

TRANSCRIPT: All Day Alec Baldwin Hearings! (Part 2 of 2)

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Welcome everybody. Welcome back to part two of this law of self-defense show. Hopefully I had to scramble to set this up. All right, let's get my earbuds in.

We have one person in. So it looks like uh it looks like youtube's working X is working. It looks like the law of self defense member live stream is working. Oh, there's the chat. And what about rumble? Looks like rumble is working. Ok. So today part two, the afternoon of this series of Alec Baldwin hearings, we'll focus on the question.

Looks like the last question of the day, the defendant's motion to dismiss the indictment with prejudice based on the state's destruction of evidence. This is the defense claim that when the state sent the Alec Baldwin revolver to the FBI lab, they did a bunch of testing uh on it. And uh in the course of that testing, they managed to break the Sear and hammer connection inside the gun. The defense is characterizing that as the state's deliberate destruction of evidence. Um and is asking for essentially the sanction of dismissal of the indictment with prejudice, meaning that Alec Baldwin could never be held accountable criminally accountable for the killing of Helena Hutchins, which is what we're discussing. Of course, capsule Alec Baldwin, the actor on the movie set of Rust was handling a what he knew to be a real gun. Um, didn't check to make sure there was no live ammo in the gun and there was live ammo.

At least one live round in the gun pointed that gun directly at cinematographer Helena Hutchins cocked the hammer, arguably depressed the trigger fired the gun. The FBI lab would tell us the gun cannot discharge a live round with the hammer cocked unless the trigger is pulled, fired around into the uh right armpit of Elena Hutchins. It traversed her entire body, broke her spine, exited the left side of her body, entered the body of a director.

Joel Souza buried itself in his shoulder. He would survive the gunshot injury. Helena Hutchins would not, Hannah Guterres. The armorer responsible for ammo on the set was convicted earlier this year of involuntary manslaughter. She's serving 18 months in prison um for her recklessness in managing the Ammon guns on set that contributed to the death of Elena Hutchins, Alec Baldwin, of course, is the man who had the gun in his hand who pointed it directly at Elena Hutchins who cocked a hammer, arguably depressed the trigger killed Helena Hutchins. He's now on trial.

Well, coming to trial for the involuntary manslaughter, Helena Hutchins jury selection begins July 9th in just a couple of weeks now, getting to a couple of weeks, um and the trial is

scheduled to begin on July 10th and we will be live streaming the trial, as you might imagine, just as we're live streaming today's uh pretty much a full day of hearings on various questions. So this morning, we heard argument on the defense motion to exclude witnesses. The defense came up with a bunch of witnesses on its witness list that they realized were going to say incriminating things about their client. So they tried to bury those witnesses, one of whom at least one of whom is going to say, I watched Alec Baldwin press the trigger when the gun discharged into Helena Hodgins. Uh Naturally the defense, once they interviewed these witnesses and realized what they were gonna say, tried to, tried to bury him. Uh The state objected, the judge ruled in favor of the state.

Those witnesses will be allowed to testify. Uh The state had moved for a generalized pretrial order of use. Well, we're back fe I'm not clear when we recessed it. I, I got the impression that uh the defense was treating this as a motion to just suppress because they were sort of talking about the defen the state going first.

What, what are we doing? Which, how are we proceeding? Yes, that was my understanding of the state would call these witnesses um from the emails and the communications before the break. And that's not a problem your honor. We're prepared to call them. Ok. All right. All right.

So, would you like us to proceed your honor? Yes, please. Right. And, and, and I assume for the purpose of this where I'm not gonna have any objections to the exhibits that are part of the courtroom. So this is, uh, Alex Spiro. He's one of the two senior, uh, well, senior legal counsel, a partner at Emanuel Quinn, Big Manhattan law firm, top 50 law firm in the world, I believe, uh really a civil litigator, but leading Alec Baldwin's defense here. Uh and the woman we just saw with the dark hair, the one who's not the judge or Linda Johnson recently added as a special prosecutor for the state to this a Alec Baldwin prosecution.

Uh First time I ever saw her argue was this morning in part one of this show. Uh She seems quite sharp, quite bright. Uh, a good partner for Kerri Morrissey in prosecuting this case. Now, the question they're addressing here again is the, the defense has basically alleged that the well alleged the, the, the state took the revolver, um that Alec Baldwin used to kill Helena Hutchins sent it to the FBI lab specifically. Well, among other things to investigate whether it was possible, the gun just went off by itself without the trigger being depressed. The FBI lab did some test cock, the hammer was unable to make the hammer fall unless the trigger was depressed.

Then they did some additional test called uh, well, hammer test or mallet test strike tests. Uh to see if the gun would discharge, the hammer would fall by itself if the gun was received a strike or an impact. This can, this is not relevant to the facts of this case, but it's part of standard testing in case someone were to claim, hey, I dropped the gun, it hit the ground and went off, right. So they hit the gun with a, with a, um, a Rawhide mallet from the top, the bottom, the sides, the front and the rear.

They hit the hammer of the cocked hammer of this revolver with this mallet with sufficient force that they broke the hammer, they broke the hammer trigger sear engagement inside the gun. Uh So the trigger was no longer capable of keeping the cocked hammer cocked. The defense is characterizing that as state destruction of evidence and asking that the indictment against Baldwin be dismissed with prejudice, meaning he could not be re indicted and he would walk away with zero criminal liability here. Now, I'm not sure what's going on procedurally, this was really a defense motion to dismiss the indictment. Um, but it seems to be treated, I'm not sure how it's being treated. And if it was a defense motion, you would expect the defense to argue first, the state to respond the defense to rebut, but it looks like the state's gonna present its witnesses first, presumably the witnesses it's going to present are the firearms experts and the people who did the testing at the FBI lab, but we'll see here we go record and you don't have to lay the foundation or anything like that. They're all going to just be subsumed within the court record.

I assume that's fine. Um With all, with all sides that the state doesn't have any objection to that your honor. OK. Thank you. Right. So the state will call Alexander Hancock.

So Alexandra Hancock Hooters Hancock is the lead detective on this case. Um She's the state's uh first witness. I'm gonna, I'm gonna blank myself out a little folks. Uh just the video uh because I'm gonna eat a sandwich. A so, but I'm here.

I haven't gone anywhere. No reason you all need to watch me. She wanted Jimmy John's though. Here we go. Whoops. That's not what I wanted. That's not what I wanted.

That's what I wanted. All right, here we go. I'm present there she is. Will you raise your right hand? You swear firm under penalty of law that the testimonial given this case will be the truth, the whole truth and nothing but the truth.

Yes. All right. Thank you.

Uh Please speak up. May I proceed your? Thank you. Good afternoon, Corporal Hancock. Would you please introduce yourself to the court? Yeah, my name is Alexandria Hancock. I am a corporal with the Santa Fe County. Sheriff's office? And how long have you been with the Santa Fe County Sheriff's office? A little over 6.5 years now. And currently, what are your duties? I am currently a corporal assigned to the, uh, graveyard division patrol.

And on October 21st, 2021. What were your duties with the sheriff's department? Um, on October 21st, 2021. I was a detective. I was assigned to the violent crimes, um, division in our criminal investigation. Corporal, would you mind? Um, I don't know if everybody else is having the same problems. I'm having a little bit of a problem hearing you.

I'm not sure if you can adjust your, your, your volume or your mic, your somewhat muffled. Um, I can try to do it on a, on a phone instead I'm on my laptop now so I can try to switch a device if

you could just speak up and maybe turn the volume, the volume up. That would, I don't have a way to turn it up. I'm on a laptop.

Would you like her to change your honor or just proceed with, uh, this if everybody can hear? All right. All right. So, on October 21st, 2021 were you assigned to be the case detective involving the shooting of Helena Hutchins? Um, I was not originally assigned as the primary detective, but eventually I did take it over.

Yeah. Was that shortly after the shooting on October 21st about a couple of weeks after, tell me um where this incident occurred. Um, it occurred at the Bonanza Creek Ranch um in Santa Fe County. And were you one of the responding officers to the scene on October 21st? Yeah, responding detective.

And uh when law enforcement officers arrived on scene was the firearm that was used to shoot MS Hutchins seized as evidence? Yes, it was. Ok. I'm gonna show you what's been marked and pre and admitted by stipulation as states exhibit one. I'm sorry. Uh I ju just give me a second. I need to present that. I apologize that came up faster than I thought it would.

Moderator Shane is reminding me I forgot to mention our sponsor that's CCW Safe. Check them out at law, self defense.com/ccw safe, sorry, law of self defense law, self defense.com/trust to learn why I so Hancock, uh when you and other detectives arrived on scene, who did you understand was involved in this incident? Um The, I guess the main parties that were involved. Um I was told that the shooter or the handler of the firearm was Alex Baldwin. And then um the armor for rest was Hannah Gutierrez. And do you know, or what is your understanding about where the firearm was seized by law enforcement? It was um my understanding was that it was handed to Lieutenant Benavidez um from Hannah. And what did Lieutenant Benavidez do with the firearm once he took it into his custody, he secured it in his support unit.

OK? And I'm ready whenever you are. OK? Go ahead. I'm gonna show you what's been marked and previously admitted by Stipulation Estates. Exhibit one. Oh, wait, now it managed to go away. I had it right there. Mm For what it's worth, this is obviously not a major point of contention from the defense, the photograph.

So uh or Linda, if you, if you wanted to proceed, we're not gonna um make an issue of this photograph. Thank you, counsel, where we got it. Hang on.

It's coming. Ok. Do you recognize this exhibit one? Yes, I do. And what is it? That is the um firearm that Baldwin had used on rust? And the same one that was handed to Lieutenant that would be good if we can go back to exhibit one. Did, does exhibit one depict the condition that that revolver was in when law enforcement seized it? Yeah.

And when law enforcement sees it, was there anything about the condition of this firearm that led you or other law enforcement officers to believe that it may be malfunctioning? No. Was there anything that was apparent to you upon looking and examining this firearm when law

enforcement seized it on October 21st, that it was modified or broken in any way? No, and you testified earlier that you understood that the person who was handling and utilizing this firearm when MS Hutchins was shot was Mr Baldwin. Yes, that's correct. And as part of your investigation, Miss uh excuse me, Corporal Hancock. Did you interview a number of witnesses? Yes, I did. Did any of these witnesses indicate to you or other law enforcement officers that this firearm had been malfunctioning either on October 21st or on the days leading up to October 21st? No.

Did you also review statements provided by an individual by the name of Alessandro Pieta? Yeah. And who is Mister Pieta? Um He is the the manufacturer of this firearm and did Mr Pieta provide information about his particular work as it relates to this firearm? Uh Yes. What did he say um that he um essentially that this gun is not modified in it is shipped as they produce it to the seller to the buyer. I'm sorry, did he indicate to the defense and the prosecution whether or not he was involved in the actual manufacture of this particular gun? I I don't recall. Have you reviewed the transcript uh of the pretrial interview that was provided by Mr Pieta? Yeah. And do you have that in front of you? I do and would reviewing that transcript uh refresh your memory with regard to what he said about his involvement in the manufacture of this firearm. Yeah, if you could just take a minute and look at this uh the transcript that was provided to you and um on page 41 if you can review that and let us know when your memories refreshes to what he said about the manufacturer.

Yeah. Ok. Ok.

I'm refreshed. Ok. What did Mr Peda tell the parties about his involvement in the manufacture of this particular firearm? He um had stated that he was the one that configured that firearm. Did he also indicate whether or not when this firearm left viata firearms, it was working perfectly fine and as manu fact as intended. Yeah, you can take down exhibit one, Miss Marcy. Thank you.

Did you also review statements? Um, or let me ask you about other statements Mr Pieta made, did he indicate who the firearm was sold to by Pieta firearms? Um He had advised that it was sold to um, Seth Kenney, but that they use their, I guess distributor, um, or company ems. And, um, did you obtain information about whether or not EMF modified this firearm in any way when they received it? Um No, it was not modified. Now, you just testified that the firearm was eventually sold to Seth Kenney. Uh Did you during the course of your investigation and review of the different witness interviews, learn who sold the firearm to Seth Kenney? Um, yes.

And who was that? His name was Justin Neil. And who does Mr Neil work for? Um, he, I believe he's a, he's a contractor but he um ems is his client and he um, essentially oversees all the sales of EMX. So to your knowledge and based on your investigation, can you describe for the court up to this point, the origins of this firearm up until it goes to Mr Kenny? Yeah.

So my understanding is that it went from Pieta in Italy um to Ems which I believe is located in California. I believe it was Los Angeles. And um from there came to step Ken. Did you also

review information or statements provided by Seth Kenney about what he did with this firearm once he acquired it from EMF Yeah. And did he indicate meaning, Mr Kenny, whether or not he had modified the firearm in any way, uh not any modification? Just the um putting back in the firing pin, I'm gonna show you what's been marked. State's exhibit number six. So just to be clear what the state's doing here is, the defense has been arguing that there's, there are tool marks on the inside, inner parts of the gun indicating the gun's been modified in such a way as to make the gun just go off by itself.

And so the states essentially drawing a chain of custody all the way from the manufacturer, uh presumably all the way up to the moment the gun gets into Baldwin's hand uh in, in which there's no evidence that any kind of modification took place. And for the record, it's been admitted by stipulation as well. Do you recognize that email? Yes, I do.

And who is that from, that is from Seth Kenney. And does he um discuss what he did with this firearm once he obtained it from? EMF Yes, he does. And what, what did he state about what he did with the firearm? Uh Let's see, give me just a second. So the removal reinstallation of the original firing pin and retaining pin is not, in my opinion, a modification. Um Plus the FBI tested and found it functioning properly. So, Corporal Hancock, did you also interview Mr Kenny about whether or not he had modified this gun? Yes, I did.

And what did he tell you? He stated that he did not modify it in any way. What based on your investigation, what did Mr Kenny do with this firearm? Once he acquired it after he um acquired this firearm? He had um another individual working on the set of Russ who was in Sarah Zachary is her name. Um had her go to PDQ arm and prop in Albuquerque and pick up this firearm and essentially retained possession of the firearm until it went to the set of rest and to your knowledge approximately. When did this occur? Uh I believe it was just a couple days before they started filming. Was that in 2021? Yes, it was ok. And do you know how long Miss Zachary had this firearm in her possession? Um I believe it was, it was overnight until they could secure it on the set and then who based on your investigation, who did Miss Zachary then transfer the firearm to, to Hannity Kerry? Ok.

Did you also interview the defendant in this case, Alexander Baldwin after the shooting on October 21st, 2021? Yes, I did. And at any point did Mr Baldwin tell you that this revolver had been malfunctioning or not working properly? No, he didn't say anything like that. Did you also review a statement that Mr Baldwin provided to OSHA investigators about the revolver and whether or not it was working properly on October 21st 2021.

Yes, I have. And what did he say with regard to this revolver? Uh He had um explained to OSHA that there was nothing wrong with the gun. Um He didn't have any issues with the gun while he was there and that um the only problem with the gun that day was that it was loaded with a live bullet. Did you also review transcripts of a statement provided by an eyewitness to the shooting? Um The individual's name is Zach Sneezy. Yeah. And during his pretrial interview, what did Mr Sneeze be say about his observation of what Mr Baldwin did with the gun right before Helena Hutchins was shot.

Um He said that he saw him un holster the weapon with his uh finger on the trigger. He actually said that every time he was rehearsing that his finger was on the trigger of that firearm. I think we lost Miss Johnson, MS Johnson. Can you log in again, please? I'm gonna send her a text message.

All right. She said she's, she's on it right now. She's trying to come back in there. She is. She's back.

I believe I've heard that the, uh, the single action, um, revolvers with the removable firing pin, the firing pin has a little wiggle in it. I think that's supposed to be a safety feature from when the hammer resting on a cartridge uh instead of on an empty chamber, but I, I don't claim any expertise in single action revolvers. I just vaguely re recall having heard that. So instead of having a fish, I'm gonna meet myself and uh um have a let me have a quick conversation with her. She's having some technical problem. Her crappy microphone decided to completely crap out is that the problem? So the prospects that this judge is going to dismiss this indictment with prejudice because in the course of testing the revolver, the FBI broke the sear when the gun had already been tested and found to be operating, functioning properly is obviously zero.

But I guess we have to go through the motions here. Ok. I apologize for the delay. I think that's resolved is Miss Johnson back on there. She is.

Ok. Great. Well, ok, continue technology. I apologize at uh excuse me, Corporal Hancock. Uh we were talking about um the statements provided by Mr Sneeze B and his observation, did he also indicate whether or not he saw Mr Baldwin pull the trigger? Yeah, he did say that he observed Mr Baldwin uh un hold to the weapon point it and then pull the trigger as part of your investigation. Did you request that the FBI conduct any testing or analysis of this firearm? Yeah.

And why was that, um, we wanted to ensure that this, it was the gun that was used in the shooting? Um So essentially confirmed that. And yeah, and um was there someone from the FBI uh office in the Santa Fe area that you were dealing with? Yeah. And who was that? His name was uh special agent Jose Cortez.

And what was his role? He acted as a, a liaison between the Santa Fe County sheriff's office and then the FBI lab in Quantico with, with our evidence testing. What testing did you and your department initially request that the FBI conduct um for the firearm? It was initially, I believe DNA testing, was there anything else besides DNA testing with regard to the firearm initially and functionality of, of the firearm? I'm gonna show you what's been marked and admitted by stipulation as states exhibit two. Well, Miss Morris is pulling up that exhibit. Let me ask you did, um, who sent the request to the FBI for assistance? The I believe it was the sheriff that ended up um, drafting the request for assistance from, on behalf of the Sane Cheer office. Did the sheriff or anyone at the Sheriff's Department initially request that the FBI conduct a test called the accidental discharge test? No, that was not in our initial request was an initial request made for any destructive testing to be conducted on this firearm. No.

Uh, we have state exhibit number two. do you recognize that? Yes, I do. And what is that? That is the letter that was drafted from the sheriff requesting assistance from the FBI for evidence testing anywhere in this letter. Does the sheriff ask for destructive testing to be done on this firearm? No, he does not. In fact, at the time that you and the sheriff's department requested assistance from the FBI to conduct, uh, functionality testing and DNA testing on this firearm. Were you aware that they could do an accidental discharge test? No, I wasn't aware of that test initially. When did you become aware of the test? Um, I, I'm not sure the exact date that we had become aware of it, but it was, it was later on in the investigation.

And who brought that possibility or that option to your attention? It came from, uh, the FBI. And what were you told about this accidental discharge test? We were made aware that if we proceeded with this test that there, it could result in damage to the firearm. And did you and your department approve this test? Yeah, and did you um initially? But did you then? But did you request that other testing be done before the final accidental discharge test? Yes, we um had discussed that with the FBI, that all of the other testing would be completed before we moved on to the accidental discharge. Did you uh request that the FBI photograph and examine and, and preserve the condition that the gun was in before they did the accidental discharge test.

I don't think that's something that we specifically requested. I think that however, you know, they process is how they have probably have their own policy procedures on that. What was your understanding with regard to um what the FBI was gonna do before they did the accidental discharge test as it relates to uh documenting the condition of the gun before they got to that last test.

Uh So I believe that was part of the, the functionality test was that we wanted to ensure that the gun was operating uh properly prior to them doing the accident of charge testing. Ok. Do you recall approximately when this testing was done by the FBI? I, I don't recall the exact date from October 21st, 2021 up until the point that the FBI suggested this accidental discharge test. Had you been asked by Mister Baldwin or his attorneys to conduct independent testing on this revolver? No, we didn't have any other request. Were you notified or anybody in law enforcement to your knowledge notified by either Mr Baldwin or his attorneys that the gun may have been malfunctioning prior to October 21st 2021. No. What did mister when you interviewed Mister Baldwin on October 21st 2021.

Um Did he tell you that he did not pull the trigger? He, I don't believe he stated one way or the other in regards to pulling the trigger. Did he use any terminology W uh when he was describing what happened right before the shooting or when the shooting occurred? This is why folks, this is why you don't speak to the cops without your lawyer present because not only what you say can be used against you, what you don't say can be used against you here. They're asking, did, did Baldwin tell you in any way that the gun just went off? That the gun went off without him pressing the trigger? But the gun just fired all by itself because you would expect them to say that if that's what actually happened, the gun malfunctioned. I'm sorry, can you uh say it again?

Did he explain to you how the shooting occurred? Um I think the statement that he made was that the gun just went bang or just went off? I'm sorry, I don't know the exact words, but something to that extent. Did you interpret Mister Baldwin's statement that the gun went off to mean that the gun was modified or altered in any way? No.

Did you interpret that to mean that he did not pull the trigger? No, during your investigation, did you have any indication from either Mr Baldwin, any witnesses or his counsel that this gun had possibly malfunctioned? No, in examining or in looking at the gun when it came into your custody? Did you have any indication to believe that there were any mechanical defects with this gun? No. Did you have any indication that the gun could have or previously had fired without a pull of the trigger? No. Why did you approve the accidental discharge test? We had um decided to proceed with that test due to Mr Baldwin. Um, he conducted an interview um of a public interview and I think that I agree with uh sorry, I don't remember the gentleman's name, but during that interview, he had made a statement that he didn't pull the, that he didn't pull the trigger on that firearm, which is why we proceeded with that test.

What was your goal in requesting that test? So the, the goal of the accidental discharge testing was to see if in fact the gun would um fire or discharge without a pull of the trigger. Did you approve the accidental discharge test so that the revolver would be damaged? No. May I have a moment? Your honor to confer with counsel? I think I'm ready to pass the witness, but if I have a moment, yes. Ok.

At this time your honor. I have no further questions. I'll pass the witness.

All right, let's hear from you. Yes. Um, good afternoon, Corporal. Good afternoon. Can you hear me? Yes.

Ok. Ok. Great. When you first described getting to the scene, you, you referenced Mr Baldwin and you said he was either the shooter slash handler of the firearm.

Do you remember saying that he was the shooter or handler of the firearm? Yeah. Um, and, and the truth of the matter is at the time of the destructive testing that we're here about, you weren't certain that he pulled the trigger of that firearm trip. That is what I was told that he had told that I'm sorry that he wasn't, was handling the firearm.

No, that's not exactly my question. My question is, I missed that answer. I missed that answer.

You want to repeat the answer? Sorry, corporal. I, it was a little hard to hear it for me too. Yeah. Um, so my knowledge was that he was handling the firearm, right? Simply that he was handling the firearm. You were not certain at the time of the destructive testing that he had pulled the trigger of the firearm.

Correct. That is correct. Um And in fact, at that time, it was quite possible in your mind that the gun had just gone off and that he hadn't pulled the trigger. True.

That was the theory that we were testing. Yeah. No, you talk about the moment that the gun was recovered.

Um, and you sort of traced from that moment, um, of the firearm all the way through the different phases that the fire? Oh, no corporal. Would you mind they produce it? And now I gotta find my place. I, I bumped the wrong thing. Ok. We were, we were about here and, and this is relevant to what I was gonna bring up.

It's always surprising to me that witnesses are, aren't comfortable just saying, I don't know, I don't know if Alec Baldwin pulled the trigger. She doesn't know she wasn't there when the gun discharged. She could just say that.

I don't know. I don't know what happened. I, I can only testify to what, you know, I found in my investigation. It's uh people are asked questions and they feel that they have an obligation to try to provide a response even when they have no basis for providing an informed response, pulled the trigger. True.

That was the theory that we were testing. Yeah. No, you talk about the moment that the gun was recovered. Um And you sort of traced from that moment um, of the firearm all the way through the different phases that the firearm went through the hands, it touched whatnot.

Um You recall that part of your testimony. Yeah. Ok. I wanna go back to the very beginning.

Um, when you talked about, you know, observing the gun being recovered, you, you didn't see the gun being recovered. Did you corporate? No, I wasn't present there but through lapel video. Oh, ok.

Um, I missed that answer. Through the what? Lapel video? Yeah, I just wanted to clarify that for the court corporal because when you testified before, um, and it may have been the way the question was posed to you but you, you, you indicated that you saw the recovery as I understood it of the firearm. Did you know not physically, I was not physically present there? Ok.

And, and you didn't expect inspect the firearm when it was recovered either. Right. That's correct. Right. So when you're telling the court that you first found this firearm recovered this firearm and that you saw no modifications, that whole testimony, you didn't actually do that yourself.

Did you corporal? No, not myself. That was learned through the investigation, ok. Um And that's sort of the same with everything that you said regarding the tracing of the firearm through its different phases here.

Um You weren't in Italy with Mr Pieta when he made, when he says he manufactured this firearm. Correct? Right. And it goes from Mr Pieta in Italy to EMF in California to Mr Neil. I don't know if anybody knows where Mr Neil is. Do you know where Mr Neil? Um um has his shop, I do not know where he resides to someplace nobody knows to Sara Zachary, I mean to Seth Kenney in Arizona, I think. Right.

New Mexico. Was he in Arizona though when he got the firearm? I'm not sure exactly where he was. Sara Zachary in Albuquerque.

Right. Yeah. Spent the night in Albuquerque. Right. The gun there. Is that correct? Yeah.

And then it ended up with Hannah Gutierrez. Reed on the set of a movie film. Right.

Yeah. And then it was there for any number of days weeks prior to the incident. Right.

Correct. Right. And you don't have any specific knowledge frankly about anything that occurred during any of those various stops with various people in various places around the world. Do you? I, I wouldn't, I'm not present but that's, you know, that's part of our investigation is that we learned that, well, certain people told you certain things corporal, you don't really know what happened with that gun in those various places at those various times. Do you? That's correct.

Had you submitted a firearm for testing in a homicide prior to this case? Yes, I have in the homicide that you were lead detective on that, um, prior to this case? Ok. Um, was that a, um, a homicide that involved a firearm? I have been involved in a, a couple homicide investigations involving firearms. The, the, as I understand it in, in prior to the, um, investigation that brings us here today, there was only one homicide prior to this, that you were the lead detective on that led to an arrest. Is that accurate? That's incorrect. Ok. What, what, how many were, were there if I apologize if I have that wrong? There was at least two that I was involved in, um, that I can think of off the top of my head where the individual used a firearm. Yeah.

Sorry if my question was clear, I'm asking when you were lead detective when you were in charge of the case file, at least two, at least two. And what two were those? Um, so, I mean, what, what specifics are you looking for? I don't, we did just did what, what cases were those, what were the names of those cases? So, one, I had up in, um, the Sanai area and I don't recall the name of the, uh, suspect in that case because he is deceased. And then the other one that I had was a case here close to Santa Fe and the last name in that case was Grape and, and the circumstances just in one sentence of that case, it's on guard. Pardon? It's still active? No.

Right. But just the circumstances where the party is known to each other. Was it a gang shooting? Just a sentence about what that case was? Just, they, they were all known to each other. Yeah. Was it domestic? Um, one of them was the second one you're talking about where the defendant is not deceased? I mean, I wouldn't, I wouldn't say it was a domestic matter. It was more infidelity matters, but the parties were known to each other. Yeah.

Yeah, it was not an accidental shooting. Correct in this case, why did the gun get submitted to the FBI as opposed to state police dpsl? Can you just explain that to me? Um At the time of this, this case, we had just explored options with the different labs. Um Our labs at that time had a pretty extensive um backlog in evidence testing. So we were just exploring options to see if we could find somewhere where we could get results a bit faster. And what was the priority involved in this matter? Uh Because it was a high profile case at the beginning of, of, you know, a week or so into this.

Um As you are beginning to send things off for testing and I see that your, your name is on the testing paper or the das office, the prosecutors are already involved in this matter. Right. That's correct. Um And they were involved in deciding what evidence to process and what follow up interviews to do. Correct. Yes, they were, you were meeting with the D A then you'd meet with the FBI and um um the your technician.

Um Marissa Popple. Correct. Yeah. You met with the FBI virtually and in person, right? That's correct. And nobody limited your resources at that time in terms of what you could or could not test fair. Yes.

So I want to now fast forward to April 2022. Um, and sort of give the court a snapshot of where the investigation was at that point. Um I think I heard you say that, you know, Mr Baldwin never, I asked to test the gun. Did you say that I hear that correctly, correct.

Ok. But, but Mr Baldwin did volunteer multiple times to you to come back in and to answer any questions that you had. Correct, correct. And in those text messages with Mr Baldwin, you, you never told Mr Baldwin that you were going to submit the gun for destructive testing. Correct. Correct. And the prosecutors were in touch with Mr Baldwin's counsel and they never told Mr Baldwin's counsel that they were intending to present this gun for destructive testing.

Did they, I wouldn't know the conversations between the prosecutors and the defense. They never told, I apologize. Yeah, they never told you that they, you know, don't worry about the fact that the gun is destroyed. We told Mr Baldwin's Council.

So they had every opportunity to view it, right. They never told you that, did they? That was not really cool. Yeah.

And so in April of 22 at that point, you have not conclusively determined how the live ammunition got on set. Correct. Yes, that's correct. And you turn back to the gun in April of 2022 to do this further testing. Correct. I, I don't know the actual day, but if that's what it states then, and, and at that point as we talked about it, as the examination opened, there were sort of two possibilities. One is that Mr Baldwin pulled the trigger and discharged the weapon and the other one is the, uh the possibility um that the gun went off and you were attempting to, to use your words disprove Mr Baldwin's statement that the gun had just gone off.

True. Uh I think I needed to further elaborate on what I had meant by that. So we needed to figure out how to disprove that theory or that statement and that was the way that was proposed to us and what the FBI could do there, right.

Like I said, I think that what I had said, there was probably not a full um statement or explanation in what we were trying to do. Well, that's the statement that you gave. I understand that that's the statement that I gave however I needed. If, you know, I had given time to further elaborate or if I was able to further elaborate, then what would have been explained was that we were testing the theory due to the statement he made that he did not pull the trigger. That's, that's fine corporal.

And I don't, you know, I, I'm just gonna break that down a little bit though just so that the court understands. Right. That's what you said under oath.

True. Right. Ok.

And Miss Morrissey was the one asking you questions. She didn't cut you off or anything, did she corporal? Ok. And that was the statement you gave under oath at a, a trial where a AAA person was facing homicide charges and ended up going to prison trip. Yeah. Ok. This wasn't some casual conversation.

You were testifying under oath in front of a jury in the very courtroom. You'll be testifying in this manner. Correct? Yeah. Ok.

Um, no, yy, you talk about this statement that Mr Baldwin made on national television where he denies pulling the trigger. You talked about that, right? Yeah. Ok. Uh What I've, what I've always wanted to understand is if he made that statement in December game of 2021 why did you wait until April of 2022 to order the destructive testing? I don't know when it was actually ordered or when that conversation came about. I want you to assume for the sake of this. Ok.

That, that the interview which was broadcast all over national television in which he adamantly denied ever pulling the trigger, right? Happens in December of 2021. It is a matter of record. Ok.

I want you to assume for a second that the, the order for destructive testing is April 2022. Ok. Can you explain to me why, why all of a sudden in April of 2022 there was urgency or a need to order the destructive testing? Yeah, I think there's a lot of factors that go into that though, um where the FBI was in their testing when we found out that this test could be performed. It's not, I don't think it's as simple as he made the statement in December and then in April it was ordered, there's a lot of factors that go into that. Um, you know, it was an evolving investigation. So at that time and, you know, I can't even recall the day that, that we were made aware that that test was possible.

Well, well, we can, we're gonna pull up that email in, in a minute. But, but rather than talking in, in, in hypotheticals, can you give this court any information about why the delay actually

occurred? Right? You said, well, they could have been backed up on testing or we could have not known about the testing. When did you lead agent on this case, begin to explore the possibility of the destructive testing? How long after the very public interview that Mr Baldwin did, I would have to know when that option was presented that that could be done. And I think I understand your answer.

So what you're, what you're, what you're telling me is until somebody gave you the option of a destructive test, you did not seek out that option is that, is that, am I understanding you correctly? I, I did not know that that option existed. OK. And as we talked about before you had supervisors working with you. Sergeant Zook, Lieutenant Martinez. Right. I do believe that they, that they were the supervisors at that time. Right.

And you had the das office working with you. Right. Correct. And you had their investigators working with you, right? You weren't the only one that came up with ideas and things that could progress this investigation. Corporal Hancock. Right? You guys were making group decisions and, and talking about possibilities to further this investigation. Isn't that true? Yeah.

Now you say at the moment that he denies this, that he ever pulled the trigger, which is this December National um um broadcast statement. Have you reviewed that statement? I have. Yes. Um And you reviewed it when it happened, right? A as he was giving it in the days and weeks that followed you, you reviewed it contemporaneously, right? Yeah, you reviewed it many times. Fair double and uh it, it, you would agree with me that um he adamantly denies pulling the trigger.

Fair. Yes, he does. And you knew and I'm gonna go back to before the accidental discharge. You know, when you were being directed by the prosecutors, some of the information you were providing with the court is stuff that you've learned in the past weeks, right? It wasn't all information that you knew at the time of the destructive testing there.

That's fair, right? So at the time of the destructive testing, you said, and I in sum and substance that there was no body and no information about a potential gun malfunction that was available to you. Right. Right. Ok. But Mr Baldwin had said that he didn't pull the trigger right.

In his interview. Yeah, he had never told you yourself, corporal in sum and substance that he didn't pull the trigger that he didn't volitionally fire that gun. He, in my interview with him, he didn't say either way. So you knew there had been accidental discharges on the set. True.

Yeah, you knew that those had included an accidental discharges with revolvers, correct? Yeah, you knew that uh this is uh a another conflation by the uh defense. They love to do this. Uh they're conflating an accidental discharge with a, a gun just going off. There were accidental discharges on set.

Those were not guns shooting themselves, those were guns being handled by other people. So it doesn't mean the guns the triggers were impressed on those guns that went off. He's trying to

suggest that the accidental discharges means there were, there were other guns on the set. Guns were just firing themselves left and right. What next cats and dogs marry? Um Seth Kenney provided those weapons and confirmed to you um um that that there were accidental discharges with those weapons, right? Uh I'm not sure if he's the one that confirmed it, but through interviewing the people that were around at the time, they confirmed it. And in your mind as you've already testified, there was a possibility that the gun had just gone off, right? And that's why we tested the theory, right? But, but in terms of this concept of whether or not there could have been a malfunction and you, this is your word, the word malfunction. Mr Adia had told you that from his vantage point, the gun had just gone off, right? I, I don't know his specific wording Duran curtain had told you the gun had just gone off, right? I don't recall interviewing either of those two people.

So well, when you were talking to the prosecutor, you used information that not only you yourself learned but that you had learned during the course of the investigation. Corporal don't you know that the witnesses, the night of the shooting pretty much uniformly said that the gun just went off but potentially, but your statement was that they told me that they did not tell me that. So let me withdraw the, the you that, ok. Uh, uh, again, that's when you were testifying on direct and you were saying how you recovered the weapon.

There didn't seem to be an issue, but that's fine. The, the, the, you understand from reviewing police paperwork that the witnesses that were interviewed the night of the 21st, ok. Indicated that the gun just went off. True. If, if that's what they said, I, I don't know their exact statement. This is not the Baldwin trial, folks this is a pretrial hearing on a variety of motions today.

The trial jury selection begins July 9th. The trial proper is scheduled for July 10th. Ok.

Are you aware as you sit here, whether any of the witnesses the night of said verbatim, the gun just went off. I think that's kind of been asked and answered and counsel is getting argumentative with the witness. Um, she appears to be able to answer this letter, answer and then we'll move on you. You are aware that witnesses that night indicated to members of law enforcement that the gun just went off. True. I think it's gonna be a common phrase used. Yeah, it was a common phrase used.

Correct. Right. It was what a common phrase, common phrase. And um, Hannah Gutierrez Reed had told you that if you ii I, if you touch the trigger, it'll just send the hammer down.

She told you that. Right. Yeah, probably would. Well, she had also told you that she had trouble loading a firearm on the way on the day of the incident. Right.

Yes, she did say that and people had told you you or law enforcement that the firearm had a quote unquote hair trigger. True. I'm sorry, a what? Hair trigger? I don't know if that was the phrase you, but that's what they said and that it was a sensitive gun quote unquote. I don't recall that phrase either.

All of that requires a press of the trigger, even if you knew that the gun was an important piece of evidence. True. Yeah. Um, and in deciding whether or not to go forward with the test, who, who was involved in making that decision, I don't have specific names, but again, it was discussed with members from the sheriff's office, our evidence team, the FBI and the District Attorney's office and who ultimately made the call. And again, it was a, a group or a collective effort in proceeding with it. Did you do any research into the ramifications of this testing? I was made aware that the test could damage the firearm.

Did you look into other options? That's no. Did you confer with any experts? You were the prosecutors? No. Anything else at this point that you did to answer this question of your in your mind of whether or not to move forward with this test? I'm sorry, can you repeat the question again? Sure.

A at this time when you decide to go forward with this test, is there anything else that we haven't talked about that you did to help answer the question in your mind of whether or not to go forward with this test? No, because that, that was presented to us. So that's the option that was discussed. Did you provide the FBI with any of the actual real life circumstances of how this um incident um occurred? What do you mean by, what do you mean by uh, real life circumstances. Well, you know that the FBI tested the gun by smash, smashing it with a mallet. Right. Yeah. Ok.

I presume you did not tell the FBI smashing it. The FBI smashed the gun with a mallet, like it was a watermelon. They smashed it to destruction. That's what occurred in this case. Right.

That's correct. Ok. And you didn't tell them that the gun went off by being dropped either.

Did you correct? Ok. But did you describe to them the circumstances of how it actually went off? I didn't know the circumstances of how it went off. That's like we were testing functionality and then potential for accidental discharge. You didn't know any six months into the investigation, any of the surrounding circumstances that might have informed the FBI's testing. I'm not sure I'm understanding your question.

Well, you, you, you had the ability to communicate with the FBI, right? Oh my God, he's gonna, he's gonna spend, there was no, he's gonna spend an hour talking about the fact that the mallet test is intended for a fact scenario in which the gun was impacted or dropped. There was a shock to the gun that may have induced a discharge of the weapon and that didn't exist on the facts of this case. So, so what, nobody put a restriction on your ability to share information, right? That's correct. Ok.

And, and they were deciding what test or tests to perform on this firearm? You understood that, right. Yeah. Ok. And so I'm asking you at that point, did you explain in any, in any way, shape or form the circumstances surrounding either the pulling of the f the, the, the defense likes to make a big deal out of the fact that the mallet test was not necessary here because it, it tests for a fact scenario that's not relevant to Baldwin's shooting dead Helena Hutchins. Ok.

So what firearm and what happened? The motion that Mr Baldwin did or any of the circumstances that led um um to the incident. Did you describe any of those to the FBI? There was actually very limited information given to them. Um At, when we had first started using the FBI for evidence testing, they weren't given all details of the investigation because it was still being, I wonder how much of this uh Alex Spiros partner in Emanuel Quim, top 50 law firm in the world. How much of this energy he's bringing to this uh questioning of Alexandra detective Corporal Corporal Alexandra Hooters Hancock is because she used to work at Hooters and surely he has to be able to beat her if he can't beat the Hooters Chick.

I'm questioning, that's gonna be a bad day. Learn. Well, at the, at this point in the investigation, you had a case file, right? Yeah.

Ok. And in your case file, you had the um SFSO reports from the night of 1021 trip. I don't know exactly when they were done. They took quite a while to produce reports from the, you don't know whether within six months the reports from the night of were done. You don't know that as you're sitting here corporal, I'm sure that some of them were done, but the case is still under investigation at that time. I, I agree with you that the case was under investigation at that time, but I'm asking you the reports from 1021 the night of those were already in your case file as of April 2022 6 months later.

Fair. I would think so, but there are a lot of people working there. Um If we could pull up what's gonna be defense one, which is the um exhibit um that I want to talk to you about next um which is the e email chain um as we're getting it up. Um, a lot of the God, I did it again. Ah, sorry folks, darn it it up.

Um between, I am getting better at finding the right spot though. All right. Um Why doesn't this guy buy his shirt? I mean, he, he probably makes half a million dollars a year or more. Uh Why doesn't he buy a shirt? He can button behind his tie.

I mean, come on, dude. Um the FBI and I'm gonna speed this up to uh one and a quarter. It's just dragging on I and uh Mr Ziegler who tested the gun and of course you um and um M Popple and if we could blow up that top page, blow it up in 21st 6 months after the incident, right? Ok. And um the email um indicates um from Mr Cortez, who was your liaison with the FBI? Right? Yeah, I spoke with Detective Hancock. That's you. Right? OK.

And you would like to request the below and we can go down, right? And it indicates um I think on direct examination that you said that the test could was the word you used could result in damage to the firearm, right? Yeah. OK. But if you look down at this third paragraph here, it says second sentence, we're tracking that this will alter the firearm and it will not longer be in the same physical condition that it was seized in. Do you see that? Yeah.

And, and this is an accurate representation. I have no doubt of what the FBI understood at the time. True objection.

You're on a culture speculation sustained. This is an accurate reflection of what you understood at the time. Right. Well, the statement here is that it will alter the firearm and not be in the same physical condition. It doesn't say in here that it will be damaged. OK. But you, you do agree with me that you understood prior to the testing that it will alter the firearm and it will not longer be in the same physical condition.

You did understand that. Right. Right. As it states here.

OK. Um And you're copied on this email, of course. Right.

Yeah. And it says enhanced test fire to verify if the firearm functions without pressing the trigger. Is that a fair assessment of what you were trying to accomplish? Yeah.

OK. And at this point, um you, you end up authorizing you and the team end up authorizing the destructive testing. True accidental discharge, not disruptive. OK. Um The, the, the, the testing that ended up being disruptive, if you want to call the accidental discharge test, that's fine. You, you order the accidental discharge test.

Ok. Ok. You do not ask the FBI to disassemble the firearm and to take pictures of it, do you? But again, I don't know the processes and how they run their testing. So I don't believe it was specifically requested from us. You did not ask the FBI to videotape the testing, right? I don't believe that was in the request.

Ok. You didn't tell them. Um We need to notify defense counsel.

By the way, if the FBI, by the way, if the FBI had dismantled the revolver before testing it and then reassembled it for testing. The defense would be arguing that they were effectively testing a different gun, a different gun that they changed it. They modified the gun when they dismantled, disassembled it to look at the individual components and then reassembled it and all the subsequent testing would be invalid because they were testing a version of the gun that was different than the gun that was in Alec Baldwin's hands at the time he shot and killed Helena Hodgins with the target. Right.

Correct. You didn't go to a judge or anything like that. Right. Yeah. Ok.

Um, you didn't tell them to come back to you as the testing progressed and to check back in with you. Did you? No, you didn't tell them to preserve what they were doing in any way, shape or form, did you? No, and you understood or you understand that you're sitting here now that the, the, the test um, did alter um, the firearm, right? Yeah, it did make it so that it's no longer in the same physical condition, right? Yeah. And no one will ever be able to bring it back to the condition that it was in when it was recovered. Right? Objection. Culture, speculation.

If you know, I, I'm not a firearms expert. So I don't think I can testify to that. How are you informed, um, that the firearm had been destroyed or broken if you want the word broke, if you don't like the word destroyed, broken. Uh Yeah, because it wasn't destroyed. What is destruction is different than broken, destruction, the action or process of causing so much damage to something that it no longer exists. That's not what happened. Two tiny little parts inside the gun broke fractured.

That's what happened. Destroyed. Believe through um through their report, through the FBI report that you eventually receive. Yeah, nobody called you afterwards and said just so, you know, the firearm in this case is destroyed.

I don't recall ever receiving notice and he was the case agent. Never made any other request to the FBI for any further testing of this firearm. True.

That's correct. Um I have nothing further for this witness at this time. Redirect. Yes, your honor briefly. Corporal Hancock on October 21st 2021. Did you believe that that gun had fired without pulling the trigger? I, I didn't know at the time.

Did you have any indication or any reason to believe that that gun on October 21st had fired without a pull of the trigger? No. Did you have any indication that the gun was malfunctioning on October 21st 2021? No. Have you watched Lieutenant Benavides Lapel camera video or dash camera video as well? Yes, I have. Ok.

And is it on that video where you watched him taking custody of this particular revolver? Yeah. Does Lieutenant Benavidez do anything with the gun after he takes custody of the gun other than receivable objection? If she knows I would, if you know, I'm sorry, can you say the question again? Based on your observation? Well, let me ask you this way based on your observation of the lapel video and the dash camera video from Lieutenant Benavidez. Did you see him do anything with this gun other than take it from where he seized it and put it in his vehicle? I love the was all that I observed Benavidez Benavidez. No, Mr Spiro asked you questions about communication Mr Baldwin was having with you um after October 21st 2021 via text message in any of those text messages. Did Mr Baldwin tell you that gun may have been broken or may have been modified or altered in any way because it fired by itself. No, I don't recall him ever making that kind of statement. And at the time that this um, accidental discharge test was, was authorized was Mr Baldwin charged with a crime.

No. And is it your practice as a law enforcement officer to tell the defense what investigative steps you are taking in an investigation before they're charged with a crime? No. Now you were asked questions about your statement that you made when you testified in MS Gutierrez's trial that you were trying to disprove the theory, that theory or that statement. I believe it's um, the words that were used. What did you mean by that? Uh So essentially what I had meant was that, um, there, you know, was statement that the trigger was not pulled when that gun discharged and to, you know, check the facts or the validity of that statement, we did need to

test that theory. Now, you were asked questions about the uh December 1st 2021 televised interview that Mr Baldwin uh gave to uh one of the networks.

And do you recall the date of Mr Baldwin's interview with the OSS A investigators? I, I don't recall the date of it. Would reviewing the transcript of his OSHA interview. Refresh your memory as to that the date of Mr Baldwin's OSHA interview, if you would please and let us know when your memory is refreshed. Ok. I see someone finally bought an 1873 Colt 45 revolver. Thanks to Alec Baldwin making this news. I'm gonna buy one myself.

I'm gonna wait. When did Mr Baldwin give an interview to the Ocean investigators? Uh, he gave the interview on December 8th 2021 and was that after the ABC interview or the network interview? Uh Mr Baldwin gave that Mr Spiro asked you about of December 1st. That is after what exactly if you could please testify and tell the court, what exactly did Mr Baldwin seven days after his interview where he disavowed pulling the trigger. What did he tell Ocean investigators about this particular firearm? He had told the investigator that there, that nothing was wrong with the gun. Um And that the only thing that was wrong with the gun was that there was a, a live bullet in it, um, because he hadn't had any issues with that weapon.

Are those his words verbatim it's not verbatim would ref reading the transcript at page 42. Refresh your memory as to exactly what Mr Baldwin told Ocean investigators. Yeah, if you would please. Ok. What exactly did he say when he was asked about if the gun had any mechanical defects? He said that it didn't, he said the problem didn't have to do with the gun, it had to do with the bullet and that he said that there was no mechanical defects of the gun. Now, you were asked by Mr Spiro about two other accidental discharges that had occurred on set to your knowledge, to your knowledge, excuse me, based on your investigation were either one of those with the gun, Mr Baldwin used uh to my knowledge. No, they were not.

Did you understand the phrase went off to mean Mr Baldwin did not pull the trigger? No. Uh Did you? I'm sorry, I just interpret that as the then discharged. Did you understand the phrase went off that the gun malfunctioned? No. Were you offered any other options by the FBI after they did the functionality test and other testing? You were offered the accidental discharge test. Is that right? That's correct. Were you offered any other test by the FBI? That, that is all that I can remember them offering? Now, was it your understanding? You were asked questions about an email between from I believe, Agent Cortez. Did you understand that the accidental discharge test would definitively break that firearm or that it might just possibly break it, that it would possibly break the firearm at this time.

I have no further questions. Thank you. I have very brief. Um, follow up your honor. Any objection, your honor.

They had cross examination. I, I would object. We have two hours for this hearing that the court has allotted, we have two other witnesses waiting to testify. All right. Uh, no.

Ok. This witness is excused. We've got another witness waiting to come in. I love this judge and that's because this lawyer, he was tired.

Is this your next witness? Yes, your honor, Mr Ziegler. All right, please raise your right hand. Do you swear firm under penalty of law that the testimonial given in this case will be the truth, the whole truth and nothing but the truth. You're on mute. I do your honor.

All right. Thank you. Go ahead.

Thank you, Mr Zigler. Would you please introduce yourself to the court? Yes. My name is Bryce Ziegler.

First name spelled Bry Ce, last name spelled Zie folks. I don't know why anyone would need to be told this, but if you're going to be using a laptop for this purpose, find a box to put the thing on. So it's not the camera's not staring up your nose for God's sakes.

There's something in that room that you could put underneath that laptop to raise it up a foot or so. Good Lord Gl er, and how are you employed? Sir? I'm currently employed by the Federal Bureau of Investigation within the laboratory division. And specifically, I'm a forensic examiner in the firearms tool marks unit. How long have you been employed by the FBI lab since 2011? And what is a forensic examiner in the firearms unit? So, essentially I am, uh, my main duties are to receive evidence that's relevant to my discipline, uh, perform the requested forensic examinations on those items of evidence, issue.

My results in a formal laboratory report and testify to those findings if requested. And those essentially are your duties as a forensics examiner. That's correct. What is your educational background? Mr Ziegler, I received a Bachelor of Science in forensic Science from the Pennsylvania State University.

And did you go work for the FBI after obtaining your degree? Yes, I did. Ok. And did you receive any specialized training to become a firearms examiner? Yes. So I had to complete what's called the forensic examiner training program. And that training program is for all forensic examiners at the FBI lab.

But it's specific to the unit that that person is seeking a qualification in. So I had to complete that program in order to be considered a qualified examiner. And how long was that program? It took me a little over three years. And since completing that program, do you continue to uh obtain educational classes and continuing education? Sure. There are some continuing education requirements and there's also proficiency testing that I must uh continue to do as well. And after you finished the initial training, um did you then receive on the dog training as well? Um I would say that on the job training really uh occurs during the training program. So I'm working with uh qualified examiners.

I had a mentor that I worked with. Um I actually worked cases while in a training status, but all my work would be reviewed by a qualified examiner. So I'd say that that on the job type training occurs prior to the qualification. Does the FBI lab have protocols and standard procedures as it relates to firearm exams and um firearm analysis? Yes, we do. And is there a standard protocol for each test that you conduct in the firearms unit? Yes, there is. Some, some of the examinations are combined into a single protocol. Others have their own independent protocols.

And do you follow those procedures when you're doing your firearms examinations? I do approximately in your career with the FBI. Approximately how many firearms have you examined? I would estimate that number to easily be in the thousands of firearms. Let's talk about your examination of the um evidence revolver in this case. And we'll refer to it as the evidence revolver. Were you asked to examine and conduct tests on the evidence revolver? In this case? I was. Yes. And what were you uh who asked you to conduct these exams, right? So typically evidence is submitted to the FBI lab from a special agent.

So in this case, that person was Jose Cortez. So he submitted evidence to the, the laboratory and you know, essentially uh that evidence comes with a request, a written request on what uh the the contributor would like done. And what, what was your understanding about whether or not this was an FBI request or was it a local law enforcement uh request? Uh It was my understanding that it was a local case. Um However, sometimes locals come to the FBI to ask for assistance and is that routine? It does happen. Uh It, yeah, I say it's fairly frequent. What were you initially asked to do as it relates to this firearm? So specifically with the firearm, um I was mainly just asked to assess its function. So that includes things like are the safeties working correctly.

Um Do I notice anything about the firearm that I may determine, may determine that I feel it may be unsafe to fire. So things like blockages in the barrel bulges in the barrel, potential weak points within the firearm. So things along uh those lines and is part of that function test also doing a um test firing of the firearm. Yes, it is. And who did you receive this firearm from in your particular unit? Um So when evidence at the laboratory is transferred from one unit to another, it gets dropped off in my unit at a secure storage location.

So that's a location that it's badge access only. Um So people have to have the proper, uh you know, badge access to, to in order to pick up those items. And then once it's dropped off in our unit, we receive a notification and either myself or a technician will retrieve those items from that location to begin either taking notes or conduct the actual examination. Do you recall when you received the evidence revolver? Um I, I do have my notes. I'd have to refer to that if you would please uh refresh your memory with your notes and then let us know when your memory is refreshed. Yes. So, so I can tell you that the exams when I say the exams, I'm talking about initial documentation.

So just things like photographs, um annotating the make model caliber, things of that nature. They began in April of 2022. I'm gonna show you what's been previously marked and admitted

by stipulation as states exhibit three. Do you recognize that Mister Ziegler if you can scroll up a little bit? Yes, I do. What is it? So this is a case, a case notes worksheet, it's a firearms function worksheet. So this is exactly what I was describing to you before.

When a firearm comes to my unit, it typically gets photographed and then some of that kind of background information, make model caliber, uh things of that nature are recorded on this standardized document. And the photograph that's depicted on exhibit three, is that the evidence revolver we've been talking about? Yes, that's correct. And does that photograph accurately depict the way that that evidence revolver looked when it was received in your unit? Yes. Yes, it does. Was there anything about that evidence revolver when you received it in your unit that indicated to you that it may not be working properly or malfunctioning or that internal components were modified? No, not in the condition it was received. And you testified that you did an initial uh inspection of the gun. That's correct.

And upon doing that inspection, did you note any defects or alterations on the gun? No, that that initial inspection is basically a safety inspection. And as you pointed out, if I notice anything odd about the firearm or, or something that may potentially may give me cause for concern that it may be unsafe to fire. So I didn't see anything of that nature, so I felt it was safe to fire.

So at that point, we did the test fire. So that was your next step in the process was to test fire? That's correct. Can you describe the test fire for the court, please? Yes. So I can take this firearm to one of two locations at the FBI laboratory. We have a 25 yard range and we also have what's called a water tank which allows me to uh retrieve fired bullets.

So it's a large metal box filled with water. You shoot into the port, it takes away the energy of the bullet and I can collect the bullet if I need to do so. So I took this uh particular firearm to the water tank and I use laboratory ammunition. I loaded it in the way it was. It's designed to be loaded. And while I do this, I'm, I'm checking the positions of the hammer, I'm ensuring the safeties are operating correctly. I'm assessing if the internal parts.

So things like the trigger that the trigger, uh connection with the hammer, if those internal operations appear to be functioning normally and it, after all of those things, I would actually physically fire the gun before we get to your test fire. You said that you checked the position of the hammer. Did you do that in this case? Yes. And can you explain how many positions that hammer has? This hammer has a total of four positions? Can you describe what each one is? Yeah.

So in, in its most un cocked or at rest state, that's when the hammer is fully forward. It, it's as far forward as it can be. Um, and it's essentially resting up against the frame of the gun.

Now, as you start to cock the hammer, there are notches and you can't see them in this picture. They're on the inside, but there are notches in this hammer that as you cock it, the rear portion of the trigger, which is called the sear. You can hear it click into those positions. So if I have my hammer at rest and I start to cock it, I'm gonna hear the first click, that notch is called the

quarter cock. Sometimes it's also referred to as the safety notch. If I continue to cock it further, you'll hear a second click. That's the sear dropping into the half cock notch, which is sometimes referred to as a loading notch.

And if I pull it fully to the rear, I'll hear a third click. And that's where the Sear is sitting in the Sear notch at this point. That is the position where this firearm would be ready to fire. If the trigger is pulled, I'm gonna show you what's been marked as state's exhibit number four. Do you recognize what's depicted on four? Yes, I do. And what is it? These are photographs that I took, um, depicting the four hammer positions that I just described to you.

So you see uh how far it gets cocked back in each position from the side view, which is the column on the left and from the top down, which is the calm on the right. Ok. When the hammer was in the full cock position, did you experience any at any point that the gun discharged without the pull of the trigger? No. So in the, when the hammer is in the fully cocked position, as I mentioned before, the Sear is sitting in that final notch. So essentially for this hammer to fall, that Sear has to move out of the way.

So, however, that is achieved, that's what has to happen. Now, if, if this firearm was uh as you mentioned, you know, if there was an issue where the hammer was falling, um just on its own. If you look at the bottom two photographs here, this hammer is currently in the full cock position. I'm not holding it with my finger, my hands are nowhere near this firearm. So it's sitting in that full cock position on its own.

So it, it has proper engagement. It's not falling by itself. And again, this is, this is how it was received.

I wasn't noticing any of those types of failures in the condition it was received. Can you explain how this revolver fires as opposed to, for example, a semiautomatic? Sure. So a semiautomatic does a lot of the work um that the shooter has to do for you. So it's, it's automatically going to extract eject the fire cartridge case chamber, the next available cartridge. And then essentially the shooter just has to pull the trigger a second time with a firearm like this.

This is called a single action. Revolver. Single action refers to the shooter must manually cock the hammer each time they intend to fire. So there are other types of revolvers called double action where the shooter does not have to manually cock the hammer, they can pull the trigger and it performs that action of cocking and releasing the hammer.

However, when a single action revolver, the shooter has to perform that one action manually. And what position does the hammer have to be in, in order for it to fire or the uh trigger to be pulled and it fires, right? So this fire is designed to fire with the hammer in the fully cocked position. So the, the bottom images that you see here, you also testified that you inspected the trigger connection with the hammer. Yes. Did you find any uh defaults or, or any problems with the trigger connection? All right.

So uh just to be clear, I did not disassemble uh the fire and power to testifying it. So I don't have any uh visual type of indicators um whether there was an issue there or not. However, if there was an issue, I would have expected to, uh I would have expected to see that during the test firing. So whether the hammer would, would not stay in the full cock uh position, whether it would be falling on its own.

I would, I would have expected to see something if there was some type of malfunction with that connection. And do you need to disassemble a firearm to determine whether it functions as is as it's designed or properly? No, not necessarily. I, if I go through essentially all the steps to check the safeties, check to make sure the action appears to be functioning correctly and I physically test fire it. And I don't see any abnorm, excuse me, abnormalities that occur during that test firing.

Then no, there's, there's no reason for me to then disassemble it if nothing odd has happened during that test firing. And how many times did you test fire this revolver, I test fired this particular 112 times and during each one of those 12 times, did you observe any of these issues that you just mentioned that would cause you concern that maybe this gun could malfunction. No, there was nothing odd or abnormal about this during the initial test firing. So all of this obviously happened before, before the mallet test. All of this that he's describing obviously happened before the mala test.

So the gun was operating perfectly. There was zero indication there was any malfunction with the gun. Sorry defense, the fact that the uh the defense wants to argue the gun was destroyed by the state and therefore the indictment should be dismissed with prejudice, weak sauce, defense, weak sauce. And when you did the test firing, did you check the different uh hammer caulking positions? Yes, I did.

OK. And at any point during each one of those call, test fires did the gun discharge by itself without a pull of the trigger? No. OK. And you testified that you checked the hammer's quarter cock hammer position, right. That's correct.

Did the fire on fire when it was in the quarter, um Cock hammer position? So, um, so law self defense member, Phil, I just happened to notice this FBI agents seem to almost always do a great job in projecting a calm, competent, professional demeanor when testifying. So at Quantico, at the FBI Academy, they have a specific training for this, for courtroom testimony, For media interviews, they have cameras set up like a TV studio and they train their agents on, on how to do this and how to present in a particular way. So it's not by accident uh that they routinely come across as calm, competent professional. They're gi they're given professional level training on how to project this demeanor.

I know because I've seen the rooms because I, I teach there from time to time. Uh that portion of the testing I did during the later phase of accidental discharge testing. When I say that I checked the quarter and the half cock positions, tho those positions are designed so that if you are cocking the hammer and if I cock it past the quarter cock notch, and if my thumb slips off

the hammer, that quarter cock is meant to catch the hammer before it falls and makes contact with the cartridge.

So when I say that I checked those positions during the function assessment, what I mean is I pulled the hammer past those notches released it and ensured that, that, that safety mechanism was actually working correctly. So I did that for both the quarter and the half cock positions. And were the safety mechanisms working correctly? Yes, they were. When you had the hammer in the full cock position, did it hold in that position until you pull the trigger during the initial test firing? Yes. What were you able to determine after you conducted your um physical examination of the gun, the examination of the trigger of the hammer and the 12 test fires? What did you determine? So the end result in relationship to the function exam? It's just that it functioned normally.

And again, that means I didn't see anything abnormal, odd. Uh There were no uh apparent uh either damage or modifications that would have rendered this fire unsafe. Would you um say it functioned as designed? Yes, it functioned normally as it's designed. And what does that mean when uh one uses the term function as designed? That's basically what I just described.

So, while I'm conducting my, my checks of the firearm and physically test firing it, nothing out of the ordinary happened during that testing. So if, if, if I had a discharge without pulling the trigger or if I noticed that the, the cr notch was not engaging properly, that's something that is out of the ordinary. So that would not be functioning normally. And that's something that I would have annotated in my notes and the report. So I wasn't seeing any of those things.

So that's, that's what function normally means. And as part of your examination, did you also conduct measurements of the trigger pull I did. And what is that, what is that intended to measure? So, in my laboratory, um when I do a trigger pull examination, it is not to determine the exact amount of force that is required to pull the trigger. Um At my laboratory, it is designed to establish a range. So at the lower end of that range, I'm confident that that is not enough force to pull the trigger.

And at the upper end of that range, I'm confident that essentially that amount of force or weight will cause that trigger to pull every time that, that I test it. And how did you conduct this trigger pull test? So essentially, uh if you picture like a, a wire coat hanger, so I have a long wire with a hook on the top and I would orient the firearm vertically. So the muzzle will be pointing straight up at the ceiling.

I would hook this, uh essentially the coat hanger portion of the hook inside the trigger guard resting on the trigger. And then I can add static weights to the bottom of that wire. And so I can continue to add weights until I reach the point where it's starting to pull the trigger as I pick up on the firearm So the amount of weight that's, that's added, that's gonna be the amount of force that's required to pull the trigger and what amount of force was required? Well, the FBI doesn't use an electronic trigger gauge. What, what he, he, he, he's adding physical weights to a hook the heck to pull the trigger for this evidence revolver. So, in, in my note taking and during

my exam, I, uh, I measured that amount of force to be between two and £2.5. And what does that mean? Um, can, can you elaborate? Well, does it mean that it would take 2.5, 2 to £2.5 of force to pull that trigger somewhere in between those values? Yes. Would that be considered what people call a hair trigger? I personally would not consider that to be a hair trigger.

Um, when I think of a hair trigger, I think of either very high performance, uh, hunting rifles. Uh, things of that nature where, uh, the amount of force on the trigger, I don't have a specific number for you, but it's extremely light where you just barely have to touch the trigger to fire the, the firearm. It's, it's typically you see that them in, uh, in hunting rifles, did this particular revolver fire at any point with less than £2 of pressure on that trigger based on your exam, right? So I can't answer that question because I don't know the exact amount of force that I'm using while I'm doing the actual test firing. I can just tell you that when I did the, the measurement with the static weight set, as I described, it would not fo uh excuse me, it would not pull with less than £2 of pressure. Ok. When you were conducting the trigger pull measurements, was there any indication to you as a forensic examiner that this trigger had been altered? No, there was no indication. Um I, I feel this range is very common for this style of firearm when you're doing the trigger pole measurements.

Um Do you also engage the hammer? Right. So in order to test that the hammer would have to be in the fully cocked position because that's, that's how this firearm is designed to fire. And so in the fully cocked position, the amount of pressure during your measurements that it took to fire, this gun was between 2 to £2.5. That is correct. Did, um, after you conducted your physical exam of the gun, the trigger, the hammer and your test fire was another test conducted on this firearm. Yes.

So I, I did do some other exams with the ammunition, but if we're focusing specifically on the firearm, uh the next test was is what's called accidental discharge before we get to the accidental discharge test, were the exams that you just testified about? Were those conducted? According to FBI procedures and protocols. Yes, they were. So what is an accidental discharge test? So, in my laboratory, the accidental discharge test, it seeks to determine if, if I impart a certain amount of force to this firearm, is it even possible for this firearm to fire without pulling the trigger? And the way it's done in my laboratory is essentially, I would take a raw hide mallet and I would strike the firearm on six planes.

And when I'm referring to those six planes, if you pictured a cardboard box sitting in front of you, the six planes would be the front of the box, the rear of the box, the left side, right side, top and bottom of the box. So those are the six planes. And essentially, when I'm striking this firearm with a rawhide mallet, the goal is to determine is, is this amount of force this vibration, this shock is that enough to cause the inner workings of the firearm to disengage and actually allow the hammer to fall and fire the shot. So this test is really designed to mimic if the firearm has been uh either banged into something or maybe hit with an object or maybe even, you know, dropped or something of that nature.

Some, some, some type of force has been introduced to this gun. Now, before we get to your um, accidental discharge test that you conducted in this case, did you document photograph, uh the condition of the firearm before the accidental discharge test? Yes. So all the photos that you've seen so far were prior to that test and prior to the accidental discharge test, did you have any indication that this revolver was altered or modified in any way? There was nothing that jumped out at me? Now, so once you got to the point of accidental discharge test was the next test that you were gonna conduct. Did you contact the local law enforcement? I contacted the uh special agent Cortez, the case agent.

And was it your idea or did you suggest that there was this test available? Yes, I did. Now, to your knowledge, have other firearms examiners at the FBI lab conducted the accidental discharge test and other case work. Yes, I've seen them do it uh while I've been in training. Now, is there a procedure and protocol that the FBI has a has in place for conducting the accidental discharge test? Yes, there is.

Did you receive authorization to go forward with the accidental discharge test? I did from the case agent? Yes. Now, can you describe for the court how you did the test in this particular case where you had the firearm and how you went ahead and conducted the uh the test? Sure. So um to actually do this examination, I use what's called a remote firing platform.

And essentially you could think of that as a padded vice designed specifically to hold firearms. So it, it essentially has a vice, but it kind of has rubber on the inside and I clamps this firearm into that device. And, and I continued with the testing as I previously described uh striking with a rawhide mallet on six different planes. Um And I also wanted to test this firearm in all four positions of the hammer.

So I I wanted to kind of exhaust all efforts for any condition that that hammer could have been in. Now was the Rawhide mallet that you used? Was that affixed to another device or were you using that freehand? No, that was me physically holding it. Now, can you describe if you could use your hands and demonstrate to the court um how you applied the force with the mallet, um the force to the gun with the mallet? All right. So it, it would depend on which of the six planes that I was working with at that time. Um So I don't know if I could give you one description that would encompass all six of those planes.

Um But I would liken it to similar to hitting a nail with a hammer, something to that effect. And were all those in a straight line or could that some of those come in at an angle? Right. So I'm a human being. So, you know, there's a good chance that there's gonna be some variability in each of those strikes. So sure, it's certainly possible that not all of them were completely perpendicular to the firearm.

And when you're doing the accidental discharge test, did this revolve or discharge when the hammer was in the cortical position. So um because of the design of this firearm in the two intermediate se uh settings, the quarter and the half cock, I did not have to do the striking with the mallet test. So once you, so was your test then done with the hammer and the full cock?

Yes, I did, I did the striking with the hammer at rest and in the fully cock position at rest, did it discharge? It did? And when the hammer was in the fully cock position, did it discharge? So I did have one event where it discharged with the hammer in the full cock position. Um And what occurred is I struck the hammer directly with the rawhide mallet and the hammer fell. And when we do this testing, I use a primed cartridge case. So I removed the bullet from the cartridge. I dump out the powder.

So it's just a case with a primer in it. So that's obviously done for safety purposes. So I'm not still pretty loud folks, I can tell you from personal experience when a primer goes off in a closed room, it's a pretty sharp crack, firing shot if there is a firing event and then I can audibly hear if the primer is detonated.

So I struck the hammer, the hammer fell and detonated the primer during this one event. And what was interesting to me is, I thought it was odd that, uh, the quarter or the half cock safety notches did not catch, uh, the sear as the hammer was falling. So this led me to believe that there was some type of damage that occurred during that event, but you had to apply AAA good amount of force for it to discharge.

Is that right? Right. I, I can't quantify what the force was now. Was the discharge with the hammer in the resting position? Did you expect that? Was that something that was expected? Yes, this is a known issue with a revolver of this design.

In fact, if you would read the owner's manual for this type of firearm, you would see warnings not to carry this firearm with the hammer at rest on a loaded chamber. So can you describe um, what eventually happened as a result of this accidental discharge test? Sure. So as I mentioned, I had some suspicion that something occurred inside that allowed this hammer to fall that was not normal. So eventually after this testing, I took the firearm apart and I was able to find two locations that had actually fractured during that striking event.

So, um, it's, it, it's my opinion that the firearm would not have fired unless those two pieces fractured like they did. Were you able to fire the firearm after these pieces fractured? No, it was no longer operable in that condition. Now let me go back um just briefly to when you offered this test to local law enforcement, what did you tell him about the possibilities of what could happen during this accidental discharge test? Right. So this is actually written in our standard operating procedures, this test is considered potentially destructive. So in order to do this test, I need to inform the contributor that I may be imparting some damage to this firearm in doing so and that it potentially may not be operable as a result of that testing.

So I had to explain that to the contributor and allow them to make an informed decision. Now, did you tell him they would definitely break the gun or just that it could potentially break the gun? No, it's a possibility. There's no way that I could have known for certain that the firearm was going to break and when you conducted this accidental discharge test, did you do it according to FBI protocols and procedures? Yes, I did. Now, Mister Ziegler, let me ask you.

So even assuming that maybe some internal component of this revolver was mod modified before you received it in the lab, did the gun fire without a pull of the trigger before you got to that accidental discharge test that broke the gun eventually that did not occur during my testing at the lab? No, at any point before the accidental discharge test, did that gun fire without a pull of the trigger. Not during my testing. Was there any indication that, so I, I had mentioned uh electronic trigger pulls for trigger weights earlier, David in the law, self defense member comments, writes electronic trigger gauges aren't as demonstrably repeatable as a physical weight. That's interesting, David. I would not have guessed that. Thank you for that insight.

I appreciate it but the gun did not function as designed before the accidental discharge test. No, there was nothing odd or noteworthy about this firearm as a forensics examiner for the FBI lab. Have you had experiences in the past when conducting your scientific testing evidence you've examined has been either modified in the process of the exam? Sure, that can happen. Can you give us an example of that? Sure. So one example could be um if I'm asked to do microscopic comparisons on say a fired bullet and there's also ammunition that's sent in with the case.

And I'm, I'm initially, I would do test fires with laboratory ammunition. However, sometimes it it's best as far as how uh fired ammunition components are marked. Typically the best ammunition that you have is going to be the closest to what was used in the actual shooting event. So there may be times where the ammunition from the laboratories is not reproducing the same as the ammunition in a case. So I may reach out to the case agent and request their permission to consume some of the evidence ammunition to collect additional test fires.

So I need their permission to do that because I'm permanently changing those items of evidence. I'm taking a live cartridge, I'm physically shooting them. So I'm detonating the primer. I'm consuming the powder and I'm forever changing the bullet and the fired cartridge case. So they've submitted ammunition, but they're gonna receive a fired bullet and fired cartridge case in return. So that's just one example where, you know, I may be permanently changing the evidence to do my examination.

Um And I would need their permission in order to do so. Did you conduct this accidental discharge test to damage this gun? That's not the goal of the test. No.

May I have a moment your honor just to review my notes. Now, just one last question, Mr Ziegler. Um the damage. Uh Let me show you what's been previously marked.

I believe it's um state exhibit five. Do you recognize State's exhibit five? Yes, I do. And what are they or what is it? All right. So this is rotated 90 degrees, but this is a photograph that I took and this was after the accidental discharge testing after I disassembled it. And this is depicting the parts in the condition after that test. And it's, it's depicting the two locations that I found where portions of these parts actually fractured off. No, I'm gonna take off the closed caption for a second.

So these are the broken pieces. Here's the trigger. The sear at the tip of the trigger is this showing up when I put my mouse there, it doesn't show up. So I can't really point. The, the black curve thing is the trigger, of course.

And that the, the upper left quadrant of this is where you'd have the sear. No, this is the sear on the left. This is the trigger. This is the sear on the left, the tip is broken off.

There's the hammer up here and it looks like the little notch. Oh, this silver piece is from the hammer right below this bottom dark hole. There should be another little kind of led you there prior to the accidental discharge test. Did you have any reason to believe that these parts were in this condition as we see them on exhibit five? No, if they were in this condition, I would not have expected to function correctly, right? Are these pieces still available? Five, I mean, or when they left your lab? Right? I returned everything, you know it in the correct packaging and all that. So as far as I'm aware, yes, I have nothing for this.

Thank you Mr Ziegler. Cross cross examination. Thank your honor. Good afternoon, Mr Ziegler.

Good afternoon. When you have this um case on your desk, you have your, your case file. Why did you destroy the evidence? Why did you destroy the evidence? Special agent Ziegler or lab tech? Ziegler, whatever his title is. Why, why I run Facebook and I wanna know um um and your coms log, those are the two large packets of documents that you provided. Is that fair to say? Um The one is called the one A that's essentially the document repository, but that, that includes the com log understood and that includes the request for lab examination fair. That's true.

Ok. And any other information that you get about the case? Um, you traditionally get from the customer, the person requesting the testing fair. That's, that's typically the way it works. Yes. Did they provide you? They, meaning the Santa Fe Police Department or the prosecutors, any additional specifics about replicating what had occurred in real life when you perform these tests? Oh, come on, good afternoon, Mr Taylor.

All right, I'll, I'll, I'll go speed it for a little bit. Oh, my gosh, I can't help it. That little red line is right above the pause button. Um, ok. So, uh, he just for asked him, did anyone from the San Francisco Police Department? But this was the, I mean, the Santa Fe Police Department.

This was the Santa Fe Sheriff's office. It was out in the county, but there is no. Ok, good afternoon. But when you have the surrounding that event, the, um, you traditionally get from the customer, the person requesting the testing fair. That's, that's typically the way it works. Yes, they did.

They provide you, they meaning the Santa Fe Police Department or the prosecutors, any additional specifics about replicating what had occurred in real life when you perform these tests? Oh, the space bar does work to pause it. Thanks folks. Learn something new every day.

Thank you. No, sir. What about from the media? Did you learn anything about what happened ostensibly, um, before you perform these tests? Uh, the only thing that I was aware of was that, uh the defendant was stating that they did not pull the trigger. I don't know any of the specifics surrounding that event. Exactly. Right.

And the reason that you went forward with the testing that ended up destroying the gun wasn't a test for mouth destroying the gun functions, right? It was to verify whether the firearm would go off without him pressing the trigger. True. So my exam is specific to the firearm, not necessarily uh the defendant and their actions. So my, my exam is just to determine what are the capabilities of this firearm. Is it possible for this firearm to discharge without pulling the trigger? Right.

So, what you were testing for though, just to be clear because this word malfunction keeps getting thrown around. What you're testing for is whether or not the firearm will function without pressing the trigger there specifically for the accidental discharge. Yes, that is the, the goal, right? And the reason you have to do that is because the physical exam that you spent some time describing and the little test where you just shoot it 12 times in the lab into the water or whatnot, that doesn't answer that question, does it? Which question is that exactly the question of whether the gun is able to fire without pressing the trigger? Right. Again, I can only tell you about the results of my testing. So initially, it functioned normally and then the ex accidental discharge testing, you know, beyond that. Sure. But you wouldn't have suggested and ultimately performed a test that led to the destruction of the firearm.

If the physical exam and the functional 12 shots into the water were sufficient to answer that. Now, I wish I'd started a destruction counter question. Would you have? That's the question that's up to the case agent so I can provide them the information. I could tell them we have the capability to do this examination, but they are the ones that need to make that determination, the risks of malfunction.

I, I take it that this expression you're talking about manufacturing defects, modifications of the uh weapon or any other damage that could have occurred inside the weapon because of an accident or a drop. Is that what you mean when you say malfunction? Oh, it could be a variety of things. It could be age, it could be, the fire hasn't been taken care of. So it's, it's rusted and corroded. It could have been laying in the bottom of a lake for the past year.

So I know nothing about the history of this gun. So while I'm, I'm doing those initial inspections, I'm doing that initial test firing when I speak about malfunctions, that's what I'm speaking of. And so when you look at the gun from the outside, you can't always identify if a gun has something wrong with it.

Can you not visually? No? Right. And neither could a random actor on a movie set? Right? They would have no way to know by looking at a gun, right? That you're aware of objection? Speculation. Yeah, maybe you can, you rep it. Ok.

Thank you. Is it possible to know just by physically looking at a gun whether or not it's capable of malfunctioning? I would say no. And even if you've test fired in your laboratory in a little water bucket a bunch of times in that sort of stabilized environment just because that works. And there's not a catastrophic explosion of the gun or something like that. That doesn't mean that it's impossible if there's a malfunction, doesn't. That's correct.

I can only tell you that it function normally during my testing. And you did, can you see the defense reaching? That doesn't mean it's not possible, right? And it's space aliens could exist. There's just no evidence to support this theory that the gun just malfunctioned. And at that point before you went into the accidental testing that led to the destruction of the firearm you didn't disassemble um, and look at the inside of the gun, did you? No, at that point, there was no reason for me to do so. Well, nobody asked you to. That's correct. But I also did not see anything that would give me cause to do so.

And not only did you not disassemble it, but you obviously didn't disassemble it and take photographs or video of the inside trip prior to the AIDS charge testing. Right. That's correct. I did not do that. And you have disassembled very similar, um, um, single action revolvers in your career. Have you not? Yes, you didn't videotape any of the testing that you have discussed here today. Correct.

That's correct. We do not videotape our examinations. Um, nor did anybody ask you to videotape your examination. True. Not in this case.

And, um, I take it the way that you're able to recount what you're telling this court is because you took notes and you have worksheets that wrote down what you did. And when you did it, is that fair as well as the standard operating procedures. But yes, you are correct. But there's different points in this case where you weren't sure which te whether you did the function test and then sought permission from the state prosecutors to, to hit the gun with the mallet or whether you waited for, to do all of the testing until you got permission. Isn't that fair that you, that you're not sure about the order of this. No, I disagree with that. OK? You're, you're, you're quite confident that you did the visual and functional test before asking for permission to, to, before they asked you to um do the accidental discharge test.

Is that just man, I see your question. Uh No, I can't tell you exactly when I did the function test if that was before or after that conversation. However, it was before the accidental discharge test, right? So I just wanna make sure that that's, that you are correct.

That's what I was getting at. I just wanna make sure, you know, that's clear to the core that, that despite your worksheets and the best of your memory, you, you don't actually know at what point you asked or rather they asked you to perform the accidental discharge test. True. I do have uh messages in my com log for the dates that I had those conversations, right? But you know, but use it as you just testified to about a minute ago, you don't know the order of, of what occurred when, as you sit here, do you, you specifically asked me if I knew if I function tested it prior to that conversation? So my answer to that is no, but I do know the order that I

conducted the examinations in. Sure, I know that you, you conducted the functional test prior to the accidental discharge test because after the accidental discharge test the gun wouldn't function fair.

True. Now, um, and, and the way you do keep track of this, even though you don't, you don't obviously know the exact order compared to the phone call with the prosecutors and the detective or, or any, any law enforcement interaction you had is you take notes as you're doing this. Is that fair? That's correct. Yeah.

And you take in the thousands of exams that you've done, you're a note taker there. I'm not quite sure how to answer that. We have standardized note sheets that have uh mandatory fields that I have to populate.

And in all of those examinations, the thousands you've done the almost decade you had at the lab. Have you ever, um, performed this test on a firearm in a actual case? In an actual case? This is the first time first and only, first and only. And, um, the firearm cannot be tested now, in the condition that it came to you in there. All right. Not in the condition that, uh, as a result of my testing.

That's true. And it's not just, um, you've also said by the way that this examination and this is the same argument they would have made if the FBI guy had dismantled the gun to examine the internal components first and then tested it. They would have said, well, you, you can't test it now as it was in its original condition, right? Because you took it apart and put it back together again.

It's not in the same condition. The report were fairly complex. Is that fair? I'm not sure where you're getting that from. Well, I'm asking you, we can, we can refresh your memory, but I'm asking you was, it was the examination report here fairly complex, but you wouldn't see the word complex anywhere in my report, not in your report. But what about in an email transmitting your report saying that this sorry for the delays with the report? This was fairly complex. I would have to see that message. Ok.

Do you dispute that the examination and the report were fairly complex? I'm not sure what you're referring to because that could be speaking to the entirety of the evidence in the case, which was almost 200 items. So, yes, I would agree. That is a complex case. Um The information we've discussed so far. Um um You mentioned on direct examination that there's a manual that comes with this firearm, right? That's correct. And this concept, I have to say when this guy testified in the Hannah Guterres case, I thought he came across as a bit of a dummy in this testimony.

He's doing much better here of the firearm going off without pressing the trigger is something that's actually discussed in the manual of the firearm. True as far as I'm aware that circumstances only in that manual with the hammer in a one particular setting. Sure. Thank you. For that clarification.

But it is true that the manual discusses that this firearm can go off without pulling the trigger specifically with the hammer at rest. You're correct. And you said this isn't some phenomenon.

This is something that's known about the design of these firearms. True with the hammer at rest. You're correct.

And well, in the, in the, um, the owner's manual also says they blow to the hammer resulting from a fall, dropping of the gun can also cause the gun to discharge. True with the hammer at rest. You're correct. Ok. None of which happened in this case.

I mean, on the one hand, the defense gets upset, why did you destroy the gun with this destructive testing that destroyed the gun? When the facts don't require an impact test, no one is claiming the gun is, was impacted and then they flip the script and they say, but isn't it true that if this gun were impacted, it could discharge without the, without the trigger being pulled or the hammer slips from the shooter's thumb, right? Uh I would have to see that line to see what that is referring to. Emanuel also says that the person should not even touch the trigger because this is, this is objectionable. I'm surprised the state is not objecting because this is the lawyer testifying, testifying. Now, this is not in front of a jury.

The judge is giving them a lot of latitude and this guy is burning a lot of time. This was supposed to, this whole day was supposed to wrap up in less than an hour and there are only two witnesses in here this and they started an hour earlier than they were scheduled to start. I think the judge is gonna start getting exasperated because of this concern and sensitivity of the hammer falling. True. I would attribute that to general firearms safety, but it's in this manual, I don't specifically calls for speculation. And if he's referring to the manual, I'd ask that he give Mr Ziegler an opportunity to review the manual. I'm not required to do that in cross examination.

He said he reviewed the menu. I'm asking if he knows that. What was the question that she's saying is speculation? I guess that I just asked him, does the manual say that don't even touch the trigger because the hammer can slip in this? Does the manual say that? Do you know that? Uh may I answer yes. Um But um, you're assuming that, that he remembers.

So if he doesn't remember to, I understand that he, he may remember it's in his report and it's in the manual. So I'm just asking, thank you. I do not know that the answer to that. Um If, if the trigger is held in, ok, while you're talking it and the hammer falls that can set off this firearm. Isn't that true? Uh Depending on how far the hammer is cocked because you have to keep in mind as you're cocking the hammer, the cylinder starts to rotate. So again, depending on the position of the cylinder, if the hammer falls and does not make contact with the primer, it won't fire.

However, you are correct. If I hold the trigger in and I cock the hammer and I let it go. You, you, you may fire a cartridge in that method. And the manual says, and you know, from your own

experience that you shouldn't load every single chamber on one of these revolvers because it's at risk there. And that is referring to the hammer being at rest on a loaded chamber.

Yes. Now, I understand, I understand. You can say that Mr Stickler, we have, were you prepped on that point before you testified here to that your honor, argumentative. I'm allowed to ask a witness what their preparation wasn't on the topic.

Were you prepped on that topic before today, Mr Zeigler? Uh No, sir, I keep reiterating that because you appear to be uh insinuating that this firearm can fire with a hammer in every position. And you're using direct quotes from the owner's manual when those quotes refer to a specific hammer setting. So, so you weren't, were you, well, I'm asking you a different question now, which is, were you prepped on the issue of whether or not this gun could fire without pulling the trigger for today? He had trial prep mechanism that we're describing, which you obviously can describe more art than they is not the same on, on every modern firearm, not every modern firearm can go off like what we're describing. True.

That is correct. And there's actually examples of firearms similar to this firearm, right? And you've said you've disassembled um, very similar single action revolvers before that, if the Sear was defective, the gun could accidentally discharge trip, that depends on many factors. Or I'm just simply asking you, is it possible that if a serious defective on one of these firearms, it can accidentally discharge? Is that possible? It is possible, but there are also safety mechanisms within the firearm to include this firearm that would prevent that from happening. And I'm assuming that there's a caveat on all of these answers. But I'm asking just simply assuming all other caveats, is it possible that for example, that if the main spring on this firearm was loose or there's a loose screw, it could accidentally discharge? I don't agree with the example you just used. What about if the Nazis are worn? That is a possibility and we talked about or you talked, I guess on direct about the trigger pull. Um And, and just to make sure it's clear, at least in my mind in the courts, the trigger and the hammer they interlock so that if one is moving, it has an impact on the other, is that fair to say that's correct.

The, the hammer has notches and the trigger sits within those notches. So as the hammer is being cocked, the trigger is moving within those notches, ok? And you would agree that the trigger weight on this, um, firearm was on the low end of the range of trigger, trigger pull there amongst all firearms, amongst all firearms, amongst all single action revolvers, whatever deer do you wanna use. Uh, as I testified previously that I feel this range is in line with this type of firearm. Now, if you compare that to a double action firearm or some completely different firearm, then sure it is lower than what other fire. Yeah.

So he said what, £2.02 to £2.5. Uh, I don't think that's exceptionally light for a single action revolver. It's which have exceptional and light trigger pulls. Um, for other types of revolvers. I mean, I have a very nice 1911 single action semiautomatic that you carry with the hammer cocked and the safety on that's got about a 3.5 trigger for a carry gun. That's about as light as I would be inclined to go. But keep in mind you can have, you can, yeah, you have the luxury of a

very light trigger on a single action revolver because you have to cock the hammer all the way before the gun can fire before the trigger is active, can discharge the gun.

So until you cocked the hammer on a single action, the trigger doesn't do anything. It has an infinite trigger weight. And once you've cocked the hammer, you know, the triggers light, that's when you're preparing to shoot the gun, you're not walking around with the hammer cocked. Firearms are, well, let's go to that easier example of a double action revolver, which is, is what many police departments use is that fair objection relevancy. I don't believe many people use revolvers anymore.

Well, is a double action revolver, a firearm that would take 10 to £15 of, um, pull force. Yes, I agree with those numbers. And isn't it true that the, um, FBI FB I's own um, website indicates that the standard trigger pull on a single action revolver is 4 to £6. I do not know that.

Ok. Well, while we're um, continuing this exam, we can pull up and, and see if it won't refresh your memory. Um, but, but if it was 4 to £6 that would be double or triple the pull, um, force required on the gun you examined in this case. True. It would be approximately double. Yes, I just wanna remind everybody because we've gone so far afi that this hearing right now that we're listening to is supposed to be a hearing on emotion from the defense to dismiss this indictment with prejudice because the state destroyed evidence, destroyed this revolver.

What does any of this have to do with that argument. The, this, these are all facts that you might argue before a jury try to convince a jury. I don't know that the trigger weight that because it had a light trigger, that means Alec Baldwin didn't have to touch the trigger. I, I, I'm not sure exactly what they're doing, but what does this have to do with the fact that the, the, of the defense claim that Alec Baldwin should walk free and zero criminal liability for this shooting because the state destroyed evidence. It would be nice if the state asked that question, your honor. I thought we were here for a reason and the, the pole, the, um, amount of trigger pull weight required.

Um, you don't know, um, the genesis of that assume for the sake of this question that the trigger pull weight was lower on this weapon. You don't know how that occurred, right? You don't know whether that was the manufacturing or somebody altering it and customizing it. True.

Uh Can you rephrase that question? I don't quite understand that. Sure. While I'm doing that, if we can just show, um, defense exhibit two just to refresh your recollection to the witness. Um, are you familiar with this? I have not seen this before. So how could he testify to it? He doesn't have any personal knowledge of this, by the way, it doesn't say average, it says typical, typical, common, oh, and it says, uh, semiautomatic pistols, I wonder if this guy, let's see, single action revolvers, 4 to £6. Uh We'll see. Ok.

Um, well, maybe, um, be because we could, um, are you familiar with the National Institute of Justice Advancing Justice through Science Institute? Yes. Ok. And um, if you look down at trigger

pull measurements and you look at the single action revolver, do you see that under typical trigger pulls? It indicates 4 to £6. I do see that. Ok. Does that um do you think that that is a fair um um number and characterization uh generally speaking for, for single action in general, I would say it's typically between about two and £5.

So you, you're saying that you disagree with this. Uh to me, there are many types of single action revolvers. So it, it is my testimony that this type of revolver I feel is in line with a 2 to £2.5 force that I measured.

This guy Ziegler is doing so much better here than he did in the Hannah Guterres trial. I wonder, I wonder if his superiors saw his testimony in the Guterres trial and said, dude, you need some additional training. You did, you did not look good there. Go back to Quantico. Well, he's probably at Quantico. Um go back to sign up for some uh refresher training in the how to testify in court class because he is doing way better.

He looks like he's got a spine and is able to come to conclusions here. He was so wishy washy when he testified in the Guterres trial. Um, did you, um, measure the, um, the distance that the trigger, um, has to move? I did not. Ok.

Do, do you know the distance that the trigger has to move in this viral? No, sir. I do not. How would you even measure that? I mean, the trigger is on a hinge pin so it moves in an arc. It's not like a 1911 trigger that moves straight back. So you'd have to pick a point on the trigger because the whole thing moves in a curve, you'd have to pick a point on the trigger and measure that distance. The trigger moves further farther from the pivot point.

Right. Now, when you do the accidental discharge testing, the goal of that test is to simulate the firearm in a way as if it was bumped or banged into something. Isn't that right? That's correct. And if you have um, the ability the accidental discharge test should replicate the real world situation as closely as possible, right? Um So the accidental discharge test, how we do it at my laboratory, it is lined out in the Sop. And then beyond that, if there is some type of extenuating circumstance that the examiner feels they also need to test, they could then go and do that. However, this is the way that I did it, the method that I use.

That's, that's what our sop dictates by the way. So it's supposed to, what if the, what if there was a car accident? And in the course of the car accident, a gun went off is the FBI supposed to get the gun and test it in another car accident to most closely replicate the real world events? Well, when you say dictates, it also provides the examiner some discretion as in regards to how that is believed to have occurred in the real world, doesn't it? Um, again, this is at my laboratory following my sop that line, I believe follows the accidental discharge testing. So it's written as in if there is any additional testing that the examiner feels that, that they should do, right. So, and you've testified previously that if I had a gun leaning against the door, and I'm saying that the door opened and the firearm fell, I would try to replicate that situation, haven't you said that that was in regards to I was being asked about a drop test? Well, if you knew that that's how a firearm had gone off and in your discretion, wouldn't you have tried to replicate that test?

That's a conversation that I would have with a case agent. Ok. But you didn't do that in this case, did you? I received none of that background information.

So, no, I did not. But as you did this test, you had no reason to believe that the prop gun on the movies that had been hit with a hammer. Did you, you didn't think that that was the Real World, correct? No, sir, I explained the test, right.

And you did also didn't believe that the gun had been dropped and fired after being dropped. Did you? I had no background knowledge. His shirt is buttoned behind the tie and there was no reason why no reason provided to you by um the Santa Fe Police Department.

Why you couldn't do, for example, a pushoff test prior to the destructive testing? Nobody um gave you a reason why you couldn't do that. True. That's true. That did not come up in conversation.

And again, just like on your emails to them, your, your email address, your phone number is there and you were having communications throughout this case with both the Santa Fe Police Department and the liaison, special agent Cortez. True. Uh Special agent Cortez was my main point of contact. However, uh yes, there were some email chains where the detectives were also included on them.

And when you do conduct the test that ends up leading to the gun, um um breaking what you're trying to see is if the amount of shock or vibration that's being introduced to the to the firearm is enough energy on that particular firearm to cause it to fire without touching the trigger there. That's correct. And you knew from your experience, the manual, the light trigger pull. You didn't think it was impossible that the test would come back showing that this gun was capable of an accidental discharge without a pole. Right. If it was impossible for this to happen, you wouldn't have done a test that jeopardized the weapon would you have? Um, I'm not quite sure how to answer that.

It's, it's, it's not so much as whether I think it's possible or not. It's just, is there an investigative question? And do I have an examination that can assist in answering that question? Right. But if, if on the one hand, right, there's no possible value to this test. And on the other hand, the test was going to lead to a likely damaging of the firearm. You wouldn't have conducted the test, would you, I would have recommended the test.

That was not my decision. And did you consider any other tests like the push test before embarking on the test that led to the destruction of the environment objection asked and answered, I didn't ask that question before. Yy, yes, you did sustain uh There were two times during your testing that this firearm fired without pulling the trigger as I understand it.

Is that fair? That's correct. Ok. So why don't you just explain those two times to the core, the two times that it fired without you pressing the trigger anyway. So the first time was when the hammer was at rest on a loaded chamber and by striking the hammer with a mallet that

provide a sufficient amount of force for the firing pin to detonate that primer. So this is the same issue we keep talking about in the owner's manual.

The hammer being at rest on a loaded chamber is inherently dangerous with this type of firearm. So that was unexpected result. The second time was when the hammer was in the fully cocked position and I struck it with a mallet, the internal parts fractured. So that hammer fell and fired the cartridge after this testing, I think I understand your worksheet to indicate that you continue testing the firearm at the half cock notch, right? The, the trigger seer, even though it was broken, it was still engaging at the half cock notch. He did it again.

So as I described, I had to test all six planes and I had only tested five of those when the breakage of the hammer occurred. So I still felt that if it was possible for me, if it was feasible for me to test that sixth plane, which was the bottom that I should do that in the condition that I was able to. And when the, um Santa Fe Police Department and the prosecutorial team gave you the original directive, they didn't tell you, hey, if something goes wrong as you're testing, if some damage occurs, come back to us, check in with us.

They didn't give you any limitation like that. Fair. I, I don't recall that occurring. No.

So when there was a little bit of damage done to the firearm or some damage, if you don't like the phrase little at that point, you did not do anything other than continue to strike the firearm again with a mallet. Fair. The damage that you're referring to those internal parts had already fractured at that point? Well, do you think that the final mallet strike might have done further damage? Not necessarily? Well, I know not necessarily uh Mr Ziegler, but it's possible that it did. Is it not Ashton answered uh how that question, isn't it possible to take Mr Tickler that the neck that the f the following sixth hammer strike caused additional damage? I should answer.

Yes. That is possible in your, when you were striking it with the hammer, you, you gave some testimony that you could have hit it not straight on diagonally. Do you remember that testimony you gave on direct? Yes.

Uh Just me being a human being there is the potential that there's some variation there, but it's fair to say you were trying to hit it straight on in the various planes as indicated in the sop fair. I was following the sop. Um It doesn't necessarily dictate, it has to be at exactly 90 degrees for each of those blows. So I followed it to the best of my ability, but you weren't intentionally striking it diagonally.

Were you not necessarily no. Um in your amended report, you, you remove the phrase um with a pull of the trigger with a pull of trigger. That's correct. Yeah. Can you just explain to me why you removed the phrase with a pull of trigger? Right? So that statement is in regards to the testing I did with a hammer in the quarter and half cock notches.

And as I previously spoke about the design of this firearm allowed me to test the gun with the hammer in those two positions without doing the strikes. So I could test those two positions by

actually pulling the trigger, allowing the hammer to fall and seeing if it was even feasible for that, the hammer to fire the cartridge in that position. So, so I actually tested it by pulling the trigger. And in my report, I mistakenly wrote that I tested it without a pull of the trigger. So the end result was the same, it still did not fire, but I felt the description of the process was inaccurate and who brought that issue to your attention? I actually uh found that issue when I was in preparation for a previous trial after you broke the, the gun. Um, that's when you take it apart for the first time.

Fair. Yes. And there were several parts internally of the gun that were um damaged and broken. That's correct. And you don't know if the gun had any internal damage before you did the test correct? I can't verify that. I can just tell you that it had no effect on the function of it when I received it.

And you don't know if the gun had been modified before you ran that test. Which of course is that is the ultimate question, right? The ultimate question is not really, was the gun modified in some way or did it have some kind of defect? The question would have to be, would any modification or defect that might or might not have occurred? Did it affect the function of the gun? If it didn't affect the function of the gun, it's irrelevant. And the function of the gun was tested before the gun was broken in the lab, correct. That's true. I do not.

You also notice that the full cock notch was flatter than the other two notches there. Yes, I did. It didn't have as much of a claw shape to it.

Correct. That is correct. And you have no way to compare the condition of the prop gun now to the condition before the test. Do you? That's correct. I cannot.

Um, and even after performing the test, you don't know whether it's possible for the gun to have fired without the trigger being pulled, correct. Can you repeat that? Sure. Uh You can't say as you sit here, whether or not it was possible for that gun to have fired without the trigger being pulled? Right. So I can only testify about my exams. So my results, how it performed in my laboratory and you know that outside experts can't um examine this firearm in the condition you got it in. Correct.

Right. It would be different than the condition that I originally received it. And you also know, um, well, let me ask you this, um, as we look, as you looked at the state's exhibit five, the broken pieces of the gun and you don't even know for sure that you got every single fragment of the broken firearm as you transferred it on. Do you? That is possible. We're talking about very small uh pieces of metal, very thin pieces of metal. So yes, it's certainly possible they could have fallen out of the gun at the time.

They could have fallen out in transport. Um Again, these are very tiny pieces. So you're correct. It is possible that I was not able to account for everything and even under the best of circumstances, uh you did this in the lab, you can't account when you're doing these tests for every variable that might occur in the real world on a movie set, right.

That's, that's fair. I would say yes. How did you inform detective um Hancock of the, the breaking of the firearm? I don't uh I don't specifically recall that and from the moment of the destruction of the firearm in 2022 April 2022. Um Were you ever asked to do any further tests in 2022 2023 2024. Um in regards to the firearm, there was never a, nothing was ever submitted. There was never a formal request now. And were you ever asked during that period of time to meet with, um, any other firearm expert in this case or speak with any other firearm expert in this case? No sir.

Even up until today, uh I did have a pretrial where another firearms expert was present. I didn't consult with them regarding my examinations. You, you just happened to be sitting in the same room during the pre trial. No, it was virtual.

You just happened to be sitting in the same virtual room during the pre, I'm not sure I understand your question. Well, you said you weren't consulting with them. What, what were you doing? Sitting in the same room with them? It was preparation for trial and I believe the prosecution team uh chose to have individuals there to, I guess, see if what I was saying, made sense to other people in who had experience with firearms. And that was the first time they asked to do that in all of 2022 2023 and 2024 was the first time they asked to do that was this week. Uh No sir was this week the first time that you were in a room discussing the facts of this case with any other expert witness. Yes or no.

Oh, another expert witness. Yes. There, that was the only time. And so I think I won't ask you again. I think it's clear and sorry, I thought you said another examiner. That's where my confusion was.

I apologize. It was on, it was my fault. Um, that, um, individual that you met with, who was that. But is there anything worse than acting like you have a gotcha question and then having it just completely come off the rails, there's a completely innocent explanation. I mean, what, what do you think you're gonna do? Do you think this, this FBI lab tech is some scheming bad actor that just wants to put your client in jail and you're gonna catch him in some act of malfeasance, you're gonna trap him, you're gonna pull the, the rubber face mask off and that's gonna be Carrie Morrissey under that headset.

Jeepers, everything is virtual. I understand you're not calling it a consultation, but while you and another expert witness on this case were in the same virtual room together, who was that other expert witness? Right? This was a preparation, a pretrial and it was uh Mr Haig, who else was present during that? Um uh Miss Johnson and Miss Morsy, anybody else? Uh Also a, a representative from my laboratory, OGC uh office of General Counsel. I see. Yeah. Ever in any of the thousands of guns that you've ever tested. Have you ever had a pretrial meeting with another expert and the prosecutors and somebody from the FBI General Counsel's office all present in a meeting that ever happened before.

Uh to, to the best of my recollection. No. And what did you all talk about? It was essentially preparing for this testimony here. Can you, can you give me a little bit more information? Uh Just general trial prep uh going over my results? Uh How, how this process is going to unfold? This is the first time I've done a hearing like this. Do you have any notes from that meeting? I did not take notes. Yeah. Did you speak to anybody else after the meeting about the meeting? Uh probably just uh some coworkers.

That would be it your supervisor. I share a lab suite with my supervisor. So yes, he was aware of that the meeting occurred. And was this the meeting? Um And you know, now you for meeting with um the state expert um Lucian Haig that um he, he believed there to have been no purpose of for this test, right? You know that I understand, I'm sorry, objection.

He's asking him to comment on what another witness believes. I think that's improper. And it's also calling for Mr Ziegler to speculate. I'm asking if that came if, if you know that from having met with him. I'm not the one that put them together three days before his testimony for the first time in three years. Um What was, what was the question? The question is just that it goes to his state of mind and it goes to what happened at that meeting three days before his testimony and his preparation that he has been informed that that other expert believes that there was no um beneficial purpose to the test that he performed no beneficial purpose to the test that um Mr Ziegler performed.

All right. I'll allow that question. Yes, I am aware that is his opinion. And you're aware from that meeting that Mr Hague had issued a report that indicated that he thought that this firearm had been modified in some way outside of the FBI lab. True, I am aware he's authored a report. I do not know, I haven't read that report so I don't know the content of that report, but you understood in that preparatory meeting that that report was an issue that you all needed to discuss there.

Uh I'm aware that he saw marks that he was trying to figure out how to explain again. I don't know the content of his report. I don't know what his conclusion was. Well, you were aware that you were being called in to try to give Mr Haig more information to deal with this, the issue of this report. True. That wasn't necessarily the uh purpose of that meeting. Uh That is something that occurred as a by-product of that meeting.

Well, but you didn't need to have that meeting before you testified at Han Gutierrez Reed's trial. Did you? I did not have that meeting, right? No prosecutor told you before this trial. We really need to have this meeting with another expert that's never happened before in your career, right? Nobody said that no. But it is customary to have a pretrial meeting with the prosecutor, which this is what that was or, but it's not only unprecedented, you not, it's not only unusual, but it has never happened in your entire career that at such a pretrial meeting, another expert is present asking questions and bringing up issues about the report that they authored. True objection.

Your honor. That question contains facts not in evidence and it assumes speculation. Uh I it, it's asking Mr Ziegler to speculate on what this other expert believed or what he applied. He's already said he has not read that report overall the transcript and you look at the questions, I think it's a natural follow up question. Oh, can you repeat your question please? I will do my best. I don't have a AAA real time transcript. Um Or, or, or so I would if you don't, if you can't remember your question, how important was the question? How coherent was the question? Do my best? OK.

What what I'm asking you is, I understand that it is common to have pretrial preparation with prosecutors. I believe you've already testified that never before in your career. Have you been brought in to have a pretrial interview where another expert is present, asking questions about their report? True. That's correct. Ok.

And you knew you called it a by-product of that meeting. One of the topics of importance at this meeting was the report that Mr Hague issued in which you understood generally, he did not think it was your mallet hammering that caused the modification of the firearm. You knew that and you discussed that at that meeting, sir. True. Uh Your question is partially incorrect.

Well, why don't you tell me what's correct? And then you can tell me what's incorrect. So I was, you, you pose that question as though I knew that's what the purpose of this meeting was. I did not know he was going to be a participant in this meeting until the meeting occurred. So, no, I didn't know that was going to be a topic of conversation.

And once you were at the meeting, it became a top of topic of conversation. Correct. That is correct.

Ok. And this is um, the first time withdrawing and you understood from this conversation that the questions being posed to, you were trying to elicit information that helped explain Mr Haig's report, which was in summon substance, that the FBI was not how the firearm got modified, but rather that the gun was modified by somebody other than the FBI. You understood that, right? I, I can't testify to Mr Higgs intent or what his goal was? Ok. But you can you understand, I'm asking what you understood, sir, you understood that part of what occurred at that meeting was trying to understand right at that meeting. Did you demonstrate how you use the mallet? He asked me a series of questions to gain an understanding of how I conducted that test, including a demonstration of how you use the mallet. I, I don't believe I physically held my arm up into the air, but I explained it just as I did here today that I would liken it to a, in a similar fashion to hitting a nail with a hammer, something to that effect.

And a and a nail with a hammer, you're trying to hit straight, right? I suppose so. And you know that his report, what he found so unusual and why he thought the gun was modified by something other than your test was because the lines were diagonal. True. It did mention that.

Ok. And that is when the testimony that is the first time that anyone he posed to you in this entire case for three years. Well, couldn't you have hit the firearm diagonally? Right. That is the

first time I was asked that. Yes, I have no further questions for this witness at this time. Redirect briefly your honor. Thank you, Mister Ziegler.

Did the sheriff's department initially request the accidental discharge test when they requested testing of this done? No, they did not. Now, do you as the FBI lab, is it your practice to learn the facts of the case before you conduct any sort of scientific testing? No, not necessarily. Uh when evidence is submitted, it's typically submitted with a written request.

Uh We call that an EC or an electronic communication and sometimes that request has background information. Sometimes it doesn't, it just depends on the person who is offering that request, but um it's not something I would go and seek out. And most times I, you know, I would typically prefer to have less information. I'm just asked to examine the evidence, not necessarily take into account external information.

So it's your practice as a scientist to have less information because you wanna focus on the evidence. Would that be accurate? Yes, I believe that's true. So if this particular gun was able to fire without putting or pulling the trigger, excuse me, would that have been something that you would have noticed during the exam before the accidental discharge test? Sure. If, if it was doing that during my function evaluation? Yes, I I definitely would have noticed that.

Now, Mister Spyer asked you questions about why you suggested the accidental discharge test. Were you concerned that this gun fired without a pull of the trigger? And is that why you suggested this test? Um It, it's not something that I detected, it's that I had been made aware that uh statements were being made in you know, national news that the trigger was not pulled. So I felt I had a duty to inform the case agent. This is a test.

This is we have a capability to conduct this examination. Um explain the test, explain the caveats and then leave it up to them to decide if they wanna pursue that test or not. Now, you were asking questions about disassembling this gun. Um Why didn't you disassemble the gun before the accidental discharge test? Uh uh As I've said before, there was nothing abnormal or out of the ordinary uh during my function evaluation and test firing. So if something was occurring, if the hammer was falling or if otherwise, you know, maybe the cylinder wasn't aligned. If something was occurring to where this gun was not functioning normally, then yes, I would have wanted to take that apart to try to figure out what was causing this but because nothing like that happened, I had no reason to disassemble it. Now, do you always or is it protocol or sop for the FBI uh for you to videotape your exams? No.

And in this case, you were asked about the sequence of the testing was the accidental discharge test. The last test you conducted on the firearm. Yes. Yes, on the firearm.

This one for you. Ok. Now you were also asked about the use of the word complex. Uh was the exam on the firearm? Just the firearm a complex complex exam. Uh Not necessarily, I would say it's routine.

And, you know, again, I, for, for each of these exams, I follow my standard operating procedures. Um, so pertaining to just the firearms exam as far as the function and those sorts of things, those are fairly routine. So, so, no, I wouldn't necessarily consider that to be complex. Now, you were asked some questions about the manual for this particular revolver. Does the manual say that the gun can fire without a pull of the trigger? If the hammer is in the full cock position? Not that I'm aware of. Now, you were asking questions about the trigger pull and whether or not the trigger pull measurements you obtained were in line with this type of single action revolver. Are they in line with this type of firearm? Yes.

In, in my opinion, they are. Now, even if this gun assuming, let's let's assume for a minute, the defense position, even if this gun had been modified, when you received it in the lab, would you have had problems uh or did you have any problems firing it? I did not have any problems. So even if, even if the hypothesis is true that let's say hypothetically this gun was modified in some fashion, um It had no effect on its function and the condition that I received it, did it have any effect on the full cock hammer holding without a pull of the trigger? Not, not in the condition I received it. No.

Now you were asked some questions uh about this uh meeting where Mr Haig was present. Uh Did you explain to Mr Haig how you conducted the accidental discharge test? Yes. Now, as an expert witness, is it unusual to discuss or talk to other experts? Uh as I've said before, um it's not something that I've done in the past. So I, I don't feel like I can really answer if it's, if it's typical or not to your knowledge. Um, other FBI examiners, have they discussed their results with other experts even within the FBI? Sure, definitely within the unit. Um Yeah, yeah, there might be things that come up that, uh, you may want someone's opinion on something of that nature. May I have a moment? Your honor? Yes, I have nothing further.

Thank you, Mister Sigler. Thank you. All right, this witness is excused. We're gonna take a um, uh 10 minute bathroom break.

We'll be back at, um, 350. Ok. Thank you. Thank you. All right. So I thought that guy did way better here that witness then he did in Hanukkah Terrace. I thought the uh, oh, can I jump forward? Am I still behind now? We're all caught up.

So we probably don't have 10 minutes. I, I think I was still a couple of minutes behind. Judge Pewdiepie needs a break and she's not a bad looking judge.

I bet she was smoking hot when she was 25. All right. Um I thought the defense sounds kind of frantic now, of course, they were sped up but everybody else is sped up too. 1.25 speed.

Um, not completely coherent, not really arguing, uh, to the, the core issue of this motion which was dismissal of the indictment with prejudice for destruction of evidence. There, there was no ma malicious destruction of evidence. Here, parts were inadvertently broken a lot uh of laboratory testing necessarily involves deliberate destruction of evidence.

I mean, when you take a, a sample of blood, for example, and you send it in for DNA testing, the DNA testing destroys that sample of blood. So destructive testing is not unusual when, when you test fire a round from a crime scene to uh capture a bullet in a little bucket of water. Uh So for example, you might compare the lands and grooves to the lands and grooves in a uh a bullet recovered at the scene.

Well, that fired bullet is destroyed, you destroyed that evidence in the course of testing. Uh But the defense, I don't know, I think they got really unlucky in uh in choosing a uh a good judge. I really like this judge because I really like to judge in the nicolai mute trial too until until jury instruction conference but seems to be doing a good job. State.

Seems to be doing a good job. This is the first time I've seen this. Um, uh, what's her name or Linda? Let me get her name right.

She's on the motions, I'm sure. Or Linda Johnson, the lawyer with the dark hair, easily distinguishable from, uh Carrie Morrissey. Uh, she seems very sharp, very on point. Good partner for Curry Morrissey seems sharper than, uh, um, Jason. Uh, what's his name from the first trial? Do I still have that tab up? Hm. Maybe I closed it, Jason, whatever his name was, the co counsel Kerry Morrissey in the Hannah Guterres trial. He, he seemed fine and a nice guy but definitely not as sharp as, uh, that Kerry Morrissey for sure.

What was his name? Jason Lewis, that was his name. Nice guy. I don't mean to be critical. Um, you know, 67% of lawyers are in, uh, you know, within one standard deviation in the fat part of that bell curve. And he seemed to me like that's where he was competent. Nothing to be critical about but, uh, not, not what I would call.

Great. There goes a train. Can you folks here at the train? Let me take a look and at some questions here, pop, pop, pop, pop Stooges Stogies and Broomsticks asked. Does the person questioning a witness now give a preview of who will be questioning which witness during trial? I guess I'd have to say not necessarily, I mean, it's certainly not binding in any case. I, I kind of feel like you know, the, the each lawyer must be prepping for their particular witnesses. They plan to cover that.

That would be, you know, it's, it's a waste of time to have both lawyers prep for every witness. They're gonna end up splitting them up. So that may play a role here.

I would say Phil said, uh when I was going to be deposed by the defendant in a lawsuit, my lawyer told me my answer should mostly be yes. No, I don't know. I don't recall. Please repeat or restate. The question are very short declarative statements directly addressing the question.

Yeah, that's good advice. Ryan asked Andrew. What's your Jimmy John sandwich of choice. It's a um I think I can give you the number a number seven spicy East Coast Italian with extra hot and I have one about four times a year because they are. I don't even know if it tells me. Does it tell me? I don't know how many calories they are.

It's gotta be about 7000 calories. It's a, an indulgence for sure. And Danny says, note to repeated destructive testing comments. Yeah, lots of use of destructive, lots of use. Uh when referring to the lab tech diminutive, like little, little bucket of water, little test. I let's see.

Phil says at any given point in time in research and development, you don't know what you don't know. I assume the same is true in a criminal investigation, especially a high profile one. Yeah, sometimes you're exploring open ended questions. You know, you don't have any particular reason to think this gun might have discharged by itself, but it occurs to you that that might be a claim being made by the defense or Alec Baldwin goes on TV, with George Stephanopoulos and says he never touched the trigger. And you're like, well, I guess we better check for that. Uh Phil says I knew a Hooters waitress down in Huntsville pursuing an aerospace engineering degree.

She went on to become a phd working at NASA. Very sharp. Technically. Uh Oh, we're back, groom and dunk. I wonder if we're supposed to be back. Does Carrie know she's dreaming? Understanding that Mr Haig is trying to join uh the meeting and is being denied.

He's coming in by his email address. I don't think his name is uh is it is on whatever the information is that you're receiving. Can you be sure to let him in? Can you see? II I see your text. Can you see if that's him? Just ask if he's Luke Haag? Ok. Sarah Clark. Sarah Clark works for somebody. It might be the defense.

Thank you. Appreciate you. Haven I like Harry Morrissey as a lawyer. I'm not sure I'd want to be stuck on a, uh, you know, a, a drifting lifeboat for a couple of weeks. Um, but uh as a lawyer, I like her a lot.

She's good. She's smart, she's sharp, she's on point. Uh, not perfect. Uh, you know, but few, few of us are. Paul says it seemed to me, the FBI firearms test has few of any consistent repeatable testing standards. The hammer test. Can you hear me here? So, we're, we're on a bathroom break.

Uh, so, uh, if you could just sit tight when the judge gets back, we'll get started. Ok. Very good.

I wonder if youtube is gonna give me trouble because this guy has guns hanging in the background. Oh, good heavens. Because this is a live stream. He's got a pistol on the, on the pad behind him.

If this gets my cancel channeled, I'll channel canceled. I was very upset. Yeah. Well, can I do this? Yeah, true. Or you for \$30 and they? Oh, good heavens. Uh, and see what can I do if not on my bill statement. But this, yeah, it's, yeah, I don't know.

No, I do not. And it's not on my, um, statement which goes, oh, Tim Tim Poole. Yeah, I guess he does Mr Haig. Can you hear me? I guess it's the handling of a gun. Good.

All right. Yeah, I guess you're right about that. It must be the handling of a gun that gets them all excited. All right. A bathroom break while streaming. Yeah, I get it there. You, you had it.

You, I heard you for a second. Ok. Can you hear me now? Yes, I can hear you now. The, the only reason I was trying to get your attention is because someone is unmuted and we can hear a conversation happening in the background.

So I just want whoever is, whoever is unmuted and there's a conversation in the background to know that everyone can hear you, but they don't have headphones. Apparently. Mr Hague, you were muted. So it must not have been you. Right. This has taken a long time. I begin to think there was some disaster.

Mr Haig. Let, we're, we're on a break but I, I don't think we should talk. Ok. All right.

I'm sure they'd like him to mute himself, but they're afraid he won't be able to unmute if they do that. I just wanna make sure I'm all caught up here. All right. Let's see. Um, ok.

Uh Yes. Uh Hooters in, uh, now is a, I guess a NASA scientist. Yeah. Good.

I don't listen, young lady. If that's what you got to work with, make a little money for school, I get it. Uh Let's see. Yeah. Did, did you test fire it by shooting the gun into a cinematographer? Next witness? Well, wait a second. Let's make sure we have the uh court.

Oh, there you are. Ok. All right, MS Johnson. Oh, no, I'm sorry, your honor. It's me. Um, I was just waiting for Council to turn their videos on.

Sometimes. I can't see everyone. Um, the, the are they on? I don't see them. Good. Yeah, I think if the defense acts like that, I think we're waiting for Mr Nus, I think if the defense acts like this in front of a jury, it's not gonna go well for them.

All right. Thank you. Go ahead. Uh Let me call him and I'll swear him in the state calls Lucian haig. All right, please raise your right hand. Do you swear firm under penalty of law that the testimonial given this case will be the truth, the whole truth and nothing but the truth. I do.

All right. Thank you. Oh, this judge is so dumb. Ha for the record.

Would you please uh go ahead and uh state your full name and spell your first and last name? Lucian Conrad Ha Lucien Haag. And uh what is your occupation, sir? I am self-employed with my own forensic consulting firm, Forensic Science Services uh in Carefree Arizona. What is it that you do? Well, especially it has to do with firearms evidence of basic firearms identification.

Can you move up closer to the microphone, sir? I think you need to move up closer to the microphone. All right. My work involves examining firearms and firearms evidence with a

special emphasis on the reconstructive aspects of shootings. Can you tell us what a criminalist is? Yes.

And criminalist covers the uh basic work of people in a crime laboratory. Physical scientist is involved with the testing and analysis of physical evidence. Of course, firearms, the tool marks drugs, narcotics, blood stains, trace evidence uh and so on.

Would you describe firearms examination as a subset out of criminalistics. So, would you describe yourself as a criminalist? Yes, I would. And how long have you been employed as a criminalist? Uh, for about 57 years now? And uh I think you mentioned that you have your own uh independent consulting firm.

Is that correct? That's true. And for whom did you work before you started your own independent consulting firm? I worked for the city of Phoenix in the police crime laboratory starting there in 1965. As an entry level criminalist, I became the uh technical director of the laboratory. So I supervised all the various units, trained others uh in the various units of the crime laboratory. When I elected to leave there in March of 1982. That's when my part time consulting firm became my full time employer. And what were your specific duties there at the city of Phoenix Police Crime Laboratory? Well, in the early years, uh through the sixties and seventies, I worked in the various areas of the laboratory, trace evidence, blood alcohol comparative analysis, firearms unit.

Um but my real interest and passion was the uh ballistics firearms unit. Uh So when I was a technical director, I was now training other people in all of these various units. Uh But my main focus again had to do with not only basic firearms evidence, but I said it once before the reconstructive aspects, things like a distance determination whether a bullet went through an intermediate target, um, areas that, that deal with, how did the event occur or not. Does your experience include firearms examination? Yes, of course. That was the, that's the basic function in the firearms unit.

I had specialized training in that subject after I left Cal Berkeley with my chemistry degree, a two year program in criminalistics at Cal State Long Beach, taught by the primary firearms examiner for the city of Los Angeles, uh, crime Lab. And do you have extensive experience in firearms, forensic testing or rather forensic testing of firearms? Yes. As I said, I've been doing that for over half a century. Ok.

Now, it's my understanding that when you left the Phoenix Crime Lab in 1982 that's when your part time, uh, consulting firm became full time. That's correct. Do you continue to work full time? Uh, I'm trying to retire.

I think I'm flunking retirement. But, uh, uh, I've cut way back. I just have a five or six cases, a lot of projects but not casework.

Like that's now limited down to five or six active cases. Ok, great. Uh, could you, uh, hang on just a second? Have you conducted research in the area of criminalistics? Yes, I have. Have you written any articles or given presentations on the subject of firearms evidence and examinations? Yes. A large number of them over the last, oh, almost 50 years. I think they number almost 200 now, presentations before peer review groups.

Many of those have become uh publications and I've ultimately written a textbook on a shooting incident reconstruction co-authored with by my younger son, Michael Hay. Have you conducted seminars on the subject of firearms evidence and examination on more than one occasion? Yes. Many times. Have you ever taught college level courses in your field? Yes. While I was at the city of Phoenix, they allowed me to adjust my work schedule so I could teach a two semester course in criminalistics. I did that for about 11 years at two community colleges here in the State of Arizona.

I was certified in criminalistics as a criminalistics instructor by the State of Arizona. And did the criminalistics courses include firearms evidence and examinations? Yes, they did. Are you a member of any professional associations or societies? Yes, a number of them, uh starting closest to home, the California Association of Criminalists. I'm a regular member of that organization and have been for many years. The American Academy of Forensic Sciences covers the United States and a few foreign countries. And of course, the most important one is the association of firearm and tool mark examiners often referred to as afte, that is the uh worldwide organization of people that almost all of which with few exceptions, I being one of them work in government crime laboratories in the firearms unit in this country and as many as 40 other uh industrialized countries in addition to testing and examining, um, uh, firearms.

Are you also personally familiar with firearms? Uh, yes, I am. I've been a shooter since childhood. I always have an interest in firearms and how they work. I was a competitive shooter when I was in high school.

My high school actually had a rifle team. Uh I competed in same events when I moved to Arizona. So, yes, I find them interesting and they're also, of course, the subject of my profession. Have you frequently been called to testify as an expert in court as a result of the various types of testing you've carried out on firearms and firearms related evidence? Many times, give us an estimate of how many times. Well, I don't keep hard statistics but certainly it's, I'm sure over the last 50 years or so it's over 1000 occasions, a lot more when I was in the crime laboratory because of course, those are criminal cases.

So I could easily be in court once or twice a week for one kind of hearing or other or actual trial. It's much more infrequent now. It's more common than its depositions. As much of my work is civil, has to do with firearm misadventures, accidents. So on, uh, have you been called by both the prosecution and the defense? Yes, I have. And how did you become involved in this case? My recollection was a little over a year ago, a phone call from you and did you, did you agree, uh, to consult and, uh, perform some examinations and some testing in this case? Yes, I did.

So, let's start at the beginning. Um, te tell us if you can kind of walk us through, uh, the, the initial, uh, examination that you did and a, and any testing that you did and a, and the, uh, um, the, uh, evidence and specifically, I know that you took a lot of, um, firearms into evidence. I want to speak with you today specifically regarding uh, the, the firearm, uh, that, that you understand, to have been the firearm that was in Mr Baldwin's possession. Yes. Well, my work begins or began with as they all do and not getting an understanding of what the issues were in the case. So I was reading a lot of documents looking at interviews, uh both audio and transcribed interviews with a number of individuals including Mr Baldwin, a man named Seth Kenney, um, the Armorer, other people who were present on the scene, uh, looking at the sheriff's reports of what sort of evidence was impounded. Um And of course, uh, we all know it ultimately went, the physical evidence, ultimately went to the FBI laboratory.

So I needed to see and ultimately was provided the examiners, not only his reports but his worksheets and notes. So every investigation, at least my approach is to learn everything I can about the issues in the case. What people collected what they state they saw, not that it's evidence, but it's a starting point to decide what kind of tests and in what order, uh, are such tests appropriate.

Ultimately, in July of last year, just a couple of days as I recall before the Fourth of July, I had sent a list of all the things that I wanted to see. It was pretty extensive of items that were impounded and of course, included the, um, what I'll call the evidence of the E A revolver. It's easily distinguishable from all the other pro guns of the same design and caliber because it's got a nickel plated hammer. Uh, the, uh, ammunition. I know there's basically three types of ammunition. In this case, the blanks, these are cartridges that, uh, m I'm gonna stop you right there. Um, go ahead and skip the ammunition because I don't think that's relevant to this motion.

So we'll save some time there. Um, so I understand that you examined, uh, the ammunition. So specifically, uh, with regard to the Pieta, take us through what you did with, with that gun. Yes. Well, when my son and I received it in a pistol box, uh, evidence type box, uh, it was partially disassembled. There were some broken parts, a severely damaged hammer, uh, a broken trigger, the tip of which is called the Sear and the thing, uh, the company calls it a bolt. It's also known as a cylinder stop blast.

So uh we photographed the gun as found, uh ultimately uh replaced the broken parts after they were thoroughly examined and photographed with comparable parts that were functionally measurably equivalent. And by that, I mean, a hammer trigger with an operating sear and a cylinder stop latch as soon as we did that the gun was so, can, can you specifically explain to the court exactly what parts of the gun were damaged? Uh Three parts, this is a very simple design. There's a hammer that has to be manually retracted with the thumb.

So that's a volitional purposeful act inside of the gun is a portion of the trigger that can't be seen until you disassemble it. And that's called the Sear Sear. It's the top of the trigger.

And finally, the third part that was broken is called bolt or cylinder stop. W this is a small component that as the cylinder in this revolver rotates into position as you caught the hammer, it locks the cylinder in alignment with the axis of the barrel. So those three parts were uh broken and in the case of the trigger, truly broken, snapped and the hammer just the full cock step or notch. There are three notches on the hammer, the full cock notch was essentially obliterated. I wanna use um a demonstrative aid just so that we can see exactly uh those parts and how those parts interact. This is not something I'm asking to have admitted into evidence. It's just a demonstrative aid for the court, I think.

No carry. Is it among the things that you sent over yesterday or last night or yesterday? Do I have it? No, it's a demonstrative aid. I sent you exhibits. Ok. Um, I guess, I don't know if I have an objection without seeing it.

Oh, Sarah Clark is part of the defense team. Your honor. It's a, it's a, it's a video that shows the working of a single action army revolver. Um and it's, and it's an X ray uh version. So it shows you all of the internal parts that you can't see from the outside. That's it. K is it grand jury? 31? Yes.

Yeah, no objection. You did send it. Oh, I did.

Sorry. Thank you. Ok.

Let's take a look. Let me see if I can get it to present. Well, this might be interesting. It's not a very complicated mechanism. Can you see that what they paint an animator? I'm gonna jump up here.

I'm gonna get us to a certain spot that I think might be helpful. Uh Mister Hague. Can you see my cursor? Uh I don't see your Oh, yes. Ok. I see it down here on the trigger. Oh, no, I think I'm looking at my cursor. Yes, I don't see your cursor.

Oh, now I do. Now I do. It's black.

I was looking for a white cruiser. Ok, I apologize. Um I, and I'll try to keep it off the, the, the black mark. Uh, is that the trigger of the gun there? Yes. So I know that you can't see it.

But what, what's this, what's this thing that we see here? If you can see my, my cursor, what's this thing above the hammer that we can see above the trigger? Yes. I, I'm not sure. It looks like it's a part of the mechanism to operate the cylinder stop latch, which if you come up just a little further there, that's the cylinder, stop latch. And those little ears uh on it were, were broken. Are you talking about these little ears right here? Yes, there are actually two of them uh with an opening between them, but one of them was broken off on the evidence uh item. So when you say that there's two of these little ears, let, let, let me stop real quick.

Is, is this big piece of metal here that my cursor is on? Is that the hammer? Yes, it is. And is, what's this here? The firing pin? So these ears here that you're referring to, did it? Does one go on one side of the hammer and one goes on the other side of the hammer? Yes. And what's this here? It looks like, um, a spring, a stop or a spring to, to limit the movement, the movement of what the cylinder.

Stop latch. Ok. Thank you. I'm gonna jump ahead.

I guess Alec Baldwin could have used this video. Can you see that? Yes, I can. Can you tell us what we are looking at right here? Do you see my cursor? Yes, this shows an internal view of the trigger and hammer at the full forward or rest position. The top of that trigger is the sear and it is not engaged in any notch. It's just resting against the working surface of the hammer.

So that hammer is fully forward. If we have a live cartridge in the gun, the firing pin would be a rest would be resting against the primer of a live cartridge. A uh an unsafe condition. So I I is, whe when you say that's the position that we're in right now, is this our firing pin right here where my cursor is? Yes, it is. And so would the, would that firing pin in this position be resting uh on o on a bullet if there was a bullet in that chamber? I more correctly be resting on the primer of a cartridge? The bullet is up at the front end of the cartridge. Understood.

I I apologize uh for my, my mistake in terminology. Uh So this here the Sear. Is that correct? Yes. And tell us a little bit about these notches that we can see here on the hammer, right? If the hammer were to be retracted just about a quarter of an inch, that sear tip on the trigger would snap into that notch. It's right next to it.

In, in this view, that's the safety notch, sometimes called the quarter cock notch. Now, the hammer and firing pin cannot reach the cartridge. Uh, if we go to the next notch, basically just opposite the hole in the, uh, the pivot hole in the hammer, that's the half cock or loading notch in that position, the hammer will be halfway back, the cylinder will now be free to rotate. So you can spin the cylinder. Whereas before you could not, because the stop lapse we previously talked about is holding it in place. And finally, this one's hard to see because it's really just a step but much further down at about the area.

Yes, about the seven o'clock position. That's the full C I like to call it a step, but it's often called a notch. So imagine retracting that hammer trigger just rotates uh backward.

It's going to rest. The sear is going to rest on that step with a hammer fully caught. So when the trigger is pulled, the hammer driven by a spring that we can see over there in the grip, a flat spring, the hammer is driven forward and goes all the way down. And if there's a live round in the chamber fires the gun. Ok.

So why don't I'm, I'm gonna go ahead and, and, and play this and let's just walk through it. Is that what you're talking about? Right? There. Yes, the person has now uh pulled the hammer back to the full cock position and it will stay there in a properly operating gun until the trigger is

pulled. So when we're in this position right here, uh is that the quarter cock position? If those two were engaged, they're not totally engaged in this video. Yes, they are not engaged.

But if the trigger rotated. Um So the se the top part is deep in that notch, you would be in the quarter ct or so called safety position. That would be the loading position. Uh, and again, the sear would be deeply into that notch. It's truly a notch. And the cylinder would now, uh, be capable of being rotated by the hand of the user to rotate it around and either take fired cartridges out or put live cartridges in. So, in this position, that's where the cylinder spins.

I'm sorry, could you ask the question again? When, when the hammer is I is in this position, you can move the cylinder. Yes, you just take your fingers and, and rotate it clockwise. And then I think you indicated that this is our full cock position here and this is the position when the gun is ready to fire. Is that right? Right. And the stop latch is sort of ghosted in this image has now popped up and it's in one of those notches you can see on the cylinder, locking it in place So it's aligned with the axis of the barrel. Ok. Um, thank you.

Let me move to a couple of exhibits. Uh, yeah, because I, I see we have some new people coming in. Uh, did it not pause? Yeah. Bear with me. It's paused right now. She's blinking.

How far back is my, uh, I can't, I'm trying to pause the stream and it's not working. I'm sorry, I'm not as proficient with presenting when I'm on Google Meets. I'm gonna show you what's been marked as States exhibit 35. Ok. Ok. Oh, I know what I'm doing wrong.

Do you see this photograph, sir? Ok. Sorry. Too many tabs open. Um, so, uh for those who came in the middle, this is a pretrial hearing. This is not the trial of Alec Baldwin. Um This is a pretrial hearing.

The defense has asked the court to dismiss the grand jury indictment of involuntary manslaughter against Alec Baldwin for the shooting death of Helena Hutchins to dismiss that indictment with prejudice, meaning it could never be brought again. Alec Baldwin would simply walk away with no criminal liability here. Um On the grounds that the state destroyed evidence, the destruction of evidence was the breaking of some internal parts of the revolver used by Alec Baldwin to kill Helena Hutchins uh when it was tested by the FBI lab. So the defense has filed a motion or request to the judge to dismiss the indictment with prejudice. Uh the state is responding to that motion today and that presumably the judge will make a decision. She's been making decisions all day in the moment at the end of, uh, each motion. So maybe she'll do that today too.

Very refreshing. Uh, but essentially the state's calling witnesses, um, to support their position that the indictment should not be dismissed. That the destruction, quote unquote destruction, breaking of the gun was, uh, doesn't prejudice the defendant. So the indictment should not be dismissed before the gun was broken. It was tested for proper functioning and it functioned properly.

It didn't just go off. There was no indication of any kind of malfunction with the gun. So the state is arguing that this incidental unintentional breakage of the parts at the end of testing uh didn't, doesn't prejudice the defense. They, they brought up three witnesses. This is the third, thank God. Uh Lucian Haig, a firearms expert.

Um They bring up a witness. This is direct dilution haig. Next, the defense will have a apparently frantic opportunity to cross examine Mr Haig. Then there'll be a um a rebuttal by the state and then the judge will make a decision. So that's where we are. Uh one of the claims by the defense is that well, when you open up the revolver, there are machine marks inside the revolver that cannot be explained by the normal manufacturing process.

Um And that suggests the gun was modified in some way and therefore could have just gone off in Alec Baldwin's hands without him. Alec Baldwin causing the gun to fire and kill Helena Hutchins. So that's what we're getting to here is the, I guess these, we're gonna start looking at the machine marks. Now, do you see this? Ok.

Uh Can you explain to us what we're looking at here? The one you had your cursor on just a moment ago, the one that's silver colored with really fine lines on it. No, the one to the right then hang on. Let me get right here. No. Move it over. There you go.

Yeah, that's the working surface of one of the triggers from one of these guns. Uh That's the way they would look when they come from the manufacturer. Those are finishing mark very fine uh grinding marks on the working surface. So you're looking right down on the top of the trigger.

The one on the left that looks sort of golden. Let, let, let me stop you right there. Are we looking at the top of the Sear? Yes. OK. Thank you. Uh And what's the one on the left? That's the severely damaged working surface of the broken off sear from the evidence revolver? Can you explain to us in, in real life be because when we're looking at these photos, can we get an idea of this, this part right here of the gun? The sear either one of these parts? How big are they, I would say about an eighth of an inch from top to bottom as you view these, think of it, like you're looking down on the tip of a fairly small screwdriver looking right down on the working surface of a screwdriver. Same idea.

And approximately how wide would this be? Probably a couple 100th of an inch 0.02 0.03. Uh Was this photograph taken using any special equipment that that shows all of these details? Yes, that's what's called a stereo zoom microscope. Or we could put a camera under the microscope, focus it and take the pictures.

So you are actually using a microscope to look at these very fine marks. They are that small. Yes, and lighting is uh you have to bring in lighting from the side to highlight them. Ok. Pardon me? Um Mr Hii, I just wanna ii I let's let's cut to the chase and let's talk uh briefly about these markings on the very tip of that sear that you described to be about as big as the tip top surface of a of a of a flathead screwdriver.

Is that right? A small one like that? Ok. Um Do those i in, in your opinion, would markings like that, those microscopic marks that you see on the tip of that very, very small piece of metal. Uh would they affect the functionality of the gun at all? Well, the ones from the manufacturer, of course, the answer is no, all the triggers that we looked at typically have those very fine, perfectly parallel stri the evidence went on the other hand.

Um If it affected it at all, it stands to make what shooters call a creep creepy trigger, it would great. Uh But those marks aren't from a trigger job or from the manufacturer that's damage. Ok. Um So, so let's le let's back up. Uh In terms of all of the, all of the things that you've reviewed. Did you review videos from the filming of the movie Rust as a part, uh uh in order to, to, to form conclusions in this case, that was a part of my work. And I think I've, at this point viewed more than 20 videos of Mr Baldwin handling the evidence, firearm and I did, did you also review all of the FBI report in this case? Yes, I did, I just forget to switch back folks.

That's all I'm fine being small on the screen. And based on, let me ask you this, ha have you come across anything in the, in the videos that you've seen or, or in the FBI report or any of the transcripts of the testimony that you've, that you've reviewed? Have you come across anything that would indicate that this gun malfunctioned? No, I have not. So I wanna go kind of in a chronological order and I wanna go through some of the videos that you've watched of, of Mr Baldwin. I don't, I don't believe he'll be testifying in the Alec Baldwin trial.

I believe he's trying to, uh, he was lining up his son. It seems he's trying to get his son to take over his business. And, uh, so his son co-wrote his textbook with him. His son is doing some of the analysis. I think his son is supposed to be the expert witness at the trial which, uh you know, might make me a little nervous if I were the state, especially if the son has not been an expert witness before. But I certainly understand Lucian's interest in getting a son into the business, so to speak.

It's worked for Lucian for 57 years um on the set of rust bear with me here. Be anybody remember Jason Bowles gun expert from the Hank Guterres trial? The guy who pointed the gun at the judge. Oh, good times. Good times. Because what happens to these exhibits is when they sit too long, I can no longer access them. Um Even though they are right in front of me, I can't get them to display.

So, Cookie, right. Cookie. That was his name. The defense gun expert brought on for rebuttal, I think. Uh Mr Haig, did you review a series of videos uh that from the filming of rust that were recorded on October 16th of 2021 I believe. So I didn't write the dates down.

But if it's something you sent me. I looked at it extensively. Well, along with those videos where you provided the dates, I believe so. Ok, your honor. I'm gonna object to the evidence that the videos as, as not relevant to this inquiry about the condition of the gun. Now they want to be on topic. Yes, please.

Well, the, the defense's entire position has been, uh the gun wasn't functioning properly. Um There had to have been something wrong with it. That was the, that was the cross examination of Mr Ziegler. Um I am here to show you numerous videos of the gun functioning exactly the way it should. And we have an expert here who's looked at the videos and he can tell you this is exactly how the, how it's supposed to work.

All right. Um Were you not provided these Miss Clark? She was, we were provided. I, I'm not sure which one she's showing and it seems like an awful lot of video footage for something that I think is tangentially relevant at best. Thank you. Hey, how about you just stipulate defense? If you stipulate that the gun was operating properly, we don't have to watch these videos. Uh Mr Hague, can you see that video? Yes, I can. Does this look like a video that you've watched at my request? Yes.

Little close mark. Well, I'm gonna run in. Yeah, when you drop your arm, that means he's 10 ft away. I can't see how close it is because I want to be almost up by the time he gets here.

No, I'm gonna go into this. Well, let me show you something. Hold on.

Step back to your original mark. So 1, 1002, 1003 1, I'm getting up and when he drops his arm, Helena get out, he drops off. That means Brady's close. I'm gonna start to really get up. Ok, here we go. Let's try it. He's sweeping everybody with that muzzle and the guns got blanks in it as we'll see in a moment to be here like in the path of the gun.

Could you please move? I just want to be over him a little bit. So I can see, I think ironically, I think that's Hanukkah terrorist trying to get people to move out of the path of the muzzle, but the muscle is going everywhere. A corner load now, wait a second. I'm gonna shoot.

Right. Do you want to go on the other side of the camera? I don't want to shoot toward you. I'll be right here. Ok? I'm gonna shoot close to you. Here we go.

Here we go. Ready and Oh bye. No. Ok.

Two hands on the gun for a Western trucks. Oh, another discharge after you had uh Mr Haig in this video, can you see Mr Baldwin uh firing his gun? Yes, handling it earlier and then ultimately firing it multiple times. Uh Given your vast experience with firearms and, and to be clear, you also have considerable experience with single action army revolvers. Is that right? Yes, I do.

Is there anything about what you saw that caused you causes you to feel like the gun was malfunctioning or not working properly? No, not at all. And everything that you've read about the case, the uh hundreds of pages of police reports and transcripts. Uh Have you ever seen anyone read anywhere where anyone said this gun wasn't functioning properly? I think I need to hear the question again.

I missed the first part of it in the, in the documents that you reviewed these reports, transcripts of witness testimony. Uh Did, did you see anything where anyone claimed that the gun wasn't working properly? No, I did not. And that's Hannah Gutierrez statements, right? I'm sorry. Did you review Hannah Gutierrez's statements? Yes, I'm sorry.

Uh with an interview, did you review Mr Baldwin's statements? Several of them are interviews as well. Did you review any statements from Mr Halls? The assistant director at some point. I did. Yes.

Any of those people ever say this gun had a problem or wasn't functioning properly? No, let me see if it will let me switch easily. So I just showed you what was marked as States exhibit eight. I'm going to now show you states exhibit nine. Can you see that I can? Yes. While I understand that it looks at the beginning to be the exact same as the video we just watched.

Um, I'm gonna play it. Ok. All right. It grew only Mars and set ready. Grab the rifle. Yeah, you too.

Ok. Two hands again and again. Ok.

And again, and fuck. Was that in the old one you see there with the way that gun functioned? No, I'm gonna show you states. Exhibit 10.

Yeah. And I'm just gonna object again as cumulative. We've been at this for a long time and these exhibits are all gonna show the same thing unless I'm very much mistaken. Well, the, but the problem judge is that the, the entire claim that is the basis of this motion is that the gun was modified prior to it going to the FBI. Now, the only way that that works for the defendant's motion is if, if any modification, no matter how slight affected the functionality of the gun, that's what the entire motion is about. So if, if the, if the defendant wants to stipulate that at no time during the filming of the movie, uh the gun ever malfunctioned, I don't have to show these videos correct over ruled.

Judge is gonna keep like, look how, look how tired she is. Oh my God. Hey, Mark. So can you imagine what it would look be like if that judge ever there she is. If this judge ever uh smiled, I think the world would end.

Hey, Mark. So Joe, I'm not gonna open the door until the first squib hits the mark. So door squib hits open door another squib while it's opening. And then this is where he shoots at the cameraman at close distance without an appropriate barrier from the squib load, which, which does discharge stuff out the barrel, charge out ready.

So then let, let you get to the monitor. All right, set, ready and back. Yeah, Mr Haig, did you get a better view in States exhibit 10 of Mr Baldwin and his gun? Uh Yes, actually each one of them has some value, but this one, you can see the hammer being cocked in one of the discharge scenes letting go of the hammer does not fall from the full cock and then he fires it with a

normal trigger pull any functionality problems that you can tell. No, there are none that gun works exactly as it should. Is that right? As intended and as designed by the manufacturer States exhibit 11. Hey Mark right now, I'm open the glass but that's the ear big market he did and set, set ready and action. Ok.

Ok. Zero recoil. Uh Mr Haig States exhibit 11. Any problems with the functionality of that gun recoil? A 45 long Colt's gonna have a, it'll, you know, you fired it, you're shooting it one handed States exhibit 12. Hey, Mark. Hey, Mark that, that right. And actually one more, one more, one more, I forgot the name right away.

Right away. Let's reload. Here we go. We should have two guns, Mr Haig. Uh A, any, any malfunction you can see in states exhibit 12. No, we're gonna watch the whole movie.

Um, your honor. We'd, we'd stipulate that these can be admissible for the hearing and that these videos will show proper functioning of the firearm in an effort to expedite this for purposes of this hearing. How many more? which was 13 through what this is? Judge, it's gonna be 13 through 1300 13 through 32. All right. So the defense is stipulating that 13 through 32 show the uh functioning of the uh what's what's the proper terminology, functioning of the gun? But what it will not show any malfunction of the firearm in those exhibits that the state has submitted for purposes of this hearing. And that Mr Hague will say that we will sorry, we will stipulate that Mr Haig will say that they do not show any malfunction of the firearm.

Uh II, I don't think that's I judge, I, I don't think that's good enough. Um They, they need to stipulate uh not, not that he will say that there isn't a malfunction with the firearm, but they need to say that there is not in fact a malfunction of the firearm in any of these videos. OK.

So your honor, our stipulation is that he will say that because this is an examination of Mr Haig. And my understanding is what we're interested in is what he will testify to about these videos. But otherwise if the state wants to play them all and the court wants to watch them all with our, I don't wanna watch them all. I don't wanna watch that many more exhibits. So we're not gonna fight over. This is, is, is it that he can testify that the gun was functional for 13 and 32? Ok. Uh He can testify that the gun was functional for 13 and 32.

Uh Mr Haig, have you viewed many many videos from from the filming of the set of rust at least 20. Have you seen any that cause you any concern about the functionality of the gun? No. All right now. Ok. I'll move on judge.

Mhm. Mhm. Mhm. Mhm.

Look at that resting bee face. Oh man, Mister Hague. If you recall just uh just as a point of clarification. Um 22 or more of the videos that you reviewed were they actually recorded on October 21st? I believe. So they're in the in the mock church. Um And with those videos that were recorded on October 21st, no problem with the functionality of the gun, right? None that I could see.

Now sir, when you reviewed the FBI report in this case and you saw that there was uh accidental discharge testing that took place. Did you have any concerns um about about that testing that we know that we understand ultimately damaged the gun. Yes, I, I would say I did tell us about that.

Well, fortunately it comes at the end of a long list of, of tests, but it looks like it, it arose because Mr Ziegler's understanding was this was an accidental discharge, an accident as I've defined it in my book means there's something wrong with the gun, not the user. So he pressed on with their sop their protocol, their standard operating procedure to look into, to evaluate an accidental discharge again. Meaning there's something wrong with the gun and that procedure involved. It's a pretty aggressive, well, very aggressive final testing by delivering an impact to the cock, hammer with a rawhide mallet, multiple blows.

And as we probably all know it that caused a failure of the sear and the hammer. Do you agree? However, uh that, that, that testing was done pursuant to FBI procedures and protocols? Yes, it was if there's a suggestion or an indication of an accidental discharge. And do you agree that experts may, may disagree in terms of what, what kind of testing they think is necessary to, to ascertain uh an opinion you can find, I have found differences in an approach to solving a, a question in laboratories, including my own. OK, I think I started a poll in youtube. I think I started a poll on youtube. Sorry members.

I, I don't have the ability to do that for the members. But, uh, the question is, will judge so dismiss Baldwin's indictment with prejudice. Yes. No. And hell no.

So the combination of no and hell no is currently 90% plus. Yes, it is. Something under 10%. All right. Now, let me show you what has been marked as, um, I think it's gonna be states exhibit 37. Is there someone that's unmuted? That has background noise. It's not me.

It's quiet here. I do have a ceiling fan. It's probably me. Oh, I'm sorry, judge. Um Can you see that there? That's uh states exhibit 37. Yes, I can. And can you tell us what we're looking at here? A lot of looking at a profile view of the severely damaged evidence hammer where we can see the quarter cock notch which is in good shape dirty, but it works the half cock notch, which is undamaged, but then we go to the pivot point, the hole, there should be a, a right angle step there and it's completely obliterated.

Um Let, let me ask you the, the quarter cock notch here that we're looking at. Does that appear to be excessively worn or create any a any functionality issues with the gun, in your opinion? No, two parts of your question. It's not gonna get where? Because you just have the sear resting in that notch. There's no movement there.

It just sits down in that notch and uh I've already forgotten. The second part of your question. It's not damaged. It's just, uh, it just got some debris on it.

So, nothing about this, uh quarter cock notch, in your opinion would cause any functionality difficulties with the gun. No, no, that I examined it. Ok. Uh And, and this notch here, uh, this is the, this is the, the half cock notch. Is that right? Or loading notch, two names for the same thing.

Uh Any problems with that? No, it's undamaged and it, and it worked when I examined it a and we'll, we'll get to that examination here uh shortly. So this uh your concern. What, what's abnormal about this hammer in this photo is that the full cock notch is missing? Is that right? Yes, it's just basically rounded off or broken off, sheared off. Did you form an opinion about how that damage to the full cock notch occurred? There's only one choice and that's uh the impact testing. Uh Mr Ziegler applied to it at the end of his, his protocol.

So just to confirm it is not your opinion that this damage to the full cock notch existed prior to Mister Ziegler's accidental discharge testing. Is that correct? That's correct. It did not exist prior to that testing. I'm gonna show you states exhibit 38 for comparison. What are we looking at here? Uh You're looking at a pristine hammer, one of the number of hammers that my son and I had, I think I bought two, we disassembled several out of our own guns.

And the only problem, it's not a problem. This picture, it's just flip right left. So now the half cock notch is on the right and the load notch is in the middle and the full cock notch is by that large hole that you see. And there you can see, uh, a complete, perfect, perfectly formed and finished full cock step or notch. OK. And what you're talking about is this right here? Yes.

OK. I'm gonna show you states, I mean, carry really should have flipped this image so that it was uh in the same orientation as a previous image. That's, that's a little sloppy exhibit 40.

Can you tell us what we're looking at here? Yes, I assembled three hammers undamaged hammers from this make and model of gun and nearest to is the evidence hammer. So it's a total of four, but there's the evidence hammer and it's uh they're, they're on a rotating pin. You can see what looks like a screw there so I can line them easily. And uh if one is so inclined, you can come across and look at the various notches and see that they're all in agreement.

They're, they're indistinguishable as far as dimensions and shape and so on until we get to that full c step or notch on the evidence hammer, the one that looks silver and his nearest view in this view that right there. And if you then look at the notches in the three hammers next to it, there's, there's no comparison that the evidence notch is effectively gone. Um Did you do some, some additional testing uh of this gun in August of 2023? Yes, I did with the help of my son. So let me ask you before we talk specifically about that testing. Um Prior to doing that testing, had you already formed an opinion that the full cock notch of the evidence hammer was damaged by FBI testing and was not damaged prior to testing by the FBI. Yes.

How were you able to do that? A number of ways? First of all, uh you've already asked me about all the videos that show the gun working properly. Then a real detailed uh examination of the FBI lab report showed multiple ways that this gun was working properly. Photographs of the

hammer at full cock trigger pull test, probably the most important test because they give a numerical value for what sort of force must be applied to the cock, to the trigger and a cock hammer to fire the gun and but he was sick. He Mr Ziegler successfully test fired the gun at least 12 times with live ammunition. So putting all those together, it's it's clearly working fine until it gets to that point.

And by his own description, if the hammer and trigger failed during that test, that's why they repackaged it the way they did, they took it apart, say the key, the FBI laboratory took it apart to see what had failed. They recovered those parts, the hammer you're looking at here, the broken trigger and the stopwatch and put them in a separate little container inside the pistol box. So Mr Haig, when you did your forensic testing of the uh, of the gun prior to August, um, did you have to replace the parts in order to put the gun back together? Absolutely. Uh So you replaced those three broken parts to put it back together. That's correct. With equivalent parts that are dimensionally identical indistinguishable from the broken parts except for the damage, of course. And where did you obtain those parts? So that you would know that they were the same uh as as came from the manufacturer.

My recollection is the hammer, uh a trigger came out of my son's Piata Colt 45. We had others to choose from, but that's my present recollection. They were all indistinguishable.

I think we used his uh the trigger might have been mine, one of the ones I purchased. Uh but they were intercom compared with a group of new or parts out of working guns to effectively uh return the evidence gun to normal condition. Were they all Piata parts? Yes, thank you. Now, we've seen numerous videos of uh of the gun working properly when it's in Mister Baldwin s hands. Um in August of 2023 at my request.

What kind of additional testing did you do? We put the damaged hammer that you're looking at in this view in the evidence gun? But a new or undamaged trigger and a new undamaged stop latch. So this would isolate the performance of the damaged hammer. What was the point to that testing? It was to determine with the, despite that damage to the full cock step with the hammer remain at the full cock position when you manually cock the hammer back, that was part one. If it didn't, would the half cock notch capture the falling hammer, which is what it should do if you have either a slip off or a full cock notch that's so damaged that it won't hold the full cock position. So two parts and when you conducted that testing, uh did you make a video? Yes, we did. I'm gonna show you, I think these are unfortunately mislabeled, but I believe these exhibits uh should be 33 and 34 and they are in the folder that was provided. Uh That's marked exhibit 33 through 34 August 24th, 2023.

I'm gonna show you states exhibit 33. Can you see that? Yes, I can. And what are we looking at, looking at the evidence revolver? Uh We can tell it via that silver nickel plated hammer which differentiates it from all the other prop guns. Of course, the cylinder and cylinder pin have been removed in this particular, uh, picture or video. So this is the original hammer missing. The full cock notch has been put back in the gun and all the other parts are working fine.

Is that right? Yes. And all the pins and all the springs are the same. So the only thing that's different now is this, uh, damaged hammer? Ok. But we've got a working trigger and we've got a working bolt. Oh, I'm sorry. We, we don't have the bolt in this video.

There's no bolt, I'm not sure. Ok. Uh Let's go ahead and play it. This is August 24th and 2023 in the property room. Santa Fe Sheriff's office and Mike, you're on to describe what we've done to the evidence gun. So the item, one revolver, the Pieta, original parts include all the pins, screws, grip, the original hammer. It has the original hammer spring as well as the original flat spring that operates the trigger.

The trigger is a replacement trigger. So the top of the Sear is a functioning original piece. And as said, the original hammer, it does have a replacement bolt as well. Otherwise all parts are original. Ok.

And the hammer is in the fully forward position. I assume what they're calling the bolt is the, the cylinder lock. Paul hammer falls doesn't hold but the half cock notch captures it. Let's do it again. I'll take it all the way down, we can see the quarter cock notch also functions, half cock functions and then all the way to full and it fails to hold but is captured at the have come all price apply some. So Mister Haig, if I if that damaged, I if that hammer had been damaged, uh the way that it is now, would Mr Baldwin have been able to shoot that gun the way that he did in the videos? No, uh would Mr Ziegler have been able to test fire the gun 12 times not in the normal way.

No, he would not. And your honor for uh for time saving. Um We have uh states exhibit 34 is just kind of a, a different version of that video. So I don't have to show it as long as it's a part of the record unless anyone wants me to show it. I'm happy to five o'clock local time in court.

This judge is done. Uh You don't need to show it for me. What is Miss Clark saying anything? No need to show it for me. Hm. We still have cross by Sarah Clark. I presume of this witness and then rebuttal, we got a long way to go.

So we know that the damage to the hammer could not have existed prior to April. I think of 2022 when the FBI did their accidental discharge testing. Is that correct? I would agree with that. Yes. And you concluded that the markings on the very tip of that Sear did not affect the functionality of the gun. Is that correct right now, in that regard? Uh, let me ask you, did you issue a supplemental report? August 31st of 2022? I believe so.

Yes. Third and final report. What's up, third and final report in this work? Thank you, sir. Um And in that report, did you give any kind of an opinion about whether or not those markings that we could see in the photos that we looked at earlier um were caused by the accidental discharge testing? No, at that time, I was uncertain and I gave a an open ended comment that I couldn't explain them, given the lack of information I had at that time concerning the history of the gun and the nature of Mr Ziegler's testing. Well, specifically specifically Mr Haig, did you say in your report that you thought that it was unlikely uh that those markings were the result of Mr

Ziegler's accidental discharge testing? I did say that I write that and, and let me ask you at the time that you wrote that report, how much information did you have about the manner in which Mr Ziegler conducted his accidental discharge testing? And specifically, I'm talking about the striking of the hammer with the mallet only very, very limited information that he used of Rawhide mallet. Beyond that I knew nothing at that time. So recently, did you make a request to speak to Mr Ziegler? Hm.

Yes, I did tell us about the circumstances of that. Well, this was uh somewhat uh troubling because these marks that you've seen earlier, which exhibit is, are on a, on a diagonal. I hope you can see my hand here rather than perfectly back to front, which I would have expected if the blow to the hammer that caused the trigger and sear to fail was delivered with a perfectly back to front blow. So I needed to get more details. I assumed it was obviously wrong, but they had a special fixture, a rig and apparatus to hold the gun and swing the blow. So it came square on in that interview just a few days ago, I learned that it was free. So we don't have any numerical impact values in terms of kinetic energy.

And he conceded in a free hand swing, there could have been a side component. In other words, instead of zero back to front, coming in at, let's say, uh 80 or 90 he was unable to clarify that other than he conceded. Yes, we can have a side blow that could explain my puzzlement really about why they're diagonal. I would have expected them at the time to be perfectly back to front.

So that clearly altered an explanation. The other is maybe logic or common sense are less and less common. But if the hammer got that badly damaged, something serious had to happen to the Sear tip.

And really the only choice is the impact testing, despite the fact that the marks, the really egregious marks on that Sear have an angular component. So after speaking to Mr Ziegler, uh and getting more information about the manner in which he conducted his accidental discharge testing, did that cause you to change your opinion as to whether or not those markings at the very tip of this year, um uh were caused by the FBI testing? Yes. So your, what's your opinion today? It's really the only choice just by simple logic and the history of the gun and now more information about the impact testing. Now, hypothetically, let's say that these strange markings at the very tip of this year, let's say that, that, that they weren't caused by the FBI. Uh and that they did exist during the filming of the movie, in your opinion, would they have affected the functionality of the gun at all? They would not and they did not. And I, is it, is it unusual in your line of work that you would meet and speak to other experts about your opinions? No, not at all.

I just have to do it through the attorneys involved. Ok. Um A and, and just to be clear when you attended that meeting with Mr Ziegler, that was something that you requested from us, correct if we wanted to, if anyone wanted to get past why I was so puzzled by the diagonal marks and, and clearly, yes, I needed to know more ju just to, to, to follow up kind of close the loop on, on a couple of other things in the testing that you conducted with regard to the spent casing from

the set of rust. So when I say the spent casing, I mean, the spent casing that, that appears to be the casing from uh the the the the fatal bullet. You, you did testing on that, correct? Yes. And based on the ca can you explain the kind of testing that you did? Yes. Well, first of all, I had Mr Ziegler's what it called photo micrograph.

He took excellent pictures of a comparison. So I could see that the evidence cartridge before I ever put it under the microscope had achieved normal operating pressures. In other words, when the gun goes off, the cartridge is slammed back against the breech face, I also fired test fired cartridges, uh same caliber, same brand and did the same comparison. Uh The only difference is I used a 3D scanning device. He used the normal microscope.

They're both up to the task and I too, it easily match test fired cartridge with that particular cartridge case um, impounded as being the fatal cartridge. Uh Were you able to determine from firing pin depth impressions? What position the hammer of the gun was in when the fatal bullet was fired. Yes. What position was the hammer in, in my opinion, for my testing and all the test fired cartridges I had from the FBI laboratory. It's, it's a normal hammer fall from a full cock position as opposed to what might be called a slip off where someone is trying to lower a hammer or they've got it at the quarter cock and they miss it and it slips, the hammer falls, the firing pain impressions there.

This is by actual testing will be substantially visually measurably different. So it's, it's a normal hammer call from the full cock position, in my opinion, uh Your honor in terms of time. Do you want us to keep going? No, I don't have any other spot for you. How much longer we're gonna take? I don't have that much longer with, with Mister Haig. Um We, we should be able to, to wrap it up. I just wanted to check in with you because I think it's five o'clock.

It is. But um as I said, I don't have any other spots for you. So, thank you. Ok. No problem. Um Mister Haig. Uh Can you describe the process that, that, that, that one would engage in to remove the firing pin from uh p at a single action army and reinstall that firing pin? Is that easy? Is it complicated? What happens? No, it's easy.

You just need an appropriate uh punch. It's not gonna mar the hole if you look at the pictures of the hammer, you can see the firing pin. Let's play a little pivot pin about which it rotates that's driven out, the firing pin falls out. And now you've got a gun you could take to a trade show and meet their requirements of not having a firing pin. You put it back in, you align the firing pin with the hole in the hammer, reinsert that pin and just tap it till it's flush on both sides. Usually with a brass, right? Yeah. So if you ever go to shot show or the nr A annual meeting, all the guns that are on display by vendors have the firing pins removed.

In fact, there's several days spent by organizer, armorers inspecting the guns and they're supposed to come to the event with the firing pins removed. But I'm told by those organizer Armorers that invariably they find a few that still have the firing pin in place and then are removed before they go on display. Just my personal experience, driver, a gunsn tool. Ok.

Um Let me just review my notes real quick. Sorry. And just to just to correct the record, I, I think I indicated that the uh testing that Mr Haig did uh in August um was in 2022. I just wanted to correct that it was actually in 2023. I'll pass the witness cross exam. Thank you, your honor. Um Good afternoon Mister Haig um, I wanna start back with the, um, your review of the FBI S report and your conclusions regarding the FB I's exam.

Um, so you reviewed the FBI S report, uh, in July of last year, is that correct? Yes. Ok. And over the course of, of your review of that and other materials, um, you determined that the testing, the FBI did was completely unnecessary. Is that correct? No, all the testing, they do it until we got to the point of the accidental discharge test. I thought that was unnecessary.

If, if I, if the person in this case, Mr Ziegler knew more about the issues, ok. So just to put a finer point on my question, um you would agree that the testing that Mr Ziegler did the accidental discharge testing was unnecessary in light of the circumstances of this case. Yes, I would and I do and you would not recommend that testing based on the circumstances of this case. If you were in Mr Ziegler's shoes, I would not have if the firearm had come to my laboratory. Ok. Um And your understanding is that Mr Ziegler did not um disassemble or document the internal components of the firearm before he conducted the destructive testing.

That's right. He did not. Ok. But you and your son did disassemble and photograph parts of multiple firearms in the course of your testing in this case. Is that correct? I think we disassembled nine Pieta that were pro guns and both my son and I have the same, have a brother who, the evidence gun, same make model barrel. L so on. So we have 1111 examples.

Ok. And you do that because you want to document the condition of those firearms on receipt. Is that correct? Uh I'd say it was a little more than that in the sense of here they are. Let's have a look, I already know what they look like inside. But, uh, it would just be a question someone might raise.

Did you ever examine the interior of any of those other guns? I want to be able to say yes, we looked at them all. And is that something that you would routinely do in the course of a firearms examination? You're a little scratchy in the audio. I missed that one.

Sorry. Is that something that you would routinely do? Just assembling the, do the firearms and documenting them in your experience as a, as a firearms examiner? Well, I, I'm sorry, I'm still missing it. Is everyone else having a tough time? I hear you. Your voice is just a little raspy. But why don't you turn the volume up? Maybe that's the problem and, and maybe speak a little slower.

Um, ok. I think I have it as high as it can go. Can you hear me now speak as if you're speaking to your ex husband? Ok. So my question is when you undertake to examine a firearm? Do you commonly disassemble and document the internal components? It's going to depend on what the issues are, what the context of the case is. If it's an alleged, and there's a difference if it's an

alleged accidental discharge, that's a gun problem. And yes, if it's an alleged unintentional discharge, the gun may not necessarily need to be disassembled.

Ok. And based on the circumstances of this case, you said you disassembled nine P A as well as two additional firearms that you had in your possession. Yes. Ok. And how long does it take to take those guns apart? That's pretty much a day's work for each gun. About a day's work. My son did most of it.

I watch he's better at it than I am. Ok. And would you consider it good practice to document those internal components? I missed part of your question. Would I consider it good practice to document those components? Again, it's gonna depend upon the issues certainly in a civil case where the gun manufacturers, a defendant and there's an allegation of a compromised gun. You bet everything is going to get photographed and measured. Ok.

And you did it in this case. So you presumably thought it would be a good thing to do. In this case.

I think we did photograph all the various parts from the various guns. Um You described, um we, we've spoken before, you described to me previously a test called a pushoff test. Push off test. Oh, yes. Flip shop, sorry. Ok. And would you agree that, uh and can you tell me what a push off test is? Um, yes, it's gonna be easier to demonstrate.

Here's the brother to the evidence gun. There's the full cock position and you just put pressure with your thumb, push maybe two or £3 of force. And if that full cock notch is uh damaged, the hammer is gonna fall and it's gonna be captured as we've seen in the video at the half top notch.

And is it fair to say that a pushoff test is not destructive? Clearly, it is not. Ok. And would that have been a more appropriate test, given the circumstances of this case? In your opinion, it would have been a useful test that and if the hammer held at that point, then we're back to your earlier question. I wouldn't see if I knew more about the case and was in Mr Ziegler's position to go beyond that. Ok. So just to, just to make sure I'm clear in your opinion, would it have been appropriate to do a pushoff test in this case? It's certainly appropriate in my laboratory. It's, it's common, it's just part of my worksheet if again, there's an allegation of an accidental discharge, a hammer fall without a trigger pull.

Ok. And, and is it your understanding, Mr Ziegler did not conduct that test? That's my understanding. And instead he conducted the destructive accidental discharge testing that we've talked about before. So he conducted the test that ultimately became destructive wasn't necessarily intended to be understood. Um You spoke, uh you were speaking with M Morrissey before about um a test that you and your son performed where you replaced the broken hammer or you put the broken hammer back into the gun and you otherwise put in a replacement sear and bolt. Do you remember that? Yes.

Ok. And I believe you said you did that to isolate the damage to the hammer. Is that correct? Right? To see if that damaged hammer would even hold to full caught position. Is it just me or is that buzz in her voice? Super annoying and does make her more difficult to understand? It's almost like an audio defect in the microphone. But I think it's just like a vocal fry thing.

Ok. And, and my understanding is you did not conduct a test to isolate the damaged trigger. Is that correct? That's correct? And then would such, would it even be possible to do a test like that at this point? Well, it's always possible to put the broken trigger in a good hammer back in the gun. I saw no need to do that. Is it your opinion that that test would be pointless given the current condition of the firearm? Yes. Ok.

Ok. Miss Mercy showed you a series of videos earlier and I understand that you've reviewed more than we reviewed here today. Do you recall that I do and, and we only looked at a few today. Have, have you said you reviewed about 20? Yes, at least. Do you know how many days Mr Baldwin was on set? No, not at this time. I may have at one time, but I don't today.

And you don't know how many days Mr Baldwin's gun was fired on set. Do you? I do not. You haven't seen all of the footage from Rust, have you? I doubt it. Ok. You've just seen what's been provided to you by the state. Is that correct? Yes.

And um M Morrissey mentioned some video from October 21st but in the video from October 21st, Mr Baldwin doesn't fire his gun, does he? He does not. I wanna talk about this August 31st report that you referred to it as your third and final report. Um You sent that report to the state on August 31st 2023. Correct? I believe so. Yes. Ok. And I'm gonna show you what was submitted in the exhibit packet as exhibit H but I believe we're just gonna be calling it defendants three.

That's the number we're up to Mister Ha. Can you see my screen? Yes, I can see it. Ok. And my understanding is this is subject to our prior stipulation. Um But this was again submitted as um exhibit H in the packet to the court Um Mister Ha. Do you remember sending this email? No, I don't, I don't, I, I accept it as mine, of course, but I don't remember it.

Ok. Can you tell me about the conditions? Uh uh What prompted you to send the report on August 31st to the state? Uh Actually, it's the unh highlighted sentence that I think pretty well explains it. I try to anticipate uh cross examination questions which, whichever side I'm working for, anticipate what I might be asked if a person with similar expertise looked at evidence so I could envision and apparently did someone looking at the broken parts, seeing those really egregious uh damage marks on the sear tip and wanting to know, what do you think about those? Where do they come from? Why don't we hear any reports about them? And it, it looks like you say here, Mike and I agreed that something needed to be memorialized.

So, was there a conversation between you and Mike about submitting this report? Yes, I would say so and remind me who Mike is, please. I didn't hear that question. Is Mike your son? Is he single? Is he available my younger son? And, and did, did Mike work and Mike worked closely

with you on your uh expert reports in this case. Correct. Yes, he did. And Mike is an expert in his own right. Correct.

Yes, he is clearly. Ok. Um And so you and Mike had a conversation about memorializing the odd tool marks on the evidence trigger.

Is that correct? Again, we're both reading the same sentence. I, I don't remember it but I still stand by it. Ok. And so is it fair to say that you volunteered to provide this report to the state? I'm not sure if I volunteered it or said Joey. So I prepare a report. I just frankly, too many things have gone. Uh I've done since then to remember that.

Ok. So other than this email, do you have any recollection of how the third report came about? Not beyond I think what we've discussed both today and in an earlier interview this week. Ok. Um Is this came up because you and Mike had observed odd tool marks on the evidence trigger, correct? I missed that one again. Sorry, Sarah, this came up because you and Mike observed odd tool marks, correct? Oh, yes.

We observed them long before that supplemental report was written when we first looked at the parts. Ok. And, and I think that was around July July 7th of 2023. Is that close? Yes.

All right. And you authored two other reports in this case, correct? Yes. One on October 2nd.

That's fairly, or August 2nd. That is fairly lengthy. Yes.

And another one that is somewhat shorter on August 26th, I believe you're correct. Yes, I don't have them in front of me. Those sound right.

Those dates sound right. And these odd tool marks didn't make it into either of those reports, correct? Uh That's right. Only the third one and you don't have any explanation for why those odd tool marks didn't make it in. No, I didn't think uh they were that important. It's clearly damaged effects. Um Bye again from this email. We decided to let's get pictures of them so someone else can see them and realize that we didn't, uh, just blow them off or not consider them? Ok.

And so, so you assumed that this would be provided to the defense, correct? Of course. OK. Um And do you understand that it wasn't in fact provided to the defense until uh May of this year after your son's interview? I became aware there was some sort of a breakdown in, in communication between your office and uh Miss Morrissey.

Um Can you explain what you mean by a breakdown in communication between my office and Miss Morrissey? Really? I'm kind of out of the loop on that. I, I was assumed that the report went forthwith to, to the defense didn't hear otherwise until there was this issue about the belated uh discovery. OK. And you didn't mention this report in your prior interview when you and I spoke um in April, correct, you're gonna have to, sorry. It's, it's very scratchy.

Still. Try it again. Do you recall speaking to me in April? I don't, OK. Do you recall doing an interview in this case, I've been involved in several interviews. I I do remember you uh visually, but again, you think this guy can run that revolver behind him? You want to break into his? We have an interview.

I just don't remember much about it. I think so. So you'd agree with me that if I tell you we had an interview on April 29th. In this case, I agree. I'm sure we do.

And in that interview, you didn't tell me about this third report, correct? I don't even remember the interview. Would you dispute that you did not tell me about this therapy part? No, I would not. I don't have any way of doing that.

Ok. And you said you became aware of a breakdown. How did you become aware of that? That sounds like it's worth it here. Now that a question, failure to disclose some kind of a snafu. And that was news to me. That's not a gun wall for some this spring.

That's just, that's just a gun coat rack. That was after you testified in MS Gutierrez's trial one more time after Miss Gutierrez's trial. Is there a reason? You didn't buy me flowers? Mhm You learned about this breakdown in communication after you testified in MS Gutierrez's trial.

The Armorer. I don't know, I really don't remember when um, it became uh an issue or concern. So you, you don't know when you learned about this issue with the third report Hm. Not, not as I sit here today. You don't remember if it was in the last month. I doubt if it was in the last month.

But again, I, I've got lots of other things I'm doing that occupy my thoughts. You mentioned that you asked for an interview with Mr Ziegler in connection with this third report. Do you remember that? When did you make that request? Hm, I'm not sure. Did you make that request last year? When you sent a list of items to the state that you needed to inform your opinion? I don't know. I don't remember.

Mhm. Did you speak? You didn't speak to Mr Ziegler before MS Gutierrez's trial though? Did you? No, I did not. In fact, most recently, the only time I've ever talked to him and so you didn't clarify those, those questions you had about the third report until this week, did you? I don't believe so. Again, I'm still confused of where this is going.

So I not very helpful. Do you recall? You testified in MS Gutierrez's case that other than the FBI testing, you didn't see any other modification or damage. That's my opinion. I don't recall whether testify to it or not. But that would be my opinion regarding the evidence, gun. But the one exception, it has a nickel plated hammer doesn't change the function, but it certainly makes the gun stand out when you watch the videos and when you testified at MS Gutierrez's trial.

You had not yet spoken to Mr Ziegler. Is that correct? That's true. Ok. And so at that point in time, those markings were still unexplained to use the words from your report.

Correct? Yes. Ok. And you never asked to speak to Mr Ziegler to clarify those markings before you testified at MS Gutierrez's trial. That's right. I did not ask to talk to him before the, the trial of the armor, but only more recently, when it became apparent this trial might go forward. And do you recall telling me on April 29th of this year that the working surface of this sear looked as expected and normal? I don't even remember the interview of the date you described.

I remember seeing you, but beyond that, I don't remember anything from the interview. So if, if you told me in April that the working surface of the evidence here looked expected and normal, would that be false? We're back to, I'm having trouble hearing the question, I'm gonna represent to you and I can refresh you if you'd like that on April 29th, you told me that the working surface of the seer looked as expected and normal. I don't remember that and I still still haven't heard all of the question. I apologize, but the quality of the audio from you is really hard to hear your honor. I'm not having any, um, difference in hearing the audio from Miss Clark that I heard from Miss Morrissey or anybody else today and I, I'd asked to approach the bench if there's a way to approach remotely.

I hear you just fine by the way louder in person. But I'm doing my best. I can try to speak lower. I don't think we can approach the bench on this. I, uh, why don't you turn your volume up to the max? Both of you. Mine is, uh, as far as it goes and now it's over modulating, it's loud, but some over modulating. Is it as loud as a gunshot? The gunshot that we at the point? Your honor where my concern is, of course, that the right to cross examine the witness is being impeded by this.

Um, and between the remote nature of this, the fact that they were at the end of the day, I'm just going to alert the court, the defense is not going to, I understand that the, the, the court's time is precious and I mean that genuinely, but the issues here are just too serious and it's just too hard. I, I, I'm, it's just gonna be one of those rare times in my career where I think there's something going on that just I can't let lie. And so I'm not gonna be, we're not gonna, the defense is not gonna be resting today.

We're gonna be seeking to put other evidence before the court just to alert the court of that. Well, what do you mean other evidence? Um, completely, um, this is an issue of we need to fix the, the, the hearing but other evidence before the court, I mean, I think you've interrupted enough. He's answered questions, you can repeat the questions that he hasn't, that he hasn't asked. I'm just curious as to whether this can be corrected.

Is there any other place you can go to Mr Haig? So I'm in a small office uh joining my, my home. I can hear Mr Spiro that's the way to, is there any other office that you can go to MS Clark? I, I can try to call in from my phone. I will say I have not had this problem with anyone other than Mr Haig, but I will, I can try to call in from my phone and do the audio that way. Would that be preferable? Yes.

See if it works first of all and then we can re uh regroup on the questions. Um Oh, she looks so unhappy all the time. I have to say I would never want to be a judge ever. It always looks like such a miserable job to me. Oh my gosh. I think it's her vocal fry. I, it bothers me.

Yeah, I said earlier. It sounds like she's talking, not the judge, the uh the lawyer Sarah Clark. It sounds like she's like lecturing her ex-husband during a, you know, the child custody swap. Why did, why did Jimmy's shirts not come back clean. Uh Oh my gosh. It is weird.

All these people, professionals. Where's the microphones? This kid? This is not the first time they've been on a law Zoom call. Where are the dam microphones? I mean, those, these, these lawyers for Baldwin Emmanuel Quinn, they, they, I'm sure they're billing \$1000 an hour. Drop a few bucks. You don't have to get a nice SM seven like me, Castle. Can you guys hear me now? It's well, Mr He is that better? Oh, that was better. Save the question though.

All right. So listen to the questions. Go back at any point in time in your cross examination, MS Clark that you feel that you were not getting um uh sufficient cross examination because he could not hear or because of whatever other reason.

Take your time, take your time. Thank you, your honor, Mr Haig. Can you hear me now? Uh I, I can hear you.

It's a little better. So let's see how it goes. Ok.

Yes, we last we sorry. Um I want to go back to when you noticed the damage to the evidence here and I understand that that was early July, correct? It would have been after the official exams in July of last year. Ok. And I believe I understood you to explain to Miss Morphy that there was egregious damage to the working surface of the seer. And that, that is what is reflected in your third report. Is that correct? Yes. Ok.

Do you recall doing an interview with me in April of this year? April 2024 as I told you, I, I don't recall it. I don't dispute that we had one, but I just don't recall it. Ok.

And if you, and, and you told me at that interview that the working surface of this year looked as expected and normal. Do you recall that? No. Would that be a true statement? I believe so. Yes, that the working surface of this year looked as expected and normal. That's true. We're back to the same problem.

I'm missing a word here and there, Sandy can do you mind if my wife stands here and see if she hears it and I can't do that. Hey, ok. Judge says no, Sandy, go away your honor. I don't hold on folks. I think it a big part of this is Sarah Clark's voice.

It is. It's got that weird buzz to it. I mean, the judge sounds fine.

Lucian Haig sounds, I mean, not great, but he sounds fine. Counsel. Tell me if that, if that is what you wanna do.

A as I've indicated your honor, we're not gonna be able, the defense is not going to rest today. Um So I, I would ask and I, and I understand and I say this genuinely the court schedule and fitting this in where we are in the lead up to trial, but the issues are just serious and I, I'm, I'm, I'm not going to be able to rest today. So I would ask, um, even if we don't decide at this exact moment when there could be potentially another hour from the court, um, but given the hour, given the ability to cross examine this witness and given that there's gonna be other documents and evidence that we have to put in Alex Spiro. what he's saying between the lines is thank God, we're having this audio problem so I can use it as an excuse saved by the bell, saved by my colleague's vocal fry. So I can escape this horror of a day.

Maybe we can uh reconvene with my, with my colleagues during a lengthy overnight break and come back and have some kind of rational argument for why this indictment should be dismissed with prejudice because the state on the grounds that the state destroyed evidence because there's been nothing in almost five hours of testimony since the lunch break on this one issue to indicate why a rational judge would agree to dismiss this indictment with prejudice on the grounds of the state, quote, unquote, destroyed evidence. Nothing. And because of what's going on here today, um We're not going to be in a position to rest today. Let me, ok, can I ask, does the defense have the judge wants this done today? The judge, there was plenty of, they actually started this motion hearing an hour earlier than it was scheduled and it's still, it was supposed to end at four o'clock and now it's 540 local time and it's still going on of other witnesses that you intend to call. No, they said no earlier, there was these three, I I have to meet with my colleagues after this um and decide given what I think is going on here, which is troubling to put it lightly. So I don't know exactly how this is going to proceed. No, no.

You were asked at the beginning, what witnesses will you have? And the state said your honor, we're gonna have these three. Are they gonna have the same three? And you said yes, now that it's not going well for you, you wanna change it. Is it, it having practiced in many, many states, it's very rare that I'm put in a position where reports are hidden, witnesses change their answers in this kind of manner. And um I hope the court will take this seriously. We're certainly taking it seriously and I just cannot be in a position where we don't have a moment to confer. And the court looks at me an hour past the end of the day and says, can you just rest? I'm not going to do that.

I'm going to ask for more time. So I'm just being um direct with the court on where we are. Well, that, that, that's, that's not really Germane to my question, my question is we showed up to do a hearing today. I understand Mr Spiro's concerns.

Um, but if the court tears a hole in its calendar and resets us is the defense then going to show up with, with, with witnesses that we haven't interviewed. So then this is great by Kerri Morrissey. This, she knows she's in the lead here, right? She knows she's got a 99.9% chance of

this defense motion for dismissal of the indictment with prejudice. The judge is gonna reject it. She's in the lead.

So she wants the judge to make a call. Now, she doesn't want a break in the action. Come back tomorrow. Maybe, maybe the dice get juggled in the cup and the odds look different for her tomorrow.

She wants this done right now. Let me do this. Your plan, Mister Spiro Spiro was that you were going to use these three witnesses. And now I don't understand how, how because he can't remember. You're going to be calling other witnesses. These are the three witnesses.

I knew it. I love this judge, I love this judge. Listen, we framed this out before we started. This is not, you're not in chaos. Court defense, you're in my court. This is my court. We do things in an orderly fashion.

We set the rules at the start. We argue within those rules and if it starts going badly for you, you don't get to move the goalposts. Look at this, look at her face if you're a defense counsel and she's talking to you and she's got that face on. How are you feeling right now about your position for this hearing? I am going to call this hearing again at 230 on Monday and it's going to end at 530 no matter what. Oh, you disappointed me.

Judges understood. I will see you back on Google at 230 on Monday. Thank you. But it sounds like no new witnesses.

And M Morrissey Mr Haig has got, you have got to hook him up with some way better. Uh It understood. I mean, if this cannot happen again or I will begin to entertain confrontation issues. Understood. All right. Thank you. We're in recess.

Thank you. I Kerry Morrissey is going to have to, uh, fly down to wherever Hague is. I guess that's over. Right. The court's gonna cut the feed.

I'll wait just a moment. I guess Kerri Morsy is gonna have to take a Spirit Airlines flight down to wherever Hague is and uh, get him some headphones, big giant, big giant headphones like this. Uh All right, I guess that must be over. So let me take a look at the, uh, again, we take comments and questions from our law, self defense members.

You can become a member for just 99 cents and I urge you to do that. Whoops. Ok. That's uh, that's one of those Florida sheriffs talking about a, a nice some diversity crime in Florida. Um, we take comments and questions, answer them for free from law self defense members.

Try it out for 99 cents for two weeks, two week trial at law-self-defense.com/trial. And after that, it's still dirt cheap. It's only about 30 cents a day, less than \$10 a month to be a law self defense member, but try it out for two weeks at least. And I think I might have neglected to

mention our sponsor at the beginning. The sponsor of today's content is uh CCW Safe. A provider of legal service memberships.

So many people mistakenly call self defense insurance in effect, they promised to pay their members legal expenses of the members involved in the use of force event. There are a number of companies out there purporting to offer a similar service. Some of them are worth considering they're different than CCW Safe, but worth considering some of them are dumpster fires.

I could not recommend to anybody uh, in good faith, know what you're buying. Don't be paying for nothing. Don't be paying for something you can't trust, I trust CCW safe.

If you'd like to learn why I have a little video at [Law of self defense.com/trust](http://Lawofselfdefense.com/trust) where I explain why they're the best fit for me. I'm personally a member of CCW Safe. My wife Emily is personally a member. Learn why at [law self defense.com/trust](http://lawselfdefense.com/trust).

And at that same URL, you get a 10% discount code for your own membership at CCW Safe. That's at [law of self defense.com/trust](http://lawofselfdefense.com/trust). Uh Let's see what we have from the law of self defense members. I didn't hear anything substantive from the defense.

Uh They, they basically, it seems to me lost on every motion today. Uh There were four, did I close it? Let me take a look. There are basically four motions heard today. Um Arguably they were, they were all from the defense. I would suggest uh One is the defense wanted to exclude some of their own witnesses that they realized we're gonna give information harmful to their client, Alec Baldwin. Uh The judge rejected that the witnesses are not excluded.

The state can call them. Uh The state had asked for uh use of force uh sorry, use immunity uh for Hannah Guterres to compel her to testify. Uh The, the court denied the state's motion for use immunity, but it sounds to me like Guterres can still be called as a witness and the uh and be compelled to answer questions that don't possibly implicate her or incriminate her. Uh That was a little ambiguous to me how the judge was ruling there. I, I guess she'll reduce that to writing and we'll see it in writing so that might bring some more clarity. And then this morning, the third motion that was covered was the motion to dismiss the indictment for failure to state a criminal offense.

That's where the defense was arguing that unless Alec Baldwin knew, subjectively knew there was a bullet in the gun around in the gun, this can't be involuntary manslaughter, which is nonsense. The judge rejected that argument. Uh, and then this is the last motion it was supposed to take two hours. Uh, we came back from lunch five hours ago and obviously we're still not done.

We're gonna start again. I think the judge said 230 on Monday 230 Mountain time, Monday, 430 Eastern time. Um, but nothing I heard.

So this last motion is the defense motion to dismiss the indictment with prejudice, meaning it can never be brought back again. Alec Baldwin walks away with zero criminal liability for his shooting dead Helena Hutchins based on the grounds that the state destroyed evidence. This destruction of evidence was the unintentional breakage of some small parts inside the revolver. Uh, that Alec Baldwin used to kill Helena Hutchins, the revolver that was thoroughly tested before the breakage and found to be functioning perfectly normally and not capable of just going off by itself without the trigger being depressed.

At least not in any fact circumstance that would be relevant to Baldwin's shooting of Hutchins. I don't think the state's very, uh, I don't think the judge is very happy with the defense. They're just going on and on and on and on and on and on. To no apparent purpose. Um The judge's criticism of the state is uh the it setup of Lucian Haig and come on, folks, we all kind of when you go into these zoom meetings, you kind of hope and presume that everyone's gonna show up with a reasonable degree of it. I think Luc and he's, it set up is probably OK for normal circumstances, but maybe not for, I don't know how old he is. 8090 year old.

E hopefully Carrie Morrisey will address that. Uh Let's see. Yeah, we spent five hours talking about nothing. The gun functioned per perfectly when the FBI got it. There's no indication that it was not functioning perfectly at any earlier time. There's no evidence and anybody modified the gun uh in a way that to make it just go off without the trigger being uh touched depressed.

So yeah, I think I and Haig needs earphones or ear buds or something. And uh and, and Lucian Haig may well have Tinnitus which wouldn't help that woman's high pitched fast buzzy speaking Tinnitus being a uh for those who don't know. God bless you if you don't know uh a high pitched a permanent ringing sound in the ears that never goes away.

It's from hearing damage from loud noises. Um Someone Lucian Haig's age, someone my age in my youth, we fired guns all the time. We never even thought about hearing protection or eye protection for that matter. Um and we all caused a, uh, our generations caused a great deal of hearing damage to themselves without even knowing we were doing it. Now today, of course, it would be unbelievable to be discharging guns, um, un suppressed guns, at least without hearing protection. So, yes, uh, the, the poll was still at like 90% plus that this, uh, motion to dismiss the indictment with prejudice, um, was going to fail 90% plus. So my expectation is we're going to trial.

It's a shame we have to do this again Monday afternoon, but that's what we'll be doing on Monday afternoon. So that'll be Monday show, I guess, folks. All right, with that. Out of the way, I will just go ahead and wrap up, I guess I answered. Oh, let me take a quick look to see just in case there's any Super Chats. If there were any \$10 plus Super Chats. I promised to take a look at that.

Although I don't know why you would do that and it looks like there's nothing new there. Yeah. All right, folks. So I'll just remind all of you that if you, uh, carry a gun so you're hard to kill. That's why I carry a gun.

Have my entire adult life more than 30 years carrying a gun. That's a long time. So I'm hard to kill.

So my family is hard to kill. Then you also owe it to yourself and your family to make sure you know the law so you're hard to convict as well. Have a great weekend, everybody stay safe and until, uh, until Monday when I see you all again. Bye bye.