

2025 Bales Trial Competition

People of the State of
California

v.

Jordan Breyer

A Criminal Case of Involuntary Manslaughter



By Nicholas Cotter

Alameda County Public Defender, Berkeley Law '20

Special Edition for use by:

Berkeley Law

SYNOPSIS

Jordan Breyer is a prominent film producer and actor in Hollywood, California. On October 21, 2021, Breyer was at the Strawberry Creek Ranch working on their new project, *Spur*, a western film in which Breyer was also the lead actor. During rehearsal, a prop gun that Breyer was holding accidentally discharged. The gun fired a live round that struck Jay Yoo, a cinematographer on the movie. Yoo was taken to the hospital by helicopter immediately following the shooting and was pronounced dead on arrival. Following an investigation by the Los Angeles County Sheriff's Office, the district attorney has filed criminal charges against Breyer for involuntary manslaughter.

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AUTHOR'S NOTE

Though inspired by real life events, none of the facts of this case relate to any real persons. References to real organizations, entities, and institutions are also purely fictional.

The witnesses are named in honor of Joseph Goldstein-Breyer (Alameda County Public Defender, Berkeley Law '11), Aaron Laycook (San Francisco District Attorney's Office, Berkeley Law '10), and Kyle McLorg (Farella Braun + Martel LLP, Berkeley Law '19). The decedent is named in honor of Joshua Yoo (Santa Clara County District Attorney, Berkeley Law '22) – we assure he is alive and well. :)

ACKNOWLEDGEMENTS

Special thanks to Christian Cotter (Santa Clara County Public Defender's Office, UC Berkeley '20), who assisted with the case writing, editing, and proofreading process.

INSTRUCTIONS

1. **Witnesses.** The Prosecution will call Deputy Averie Laycook. The Defense will call Jordan Breyer. All witnesses are gender neutral.
2. **Reading Deposition Testimony.** Either party may read excerpts from the deposition testimony of Kyrie McLorg. Time spent reading deposition testimony to the jury shall be deducted from that party's time allocation. Reading may not be constructive (i.e., advocates must actually read it aloud). Any excerpt read onto the record is still subject to objection.
3. **Materials.** These are the available documents and exhibits.

| Legal Documents | Witness Statements | Exhibits |
|--|--|--|
| <ol style="list-style-type: none"> 1. Indictment 2. Stipulations 3. Jury Instructions 4. Jury Verdict Form | <ol style="list-style-type: none"> 1. Deposition of Kyrie McLorg 2. Investigative Report of Deputy Averie Laycook 3. Interview of Jordan Breyer | <ol style="list-style-type: none"> 1. Photo of Set (Exterior) 2. Photo of Set (Interior) 3. Photo of Armory 4. Photo of Prop Gun Storage 5. Photo of Prop Gun 6. Photo of Bullet 7. 911 Call 8. Yoo Autopsy Report 9. Breyer Email 11/12/20 10. Armorer News Article 11. Gun Recall Notice 12. Gun Safety Handbook Cover 13. Text Messages Screenshot |

4. **Witness Statements.** All witness statements and expert reports are truthful, complete, and accurate. They include all information relevant to the case.
5. **Exhibits.** Exhibits have been pre-marked (pre-numbered), and competitors should use those numbers regardless of the order in which they are introduced.
6. **Authentication.** All witnesses must authenticate any document with which their materials say they are familiar.
7. **Closed Universe.** The only legal rules competitors may mention as the basis for admitting or excluding evidence are those included in the Bales Trial Competition Rules.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

3 PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO. 22-CR-001949

4 PLAINTIFF,

BILL OF INDICTMENT

5 V.

INVOLUNTARY MANSLAUGHTER
[PENAL CODE § 192(B)]

6
7 JORDAN BREYER,

8 DEFENDANT.
9

10 The Grand Jury charges that:

11 **COUNT ONE**

12 On information and belief, Jordan Breyer did, in the County of Los Angeles, on or about
13 October 21, 2021, commit a FELONY, to wit: INVOLUNTARY MANSLAUGHTER, a
14 violation of section 192(b) of the PENAL CODE of California, in that said defendant(s) did
15 unlawfully cause the death of another person, JAY YOO, while engaged in the commission of a
16 lawful act which might produce death, in an unlawful manner, or without due caution and
17 circumspection.
18

19 A True Bill:

20 *Ben Shipman*

21 Ben Shipman
22 Grand Jury Foreperson

Analyse Claude

Analyse Claude
Deputy District Attorney
Los Angeles County District Attorney

23 Executed on this 5th day of March, 2022.
24
25

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

3 PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO. 22-CR-001949

4 PLAINTIFF,

STIPULATIONS

5 V.

6
7 JORDAN BREYER,

8 DEFENDANT.
9

10 The parties stipulate to the following:

- 11 1. The Bales Trial Competition Rules apply.
- 12 2. All objections arising under the Constitution and its Amendments are overruled and
13 preserved, and they may not be re-raised at trial.
- 14 3. No testifying witness may refuse to answer any question—and no attorney may instruct
15 a witness not to respond—based on the witness’s Fifth Amendment rights.
- 16 4. Jordan Breyer was not in police custody at the time of the interview; there were no
17 *Miranda* violations.
- 18 5. Both parties fully complied with their discovery obligations. There are no *Brady*
19 violations, other similar violations, or spoliation of evidence by either party after such
20 evidence was in the State’s custody.
- 21 6. All exhibits are authentic.
- 22 7. Exhibit 8, Jay Yoo’s autopsy report, is admissible.
- 23 8. The Hart & Wechsler Model 54 revolver is the immediate predecessor model to the Hart
24 & Wechsler Model 55 revolver.
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9. The gun used on set was a Hart & Wechsler Model 55 revolver. It was converted to a prop gun and modified to fire blanks.
10. All evidence collected in this case was collected using proper protocol and chain of custody procedures. No witness or party alleges in this case that a law enforcement or crime lab official acted improperly in the handling of evidence.
11. All transcripts accurately depict the speech by the purported participants to the best of their knowledge. All witness statements and reports were written by their purported authors.
12. All photographs, as well as all records exhibits, are what they purport to be. No witness or party may allege at trial that there were any errors in the production or custodial maintenance of these items.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

V.

JORDAN BREYER,

DEFENDANT.

CASE NO. 22-CR-001949

JURY VERDICT FORM

We, the jury in the above-entitled cause, find the Defendant, JORDAN BREYER:

1. How do you find the defendant on the charge of Involuntary Manslaughter?

___ GUILTY

___ NOT GUILTY

Date: _____

Signed: _____
Jury Foreperson

After this form has been signed, deliver it to the Court Clerk.

JURY INSTRUCTIONS

200. Duties of Judge and Jury

Members of the jury, I will now instruct you on the law that applies to this case. I will give you a copy of the instructions to use in the jury room.

You must decide what the facts are. It is up to all of you, and you alone, to decide what happened, based only on the evidence that has been presented to you in this trial.

You must not let bias, sympathy, prejudice, or public opinion influence your assessment of the evidence or your decision. Many people have assumptions and biases about or stereotypes of other people and may be unaware of them. You must not be biased in favor of or against any party, witness, attorney, defendant, or alleged victim because of his or her disability, gender, nationality, national origin, race or ethnicity, religion, gender identity, sexual orientation, age, or socioeconomic status.

You must follow the law as I explain it to you, even if you disagree with it. If you believe that the attorneys' comments on the law conflict with my instructions, you must follow my instructions.

Pay careful attention to all of these instructions and consider them together. If I repeat any instruction or idea, do not conclude that it is more important than any other instruction or idea just because I repeated it.

Some words or phrases used during this trial have legal meanings that are different from their meanings in everyday use. These words and phrases will be specifically defined in these instructions. Please be sure to listen carefully and follow the definitions that I give you. Words and phrases not specifically defined in these instructions are to be applied using their ordinary, everyday meanings.

Some of these instructions may not apply, depending on your findings about the facts of the case. Do not assume just because I give a particular instruction that I am suggesting anything about the facts. After you have decided what the facts are, follow the instructions that apply to the facts as you find them.

209. Implicit or Unconscious Bias

In your role as a juror, you must not let bias influence your assessment of the evidence or your decisions.

I will now provide some information about how bias might affect decision making. Our brains help us navigate and respond quickly to events by grouping and categorizing people, places, and things. We all do this. These mental shortcuts are helpful in some situations, but in the courtroom they may lead to biased decision making.

Bias can affect what we notice and pay attention to, what we see and hear, what we remember, how we perceive people, and how we make decisions. We may favor or be more likely to believe people whom we see as similar to us or with whom we identify. Conversely, we may disfavor or be less likely to believe people whom we see as different.

Although we are aware of some of our biases, we may not be aware of all of them. We refer to those biases as “implicit” or “unconscious.” They may be based on stereotypes we would reject if they were brought to our attention. Implicit or unconscious biases can affect how we perceive others and how we make decisions, without our being aware of their effect.

To ensure that bias does not affect your decisions in this case, consider the following steps:

1. Reflect carefully and thoughtfully about the evidence. Think about why you are making each decision and examine it for bias. Resist the urge to jump to conclusions or to make judgments based on personal likes or dislikes, generalizations, prejudices, stereotypes, or biases.
2. Consider your initial impressions of the people and the evidence in this case. Would your impressions be different if any of the people were, for example, of a different age, gender, race, religion, sexual orientation, ethnicity, or national origin? Was your opinion affected because a person has a disability or speaks in a language other than English or with an accent? Think about the people involved in this case as individuals. Focusing on individuals can help reduce the effect of stereotypes on decision making.
3. Listen to the other jurors. Their backgrounds, experiences, and insights may be different from yours. Hearing and sharing different perspectives may help identify and eliminate biased conclusions.

The law demands that jurors make unbiased decisions, and these strategies can help you fulfill this important responsibility. You must base your decisions solely on the evidence presented, your evaluation of that evidence, your common sense and experience, and these instructions.

220. Reasonable Doubt

The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because they have been arrested, charged with a crime, or brought to trial.

A defendant in a criminal case is presumed to be innocent. This presumption requires that the State proves a defendant guilty beyond a reasonable doubt. Whenever I tell you the State must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt. In deciding whether the State has proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, they are entitled to an acquittal and you must find them not guilty.

222. Evidence

“Evidence” is the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.

Nothing that the attorneys say is evidence. In their opening statements and closing arguments, the attorneys discuss the case, but their remarks are not evidence. Their questions are not evidence. Only the witnesses’ answers are evidence. The attorneys’ questions are significant only if they helped you to understand the witnesses’ answers. Do not assume that something is true just because one of the attorneys asked a question that suggested it was true.

During the trial, the attorneys may have objected to questions or moved to strike answers given by the witnesses. I ruled on the objections according to the law. If I sustained an objection, you must ignore the question. If the witness was not permitted to answer, do not guess what the answer might have been or why I ruled as I did. If I ordered testimony stricken from the record you must disregard it and must not consider that testimony for any purpose.

You must disregard anything you saw or heard when the court was not in session, even if it was done or said by one of the parties or witnesses.

During the trial, you were told that the State and the defense agreed, or stipulated, to certain facts. This means that they both accept those facts as true. Because there is no dispute about those facts you must also accept them as true.

The court reporter has made a record of everything that was said during the trial. If you decide that it is necessary, you may ask that the court reporter’s record be read to you. You must accept the court reporter’s record as accurate.

223. Direct and Circumstantial Evidence: Defined

Facts may be proved by direct or circumstantial evidence or by a combination of both. *Direct evidence* can prove a fact by itself. *Circumstantial evidence* does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

224. Circumstantial Evidence: Sufficiency of Evidence

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

226. Witnesses

You alone must judge the credibility or believability of the witnesses. In deciding whether testimony is true and accurate, use your common sense and experience. You must judge the testimony of each witness by the same standards, setting aside any bias or prejudice you may have.

You may believe all, part, or none of any witness's testimony. Consider the testimony of each witness and decide how much of it you believe.

In evaluating a witness's testimony, you may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that you may consider are:

- How well could the witness see, hear, or otherwise perceive the things about which the witness testified?
- How well was the witness able to remember and describe what happened?
- What was the witness's behavior while testifying?
- Did the witness understand the questions and answer them directly?
- Was the witness's testimony influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?
- What was the witness's attitude about the case or about testifying?
- Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?
- How reasonable is the testimony when you consider all the other evidence in the case?
- Did other evidence prove or disprove any fact about which the witness testified?
- Did the witness admit to being untruthful?
- What is the witness's character for truthfulness?
- Has the witness been convicted of a felony?
- Has the witness engaged in other conduct that reflects on his or her believability?
- Was the witness promised immunity or leniency in exchange for his or her testimony?

Do not automatically reject testimony just because of inconsistencies or conflicts. Consider whether the differences are important or not. People sometimes honestly forget things or make mistakes about what they remember. Also, two people may witness the same event yet see or hear it differently.

If you decide that a witness deliberately lied about something significant in this case, you should consider not believing anything that witness says. Or, if you think the witness lied about some

things, but told the truth about others, you may simply accept the part that you think is true and ignore the rest.

250. Union of Act and Intent: General Intent

The crime charged in this case requires proof of the union, or joint operation, of act and wrongful intent.

For you to find a person guilty of the crime, that person must not only commit the prohibited act, but must do so with wrongful intent. A person acts with wrongful intent when he or she intentionally does a prohibited act; however, it is not required that he or she intend to break the law. The act required is explained in the instruction for that crime.

300. All Available Evidence

Neither side is required to call all witnesses who may have information about the case or to produce all physical evidence that might be relevant.

301. Single Witness's Testimony

The testimony of only one witness can prove any fact. Before you conclude that the testimony of one witness proves a fact, you should carefully review all the evidence.

302. Evaluating Conflicting Evidence

If you determine there is a conflict in the evidence, you must decide what evidence, if any, to believe. Do not simply count the number of witnesses who agree or disagree on a point and accept the testimony of the greater number of witnesses. On the other hand, do not disregard the testimony of any witness without a reason or because of prejudice or a desire to favor one side or the other. What is important is whether the testimony or any other evidence convinces you, not just the number of witnesses who testify about a certain point.

303. Limited Purpose Evidence in General

During the trial, certain evidence was admitted for a limited purpose. You may consider that evidence only for that purpose and for no other.

318. Prior Statements as Evidence

You have heard evidence of statements that a witness made before the trial. If you decide that the witness made those statements, you may use those statements in two ways:

1. To evaluate whether the witness's testimony in court is believable; AND
2. As evidence that the information in (that/those) earlier statement[s] is true.

358. Evidence of Defendant's Statements

You have heard evidence that the defendant made oral or written statements before the trial. You must decide whether the defendant made any of these statements, in whole or in part. If you decide that the defendant made such statements, consider the statements, along with all the other evidence, in reaching your verdict. It is up to you to decide how much importance to give to the statements.

Consider with caution any statement made by the defendant tending to show their guilt unless the statement was written or otherwise recorded.

361. Failure to Explain or Deny Adverse Evidence

If the defendant failed in their testimony to explain or deny evidence against them, and if they could reasonably be expected to have done so based on what they knew, you may consider their failure to explain or deny in evaluating that evidence. Any such failure is not enough by itself to prove guilt. The People must still prove the defendant guilty beyond a reasonable doubt. If the defendant failed to explain or deny, it is up to you to decide the meaning and importance of that failure.

362. Consciousness of Guilt: False Statements

If the defendant made a false or misleading statement before this trial relating to the charged crime, knowing the statement was false or intending to mislead, that conduct may show they were aware of their guilt of the crime and you may consider it in determining their guilt.

If you conclude that the defendant made the statement, it is up to you to decide its meaning and importance. However, evidence that the defendant made such a statement cannot prove guilt by itself.

581. Involuntary Manslaughter: Murder Not Charged (Pen. Code, § 192(b))

The defendant is charged with involuntary manslaughter. To prove that the defendant is guilty of this crime, the State must prove that:

1. The defendant committed a crime or a lawful act in an unlawful manner;
2. The defendant committed the crime or act with criminal negligence; AND
3. The defendant's acts caused the death of another person.

Criminal negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when:

1. They act in a reckless way that creates a high risk of death or great bodily injury; AND
2. A reasonable person would have known that acting in that way would create such a risk.

In other words, a person acts with criminal negligence when the way he or she acts is so different from the way an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.

An act causes death if the death is the direct, natural, and probable consequence of the act and the death would not have happened without the act. A natural and probable consequence is one that a reasonable person would know is likely to happen if nothing unusual intervenes. In deciding whether a consequence is natural and probable, consider all of the circumstances established by the evidence.

3550. Pre-Deliberation Instructions

When you go to the jury room, the first thing you should do is choose a foreperson. The foreperson should see to it that your discussions are carried on in an organized way and that everyone has a fair chance to be heard.

It is your duty to talk with one another and to deliberate in the jury room. You should try to agree on a verdict if you can. Each of you must decide the case for yourself, but only after you have discussed the evidence with the other jurors. Do not hesitate to change your mind if you become convinced that you are wrong. But do not change your mind just because other jurors disagree with you.

Keep an open mind and openly exchange your thoughts and ideas about this case. Stating your opinions too strongly at the beginning or immediately announcing how you plan to vote may interfere with an open discussion. Please treat one another courteously. Your role is to be an impartial judge of the facts, not to act as an advocate for one side or the other.

As I told you at the beginning of the trial, do not talk about the case about any of the people or any subject involved in it with anyone, including, but not limited to, your spouse or other family, or friends, spiritual leaders or advisors, or therapists. You must discuss the case only in the jury room and only when all jurors are present. Do not discuss your deliberations with anyone.

During the trial, several items were received into evidence as exhibits. You may examine whatever exhibits you think will help you in your deliberations. These exhibits will be sent into the jury room with you when you begin to deliberate.

If you need to communicate with me while you are deliberating, send a note through the bailiff, signed by the foreperson or by one or more members of the jury. To have a complete record of this trial, it is important that you not communicate with me except by a written note. If you have questions, I will talk with the attorneys before I answer so it may take some time. You should continue your deliberations while you wait for my answer. I will answer any questions in writing or orally herein open court.

Do not reveal to me or anyone else how the vote stands on the question of guilt or issues in this case unless I ask you to do so. Your verdict on each count must be unanimous. This means that, to return a verdict, all of you must agree to it. Do not reach a decision by the flip of a coin or by any similar act.

It is not my role to tell you what your verdict should be. Do not take anything I said or did during the trial as an indication of what I think about the facts, the witnesses, or what your verdict should be.

You must reach your verdict without any consideration of punishment.

You will be given a verdict form. As soon as all jurors have agreed on a verdict, the foreperson must date and sign the verdict form and notify the bailiff. If you are able to reach a unanimous decision on only one of the charges, fill in the verdict form accordingly, and notify the bailiff.

DEPOSITION OF KYRIE MCLORG

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Q. Please state your name.

A. Kyrie McLorg.

Q. Where are you from?

A. Los Angeles. I've moved around a bit but lived in California my entire life.

Q. What's your educational background?

A. I went to college at California State University, Northridge and got my degree in film studies.

Q. What did you do after school?

A. I moved to Hollywood for the entertainment industry. I want to be a screenwriter someday, so I was willing to take any job I could find to break into the industry.

Q. What was your most recent job?

A. I worked as a crew member on the set of Jordan Breyer's film, *Spur*.

Q. Let's turn to this case. Were you on Breyer's movie set on October 21, 2021?

A. Yeah, that was the day I got shot and our cinematographer got killed. Breyer was practicing a scene with a prop gun. But during the rehearsal the gun fired and it shot out a real bullet. It shot our cinematographer Jay Yoo, then the bullet ricocheted and hit me too. I saw everything that happened.

Q. Let's break down what happened leading up to that shooting. How did you get the job on Breyer's film set in the first place?

A. That was back in June 2021. I was at the Caffe Milano in downtown Los Angeles when I saw an advertisement the bulletin board. It said that Jordan Breyer was looking for crew members to work on the set of a new indie film they were producing.

Q. Before you saw that advertisement, did you know who Jordan Breyer was?

1 A. Yeah, I was a huge fan of Breyer’s work. Breyer also comes from a long line of famous
2 actors and producers, so the family name carries a lot of weight in the film world. I
3 thought working with Breyer would be an opportunity of a lifetime.

4 Q. What did you do after you saw that advertisement?

5 A. I called and set up an interview at the Breyer Film Studios office right away.

6 Q. Did you get an interview?

7 A. Yes. One week later, also in June 2021.

8 Q. Tell us what happened when you interviewed for the job.

9 A. I showed up at the studio office. When I walked in, Breyer personally met me in the
10 waiting room. I thought that was really respectful. Breyer greeted me and said, “Come
11 into my office!” When I walked in I thought office looked more like a junkyard. I never
12 would’ve guessed it belonged to one of the greatest cinematic minds of our time. Every
13 inch of the desk and the shelves was covered with papers, books, binders, and loose
14 papers with random notes.

15 Q. Did you say anything to Breyer?

16 A. No. But I guess I didn’t have to because Breyer looked at me and said, “Sorry for the
17 mess, but you can’t cage creativity!”

18 Q. What happened during the interview?

19 A. It was pretty standard. Breyer gave me the basics. Told me that the film was a Western
20 and that the crew would be handling sets and props. That included weapons for the
21 stunts and action scenes.

22 Q. What kind of questions did Breyer ask you during the interview?

23 A. I remember that. Breyer asked me two questions.

24 Q. Just two questions?

25

1 A. Yup.

2 Q. What was the first question Breyer asked you?

3 A. “So you want to be on the film crew for *Spur*?” I nodded.

4 Q. And the second question?

5 A. Breyer asked me to share a little bit about myself. So I launched into my prepared

6 interview response. About 30 seconds in Breyer cut me off and said “I like you, kid.

7 You’re hired. See you Monday morning at nine o’clock.”

8 Q. That was it?

9 A. Yup, Breyer hired me right then on the spot.

10 Q. Did that surprise you?

11 A. Sure. I thought it would have been more thorough, especially for a film with dangerous

12 weapons on set. But I didn’t question it – I got the gig.

13 Q. Let’s talk about your time working on the set. What was that like?

14 A. Not what I expected it to be. It was messy and chaotic. Almost dysfunctional. Kind of

15 like a reflection of Breyer’s office.

16 Q. How so?

17 A. Actors running around, costumes getting misplaced, all kinds of props being left around

18 on set. And it seemed like no one was really in charge to keep things organized. I

19 learned to tolerate it during the five months I worked there. But you could tell the

20 management cared about schedule and budget more than the crew members.

21 Q. Did anyone bring those concerns up with Breyer?

22 A. Sure, lots of people. At our crew member meetings, lots of people said they were

23 unhappy with pay and conditions. I didn’t like it, but I guess “that’s show biz” as they

24 say.

25

1 Q. Let's talk about how guns and ammunition were stored on set. Before you worked for
2 Breyer, did you have any experience with firearms?

3 A. Not at all. I don't know anything about guns. Before *Spur*, I never had a gun license, I'd
4 never been to a shooting range, and I never even held a gun before.

5 Q. Didn't you say that Breyer told you one of your jobs was to handle the weapons?

6 A. Yeah. And that seemed really dangerous to me. I know that we were only supposed to be
7 dealing with prop guns and fake ammunition, but still.

8 Q. Were you ever trained in how to handle and store firearms?

9 A. Sort of. We had these little training sessions about gun safety once every month.

10 Q. Who led those training sessions?

11 A. The set armorer. We called them "L.V."

12 Q. Tell us about those gun safety trainings.

13 A. The first and longest training was during my first week on the set. Everyone met in one
14 of those big portable classrooms that they brought over to the Strawberry Creek Ranch.
15 The whole cast and crew was there. It started with Jordan Breyer and the assistant
16 director speaking to us a little bit about the film and how we would be using prop guns.
17 After their opening remarks, Breyer and Cleveland introduced us to our project's
18 armorer, "L.V."

19 Q. You've said "L.V." twice now. Do you know their full name?

20 A. No. I never learned their real name, that's just what we all called them.

21 Q. What did you know about L.V.?

22 A. Just what Breyer told me. They said that L.V. was selected out of a pool of many
23 experienced and qualified candidates.

24 Q. Okay. What did L.V. tell you about guns on the set?

1 A. Then L.V. talked to us about gun safety. They covered gun basics, how to handle guns,
2 how to handle ammunition, and what we should do whenever a gun is being used on set.
3 L.V. really made a big deal that even though we were only using prop guns and fake
4 ammunition on set that they can still be dangerous. So we should treat every gun like it's
5 loaded. It all seemed like common sense to me.

6 Q. How long did that training last?

7 A. About twenty minutes.

8 Q. Where was Breyer when L.V. was talking about gun safety?

9 A. Breyer was there for the whole training. Standing up front, right next to L.V.

10 Q. In addition to those monthly meetings, did L.V. do anything else to teach the cast and
11 crew about gun safety?

12 A. Sort of. L.V. gave everyone a copy of this gun safety handbook. That's Exhibit 12. L.V.
13 told us we should read it and review it regularly during the filming process.

14 Q. Did you read it?

15 A. No. I couldn't find a SparkNotes summaries for that book, so I never did.

16 Q. Did other people on set read it?

17 A. Apparently not, because we had gun accidents.

18 Q. When were those accidents?

19 A. September 2021.

20 Q. What happened?

21 A. Prop guns shot off by accident. It happened twice. I wasn't there for either incident
22 though because I was on the other side of the ranch preparing costumes for another
23 scene. But I heard a loud bang that sounded like a gunshot. Then one of my crewmates
24 texted me, "Another prop gun just went off. We've now had two accidental discharges.

25

1 This is super unsafe.” I heard several gunshots during the weeks before this, but I didn’t
2 think much of those either. And it didn’t occur to me that any of them were accidents
3 until I got this text message. Exhibit 13 is a screenshot of that conversation.

4 Q. How did the crew react when that happened?

5 A. People were upset. About half a dozen union camera-crew workers walked off set in
6 protest of working conditions a few minutes later.

7 Q. Let’s turn to the day of the shooting in this case. What day was that?

8 A. October 21, 2021.

9 Q. What were you doing that morning?

10 A. I was on set before we started filming for the day. We were scheduled to rehearse and
11 film a scene inside an old church on the ranch grounds. It was a really intense scene in
12 the film. Breyer’s character would sit on one of the wooden church pews and deliver a
13 dramatic monologue, then towards the end, Breyer would draw a gun from their holster
14 and point it at the camera.

15 Q. Where was Breyer?

16 A. In the church. When I walked in, I saw Breyer sitting on the wooden church pew.

17 Q. Was Breyer holding a gun?

18 A. Not at first, but a minute later, our armorer L.V. walked up to Breyer and handed them a
19 gun and walked away.

20 Q. When L.V. handed Breyer the gun, did they say anything to each other?

21 A. It didn’t look like it. If they did, I couldn’t hear anything. L.V. just handed Breyer the
22 gun, turned around, and walked away behind the cameras.

23 Q. After Breyer had the gun in his hand, what did they do with it?

24 A. Breyer started to rehearse the scene. Breyer would draw the revolver from its holster,
25

1 and then point the gun towards the camera lens. Every time Breyer did that, it looked
2 like they had their index finger on the trigger.

3 Q. How close were you when you were watching Breyer rehearse?

4 A. About 50 feet away.

5 Q. You said Breyer was pointing the gun at the camera. Was anyone standing behind the
6 camera when this was happening?

7 A. Yeah. Our cinematographer Jay Yoo. I can't remember who else exactly was on set at
8 the time. But I know people were walking in and out.

9 Q. And then what happened?

10 A. I heard this loud noise. It sounded like a whip and a pop. Yoo clutched their stomach
11 and fell backwards. A second later, I felt a pain in my shoulder. Like somebody just
12 stabbed me. I was bleeding everywhere.

13 Q. When did you realize what happened?

14 A. It didn't hit me for a few seconds. But then I put it all together. The gun had a real bullet
15 in it. It shot Yoo, then ricocheted and hit me in the shoulder.

16 Q. Did anyone help you?

17 A. Of course. Everyone did. The crew, the actors. Even Breyer rushed to help Yoo and me.
18 I heard someone scream, "they've been shot! Call an ambulance!" I heard somebody on
19 the phone with 911. Then I saw Breyer break down and start to cry. It was chaos.

20 Q. Were you treated by medics or doctors?

21 A. Yes. But it was really a blur. I taken to the ER in an ambulance. Luckily my injury
22 wasn't too bad — it only needed stitching and bandaging. I guess the bullet just grazed
23 my shoulder.

24 Q. Did you speak with anyone else about what happened?

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A. I think so. A few hours later, a sheriff came to ask me some questions. I have to admit though, everything from that morning is a blur. And unfortunately, I don't think the cameras were rolling at the time since we weren't filming.

Q. Do you know anything else about this case that we haven't discussed?

A. No.

Signed:

Subscribed and Sworn to me on this 20th day of November 2021:

Kyrie McLorg
Kyrie McLorg

Gus Mahler
Notary Public

1 **LOS ANGELES COUNTY SHERIFF'S OFFICE**
2 **Investigative Report of Deputy Averie Laycook**
3 Report No. 21-1285
4

5 **Summary of Report**
6

7 This report explains the Los Angeles County Sheriff's Office ("LACSO") investigation that
8 culminated in the citation of Jordan Breyer for a suspected violation of California Penal Code
9 section 192(b), involuntary manslaughter. Specifically, on October 21, 2021, Breyer's criminal
10 negligence on the *Spur* film set resulted in the accidental firing of a prop gun that killed
11 cinematographer Jay Yoo.
12

13 This report includes all facts known to the LACSO related to the cause and circumstances of the
14 *Spur* shooting. Any investigative steps not listed in this report either were not performed or
15 yielded no relevant evidence. I can authenticate Exhibits 1-13 and have maintained chain of
16 custody as to all. I am also familiar with the interview transcript of Jordan Breyer, which
17 accurately reflects the interview I conducted.
18

19 **Introduction**
20

21 On October 21, 2021, at approximately 0930 hours, film producer and actor Jordan Breyer was at
22 the Strawberry Creek Ranch working on a new project, *Spur*, a western film in which Breyer was
23 also the lead actor. While on set, Breyer was holding a prop gun for filming. The gun fired a live
24 round that shot and killed cinematographer Jay Yoo. The round also ricocheted and struck
25 another crew member, Kyrie McLorg. Yoo was taken to the hospital by helicopter immediately
26 following the shooting and was pronounced dead on arrival. McLorg was taken to the hospital by
27 ambulance and was treated by on-site medical personnel. Following the incident, the Los
28 Angeles County Sheriff's Office opened an investigation to determine who, if anyone, was
29 responsible for weapons handling on set and the eventual shooting.
30

31 **Investigator Background**
32

33 My name is Averie Laycook. I am a deputy sheriff in the Los Angeles County Sheriff's Office
34 and have been a law enforcement officer since 2000. I have been a detective in the homicide
35 investigation unit since 2008. I earned my B.A. in criminology from San Jose State University
36 and my M.S. in forensic science from the University of Hawai'i. I completed Police Officer
37 Standards Training ("POST" certification), which is a six-month course focused on law
38 enforcement and crime investigation techniques. I also obtained a certification in crime scene
39 analysis, including ballistics, blood spatter analysis, evidence collection and preservation, and
40 gunshot residue testing. Today, I teach classes on firearms forensic investigations to the
41 Association of Firearm and Tool Mark Examiners ("AFTE").
42

43 I also have extensive experience in studying and applying best practices for firearms safety. I've
44 attended seminars and training programs on firearms handling and storage. I hold a Firearm
45 Safety Certificate issued by the California Department of Justice. I am also a state certified
46 firearms safety instructor and have lectured widely at law enforcement academies on how to
47 establish and maintain safe weapons protocols in personal and professional settings.
48

49 To date, I have participated in over 450 investigations, including nearly a dozen homicide
50 investigations. I have led 28 cybercrime or cybersecurity investigations. Since joining the

51 LACSO, I have continued to develop my training and experience in homicide investigations.
52 Specifically, I completed a specialized course covering all essential skills for homicide
53 investigations. These included: crime scene and case management, forensic pathology, homicide
54 law and case preparation, homicide interviews and interrogations, electronic investigations,
55 investigative resources, and interacting with the victim's family.

56

57 **Narrative**

58

59 **I. Notification**

60

61 On October 21, 2021 at 0900 hours, I was working as LACSO Patrol Unit 2A20 with my partner
62 Officer S. Walker. We were both wearing full police utility uniforms and operating fully marked
63 patrol vehicle #1507. We were on routine patrol in the unincorporated territory of north Los
64 Angeles County. I have worked in this area for more than 2 years.

65

66 At 0946 hours on October 21, 2021, I was dispatched to the Strawberry Creek Ranch in
67 unincorporated territory of Los Angeles County, California. Dispatch advised that the ranch was
68 currently in use as a film set and that during rehearsal, a gun was fired, resulting in two crew
69 members being shot, with one in critical condition. According to the 911 caller, the shooter was
70 film producer and actor Jordan Breyer. I immediately responded and arrived on scene at 1004
71 hours. While en route, I placed a call for paramedics.

72

73 **II. Initial Observations**

74

75 Upon arrival, I observed a large, open dirt patch surrounded by vehicles, trailers, tents, and film
76 equipment. Upon arrival a person later identified as Jordan Breyer immediately approached me
77 and directed me to a church in the center of the property. Breyer appeared shocked and confused.
78 I asked how Breyer was feeling, and Breyer responded "I'm not feeling good. I just shot
79 someone! It's not okay." Paramedics then arrived on scene and accompanied us into the church.
80 Once inside, I saw crew members huddled around two individuals, later identified as Jay Yoo
81 and Kyrie McLorg. Yoo appeared to be in critical condition and had suffered a gunshot wound to
82 the abdomen. Yoo was bleeding profusely and falling in and out of consciousness. I heard Yoo
83 say, "pointed it right at me...you said it was fake, J!" Additionally, McLorg was lying a few feet
84 away and appeared to suffer from moderate bleeding to the left shoulder and was conscious. I
85 asked paramedics to transport both of them to the Strawberry Creek Medical Center. Yoo was
86 taken to the hospital by helicopter, and McLorg was taken in an ambulance. I later learned that
87 Yoo was pronounced dead after arrival.

88

89 I began a follow-up investigation to determine who was responsible for bringing the rounds onto
90 set, why the ammunition was there, and then ultimately who was responsible for the safety of
91 that firearm before the shooting.

92

93 **III. Witness Interviews**

94

95 After prioritizing the medical emergency, I promptly secured the scene. I ordered everyone on
96 the set to stand aside and wait together near the parked vehicles and trailers. At the time, I
97 estimated that there were approximately 40 cast and crew members total. With the assistance of
98 other deputies, I set up a tape perimeter to preserve the evidence on scene. Afterwards, I returned
99 to the crowd and began conducting interviews.

100

101 When I returned to the parking area, I noticed that the size of the group had diminished
102 considerably. The remaining individuals were huddled into a crowd and talking together. I got
103 their attention and asked the crowd if others had left, and someone shouted that about a dozen
104 crew members left while I was securing the scene. The reported reason was an “ongoing protest”
105 of the working conditions and pay for crew members on set. Despite diligent follow-up efforts, I
106 was unable to contact or interview these individuals.

107

108 I conducted interviews of each of the remaining individuals. The crew members provided
109 substantially similar accounts and repeated sentiments. The following is a summary of their
110 statements. It is not verbatim:

- 111 • 14 crew members described the set conditions as chaotic, confusing, and unorganized.
- 112 • Several crew members complained about set conditions. Specifically, they stated that
113 safety meetings were not effective and gun handling trainings weren’t helpful. “They
114 don’t care about workers, just schedule and budget. All they wanted to do was rush, rush,
115 rush.”

116

117 I asked the remaining workers about their experiences with safety meetings on set. They told me
118 that Breyer and the armorer, L.V., would meet for 30 minutes every week and tell them, “even
119 though there’s no real ammunition on set, we still need to be careful. Make sure you’re
120 supervised by a professional if you ever handle a prop gun.” The staff further reported that
121 occasionally, Breyer and L.V. would pull up a YouTube video to show them gun safety
122 practices, but other than that, there was no formal training by any outside professionals.

123

124 I also asked the crew members on scene if they had any knowledge of real ammunition being
125 handled or stored on set. Several individuals reported that they believed so. When I pressed them
126 for further details, they advised that certain crew members would often take prop guns and shoot
127 beer bottles and cans during their lunch breaks. When asked for the names of these individuals,
128 they declined to answer or related that they could not remember.

129

130 Finally, I asked the crew members if there was any history of accidents on set before today. The
131 crew members related that in the preceding weeks, two prop guns fired by accident and without
132 warning. Several witnesses indicated that they were present and personally observed these
133 incidents, and that nobody was hurt, because they were only prop guns with dummy ammunition.
134 Still, the crew members related that these accidents were a source of further frustration with the
135 disorganization on set. This further contributed to many crew members’ decisions to boycott the
136 project or quit in protest of working conditions.

137

138 **IV. Evidence Collected**

139

140 I returned to the set to collect physical evidence. I observed a revolver-style handgun (Hart &
141 Wechsler Model 55) on the floor next to the church pews. To avoid contamination, I placed the
142 firearm in an evidence bag and brought it to the lab for testing. Approximately 7 feet away, I also
143 located a spent shell casing. I suspected this to be from the bullet that was fired from the gun.
144 Based on my training and experience with firearms, I found this to be unusual, since revolvers do
145 not eject shell casings when discharged. Instead, the gun must be opened in order to empty each
146 chamber. I collected the shell casing as evidence and sent that to the lab as well.

147

148 I then collected all ammunition on scene, which I found located across the set, in the armory, and
149 in several trailers. There was a total of 500 rounds. Upon further inspection, I believed them to

150 contain a mix of blank ammunition, dummy rounds, and possibly live rounds. Most notably,
151 there was no clear organization of ammunition on set. I booked all the rounds as evidence and
152 sent them to our ballistics lab for further analysis and testing.

153
154 As I was canvassing the scene, assistant director Sage Cleveland was standing nearby. As I
155 walked by, Cleveland spontaneously stated “I didn’t inspect every round in every chamber of
156 every gun on set” and that the gun Breyer was using turned out to have a “lead projectile” inside.
157 In the firearms industry, we would consider it a live round because it did fire from the weapon,
158 killed Yoo, and injured McLorg.

159
160 When asked for clarification, Cleveland stated that the gun went off during rehearsal of a scene
161 where Breyer, seated on a church pew, pulls the firearm from its holster and aims directly
162 “towards the camera lens.” The assistant director explained that they and armorer L.V. were
163 checking the camera angle at the time, and that they told Breyer they were using a “cold gun”
164 just before the shot. L.V. told me they always checked weapons to make sure they contained no
165 live ammunition. Neither individual could provide any information about whether Breyer pulled
166 the trigger. And while I am aware that it is possible in rare circumstances for a gun to fire
167 accidentally without pulling the trigger, based on my training and experience, I do not believe
168 this was the case here. I did not closely inspect or perform research on the firearm in question for
169 this case because it was not necessary.

170

171 **Interview of Jordan Breyer**

172

173 Following my on-scene investigation, I interviewed Jordan Breyer. I asked Breyer to accompany
174 me back to our field office to speak in private, and Breyer agreed. Breyer was neither detained
175 nor under arrest at any point. Before the interview, I read Breyer the Miranda rights verbatim off
176 of my department-issued Miranda card. Breyer waived those rights, agreed to speak with me, and
177 was willing to cooperate “one-thousand percent” with our investigation. I am familiar with the
178 transcript of the interview. It is a complete and accurate representation of our conversation and
179 my statements during the interview. I am also familiar with all of the exhibits that were shown to
180 Breyer during the interview.

181

182 During our interview, Breyer made three notable admissions. First, Breyer confessed to hiring an
183 armorer to handle firearms on set without knowing much about the person’s true name or
184 experience. Second, Breyer was vague and evasive when asked questions about the details of
185 how the gun fired and how Yoo was shot. Finally, when asked about Breyer’s responsibilities
186 and actions as the producer, Breyer became combative, defensive, and argumentative and then
187 refused to answer my questions.

188

189 **Gun Handling and Storage Investigation**

190

191 **I. Best Practices for Firearms Safety**

192

193 When handled responsibly, firearms can be completely safe. Unfortunately, accidents still
194 happen. In my experience, those accidents are usually the result of a cavalier attitude towards
195 safety. The following are best practices to ensure firearm safety:

196

197 ***Firearms and Ammunition Must Be Stored Securely and Separately***

198 Studies have shown that the likelihood of firearms accidents occurring increases dramatically
199 when firearms and ammunition are stored in the same place. The same is true when firearms and

200 ammunition are not stored in an organized fashion. These risks, however, can be effectively
201 mitigated. Keeping a firearm unloaded and locked away in a safe with the bullets stored
202 separately significantly decreases the risk of injury and death from firearms. The same is true
203 regardless of whether the ammunition in question consists of live rounds or blank rounds.
204

205 On the *Spur* set, I found no evidence to suggest any organized method or system of storage for
206 the firearms or weapons. In fact, based on the materials I reviewed, I found no evidence to
207 confirm that the firearms were stored separately from the ammunition. It appears that the armory
208 consisted of a single portable shed on the Strawberry Creek Ranch property and that all firearms
209 related equipment was stored in the same room. This substantially increases the risk of accidents
210 and injuries occurring. And as we know now, live ammunition was present on set and in the gun
211 that killed Jay Yoo, so there is no doubt that there was a failure in the system of firearms storage
212 on this set.
213

214 ***Guns Should Only Be Handled by a Trained Professional***

215 Firearms require the undivided attention of an experienced expert. Reports of witnesses on scene
216 indicate that the firearms were handled by people other than just the armorer, including the
217 producer, the assistant director, and even crew members. Other staff members reported seeing
218 the crew taking firearms out to shoot target practice for fun during their breaks. This is a serious
219 violation in firearm handling protocol.
220

221 ***Firearms Must Be Repeatedly Checked***

222 A firearm must be meticulously inspected every time it changes hands. There are inconsistent
223 reports of how, if at all, the firearm that shot Jay Yoo was prepared and checked. But there is no
224 doubt that someone failed to do their job – if the gun was properly checked, the live ammunition
225 would have been identified. I found no evidence that there was a specific chain of command to
226 verify that a gun was empty before the gun was handed to actors before scenes were rehearsed or
227 filmed. Nor did I find any evidence of records or log sheets showing who checked out weapons,
228 when they were checked out, and when they were returned. Because of this, we cannot establish
229 the exact chain of custody of the firearm in question.
230

231 ***Firearms Must Be Shown to Everyone Involved in Their Use***

232 It is just as important to ensure that other people on set know the weapon itself is safe to use.
233 Once a firearm is inspected to make sure it is empty and ready to handle, it should be shown to
234 everyone who is going to handle it. Here, I found no evidence that the gun was shown to other
235 people on set, including Jay Yoo. Reports also indicate that other crew members were present on
236 the set as well. This is particularly concerning given that the scene in question involved Breyer
237 pointing the prop gun at the very camera that Jay Yoo was operating (and therefore, standing
238 behind).
239

240 ***Firearms Must Remain Empty Until Absolutely Necessary***

241 It's also standard protocol for a firearm to be empty until it is going to be used. This is true even
242 if that use is only firing blanks – special cartridges containing gunpowder but no bullet. Due to
243 the pressure from the explosion and the particles of burnt and unburnt gunpowder expelled from
244 the barrel, blanks can also pose a danger at short range.
245

246 Clearly, the gun in this case was not empty. And not only was it loaded with a cartridge, it was
247 loaded with a live round. At the very least, when Breyer was rehearsing the cross-draw and aim
248 scene, the gun should have been empty. However, it is unclear whether the scene to be filmed
249 required a gunshot at all. Nevertheless, had there been an organized system of checks in place to

250 ensure that the firearm was necessary before the rehearsal began, this shooting never would have
251 happened.

252

253 **II. Responsibility for the Spur Shooting**

254

255 I then turned to the question of whether anyone on the film crew acted contrary to the standards
256 of care stated here. When I teach gun safety trainings, I always highlight one basic rule: never
257 point a gun at another person unless you are intending to shoot them. Never point a gun at
258 something you do not intend to destroy. All guns are presumed to be always loaded. Even if they
259 are not, it is my practice to treat them as if they are. This is a rule that I enforce, and that
260 everyone should follow.

261

262 When assessing responsibility, the buck stops with Jordan Breyer on every level. The executive
263 producer is in a position of control and therefore has a responsibility to make sure that everyone
264 on your set is safe. And while Breyer was handed the gun in question by someone else, it was
265 incumbent upon Breyer to make sure there were no live rounds inside – especially since Breyer
266 was the one handling it. Therefore, as a person in a position of control and the person handling
267 the gun, Breyer should have ensured that the armorer had sufficient resources to keep the set safe
268 and should have ensured that the set was safe at every step.

269

270 **Findings and Recommendations**

271

272 Here, it is unclear who was responsible for bringing the live rounds onto the *Spur* set or why the
273 live ammunition was there. Additionally, it appeared that no one person was responsible for the
274 safety of that firearm up until the shooting. This was confirmed by the chaotic nature of the
275 scene; conflicting reports from witnesses and production staff about why the gun was live and
276 how the shooting happened; and the disorganized nature of the firearms and ammunition on set.

277

278 I conclude that there were several egregious violations of best practices for firearms safety on the
279 *Spur* set on and leading up to October 21, 2021. As both the producer of the film and the actor who
280 fired the gun, these failures are attributable to Jordan Breyer.

281

282 I am forwarding this report to the Los Angeles County District Attorney with recommendations
283 for charging for involuntary manslaughter.

284

285 NOTHING FURTHER.

1 **INTERVIEW TRANSCRIPT OF JORDAN BREYER**

2
3 LOCATION: Los Angeles County Sheriff's Office

4 DATE: October 22, 2021

5 TIME: 1608 hours

6
7 *****

8
9 LAYCOOK: Okay, we're recording. It's October 22, 2021 at 4:08
10 p.m. I'm here with Jordan Breyer. I'm Deputy Averie Laycook.

11
12 BREYER: Okay.

13
14 LAYCOOK: So Jordan, before we get started, I need to read you
15 something. You have the right to remain silent. Anything you say
16 can and will be used against you in a court of law. You have the
17 right to an attorney. If you cannot afford a lawyer, one will be
18 provided for you. Do you understand these rights as I have read
19 them to you?

20
21 BREYER: Yes, and I'm willing to speak with you. I will cooperate
22 one thousand percent with your investigation. And I support
23 anything that will keep this from happening again.

24
25 LAYCOOK: Okay, great. Thanks. So I want to start by showing you
26 some documents. These are marked as Exhibits 1 through 13. Let
27 me know if you've seen them before.

28
29 BREYER: Exhibits 1 and 2 are the Spur film set. Exhibits 3 and 4
30 are the armory and the prop guns. Exhibit 5 is the gun I was
31 rehearsing with. Exhibit 6 is the bullet that was in it, I
32 guess. Exhibit 7 is the 911 that two of our crew members placed
33 after the accident. I know because I heard the whole thing.
34 Exhibit 9 is an email I sent about our armorer. Exhibit 12 is
35 the cover of a gun safety handbook that our armorer gave to
36 everyone after our training. I've never seen Exhibits 8, 10, 11,
37 or 13.

38
39 LAYCOOK: Okay, thanks. So I already know who you are from your
40 work - big fan, by the way. But why don't you start by telling
41 me about yourself just so we get it recorded here.

42
43 BREYER: I grew up right here in Southern California. My family
44 has been in the film industry for generations as producers,
45 directors, screenwriters, actors. I followed in their footsteps.
46 Been producing and acting for over 20 years now.

47
48 LAYCOOK: Right. Okay, so what project were you working on here?
49

50 BREYER: It's a new western film called Spur. I'm the producer
51 and lead actor. I booked the Strawberry Creek Ranch for filming.
52
53 LAYCOOK: Let me stop you right here. Why'd you film it out
54 there?
55
56 BREYER: We wanted a natural and realistic set. Studio sets and
57 greenscreens just don't work if you want to do an authentic-
58 feeling western film. Plus, the crew was big and the budget was
59 pretty tight, so it was less of a cost for us than booking one
60 of those big sound stages or studio backlots.
61
62 LAYCOOK: Sounds like money was important.
63
64 BREYER: Of course it was. I mean, look, we're artists but we're
65 also business people. People look at the entertainment industry
66 and think it's all fun and games, but it isn't like that. We're
67 a business first. We do this to support ourselves and our
68 families. And I have a whole crew of actors and assistants who
69 also need to provide for themselves and their families. I have
70 to think about them too.
71
72 LAYCOOK: And Jay Yoo was one of those crew members?
73
74 BREYER: Yes. We were just in the middle of it when . . . this
75 happened. Look, this tragedy was a one-in-a-trillion episode. We
76 were a very, you know, well-oiled crew shooting a film together,
77 and then this horrible event happened. Jay was my friend.
78
79 LAYCOOK: I'm sure. Now why don't we talk about how we got here.
80 Who was in charge of guns on set? Was that you?
81
82 BREYER: No. It was our armorer, L.V.
83
84 LAYCOOK: And who hired L.V.?
85
86 BREYER: I did.
87
88 LAYCOOK: Why did you hire an armorer?
89
90 BREYER: Lots of reasons. You need an expert on a film set with
91 weapons. My plate was full - I was too busy to oversee that and
92 produce the film and act in it. Plus I've never handled guns
93 before. So I needed someone who had.
94
95 LAYCOOK: Alright. Did you work with L.V. before your Spur
96 project?
97
98 BREYER: No.
99

100 LAYCOOK: But you must've known L.V. before, right?
101
102 BREYER: No. I didn't actually.
103
104 LAYCOOK: So how did you meet L.V.?
105
106 BREYER: Some assistant director on my last project recommended
107 L.V. Gave me L.V.'s number, and I got in touch. I hired L.V.
108 after one phone interview.
109
110 LAYCOOK: What did you ask L.V. during your phone interview?
111
112 BREYER: I asked about their experience with guns. L.V. said
113 they've been handling guns their whole life. I asked about their
114 experience working as an armorer. L.V. said they'd worked on
115 about a dozen projects before, and had even been the lead a
116 handful of times. I asked if they had formal training and
117 degrees. They told me that's not really how the armory industry
118 works, you just get experience by working. But that being said
119 they had a Firearms Safety Certificate. Now I didn't know
120 exactly what that meant or if it was hard to get, but I felt
121 reassured. I was really impressed with L.V.
122
123 LAYCOOK: You keep saying L.V.; do you know their full name?
124
125 BREYER: I don't.
126
127 LAYCOOK: So let me get this straight. You hire someone to handle
128 guns on your set without knowing that person's true legal name?
129
130 BREYER: Look, that's just part of the industry. Artists, actors,
131 musicians, they all brand themselves. We're all just trying to
132 make it work for ourselves. It's not suspicious or anything.
133
134 LAYCOOK: Did you do a background check?
135
136 BREYER: What do you mean?
137
138 LAYCOOK: I mean, did you do a background check on L.V. before
139 making the hire?
140
141 BREYER: Not a formal one.
142
143 LAYCOOK: So you did an informal one?
144
145 BREYER: What are you saying?
146
147 LAYCOOK: I'm saying, what exactly did you do before you hired
148 L.V. to be in charge of the guns on your movie set?
149

150 BREYER: I got a referral. I spoke to people in the industry. I
151 did a few quick internet searches and didn't find any red flags.
152
153 LAYCOOK: Who was the referral?
154
155 BREYER: That assistant director on my last project. They gave
156 L.V. high praise.
157
158 LAYCOOK: Who were the other people you spoke to?
159
160 BREYER: Just people in the industry. Actors, directors,
161 producers. I asked around and other people said L.V. was
162 experienced and reputable.
163
164 LAYCOOK: Can you give me their names?
165
166 BREYER: I don't remember who exactly.
167
168 LAYCOOK: And yet, you trusted them?
169
170 BREYER: Yes, I trusted them. Look, that's just how the industry
171 works. It's a tight knit community, and we all help each other
172 out. So no, I didn't get a P.I. to snoop into a professional
173 colleague that I wanted to hire.
174
175 LAYCOOK: Did you ever check to see if L.V. had gun licenses?
176 Safety certification? Anything?
177
178 BREYER: Other than what they told me? No. I don't even think
179 that stuff is public.
180
181 LAYCOOK: I'm showing you an article about L.V. It's marked as
182 Exhibit 10. I found this myself with a simple Google search. You
183 ever see this before?
184
185 BREYER: No, never. I didn't know this was about L.V. And I had
186 never heard about these accidents either. So I can't tell you
187 about what happened there or whose fault it was. But I can tell
188 you - knowing about this now - that if I ever saw this before I
189 hired L.V., I would've looked into it more.
190
191 LAYCOOK: Let's talk about the gun you were using. It was a Hart
192 & Wechsler Model 55 right?
193
194 BREYER: A modified one, yeah.
195
196 LAYCOOK: How much do you know about Hart & Wechsler guns?
197
198 BREYER: What do you mean?
199

200 LAYCOOK: Look at this, I'm showing you a recall notice. It's
201 marked as Exhibit 11. I also found this myself with a simple
202 Google search. You ever see this before?
203
204 BREYER: No, I didn't. And if someone else did, they didn't show
205 it to me.
206
207 LAYCOOK: Was this the same gun that you were using when those
208 other accidents happened?
209
210 BREYER: What other accidents?
211
212 LAYCOOK: Your crew members reported that over the past few weeks
213 there were two accidents with prop guns firing on set. Both
214 without warning. Recall any of those details?
215
216 BREYER: I don't know.
217
218 LAYCOOK: You don't know if that happened, or you don't know
219 about the details?
220
221 BREYER: That might have happened. I just don't remember exactly
222 when or any of the details if it did. All I know is that nobody
223 was hurt before Jay. It was a safe set.
224
225 LAYCOOK: You keep saying you don't remember any details about
226 these prop gun accidents before Yoo was shot. Weren't you always
227 on scene during rehearsals and filming? This was your film and
228 you were the producer, right?
229
230 BREYER: Sure, I was always there on set.
231
232 LAYCOOK: Were you ever told about how to handle prop guns and
233 weapons?
234
235 BREYER: Sure, even though we were only using props, L.V. led
236 some safety trainings for everyone. I was there.
237
238 LAYCOOK: What about live ammunition on set? Were you aware of
239 any real bullets being on set before Yoo was shot?
240
241 BREYER: Absolutely not. And if I was aware, I would have fired
242 anyone who did that immediately.
243
244 LAYCOOK: Were you aware that your crew members were using your
245 prop guns to shoot real bullets? Doing target practice during
246 their breaks?
247
248 BREYER: Who said that?
249

250 LAYCOOK: Your crew.
251
252 BREYER: Names?
253
254 LAYCOOK: Let's stay on topic. Is that true or not?
255
256 BREYER: If they said that, I don't know where that came from.
257 And I never saw anything like that happening on my set. Again,
258 if I did, I would have fired those people immediately.
259
260 LAYCOOK: Okay. Let's turn to how Yoo got shot. How did you get
261 the gun that day?
262
263 BREYER: I was in the church getting ready for rehearsal. L.V.
264 walked up and gave it to me. L.V. said, "here, this is for your
265 practice reps."
266
267 LAYCOOK: Did L.V. say whether they checked it?
268
269 BREYER: I thinks so.
270
271 LAYCOOK: You think? You're not sure?
272
273 BREYER: I think L.V. told me something, yeah. I usually listen
274 for L.V. to tell me that to be safe, but I'm not sure if L.V.
275 actually said that this time.
276
277 LAYCOOK: Did you see L.V. check it? Did you open the chamber to
278 look yourself?
279
280 BREYER: No and no. I trusted L.V. That's why I hired L.V.
281
282 LAYCOOK: Was there anyone else with you when L.V. gave you the
283 gun?
284
285 BREYER: No, just L.V. and me. Some other crew members were over
286 by the cameras, but it was just L.V. and me on set.
287
288 LAYCOOK: Did someone else check the gun before you took it? Like
289 your assistant director? Yoo or another cinematographer? A crew
290 member? Anyone?
291
292 BREYER: No, just L.V. Because that was L.V.'s job.
293
294 LAYCOOK: Alright. So you get the gun, you start rehearsing, then
295 what?
296
297 BREYER: Well I was rehearsing this scene where I'm supposed to
298 draw the gun. So I did that about two or three times.
299

300 LAYCOOK: And during those first two or three times with your
301 practice draws, did you notice anything unusual about the gun?
302
303 BREYER: Not sure.
304
305 LAYCOOK: But it sounds like the gun was moving around quite a
306 bit.
307
308 BREYER: Sure, you could say that.
309
310 LAYCOOK: Would you say that?
311
312 BREYER: I guess. I mean I was drawing the gun from my holster,
313 then aiming it at the camera. Then I would re-holster it and
314 practice that motion again with my lines in the film.
315
316 LAYCOOK: So what happened next?
317
318 BREYER: During one of my practice runs, the gun just goes off.
319 It explodes and the recoil knocks me back. It all happened so
320 fast. I was shocked.
321
322 LAYCOOK: Then?
323
324 BREYER: I saw Jay fall. I thought Jay fainted. The notion that
325 there was a live round in that gun did not dawn on me till
326 probably 45 minutes to an hour later.
327
328 LAYCOOK: When you were rehearsing, did you turn on the safety?
329
330 BREYER: Obviously not, otherwise it wouldn't have gone off. But
331 I also didn't know it was loaded, so why would I put the safety
332 on?
333
334 LAYCOOK: You tell me. Aren't you supposed to?
335
336 BREYER: Ask your next question.
337
338 LAYCOOK: Did you know the gun had a live round of ammunition in
339 it?
340
341 BREYER: No, I didn't know the gun was hot.
342
343 LAYCOOK: Did you put your finger on the trigger?
344
345 BREYER: I don't know. I don't remember. I don't recall. But all
346 I can tell you is that I would never point a gun at anyone and
347 pull the trigger. Never.
348

349 LAYCOOK: Were you ever trained about whether to put your finger
350 on the trigger?
351
352 BREYER: Sure, the rule I've always been taught is to put your
353 finger outside the trigger guard, parallel to the barrel. Not
354 actually on the trigger itself, just next to it.
355
356 LAYCOOK: And why do you think that rule exists?
357
358 BREYER: Because accidents can happen if you hit the trigger by
359 accident. You could bump it or trip the firing mechanism even if
360 you don't intend to shoot.
361
362 LAYCOOK: Were you taught that rule during your gun safety
363 trainings?
364
365 BREYER: Yeah, L.V. did mention that.
366
367 LAYCOOK: Were you also taught to personally check any gun you're
368 holding to make sure it's unloaded?
369
370 BREYER: I remember being told that too.
371
372 LAYCOOK: But you don't remember whether you followed that
373 training in this case?
374
375 BREYER: I said already. My friend died. I was in shock. I don't
376 know. I don't remember. I don't recall.
377
378 LAYCOOK: Well, you're never supposed to point a gun at anyone on
379 a set, no matter what, right?
380
381 BREYER: Unless the person is the cinematographer who's directing
382 me where to point the gun for their camera angle. That's exactly
383 what happened. And there was never supposed to be a real bullet
384 on set at all. Someone put a live bullet in a gun, a bullet that
385 wasn't even supposed to be on the property. And this was a
386 misfire, an accident. Someone is responsible for what happened,
387 and I can't say who that is. But I know it's not me.
388
389 LAYCOOK: But again, you're the producer, aren't you?
390
391 BREYER: Yes, and L.V. is the armorer. I did my job. I hired an
392 armorer. And that armorer apparently didn't do their job. That's
393 not my fault.
394
395 LAYCOOK: Alright Jordan. I think we're done here.
396
397 < TRANSCRIPT ENDS > OCTOBER 22, 2021, 4:25 P.M.





EXHIBIT
3



EXHIBIT
4







LOS ANGELES COUNTY SHERIFF'S OFFICE - 911 DISPATCH
TRANSCRIPT OF 911 CALL
October 21, 2021, 9:42 a.m.

RECORDING BEGINS
TRANSCRIPT BEGINS

DISPATCHER: 9-1-1. What's the location of your emergency?

CALLER 1: Strawberry Creek Ranch. We've had two people accidentally shot on a movie set by a prop gun. We need help immediately. Strawberry Creek Ranch, come on.

DISPATCHER: Stay on the phone with me. We're going to get some help, okay?

CALLER 1: Okay.

DISPATCHER: What is your name? Don't hang up, okay? Hold on just one second.

CALLER 1: It sounds like somebody else is calling for two ambulances. We better (unintelligible) get (unintelligible) everybody should be (unintelligible). We need some help. Our cameraperson and a crew member has been shot. Are they gonna take them to the road?

DISPATCHER: So was it loaded with a real bullet or what -

CALLER 1: We don't - I don't - I cannot tell you that.

DISPATCHER: Okay.

CALLER 1: We have two injuries from a movie gun shot.

DISPATCHER: Okay. We're getting them out there already. Just stay on the phone with me, okay?

CALLER 1: Okay. And this (unintelligible) assistant director that yelled at me at lunch - asking about revisions, this (unintelligible). Did you see them (unintelligible) and yell at me? They're supposed to check the guns, they're responsible for what happens on the set.

DISPATCHER: How many?

CALLER 1: No, no, no, I'm a script supervisor.

DISPATCHER: How many people are injured?

CALLER 1: (Unintelligible) Two. That I know of. I was sitting. We were rehearsing. And it went off. And I ran out. We all ran out. They were doubled over the AD. And the cameraperson and the direct - and the director. They're clearing the road. Can you come back? We're back on the ran - we're back in the town. What's it called? We're back in the Western town.

DISPATCHER: Is there any serious bleeding?

CALLER 1: I don't know. I ran out of the building.
(Unintelligible)

DISPATCHER: (Unintelligible) I still have to go through these. Okay. Are they completely alert?

CALLER 1: We don't know.

DISPATCHER: (Unintelligible)

CALLER 2: Hello?

DISPATCHER: Hi, I have a protocol of questions I need to ask. If you can just answer them as best you can, okay? Are they completely alert?

CALLER 2: Um, yeah, they, they are alert.

DISPATCHER: Okay. What part of the body was injured?

CALLER 2: Uh, I'm not sure, I'm not in there. Uh...

DISPATCHER: Okay, that's fine. Is there more than one wound?

CALLER 2: Uh, I think there's one on, on, on two individuals.

DISPATCHER: One wound on two individuals? Okay.

CALLER 2: Yeah.

DISPATCHER: Okay. I'm sending the ambulance over to you now and I'll tell you exactly what to do next, okay?

CALLER 2: Okay.

DISPATCHER: I'm going to tell you how to stop the bleeding. Listen carefully and make sure we do it right. Um...

CALLER 2: We do, um, we do have a medic on set.

DISPATCHER: Medic on set? They're already doing that?

CALLER 2: I believe so, yeah.

DISPATCHER: Is the bleeding controlled?

CALLER 2: Um, let's see if I'm allowed to get as close as needed...no...

DISPATCHER: Where on the set are you guys?

CALLER 2: We, uh, we've got one man down.

DISPATCHER: Where on the - where on the property are you guys?

CALLER 2: We're on the, uh...we'll, we'll have...I can have a van.

DISPATCHER: Okay.

CALLER 2: It'll be gate one. Um, and I see that we have a can out there so that way we could, uh, kind of escort you out here.

DISPATCHER: Okay. They're getting there as quick as they can. Um. Help is on the way, okay?

CALLER 2: Okay.

DISPATCHER: If you get any more information or if anything gets worse in any way, call us back for further instructions.

CALLER 2: Gotcha.

TRANSCRIPT END

RECORDING END

Office of the Medical Examiner County of Los Angeles

Autopsy Report
Case Number: 2021-1385
Subject: Jay Yoo
Examiner: Dr. Jaleel Chandler, M.D.
Date: October 22, 2021

| | | | | |
|--|-------------------------|--|-----------------------|-----------------------|
| SUBJECT NAME: Jay Yoo | | BODY IDENTIFIED BY: Kyrie McLorg | | |
| AGE: 34 | HEIGHT: 5' 9" | WEIGHT: 180 lbs | EYES: Black | HAIR: Brown |
| CHARACTERISTICS: Examination was performed at 4:17 p.m. on October 22, 2021, one day after subject was declared dead at Strawberry Canyon Medical Center in Los Angeles, California. According to the treating physicians, subject was admitted for care at 11:24 a.m. on October 21, 2021 after suffering a gunshot wound to the abdomen. Subject was conscious on arrival, but in critical condition. Also present was Los Angeles County Deputy Sheriff Averie Laycook. | | | | |
| MEDICAL HISTORY: Subject was in good health and had little negative medical history. Medical records revealed a mild case of asthma (for which they took regular medication) and mild heart arrhythmia. | | | | |
| FINDINGS: <p>External Examination: Only externally visible trauma is circular wound to the lower left abdomen, and a matching circular wound to the lower left back. This is consistent with gunshot entry and exit wounds. Both wounds are oval-shaped with maximum diameter of 1.8 centimeters. Dried blood identified surrounding both wounds. Light gunpowder also present around both wounds. Wound circumference and shape indicate subject shot at distance ranging from 10 to 20 feet.</p> <p>Internal Examination: Body opened with Y incision. Chest cavity appears normal. All organs present. Front abdomen wound appeared to be entry wound; lower back wound appeared to be exit wound; Injuries consisted with bullet removed from shoulder of witness McLorg, confirmed to be standard 9 mm round.</p> | | | | |
| CONCLUSION: Probable cause of death is massive trauma caused by gunshot wound to abdomen. Subject then suffered from a serious internal bleeding (hemorrhage) resulting in organ failure and death. | | | | |

FROM: Breyer, Jordan <jordan.breyer@breyerfilmstudios.com>
TO: Cleveland, Sage <sage@clevelandproductions.com>
DATE: November 12, 2020, 10:48 p.m.
SUBJECT: Armorer

Sage,

I think we found our armorer.

Their name is L.V. The assistant director on my last project made the recommendation and put us in touch. Also gave them high praise.

Did some checks. Made some calls, and just got off the phone with a handful of other directors in the industry. L.V. seems legit. I asked around and other producers said L.V. is experienced and reputable. Apparently, L.V.'s parents are longtime Hollywood armorers too.

Did a phone interview yesterday. L.V. has been working as an armorer for a few years now and has been the lead armorer on two projects before this. They're a little green, but L.V. told me they've been handling guns their whole life.

This is a home run for the budget. L.V. can focus on weapons, we can focus on film. It'll be a safe set.

– JGB

ENNEurekaNewsNetwork

WEDNESDAY, JUNE 12, 2019

A Call to Arms: Firearms in Film Needs Fixing

BY L. WANG | SENIOR STAFF

LOS ANGELES, CA — Props departments typically use real guns on movie sets, though models, cap guns, and nonfunctional firearms may also be options. As a rule, however, they do not use live ammunition. Additionally, film producers use blanks to re-create the effect of firing a gun, sometimes with added powder to amp up the effect of the blast onscreen. But in the firearms industry, it is well accepted that blanks can do damage, too — particularly when fired at closed range. Because of this, even prop guns, blank rounds, or dummy ammunition can result in accidents. The bottom line: guns — real or fake — can be dangerous.

Recently, film firearms specialists have come under fire for mishandling weapons on set. In Los Angeles, the attention has turned to one person in particular: El von Schmitt.

Von Schmitt — colloquially known in the industry as “L.V.” — was just fired from the set of *Habeas Corpus* in 2019 after a crew member incurred a minor and temporary injury when a gun unexpectedly discharged, a producer on the project told ENN News.

Von Schmitt, too, reportedly had a history of not adhering to safety measures. Anonymous crew members reported that the young armorer was the subject of numerous complaints on their previous film just two months earlier after they discharged weapons without warning.

Today, von Schmitt is 22 years old. They had been working as an armorer for less than a year when they took the *Habeas Corpus* job, their second as an armorer. The child of a well-known Hollywood armorer named Kristoph von Schmitt, El von Schmitt apparently represented to crew members that they had been “handling guns for [their] whole life.”

These problems are only the tip of the iceberg. If film sets are going to be safe, we need real change.

When reached for comment, von Schmitt declined.

==o0o==

L. Wang is a senior staff member at ENN. They can be contacted at l.wang@enn.com.

PRODUCT RECALL NOTICE

Hart & Wechsler Model 54 Revolver



Recall Number: S247278
Recall Date: June 6, 2019

Hart & Wechsler Brands, Inc. has determined that several units of the Model 54 six-shot revolver are prone to potential mechanical failures. While this issue is not present in most units, Hart & Wechsler is implementing an all-unit recall out of an abundance of caution. The company estimates that this defect affects approximately 3,000 units of the 75,000 Model 54 firearms manufactured to date.

Defect: A manufacturing defect in the production process installed parts in certain units that affect the firing mechanism of the gun. Specifically, defective guns are more sensitive to outside forces which may cause the gun to inadvertently fire.

Hazard: If the defect occurs while the gun is loaded it may result in an accidental firing, which can cause serious injury or death.

What To Do: Owners of the Model 54 should immediately stop use of the gun and have it inspected by a firearms specialist to determine if the gun is safe for continued use. Owners may also contact the manufacturer directly to receive a replacement model or a full refund of the purchase price.

Visit productsafety.ca.gov for additional details
and contact information



