glass, hair and/or fiber(s)

and/or any item(s) and/or material(s) that may have said item(s) on and/or within them.

INVESTIGATION CONDUCTED:

On Thursday, October 21, 2021, Santa Fe County Sheriff's Office deputies were dispatched to 545 Bonanza Creek Road, Santa Fe, New Mexico, in reference to an incident regarding a "Gunshot Trauma," Santa Fe Regional Emergency Communications Center (SFRECC), advised a male was accidentally shot by a prop gun and it was unknown if it had been a live round used.

Upon arrival, Deputy Nicholas LeFleur, advised one female had been shot in the chest and one male was shot in shoulder area. The female was identified as Cinematographer (Halayna Hutchins) and she was transported via helicopter to the University of New Mexico Hospital (UNMH), located in Albuquerque, New Mexico, for further medical care. The male identified as Joel Souza (Director), who sustained a gunshot wound to the shoulder, was transported via ambulance to Christus St. Vincent Hospital, located in Santa Fe, New Mexico.

Upon arrival, Affiant learned, the location of the incident was inside of a structure located at 545 Bonanza Creek Road and the GPS location being N35.32.35, W106.5.52. Affiant learned the firearm used during the incident was secured by arriving deputies along with the ammunition.

During the filming of the movie, the Assistant Director (Dave Halls,) grabbed one of three "prop-guns" that was set-up by the Armorer (Hannah Gutierrez), which was on a cart. The cart is a gray in color rolling table with two layers and was left outside of the structure due to COVID19 restrictions. Affiant learned one of the prop-guns was then grabbed by the Assistant Director (Dave Halls) and he took it to the actor identified as Alec Baldwin who was inside of the structure. As the Assistant Director (Dave Halls) handed the gun to the Actor Alec Baldwin, (Dave Halls) yelled, "Cold Gun," indicating the prop-gun did not have any live rounds. The prop-gun was fired by the Actor Alec Baldwin, striking the Cinematographer identified as (Halayna Hutchins) and Joel Souza (Director) who was behind the Cinematographer (Halayna Hutchins).

Affiant later learned, the Assistant Director (Dave Halls) did not know live rounds were in the prop-gun, when he had given to the prop gun to the Actor Alec Baldwin.

Affiant learned what had happened to the prop-gun once it was fired. The prop-gun was handled by the Armorer identified as (Hannah Gutierrez) and given to the Assistant Director (Dave Halls). The Armorer (Hannah Gutierrez) was given the prop gun after it was fired by Actor Alec Baldwin, she then took the spent casing out of the prop-gun. When deputies arrived on scene, the prop-gun was handed to arriving deputies by Armorer (Hannah Gutierrez).

Affiant learned the Actor Alec Baldwin was wearing Old Western style clothing during the filming of the movie. Given the fact the Actor Alec Baldwin was wearing Old Western style clothing during the filming, he changed into "street clothes" prior to leaving the scene and the items were turned over to the Santa Fe County Sheriff's Office

evidence Technician, these clothes appear to have blood stains. Santa Fe County Sheriff's Office Evidence Technician learned a western style coat was left inside of the structure. It is important to gather any trace evidence, residue or biological specimens that might be related to the incident. Affiant learned the incident occurred in close proximity which can lead to transfer of evidence.

Affiant was informed the prop-gun was properly secured in a marked patrol unit along with other prop-ammunition. The grey in color two tier cart, contained a western style belt and additional prop-ammunition which was secured by responding deputies.

The Cinematographer (Halayna Hutchins), who sustained a gunshot wound to the chest area, was later pronounced deceased at UNMH.

On Friday, October 22, 2021, at approximately 1:00 p.m., I made contact with Joel Souza (Director/Writer) whom sustained a gunshot wound to the right shoulder. Upon making contact I did observe a visible injury to his right shoulder. Joel was given the opportunity to give a statement regarding the incident that occurred at 545 Bonanza Creek Filming Ranch in Santa Fe, New Mexico on Thursday, October 21, 2021.

Joel stated that the work day started at approximately 6:30 a.m. He went on to say that the crew usually meets and has breakfast on the property. During the morning hours, the day started off late due to a camera crew that had quit and they had to find another camera crew to help film the movie.

Joel said once they hired another camera crew to assist, the day was taking longer than usual because they only had one camera to do the filming. Joel was asked about the employees' behavior, and he said everyone was getting along there were no altercations that took place to his knowledge.

Joel stated that because of his job, he was more concentrated on the monitors of the cameras and screens. He did state that no film was being recorded because the crew was working on getting the scene ready for the movie and how they were going to set up the one camera that was available to them.

Joel said he was standing beside (Cinematographer) Halayna Hutchins viewing the camera angle on camera lens. The rehearsal took place inside the church building where Actor Alec Baldwin was sitting on a wooden pew facing south towards the camera and crew. Joel said the rehearsal entailed Actor Alec Baldwin cross drawing his weapon and pointing the revolver towards the camera lens. According to Joel it was his belief the gun being used in the rehearsal was safe and used the term "cold gun" when explaining the firearm safety announcements. He said he remembered the phrase "Cold Gun" being said, while preparing for the scene.

Joel explained what he knows about the firearm safety. He said what he knows is three people had been handling the guns or firearms for the scenes. He said the firearms are checked by Hanna who is the Armorer, and then the firearm is checked by the Assistant Director Dave Halls, who then gives it to the Actor using the firearm. Joel said as far as he knows, no one gets checked for live ammunition on their person prior and after the

scenes are being filmed. The only thing checked are the firearms to avoid live ammunition being in them. Joel Stated there should never be live rounds whatsoever, near or around the scene.

Joel explained that prior to the discharge of the firearm by Actor Alec Baldwin, they had been working on preparing for the scene before lunch. Joel said they broke for lunch around 12:30 p.m. and had to be shuttled to an area away from the set to have breakfast, lunch and dinner. Joel advised they returned back to the set after lunch, although he is not sure if the firearm was checked again. Joel stated they had Alec sitting in a pew in a church building setting, and he was practicing a cross draw. Joel said he was looking over the shoulder of Halayna, when he heard what sounded like a whip and then loud pop.

Joel then vaguely remembers Halayna complaining about her stomach and grabbing her midsection. Joel also said Halayna began to stumble backwards and she was assisted to the ground. Joel explained that he was bleeding from his shoulder and he could see blood on Halayna.

Once I completed my interview with Joel, I made contact with Reid Russel who is identified as a (camera-man) who was standing next to Joel and Halayna at the time of incident.

While speaking to Reid he stated he arrived early to eat breakfast on the day of incident. Reid told me he had much work to complete due to a camera crew of about six individuals walking out of the film. Reid stated the camera crew was having issues with production involving payment and housing. Reid also said that the camera crew that walked out on the film wrote a letter to production on disagreements.

Reid said while he was working with the camera in the setting for the movie, he had stepped out for about 5 minutes after returning from lunch. He said when he had returned back into the setting for the scene, Alec, Joel, and Halayna were already in possession of the firearm and had been preparing for the scene. He was not sure if the firearm had been checked due to his absence of the five minutes.

Reid went on to say, that while setting up his camera, there was no video or audio being filmed as it was just preparation of the scene and setting. Reid said while preparing, there was a shadow coming from the outside light and they had to move the camera at a different angle from Alec. He said Alec was trying to explain how he was going to draw out the firearm and where his arm would be at when the firearm was pulled from the holster.

Reid was not sure why the firearm was discharged and just remembered the loud bang from the firearm.

Reid said after the firearm was discharged, he remembered Joel having blood on his person, and Halayna speaking and saying she couldn't feel her legs. Reid stated once Halayana was on the ground, medics began to treat her injury as she was bleeding while on the floor of the building they were in.

Reid was asked about the behavior of the people involved in the setting of the scene. He said everyone seemed to be getting along.

He was asked about Alec and the firearm and how he handled the firearm. Reid said Alec had been very careful, and brought up an instance when a scene was being filmed earlier. Reid said Alec had made sure it was safe and that a child wasn't near him when they were discharging a firearm during that scene.

On October 22, 2021, Detectives executed a search warrant at 545 Bonanza Creek Road, in Santa Fe County, New Mexico. During the execution of that warrant, they did find blood in the area where the incident took place. The incident where a firearm was discharged and two people were wounded and bleeding. The findings in the warrant corroborate statements about the injuries and the incident that took place.

Affiant is aware additional evidence might be located on the prop-gun used while the filming of the movie. Additional review will be required of the film captured during the scene as well as cameras, digital cameras, and film or memory cards used by cameras. Affiant learned a rehearsal was taking place and equipment for filming was at the scene. Due to filming equipment being at the scene, Affiant would like to confirm if the incident that took place was or wasn't recorded.

Based on the aforementioned information and investigation, Affiant believes there are sufficient grounds sought for the issuance of a Search Warrant for the aforementioned structure, 545 Bonanza Creek, Santa Fe, New Mexico 87508 (GPS Location N35.32.35, W106.5.52.).

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.

Affiant is aware through training and experience that before, during and/or after the commission crime(s) there is often transfer of evidence between suspect(s), victim(s), witness(es) and/or their environment. This evidence may not be visible to the naked eye.

Affiant is aware people involved in the commission of crime(s) often attempt to conceal, tamper with and/or dispose of evidence, including but not limited to the herein-described item(s), to be seized.

At this time it is unknown if any weapons are within the structure.

Affiant, respectfully requests the issuance of a search warrant regarding the aforementioned location. It is important to document the condition and/or location of items found at the scene and/or their context within the scene. Based on the foregoing information believes there is probable cause that items of evidentiary value may be identified within the home, which could corroborate or refute the statements that have been provided at this time.

Joel Cano
Name of Affiant: Det. Joel Cano
Santa Fe County Sheriff's Office

[Signature] # 9242
Signature of Affiant

Detective / CID
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 22nd day of October, 2021.

[Signature]

Judge, Notary or other officer
Authorized to Administer oaths.

Magistrate Judge
Official Title

Approved for legal sufficiency and format
By: ADA Kent Wahlquist
On: October 22, 2021