

IN THE SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO
Plaintiff,

No. _____
SFSO# 2021-007949

vs.

Unknown
Defendant,

IN THE MATTER TO THE ISSUANCE OF A SEARCH WARRANT FOR: PDQ Arm & Prop, LLC. The company has an address of 126 Monroe Street NE, in Albuquerque, New Mexico, 87108. It is located in a multi-business strip mall. The building is brown stucco, and has a flat roof. The driveway to the business is covered with red brick. There is a glass door to enter the business, and a window to the right side of the door. There are two planters on either side of the door at the floor level, attached to the building also covered in brown stucco.

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 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.

YOUR ARE HEREBY COMMANDED to search forthwith the 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.

11/30/2021 11:22am

DATE/TIME


JUDGE

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

AFFIDAVIT FOR SEARCH WARRANT

Affiant, being duly sworn, upon her oath, states that I have reason to believe that on the following described premises and person:

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Affiant Background and Experience

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 within the Criminal Investigations Division of the Santa Fe County Sheriff's Office. Affiant has 4 years of law enforcement experience. Affiant has formal as well as advanced training and experience with criminal investigations.

Items to be Seized:

1. Document(s) that establish or tend to establish ownership, possession, use, transfer and/or the right to ownership, possession, use and/or transfer of the herein-described item(s), to be seized.
2. Documentation in relation to the set of "Rust" to include any/all documents relating to products/equipment/ammunition supplied to the production.
3. Documentation to establish work contracts or employee work contracts in relation to the set of "Rust."
4. Ammunition, live or spent, any and all boxes and/or containers that may hold said items; any and all gun cleaning equipment. Ammunition must contain the "Starline Brass" logo, for evidence comparison.
5. Photographs of exterior and interior of building/business.
6. Camera(s), video camera(s), film, whether exposed and/or unexposed, photographic negative(s), photograph(s), photographic print(s), video tape(s), DVD(s) and/or any other image(s) documented on any media, photography and/or videography equipment, photography and/or videography accessories and/or devices apparently used to facilitate photography and/or videography that may have served the purpose of surveillance to the property inside or out.
7. Item(s) which establish or tend to establish possession, use, residence, occupancy, presence and/or the right to possession, use, residence, occupancy and/or presence at the above described premises and/or vehicle(s), to be searched.
8. Any record documented on any media, which establishes and/or tends to establish the state of mind, motive(s), action(s), means and/or intention(s) of any person(s) with knowledge or apparent knowledge of the crime(s), including, but not limited to diaries, journal(s) audio and/or video tape(s).

STATEMENTS OF FACTS KNOWN TO AFFIANT TENDING TO ESTABLISH GROUNDS FOR ISSUANCE OF THE SEARCH WARRANT:

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. Seth Kenney from PDQ Arm & Prop, LLC was also interviewed at a later date.

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 "dummed 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.

On October 21, 2021, a female identified as Sarah Zachry was also interviewed by Santa Fe County Detectives on the day of the incident. While watching the interview conducted with Sarah, Affiant learned Sarah was hired to be the "Prop Master" for the set of Rust. In Sarah's interview she advised after the incident, she went to check the box of ammo on the props cart and compare it to the round she was handed which was the suspected live round from the fired gun. Sarah said when she was comparing it to other cartridges in the box, she found some of the cartridges would rattle, which signified them being "dummy rounds," however, others did not rattle. Sarah said this lead her to believe some of the other rounds in that box were live ammo.

In the interview, Sarah advised the ammunition for Rust was provided from various sources, to include Seth Kenney, some Hannah brought from a previous production, and extra rounds from an individual identified as "Billy Ray."

On October 22, 2021, a search warrant was executed for the church on Bonanza Creek Ranch where the incident occurred. Several items were collected, and during evidence processing by Crime Scene Technician Marissa Poppell, it was learned there was additional ammunition collected of which some are suspected live ammunition.

On October 27, 2021, a search warrant was executed for a prop truck at the Bonanza Creek Ranch. Seth Kenney was present during the search due to a gun safe in the truck needing a code to be unlocked. During the search, Affiant spoke to Seth about the various kinds of ammunition he provided to the set of Rust. Seth advised the ammo included dummy rounds and blanks. He said how the ammunition he provides to the productions are from a manufacture identified as Starline Brass.

On October 29, 2021, Affiant received a phone call from Seth, where he advised he may know where the live rounds came from. Seth described how a couple years back, he received "reloaded ammunition" from a friend. Seth described the ammunition stuck out to him due to the suspected live round to have a cartridge with the Starline Brass logo on it. Seth described the logo to be a star, an arch, and then another star. He described how the company only sells components of ammunition, and not live ammunition, therefore it had to be a reloaded round.

In a secondary interview with Hannah, Affiant asked who supplied the ammunition and weapons to the set of Rust, to which she advised it was an individual identified as Seth Kenney. Affiant learned the firearms and ammunition were picked up either from Hannah or Sarah in Albuquerque, New Mexico, at PDQ Arm and Prop, LLC. The addresses listed for PDQ Arm & Prop, LLC, online are 126 Monroe Street, Albuquerque, New Mexico 87108 and there is a secondary address listed of 317 Commercial Street NE, Albuquerque, New Mexico 87102.

On Monday, November 15, 2021 Affiant received a statement from Thell Reed, father to Hannah, regarding some information on ammunition. On Wednesday, November 17, 2021, Affiant conducted a phone interview with Thell to obtain further information. In Thell's statement, he advised in the August/September timeframe, he worked on a set with Seth Kenney. Thell advised during the production, there was training provided to the actors for live fire with firearms, conducted on a firearms range. Thell said at this time, Seth requested he bring live ammunition in the event they ran out of what was supplied. Thell stated he did bring an "ammo can" with live ammunition from a friend, and this ammunition was not factory made rounds. He advised there was approximately 200-300 rounds in the can, and described the can to be green in color and looked like a military ammo can.

Thell advised after the production ended, Seth took the ammo can and the remainder of the ammunition in the can back to New Mexico. He said the can still had .45 caliber colt ammunition in it, and after several attempts to get it back from Seth, Seth advised Thell to "write it off." Thell stated this ammunition may match the ammunition found on the set of Rust.

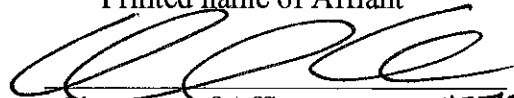
Affiant is requesting a search warrant be approved for the business of PDQ Arm & Prop, LLC, in attempt to search for any items of evidentiary value that will help with the

ongoing investigation in relation to the death of Halyna Hutching on the set of Rust, filmed at the Bonanza Creek Ranch.

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 an search warrant for PDQ Arm & Prop, LLC.

Detective Alexandria Hancock

Printed name of Affiant



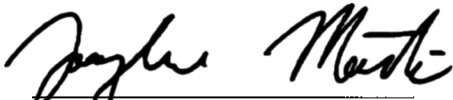
Signature of Affiant

7254

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 30th day of November, 2021. Time 11:22 am



Judge, Notary or other officer
Authorized to administer oaths.

District Court Judge

Official Title

Electronically approved for legal sufficiency and format
By: Chief Deputy District Attorney Kent Wahlquist