

**STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT**

**STATE OF NEW MEXICO,**

**Plaintiff,**

**vs.**

**No. D-202-CR-2026-00405**

**TIMOTHY BUSFIELD,**

**Defendant.**

**DEFENDANT’S MOTION TO QUASH GRAND JURY INDICTMENT**

Defendant Timothy Busfield, through undersigned counsel, moves this Court pursuant to *Herrera v. Sanchez*, 2014-NMSC-018, ¶ 17, 328 P.3d 1176, to dismiss the Indictment against him. Consistent with its conduct during its investigation, Mr. Busfield’s arrest, and through the detention hearing process, the State has abdicated its role of administering justice and instead pursued an Indictment against Mr. Busfield at the cost of the evidence, Mr. Busfield’s rights, and the independence and integrity of the grand jury. The grand jury prosecutor’s actions — repeatedly misstating the law to the grand jury and forsaking his obligation to facilitate the proceedings in a fair and impartial manner — constitute structural error requiring dismissal.

**I. INTRODUCTION**

Since its investigation, the State — both by way of the Albuquerque Police Department and the Office of the Second Judicial District Attorney — has remained willfully blind to the lack of evidence underpinning its case and stubbornly unmoved by the overwhelming evidence of Mr. Busfield’s innocence. The evidence demonstrates that the allegations are patently false, implausible, and the result of an expressed vendetta against him. Aware of the State’s devoted

adherence to its own faulty position, Mr. Busfield did not expect the prosecution to present this mountain of exculpatory evidence to the grand jury.

For months, the State has possessed and been aware of: 1) the independent Warner Brothers' ("WB") investigations that found no evidence to corroborate the claims against Mr. Busfield; 2) the polygraph examination Mr. Busfield passed and that asked specifically whether Mr. Busfield ever touched S.L. inappropriately; 3) multiple witness accounts that the parents of the two minors at issue not only have a history of defrauding others, but also that they stated that they would "get" Mr. Busfield after their children, on whom they depended financially, were not asked to return to the cast of *The Cleaning Lady*; and 4) nine sworn witness affidavits that explain that the conduct alleged in the Criminal Complaint is not only implausible, but likely impossible given the nature of the working environment on set. As the defense stated at the detention hearing, there is not a universe in which the State could prove this case beyond a reasonable doubt.

Because Mr. Busfield knew better than to expect the grand jury prosecutor to present any of this evidence to the grand jury, and because he remains committed to fighting a fundamentally unjust prosecution, he elected to testify before the grand jury on his own behalf. In doing so, he relied on the structural protections the grand jury statutes guarantee every target: that the prosecutor accurately instruct the grand jury on the law, act as an impartial facilitator rather than an advocate, and allow the grand jury to seek evidence beyond what the State initially presents. The grand jury prosecutor honored none of these required protections. Instead, he mounted a strategic campaign to undermine every piece of exculpatory evidence Mr. Busfield sought to present, misstated the law on polygraph admissibility and the grand jury's authority to call witnesses, and conducted a proceeding that entirely abandoned his duty of neutrality — attacking Mr. Busfield's character, blocking testimony the prosecutor did not wish the grand jury to hear,

and ultimately foreclosing the witnesses the grand jury itself repeatedly asked to call. The result was an indictment that no fair grand jury, properly instructed and permitted to hear the evidence, would have returned — and a deprivation of the grand jury’s fundamental “duty to protect citizens against unfounded accusations whether they come from the government or others, and to prevent anyone from being indicted through malice, hatred or ill will.” *State v. Ulibarri*, 1999-NMCA-142, ¶ 10, 128 N.M. 546 (quoting UJI 14-8001 NMRA).

The prosecutor misstated the law, conducted Mr. Busfield’s appearance as if it were an adversarial cross-examination, and — when the grand jury repeatedly asked to hear from witnesses waiting outside the room — foreclosed that testimony through a misstatement law and his invented procedural hurdles. Because these violations are structural, Mr. Busfield is entitled to dismissal without any showing of prejudice. *Herrera*, 2014-NMSC-018, ¶ 17. This Indictment was obtained through manipulations and perversion of the grand jury process, and it must be dismissed.

## **II. PROCEDURAL HISTORY AND FACTS**

On January 9, 2026, Mr. Busfield was arrested on charges of Criminal Sexual Contact of a Minor (four counts) and Child Abuse (two counts) arising from his work as a director and executive producer on *The Cleaning Lady*, a television series filmed in Bernalillo County, New Mexico. On January 20, 2026, the detention court held a pretrial detention hearing at which Mr. Busfield presented over 200 pages of exculpatory evidence, including crew member affidavits, evidence bearing on the credibility and motivations of the parents of the alleged victims, the results of a passed polygraph examination, and the sworn testimony of Alan Caudillo, the Lead Director of Photography on the show. The State, by contrast, relied exclusively on the allegations in the criminal complaint and the argument of counsel. The Court denied detention and found the weight of the evidence to be “neutral.” Order Denying Pretrial Detention (*Defendant’s Exhibit A*).

**a. Target Notice and Grand Jury Preparation**

The next day the State issued a target notice advising Mr. Busfield that a grand jury would be convened on February 5, 2026. The notice did not specify the time at which proceedings would commence, but required that Mr. Busfield notify the prosecutor by 8:00 a.m. on February 4, 2026 if he wished to exercise his right to testify. Target Notice (*Defendant's Exhibit B*). At 7:30 a.m. on February 4, 2026, counsel for Mr. Busfield notified the District Attorney's Office that Mr. Busfield intended to exercise his right to testify. Email Re: Testimony (*Defendant's Exhibit C*).

On February 5, 2026, Mr. Busfield arrived at the Second Judicial District Courthouse at 8:00 a.m. with his attorneys and checked in with the grand jury prosecutor. He then waited to be called. Mr. Busfield brought with him a list of witnesses, (*Defendant's Exhibit D*), who would be present in the grand jury division waiting area and who were willing to testify, should the grand jury wish to hear from them after his testimony. These witnesses included: Alan Caudillo (Lead Director of Photography); Chris Ford (driver and security for principal actor Elodie Yung); Kristin Karr (production staff); Joe Lotito (Line Producer, Seasons 1–3); Copper Perry (Head of Hair Department); Debra Toner (background/stand-in actor); Jessica Ollech (Head COVID Nurse); and Jonathan G. Pierangeli (polygraph administrator). Grand Jury Transcript at 91:12-20 (*Defendant's Exhibit E*)<sup>1</sup>; Aff. of Alan Caudillo, (*Defendant's Exhibit G*), ¶¶ 3–4. Those witnesses were all present in the grand jury division and stayed until after the proceedings had concluded.

**b. The Prosecution's Grand Jury Presentation**

When the proceedings opened at 8:45 a.m., the grand jury prosecutor, Assistant District Attorney Neal Speer, told the grand jury that there was “one proposed witness” — Detective

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<sup>1</sup> Defendant refers to the transcript of the grand jury proceedings throughout this Motion but also attaches, for the Court's reference, the audio of those proceedings, as *Defendant's Exhibit F*.

Marvin Cook Brown — and noted that “[t]here is a chance the Target will testify.” *Defendant’s Exhibit E* at 2:1–12. The State did not subpoena Detective Brown for his testimony. IPRA Response (*Defendant’s Exhibit H*). Mr. Speer led Detective Brown through an extended discussion of grooming patterns, child disclosure psychology, and the general profile of those who commit child sexual abuse. *Id.* at 3–6.

Mr. Speer then used Detective Brown to prime the grand jury against exculpatory polygraph evidence, eliciting from Brown that New Mexico is “the only state that allows [polygraphs] without significant restrictions,” that they “do not measure lies,” and that someone who “can control their breathing,” or “ha[s] been acting since they were a child” can defeat a polygraph. *Id.* 7:8–8:8; *see also id.* at 56:14–58:4. Mr. Speer elicited further testimony impugning not only polygraph examinations in general, but also the test that Mr. Busfield took, falsely stating that its questions were not specific to the allegations in the case. *Id.*<sup>2</sup> When grand jurors asked questions about who ordered the polygraph, Mr. Speer again used the opportunity to describe the polygraph as unreliable and disfavored by all law enforcement agencies. *Defendant’s Exhibit E* at 61:6:25. Only after Mr. Speer set the stage that Mr. Busfield’s passage of the polygraph was the result of his ability to act – and therefore to lie—Mr. Speer called Mr. Busfield in to testify.

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<sup>2</sup>The polygraph report itself, which the State had in its possession but which Mr. Speer declined to make available to the grand jury, specifies the relevant questions as follows:

1. Regarding whether or not you ever touched the intimate parts of *S[REDACTED] L[REDACTED]*, do you intend to answer truthfully each question about that? Answer: Yes
2. Did you touch that boy’s intimate parts? Answer: No
3. At any time, did you touch that boy’s intimate parts? Answer: No
4. Have you ever touched that boy’s intimate parts? Answer: No
5. Did you touch that boy’s intimate parts at any time? Answer: No

Polygraph Report (*Defendant’s Exhibit I*) (emphasis added). Contrary to Mr. Speer’s question and the testimony it elicited, the administered polygraph questions *were* specific to S.L.

### **c. Mr. Busfield's Testimony**

After Mr. Busfield was sworn in, Mr. Speer began his examination by confirming that he had been a professional actor since the 1980s. *Id.* at 77:21-78:5. After Mr. Speer framed Mr. Busfield as a skilled and professional performer, Mr. Speer asked for Mr. Busfield's response to the allegations against him. *Id.* 78:15-21. Mr. Busfield began by thanking grand jury for the opportunity to speak, noting he had not yet spoken publicly about the allegations. Mr. Speer immediately interrupted him and directed him to limit his responses to direct answers to Mr. Speer's questions. *Id.* at 79:1-2. What ensued was an extensive and combative cross examination.

Throughout Mr. Busfield's testimony, Mr. Speer repeatedly cut off Mr. Busfield's explanations mid-answer and indicated that he had a limited amount of time. *See e.g., id.* at 82:1-5. When Mr. Busfield attempted to describe the process of filming — directly relevant to the question of who was present and where — Mr. Speer interrupted and then pressed Mr. Busfield to abandon the explanation he was in the middle of and answer instead whether he was “actually in there with the children during filming[.]” *Id.* The pressure had the intended effect, with Mr. Busfield answering, “Yeah. Can I explain? I'll go as quickly as I can?” *Id.* at 82:6-7. The prosecutor again cut off Mr. Busfield's answer, as Mr. Busfield attempted to explain the reality of a film set and the implausibility of his committing a sexual offense in the midst of directing within that environment. *Id.* at 83:20-23 (telling Mr. Busfield to “stop [] right there,” and that he might “possibly” be allowed to continue his explanation later). Mr. Speer reduced Mr. Busfield's multi-layered explanation to a single proposition: “Your point is there is a lot of people in the room?” *Id.* at 87:20-21. Mr. Busfield responded, again attempting to explain the nuance and reality of a film set that would render the allegations against him implausible: “There's a lot of people in the room yes, but also too what the process --” *Id.* at 87:16-17. Mr. Speer again immediately

interrupted him, repeating his reductive question that “Your point is there is a lot of people in the room?” *Id.* at 87:20-21. Mr. Speer continued the examination with frequent interruptions and cross-examination style interrogation. *See e.g., id.* at 89:15-18.

When Mr. Busfield attempted to identify the witnesses who were outside and willing to testify and explain the content of their statements, Mr. Speer told him, “We’re not getting into [that] -- this is your statement.” *Id.* at 84:20–21. Mr. Busfield then asked directly: “If I have their statements, are you saying that I can’t submit evidence here of — that would exonerate me, if I could?” *Id.* at 84:24-85:2. Mr. Speer responded by implying that Mr. Busfield could not testify as to anyone else’s knowledge or statement: “This is her statement. You and your attorney have an opportunity to bring in other witnesses or present them through a process called [*Bort Jones*] certainly your attorney is familiar with.” *Id.* at 85:3-7. Mr. Speer then directed Mr. Busfield to “stick to the question” as asked by the prosecutor. *Id.* at 85:13.

Mr. Busfield later named each witness present outside the grand jury room by name and role, attempted to explain what each could contribute, and expressly invited the grand jury to question them. He identified Alan Caudillo, Jessica Ollech, Chris Ford, Kristin Karr, Copper Perry, Joe Lotito, and Jonathan Pierangeli. *Id.* at 90–91, 104, 117, 121–122; *see also id.* at 90:11–13. When Mr. Busfield told the grand jurors that he had affidavits of each of the witnesses present, Mr. Speer cut him off stating that Mr. Busfield was to direct his statements to the prosecutor only. *Id.* at 93:20-93:21. When Mr. Busfield responded, “My statement’s to them,” Mr. Speer deferred, stating, “We might get into that in a bit. We might, we might not.” *Id.* at 93:22-24.

Mr. Busfield testified that he had passed a polygraph examination administered by Jonathan Pierangeli, who was present outside and available to testify. *Id.* at 91:10–11. Rather than permit the grand jury to consider that result, Mr. Speer — who had already primed the jury against

polygraph evidence through Detective Brown — stated directly that polygraphs are “not allowed in this state.” *Id.* at 94:17–18. After Mr. Busfield pushed back on that characterization, Mr. Speer repeatedly implied that Mr. Busfield defeated the test based on his professional ability to “Take fiction and make it real.” *Id.* at 109:22–110:15. This was a theme Mr. Speer returned to repeatedly. *See, e.g., id.* at 124:10–14 (responding to Mr. Busfield’s request to share his reaction to learning about the allegations with, “as a trained actor; correct? Yes or no?”).

Mr. Speer asked Mr. Busfield whether he was aware of the independent investigation undertaken by WB, Mr. Busfield responded, “Yes. And I have it right here, if anybody would like to look at it, if you would like to have it.” *Id.* at 120:18-20. Mr. Speer, who had asked the question, intervened and stated “Again, that information was not brought to the State prior to this [proceeding]?” *Id.* at 120:21-22. Mr. Busfield then asked Mr. Speer directly: “So you’re saying that the Grand Jury can’t ask to read that?” *Id.* at 120:24–25. Mr. Speer refused to answer the question and instead retook control of the examination: “I get to ask the questions now.” *Id.* at 121:1. Mr. Busfield sought to introduce information from the investigation no fewer than eight times. *Id.* at 99:1–15, 101:17–24, 120:15–25, 123:22–124:11, 127:19–128:13, 137:14–20, 150:7–21, 156:4–20. Each time, Mr. Speer redirected, interrupted, or refused, at one point stating, “You’ve been explaining yourself for over an hour at this point.” *Id.* at 121:7–8. When Mr. Busfield began reading from the WB investigation — which he described as directly exonerating — Mr. Speer twice told him “You’re repeating yourself” and imposed a general time-pressure on his testimony without indicating any fixed limit. *Id.* at 128:1–3. When Mr. Busfield directly asked, “Am I on a time constraint?” Mr. Speer replied, sarcastically: “Do you have more to say? ... I’m sure you do. Go ahead.” *Id.* 129:10–15.

Toward the end of Mr. Busfield's testimony, one grand juror asked directly: "Are we going to be able to talk to Alan [Caudillo]? Because he's the only person that was there the whole time." *Id.* at 196:4-6. Mr. Speer deferred, "We can talk about that when we're done with this." *Id.* at 196:7-8. After the grand jurors had finished their questions, Mr. Busfield made a final appeal to the grand jury, urging them to speak with Jonathan Pierangeli and Alan Caudillo: "I do think talking to the — Jonathan Pierangeli is important, the lie detector. And Alan Caudillo is important." *Id.* at 204:10-12. Rather than address that request, Mr. Speer dismissed it by suggesting to the grand jury that they had already heard everything those witnesses had to say through Busfield's own testimony: "And you've already spoken to the members of the grand jury repeatedly about what Kristin had to say. About Alan, as well as the results of the polygraph exam; correct?" *Id.* at 204:16-19. When Mr. Busfield pushed back — explaining that he had not said everything that the witnesses would say — he asked whether he could read their statements aloud. *Id.* at 205:1. Mr. Speer's answer was a single word: "No." *Id.* at 205:2. Mr. Busfield tried again, after explaining that he did not say everything those witnesses could offer and again offered of their statements, "If you'd like, I could read them, each one, if you like." *Id.* at 205:21-22. Mr. Speer again responded flatly, "We're not going to do that now." *Id.* at 205:23.

Members of the grand jury immediately followed up asking to hear from the witnesses:

GRAND JUROR: I'd like to hear from the witness —

GRAND JUROR: I would, too.

GRAND JUROR: — the witnesses that are provided by the gentleman here.

*Id.* at 205:25-206:4. Mr. Speer responded that the matter would be addressed after a lunch break. *Id.* at 206:7-8. He then ended the session on his own terms, characterizing Mr. Busfield's testimony to the grand jury: "You've read all kinds of material. Your testimony is you didn't

believe any of the — anything about the health care providers that spoke with these children, that diagnosed one with PTSD and (inaudible) suffered as a result of this.” *Id.* at 206:11–16.

**d. After Lunch: State Recalls Detective Brown**

When the grand jury reconvened after lunch, Mr. Speer did not address the grand jurors’ requests to hear from the waiting witnesses. Instead, he announced: “This is what we’re going to do: We’re going to call back in Detective Brown on this matter. I have some questions for him.” *Id.* at 209:11–13. During that recall, Mr. Speer introduced a photograph of the filming set, obtained from the complainant’s mother, of unknown date. *Id.* at 228:13–14.<sup>3</sup> Using this photograph, Speer and Brown together built a narrative that the “room” in which Mr. Busfield was alleged to have touched S.L. was too small for anyone to have witnessed the alleged conduct. *Id.* at 210–215. This testimony countered Mr. Busfield’s testimony about the number of people present without calling any of the witnesses with actual knowledge and who could have addressed the question directly.

Mr. Speer further built a narrative, despite Detective Brown’s testimony that he had never been in the room at issue and was not aware of its dimensions, that it would be impossible to fit the number of people in it that Mr. Busfield described and that there were not cameras present around it. *Id.* at 212:4-16. Mr. Speer used the photograph not only to counter Busfield’s testimony about the number of people present but to suggest that Mr. Busfield, as the director, would have known precisely how to position himself to avoid detection. Mr. Speer asked Brown: “if — particularly if you’re the director of that film, you would know where the cameras were?” Brown, without having ever been to the set and lacking in any training or experience relevant to television production, agreed. Mr. Speer then asked: “You would know where they were, and you would

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<sup>3</sup> The prosecutor did not present this photograph to Mr. Busfield during the grand jury proceeding. Defendant, however, attaches the only photograph produced through discovery that matches the description of that presented to Detective Brown as *Defendant’s Exhibit J*.

know how to position yourself to conceal any activity you might be doing?” Brown again agreed. *Id.* at 212:18–25.

The grand jurors did not have the opportunity to hear from witnesses who were familiar with the set and outside, available to testify. Nor did they hear from Mr. Busfield regarding the photo, as Mr. Speer waited until he had been excused to present it. Had they had that opportunity — as they requested — those grand jurors would have heard that the photograph in fact depicted a set from Season 1 of the show, taken two years before Mr. Busfield was involved in the project, and did not depict any set that Mr. Busfield had ever worked on. *Defendant’s Exhibit G*, ¶ 7.

After showing the grand jury a photo of a set that Mr. Busfield had never been to or worked on, Mr. Speer then used the recall of Detective Brown to attack the credibility of Alan Caudillo — the witness the grand jury had specifically asked to hear from. Mr. Speer elicited from Detective Brown a summary of Mr. Caudillo’s detention hearing testimony that he was with Mr. Busfield “a hundred percent of the time,” then pointed out that Mr. Busfield himself had admitted to tickling the boys — something Mr. Caudillo said he never witnessed. Brown concluded: “to make those — that statement, it’s just a false statement to me.” *Defendant’s Exhibit E* at 215:20–23. The grand jury thus received the detective’s assessment that the witness they had requested to speak with was lying, delivered by a detective without any personal knowledge of the subject.

Mr. Speer then framed the remaining witnesses Mr. Busfield had identified as being outside as irrelevant: “Would you say it’s fair to say that anybody else that might have testimony about this would not necessarily have been in the room during the time that this illegal contact took place?” *Id.* at 223:19–22. He followed immediately with: “And even if they were, based on your testimony, this illegal contact could take place in seconds, microseconds?” *Id.* at 223:25–224:2.

Detective Brown agreed both times. At no point after lunch did Mr. Speer revisit the grand jurors' requests to hear from the waiting witnesses.

**e. Subpoena Misrepresentation**

After Detective Brown was excused, Mr. Speer stated, "We are done with testimony at this time." *Id.* at 229:9–10. Despite Mr. Speer's and Detective Brown's attempt to characterize the available witnesses as either dishonest or irrelevant, the grand jury still wished to hear from them. One grand juror immediately raised the witness question: "We had a question as to whether or not — I think somebody asked if other witnesses could come in." *Id.* at 229:15–17. Mr. Speer responded, "So there is a process for that. The way that process works is this: They have to be subpoenaed. They have to be given 36 hours' notice." *Id.* at 229:18–21. Mr. Speer then explained that all twelve grand jurors would have to unanimously agree to call a witness, and if they did, all twelve would then have to come back the following week. *Id.* at 229:25–230:3; 230:16–17 (repeating the need for unanimity to call a witness). The foreperson then restated the rule as Speer had delivered it: the witnesses "would have to be subpoenaed and notified within 36 hours' notice." *Id.* at 231:1–2. Mr. Speer reiterated this misstatement of law: "That's something that everyone should know. That's put in the statutes. New Mexico Statute 31-6-12 actually talks about subpoena powers and how that works." *Id.* at 231:3–6.<sup>4</sup> The grand jury elected not to return the following week in order to hear from the witnesses that were waiting outside the room.

The grand jury deliberated and returned a true bill on four counts of Criminal Sexual Contact of a Minor (Counts 1–4), and a no bill on the two counts of Child Abuse (Counts 5–6). *Id.*

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<sup>4</sup> Mr. Speer was aware that the witnesses were present and available without a subpoena. Apart from Mr. Busfield's repeated testimony to that effect, one witness personally observed Mr. Speer look around at the assembled witnesses, and, on one occasion, say words to the effect of: "Ugh, can't come out here, there's a bunch of witnesses out here." *Defendant's Exhibit G*, ¶ 5.

at 231:14–18. The only witness identified on the face of the resulting Indictment is APD Detective Marvin Brown. Indictment (*Defendant’s Exhibit K*). The grand jury proceedings described above violated the structural protections of New Mexico’s grand jury statutes in a multitude of respects.

### III. ARGUMENT

As the New Mexico Supreme Court has repeatedly recognized, the “grand jury is not, and should not be, the tool of the prosecuting attorney to manipulate at will.” *Davis v. Traub*, 1977-NMSC-049, ¶ 5, 90 N.M. 498; *see also De Leon v. Hartley*, 2014-NMSC-005, ¶ 8, 316 P.3d 896 (“the grand jury is not simply a tool of the prosecution.”); *Jones v. Murdoch*, 2009–NMSC–002, ¶ 12, 145 N.M. 473 (noting that the grand jury is not an arm of prosecution). Instead the grand jury is a constitutional entity distinct from the prosecutor that “plays an important role in serving to buffer against unfounded accusations.” *De Leon*, 2014-NMSC-005, ¶ 8; N.M. Const. art. II, § 14. It is, therefore, the duty of the grand jury to “to protect citizens against unfounded accusations whether they come from the government or others, and to prevent anyone from being indicted through malice, hatred or ill will.” *State v. Bent*, 2012-NMSC-038, ¶ 17, 289 P.3d 1225 (quoting *Ulibarri*, 1999–NMCA–142, ¶ 10). That duty is irreparably compromised, however, where the prosecution abandons its role as a neutral facilitator or interferes with the independent investigatory process. *See De Leon*, 2014-NMSC-005, ¶ 8 (“if the grand jury is to play any role at all as a credible, independent entity charged with determining whether the prosecution has probable cause to go forward with criminal charges against the accused, the grand jury must remain free of the taint that would come from being perceived to be under the complete and absolute control of the prosecutor.”).

The target of a grand jury proceeding has two pathways to alert the grand jury to exculpatory evidence. Prior to the grand jury date, the target may submit a letter to the prosecution

to compel the State to alert the grand jury to the existence of certain evidence. *Jones*, 2009-NMSC-002, ¶¶ 34-35. If the State does not wish to present the evidence and believes that the proposed evidence is not lawful, competent, or relevant, it may file a motion before the grand jury judge. Separately — whether instead of or in addition to the *Bort Jones* letter process — the target may exercise his statutory right to testify on his own behalf and inform the grand jurors himself. *See State v. Pareo*, 2018-NMCA-040, ¶ 6, 420 P.3d 605 (grand jury statutes “create a right [for the target] to testify”); *see also Herrera*, 2014-NMSC-018, ¶ 23 (an order to preclude issued pursuant to *Bort Jones* bears only on the state’s obligation to alert the grand jury to evidence and does not limit the target’s testimony or the grand jury’s ability to independently request evidence).

These structural protections are not procedural formalities — they are the accused’s only shield against the State’s charging power. For “most citizens the mere accusation of a felony, such as those charged in this very case, can be ruinous to one’s name and reputation even if the accused is eventually acquitted.” *Bent*, 2012-NMSC-038, ¶ 19. The remedy for such violations is equally clear:

Because grand jury proceedings are conducted by a prosecutor acting under the indirect supervision of the grand jury judge, we rely on the structural protections of the grand jury statutes and procedural rules to preserve the target’s rights and the integrity of the grand jury process. If the target of a grand jury investigation establishes, pretrial, that the grand jury proceedings were conducted in violation of these structural protections, the target is entitled to dismissal of the indictment and is not required to demonstrate prejudice.

2014-NMSC-018, ¶ 17; *see also Pareo*, 2018-NMCA-040, ¶¶ 14-15 (structural error does not require a showing of prejudice and entitles the defendant to dismissal). As set forth below, the grand jury prosecutor violated both the letter and spirit of these protections and compromised the independence and integrity of the grand jury process.

The grand jury prosecutor abandoned his role as a neutral facilitator by conducting an adversarial cross-examination of the target while suppressing and mischaracterizing exculpatory evidence. He misinformed the grand jury on questions of New Mexico law — misrepresenting the admissibility of polygraph evidence and affirmatively misrepresenting the process for calling additional witnesses as burdensome and procedurally impossible. And when grand jurors repeatedly asked to hear from witnesses who were present and willing outside the grand jury room that very day, the prosecutor deflected, deferred, and ultimately foreclosed that testimony through the misstatement of law he had just delivered. Each of these failures independently constitutes a structural violation of the grand jury’s protective function. Each independently entitles Mr. Busfield to dismissal of the indictment wrongfully secured against him.

**a. The Grand Jury Prosecutor Misled the Grand Jury on Questions of Law.**

Fundamental to the functioning of the grand jury is its reliance “on the prosecutor for legal guidance.” *Herrera*, 2014-NMSC-018, ¶ 28. “Statements by a prosecutor to the grand jury explaining the law,” therefore, are only proper so long as those statements are “not in conflict with the charge given to the grand jury by the court pursuant to NMSA 1978, Section 31-6-9 or are not otherwise incorrect statements of the law or improper.” *State v. Hewitt*, 1988-NMCA-053, ¶ 23, 108 N.M. 179. When the prosecutor provides incorrect legal guidance, the grand jury cannot exercise the independent judgment the structural protections exist to preserve. As explained by our supreme court in *Jones*,

prosecutorial interference with the grand jury’s fact-finding function also threatens the structural integrity of the grand jury process by undermining the grand jury’s ability to accurately and independently assess the government’s evidence of probable cause. Unless the grand jury is empowered to consider all lawful, relevant, and competent evidence bearing on the issue of probable cause, the grand jury cannot perform its historical role of determining whether those accused of wrongdoing by the government should suffer the burdens of a criminal prosecution.

2009-NMSC-002, ¶ 2. In this case, Mr. Speer misinformed the grand jury on two questions of New Mexico law, each of which violated its structural integrity and independence.

**i. The Grand Jury Prosecutor Misstated the Law on the Admissibility of Polygraph Evidence.**

When Mr. Busfield testified that he had passed a polygraph examination, rather than permit the grand jury to inquire further — whether as to the polygraph report or the polygrapher, who was waiting outside the grand jury room, Mr. Speer instead sought to diminish the credibility of that evidence by incorrectly stating that polygraphs are not admissible in New Mexico state court. *Defendant's Exhibit E* at 94:17–18. In response to Mr. Busfield's statement that he passed a lie detector test, Mr. Speer told him, "You're aware that [polygraphs are] not allowed in this state; correct? Were you aware of that?" *Id.* That statement of law was false.

New Mexico law provides that "an expert polygrapher's opinion as to the truthfulness of a witness's testimony" has been and continues "to be admissible in New Mexico" as those examinations are "based on scientific principles." *State v. Stevens*, 2026-NMCA-006, ¶ 25, 584 P.3d 975. Mr. Speer's statement blatantly misrepresented the law, not only as it currently stands, but as it has been for decades in this State. *See id.*

Mr. Speer's misstatement was the capstone of a layered effort to discredit the directly exculpatory examination before the grand jury. *See infra*, Section III(b)(iii)(1). By the time Mr. Speer told the grand jury that the polygraph result was inadmissible in New Mexico, he had already elicited testimony that the examination was scientifically unreliable, defeatable by a trained actor, institutionally distrusted by law enforcement, and insufficiently specific to this case. *Id.* The legal misstatement was the final layer and constituted structural error as a matter of law.

**ii. The Grand Jury Prosecutor Misled the Grand Jury on Its Ability to Hear from Witnesses who were Present and Willing to Testify.**

Mr. Speer also directly misled the grand jury on the law governing their authority to call witnesses who were physically present and willing to testify without a subpoena. He thus violated the fundamental tenet that, when “serving as an aide to the grand jury, a prosecuting attorney must facilitate the grand jury’s inquiry into any lawful, relevant, and competent evidence not initially presented by the State and cannot unilaterally withhold evidence or witnesses requested by the grand jury.” *Herrera*, 2014-NMSC-018, ¶ 25. This misstatement of law did not merely misinform the grand jury, it foreclosed the very testimony they had repeatedly asked to hear.

After Detective Brown was recalled and before deliberation, a grand juror raised the request that had been deferred since before lunch: “We had a question as to whether or not — I think somebody asked if other witnesses could come in.” *Defendant’s Exhibit E* at 229:15–17. Mr. Speer responded: “So there is a process for that. The way that process works is this: They have to be subpoenaed. They have to be given 36 hours’ notice.” *Id.* at 229:18–21. He then explained that all twelve grand jurors would have to unanimously agree to call a witness, and if they did, all twelve would have to return the following week. *Id.* at 229:25–230:3. When the foreperson restated that understanding back to Mr. Speer — that the witnesses “would have to be subpoenaed and notified within 36 hours’ notice” — Mr. Speer validated it: “That’s something that everyone should know. That’s put in the statutes. New Mexico Statute 31-6-12 actually talks about subpoena powers and how that works.” *Id.* at 231:1–6. This misstatement of law transformed a simple act that Mr. Speer was there to facilitate — calling willing witnesses who were seated outside the grand jury room — into a procedural ordeal requiring unanimity, a week’s delay, and formal compulsory process. Each of those purported hurdles were invented by the prosecutor.

Section 31-6-12, NMSA 1978, governs the grand jury's power to *compel* an unwilling witness to appear. It has no application to a witness who is willing and available, let alone waiting outside of the grand jury room. The relevant language states:

The grand jury has power to *order* the attendance of witnesses before it, to cause the production of all public and private records or other evidence relevant to its inquiry and to enforce such power by subpoena issued on its own authority through the district court convening the grand jury and executed by any public officer charged with the execution of legal process of the district court; provided that all subpoenaed witnesses shall be given a minimum of thirty-six hours' notice unless a shorter period is specifically approved for each witness by a judge of the district court.

NMSA 1978, § 31-6-12(A) (emphasis added). That is all. The section defines the grand jury's power to *order* a witness to appear. It in no way limits the grand jury's ability to *hear* from a witness who appears voluntarily. *See id.* It provides no notice timeframe for a witness who appears voluntarily. *See id.* And finally, the statute does not require that the grand jury to unanimously agree to hear the testimony of any witness, let alone one who appears voluntarily. *Id.*<sup>5</sup> Mr. Speer cited Section 31-6-12 by name, told the grand jury it governed what they could do, and every specific requirement he attributed to it is either absent from the statute or flatly contradicted by it.

The witnesses Mr. Busfield had identified — and who Mr. Speer had personally observed in the waiting area, *see Defendant's Exhibit G*, ¶ 5 — were ready, willing, and waiting to testify. Section 31-6-12 had no application to them. Indeed, the State's own and only witness that day, Detective Brown, had not been subpoenaed for either his initial appearance or his recall that afternoon. *Defendant's Exhibit H*. The State was able to call him to testify in such a manner

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<sup>5</sup> The unanimity requirement Mr. Speer described does not exist anywhere in the grand jury statutes. The only voting threshold Article 6 imposes is eight jurors to return an indictment. NMSA 1978, § 31-6-10. No provision conditions the grand jury's authority to hear a witness — willing or otherwise — on a unanimous vote.

because the procedural obstacle Mr. Speer described as a requirement that “everyone should know” does not exist.

Instead, after deferring and deflecting the grand jurors’ repeated requests to hear from the witnesses that Mr. Busfield referenced in his testimony, *see Defendant’s Exhibit E* at 196:4-6 (grand juror asking to hear from Alan Caudillo); 205:25-206:4 (grand jurors asking to hear from witnesses described by Mr. Busfield), Mr. Speer finally and fully foreclosed those requests by describing a prohibitive process of his own invention. This misstatement of law and the effect it had on the proceeding — to prevent the grand jury from hearing from witnesses they requested to call three times — constitutes structural error and entitles Mr. Busfield to dismissal.

**b. The Grand Jury Prosecutor Abandoned His Role as Neutral Facilitator.**

Section 31-6-7(D) provides that a “prosecuting attorney attending a grand jury and all grand jurors shall conduct themselves in a fair and impartial manner at all times during grand jury proceedings.” The prosecutor’s role is not to persuade the grand jury; nor is the grand jury “an arm of the prosecution.” *Jones*, 2009-NMSC-002, ¶ 12 (quoting *State v. Haberski*, 449 A.2d 373, 378 (Me. 1982)). Instead, the prosecutor “must scrupulously refrain from words or conduct that may influence the decision of the grand jury.” *State v. Augustin M.*, 2003-NMCA-065, ¶ 25, 133 N.M. 636 (internal quotation marks and citation omitted); *see also* UJI 14-8001 NMRA, comm. commentary (“The district attorney will answer, on the record, any questions which the grand jury may have. The prosecuting attorney will not, however, guide or otherwise influence the grand jury.”). It is only in maintaining scrupulous neutrality that “the prosecuting attorney can avoid improper statements and fulfill the dual obligations of protecting not only the public interest but also the rights of the accused.” *Herrera*, 2014-NMSC-018, ¶ 28 (quoting *State v. Hill*, 1975-NMCA-093, ¶ 14, 88 N.M. 216) (internal quotation marks omitted).

In this case, Mr. Speer abandoned his role as a neutral aide to the grand jury and instead subjected Mr. Busfield to a sustained and combative cross-examination designed to control and limit his testimony, impugned his character and credibility through repeated implication that his professional experience as an actor rendered his testimony a performance designed to deceive the grand jury, and suppressed the exculpatory evidence to which Mr. Busfield sought to testify, including the statements of witnesses present outside the grand jury room and the independent investigation that exonerated him. This failure to act in a neutral and fair manner constituted structural error, and Mr. Busfield is entitled to dismissal as a matter of law. *See id.* ¶ 30.

**i. The Grand Jury Prosecutor’s Combative Examination Style Was Not Neutral.**

The target’s statutory right to testify before the grand jury is not a mere procedural courtesy — it is a substantive protection. Section 31-6-11(C) “provides a target with the power to choose whether to testify[] and does not provide the grand jury with any power to decline to hear a target’s testimony.” *Pareo*, 2018-NMCA-040, ¶ 12; *see also Herrera*, 2014-NMSC-018, ¶ 23. A right to testify that can be reduced to a right to answer an adversary’s questions — on the adversary’s terms, at the adversary’s pace, confined to the adversary’s framing — is no right at all.

That is precisely what occurred here. Mr. Speer did not facilitate Mr. Busfield’s testimony; he commandeered it. From the moment Mr. Busfield was sworn, Mr. Speer structured Mr. Busfield’s appearance not as an opportunity for the target to present his account to the grand jury but as a cross-examination. After Mr. Busfield thanked the grand jury for the opportunity to speak and began to address them, Mr. Speer immediately interrupted and reframed the proceeding: “I need to ask you to direct your response to my questions.” *Defendant’s Exhibit E* at 79:1–2. The combative examination that followed was characterized by constant interruption, reductive

questioning, and the systematic suppression of any explanation that exceeded what Mr. Speer wished the grand jury to hear.

When Mr. Busfield attempted to describe the realities of a film set — testimony directly relevant to the plausibility of the allegations — Mr. Speer cut him off, citing “limited” time. *Id.* at 82:1–2. He then pressed Mr. Busfield to abandon the explanation he was in the middle of, demanding instead a yes-or-no answer about whether Mr. Busfield was “actually in there with the children during filming.” *Id.* at 82:4–5. When Mr. Busfield attempted to provide the nuanced account the question required, Mr. Speer stopped him again — telling him to “stop right there” and that he might “possibly” be allowed to continue later. *Id.* at 83:20–23. He then reduced Mr. Busfield’s multi-layered explanation to a single proposition he repeated twice in succession: “Your point is there is a lot of people in the room?” *Id.* at 87:20–21. When Mr. Busfield attempted to explain the nuance, Mr. Speer repeated the same reductive question verbatim. *Id.*

When Mr. Busfield sought to address the grand jurors directly, as the subjects of his testimony and the body empowered to make a probable cause determination, Mr. Speer again redirected him: “I need to ask you to direct your response to my questions.” *Id.* at 93:20–21. When Mr. Busfield responded, “My statement’s to them,” Mr. Speer deferred: “We might get into that in a bit. We might, we might not.” *Id.* at 93:22–24. Mr. Speer’s examination continued in the same vein — frequent interruptions, yes-or-no demands on questions that required context, and time pressure wielded as a tool to foreclose explanation rather than a genuine constraint. *See, e.g., id.* at 89:15–18, 121:7–8, 128:1–3. Those questions and that approach had the desired effect; Mr. Busfield was pressured, thrown off course by the interruptions, and apologetic as he repeatedly offered to speak quickly. *Id.* at 82:6–8; *see also id.* at 129:13–18 (responding to Mr. Speer’s exasperated comment that he was “sure” Mr. Busfield had “more to say” by apologizing to the

grand jury and stating “I’m going through this as quick as I can. I know this must be rough. I’ve never even done jury duty. I can’t imagine.”).

This conduct violated Mr. Speer’s statutory obligation to conduct himself “in a fair and impartial manner at all times” when assisting the grand jury. NMSA 1978, § 31-6-7(D). A prosecutor who structures a target’s appearance as a cross-examination — who prohibits narrative, controls the framing of every answer, and redirects the target away from the evidence he came to present and from the grand jury he came to address — has not assisted the grand jury in hearing the target’s testimony. He has prevented it. That is not neutrality. It is advocacy, and it is precisely the kind of conduct the grand jury’s structural protections protect against.

**ii. The Grand Jury Prosecutor’s Commentary Impugning Mr. Busfield’s Character and Credibility as a “Trained Actor” was not Neutral.**

In addition to substantively limiting Mr. Busfield’s testimony to the grand jury, the prosecutor used the proceeding as an opportunity to improperly impugn Mr. Busfield’s character and to suggest to the grand jury that he could not be trusted. That campaign began before Mr. Busfield entered the room. During Detective Brown’s testimony, before Mr. Busfield had testified or mentioned a polygraph examination, Mr. Speer elicited from Brown that someone who “ha[s] been acting since they were a child, they can remain calm in those situations” — planting with the grand jury the suggestion that a professional actor could defeat a polygraph through performance. *Defendant’s Exhibit E* at 7:13–8:8. Mr. Speer then confirmed with Mr. Busfield, at the outset of his testimony and before asking him a single substantive question about the allegations or permitting him to make a statement of his own, that he had been a professional actor since the 1980s. *Id.* at 77:21–78:5. The sequencing was deliberate: by the time Mr. Busfield began to speak, the grand jury had already been primed to evaluate his account through the lens of his purported professional capacity for deception— or, as Mr. Speer put it, to “take fiction and make it real.”

Mr. Speer returned to that theme repeatedly. When Mr. Busfield stated that he had passed a polygraph examination, Mr. Speer did not accept the answer. Instead, he asked: “That would be true if — when you’re taking a lie detector test, too, would it not? Take fiction and make it real?” *Id.* at 109:22–24. When Mr. Busfield denied any ability to defeat a polygraph, Mr. Speer did not move on. *Id.* at 110:9–11. He pressed the insinuation a second time: “You know how to take fiction and make it real; correct?” *Id.* at 110:14–15. The theme reached its sharpest point when Mr. Busfield told the grand jury he wished to walk them through the timeline of events. Mr. Speer’s immediate response was not to allow the testimony or put the question to the grand jury. He interjected: “[A]s a trained actor; correct? Yes or no?” *Id.* at 124:12–14. At the precise moment Mr. Busfield offered to tell his story, the prosecutor implied to the grand jury that what they were about to hear would be a rehearsed performance.

Mr. Speer compounded this insinuation by projecting exasperation and impatience throughout the examination in a manner calculated to signal to the grand jury that Mr. Busfield’s testimony was not worth their time. He told Mr. Busfield he had been “explaining himself for over an hour” when Mr. Busfield attempted to explain the contents of the WB investigation that corroborated his testimony. *Id.* at 121:7–8. When Mr. Busfield began reading from that investigation, Mr. Speer twice told him “You’re repeating yourself.” *Id.* at 128:1–3. When Mr. Busfield asked whether he was on a time constraint, Mr. Speer replied: “Do you have more to say? ... I’m sure you do. Go ahead.” *Id.* at 129:10–15. The sarcasm was not lost on Mr. Busfield, who apologized to the grand jury: “I’m going through this as quick as I can. I know this must be rough. I’ve never even done jury duty. I can’t imagine.” *Id.* at 129:13–18.

The statutory mandate that a prosecutor conduct himself “in a fair and impartial manner at all times” when assisting the grand jury does not exempt commentary, insinuation, or tone. *See* §

31-6-7(D). Mr. Speer's repeated suggestion that Mr. Busfield's testimony was a performance, his impatience with its length, and his sarcasm in the face of a target attempting to present his account were not neutral. They were calculated to color the grand jury's assessment of Mr. Busfield's credibility. That is precisely the conduct Section 31-6-7(D) prohibits, and it independently constitutes a structural violation requiring dismissal.

**iii. The Grand Jury Prosecutor's Approach to Exculpatory Evidence by Obfuscating, Pre-empting, or Undermining it, was not Neutral.**

Mr. Busfield attempted to testify regarding three concrete pieces of independent exculpatory evidence: 1) the polygraph examination; 2) the WB Independent Investigation; and 3) the witnesses who corroborated that the allegations against Mr. Busfield were not only implausible, but likely impossible. Rather than permit the grand jury to consider this information independently, the grand jury prosecutor instead sought to impugn, undermine, or impeach this evidence in a manner directly at odds with his statutory duty of neutrality.

**1. The Grand Jury Prosecutor's Repeated Attempts to Discredit Polygraph Evidence Were Not Neutral.**

On January 13, 2026, Mr. Busfield submitted to a polygraph examination administered by Jonathan Pierangeli, a certified examiner with more than fifteen years of experience who has administered over 7,000 examinations. *Defendant's Exhibit I*. Using the validated Utah Zone Comparison Technique with questions drawn directly from the Criminal Complaint — including whether Mr. Busfield had ever touched the intimate parts of S.L. — the examiner concluded that the examination was valid and reflected “No Deception Indicated.” *Id.* The State possessed this report before the grand jury convened.

Rather than permit the grand jury to evaluate that result independently, Mr. Speer sought to neutralize it through a sustained, multi-stage effort. Before Mr. Busfield entered the room, Mr.

Speer used Detective Brown — who admitted he had never reviewed the polygraph report or the questions administered, *Defendant’s Exhibit E* at 56:21–22 — to establish that polygraphs do not measure lies, that actors can defeat them, and that his skepticism reflects universal law enforcement practice. *Id.* at 7:8–8:8, 61:10–25. Mr. Speer elicited false testimony that this polygraph was particularly unreliable as it did not specify “what boy” was the subject of the questions. *Id.* 57:8–9. He then falsely told the grand jury the result was inadmissible under New Mexico law. *Id.* at 94:17–18.; *see also* Section I(a), *supra*. Mr. Speer’s approach to the polygraph evidence was not neutral or fair, but instead reflected a campaign to rebut evidence that disproved his case.

## **2. The Grand Jury Prosecutor’s Use of Detective Brown to Impeach Witnesses He Refused to Call Was Not Neutral.**

Mr. Speer blocked the waiting witnesses from testifying and then used Detective Brown to discredit them. This was not the neutral facilitation of evidence presentation required by law. It was advocacy — using the State’s own witness to answer testimony that the grand jury never heard, on subjects the detective had no personal knowledge of, in place of witnesses who were present, willing to speak for themselves, and from whom the grand jurors repeatedly asked to hear.

The grand jury asked to hear from Alan Caudillo three times. *Id.* at 196:4–6, 205:25–206:4, 229:15–17. Mr. Speer deferred, deflected, and ultimately foreclosed each request. When the grand jury reconvened after lunch, rather than call Mr. Caudillo, Mr. Speer recalled Detective Brown and used him to deliver a verdict on Mr. Caudillo’s credibility. He elicited from Brown a summary of Mr. Caudillo’s detention hearing testimony — that he was with Mr. Busfield “a hundred percent of the time” — and then pointed out that Mr. Busfield himself had admitted to tickling the boys, something Mr. Caudillo said he never witnessed. At Mr. Speer’s questioning, that Mr. Caudillo likely “didn’t have a recollection” or “was lying,” Detective Brown concluded that the prosecutor was “correct,” stating “to make those — that statement, it’s just a false statement to me.” *Id.* at

215:16–23. Rather than being permitted to hear from Mr. Caudillo themselves and evaluate his testimony, the grand jury was only permitted to hear a detective’s determination that the witness was a liar, from a detective who was never on set and had never spoken to Mr. Caudillo.

Mr. Speer then led Detective Brown through a series of questions to dispose of the remaining witnesses. He asked Brown whether “anybody else that might have testimony about this would not necessarily have been in the room during the time that this illegal contact took place.” *Id.* at 223:19–22. Detective Brown agreed. He then asked whether, even if they had been present, the contact “could take place in seconds, microseconds.” *Id.* at 223:25–224:4. Brown agreed again. *Id.* With these questions, Mr. Speer told the grand jury that every witness Busfield had identified was either absent for what mattered or incapable of having seen anything — without a single one of them being asked. This was not neutral facilitation; it was advocacy.

### **3. The Grand Jury Prosecutor’s Characterization of the Independent WB Investigations Was Not Neutral.**

In response to “anonymous” complaints submitted through the SAG-AFTRA hotline, WB retained an independent attorney-investigator to conduct two separate impartial investigations into allegations against Mr. Busfield on the set of *The Cleaning Lady*. The first investigation, completed March 31, 2025, examined two anonymous complaints — one alleging Mr. Busfield kissed a minor on the head and one alleging he took a minor into a closed room during an audition. First WB Report (*Defendant’s Exhibit L*). The investigator interviewed ten witnesses with direct knowledge of the relevant events — including production executives, studio teachers, a casting director, and the parents of the minor actor involved in the audition — and found no corroboration for either allegation. *Id.* The second investigation, completed September 9, 2025, examined five newly alleged categories of misconduct specifically directed at the alleged victims in this case — including grooming, inappropriate touching, and isolation. Second WB Report (*Defendant’s*

*Exhibit M*). It is that second investigation that is exculpatory in this case and to which Mr. Busfield referred throughout his testimony.

The second independent investigation involved the interviews of twelve witnesses for that investigation, among them the showrunner Daniel Cerone, hair stylist Kristin Karr, producer Joe Lotito, head of hair department Copper Perry, multiple studio teachers, the parents of another minor actor on set, and the lead actress and confidante of the alleged victims' parents, Elodie Yung. *Id.* The investigator was unable to corroborate a single allegation. *Id.* Every witness was, in the investigator's words, "shocked" by the allegations; witnesses described Mr. Busfield as "caring" and "patient" with all actors, including the minors. *Id.* Critically, the investigation also documented that the mother of the alleged victims — the mother driving this prosecution — had told Ms. Yung directly that she would "get her revenge against Tim Busfield" after her sons were not recast. *Id.* The State had both reports and chose to present neither to the grand jury.

During his testimony, Mr. Busfield sought to introduce information from the investigations no fewer than eight times. *Defendant's Exhibit E* at 99:1–15, 101:17–24, 120:15–25, 123:22–124:11, 127:19–128:13, 137:14–20, 150:7–21, 156:4–20. He offered the physical report to the grand jury directly, told them it exonerated him, named the witnesses interviewed, began reading from its findings aloud, and described both investigations and their independence from Warner Bros. Each time, Mr. Speer redirected, interrupted, or refused the evidence — telling Mr. Busfield he had been "explaining himself for over an hour," that he was "repeating himself," and that the document "was not brought to the State prior to this proceeding."<sup>6</sup> *Id.* at 121:7–8, 128:1–3, 120:21–22. Mr. Speer, however, did not merely decline to present the investigations himself. He used Detective Brown to characterize them for the grand jury on their substance — without

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<sup>6</sup> The State had received this report months before the grand jury proceedings.

presenting them, without correcting the conflation of the two separate reports, and in a manner designed to strip them of any exculpatory weight.

During Brown's initial testimony, Mr. Speer walked him through only the first investigation and framed it as unrelated to this case. He asked Brown whether the investigation had interviewed "anybody that had direct knowledge of this inappropriate touching" of S.L. *Defendant's Exhibit E* at 50:15–16. Brown said no, and Speer elicited: "the independent investigation had nothing to do with my investigation as far as the children disclosing." *Id.* at 49:20–23. The grand jury was left to understand that the WB investigation was an inquiry into unrelated conduct with no bearing on the charges before them.

That was false. The September 2025 investigation, which Mr. Speer did not mention, directly examined the five categories of alleged misconduct that form the basis of this prosecution. It interviewed twelve witnesses with direct knowledge of those allegations, applied a preponderance of the evidence standard, and found no corroboration for any of the allegations. Kristin Karr, Joe Lotito, and Copper Perry — three of the witnesses sitting outside the grand jury room that day — were among those interviewed. Their accounts, and those of every other witness, were consistent: the allegations were implausible, the set environment made the alleged conduct impossible, and Mr. Busfield's conduct toward the minor actors was at all times appropriate.

During the recall of Detective Brown, Mr. Speer compounded the mischaracterization by eliciting that WB had directed its employees to communicate with law enforcement only through counsel and that none had voluntarily reached out to investigators. *Id.* at 222:1–223:12. The grand jury was left with the image of a studio stonewalling a criminal investigation — not of an independent investigator who had spent months interviewing those same witnesses, who applied a neutral standard, and who could not find any evidence to corroborate the allegations against Mr.

Busfield. Mr. Speer possessed both reports, chose not to share either with the grand jury, prevented Mr. Busfield from presenting them, and used Detective Brown to deliver the prosecutor's own account of what they said and why they did not matter — through a witness who had reviewed only one of them and never reviewed the second. Such is not neutral facilitation of evidence, but instead the deliberate withholding of it.

**c. The Availability of the *Bort Jones* Letter Process Does Not Justify the Prosecutor's Conduct.**

Throughout the grand jury proceeding, Mr. Speer repeatedly invoked the *Jones* letter process as a basis for limiting Mr. Busfield's testimony — telling him that witness statements could only be presented “through a process called [*Bort Jones*],” that his attorney was “certainly familiar” with it, and that evidence “not brought to the State prior to this [proceeding]” could not be offered. *Id.* at 85:3–7, 120:21–22. Each time Mr. Speer unilaterally blocked testimony and withheld evidence from the grand jury, he had an alternative available to him: he could have stopped the proceeding and sought a ruling from the grand jury judge on whether the evidence Mr. Busfield sought to present — his own testimony guaranteed by statutory right — was competent. § 31-6-7(A); *Jones*, 2009-NMSC-002, ¶ 18. Mr. Speer never did that. Instead, he invoked the *Jones* process selectively — not to protect the integrity of the grand jury's evidentiary deliberations but as a tool to shut down testimony he found inconvenient, while making no effort to obtain the judicial oversight the process contemplates. The State will likely argue in response to this Motion that Mr. Busfield's failure to submit a grand jury evidence alert letter excuses Mr. Speer's conduct or somehow pre-emptively precludes Mr. Busfield from testifying to certain evidence. That argument misunderstands both the *Jones* process and the nature this Motion.

The *Jones* letter process provides just one pathway for a target to alert the grand jury to exculpatory evidence before proceedings begin. *Jones*, 2009-NMSC-002, ¶¶ 14–18; § 31-6-11(B).

It is a pre-indictment mechanism that gives the target the ability to compel the State to present exculpatory evidence to the grand jury by notifying the prosecutor in writing the evidence at least twenty-four hours before the grand jury convenes, triggering a process by which the prosecutor may seek a ruling from the grand jury judge to not be compelled to present the evidence. § 31-6-11(B). Mr. Busfield did not use that process. He used a separate process to provide information to the grand jury: he exercised his statutory right to testify. § 31-6-11(C)(3) and (4).

In exercising that right, Mr. Busfield was subject to the normal rules and procedures applicable to the grand jury process. Namely, the “Rules of Evidence shall not apply[.]” § 31-6-11(A). He was permitted, therefore, to introduce hearsay evidence, opinion testimony, or rely on the statements of others, just as the State’s witness did. There is simply no provision in law that establishes that the State’s witnesses may testify free from any restrictions, while the target is strictly limited. Further, at this stage in a criminal case, it is up to the defendant if and through which pathway he chooses to bring evidence before the grand jury.

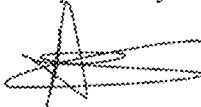
The two pathways are distinct, and the choice of one does not forfeit the protections of the other. A target who testifies before the grand jury is entitled, under oath and in his own words, to present his account and to alert the grand jury to the existence of exculpatory evidence — including the witnesses and documents that bear on the charges against him. Nothing in Article 6 provides that a target who testifies may only present evidence that has been pre-cleared through the *Jones* process, or that the prosecutor may treat the target’s testimony as an adversarial proceeding because no *Jones* letter was submitted. Instead, our supreme court has directly rejected this contention, holding that, in the context of an order issued pursuant to *Jones*, that “order [does] not purport to limit [the target’s] own testimony before the grand jury, which [the ha[s] a statutory right to present.” *Herrera*, 2014-NMSC-018, ¶ 23.

Nor does the *Jones* process does having any bearing on the claims in this Motion. Mr. Busfield does not argue that Mr. Speer was obligated to independently present the WB investigation, the polygraph report, or the witness affidavits to the grand jury. His argument is different: that Mr. Speer misstated the law to the grand jury on two occasions, and that he conducted the proceeding in a manner that violated his statutory duty of neutrality. Neither claim has anything to do with the *Jones* process. Nor can that process, even if invoked, authorize a prosecutor to misstate the law or transform his role from neutral facilitator into adversarial examiner. Mr. Speer's selective invocation of *Jones* during the proceeding remains without merit.

#### **IV. CONCLUSION**

For the foregoing reasons, Defendant Timothy Busfield respectfully requests that this Court dismiss the Indictment against him. The grand jury prosecutor misstated New Mexico law, abandoned his statutory duty of neutrality, and foreclosed the grand jury's own repeated requests to hear additional testimony — not through inadvertence, but through a methodical strategy that replaced independent grand jury judgment with prosecutorial advocacy at every stage of the proceeding. Each violation independently requires dismissal under *Herrera*, 2014-NMSC-018.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2026, I filed the foregoing through the New Mexico Electronic Filing system, which caused all counsel of record to be served by electronic means.

/s/ Amber Fayerberg  
Amber Fayerberg  
Counsel for Defendant

## EXHIBIT LIST

Exhibit A	Busfield Order Denying Pretrial Detention
Exhibit B	Target Notice
Exhibit C	Fayerberg-Coulson Email re Target Testifying
Exhibit D	List of Available Witnesses
Exhibit E	Transcript of Grand Jury Proceedings
Exhibit F	Audio Recordings of Grand Jury Proceedings
Exhibit G	Alan Caudillo Second Affidavit
Exhibit H	IPRA Response – DA Did Not Issue GJ Subpoenas
Exhibit I	Polygraph Report and Pierangeli CV
Exhibit J	Image Presented to Grand Jury
Exhibit K	Busfield Indictment
Exhibit L	Warner Brothers Report 3/31/25
Exhibit M	Warner Brothers Report 9/9/25

**STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT**

**STATE OF NEW MEXICO,  
PLAINTIFF,**

**V.**

**D-202-PD-2026-51**

**TIMOTHY BUSFIELD,  
DEFENDANT**

**ORDER DENYING STATE’S MOTION FOR PRETRIAL DETENTION**

**THIS MATTER** came before the Court on January 20, 2026, for a hearing on the State’s Expedited Motion for Pretrial Detention with the State represented by S. Brandenburg-Koch and the Defendant appearing and represented by C. Dodd and A. Fayerberg.

**THE COURT** reviewed exhibits submitted by the parties, considered the representations and argument of counsel for the parties, examined the pleadings and is fully advised in the premises.

**THE COURT HEREBY FINDS:**

**Standards.**

1. Rule 5-409(A) NMRA allows the court to order detention pending trial of a defendant charged with a felony offense upon a showing by clear and convincing evidence that no release conditions will reasonable protect the safety of any other person or the community.

2. “[A] detention hearing requires a judge to make three categories of determinations in deciding whether pretrial detention should be ordered: (1) ‘which information in any form carries sufficient indicia of reliability to be worthy of consideration,’ (2) ‘the extent to which that information would indicate that a defendant may be likely to pose a threat to the safety of others

if released pending trial,’ and (3) ‘whether any potential pretrial release conditions ‘will reasonably protect the safety’ of others.’”<sup>1</sup>

3. “Rule 5-409(F)(6) states plainly that the district court ‘shall consider any fact relevant to the nature and seriousness of the danger to any person or the community that would be posed by the defendant’s release and any fact relevant to the issue of whether any conditions of release will reasonably protect the safety of any person or the community.’” Rule 5-409(F)(6) then sets forth a nonexhaustive list of factors that the district court must consider, at a minimum, in making its determination.”<sup>2</sup> Those factors are addressed herein.

4. No single factor is dispositive.<sup>3</sup>

5. The Defendant is charged with the following counts: two counts of Criminal Sexual Contact of a Minor and one count of Child Abuse.

6. The Court received six exhibits from the State, twenty-eight exhibits from the Defendant, and heard testimony from one Defense witness. The Court entered the Background History Report and Public Safety Assessment as its two exhibits.

7. Pretrial release may not be categorically denied based on the type of charge, including open counts of murder.<sup>4</sup> On the other hand, “the nature and circumstances of a defendant's conduct in the underlying charged offense(s) may be sufficient, despite other evidence, to sustain the State's burden of proving by clear and convincing evidence that the defendant poses a threat to others or the community.”<sup>5</sup>

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<sup>1</sup> State v. Groves, 2018-NMSC-006, ¶ 29, 410 P.3d 193, 198

<sup>2</sup> State v. Anderson, S-1-SC-39744, slip op., ¶35 N.M. Sup. Ct May 22, 2023

<sup>3</sup> State v. Mascareno-Haidle, 2022-NMSC-015, ¶ 36, 514 P.3d 454, 463

<sup>4</sup> State v. Ameer, 2018-NMSC-030, ¶ 69, 458 P.3d 390, 405

<sup>5</sup> State v. Ferry, 2018-NMSC-004, ¶ 6, 409 P.3d 918, 921

8. In other words, it is not the charge itself, but the nature and circumstances of the conduct underlying the charge that may be sufficient for the Court to find the defendant poses a threat to others.

### **Specific Facts**

9. The Court makes the following findings of facts for the purpose of this Motion. The facts were established by the statement of probable cause and allegations in the Motion itself, and arguments of counsel. The Court finds this evidence as sufficiently reliable to support the findings herein.

10. The Defendant is alleged to have touched minor child S.L.'s genitals and buttocks, over the clothes, while on a film set where Defendant was the director and S.L. was an actor. This is alleged to have occurred twice.

### **Application of the Facts and Discussion**

11. Pursuant to Rule 5-409(F)(6), the "court shall consider any fact relevant to the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release and any fact relevant to the issue of whether any conditions of release will reasonably protect the safety of any person or the community, including but not limited to the following:

- a. the nature and circumstances of the offense charged, including whether the offense is a crime of violence;
  - b. the weight of the evidence against the defendant;
  - c. the history and characteristics of the defendant;
  - d. the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release;
  - e. any facts tending to indicate that the defendant may or may not commit new crimes if released;
  - f. whether the defendant has been ordered detained under Article II, Section 13 of the New Mexico Constitution based on a finding of dangerousness in another pending case or was ordered detained based on a finding of dangerousness in any prior case;
12. Addressing the factors in turn:

- a. The nature of the offense involves two alleged incidents of criminal sexual contact of a minor child's genital and buttocks, which the Court finds to be inherently dangerous to the physical and emotional safety of the alleged victim and any minor child that Defendant may interact with. The circumstances of the offense are that this occurred on a film set where the Defendant was a director, a position of power, and the alleged victim was a minor actor. The allegations are that the contact occurred on the film set where other people were present. The nature and the circumstances of the offense lead this Court to conclude that the Defendant does pose a danger to the safety of others.
- b. The weight of the evidence in the present case is neutral at this early point in time. The Court acknowledges that the sensitive nature of child sexual abuse often involves delayed disclosures from alleged victims, and that abuse often takes place in the dark. This case presents an unusual fact pattern where the abuse is alleged to have occurred on a busy film set. The Defendant's presentation of numerous affidavits from people who worked on the film set, the testimony of the director of photography and the independent investigation conducted by Warner Brothers do not corroborate the State's allegations. The director of photography testified that he was with the Defendant at all times on the film set and never saw any conduct that is alleged, and the Court finds the witness testimony to be credible. Additionally, statements from S.L. and V.L. to law enforcement expressly denied any such contact occurred, before S.L. later disclosed the touching. Defense notes that the disclosure occurred under suspect circumstances with S.L.'s father prompting the disclosure to a medical

provider, as noted in S.L.'s medical records. This case is fairly young, and the Court has not been provided full discovery, so this finding is not predicative of any trial outcomes, as the Court has limited evidence to consider. This factor weighs neutrally in the Court's analysis.

- c. Defendant presents no criminal history, as reflected in Court's Exhibit 1. The State has brought forth several allegations from post-pubescent women for similar allegations of inappropriate touching. In its presentation, the State indicated that one resolved with an out of court settlement, one with no criminal prosecution, and one with an agreement that Defendant pursue therapy. None of these allegations have been vetted by either the civil or criminal justice systems. While true the State has brought forth a pattern of allegations spanning approximately thirty years, none of these allegations reflect sexual interest in children. The Court places less weight on allegations that have not been substantiated or tested, and makes note of the stark factual difference between allegations involving post-pubescent females and pre-pubescent males. The Court is concerned that Defendant may have abused his power in the structure of the film set, but must acknowledge that there is no corroborating evidence presented by any member of the film crew who was present on set to support the allegations. The Defendant's lack of criminal history and characteristics do not support a finding of dangerousness, nor do they support a finding that there are no release conditions that would reasonably protect the safety of others.
- d. The Defendant poses a danger, specifically to the safety of any children, if unaccompanied on a film set. The Court is mindful of the Court of Appeals

decision in *State v. Begay*, 2024-NMCA-076, in weighing the risk that Defendant poses to the community, but finds that the Court can set specific conditions limiting Defendant's contact with minors to address this concern. In making this finding, the Court again notes the lack of pattern of allegations involving minors in Defendant's history. This factor does not support a finding that there are no release conditions that would reasonably protect the safety of the community.

e. There was no demonstration that the Defendant may commit new crimes if released pending trial. There was no evidence of a pattern of criminal conduct. There was no evidence of similar allegations involving other children. There was no evidence of non-compliance with Court orders. Rather, the Defendant drove himself to New Mexico to surrender himself at the Metropolitan Detention Center on the active Arrest Warrant in this case. This demonstrates a willingness to submit himself to this Court's jurisdiction and to comply with orders, which included the order that he be arrested. This factor does not support a finding that there are no release conditions that would reasonably protect the safety of the community.

f. Pretrial Detention has not been filed or granted in Defendant's history.

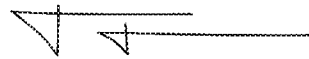
13. Ultimately, the Court finds that the Defendant is a danger to the community, specifically children, based largely on the nature and circumstances of the present offense.

14. The Court does, however, find that there are release conditions that will reasonably protect the safety of others. Balancing all of the 5-409 factors, and considering the totality of the

evidence, the Court does not find that the State has met the clear and convincing standard in this case.

15. The Court has entered conditions of release to require pre-trial services supervision. Defendant shall not have any unsupervised contact with children while the case is pending.

**IT IS THEREFORE ORDERED**, that the *Expedited Motion for Pretrial Detention* is DENIED. The Court entered an Order Setting Conditions of Release at the conclusion of the hearing, after reviewing those conditions with Defendant.



1/21/26

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Hon. David A. Murphy, District Court Judge



**OFFICE OF THE DISTRICT ATTORNEY**  
SECOND JUDICIAL DISTRICT  
STATE OF NEW MEXICO

January 21, 2026

Timothy Busfield  
c/o Christopher Dodd  
chris@fayerbergdodd.com

DA FILE #: 2026-00422-1, T-4-FR-2026-000273  
DOB: XX/XX/1957  
SSN: XXX-XX-8846

You are the target of a Bernalillo County Grand Jury Investigation.

**THE NATURE OF ALLEGED CRIME(S) BEING INVESTIGATED:**

4 Counts of Criminal Sexual Contact of a Minor (Child Under 13) (7047), contrary to § 30-09-13(C)(1) NMSA 1978, 2 Counts of Abuse of a Child (Does Not Result in Death or Great Bodily Harm) (6562), contrary to § 30-06-01(D) NMSA 1978, occurring on or between October 19, 2022, and September 10, 2023, and possible additional charges stemming from this Grand Jury investigation.

As the target of this investigation, you have the right to testify. You have the right to at least four days notice before the date of the Grand Jury proceeding if you are in custody, or ten days if you are not, unless for good cause the presiding judge orders a different time period or you agree to testify sooner. You have the right to choose to remain silent. You have a right to alert the Grand Jury through the prosecution to the existence of evidence that would disprove or reduce an accusation or that would make an indictment unjustified and to submit proposed questions and/or exhibits to the prosecution. You have the right to the assistance of counsel during the Grand Jury investigation. If you do not have an attorney, and cannot afford one, call the Public Defender's Office at 369-3600 immediately about this notice.

**This case will be presented to the Grand Jury on February 5, 2026. If you or your attorney decide that you will testify, you or your attorney must notify Candace at (505) 382-3958 and email grandjury@da2nd.nm.gov, by 8:00 a.m. February 4, 2026. If you or your attorney wish to submit exhibits, proposed questions, and/or instructions, etc., pursuant to *Murdoch v. Bort Jones*, 2009 NMSC-002, please email them in the format required by Rule/Form 9-219, to grandjury@da2nd.nm.gov, a MINIMUM OF TWO BUSINESS DAYS PRIOR to the Grand Jury proceeding date. Any other correspondence may be emailed to grandjury@da2nd.nm.gov.**

**PLEASE NOTE: OUR OFFICE DOES NOT ACCEPT COLLECT CALLS.**

**BY: Savannah Brandenburg-Koch**  
Deputy District Attorney

This certifies that on January 21, 2026, a copy of this notice was delivered to Christopher Dodd and to the target at the above address.

BY: Candace Coulson for  
Major Crimes SVU Team

Sunday, May 17, 2026 at 11:44:18 PM Mountain Daylight Time

---

**Subject:** Re: Busfield  
**Date:** Wednesday, February 4, 2026 at 8:48:07 AM Mountain Standard Time  
**From:** Coulson, Candace  
**To:** Amber Fayerberg  
**CC:** Christopher Dodd, Maya Chandrakasan, Grand Jury, Brandenburg-Koch, Savannah  
**Attachments:** img-968dfdd6-2a24-4562-bb20-7bf1842f0b46

Good morning.

Please arrive at 9:30 am. The grand jury room is located on the first floor just past the elevators.

Sincerely,  
Candace Coulson  
Deputy District Attorney  
Second Judicial District Attorney  
(505) 382-3958

---

**From:** Amber Fayerberg <[amber@fayerbergdodd.com](mailto:amber@fayerbergdodd.com)>  
**Sent:** Wednesday, February 4, 2026 7:30 AM  
**To:** Coulson, Candace <[Candace.Coulson@da2nd.nm.gov](mailto:Candace.Coulson@da2nd.nm.gov)>  
**Cc:** Christopher Dodd <[chris@fayerbergdodd.com](mailto:chris@fayerbergdodd.com)>; Maya Chandrakasan <[Maya@fayerbergdodd.com](mailto:Maya@fayerbergdodd.com)>  
**Subject:** Busfield

Good Morning Candace,

I am writing to advise that Mr. Busfield may exercise his right to testify before the grand jury tomorrow.

Regards,  
Amber Fayerberg

FAYERBERG  
DODD  
Fayerberg Dodd, LLC  
500 Marquette Avenue NW, Suite 1330  
Albuquerque, NM 87102  
505.557.4905  
[amber@fayerbergdodd.com](mailto:amber@fayerbergdodd.com)  
[www.fayerbergdodd.com](http://www.fayerbergdodd.com)

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### List of Potential Witnesses (Signed Affidavits)

Chris Ford – Professional Driver and Security Provider for a Principal Actor on “The Cleaning Lady”

Kristin Karr – Production of “The Cleaning Lady”

Alan Caudillo – Lead Director of Photography, “The Cleaning Lady”

Joe Lotito – Line Producer on Seasons 1 – 3 of “The Cleaning Lady”

Copper Perry – Head of Hair Department “The Cleaning Lady”

Erika Ortega – Mother of child actor on Season 3 and 4 of “The Cleaning Lady”

Lehi Lazo – Mother of KRS (child actor on Season 4 “The Cleaning Lady

Debra Toner – Background, stand-in, actor “The Cleaning Lady”

Jessica Ollech – Head Covid Nurse on “The Cleaning Lady”





















































































































































































































































































































































































































































































## Defendant's Exhibit F

Audio of Grand Jury Recordings  
Available for Download at:



**SECOND JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO**

**STATE OF NEW MEXICO,**

**Plaintiff,**

v.

**D-202-CR-2026-00405**

**TIMOTHY BUSFIELD,**

**Defendant.**


**AFFIDAVIT OF ALAN CAUDILLO**

I, Alan Caudillo, being of lawful age and first duly sworn, state as follows:

1. My name is Alan Caudillo. I am over the age of eighteen and competent to make this affidavit. The facts stated herein are based on my personal knowledge and observations.
2. I was the Lead Director of Photography on all four seasons of “The Cleaning Lady,” including all episodes directed by Timothy Busfield. A true and correct copy of my affidavit sworn January 16, 2026, describing my role, my observations of conditions on set, and the allegations in this case, is attached hereto as Exhibit A and incorporated by reference.
3. On February 5, 2026, the date of the grand jury proceedings in this matter, I was present at the Bernalillo County Second Judicial District courthouse, in the grand jury division, from approximately 9:00 a.m. I was there because I understood that the grand jury might wish to hear from me following Mr. Busfield’s testimony. I was willing to testify and did not require a subpoena.
4. I was seated in the main waiting area of the grand jury division throughout the day. Also present in that area, and similarly available and willing to testify without a subpoena, were Chris Ford, Kristin Karr, Joe Lotito, Copper Perry, Debra Toner, and Jessica Ollech. Mr. Busfield was also present in that same area for a period of time, along with his attorneys.
5. During the course of the day, I observed the prosecutor, who I understood to be Neal Speer, exit the grand jury room on several occasions. On at least one of those occasions, Mr. Speer came out of the room, looked around the waiting area where the witnesses — including myself — were seated, and said words to the effect of: “Ugh, can’t come out here, there’s a bunch of witnesses out here.” When he said this, he looked directly at me. He then went back into the room where the grand jury was hearing testimony.
6. I was never called to testify. I remained present and available until approximately 4:00 p.m., when I understood the grand jury had been dismissed.

7. I had the opportunity to review the photo presented to the grand jury and represented as the "room" where Mr. Busfield was alleged to have inappropriately touched S.L. The photo presented to the members of the grand jury was of a set that was used in Season 1 of filming. The set depicted in that photo was built on a sound stage and was not used at all during the time that Mr. Busfield worked on the show. Mr. Busfield never worked on a set that looked like the one in the photograph. Instead, once he had arrived as a guest director at the end of Season 2, hospital scenes were filmed on location in a local medical center.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Alan Caudillo


Executed on June 8th, 2026.

**VERIFICATION**

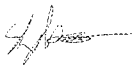
STATE OF Nevada )  
 )  
COUNTY OF Clark )

Alan Caudillo, being first duly sworn, hereby states:

I have read and am familiar with the foregoing Affidavit. I hereby swear, under penalty of perjury, that the contents of this Affidavit are true and correct.

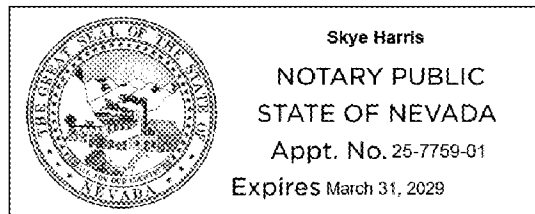
  
\_\_\_\_\_  
Alan Caudillo

SUBSCRIBED AND SWORN to me this 8th day of June, 2026 by Alan Caudillo.

  
\_\_\_\_\_  
Notary Public

My commission expires: 03/31/2029

Seal:



Notarized remotely using audio-video communication technology via Proof.



**From:** Austad, Thomas Thomas.Austad@da2nd.nm.gov  
**Subject:** Re: Inspection of Public Records Act Request (re: Timothy Busfield)  
**Date:** June 3, 2026 at 3:05 PM  
**To:** Erica Kim ekim@raklaw.com  
**Cc:** Larry Stein lstein@raklaw.com, Cheryl Zive czive@raklaw.com, Quesada, Stephanie Stephanie.Quesada@da2nd.nm.gov

Some people who received this message don't often get email from thomas.austad@da2nd.nm.gov. [Learn why this is important](#)

Good afternoon,  
 No subpoenas were issued by this office for the Grand Jury proceeding in this case.

Sincerely,

Thomas Austad  
 IPRA Program Administrator  
 Office of the 2<sup>nd</sup> Judicial District Attorney  
 520 Lomas Blvd NW  
 Albuquerque, NM 87102

---

**From:** Erica Kim <ekim@raklaw.com>  
**Sent:** Wednesday, June 3, 2026 3:01 PM  
**To:** Austad, Thomas <Thomas.Austad@da2nd.nm.gov>  
**Cc:** Larry Stein <lstein@raklaw.com>; Cheryl Zive <czive@raklaw.com>; Quesada, Stephanie <Stephanie.Quesada@da2nd.nm.gov>  
**Subject:** Re: Inspection of Public Records Act Request (re: Timothy Busfield)

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Following up on the below inquiry.

Thank you,  
 Erica

Erica S. Kim, Esq.  
 Russ August & Kabet | 12424 Wilshire Blvd., 12th Floor | Los Angeles, CA 90025  
 Main: 310.826.7474 | Direct: 310.979.8253  
 ekim@raklaw.com | www.raklaw.com

On Jun 2, 2026, at 11:55 AM, Erica Kim <ekim@raklaw.com> wrote:

Thomas,

As you know, we are still awaiting a response to our IPRA request, which includes 3 discrete document requests related to subpoenas issued/served (if any) in connection with the grand jury proceeding held on or about February 5, 2026 in the criminal action proceeding before the Second Judicial Court, Bernalillo County in Case No. D-202-PD-2026-0051. For reference and convenience, I am attaching our original IPRA request here.

In the meantime, while our IPRA request remains pending, would you be able to confirm if any subpoenas were issued for that grand jury proceeding?

- If the answer is no, that would take care of our first 2 requests, which seek (1) all witness subpoenas issued in connection with the grand jury proceeding, and (2) all records reflecting service of subpoenas issued in connection with the grand jury proceeding. I.e., there would be no responsive documents to the first 2 requests, leaving only one document request outstanding.

Thank you,  
 Erica

Erica S. Kim, Esq.  
Russ August & Kabat | 12424 Wilshire Blvd., 12th Floor | Los Angeles, CA 90025  
Main: 310.826.7474 | Direct: 310.979.8259  
[ekim@raklaw.com](mailto:ekim@raklaw.com) | [www.raklaw.com](http://www.raklaw.com)

On May 26, 2026, at 2:24 PM, Austad, Thomas <Thomas.Austad@da2nd.nm.gov> wrote:

Some people who received this message don't often get email  
from [thomas.austad@da2nd.nm.gov](mailto:thomas.austad@da2nd.nm.gov). [Learn why this is important](#)

Good afternoon,

Your request is being processed as IPRA request number 26-259.

We have shared 46 videos with you via [Evidence.com](#) (Axon). You will receive a download link in a separate email.

Please follow this Google link to access the reports and related documents:

[https://drive.google.com/drive/folders/1swUr\\_amN7BdjmRiaRwWLksuf43tVJrak?usp=sharing](https://drive.google.com/drive/folders/1swUr_amN7BdjmRiaRwWLksuf43tVJrak?usp=sharing)

We are still working to identify additional responsive records and will have a further response for you no later than June 23, 2026.

Sincerely,

Thomas Austad  
IPRA Program Administrator  
Office of the 2<sup>nd</sup> Judicial District Attorney  
520 Lomas Blvd NW  
Albuquerque, NM 87102

---

From: Larry Stein <[lstein@raklaw.com](mailto:lstein@raklaw.com)>  
Sent: Tuesday, May 26, 2026 11:56 AM  
To: IPRA-GROUP <[ipra@da2nd.nm.gov](mailto:ipra@da2nd.nm.gov)>  
Cc: Erica Kim <[ekim@raklaw.com](mailto:ekim@raklaw.com)>; Cheryl Zive <[czive@raklaw.com](mailto:czive@raklaw.com)>  
Subject: Inspection of Public Records Act Request (re: Timothy Busfield)

Some people who received this message don't often get email  
from [lstein@raklaw.com](mailto:lstein@raklaw.com). [Learn why this is important](#)

Dear Records Custodian,

We hereby submit the attached inspection of Public Records Act Request pursuant to NMSA 1978, Section 14-2-1 *et seq.*, in connection with the criminal action proceeding against Timothy Busfield (Case No. D-202-PD-2026-00051) in the County of Bernalillo. We kindly request your confirmation of receipt.

Sincerely,  
Stanton "Larry" Stein

Stanton "Larry" Stein  
RUSS AUGUST & KABAT | 12424 Wilshire Blvd., 12th Floor | Los Angeles, CA 90025  
Main: 310.826.7474 | Direct: 310.979.8259 | [ekim@raklaw.com](mailto:ekim@raklaw.com) | [www.raklaw.com](http://www.raklaw.com)

\*\*\*\*\*

IRS Circular 230 Notice: This communication is not intended to be used and cannot be used, for the purpose of avoiding U.S. federal tax-related penalties or promoting, marketing or recommending to another party any tax-related matter addressed herein.

\*\*\*\*\*

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EXAMINATION REPORT  
PGP POLYGRAPH & INTERVIEWING SERVICE  
1820 San Pedro Drive NE, Suite #4  
Albuquerque, NM 87110  
Phone (505) 256-7283

**PETER G. PIERANGELI, FOUNDER**

**Examination Date: January 13, 2026**

**Test Examiner: Jonathan Pierangeli**

**Fayerberg Dodd, LLC**

**Attn: Mr. Christopher Dodd, Esq.**

**500 Marquette Avenue NW, Suite 1330**

**Albuquerque, NM 87102**

On January 13, 2026, PGP Polygraph was asked to administer a court qualified Polygraph Examination. The examinee is as follows:

**EXAMINEE: Busfield, Timothy Clark**

**DOB: 06/12/1957**

The Interview Phase:

The purpose of this examination was to determine if Mr. Timothy Busfield was being truthful when he states that he did not ever touch the intimate parts of S [REDACTED] L [REDACTED]. The term intimate parts was defined as the primary genital area, groin, buttocks, anus or breast. This was based on information presented in the Criminal Complaint – Arrest Warrant Affidavit prepared by Officer Marvin Brown with the Albuquerque Police Department and discussion with Mr. Busfield's attorney, Mr. Christopher Dodd, Esq.

Discussion was continued into the reason for this examination. Mr. Timothy Busfield stated that the decision to participate in a polygraph examination was decided by him and his attorney, Mr. Christopher Dodd, Esq., to engage in a scientific technique to aid in confirming or not the aforementioned statement.

The structure for the Polygraph Examination was then determined to be a Utah Zone Comparison Examination structure to encompass all particular points discussed by Mr. Timothy Busfield.

**THE PRE-TESTING INTERVIEW:**

During this phase of Mr. Busfield's examination, relevant questions were formulated to narrow the subject matter into the administration of specific relevant questions. Other test questions were formulated to complete the full examination structure of a UTAH ZONE COMPARISON TECHNIQUE, a validated technique admitted in New Mexico Courts.

The examination took place at the offices of the Offices of Fayerberg Dodd, LLC, 500 Marquette Ave NW, Suite 1330, Albuquerque, NM, 87102.

All examinee waiver forms and medical inquiries were completed and witnessed by the examiner. No further concerns in this area were detected or discussed.

**THE TESTING PROCEDURE:** This examination utilized a UTAH ZONE COMPARISON testing procedure which is internationally recognized, and believed to be one of the most **reliable** and **validated** examinations used in the field of polygraph examinations. Noted below are the relevant-issue test questions asked during the testing phase and the examinee's response:

Please note, as is best practice in polygraph, the alleged victim's name was not used in all the relevant questions rather, the term that boy was used. This was reviewed with the examinee prior to the examination to ensure that he understood what "that boy" was referring to.

**RELEVANT QUESTIONS:**

1. **Regarding whether or not you ever touched the intimate parts of S [REDACTED] L [REDACTED], do you intend to answer truthfully each question about that?**

**Answer: Yes**

2. **Did you touch that boy's intimate parts?**

**Answer: No**

3. **At any time, did you touch that boy's intimate parts?**

**Answer: No**

4. **Have you ever touched that boy's intimate parts?**

**Answer: No**

5. **Did you touch that boy's intimate parts at any time?**

**Answer: No**

**Conclusion:** Upon final analysis of all of this examinee's Polygraph Charts, it is the opinion of this examiner that this examination was free of distortions or artifacts that would render this examination invalid. Therefore, in the opinion of this examiner, this examination is **VALID**.

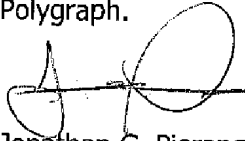
**Test Results:** the numerical scoring of this examination employed procedures consistent with nationally standardized grading processes for Polygraph Examinations. Additionally, quality control evaluation procedures were employed to establish reliability. The quality control evaluation and the numerical scoring support a finding of: **No Deception Indicated to the above relevant questions. It is the opinion of this examiner that Mr. Busfield was being truthful when he answered the above relevant questions. Please note that all relevant questions were clarified and defined during the pre-test phase. Please**

**note that question number one is not used in the scoring evaluation, but serves as an introductory stimulus only.**

**The Examiner's Professional opinion:** the examinee's answers to the relevant test questions are considered to be **RELIABLE**. This opinion was determined by the information provided by the investigative information and the examiner's discussion with Mr. Timothy Busfield.

This examination was conducted in accordance with NM Rule 11-707. A video/audio recording of this examination is in the possession of PGP Polygraph.

For any further information regarding this examination, please contact PGP Polygraph.

A handwritten signature in black ink, appearing to read 'Jonathan G. Pierangeli', with a stylized flourish at the end.

Jonathan G. Pierangeli  
Co-Owner/Examiner

RESUME



*JONATHAN G. PIERANGELI*

1820 San Pedro Dr. Ne, Suite 4  
Albuquerque, NM, 87110  
505.256.7283  
pgppolygraph\_jonathan@yahoo.com

SUMMARY

Polygraph examiner with over fifteen years experience in Criminal, Civil, Law Enforcement, and Post Conviction Sex Offender Testing. Conducted over 7,000 polygraph examinations. Qualified as an expert in polygraph in criminal courts, civil courts, and personnel matters.

EDUCATION

<i>Certificate, PCSOT</i>	Backster School of Lie Detection San Diego, CA	March 2009
<i>Certificate, Polygraphy</i>	Backster School of Lie Detection San Diego, CA	March 2009
<i>Bachelor of Arts, Sociology Psychology</i>	University of New Mexico Albuquerque, NM	December 2008

WORK EXPERIENCE

<b>PGP Polygraph, LLC</b> <i>Co-Owner</i>	Albuquerque, NM	2015 to Present
<ul style="list-style-type: none"> <li>• Conduct polygraph examinations, ie: Criminal Specific Issue Examinations, Pre-Employment Testing, Civil Testing.</li> <li>• Law Enforcement Applicant Screening Examinations</li> <li>• Law Enforcement Criminal Investigation Testing/Internal Affairs Investigation Testing</li> <li>• Primary Post-Conviction Sex Offender Polygraph Examiner</li> <li>• Contract Procurement and Proposals</li> <li>• Conduct Pre-Employment Interviews</li> <li>• Handle Billing, Payments, and Collection</li> <li>• Quality control and review of examinations</li> </ul>		

<b>PGP Polygraph and Interviewing Services</b>	Albuquerque, NM	2009 to 2015
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*Examiner*

- Conduct polygraph exams, ie.: infidelity exams, criminal exams, PCSOT exams
- Conduct pre-employment interviews
- Write reports of results for submission to clients

**PGP Polygraph and Interviewing Services**                      Albuquerque, NM                      2006 to 2015

*Chief Financial Officer/Bookkeeper*

- Oversee incoming funds
- Pay business expenses
- Conduct billing

**Trotter and Associates**    Farmington, NM                      2009 to 2012

*Examiner*

- Conduct PCSOT exams under the guidance of Senior Examiner
- Write reports of results for submission to therapist, probation and parole officers

**A F F I L I A T I O N S**

*American Polygraph Association*

Full Member

*New Mexico Society of Forensic Polygraphers*

Member, Current President

*National Polygraph Association*

Member

**R E F E R E N C E S**

**Ms. Amy Williams, Esq.**  
907.209.3283

Ahmad Assed and Associates

**Mr. Gary Mitchell, Esq.**  
575.257.3070

The Law Offices of Gary Mitchell

**Lt. Jacob Hoisington** Albuquerque Police Department, Recruiting and Backgrounds  
505.343.5045



STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

**CR 2026 - 00405**

Case No. \_\_\_\_\_  
DA#: 2026-00422-1  
PD#: D-202-PD-202600051

**ENDORSED**  
FILED IN MY OFFICE THIS  
FEB 06 2026  
CLERK DISTRICT COURT

STATE OF NEW MEXICO,  
  
Plaintiff,

v.  
  
TIMOTHY BUSFIELD,  
  
Defendant.

**JOSEPH MONTANO**

**CRIMES CHARGED**

CRIMINAL SEXUAL CONTACT OF A MINOR (CHILD UNDER 13) (7047) (4 COUNTS).

**GRAND JURY INDICTMENT**

THE GRAND JURY CHARGES:

COUNT 1: CRIMINAL SEXUAL CONTACT OF A MINOR (CHILD UNDER 13)  
(7047) T

That on or between October 19, 2022 and September 10, 2023, in Bernalillo County, New Mexico, the above-named defendant touched or applied force to the intimate parts of S.L., to wit: penis and S.L. was under the age of thirteen (13), contrary to NMSA 1978, Section 30-9-13(C)(2007).

COUNT 2: CRIMINAL SEXUAL CONTACT OF A MINOR (CHILD UNDER 13)  
(7047) T

That on or between October 19, 2022 and September 10, 2023, in Bernalillo County, New Mexico, the above-named defendant touched or applied force to the intimate parts of S.L., to wit: buttocks, and S.L. was under the age of thirteen (13), contrary to NMSA 1978, Section 30-9-13(C)(2007).

COUNT 3: CRIMINAL SEXUAL CONTACT OF A MINOR (CHILD UNDER 13)  
(7047) T

That on or between September 11, 2023 and May 30, 2024, in Bernalillo County, New Mexico, the above-named defendant touched or applied force to the intimate parts of S.L., to wit: penis, and S.L. was under the age of thirteen (13), contrary to NMSA 1978, Section 30-9-13(C)(2007).

STATE VS. TIMOTHY BUSFIELD  
GRAND JURY INDICTMENT

COUNT 4: CRIMINAL SEXUAL CONTACT OF A MINOR (CHILD UNDER 13)  
(7047) T


That on or between September 11, 2023 and May 30, 2024, in Bernalillo County, New Mexico, the above-named defendant touched or applied force to the intimate parts of S.L., to wit: buttocks, and S.L. was under the age of thirteen (13), contrary to NMSA 1978, Section 30-9-13(C)(2007).

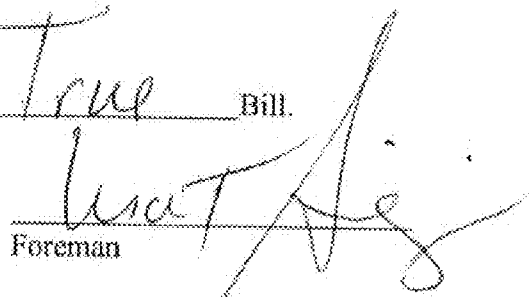
The names of the witnesses upon whose testimony this Indictment is based are as follows:

APD Marvin Brown #0128

I hereby certify that the foregoing Indictment is a True Bill.

APPROVED:

  
\_\_\_\_\_ for  
Savannah Brandenburg-Koch, Deputy District Attorney

  
\_\_\_\_\_  
Foreman

Date

2-5-26

CASE INFORMATION

DA FILE#: 2026-00422-1  
MET.CT.#: T-4-FR-2026-000273  
PD#: D-202-PD-202600051  
LEA/RPT#: Albuquerque Police Department / 24-0090579  
PROSECUTOR: Savannah Brandenburg-Koch, Deputy District Attorney

DOB: [REDACTED] /1957  
SS#: [REDACTED]  
FBI#: [REDACTED]  
SID#: [REDACTED]  
ADD: PO BOX 46, HIGHLAND LAKE, NY 12743

BOOKING/ARREST DATE: January 13, 2026  
BOOKING/ARREST#: 26-00827  
STN: Not Available

DEF ATTY: Christopher Allen Dodd, DEF  
Dodd Law Office LLC  
500 Marquette Ave NW, Ste 1330  
Albuquerque, NM 87102  
505-475-2742

PHYSICAL DESCRIPTION OF DEFENDANT:



Height: 5'09"  
Weight: 175 lbs  
Race:  
Gender: Male  
Eye Color: Green  
Hair Color: White  
Scars/Tattoos: ,

PV

**PENALTIES**

Count 1-4: **Criminal Sexual Contact of a Minor (Child Under 13)(7047)**, a third degree felony for a sexual offense against a child, a term of six (6) years imprisonment by followed by an indeterminate period of parole for a period of not less than five (5) years and up to the natural life of the Defendant. If the Court suspends any portion of the sentence, the Defendant shall serve an indeterminate period of supervised probation of not less than five (5) years and up to twenty (20) years. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed five thousand (\$5,000) dollars.

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**4th Degree Felony:** Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

**1st Degree Felony:** Basic sentence of 18 years imprisonment and not more than \$15,000 fine.

**USE or BRANDISHING OF FIREARM ALTERATION TO BASIC SENTENCE (FE):**

Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used for incidents occurring on or before June 30, 2020; basic sentence of imprisonment increased by 3 years for first offense in which a firearm is brandished and 5 years for subsequent offenses in which a firearm is brandished for incidents occurring on or after July 1, 2020. When the offender is a serious youthful offender or a youthful offender, the basic sentence may be increased by one year for first offense in which a firearm is brandished and may be increased by 3 years for subsequent offenses in which a firearm is brandished for incidents occurring on or after July 1, 2020.

**USE OF HATE CRIME ENHANCEMENT:** Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.

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**Special Penalty:** (Receiving or Transferring a Stolen Vehicle (Possession) only) Basic sentence of one year and/or \$5,000 fine.

**Misdemeanor:** Less than 1 year in the County Jail and/or not more than \$1,000 fine.

**Petty Misdemeanor:** Not more than 6 months in the County Jail and/or not more than \$500 fine.

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**Penalty for Driving While Under the Influence - Felony Offense:**

(4th): Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 6 months;

(5th): Basic sentence of 24 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 12 months;

(6th): Basic sentence of 30 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 18 months;

(7<sup>th</sup> or Subsequent): Basic sentence of 36 months and not more than \$5,000 fine, including a mandatory imprisonment term of not less than 24 months.

**Penalty for Driving While Under the Influence - Misdemeanor:** If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

**Penalty for Driving While License Suspended or Revoked:** Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory

STATE VS. TIMOTHY BUSFIELD  
GRAND JURY INDICTMENT

fine not less than \$300 nor more than \$1,000 (DWI revocation).

**Penalty for Reckless Driving:** Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.

**Penalty for Traffic Code Misdemeanor:** fine of not more than \$300 or imprisonment for not more than 90 days or both.

**Penalty Assessment Misdemeanor:** See Schedule in Traffic Code, Section 66-8-116.

**1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12):** Life imprisonment.

**2nd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 18 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**2nd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

OPEN CHARGE OF MURDER

**Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY:** Life Imprisonment, followed by a minimum five-year parole term if parole is granted.

**SECOND DEGREE MURDER:** Basic sentence of 18 years imprisonment and not more than \$12,500 fine, followed by a two-year parole term upon release.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years imprisonment and not more than \$15,000 fine, to be followed by a two-year parole term upon release.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine, followed by a one-year parole term upon release.

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Life Imprisonment, followed by a minimum five-year parole term if parole is granted.

ATTORNEY-CLIENT PRIVILEGED

4423 Productions, Inc.

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# Confidential Report of Independent Investigator



SOLOMON LAW  
APC

Prepared by Christina McGovern

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March 31, 2025

## I. Retention of Independent Investigator

On or about February 17, 2025, an anonymous complainant made a complaint through the SAG-AFTRA hotline<sup>1</sup> about an incident that allegedly occurred on the set of *The Cleaning Lady* on December 16, 2024 (“complainant 1”). (See Exhibit A.) According to the anonymous complainant, who claimed to have witnessed the incident in the Hair and Make-Up (“HMU”) trailer, executive producer/director Tim Busfield entered and kissed a minor male on the face as the minor was getting a haircut. The anonymous complainant further alleged that there are pictures of Mr. Busfield, “tickling and caressing the head and body of minor boys, obviously drunk.” Mr. Busfield also allegedly “drinks in his trailer.”

On or about February 18, 2025, an anonymous complainant made a complaint through the SAG-AFTRA hotline about an incident that allegedly occurred on September 13, 2024, at the Cinelease Studios office in New Mexico (“complainant 2”). (See Exhibit B.) The anonymous complainant alleged that Mr. Busfield asked a parent to wait outside an office and took the minor into the office and closed the door for an audition.

On March 2, 2025, 4423 Productions, Inc. (“client”) engaged Solomon Law, APC to conduct a privileged, impartial and independent investigation of the anonymous complaints against Mr. Busfield. Attorney Christina McGovern conducted the investigation.

## II. Investigative Process

Throughout the course of the investigation, client provided Ms. McGovern with unrestricted access to witnesses and documents requested. Ms. McGovern interviewed the following individuals (listed alphabetically):

1. Tim Busfield – Director/Executive Producer
2. Vicki Dummer – Executive Vice President, Head of Current Programming
3. Suzanne Geiger – Co-Executive Producer/Line Producer
4. Bari Halle – Senior Vice President of Production
5. Lehi Lazo and Andy Sanchez – Minor actor’s parents
6. Junie Lowry Johnson – Casting Director
7. Margie Moreno – Senior Vice President of Current Programming
8. Cynthia Niedland – Studio Teacher
9. Megan Stone – Producer’s Assistant

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<sup>1</sup> SAG-AFTRA did not forward the complaints to Warner Brothers until February 26, 2025.

10. Elodie Yung – Actor

At the beginning of each interview, Ms. McGovern explained the neutral role of the investigator, and that Ms. McGovern has not, and will not, come to any conclusions until she has interviewed all witnesses and reviewed all documents. She also advised interviewees that the information they provide may not be protected by the attorney/client privilege but that all information will, to the extent possible, be kept confidential, although the findings would be shared with client's management as well as its counsel and Warner Brothers' counsel. She further asked each witness not to discuss this matter with any other individuals, with the exception that they may discuss any matters with their union, if applicable, or pertaining in any manner to union representation.

Additionally, Ms. McGovern reminded each witness that their employer takes employee complaints seriously and that it has a firm policy against retaliation toward anyone making a complaint or who has participated in an investigation. If they felt that they were subject or witness to retaliation, Ms. McGovern advised them to report it immediately.

Prior to beginning the interview, Ms. McGovern allowed each witness to ask questions about the investigatory process and provided each witness with her contact information should they have further information to share after the interview.

At the conclusion of all interviews, Ms. McGovern asked each witness if they had any other information they wanted to share. She also asked all witnesses for names of additional witnesses they would suggest she interview and for any relevant documents pertaining to the subject matter of the investigation.

Section III below provides a detailed discussion of the facts and allegations. Section IV provides Ms. McGovern's factual findings and conclusions.

### **III. Factual Background/Allegations**

The SAG-AFTRA hotline does not have a feature allowing follow-up contact with the complainant. Accordingly, Ms. McGovern was unable to interview the complainant(s). Further, the complainants did not provide details such as witnesses at the events. Therefore, Ms. McGovern interviewed witnesses she believed may have had relevant knowledge of the allegations. Below, Ms. McGovern will provide context to each complaint based on the information witnesses shared with Ms. McGovern.

**A. February 17, 2025, Complaint**

Complainant 1 claims that they were in the HMU trailer, on the set of *The Cleaning Lady*, while a minor male, approximately six or seven years old, was getting his hair cut. Mr. Busfield allegedly entered the trailer and “kissed the minor on the face.” The complainant continued, “There are pictures of him tickling and caressing the head and body of minor boys, obviously drunk. He drinks in his trailer.”

According to the Call Sheet for December 16, 2024, the male minor on set that day was K [REDACTED] R [REDACTED] S [REDACTED] who plays the character, Luca. As for the two other allegations, photos of Mr. Busfield “tickling boys” and Mr. Busfield drinking in his trailer, none of the witnesses Ms. McGovern interviewed were aware of any such claims or behavior by Mr. Busfield.

Only one witness had any information tangentially related to the allegations. Ms. Yung said that about a month after the boys who played Luca during the first two seasons were let go, which Ms. McGovern will discuss in greater detail below, she and the boys’ mom met for coffee. Over the course of two seasons, Ms. Yung had become close friends with the boys and their parents, even traveling together on vacation. At coffee, the parent showed Ms. Yung a photo she had taken onset with her twin boys standing on either side of Mr. Busfield with his arms around them. According to Ms. Yung, the parent said something to her, and although she cannot recall specifically what it was, the parent insinuated that the Mr. Busfield was behaving inappropriately in the photo. Ms. Yung told Ms. McGovern that she told the parent that she did not see anything strange in the photo. Ms. Yung found the parent’s comment “weird” and was so uncomfortable by it that she has since “distanced” herself from the family.

**B. February 18, 2025, Complaint**

Complainant 2 alleges: “Chatter on set with the resurfacing of Busfield’s SA allegations triggered a memory. Audition was scheduled – casting and showrunner not there. Tim asked parent to wait outside and took the boy into an office and closed the door. Parent not in sight and sound.” The incident allegedly took place on September 13, 2024, in the Cinelease Studio offices.

Ms. McGovern was able to determine that on September 13, 2024, Mr. Busfield and Ms. Yung auditioned one of the twin boys who played Luca in the prior two seasons. By way of background, there was a new showrunner for season 3 of *The Cleaning Lady*. He held auditions for a “new” Luca as he believed the boys, now ten years old, were too old to convincingly play a six-year-old. At Ms. Yung’s request, however, Mr. Busfield allowed one of the boys<sup>2</sup> to audition

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<sup>2</sup> Several witnesses explained to Ms. McGovern that it appeared that neither boy was interested in acting and that the parents had pushed them into it. Only one of the boys was willing to audition for the third season.

as part of the new casting. The audition was held in New Mexico at the Cinelease Studio offices, separately from the auditions held in Los Angeles.

From what Ms. Yung, who was present, and Mr. Busfield recall, the boy arrived at the studio with one of his parents. Mr. Busfield and Ms. Yung greeted the parent and the boy in the lobby outside of the conference room and walked into the conference room together, leaving the parent, as was standard practice, waiting in the lobby. According to Ms. Yung, if the boy were alone in the conference room with Mr. Busfield, it would have been for mere seconds while she was standing in the doorway with the door open talking to the parent, who had become a close friend of hers. As soon as the boy finished the session, which was recorded for the casting director Ms. Lowry Johnson, who was not present at the audition, Ms. Yung, Mr. Busfield, and the boy exited the conference room to the lobby where the boy and his parent promptly left.

Despite the courtesy audition, the boy was not recast. Ms. Yung and other witnesses told Ms. McGovern that the parents were very upset when their son was let go.

#### **IV. Factual Findings and Conclusions**

This investigation focused on determining the credibility of the allegations raised against Mr. Busfield and attempting to corroborate, through objective evidence, when possible, facts relating to the allegations in the complaints. Ms. McGovern did not conduct the investigation seeking to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The factual findings below were made after carefully analyzing the evidence gathered and the documents provided.

In evaluating the evidence, many factors were considered, including individuals' possible bias or motivation to lie, the ability of the witness to recall information, the documents provided, the specificity of the information related, whether the statements given by a witness were consistent with that witness's prior statements and with the statements of other witnesses, and the inherent plausibility of the statements provided.

The claims alleged and the supporting facts discovered in this investigation will be analyzed according to the "preponderance of the evidence" standard of review, which means that the information gathered will be analyzed to determine whether sufficient proof exists to convince a finder of fact that an alleged incident is more likely to have occurred than not to have occurred.

Ms. McGovern notes at the outset that several witnesses speculate that the parents of the twins who played Luca during seasons one and two falsely made both complaints as they were upset their sons were cut from the show. Determining the identity of the anonymous complainants was not within the scope of Ms. McGovern's investigation. Further, Ms. McGovern found no

evidence to determine the identity of the anonymous complainants and therefore makes no finding as to their likely source or motivations for having made them.<sup>3</sup>

**A. The Evidence Does Not Support a Finding that Mr. Busfield Engaged in the Behavior Alleged in the February 17, 2025, Complaint**

Ms. McGovern is unable to corroborate the allegations made by complainant 1. As to the claim that Mr. Busfield entered the HMU trailer and “kissed” a minor boy on the face, Ms. McGovern finds that the minor’s parents, both of whom explained that one or both would have been present with him in the HMU trailer, do not recall Mr. Busfield ever entering the trailer or kissing their son on the head. In fact, they have never witnessed Mr. Busfield interact with their son, or any other minor, in a way that made them feel uncomfortable or which they deemed inappropriate or questionable. They explained to Ms. McGovern, as did nearly all the witnesses with whom she spoke, that onset Mr. Busfield is a “grandfather” figure. Further, Ms. McGovern notes that minors on set are kept under the close watch of either their parents, the studio teacher, or both and are never more than a foot away from an adult guardian.

As for the claim that there are pictures of Mr. Busfield “drunkenly tickling and caressing minor boys,” not one witness knew of any such pictures or was aware of gossip or murmurings about any pictures. As noted, Ms. Yung saw a picture of Mr. Busfield with the twins who initially played Luca, but did not find anything disturbing or inappropriate about it.

As to the allegation that Mr. Busfield “drinks in his trailer,” Ms. McGovern notes the following. First, Mr. Busfield does not have his own designated trailer. Mr. Busfield has access to a producer’s trailer and will use it if he needs an office on set. Notably, one of the witnesses, who recently visited the set and used the producer’s trailer, observed that the trailer was “sparse” with nothing in the cabinets except bathroom cleaning supplies. Additionally, none of the witnesses observed Mr. Busfield drinking, acting intoxicated, or even smelling like alcohol. Moreover, according to Mr. Busfield, and corroborated by his assistant, Mr. Busfield was “sober.”

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<sup>3</sup> Ms. McGovern did not interview the mother of the twins who was present at the September 13, 2024, audition with one of her sons for the following two reasons. First, given the consistent statements from multiple witnesses who were also present at the time of the alleged conduct, Ms. McGovern did not believe the mother’s statements would have changed the findings. Second, the allegation itself made no claim of torrid, or even inappropriate conduct; only that Mr. Busfield and the boy were alone in a room.

**B. The Evidence Does Not Support a Finding that Mr. Busfield Engaged in the Behavior Alleged in the February 18, 2025, Complaint**

As to complainant 2's allegations, that Mr. Busfield took a minor boy into a room and closed the door, Ms. McGovern first notes that the complaint does not allege that anything inappropriate occurred. If the implication is that Mr. Busfield was alone, inappropriately in the conference room with the minor boy, Ms. McGovern finds that he was not. Ms. Yung and others who were present at the event confirmed that Ms. Yung was always in the room with Mr. Busfield and the boy. In fact, one of the witnesses, who sits directly outside the conference room, told Ms. McGovern that the walls are thin and that she could hear Mr. Busfield, Ms. Yung, and the boy speaking in the conference room even with the door closed. She did not overhear anything untoward or inappropriate.

A recording of the audition further supports that Ms. Yung was present. Additionally, it is standard industry practice that a parent wait outside the audition room. Ms. Lowry Johnson, the casting agent in Los Angeles, confirmed that during the Los Angeles auditions for a "new" Luca, the parents all waited in the lobby. Accordingly, Ms. McGovern finds no evidence that anything inappropriate occurred at the September 13, 2024, audition.

Respectfully Submitted:  
Christina McGovern

4423 Productions, Inc.

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# Addendum to Confidential Report of Independent Investigator



Prepared by Christina McGovern

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September 9, 2025

## I. Retention of Independent Investigator

On or about July 1, 2025, Warner Bros contacted Ms. McGovern about new factual allegations that had been shared with them via a Draft Complaint for Damages<sup>1</sup> related to an investigation Ms. McGovern had previously conducted into allegations that Timothy Busfield had engaged in inappropriate conduct toward minor males on The Cleaning Lady set. (See Exhibit A.) Ms. McGovern investigated these new allegations and prepared this supplemental report in response.

## II. Investigative Process

Ms. McGovern interviewed the following individuals (listed alphabetically):

1. Tim Busfield – Director/Executive Producer
2. Daniel Cerone – Showrunner
3. Wayne De More – Script Supervisor
4. Kristin Gonzales – Studio Teacher
5. Kristin Karr – Hair Stylist
6. Joe Lotito – Producer
7. Adan and Erika Meneses Ortega – Parents of minor actor
8. Copper Perry – Head, Hair Department
9. Megan Stone – Producer’s Assistant
10. Estafany Vega – Producer’s Assistant
11. Saena Yi – Studio Teacher
12. Elodie Yung – Actor

On July 10, 2025, Ms. McGovern emailed Mr. Friedman about scheduling a time to speak with the [REDACTED] twins’ parents regarding the allegations detailed in the Draft Complaint for Damages. (See Exhibit B.) Mr. Friedman responded on July 15, 2025, with a sixteen-page letter requesting information and documentation that Ms. McGovern was not authorized to provide. (See Exhibit C.) Ms. McGovern responded to Mr. Friedman’s July 15, 2025, email via email on July 22, 2025. Mr. Friedman did not respond to Ms. McGovern’s July 22, 2025, email, and to date, Ms. McGovern has not interviewed either the [REDACTED] parents or the [REDACTED] twins.

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<sup>1</sup> Attorney Andrew H. Friedman of Helmer Friedman, LLP represents John Doe #1 and John Doe #2 (“the [REDACTED] twins”), minor actors who played the character, Luca, in seasons one through three on the show.

Ms. McGovern also requested to interview Danielle Vigil, hair stylist, and Lee Lewin, studio teacher, but was unable to as Ms. Vigil did not respond to any of Ms. McGovern's requests and Ms. Lewin declined to participate in the investigation.

At the beginning of each interview, Ms. McGovern explained the neutral role of the investigator, and that Ms. McGovern has not, and will not, come to any conclusions until she has interviewed all witnesses and reviewed all documents. She also advised interviewees that the information they provide may not be protected by the attorney/client privilege but that all information will, to the extent possible, be kept confidential, although the findings would be shared with Warner Bro's management as well as its outside counsel. She further asked each witness not to discuss this matter with any other individuals, with the exception that they may discuss any matters with their union, if applicable, or pertaining in any manner to union representation.

Additionally, Ms. McGovern reminded each witness that their employer takes employee complaints seriously and that it has a firm policy against retaliation toward anyone making a complaint or who has participated in an investigation. If they felt that they were subject or witness to retaliation, Ms. McGovern advised them to report it immediately.

Prior to beginning the interview, Ms. McGovern allowed each witness to ask questions about the investigatory process and provided each witness with her contact information should they have further information to share after the interview.

At the conclusion of all interviews, Ms. McGovern asked each witness if they had any other information they wanted to share. She also asked all witnesses for names of additional witnesses they would suggest she interview and for any relevant documents pertaining to the subject matter of the investigation.

Section III below provides a detailed discussion of the facts and allegations. Section IV provides Ms. McGovern's factual findings and conclusions.

### **III. Factual Background/Allegations**

On February 26, 2025, SAG-AFTRA forwarded to Warner Bros two anonymous complaints that had been made through the organizations' hotline. In the first anonymous complaint dated February 17, 2025, the anonymous complainant, who claimed to have witnessed the incident in the Hair and Make-Up ("HMU") trailer, alleged that executive producer/director Tim Busfield entered and kissed a minor male on the face as the minor was getting a haircut. The anonymous complainant further alleged that there are pictures of Mr. Busfield, "tickling and caressing the head and body of minor boys, obviously drunk." Mr. Busfield also allegedly "drinks in his trailer."

In the second anonymous complaint dated February 18, 2025, the anonymous complainant alleged that Mr. Busfield asked a parent to wait outside an office and took the minor into the office and closed the door for an audition.

Commencing in March 2025, Ms. McGovern conducted an independent, impartial investigation of the anonymous complaints against Mr. Busfield. As the SAG-AFTRA hotline does not have a feature allowing follow-up contact with the complainant, Ms. McGovern was unable to interview the complainant(s). Further, the complainants did not provide details such as witnesses at the events. Therefore, Ms. McGovern interviewed witnesses she believed may have had relevant knowledge of the allegations. Ms. McGovern was unable to corroborate the allegations made in either the February 17, 2025, anonymous complaint or in the February 18, 2025, anonymous complaint.<sup>2</sup>

As to this follow-up investigation, Ms. McGovern investigated the following five newly shared allegations.

- Mr. Busfield allegedly insisted that the [REDACTED] twins refer to him as “Uncle Tim.”
- Mr. Busfield treated the [REDACTED] twins differently than others and engaged in “sexual grooming” of the [REDACTED] twins by encouraging them to play with his pet dog, and/or inviting them to his personal resident on one or more occasions.
- Mr. Busfield isolated the [REDACTED] twins outside the “sight and sound” of their parents.
- Mr. Busfield tickled or otherwise inappropriately touched the [REDACTED] twins’ thighs, necks, backs, arms, chests, legs, and or hair, which was allegedly documented in photos and videos.
- Mr. Busfield engaged in inappropriate grooming conduct toward minor K [REDACTED] R [REDACTED] S [REDACTED].

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<sup>2</sup> Determining the identity of the anonymous complainants was not within the scope of Ms. McGovern’s investigation. However, Ms. McGovern found no evidence to determine the identity of the anonymous complainants and therefore makes no finding as to their likely source or motivations for having made them. Ms. McGovern did not interview the mother of the twins who was present at the September 13, 2024, audition with one of her sons for the following two reasons. First, given the consistent statements from multiple witnesses who were also present at the time of the alleged conduct, Ms. McGovern did not believe the mother’s statements would have changed the findings. Second, the allegation itself made no claim of torrid, or even inappropriate conduct.

#### IV. Factual Findings and Conclusions

This investigation focused on determining the credibility of the allegations raised against Mr. Busfield and attempting to corroborate, through objective evidence, when possible, facts relating to the allegations in the complaints. Ms. McGovern did not conduct the investigation seeking to prove or disprove the allegations, but rather to gather information in a neutral fashion and reach reasoned conclusions. The factual findings below were made after carefully analyzing the evidence gathered and the documents provided.

In evaluating the evidence, many factors were considered, including individuals' possible bias or motivation to lie, the ability of the witness to recall information, the documents provided, the specificity of the information related, whether the statements given by a witness were consistent with that witness's prior statements and with the statements of other witnesses, and the inherent plausibility of the statements provided.

The claims alleged and the supporting facts discovered in this investigation will be analyzed according to the "preponderance of the evidence" standard of review, which means that the information gathered will be analyzed to determine whether sufficient proof exists to convince a finder of fact that an alleged incident is more likely to have occurred than not to have occurred.

As an initial matter, Ms. McGovern was unable to corroborate any of the newly shared allegations. In fact, every witness was "shocked" by the allegations that Mr. Busfield engaged in inappropriate conduct of a sexual nature or otherwise, especially toward minor children. Witnesses described Mr. Busfield as "caring" and "patient" with all actors on set, including the minor actors, to ensure everyone felt comfortable and at ease. Witnesses appreciated the energy he brought on set and enjoyed working with him.

Additionally, the [REDACTED] through their attorney, allege that the twins were allegedly terminated at Mr. Busfield's behest because they "refused his advances." Although Mr. Busfield, given his working relationship with the twins, volunteered to convey to the parents the decision to terminate them, he did not make the decision to do so. According to Mr. Cerone, the showrunner, Mr. Busfield does not have the power to terminate, nor does Ms. Yung. Only Mr. Cerone has the authority to terminate the twins, which he did with the approval of the studio and network. As Mr. Cerone stated to Ms. McGovern, "any suggestion that Tim got the boys fired...it's just not patently possible."

Mr. Cerone further clarified that he decided to pursue another actor to play the role the twins previously did for two reasons. First, they had physically outgrown the role. Although the show spanned four seasons, the timeframe in the storyline was less than a year. The boys started on the show as six-year-olds, the age of the character they played. By the end of the third season, they were ten and still playing a six-year-old. Second, Mr. Cerone wanted to "go a different direction" with the character the twins played and did not think the boys were strong actors. Others shared

Mr. Cerone's opinion, and after auditioning other actors for the role, Mr. Cerone stated that the twins' performances "weren't even close" to that of K [REDACTED] R [REDACTED] S [REDACTED] who was ultimately selected for the role.

As to the specific allegations made in the complaint, Ms. McGovern makes the following findings but notes that the [REDACTED] attorney would not make either the [REDACTED] parents or the [REDACTED] twins available for an interview. Had Ms. McGovern had the opportunity to speak with them her findings may have been different.

- As to the allegation that Mr. Busfield "insisted" that the twins call him, "Uncle Tim," Ms. McGovern found no evidence to support this claim. None of the witnesses, except for Ms. Yung, had ever heard anyone on set refer to Mr. Busfield as Uncle Tim and likewise, no one had ever heard Mr. Busfield refer to himself as such. In fact, witnesses described Mr. Busfield as more of a "grandfather" figure than an uncle. Further, Ms. Yung, who established a close, personal relationship with the [REDACTED] family, including vacationing together, heard Mr. [REDACTED] refer to Mr. Busfield as Uncle Tim. For example, Ms. Yung has heard, on more than one occasion, Mr. [REDACTED] say something like, "Boys, stand next to Uncle Tim so I can get a picture."
- As to the allegation that Mr. Busfield treated the [REDACTED] twins "differently" and engaged in "sexual grooming" of them, Ms. McGovern is unable to corroborate this claim. First, no one had observed Mr. Busfield treating the twins "differently." In fact, apart from one other female minor, no other minors were regularly on set, and therefore no one to whom one could compare Mr. Busfield's treatment. Moreover, the minor female's parents adored Mr. Busfield, as did their daughter. Mr. Ortega, her father, shared that he and his wife would anxiously await the release of the call sheet and hope Mr. Busfield's name was on it because he always made them feel at ease. They noted that Mr. Busfield was always patient with their daughter and took time to ensure she was comfortable and ready before shooting a scene. In fact, Mr. Cerone stated that uplifting everyone's mood and energy was one of Mr. Busfield's strengths.

Additionally, none of the witnesses could provide any evidence to support a finding that Mr. Busfield engaged in "sexual grooming" of the twins. Mr. Busfield does not recall ever bringing his dogs on set, nor does anyone else recall his having done so. Ms. Vega explained that several cast members brought their dogs on set but left them in their trailers. Mr. Busfield did not have a designated trailer. Rather, the producers had a trailer, but Mr. Busfield rarely used it. As to inviting the twins to his home, Mr. Busfield recalled having hosted one or two cast and crew parties, but everyone was invited. Mr. Busfield stated that he has never invited the twins to his home other than if they attended a cast and crew party along with their parents. Ms. Yung does recall one such party at Mr. Busfield's. She recalled the twins running around the back yard with her daughter.

- As to the allegation that Mr. Busfield isolated the [REDACTED] twins out of the “sight and sound” of their parents, Ms. McGovern is unable to corroborate this claim. Ms. McGovern previously investigated an allegation made in the February 18, 2025, anonymous complaint that, “Tim asked parent to wait outside and took the boy into an office and closed the door. Parent not in sight and sound.” Ms. McGovern found that, on this occasion, Mr. Busfield was never alone in the room with the minor, that Ms. Yung was always with him and the boy, and that Mrs. [REDACTED] sat directly outside the conference room. Although typically parents do not sit in on auditions, they can. Mrs. [REDACTED] never asked to sit in the conference room where her son was auditioning, nor did anyone deny her the opportunity to do so.

As to allegations that Mr. Busfield isolated the twins “out of the sight and sound” of their parents any other time, Ms. McGovern finds that there is virtually no time that a minor could be alone with an adult who was neither their parent nor the studio teacher. Studio teachers’ role on set extends beyond simply schooling the minors. They are on set to ensure the health, safety, and welfare of the minors per SAG-AFTRA rules and regulations, and in this case, the State of New Mexico laws.<sup>3</sup> Each studio teacher goes through extensive training, and all are mandated reporters. None of the studio teachers Ms. McGovern interviewed as part of this investigation or the prior investigation of the anonymous complaints, had ever seen Mr. Busfield engage in behavior they thought raised a red flag or caused them concern.<sup>4</sup> Had they observed any questionable behavior, each emphatically stated they would have reported it immediately.

The studio teachers, as well as the Ortegas and the Sanchezes (K [REDACTED] R [REDACTED] S [REDACTED]’s parents, whom Ms. McGovern previously interviewed) that there is always either a studio teacher or a parent with their minor child. Their children are never unsupervised or left alone with anyone other than the studio teacher or the parent. In fact, per New Mexico’s Child Entertainment Law, a “parent signature indicating their permission for their child to work on the specific project: the parent is also agreeing to be within eyesight and earshot of the child performer at all times other than the time period in which teachers are teaching school.” (See Exhibit D.) The witnesses with whom Ms. McGovern spoke stated that everyone on this particular production was mindful of minor safety and the laws designed to enforce it.

- As to the allegation that Mr. Busfield inappropriately touched and tickled the twins as documented in photos and videos, Ms. McGovern is unable to corroborate this claim. None of the witnesses Ms. McGovern interviewed had any knowledge of Mr. Busfield

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<sup>3</sup> Per New Mexico’s Child Entertainment Law, “All teachers, in addition to teaching and in conjunction with the parent, have the responsibility of monitoring and protecting the health, safety, and well-being of the child performers who they have been hired to teach.” (See Exhibit D.)

<sup>4</sup> Lee Lewin was the studio teacher who worked with the twins, but Ms. Lewin refused to speak to Ms. McGovern.

engaging in the alleged behavior and none had seen photos or videos suggesting otherwise. Ms. McGovern asked the [REDACTED] Family's attorney to provide copies of alleged photos and videos in support of this allegation, but he never provided any such documentation.

Ms. McGovern notes that Ms. Yung, in the prior investigation, recalled having coffee with Mrs. [REDACTED] sometime after the twins had been terminated. Ms. [REDACTED] showed Ms. Yung a photo on her phone of the twins standing (on set) on either side of Mr. Busfield and Mr. Busfield had his arms around their shoulders. Mrs. [REDACTED] insinuated to Ms. Yung that the photo evidenced inappropriate behavior to which Ms. Yung responded that she did not see anything inappropriate in the photo. Further, contrary to a statement in the Draft Complaint, Ms. Yung denied having ever commented, in viewing a photo of Mr. Busfield and the twins, that she would never allow her daughter alone with Mr. Busfield. Moreover, sometime after having had coffee with Mrs. [REDACTED] Mrs. [REDACTED] had dinner with Ms. Yung and her family at Ms. Yung's home. Ms. Yung was shocked when Mrs. [REDACTED] said to her and her husband that she did "not like what this [her sons being terminated] brought out of her," but that she would "get her revenge against Tim Busfield."

- As to the last allegation that Mr. Busfield inappropriately "groomed" K [REDACTED] R [REDACTED] S [REDACTED], Ms. McGovern is unable to corroborate this claim. In fact, Ms. McGovern previously investigated Mr. Busfield's alleged conduct toward K [REDACTED] in the prior investigation as the anonymous complainant alleged that Mr. Busfield kissed K [REDACTED] on the forehead while K [REDACTED] was in the Hair and Make-Up Trailer. As Ms. McGovern found, K [REDACTED]'s parents do not recall any such incident<sup>5</sup> and have no concerns about Mr. Busfield's behavior toward their son. Ms. McGovern also spoke to Ms. Perry, the Head Hair Stylist, who does not recall Mr. Busfield ever kissing K [REDACTED] on the forehead nor did any of her hairstylists report any such incident to her. She explained to Ms. McGovern that she has a very close relationship with her stylists and would expect that they would share such a concern with her.

Respectfully Submitted:  
Christina McGovern

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<sup>5</sup> According to Mr. and Mrs. Sanchez, one or both is always in the Hair and Make-Up trailer with K [REDACTED].