

Alec Baldwin 'Rust' trial: Should he testify? What does Hannah Gutierrez-Reed's conviction mean? Experts weigh in.

Nearly three months after armorer Hannah Gutierrez-Reed was sentenced to prison, Baldwin now faces the same judge, same charge and a new jury. Here's what that means.

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Alec Baldwin's involuntary manslaughter trial is scheduled to begin with jury selection on July 9. (Evan Agostini/Invision/AP)

Alec Baldwin's criminal trial is scheduled to begin on July 9 in Santa Fe, N.M., for his role in the death of *Rust* cinematographer [Halyna Hutchins](#). The actor was holding a .45-caliber Colt prop revolver when it discharged a live round of ammunition, killing Hutchins and wounding the film's director. In interviews, Baldwin has maintained his innocence — "I didn't pull the trigger" — something his lawyers must now prove in court, but the Emmy winner's alleged culpability is a bit more complicated than that.

Baldwin was indicted for involuntary manslaughter and faces up to 18 months in prison if convicted. *Rust* armorer Hannah Gutierrez-Reed was convicted on the same charge in March. At Gutierrez-Reed's sentencing hearing, Judge Mary Marlowe Sommer said the weapons handler appeared to show no remorse and handed down the max sentence of 18 months.

Baldwin now faces the same judge, same charge and a new jury. Legal experts break down what that means and what to expect during the trial.

Is having the same judge unusual?

Criminal defense attorney Lauren Johnson-Norris, of Johnson Criminal Law Group in Irvine, Calif., says it's "not uncommon."

"As a result, the judge will already be familiar with much of the facts but has to start completely from scratch to evaluate the evidence in making rulings on motions and objections," she tells Yahoo Entertainment.

On June 28, Judge Sommer denied Baldwin's final attempt to dismiss the case. The actor's defense team argued that prosecutors "intentionally" destroyed key evidence as the FBI damaged the firearm while testing if the gun could fire without the trigger being pulled. Celebrity attorney [Chris Melcher](#) tells Yahoo the judge's ruling isn't necessarily indicative of anything, as it will be up to the jury to "assess the evidence" during trial.

Prosecutors face 'double-edged sword' by putting blame on Baldwin

Johnson-Norris expects a lot of evidence to be the same as the Gutierrez-Reed trial surrounding "the events that led up to Hutchins's death." But there will be new evidence that pertains to Baldwin.

"The prosecution needs to prove that it was not all the fault of Gutierrez-Reed. The problem is that Gutierrez-Reed has been found guilty already, so jurors may be confused about whether Baldwin can be guilty too," she explains.

However, Baldwin was not only the person who handled the gun — a producer of the Western film did as well.

"If the prosecutor focuses on Baldwin's failure to supervise Gutierrez-Reed, they must emphasize how negligent she was. That cuts against their arguments that Baldwin — the actor who held the gun — was also negligent, because Baldwin's lawyers will blame Gutierrez-Reed," she continues. "The prosecution will have to elect a theory of the case that makes sense to a jury, and blaming Baldwin for everything is a double-edged sword for them."

Baldwin defense likely to put blame on Gutierrez-Reed and assistant director David Halls

Gutierrez-Reed's conviction means a jury found her negligent in Hutchins's death. As the film's armorer, she failed to properly check the gun and ensure there were no live rounds. The jury in Baldwin's trial needs to decide if Baldwin the actor, or Baldwin the producer, is also responsible.

"The first question is whether his role as a producer contributed to Gutierrez-Reed's negligence," Johnson-Norris says. "Baldwin's defense team will argue that he was not and could not foresee that Gutierrez-Reed would fail to do her job properly. The second is whether he

was negligent in handling the weapon that killed Hutchins. If Baldwin relied on Gutierrez-Reed to do her job properly as a producer, of course he would have the same belief as the actor handling the gun."

The defense will also likely blame Halls, the film's assistant director and safety coordinator. He handed the gun to Baldwin, who claims it was declared "cold," meaning it contained no live rounds. Halls has denied this account but said he did not check all of the rounds. Halls took a plea deal early on and received six months unsupervised probation for a misdemeanor violation of negligently handling a firearm. He testified at Gutierrez-Reed's trial and is expected to take the stand again.

Why Gutierrez-Reed's trial could help Baldwin's defense

The more information the better. Baldwin's lawyers have combed through transcripts from the first trial "to see what evidence was presented, how the judge ruled on objections to evidence, and how the judge dealt with any motions that were made," explains Johnson-Norris.

"This gives Baldwin's defense attorneys an advantage because they will know how the judge may handle different issues and can use that information to strategize," she adds.

Will Baldwin testify?

It's unclear, but Melcher would advise Baldwin to take the stand "because he has already given an interview to the media about the incident, and he is well-spoken."

"The jury will want to hear from him," Melcher explains. "Since he is a famous person, there could be a star effect where the jury gives him the benefit of the doubt. Alec has suffered tremendously, and his emotional response to questioning can show that he had no intention of hurting anyone."

Will Gutierrez-Reed testify?

The prosecution tried to compel her, but she asserted her Fifth Amendment right to remain silent.

"Even though she was convicted of involuntary manslaughter, she has appealed," Melcher says. "The prosecutor offered Hannah 'use immunity' so none of her testimony could be used against her in any subsequent prosecution. Alec listed Hannah as a witness but opposed the [immunity] motion. The court denied the motion, so Hannah will not be a witness at trial."

If convicted, Baldwin will probably serve jail time — and appeal

"If Baldwin is ultimately convicted, the judge will also consider what sentence she imposed for Gutierrez-Reed and want to treat Baldwin consistently," Johnson-Norris says.

Melcher agrees Gutierrez-Reed's 18-month sentence "should be of great concern to Alec."

"Alec pointed the gun at cinematographer Hutchins and director Joel Souza, fatally shooting Halyna and wounding Joel, without verifying that the gun was unloaded," he states. "Alec takes a serious risk of incarceration by going to trial."

If convicted, Baldwin will likely appeal the ruling like Gutierrez-Reed did.