

# Case against actor Alec Baldwin in 2021 death on *Rust* film set collapses over prosecution's withholding of evidence

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The trial of veteran actor Alec Baldwin on charges of involuntary manslaughter in the October 2021 death of cinematographer Halyna Hutchins came to an abrupt end Friday on only its third day.

Judge Mary Marlowe Sommer of the First Judicial District Court of New Mexico in Santa Fe dismissed the case against Baldwin “with prejudice,” ruling out any refile of the charges. Sommer acted after the actor’s lawyers alleged that police and prosecutors concealed evidence related to the ammunition that killed Hutchins and wounded director Joel Souza during the filming of the Western film *Rust*.

The film’s armorer [gun handler], Hannah Gutierrez-Reed, was scapegoated in the tragic incident and sentenced to 18 months in prison after being convicted of involuntary manslaughter. Her attorney Jason Bowles indicated he would seek to have Gutierrez-Reed’s case thrown out on the same grounds as Baldwin’s.

The issue that saw the case dismissed in such an ignominious fashion for the prosecution involved the question of how live ammunition showed up on the set of *Rust* and eventually was loaded into the supposedly harmless prop gun Baldwin was holding during a rehearsal, leading to the death and wounding. It has never been established how such a thing occurred.

According to the Associated Press, on Thursday, Baldwin’s defense team pointed to the existence of bullets made available to the police by a witness who “said the ammunition was the source of the round that killed Hutchins” and implicated prop arms provider Seth Kenney.

It was the revelation that the police and district attorney had “buried,” i.e., deliberately concealed, this evidence that led to the judge’s action.

The authorities had taken it upon themselves to determine that the witness and the ammunition in question were “not relevant.” The evidence, reports AP, “was collected but crucially was not put into the same file as the rest of the *Rust* case, and it was not presented to Baldwin’s team when they examined ballistics evidence in April.”

Following upon these revelations and their possible consequences, one of the special prosecutors, Erlinda Ocampo

Johnson, who delivered the state’s opening arguments two days earlier, shockingly resigned from the case Friday and walked out of court. She later explained she felt the government should have voluntarily dismissed the case before the judge took action later that day. NBC News comments that Ocampo Johnson “knew the prosecution’s case was in trouble Friday when she learned that some rounds had not been turned over to the defense. ‘It was clear that it was something that should have been turned over.’”

The other prosecutor, Kari Morrissey, and the government decided to go ahead with the case Friday, even putting Morrissey on the witness stand.

In the end, the judge determined that the prosecution’s case was simply too contaminated.

“The late discovery of this evidence during trial has impeded the effective use of evidence in such a way that it has impacted the fundamental fairness of the proceedings,” Marlowe Sommer argued. “If this conduct does not rise to the level of bad faith it certainly comes so near to bad faith to show signs of scorching.”

During a hearing Friday concerning the defense motion to dismiss, Morrissey asserted there was “absolutely nothing about the ammunition” turned over to police—and concealed—that had any “evidentiary value in the Baldwin case.” A member of Baldwin’s legal team made the elementary point that “Miss Morrissey does not get to determine what has evidentiary value and what doesn’t.”

Bowles, the imprisoned Gutierrez-Reed’s lawyer, told the media that the judge “absolutely made the right decision on the law and on the facts. ... The judge found the state committed misconduct,” he said, according to NBC News. “A lot of emotions. I mean, seeing Mr. Baldwin, knowing what he was going through, knowing what Hannah Gutierrez-Reed is going through right now being in prison, and that the state has committed a pattern of violations of discovery ... it’s devastating.”

Bowles indicated he planned to file a motion early next week to have his client’s case dismissed, citing the misconduct by the prosecution. Bowles referred again to “discovery violations

which have occurred throughout her case and continue to occur.” He suggested that things he had learned about Friday were “absolutely shocking.”

There is a certain appropriateness about the manner in which the Baldwin case collapsed. Cover-up and bad faith have dominated the case from the beginning.

Those truly responsible for Hutchins’ tragic death, *including* Baldwin in his capacity as one of the producers, are the producers and management figures who organized and presided over the *Rust* film set, along with union officials who turn a blind eye to the hazardous conditions prevailing on many film and television productions.

As we have previously noted,

*Rust*, whose filming was eventually completed in Montana, is known in the film industry as an Ultra-Low Budget film. This is part of a tier structure agreed to by the International Alliance of Theatrical Stage Employees (IATSE), and the Alliance of Motion Picture and Television Producers (AMPTP), which allows producers to hire nonunion crews if union members are unwilling to accept the low wages and poor conditions.

Immediately preceding the October 2021 accident, several workers who had made written complaints about safety violations the previous night, including three weapon misfires on the set in the last week, were fired and escorted off the set by security. Numerous workers reported not being paid for weeks and having to sleep on the set due to working 14- to 16-hour shifts, and having to drive 50 miles to their hotels. The *Rust* shooting also occurred mere days after IATSE called off an impending strike in which one of the issues would have been the conditions workers throughout the industry face daily.

Moreover, regarding safety on *Rust*, the New Mexico Environmental Division, which oversees the state’s Occupational Safety and Health Administration (OSHA), reported that its investigators determined the film’s production company

failed in their obligation to provide a workplace free of recognized hazards. More specifically there were several management failures and more than sufficient evidence to suggest if standard industry practices were followed the fatal shooting of Halyna Hutchins and the serious injury to Joel Souza would not have occurred.

that all flowed from one general source: the decision to do everything on the cheap.”

This is part of an industry-wide process that the tentative agreement recently reached by IATSE and the film and television producers will do absolutely nothing to curtail.

Following the death in February 2024 of crew member J.C. “Spike” Osorio—a rigger who fell from the rafters—on the Marvel Studios [owned by Disney] series *Wonder Man*, AP commented:

While crew injuries and deaths on film and television sets have historically been underreported, there have been several fatalities in recent years that have resulted in high-profile lawsuits and calls for industry reforms. ...

Between 1990 and 2014, at least 43 people died on sets in the U.S. and more than 150 were left with life-altering injuries, according to a 2016 report by The Associated Press. Those numbers were derived by combing through data from workplace and aviation safety investigations, court records and news accounts.

In April, according to the *Hollywood Reporter*, “multiple crew members were injured in an action sequence that did not go as planned on the set of Amazon-MGM Studios’ *The Pickup*. OSHA investigations for both incidents remain ongoing.”

In addition, there are fatalities and injuries outside the workplace attributed to the impact of the unbearably long hours worked in Hollywood, work “days” that often extend into the early hours of the morning.

In May, for example, *9-1-1* series crew member Rico Priem, writes the *Hollywood Reporter*, “died of sudden cardiac dysfunction, according to local officials in Los Angeles. His body was found inside his crashed vehicle after he’d worked two consecutive 14-hour overnight shifts.”

In regard to the ill-fated *Rust*, which has not been able to find a distributor, Baldwin and other producers still face civil lawsuits from Halyna Hutchins’ parents and sister and from crew members.



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The set, as we have explained, “was plagued by safety issues