

CODE NO. 2515
WASHOE COUNTY PUBLIC DEFENDER
JOHN REESE PETTY, State Bar Number 10
350 South Center Street, 5th Floor
P.O. Box 11130
Reno, Nevada 89520-0027
(775) 337-4827
Attorney for Defendant

Electronically Filed
Mar 17 2017 03:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR16-1457

IAN ANDRE HAGER,

Dept. No. 9

Defendant.

NOTICE OF APPEAL

IAN ANDRE HAGER, the defendant above named, appeals to the Supreme Court of Nevada from the judgment of conviction entered in this action on February 9, 2017. This is not a Fast Track appeal.

The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not contain the social security number of any person.

DATED this 10th day of March 2017.

JEREMY T. BOSLER
WASHOE COUNTY PUBLIC DEFENDER

By: /s/ John Reese Petty
JOHN REESE PETTY, Chief Deputy

1
2
3 CERTIFICATE OF SERVICE

4 I hereby certify that I am an employee of the Washoe County Public Defender's Office,
5 Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
6 document addressed to:

7 IAN ANDRE HAGER (#1172948)
8 Northern Nevada Correctional Center
9 P.O. Box 7000
10 Carson City, Nevada 89702

11 TERRENCE P. McCARTHY
12 Chief Appellate Deputy
13 Washoe County District Attorney's Office
14 (E-mail)

15 ADAM LAXALT
16 Attorney General State of Nevada
17 100 N. Carson Street
18 Carson City, Nevada 89701

19 DATED this 10th day of March, 2017.

20
21 /s/ John Reese Petty
22 JOHN REESE PETTY
23
24
25
26

1 CODE NO. 1310
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE
13

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

Case No. CR16-1457

17 IAN ANDRE HAGER,

Dept. No. 9

18 Defendant.
19 _____ /

20 **CASE APPEAL STATEMENT**

21 1. Appellant, IAN ANDRE HAGER.

22 2. This appeal is from a judgment of conviction entered on February 10, 2017, by the
23 Honorable Scott Freeman, district judge.

24 3. The parties below were The State of Nevada, Plaintiff and IAN ANDRE HAGER,
25 Defendant.

26 4. The parties herein are IAN ANDRE HAGER, Appellant and The State of Nevada,
Respondent.

5. Counsel on appeal: For the Appellant, the Washoe County Public Defender's Office
and John Reese Petty, Chief Appellate Deputy, 350 South Center Street, 5th Floor, P.O. Box

1 11130 Reno, Nevada 89520-0027, (775) 337-4827; and for the Respondent, the Washoe
2 County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501, (775) 337-
3 5751.

4 6. Appointed counsel represented Appellant in the district court

5 7. Appointed counsel represents Appellant on appeal.

6 8. The Washoe County Public Defender was court-appointed.

7 9. The Information was filed on October 5, 2016.

8 10. Mr. Hager was convicted by a jury of three counts of possession of a firearm by a
9 prohibited person, violations of NRS 202.360.2.a, a category D felony, and of three counts of
10 possession of a firearm by a prohibited person, violations of NRS 202.360.1.c, a category B
11 felony. The district court sentenced him to concurrent terms of 19 to 48 months in the Nevada
12 Department of Corrections on each count, with credit for 307 days in predisposition custody.
13

14 11. Not applicable.

15 12. Not applicable.

16 13. Not applicable.

17
18 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
19 contain the social security number of any person.

20 DATED this 10th day of March 2017.

21 JEREMY T. BOSLER
22 WASHOE COUNTY PUBLIC DEFENDER

23 By: /s/ John Reese Petty
24 JOHN REESE PETTY, Chief Deputy
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IAN ANDRE HAGER (#1172948)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

ADAM LAXALT
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

/s/ John Reese Petty
JOHN REESE PETTY

1 CODE NO. 3868
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 0010
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

Case No. CR16-1457

15 IAN ANDRE HAGER,

Dept. No. 9

16 Defendant.
17 _____ /

18 **REQUEST FOR TRANSCRIPT(S)**

19 TO: S. Kiger, L. Stubbs:

20 IAN ANDRE HAGER, defendant named above, requests preparation of a transcript of
21 certain portions of the proceedings before the district court in this matter as follows:

22 November 30, 2016: Transcript of Proceedings: Motion to Confirm Trial (S. Kiger);

23 December 2, 2016: Transcript of Proceedings: In-Chambers Telephone Conference (S.
24 Kiger);

25 December 12, 2016 (L. Stubbs), December 13, 2016 (S. Kiger), December 14, 2016 (L.
26 Stubbs), December 15, 2016 (S. Kiger), and December 16, 2016 (S. Kiger): Transcript of
Proceedings: Jury Trial (**excluding** the reading of jury instructions, and jury selection; **but**
including all hearings and/or meetings with counsel held outside the presence of the jury

1 (including bench conferences), all meetings by the court with the jury with or without counsel
2 present, opening statements and closing arguments of counsel, all trial testimony, the settling of
3 jury instructions, and the return of the jury's verdict; and

4 February 8, 2017: Transcript of Proceedings: Entry of Judgment and Imposition of
5 Sentence.
6

7 This notice requests a transcript of only those portions of the district court proceedings
8 which counsel reasonably and in good faith believes are necessary to determine whether appellate
9 issues are present. Voir dire examination of jurors, opening statements and closing arguments of
10 trial counsel, and the reading of jury instructions shall not be transcribed unless specifically
11 requested above, which, with the exception of the reading of jury instructions, they are.

12 I recognize that I must personally serve a copy of this form on the above named reporter and
13 opposing counsel, and that the above named court reporter shall have 30 days from the receipt of
14 this notice to prepare and submit to the district court and counsel the draft transcript requested
15 herein.
16

17 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
18 contain the social security number of any person.

19 DATED this 10th day of March, 2017.

20 JEREMY T.BOSLER
21 WASHOE COUNTY PUBLIC DEFENDER

22 By: /s/ John Reese Petty
23 JOHN REESE PETTY
24 Chief Deputy
25
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IAN ANDRE HAGER (#1172948)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

TERRENCE P. McCARTHY
Chief Appellate Deputy
Washoe County District Attorney's Office
(E-mail)

S. Kiger, Court Reporter
(E-mail)

L. Stubbs, Court Reporter
(E-mail)

DATED this 10th day of March 2017.

/s/ John Reese Petty
JOHN REESE PETTY

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR16-1457

DEPT. D9

HON. SCOTT N. FREEMAN

Report Date & Time

3/14/2017

2:10:30PM

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID:	CR16-1457	Case Type:	CRIMINAL	Initial Filing Date:	9/22/2016
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Luke J. Prengaman, Esq. - 6094
DA	Terrence P. McCarthy, Esq. - 2745
DA	Amos R. Stege, Esq. - 9200
DEFT	IAN HAGER - @1240968
PD	Sean B. Sullivan, Esq. - 7534
PD	John Reese Petty, Esq. - 10
PD	Joanna L. Roberts, Esq. - 8238
PD	N. Erica Flavin, Esq. - 13870
PD	Katheryn Hickman, Esq. - 11460
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON
2	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON
3	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON
4	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON
5	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON
6	51460	10/5/2016	INF POSSESSION OF A FIREARM BY A PROHIBITED PERSON

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	51460	10/19/2016	PLED NOT GUILTY
2	51460	10/19/2016	PLED NOT GUILTY
3	51460	10/19/2016	PLED NOT GUILTY
4	51460	10/19/2016	PLED NOT GUILTY
5	51460	10/19/2016	PLED NOT GUILTY
6	51460	10/19/2016	PLED NOT GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
2/8/2017	1 - Nevada State Prison		NDOC 19-48 MOS. + FEES	
2/8/2017	2 - Nevada State Prison		NDOC 19-48 MOS., TO RUN CONCUR. W/ COUNT I.	
2/8/2017	3 - Nevada State Prison		NDOC 19-48 MOS., TO RUN CONCUR. W/ COUNT II.	
2/8/2017	4 - Nevada State Prison		NDOC 19-48 MOS., TO RUN CONCUR. W/ COUNT III.	
2/8/2017	5 - Nevada State Prison		NDOC 19-48 MOS., TO RUN CONCUR. W/ COUNT IV.	
2/8/2017	6 - Nevada State Prison		NDOC 19-48 MOS., TO RUN CONCUR. W/ COUNT V.	

Release Information

Custody Status

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID: CR16-1457 Case Type: CRIMINAL Initial Filing Date: 9/22/2016

Hearings

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D6	ARRAIGNMENT	10/12/2016	08:30:00	10/12/2016
	Event Extra Text:		Disposition: D455 10/12/2016 FOR A BAIL HEARING		
	Department	Event Description	Sched. Date & Time		Disposed Date
2	D9	HEARING...	10/19/2016	09:00:00	10/19/2016
	Event Extra Text: CONT'D BY DEFENSE FOR BAIL HEARING		Disposition: D725 10/19/2016 INFORMATION MOTION FOR O/R RELEASE - DENIED BAIL TO REMAIN AT \$60,000.00 BONDABLE		
	Department	Event Description	Sched. Date & Time		Disposed Date
3	D9	MOTION TO CONFIRM TRIAL	11/30/2016	09:01:00	11/30/2016
	Event Extra Text:		Disposition: D425 11/30/2016 TRIAL CONFIRMED FOR 12/12/16 PRE-TRIAL MOTIONS SET FOR 12/5/16		
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D9	CONFERENCE CALL	12/2/2016	14:30:00	12/2/2016
	Event Extra Text:		Disposition: D435 12/2/2016 P.D. J. LESLIE'S REQUEST TO CONTINUE PRE-TRIAL MOTIONS HEARING - DENIED		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D9	PRE-TRIAL MOTIONS	12/5/2016	09:00:00	12/5/2016
	Event Extra Text:		Disposition: D430 12/5/2016		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D9	EXHIBITS TO BE MARKED W/CLERK	12/8/2016	14:00:00	12/8/2016
	Event Extra Text:		Disposition: D596 12/8/2016		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D9	TRIAL - JURY	12/12/2016	10:00:00	12/12/2016
	Event Extra Text: (5 DAYS)		Disposition: D832 12/12/2016		

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID: CR16-1457 **Case Type:** CRIMINAL **Initial Filing Date:** 9/22/2016

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D9	TRIAL ONGOING	12/13/2016	11:00:00	12/13/2016
Event Extra Text:		Disposition: D832 12/13/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D9	TRIAL ONGOING	12/14/2016	10:30:00	12/14/2016
Event Extra Text:		Disposition: D832 12/14/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10 D9	TRIAL ONGOING	12/15/2016	10:00:00	12/15/2016
Event Extra Text:		Disposition: D832 12/15/2016		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11 D9	TRIAL ONGOING	12/16/2016	10:00:00	12/16/2016
Event Extra Text:		Disposition: D895 12/16/2016 ALL COUNTS		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12 D9	SENTENCING	2/8/2017	09:01:00	2/8/2017
Event Extra Text: TRAIL TO END OF CALENDAR		Disposition: D766 2/8/2017		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA165592
PC	PCN number	PCNSPPD0046366C
SJ	Sparks Justice's Court	16SCR00545
SP	Sparks Police Department	SPD162829

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
9/26/2016	3700	Proceedings	Transaction 5725223 - Approved By: TBRITTON : 09-26-2016:13:07:17
9/26/2016	NEF	Proof of Electronic Service	Transaction 5725511 - Approved By: NOREVIEW : 09-26-2016:13:08:12
9/28/2016	NEF	Proof of Electronic Service	Transaction 5729784 - Approved By: NOREVIEW : 09-28-2016:10:02:37
9/28/2016	1491	Pretl Svcs Assessment Report	COURT SERVICES REPORT - Transaction 5729594 - Approved By: RKWATKIN : 09-28-2016:10:01:49
10/5/2016	1800	Information	Transaction 5742838 - Approved By: MCHOLICO : 10-06-2016:08:04:52
10/6/2016	4105	Supplemental ...	PROCEEDINGS - Transaction 5745240 - Approved By: RKWATKIN : 10-07-2016:10:21:47
10/6/2016	NEF	Proof of Electronic Service	Transaction 5742960 - Approved By: NOREVIEW : 10-06-2016:08:05:37
10/7/2016	NEF	Proof of Electronic Service	Transaction 5745856 - Approved By: NOREVIEW : 10-07-2016:10:24:01
10/17/2016	2520	Notice of Appearance	KATE HICKMAN, PD / IAN ANDRE HAGER - Transaction 5761489 - Approved By: MCHOLICO : 10-18-2016:08:04:52

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID:	CR16-1457	Case Type:	CRIMINAL	Initial Filing Date:	9/22/2016
10/18/2016	NEF	Proof of Electronic Service	Transaction 5761816 - Approved By: NOREVIEW : 10-18-2016:08:35:35		
10/18/2016	NEF	Proof of Electronic Service	Transaction 5763600 - Approved By: NOREVIEW : 10-18-2016:14:56:08		
10/18/2016	2130	Mtn for O.R. Release	MOTION FOR OR RELEASE - Transaction 5763483 - Approved By: TBRIITON : 10-18-2016:14:53:11		
10/19/2016	2528	Not/Doc/Re'd/Not/Cons/by Crt	NPR ASSESSMENT (PROVIDED IN OPEN COURT) - Transaction 5766404 - Approved By: NOREVIEW : 10-19-2016:08:32:10		
10/19/2016	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1-6		
10/19/2016	1275	** 60 Day Rule - Invoked			
10/19/2016	MIN	***Minutes	Arraignment 10/12/16 - Transaction 5764559 - Approved By: NOREVIEW : 10-19-2016:08:57:38		
10/19/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S "MOTION FOR OR RELEASE" - Transaction 5764314 - Approved By: RKWA		
10/19/2016	NEF	Proof of Electronic Service	Transaction 5766408 - Approved By: NOREVIEW : 10-19-2016:15:18:25		
10/19/2016	NEF	Proof of Electronic Service	Transaction 5764565 - Approved By: NOREVIEW : 10-19-2016:08:58:38		
10/19/2016	NEF	Proof of Electronic Service	Transaction 5764398 - Approved By: NOREVIEW : 10-19-2016:08:32:10		
10/24/2016	COC	Evidence Chain of Custody Form			
11/2/2016	4185	Transcript	10-19-16 Bail Hearing/EOP - Transaction 5786191 - Approved By: NOREVIEW : 11-02-2016:07:50:03		
11/2/2016	NEF	Proof of Electronic Service	Transaction 5786192 - Approved By: NOREVIEW : 11-02-2016:07:51:03		
11/6/2016	NEF	Proof of Electronic Service	Transaction 5792827 - Approved By: NOREVIEW : 11-06-2016:16:16:56		
11/6/2016	FIE	**Document Filed in Error	FILED IN ERROR		
11/6/2016	FIE	**Document Filed in Error	Transaction 5792823 - Approved By: NOREVIEW : 11-06-2016:16:13:03		
11/6/2016	MIN	***Minutes	10/19/16 - BAIL HEARING/ENTRY OF PLEA W/ EXHIBIT LIST - Transaction 5792825 - Approved By: NOREVIEW : 11-06-2016:16:13:03		
11/7/2016	3870	Request	REQUEST FOR DISCLOSURES PURSUANT TO NRS 174.245 - Transaction 5794571 - Approved By: MCHOL		
11/7/2016	2395	Mtn Quash Service Process	MOTION TO QUASH SUBPOENAS DUCES TECUM - Transaction 5795218 - Approved By: MPURDY : 11-08-2016:10:11:16		
11/7/2016	NEF	Proof of Electronic Service	Transaction 5794601 - Approved By: NOREVIEW : 11-07-2016:14:38:45		
11/7/2016	NEF	Proof of Electronic Service	Transaction 5793900 - Approved By: NOREVIEW : 11-07-2016:11:52:38		
11/7/2016	2490	Motion ...	MOTION IN LIMINE RE: EVIDENCE OF DEFENDANT'S STATE OF MIND AND ENTRAPMENT BY ESTOPPEL - Transaction 5796251 - Approved By: NOREVIEW : 11-08-2016:10:11:16		
11/8/2016	NEF	Proof of Electronic Service	Transaction 5796251 - Approved By: NOREVIEW : 11-08-2016:10:11:16		
11/9/2016	1960	Memorandum ...	TRIAL MEMORANDUM RE: ASSERTION OF 'DEFENSE THEORY OF THE CASE' AS A BASIS FOR ADMITTING EVIDENCE - Transaction 5800460 - Approved By: NOREVIEW : 11-10-2016:08:11:50		
11/10/2016	NEF	Proof of Electronic Service	Transaction 5800460 - Approved By: NOREVIEW : 11-10-2016:08:11:50		
11/17/2016	2245	Mtn in Limine	MOTION IN LIMINE TO EXCLUDE TESTIMONY REGARDING ALLEGED METHAMPHETAMINE (D-3) - Transaction 5811193 - Approved By: NOREVIEW : 11-17-2016:10:49:54		
11/17/2016	NEF	Proof of Electronic Service	Transaction 5811193 - Approved By: NOREVIEW : 11-17-2016:10:49:54		
11/17/2016	2315	Mtn to Dismiss ...	MOTION TO DISMISS TO BE FILED UNDER SEAL PER HIPAA (D-2) PLACED AT CONFIDENTIAL LEVEL - Transaction 5810834 - Approved By: PMSEWELL : 11-21-2016:08:42:50		
11/17/2016	2490	Motion ...	MOTION FOR LEAVE TO FILE MOTION IN EXCESS OF PAGE LIMITS (D-1) - Transaction 5810834 - Approved By: PMSEWELL : 11-21-2016:08:42:50		
11/18/2016	NEF	Proof of Electronic Service	Transaction 5814360 - Approved By: NOREVIEW : 11-18-2016:13:38:15		
11/18/2016	1960	Memorandum ...	TRIAL MEMORANDUM RE: SCOPE OF VOIR DIRE - Transaction 5814870 - Approved By: CSULEZIC : 11-21-2016:08:42:50		
11/18/2016	2245	Mtn in Limine	MOTION IN LIMINE TO PRECLUDE TESTIMONY REGARDING MR. HAGER'S MENTAL HEALTH DIAGNOSIS - Transaction 5814648 - Approved By: PMSEWELL : 11-21-2016:08:42:50		
11/18/2016	2245	Mtn in Limine	MOTION IN LIMINE TO PRECLUDE TESTIMONY REGARDING MR. HAGER'S STATEMENTS REGARDING I - Transaction 5814648 - Approved By: PMSEWELL : 11-21-2016:08:42:50		
11/18/2016	2592	Notice of Witnesses	Transaction 5814648 - Approved By: PMSEWELL : 11-21-2016:08:42:50		
11/18/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE RE: EVIDENCE OF DEFENDANT'S STATE OF MIND AND ENTRAPMENT BY ESTOPPEL - Transaction 5815296 - Approved By: NOREVIEW : 11-21-2016:08:43:48		
11/21/2016	2490	Motion ...	MOTION IN LIMINE RE: ADMISSION OF OTHER ACTS EVIDENCE REGARDING THE DEFENDANT - Transaction 5815296 - Approved By: NOREVIEW : 11-21-2016:08:43:48		
11/21/2016	2490	Motion ...	MOTION IN LIMINE RE: ADMISSION OF OTHER ACTS EVIDENCE REGARDING THE DEFENDANT - Transaction 5815296 - Approved By: NOREVIEW : 11-21-2016:08:43:48		
11/21/2016	NEF	Proof of Electronic Service	Transaction 5815296 - Approved By: NOREVIEW : 11-21-2016:08:43:48		

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID:	CR16-1457	Case Type:	CRIMINAL	Initial Filing Date:	9/22/2016
11/21/2016	NEF	Proof of Electronic Service	Transaction 5815384 - Approved By: NOREVIEW : 11-21-2016:09:15:50		
11/21/2016	2245	Mtn in Limine	MOTION IN LIMINE TO PRECLUDE IRRELEVANT TESTIMONY - Transaction 5816845 - Approved By: PMSEV		
11/21/2016	NEF	Proof of Electronic Service	Transaction 5817348 - Approved By: NOREVIEW : 11-21-2016:16:19:47		
11/22/2016	NEF	Proof of Electronic Service	Transaction 5819916 - Approved By: NOREVIEW : 11-22-2016:15:51:20		
11/22/2016	NEF	Proof of Electronic Service	Transaction 5817643 - Approved By: NOREVIEW : 11-22-2016:08:15:16		
11/22/2016	NEF	Proof of Electronic Service	Transaction 5817644 - Approved By: NOREVIEW : 11-22-2016:08:17:28		
11/22/2016	2490	Motion ...	MOTION TO DECLARE NRS 202.360 VOID FOR VAGUENESS (D-6) - Transaction 5819496 - Approved By: PI		
11/28/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S "MOTION IN LIMINE TO PRECLUDE TESTIMONY REGARDING MR. HAGE		
11/28/2016	NEF	Proof of Electronic Service	Transaction 5824192 - Approved By: NOREVIEW : 11-28-2016:14:37:05		
11/28/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANTS "MOTION TO DISMISS" - Transaction 5824388 - Approved By: MCHOLICO :		
11/28/2016	NEF	Proof of Electronic Service	Transaction 5824859 - Approved By: NOREVIEW : 11-28-2016:16:32:28		
11/28/2016	3795	Reply...	REPLY RE: EVIDENCE OF DEFENDANTS STATE OF MIND AND ENTRAPMENT BY ESTOPPEL DEFENSE -		
11/29/2016	1960	Memorandum ...	MEMORANDUM RE: DEFENDANT'S WAIVER OF STATUTORY RIGHT TO TRIAL WITHIN 60 DAYS - Transa		
11/29/2016	NEF	Proof of Electronic Service	Transaction 5826571 - Approved By: NOREVIEW : 11-29-2016:14:31:50		
11/29/2016	NEF	Proof of Electronic Service	Transaction 5825474 - Approved By: NOREVIEW : 11-29-2016:09:48:22		
12/1/2016	NEF	Proof of Electronic Service	Transaction 5830876 - Approved By: NOREVIEW : 12-01-2016:10:11:32		
12/1/2016	NEF	Proof of Electronic Service	Transaction 5831874 - Approved By: NOREVIEW : 12-01-2016:14:09:26		
12/1/2016	NEF	Proof of Electronic Service	Transaction 5831326 - Approved By: NOREVIEW : 12-01-2016:11:40:37		
12/1/2016	2592	Notice of Witnesses	Transaction 5831671 - Approved By: PMSEWELL : 12-01-2016:14:08:39		
12/1/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION TO DECLRE NRS 202.360 VOID FOR VAGUENESS - Transaction		
12/1/2016	2645	Opposition to Mtn ...	OPPOSTION TO DEFENDANT'S MOTION IN LIMINE TO PRECLUDE TESTIMONY REGARDING MR. HAGEF		
12/1/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S "MOTION IN LIMINE TO PRECLUDE IRRELEVANT TESTIMONY" - Transac		
12/2/2016	NEF	Proof of Electronic Service	Transaction 5834672 - Approved By: NOREVIEW : 12-02-2016:15:56:50		
12/2/2016	NEF	Proof of Electronic Service	Transaction 5833012 - Approved By: NOREVIEW : 12-02-2016:08:45:59		
12/2/2016	2592	Notice of Witnesses	SUPPLEMENTAL NOTICE OF PROSPECTIVE WITNESSES PURSUANT TO NRS 174.234 - Transaction 5834		
12/2/2016	3795	Reply...	REPLY IN SUPPORT OF THE MOTION TO DECLARE NRS 202.360 VOID FOR VAGUENESS (D-6) - Transac		
12/5/2016	NEF	Proof of Electronic Service	Transaction 5835244 - Approved By: NOREVIEW : 12-05-2016:09:20:04		
12/5/2016	1695	** Exhibit(s) ...	PRE-TRIAL MOTION EXHIBIT 1		
12/6/2016	NEF	Proof of Electronic Service	Transaction 5839604 - Approved By: NOREVIEW : 12-06-2016:16:22:43		
12/6/2016	MIN	***Minutes	11/30/16 - MOTION TO CONFIRM TRIAL - Transaction 5839854 - Approved By: NOREVIEW : 12-06-2016:17:2		
12/6/2016	4185	Transcript	12-5-16 Motions Hearing - Transaction 5839596 - Approved By: NOREVIEW : 12-06-2016:16:21:37		
12/6/2016	NEF	Proof of Electronic Service	Transaction 5839858 - Approved By: NOREVIEW : 12-06-2016:17:30:48		
12/9/2016	NEF	Proof of Electronic Service	Transaction 5847098 - Approved By: NOREVIEW : 12-09-2016:16:55:14		
12/9/2016	2405	Mtn to Quash...	MOTION TO QUASH SUBPOENA DUCES TECUM - Transaction 5846983 - Approved By: TBTRITON : 12-09-2		
12/14/2016	2315	Mtn to Dismiss ...	Transaction 5854340 - Approved By: CSULEZIC : 12-14-2016:16:04:37		
12/14/2016	NEF	Proof of Electronic Service	Transaction 5854919 - Approved By: NOREVIEW : 12-14-2016:16:06:19		
12/16/2016	1885	Jury Instructions	1 - 28 - Transaction 5859660 - Approved By: NOREVIEW : 12-16-2016:15:18:04		
12/16/2016	1695	** Exhibit(s) ...	TRIAL EXHIBITS		
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #2 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID:	CR16-1457	Case Type:	CRIMINAL	Initial Filing Date:	9/22/2016
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #1 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #3 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #4 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #5 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		
12/16/2016	3755	Refused Instructions-Deft	DEFT'S REFUSED #6 - Transaction 5859671 - Approved By: NOREVIEW : 12-16-2016:15:21:30		
12/16/2016	NEF	Proof of Electronic Service	Transaction 5859662 - Approved By: NOREVIEW : 12-16-2016:15:20:57		
12/16/2016	NEF	Proof of Electronic Service	Transaction 5859678 - Approved By: NOREVIEW : 12-16-2016:15:22:28		
12/19/2016	4245	Verdict(s)...	COUNT III - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4245	Verdict(s)...	COUNT IV - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4245	Verdict(s)...	COUNT V - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4245	Verdict(s)...	COUNT II - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4245	Verdict(s)...	COUNT I - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	NEF	Proof of Electronic Service	Transaction 5860865 - Approved By: NOREVIEW : 12-19-2016:11:27:40		
12/19/2016	1890	Jury Question, Court Response	Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4245	Verdict(s)...	COUNT VI - GUILTY - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/19/2016	4235	Unused Verdict Form(s)...	6 UNUSED VERDICT FORMS - Transaction 5860859 - Approved By: NOREVIEW : 12-19-2016:11:26:39		
12/23/2016	NEF	Proof of Electronic Service	Transaction 5871227 - Approved By: NOREVIEW : 12-23-2016:15:11:24		
12/23/2016	MIN	***Minutes	12/2/16 - IN-CHAMBERS TELEPHONE CONFERENCE - Transaction 5871224 - Approved By: NOREVIEW : 12		
1/25/2017	NEF	Proof of Electronic Service	Transaction 5917270 - Approved By: NOREVIEW : 01-25-2017:16:53:20		
1/25/2017	4500	PSI - Confidential	Transaction 5917178 - Approved By: MPURDY : 01-25-2017:16:51:39		
1/27/2017	NEF	Proof of Electronic Service	Transaction 5922073 - Approved By: NOREVIEW : 01-27-2017:16:12:56		
1/27/2017	4500	PSI - Confidential	Transaction 5921604 - Approved By: CSULEZIC : 01-27-2017:16:12:06		
2/2/2017	2630	Objection to ...	DEFENDANT'S OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT - Transaction 5930111 - Appro		
2/2/2017	NEF	Proof of Electronic Service	Transaction 5930171 - Approved By: NOREVIEW : 02-02-2017:09:46:21		
2/3/2017	MIN	***Minutes	12/12/16-12/16/16 JURY TRIAL W/ EXHIBIT LIST - Transaction 5933477 - Approved By: NOREVIEW : 02-03-21		
2/3/2017	NEF	Proof of Electronic Service	Transaction 5933484 - Approved By: NOREVIEW : 02-03-2017:13:06:23		
2/6/2017	NEF	Proof of Electronic Service	Transaction 5935614 - Approved By: NOREVIEW : 02-06-2017:12:30:11		
2/6/2017	MIN	***Minutes	12/5/16 - PRE-TRIAL MOTIONS W/ EXHIBIT LIST - Transaction 5935610 - Approved By: NOREVIEW : 02-06-2		
2/7/2017	2528	Not/Doc/Rc'd/Not/Cons/by Crt	Transaction 5937678 - Approved By: NOREVIEW : 02-07-2017:09:23:02		
2/7/2017	1930	Letters ...	DOCUMENTS SUBMITTED BY DEFENSE TO BE CONSIDERED AT SENTENCING - Transaction 5938041 - A		
2/7/2017	NEF	Proof of Electronic Service	Transaction 5938080 - Approved By: NOREVIEW : 02-07-2017:10:52:48		
2/7/2017	NEF	Proof of Electronic Service	Transaction 5937697 - Approved By: NOREVIEW : 02-07-2017:09:24:39		
2/8/2017	COLL	Sent to Collections	08-FEB-2017		
2/9/2017	1850	Judgment of Conviction	Transaction 5943249 - Approved By: NOREVIEW : 02-09-2017:11:48:46		
2/9/2017	NEF	Proof of Electronic Service	Transaction 5943271 - Approved By: NOREVIEW : 02-09-2017:11:50:58		
3/8/2017	2520	Notice of Appearance	JOHN REESE PD - Transaction 5985835 - Approved By: CSULEZIC : 03-08-2017:10:53:15		
3/8/2017	NEF	Proof of Electronic Service	Transaction 5985877 - Approved By: NOREVIEW : 03-08-2017:10:55:44		
3/9/2017	MIN	***Minutes	2/8/17 - SENTENCING - Transaction 5989340 - Approved By: NOREVIEW : 03-09-2017:15:18:08		
3/9/2017	NEF	Proof of Electronic Service	Transaction 5989352 - Approved By: NOREVIEW : 03-09-2017:15:19:14		

Case Description: STATE VS. IAN ANDRE HAGER (D9)

Case ID:	CR16-1457	Case Type:	CRIMINAL	Initial Filing Date:	9/22/2016
3/10/2017	NEF	Proof of Electronic Service	Transaction 5990790 - Approved By: NOREVIEW : 03-10-2017:11:45:06		
3/10/2017	NEF	Proof of Electronic Service	Transaction 5990794 - Approved By: NOREVIEW : 03-10-2017:11:45:47		
3/10/2017	2515	Notice of Appeal Supreme Court	JOC 2/9/17 - Transaction 5990729 - Approved By: PMSEWELL : 03-10-2017:11:44:07		
3/10/2017	3868	Req to Crt Rprr - Rough Draft	Transaction 5990736 - Approved By: PMSEWELL : 03-10-2017:11:44:42		
3/10/2017	NEF	Proof of Electronic Service	Transaction 5990792 - Approved By: NOREVIEW : 03-10-2017:11:45:14		
3/10/2017	1310	Case Appeal Statement	Transaction 5990734 - Approved By: PMSEWELL : 03-10-2017:11:44:27		
3/10/2017	2230	Mtn Trial Trans. Public Exp	Transaction 5990742 - Approved By: PMSEWELL : 03-10-2017:11:44:56		
3/10/2017	NEF	Proof of Electronic Service	Transaction 5990793 - Approved By: NOREVIEW : 03-10-2017:11:45:34		
3/14/2017	3000	Ord Trial Transcript/Public\$	Transaction 5995434 - Approved By: NOREVIEW : 03-14-2017:11:21:39		
3/14/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5996239 - Approved By: I		
3/14/2017	NEF	Proof of Electronic Service	Transaction 5995449 - Approved By: NOREVIEW : 03-14-2017:11:22:58		
3/14/2017	NEF	Proof of Electronic Service	Transaction 5996246 - Approved By: NOREVIEW : 03-14-2017:14:09:06		

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 vs.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14 _____/

15 JUDGMENT

16 The Defendant having been found Guilty by a jury, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Ian Andre Hager is guilty of the crimes of Possession of a Firearm by a
20 Prohibited Person, a violation of NRS 202.360.2.a, a Category D felony, as charged in
21 Counts I, II and III of the Information and Possession of a Firearm by a Prohibited Person, a
22 violation of NRS 202.360.1.c, a Category B felony, as charged in Counts IV, V and VI of the
23 Information, and that he be punished by imprisonment in the Nevada Department of
24 Corrections for the minimum term of nineteen (19) months to a maximum term of forty-eight
25 (48) months, as to each of Counts I through VI, to run concurrently with each other. The
26 Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00) administrative
27 assessment fee, the Three Dollar (\$3.00) administrative assessment for obtaining a
28 biological specimen and conducting a genetic marker analysis, a One Hundred Fifty Dollar

1 (\$150.00) DNA testing fee and reimburse the County of Washoe the sum of Five Hundred
2 Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office.
3 The Defendant is given credit for three hundred seven (307) days time served.

4 DATED this 8th day of February, 2017.

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7 _____
8 DISTRICT JUDGE
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**DATE, JUDGE
OFFICERS OF****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

10/12/16

ARRAIGNMENT**10/19/16 @**

HONORABLE

Deputy District Attorney Darcy Cameron represented the State. Defendant was present with counsel, Deputy Public Defender Kate Hickman, Esq.

9:00 a.m.

LYNNE SIMONS

Appearances put on the record.

Bail Hrg

DEPT. 6

Y. Gentry

TRUE AND ACCURATE NAME AS STATED ON LINE 12 OF THE INFORMATION; defense counsel in receipt of Information; waived formal reading.

(Clerk)

Wolden

Counsel for Defendant addressed the Court and advised the Defendant will not be entering a plea this morning and is requesting a bail hearing in front of Judge Freeman; that counsel may be filing a Writ.

(Reporter)

Masters

Counsel for State addressed the Court and advised the State has no objection to a bail hearing but advised if a Writ is filed, the Defendant may not impose a right to a trial within 60 days.

(Bailiff)

Mounts

Counsel for Defendant advised that is a correct statement.

(Prob. Spec.)

Discussion ensued between Court and Defendant regarding a Writ and right to trial within 60 days.

COURT GRANTED continuance and set matter for a bail hearing on October 19, 2016 in Department 9.

DEFENDANT was present in custody.

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

10/19/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
R. Sanchez
(Bailiff)

BAIL HEARING/ENTRY OF PLEA

Deputy D.A. Luke Prengaman represented the State.
Defendant was present with counsel, Katheryn Hickman, Deputy
P.D.
Probation Officer, Thomas Wilson, was also present.
No Court Services Officer was present.
Counsel for Defendant informed the Court that Defendant had been
arraigned but had not entered a plea and that this matter was
before the Court on Defendant's request for a bail reduction.
The Court directed that Defendant enter a plea prior to proceeding
on the bail motion.
Defendant, having previously been given a copy of the Information,
entered plea of Not Guilty to the Information.
Defendant invoked his right to trial within sixty (60) days.
COURT ORDERED: Matter continued for trial by jury.
Defense counsel addressed the Court and argued in support of an
O/R release.
Defendant responded to the comments made by the Court.
Due to the extended criminal docket, the Court directed that
respective counsel return at 1:00 p.m. to present further argument.
Matter adjourned until 1:00 p.m.
Upon this matter being re-called by the Court, Deputy D.A. Luke
Prengaman was present, representing the State.
Defendant was present with counsel, Katheryn Hickman, Deputy
P.D.
No Probation Officer was present.
Court Services Officer, Lori Pitt, was present.
State's exhibits 1 through 5 (attached to the State's Opposition)
were marked and admitted.
State's exhibit 6 was marked and admitted.
Counsel for State argued in opposition to an O/R release and
argued that the bail should remain at \$60,000.00 bondable. The
State argued that Defendant is not amenable to supervision and
does not maintain his medicine regimen when out of custody, as
shown by Defendant's prior behavior.

11/30/16
9:00 a.m.
Mot Conf

12/12/16
10:00 a.m.
Jury Trial
(5 Days)

Defense counsel responded to the State's arguments and presented additional arguments in support of an O/R release. Defense counsel discussed the statements made by Defendant to law enforcement at the time of his arrest and responded to comments and concerns of the Court.

The Court read the Court Services notes into the record.

Officer Pitt provided the Court with additional information and discussed Defendant's prior conduct while on Court Services supervision.

COURT ORDERED: Motion for O/R is hereby denied. Bail shall remain as previously set in the amount of \$60,000.00 bondable. Defendant was remanded to the custody of the Sheriff.

**EXHIBITS
MOTION FOR O/R RELEASE**

PLTF: THE STATE OF NEVADA

PATY: Luke Prengaman, D.D.A

DEFT: IAN ANDRE HAGER

DATY: Katheryn Hickman, D.P.D.

Case No: CR16-1457

Dept. No: 9

Clerk: L. Sabo

Date: 10/19/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	SPD Supplemental or Continuation Report dated 4/12/16	10/19/16	No Obj	10/19/16
2	State	Copy of 9/21/16 transcript of SJC Preliminary Hearing	10/19/16	No Obj	10/19/16
3	State	SPD Declaration of Probable Cause dated 4/8/16	10/19/16	No Obj	10/19/16
4	State	SPD Supplemental or Continuation Report dated 4/14/16	10/19/16	No Obj	10/19/16
5	State	SPD Supplemental or Continuation Report dated 4/9/16	10/19/16	No Obj	10/19/16
6	State	CD of WCSO Jail Phone Calls	10/19/16	No Obj	10/19/16

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/30/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

MOTION TO CONFIRM TRIAL

Deputy D.A. Luke Prengaman represented the State.
Defendant was present with counsel, Erica Flavin, Deputy P.D.
Probation Officer, Heather Digesti, was present.
No Court Services Officer was present.
Respective counsel confirmed this matter for trial, which is set to
begin on December 12, 2016.
Counsel for Defendant stated that numerous motions had been
filed and requested that a motions hearing be set.
Counsel for State briefly discussed defense counsel's Motion to
Declare NRS 202.360 Void for Vagueness and stated that said
motion should have been filed as a pre-trial writ and would require
the defense to waive speedy trial rights. However, the State was
not requesting that the defense address this issue at this time and
agreed with defense counsel's request to set a motions hearing.
Discussion was held among the Court and respective counsel
regarding the availability of the Court and counsel in scheduling a
hearing.
COURT ORDERED: Matter continued for hearing on Pre-Trial
Motions to be heard on December 5, 2017 at 9:00 a.m.
Defendant was remanded to the custody of the Sheriff.

12/5/17
9:00 a.m.
Pre-Trial
Motions

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/2/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)

IN-CHAMBERS TELEPHONE CONFERENCE

Deputy D.A. Luke Prengaman represented the State, appearing telephonically.

Defendant was not present, being represented by counsel, James Leslie, Deputy P.D., who appeared telephonically.

Counsel for Defendant addressed the Court regarding the Pre-Trial Motions hearing set by the Court for December 5, 2016 at 9:00 a.m. and moved to continue said hearing until the return of defense counsel Katheryn Hickman, who is on vacation until December 7, 2016.

However, if the Court is not willing to continue the hearing, counsel Leslie, along with defense counsel Flavin, will be prepared to argue the pre-trial motions.

The Court clarified the statements that counsel Leslie made and informed defense counsel that the only available date to hear motions is December 5, as is scheduled.

Counsel for State had nothing to add.

The Court informed counsel Leslie that the State had briefly addressed defense counsel's Motion regarding NRS 202.360 with the issue of a statutory waiver of speedy trial rights to be addressed. Counsel Leslie confirmed he was aware of this issue.

COURT ORDERED: Motion to continue Pre-Trial Motions Hearing is hereby denied.

12/5/16
9:00 a.m.
Pre-Trial
Motions

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

12/12/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
L. Stubbs
(Reporter)
P. Sewell
(Bailiff)

JURY TRIAL

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Prior to the commencement of trial, **State's exhibits 1 through 91** were marked for identification.

Outside the presence of the jury pool, the Court canvassed Defendant under Frye and Lafler.

The State informed the Court that an offer had been presented wherein Defendant would plead guilty to one count of prohibited person in possession of a firearm; in exchange, the State would have no objection to Defendant participating in Mental Health Court, if accepted.

Defendant confirmed he had been informed of the offer from the State and that he rejected the same.

Respective defense counsel confirmed that they had delivered the offer to Defendant and had answered all questions he had related thereto.

In response to the Court, Defendant confirmed his desire to proceed with trial at this time.

The Court determined that Defendant was aware of the offer by the State and had knowingly rejected the same.

Counsel Hickman addressed the Court regarding a Subpoena Duces Tecum served upon the Division of Parole and Probation by the defense team and the Motion to Quash Subpoena filed by the Attorney General's Office. Counsel Hickman stated that she had spoken with Deputy A.G. Brady and that they had resolved the issue. Therefore, the defense was withdrawing the Subpoena; **SO ORDERED.**

The Court addressed the fact that Deputy P.D. Joanna Roberts was on the list of potential jurors; respective counsel stipulated to dismiss Ms. Roberts from this case. The Jury Commissioner was notified of said stipulation.

The Court briefly discussed the anticipated trial schedule with respective counsel. Matter adjourned until the arrival of the potential jurors.

Upon the jurors being present, this matter reconvened.

At the direction of the Court, the Clerk called the roll of the jurors and noted that forty-four (44) potential jurors were present.

Introductions of Court, counsel, Court personnel and respective parties were made to the prospective jurors.

All prospective jurors were sworn to answer questions touching upon their qualifications to serve as jurors in this case.

General and specific examination was had of the prospective jurors in the box. Following peremptory challenges, the following twelve (12) jurors and one (1) alternate(s) were sworn to try this case:

James Cowen
Judy Bosch
Jerry Francis
Ashley Snider
David Eads
Terri Menghini

Patricia Cruz-Hernandez
Petra Suber
Thomas Hegge
Kristin Fahrion
Ashley Halminiak
Cristian Lemus

Alternate(s): Monica Kelly

The Court admonished the Jurors at each recess and, upon court reconvening, the Court noted the presence of the Jury.

Upon direction of the Court, the Clerk read the Information which was filed in this case and stated the Defendant's plea thereto.

During the lunch recess, outside the presence of the Jury, defense counsel Hickman offered to stipulate to the element of possession of all firearms during the time alleged herein and will agree to a jury instruction in accordance with said stipulation; therefore, the defense moved to exclude the Facebook videos which the State intends to admit to show possession of said weapons during the time frame alleged herein.

Defense counsel Hickman stated that there is case law related to this issue wherein the Court can decide whether or not to accept the stipulation if the State refuses to do so.

The Court will allow the State to consider defense counsel's proposed stipulation during the lunch recess with court to reconvene outside the presence of the Jury at the conclusion of the recess.

Matter adjourned.

Following the noon recess and continuing outside the presence of the Jury, the State informed the Court that the State will not accept the stipulation proposed by defense counsel.

The Jury returned to the courtroom.

Counsel for State presented an opening statement with the defense to present an opening statement at the conclusion of the State's case-in-chief.

COURT ORDERED: The Trial is hereby continued until Tuesday, December 13, 2016 at 11:00 a.m.

Defendant was remanded to the custody of the Sheriff.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

12/13/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

JURY TRIAL (Cont'd.)

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Outside the presence of the Jury, counsel for State informed the Court that all photographs, with the exception of exhibits 3 and 81 were being stipulated to by the defense; **CO:** Admitted.

The State addressed State's exhibits 31-A and 31-B, redacted recordings of the arraignment and sentencing hearings in CR13-6258, as well as State's exhibits 33 through 37 and stated his intention to seek admission of these exhibits through the State's first witness.

Defense counsel Hickman objected to these exhibits being admitted into evidence through a records custodian Affidavit and discussed defense counsel's authenticity objection; additionally, defense counsel objected to the admission of said exhibits under Crawford and presented argument in support thereof.

Discussion was held between the Court and defense counsel Hickman.

Counsel for State responded and discussed the necessity of this evidence being introduced to prove a specific element of this case.

Defense counsel responded further and presented additional argument and discussed related case law.

COURT ORDERED: The Court found that these exhibits were not a Crawford violation. Defense counsel's objection is overruled from an authenticity standpoint.

Counsel Hickman further objected to the admission of documents/videos related to CR13-6258 related to the Specialty Court statutes, specifically NRS 176A.260(4) which addresses the issue of dismissing/sealing a case upon completion of Specialty Courts; counsel Hickman argued that CR13-6258 should not be considered as Defendant successfully completed Mental Health Court. The Court responded to defense counsel's argument.

Counsel for State argued in opposition to defense counsel's position and argued that these issues should have been raised prior to this time.

Respective counsel presented additional argument.

COURT ORDERED: Defense counsel's objection is overruled.

Counsel Hickman addressed the Court regarding redactions she believes are necessary to some of the videos marked by the State, specifically, State's exhibits 12, 14, 19, 22, 25.

The Court reviewed all videos in question, with respective counsel arguing as to

the necessity of the Jury viewing the contents of said video.

The Court ruled as follows:

State's exhibit 12 – Defense counsel's objection is overruled; **SO ORDERED.**

State's exhibit 14 – Defense counsel's objection is sustained as to the portion of the video prior to 1 minute 11 seconds; **SO ORDERED.**

State's exhibit 22 – Defense counsel's objection is sustained as to the portion of the video prior to 2 minutes 20 seconds; **SO ORDERED.**

State's exhibit 25 – Defense counsel's objection is sustained as to the portion of the video beyond the issue with the door hinge; **SO ORDERED.**

State's exhibit 19 – Defense counsel's objection is sustained as being too prejudicial; **SO ORDERED.**

Counsel for State requested that he be allowed to elicit testimony regarding exhibit 19 limited to Defendant's possession of weapons within his residence; **SO ORDERED.**

Counsel Hickman moved to invoke the rule of exclusion; **SO ORDERED.**

Counsel Hickman objected to the State's witness Debbie Okuma, a PSI writer, due to the fact that the defense has not received the PSI Questionnaire for CR13-6258.

The State responded and discussed the proposed testimony, stating he can attempt to assist the defense in obtaining a copy.

COURT ORDERED: The Attorney General's Office shall provide the PSI Questionnaire in CR13-6258. Defense counsel to prepare an appropriate order for the Court's signature.

The Court determined that, upon receiving the PSI Questionnaire the defense would be able to prepare for cross-examination of State's witness Debbie Okuma. The Jury returned to the courtroom.

Christopher Rowe, called by the State, was sworn, testified and cross-examined by defense counsel Hickman.

During the testimony of the witness, the following exhibits were ordered admitted by the Court:

State's exhibits 12, 13, 17, 18, 31A, 31B, 33 through 37, and 93

Outside the presence of the Jury, the Court noted that counsel had approached the bench, with defense counsel Hickman stating that the defense was interested in a Tavares Instruction being given to the Jury based upon the cumulative nature of testimony elicited by the State. At that time, the Court determined it appropriate to address this issue at the conclusion of presentation of evidence upon which the request was being made.

Counsel Hickman requested that the Court give said instruction related to possible narcotics use as well as the fact that Defendant had a prior criminal case (CR13-6258), informing the Jury that they cannot consider this information for anything other than the reasons it was presented and cannot consider the same when determining Defendant's guilt or innocence herein.

COURT ORDERED: Defense counsel's request is granted. The Court reviewed respective counsel's proposed Tavares instructions and determined that defense

counsel's instruction was appropriate.

In response to the Court, defense counsel Hickman confirmed that she waived any defect which may exist in the Court giving said instruction to the Jury after the testimony/evidence has been presented.

The Jury returned to the courtroom.

The Court addressed the Jury and read a Tavares instruction to the Jury.

Continued examination was done of witness Rowe.

Brian Orr called by State, was sworn, testified and was cross-examined by defense counsel Hickman.

During the testimony of the witness, the following exhibits were ordered admitted by the Court:

State's exhibits 59, 85, 85-A, 86, 87, 88, 88-A, and 89 through 91

Additionally during the testimony of the witness, the following exhibit was ordered marked and admitted by the Court:

Defendant's exhibit 94

Kevin Dach, called by State, was sworn and testified on direct examination.

During the testimony of the witness, the following exhibits were ordered admitted by the Court:

State's exhibits 9, 11, 15, 16, 21, 23 and 24

COURT ORDERED: The Jurors are excused until Wednesday, December 14, 2016 at 10:30 a.m.

Outside the presence of the Jury, respective counsel addressed the issue of the PSI questionnaire from CR13-6258; the State informed the Court that he had obtained a copy of said questionnaire and would provide the same to defense counsel.

COURT ORDERED: The Trial is hereby continued until Wednesday, December 14, 2016 at 10:30 a.m.

Defendant was remanded to the custody of the Sheriff.

12/14/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
L. Stubbs
(Reporter)
P. Sewell
(Bailiff)

JURY TRIAL (Cont'd.)

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Kevin Dach, heretofore sworn, resumed the stand and continued testifying on direct and cross-examination, with cross-examination conducted by counsel Hickman.

During the testimony of the witness, the following exhibits were ordered admitted by the Court:

State's exhibits 8, 10, 27, 28, 92

Additionally during the testimony of the witness, the following exhibit was ordered marked and admitted by the Court:

State's exhibits 7-A through 7-C and 14-A through 14C

James Popovich, called by the State, was sworn, testified and cross-examined by defense counsel Hickman.

During the testimony of the witness, the following exhibits were ordered admitted by the Court:

State's exhibit 38 (upon being redacted)

Upon court recessing for the lunch break, outside the presence of the Jury, the Court discussed the remaining trial schedule.

Counsel for State addressed the Court regarding the Court's previous ruling related to Defendant's firearms previously being in the possession of Sparks Police Department and, subsequently, returned to the Defendant; the State confirmed that the defense cannot make any reference without further ruling by this Court.

Defense counsel Hickman discussed her intention to present argument outside the presence of the Jury after the close of the State's case-in-chief regarding the fact that Defendant's firearms had been removed from his possession and subsequently returned and would not present such evidence unless and until allowed to do so by the Court.

The Court addressed Defendant regarding his right to remain silent or to testify at trial if he chooses to do so, and canvassed Defendant under Carter v. Kentucky.

Defendant confirmed that he understood his right to testify or to remain silent.

Counsel for State requested that the Court take judicial notice of DSM-IV and provided the Court with a copy of said document (marked as **State's exhibit 95**).

COURT ORDERED: Judicial notice taken.

Following the lunch recess, court reconvened.

Debbie Okuma, called by State, was sworn, testified and cross-examined by defense counsel Flavin.

Scott Johnson, called by State, was sworn, testified and cross-examined by defense counsel Flavin.

Following a bench conference and outside the presence of the Jury, the State argued that by way of questions asked of the witness through cross-examination, the defense had opened the door to additional videos being shown to the Jury.

The State discussed the Court's prior ruling prohibiting videos depicting threats to police, violent and aggressive or agitated behavior, and specific threats against witness Johnson and further discussed the testimony elicited by the defense.

Counsel Flavin addressed the Court in response to the State's argument.

The Court expressed concern with the testimony elicited by the defense.

Further discussion was held between the Court and defense counsel Flavin.

The State responded and presented additional argument.

COURT ORDERED: The Court finds that the impression left to the Jury by defense counsel's questioning of witness Johnson was unfair to the State. However, the State's request to elicit testimony regarding threats to police officers and to this witness shall not be allowed as it is too prejudicial to the Defendant. The Court will allow the State to conduct direct examination regarding the concerns of witness Johnson and his subsequent referral to other personnel/agencies.

The Jury returned to the courtroom.

Witness Johnson continued testifying on direct and cross-examination.

The State rested its case-in-chief.

Outside the presence of the Jury, defense counsel Hickman addressed the Court and renewed defense counsel's Motion to Dismiss as to Counts I, II and III and argued that the State failed to prove that Defendant was ever adjudicated as mentally ill.

The State responded and stated that a motion to dismiss was not an appropriate way to proceed at that time and that he believed the defense was seeking an advisory verdict. The Court responded to the State's comments and indicated that the Court had the discretion to dismiss said counts if the Court determined that the State failed to prove the elements thereof.

Counsel for State responded to defense counsel's argument and objected to dismissal of Counts I, II and III.

Further arguments were presented by respective counsel.

COURT ORDERED: Motion to dismiss Counts I, II and III is hereby denied in that the State has shown a prima facie case.

Defense counsel Hickman addressed the Court regarding the entrapment by estoppel defense and presented argument in support of allowing said defense to be presented to the Jury. Defense counsel discussed related case law and further discussed the ATF document signed by SPD Evidence Clerk Joanna Bellamy; counsel further discussed defense witnesses related to this issue. Counsel Hickman responded to the Court's statements and presented additional argument.

Counsel for State responded and argued in opposition thereto, stated that the defense had failed to properly show that an entrapment by estoppel defense would be appropriate.

Defense counsel Hickman presented additional argument.

The Court informed defense counsel that if she chose to proceed with the requested defense, Defendant's criminal history would come into evidence.

Defense counsel confirmed the statement made by the Court regarding Defendant's criminal history and presented additional argument.

COURT ORDERED: Defense counsel shall be allowed to proceed with an entrapment by estoppel defense. The Court will determine at a later time if a Jury Instruction related thereto will be given to the Jury.

The Jury returned to the courtroom.

Defense counsel Hickman presented an opening statement.

Jason Edmonson, called by defense counsel Hickman, was sworn, testified and cross-examined.

Matthew Raker, called by defense counsel Flavin, was sworn, testified and cross-examined.

COURT ORDERED: The Trial is hereby continued until Thursday, December 15, 2016 at 10:00 a.m.

Defendant was remanded to the custody of the Sheriff.

12/15/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailliff)

JURY TRIAL (Cont'd.)

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Prior to the commencement of trial, **Defendant's exhibits 97 through 100** were marked for identification.

Beginning outside the presence of the Jury, the State informed the Court that he had just received a document from defense counsel which had not previously been disclosed by defense counsel through discovery; therefore, the State objected to the defense admitting said document into evidence herein.

Defense counsel responded and argued that said document had been in the possession of the State, through law enforcement, and stated that counsel did not know if said document would be allowed until after the Court's ruling related to the estoppel defense.

The State argued that this was strategic delay and urged the Court to preclude this evidence as well as any witnesses from which the defense intends to elicit testimony as to said document.

Defense counsel stated that only the first 2 pages of Defendant's exhibit 97 had not been previously supplied through discovery.

COURT ORDERED: The first 2 pages of exhibit 97 are hereby stricken under discovery statutes.

(The pages were removed from Defendant's exhibit 97 and marked for identification as **Defendant's exhibit 97-A.**)

The Jury returned to the courtroom.

Joanna Bellamy, called by defense counsel Hickman, was sworn, testified and cross-examined.

During the testimony of the witness, the following exhibit was ordered admitted by the Court:

Defendant's exhibit 98

Lori Renfro, called by defense counsel Hickman, was sworn, testified and cross-examined.

During the testimony of the witness, the following exhibit was ordered marked and admitted by the Court:

Defendant's exhibit 100-A

Ian Andre Hager, called by defense counsel Hickman, was sworn, testified and cross-examined.

During the testimony of the witness, the following exhibit was ordered admitted by the Court:

Defendant's exhibit 99

Additionally during the testimony of the witness, the following exhibit was marked for identification purposes:

Defendant's exhibit 101

During the testimony of the Defendant and outside the presence of the Jury, the State argued that the defense had opened the door to all subject matter the Court had previously prohibited related to Defendant's threats to police, and discussed the testimony elicited by defense counsel of the Defendant.

Defense counsel Hickman responded and stated that she was very specific with her line of questioning, limiting it to the video admitted as State's exhibit 18 only. Defense counsel argued in opposition to the State.

The Court discussed defense counsel's trial strategy to bring in additional testimony by Defendant regarding the message he was trying to send to law enforcement.

COURT ORDERED: The Court finds that the defense opened the door through the line of questioning posed to the Defendant regarding the message he was trying to send to law enforcement, specifically to Scott Johnson.

The State discussed the counsel's entrapment by estoppel defense and moved to strike any testimony related to said defense based upon the State's belief that defense counsel failed to prove such a defense. Counsel for State presented argument in support of his motion to strike and urged the Court to instruct the Jury not to consider this issue.

Defense counsel Hickman responded and argued in opposition to the State; defense counsel discussed the testimony elicited herein of Joanna Bellamy and Lori Renfro and stated that Defendant relied on the statements of both witnesses when the firearms were released to Defendant.

COURT ORDERED: The Court, having carefully reviewed this issue, finds that defense counsel established a defense of entrapment by estoppel and will allow such a defense to go forward.

Counsel for State seeks leave of the Court to be allowed to play all of the videos which were previously prohibited by the Court.

The Court directed the State to use discretion in showing videos which only relate to threats to law enforcement.

Counsel for State requested that the videos be reviewed at this time to determine what redactions need to be made; **SO ORDERED.**

Following a brief recess and continuing outside the presence of the Jury, the State, along with defense counsel and the Court, reviewed various videos in search of relevant portions depicting threats to law enforcement made by

Defendant.

During said review, respective counsel argued whether relevant portions of various videos should be allowed into evidence. Rulings were made by the Court as to the relevant portions of the videos and what will be allowed into evidence.

State's exhibits 102, 103, 104 (upon being redacted) were marked and admitted. The Jury returned to the courtroom.

Ian Andre Hager, heretofore sworn, continued testifying on direct by counsel Hickman and cross-examination.

During the testimony of the witness, the following exhibit was ordered marked and admitted by the Court:

State's exhibit 105

Outside the presence of the Jury, defense counsel informed the Court that the defense would rest; counsel for State stated that rebuttal witnesses would be called by the State.

The Court discussed the remaining trial schedule, including settling jury instructions.

Counsel Hickman requested the Court require the State to provide an offer of proof of the State's rebuttal witness testimony. The State informed the Court and defense that the State would re-call Scott Johnson, to testify to the videos now being allowed into evidence and James Popovich, to testify regarding Mental Health Court and the Defendant's use of controlled substances.

Counsel Hickman objected to James Popovich being re-called regarding Defendant's dirty drug test and argued that the defense was not previously made aware of said test results during discovery; the State responded that the State had no legal duty to provide that information to the defense. Respective counsel presented further argument; **COURT ORDERED:** Defense counsel's objection is hereby overruled. The State shall be allowed to call James Popovich on rebuttal. The Jury returned to the courtroom.

Defense rested.

James Popovich, called by the State on rebuttal, was sworn, testified and cross-examined by counsel Hickman.

During the testimony of the witness, the following exhibit was ordered marked and admitted by the Court:

State's exhibit 106

Scott Johnson, called by the State on rebuttal, was sworn, testified and cross-examined.

The State rested.

Defense counsel stated there was no sur-rebuttal to present.

The Court addressed the Jurors and discussed the remaining trial schedule.

COURT ORDERED: The Trial is hereby continued until Friday, December 16, 2016 at 10:00 a.m.

Outside the presence of the Jury, the Court directed all counsel to meet with the

Court in chambers for purposes of settling jury instructions.
In response to the Court, Defendant waived his appearance for settling jury instructions.

Defendant was remanded to the custody of the Sheriff.

Off the record, the Court determined that jury instructions would be placed on the record upon court reconvening the following morning.

12/16/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo/
Y. Gentry
(Clerks)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

JURY TRIAL (Cont'd.)

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Outside the presence of the Jury, the Court placed Jury Instructions 1 through 28 on the record.

Counsel for State objected to Jury Instruction No. 19 and argued that said Instruction should not be given as proposed; **COURT ORDERED:** State's objection is hereby overruled. Instruction No. 19 shall be given to the Jury as written.

Counsel for State had no additional instructions to proffer to the Court.

Defense counsel Hickman objected to Jury Instruction No. 16 and argued that said Instruction should not be given as proposed; State responded to defense counsel's argument; **COURT ORDERED:** Defense's objection is hereby overruled. Instruction No. 16 shall be given to the Jury as written and provided an explanation of the Court's ruling.

Defense counsel Hickman proffered two alternative instructions which were marked and filed as Defendant's Rejected 1 and 2.

Defense counsel Hickman objected to Jury Instruction No. 18 and argued that said Instruction should not be given as proposed; State responded to defense counsel's argument; **COURT ORDERED:** Defense's objection is hereby overruled. Instruction No. 18 shall be given to the Jury as written.

Defense counsel Hickman proffered an alternative instruction which was marked and filed as Defendant's Rejected 3.

Defense counsel Hickman objected to Jury Instruction No. 19 and argued that said Instruction should not be given as proposed; State responded to defense counsel's argument; **COURT ORDERED:** Defense's objection is hereby overruled. Instruction No. 19 shall be given to the Jury as written and provided an explanation of the Court's ruling.

Defense counsel Hickman proffered an alternative instruction which was marked and filed as Defendant's Rejected 4.

Defense counsel Hickman objected to Jury Instruction No. 22 and argued that said Instruction should not be given as proposed; State responded to defense counsel's argument; **COURT ORDERED:** Defense's objection is hereby overruled. Instruction No. 22 shall be given to the Jury as written and provided an explanation of the Court's ruling.

Defense counsel proffered two additional instructions which were marked and filed as Defendant's Rejected 5 and 6.

Neither counsel objected to the proposed verdict forms.

The Jury returned to the courtroom.

The Court read Jury Instructions 1 through 28 aloud to the Jury.

Respective counsel presented closing arguments.

Upon stipulation of counsel, the Alternate Juror Monica Kelly was excused, subject to recall by the Court.

At 1:25 p.m. the Bailiff was sworn to take charge of the Jury during deliberations.

Court stood in recess, subject to the call of the Jury.

(Clerk note: Court Clerk Yvette Gentry was present and clerked the remainder of these proceedings)

At 5:00 p.m. court reconvened to address a question from the Jury.

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was not present, being represented by counsel,

Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

Counsel Hickman waived Defendant's presence for purposes of responding to the Jury's question.

The Court read the Jury question and the Court's proposed response; all counsel agreed with the response proposed by the Court.

The Court provided the written response to the Bailiff with the direction to provide the same to the Jury.

At 5:02 p.m. court again stood in recess, subject to the call of the Jury.

At 6:23 p.m., court reconvened upon being notified that a verdict had been reached.

Deputy D.A. Luke Prengaman represented the State.

Defendant Ian Andre Hager was present with counsel, Katheryn Hickman, Deputy P.D. and Erica Flavin, Deputy P.D.

At the direction of the Court, the attached Verdicts were read into the record by the Court Clerk, with the Jury finding Defendant guilty on Counts I through VI herein.

In response to being polled by the Clerk, each Juror stated that he or she agreed with all verdicts reached.

The Court thanked and excused the Jury.

Discussion was held among the Court and respective counsel regarding the necessity of a new PSI Report being prepared.

COURT ORDERED: A new PSI Report shall be prepared. Sentencing is hereby set for February 8, 2017 at 9:00 a.m.

Defense counsel requested that this sentencing be heard at the end of the criminal docket on February 8; **SO ORDERED.**

Court adjourned.

Defendant was remanded to the custody of the Sheriff.

(Clerk note: Defendant was provided with a PSI Questionnaire and the Division of Parole and Probation was notified of the sentencing date set herein.)

1 CODE 4245

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5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14 _____/

15
16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count I. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.

20
21 DATED this 16 day of December, 2016.

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

1 CODE 4245
2
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4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.
8

* * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14
15 _____/

16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count II. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.
20

21 DATED this 16 day of December, 2016.

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

1 CODE 4245
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14
15 _____/

16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count III. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.

20
21 DATED this 16 day of December, 2016.

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

1 CODE 4245
2
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4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14
15 _____/

16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count IV. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.

20
21 DATED this 16 day of December, 2016.

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

1 CODE 4245
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14
15 _____/

16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count V. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.

20
21 DATED this 16 day of December, 2016.

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

1 CODE 4245
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR16-1457

11 v.

Dept. No. 9

12 IAN ANDRE HAGER,

13 Defendant.
14
15 _____/

16 VERDICT

17 We, the jury in the above-entitled matter, find the
18 defendant, IAN ANDRE HAGER, GUILTY of Count VI. POSSESSION OF A
19 FIREARM BY A PROHIBITED PERSON.
20

21 DATED this 16 day of December, 2016

22 Patricia Cruz-Hernandez
23 FOREPERSON
24
25
26

TRIAL EXHIBITS

PLTF: THE STATE OF NEVADA

PATY: Luke Prengaman, D.D.A.

DEFT: IAN ANDRE HAGER

**DATY: Kathryn Hickman, D.P.D.
Erica Flavin, D.P.D.**

Case No: CR16-1457

Dept. No: 9

Clerk: L. Sabo

Trial Date: 12/12/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Photo - guns	12/8/16	Stip	12/13/16
2	State	Photo - guns	12/8/16	Stip	12/13/16
3	State	Photo – duffle bag	12/8/16	Obj	
4	State	Photo - Deft in residence	12/8/16	Stip	12/13/16
5	State	Photo - AR 15 & other items in Deft's residence	12/8/16	Stip	12/13/16
6	State	Photo - Deft on couch	12/8/16	Stip	12/14/16
7	State	iPhone video 11/28/15 - IMG 2855	12/8/16		
7-A – 7-C	State	Still photos from iPhone video 11/28/15 - IMG 2855 (exh. 7)	12/14/16	Stip	12/14/16
8	State	Capture - IMG 2855	12/8/16	Stip	12/14/16
9	State	Capture - iPhone IMG 3714; IMG 3705; IMG 3713	12/8/16	Stip	12/13/16
10	State	iPhone video 1/25/16 - IMG 3739	12/8/16	No Obj	12/14/16
11	State	Capture - IMG 3739	12/8/16	Stip	12/13/16
12	State	Facebook video - 1/25/16	12/8/16	Obj	12/13/16
13	State	Facebook video - 1/27/16	12/8/16	No Obj	12/13/16
14	State	iPhone video 2/2/16 - IMG 3999	12/8/16	Obj	Sustained
14-A – 14-C	State	Still photos from iPhone video 2/2/16 - IMG 3999 (exh. 14)	12/14/16	No Obj	12/14/16
15	State	Capture - iPhone IMG 3999	12/8/16	Stip	12/13/16
16	State	Capture - iPhone IMG 4124	12/8/16	Stip	12/13/16
17	State	Facebook video - 2/20/16	12/8/16	Stip	12/13/16
18	State	Facebook video - 2/26/16	12/8/16	No Obj	12/13/16
19	State	Facebook video - 2/28/16 (#1)	12/8/16	Obj	Sustained

TRIAL EXHIBITS					
PLTF: THE STATE OF NEVADA			PATY: Luke Prengaman, D.D.A.		
DEFT: IAN ANDRE HAGER			DATY: Katheryn Hickman, D.P.D. Erica Flavin, D.P.D.		
Case No: CR16-1457		Dept. No: 9	Clerk: L. Sabo	Trial Date: 12/12/16	
Exhibit No.	Party	Description	Marked	Offered	Admitted
20	State	iPhone video 2/28/16 - IMG 4861	12/8/16		
21	State	Capture - iPhone IMG 4861	12/8/16	Stip	12/13/16
22	State	Facebook video - 2/28/16 (#2)	12/8/16	Obj	Sustained
23	State	Capture - iPhone IMG 4975	12/8/16	Stip	12/13/16
24	State	Capture - iPhone IMG 5017	12/8/16	Stip	12/13/16
25	State	Facebook video - 3/2/16	12/8/16	Obj	Sustained
26	State	Photo - various items in Deft's residence	12/8/16	Stip	12/13/16
27	State	Capture - iPhone IMG 5823	12/8/16	Stip	12/14/16
28	State	iPhone video 3/29/16 - IMG 6042 (#1)	12/8/16	No Obj	12/14/16
29	State	Video 3/29/16 (#2)	12/8/16		
30	State	Certificate of Custodian of Records re: CR13-6258 (states CR13-6528)	12/8/16	----	----
31	State	CR13-6258 - DVD of both 3/11/13 Arraignment & 4/29/13 Sentencing hearings (notation on DVD states CR13-6528)	12/8/16	----	----
31-A	State	CR13-6258 - DVD of 3/11/13 Redacted version of Arraignment hearing (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16
31-B	State	CR13-6258 - DVD of 4/29/13 Redacted version of Sentencing hearing (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16

TRIAL EXHIBITS					
PLTF: THE STATE OF NEVADA			PATY: Luke Prengaman, D.D.A.		
DEFT: IAN ANDRE HAGER			DATY: Katheryn Hickman, D.P.D. Erica Flavin, D.P.D.		
Case No: CR16-1457		Dept. No: 9	Clerk: L. Sabo	Trial Date: 12/12/16	
Exhibit No.	Party	Description	Marked	Offered	Admitted
31-C	State	CR13-6258 - DVD of 3/11/13 Arraignment hearing (unredacted)	12/8/16	----	----
31-D	State	CR13-6258 - DVD of 4/29/13 Sentencing hearing (unredacted)	12/8/16	----	----
32	State	CR13-6258 - full court record	12/8/16	----	----
33	State	CR13-6258 - Guilty Plea Agreement (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16
34	State	CR13-6258 - App for Treatment or Diversion per NRS 453.3363 or NRS 458 (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16
35	State	CR13-6258 - Written Notice of App. for Treatment under NRS 176A.250 & w/drawing App. per NRS 458 (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16
36	State	CR13-6258 - Order suspending proceedings per NRS 176A.250 (redacted & replaced 12/12/16)	12/8/16	Obj	12/13/16
37	State	CR13-6258 – Redacted version of Arraignment & Plea Hearing Minutes	12/8/16	Obj	12/13/16
38	State	Mental Health Court documents (redactions made)	12/8/16	No Obj w/ redaction	12/14/16
39	State	Photo - Deft's residence – outside front view	12/8/16	Stip	12/13/16
40	State	Photo - Deft's residence	12/8/16	Stip	12/13/16

TRIAL EXHIBITS

PLTF: THE STATE OF NEVADA

PATY: Luke Prengaman, D.D.A.

DEFT: IAN ANDRE HAGER

**DATY: Katheryn Hickman, D.P.D.
Erica Flavin, D.P.D.**

Case No: CR16-1457

Dept. No: 9

Clerk: L. Sabo

Trial Date: 12/12/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
41	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
42	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
43	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
44	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
45	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
46	State	Photo - Deft's mail	12/8/16	Stip	12/13/16
47	State	Photo - countertop	12/8/16	Stip	12/13/16
48	State	Photo - countertop	12/8/16	Stip	12/13/16
49	State	Photo - vest & other items	12/8/16	Stip	12/13/16
50	State	Photo - vest	12/8/16	Stip	12/13/16
51	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
52	State	Photo - AR-15	12/8/16	Stip	12/14/16
53	State	Photo - AR-15	12/8/16	Stip	12/13/16
54	State	Photo - magazine w/ bullets	12/8/16	Stip	12/13/16
55	State	Photo - closet door	12/8/16	Stip	12/13/16
56	State	Photo - gun safe	12/8/16	Stip	12/13/16
57	State	Photo - Winchester shotgun	12/8/16	Stip	12/13/16
58	State	Photo - Navy Arms pistol	12/8/16	Stip	12/13/16
59	State	Photo - colt pistol	12/8/16	Stip	12/13/16
60	State	Photo - colt pistol	12/8/16	Stip	12/13/16
61	State	Photo - shotgun	12/8/16	Stip	12/13/16
62	State	Photo - various ammunition	12/8/16	Stip	12/13/16
63	State	Photo - stairway/wall in Deft's residence	12/8/16	Stip	12/13/16
64	State	Photo - stairway in Deft's residence	12/8/16	Stip	12/13/16
65	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
66	State	Photo - Deft's residence	12/8/16	Stip	12/13/16

TRIAL EXHIBITS

PLTF: THE STATE OF NEVADA

PATY: Luke Prengaman, D.D.A.

DEFT: IAN ANDRE HAGER

**DATY: Kathryn Hickman, D.P.D.
Erica Flavin, D.P.D.**

Case No: CR16-1457

Dept. No: 9

Clerk: L. Sabo

Trial Date: 12/12/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
67	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
68	State	Photo - Deft's residence	12/8/16	Stip	12/13/16
69	State	Photo - Deft's residence	12/8/16	Stip	12/14/16
70	State	Photo - shotgun	12/8/16	Stip	12/13/16
71	State	Photo - shotgun	12/8/16	Stip	12/13/16
72	State	Photo - shotgun rounds	12/8/16	Stip	12/13/16
73	State	Photo - Deft's passport	12/8/16	Stip	12/13/16
74	State	Photo - bedroom	12/8/16	Stip	12/13/16
75	State	Photo - top of end table	12/8/16	Stip	12/13/16
76	State	Photo - contents of table drawer	12/8/16	Stip	12/13/16
77	State	Photo - top of round end table	12/8/16	Stip	12/13/16
78	State	Photo - blankets & gun on bed	12/8/16	Stip	12/13/16
79	State	Photo - Sig Sauer handgun	12/8/16	Stip	12/13/16
80	State	Photo - Sig Sauer handgun	12/8/16	Stip	12/14/16
81	State	Photo - vest	12/8/16	Obj	
82	State	Photo - magazine w/ bullets	12/8/16	Stip	12/13/16
83	State	Deft's PSI Report from CR13-6258	12/8/16	----	----
84	State	DVD - Interview w/ Deft	12/8/16	----	----
85	State	Box containing Sig Sauer handgun	12/8/16	No Obj	12/13/16
85-A	State	Bag w/ magazine & ammo	12/8/16	No Obj	12/13/16
86	State	Box containing Colt pistol	12/8/16	No Obj	12/13/16
86-A	State	Bag w/ empty magazine	12/8/16		
87	State	Box containing Navy Arms pistol	12/8/16	No Obj	12/13/16
88	State	Box containing Bushmaster AR-15	12/8/16	No Obj	12/13/16

TRIAL EXHIBITS					
PLTF: THE STATE OF NEVADA			PATY: Luke Prengaman, D.D.A.		
DEFT: IAN ANDRE HAGER			DATY: Kathryn Hickman, D.P.D. Erica Flavin, D.P.D.		
Case No: CR16-1457		Dept. No: 9	Clerk: L. Sabo	Trial Date: 12/12/16	
Exhibit No.	Party	Description	Marked	Offered	Admitted
88-A	State	Bag w/ 2 magazines & ammo	12/8/16	No Obj	12/13/16
88-B	State	4 sets of handcuffs (bound together)	12/13/16		
89	State	Box containing Winchester	12/8/16	No Obj	12/13/16
89-A	State	Bag w/ ammo for Winchester	12/8/16		
90	State	Box containing Ruger	12/8/16	No Obj	12/13/16
91	State	Box containing Sears shotgun	12/8/16	No Obj	12/13/16
92	State	Capture - IMG 6042	12/13/16	No Obj	12/14/16
93	State	DVD - segment of Deft's interview	12/13/16	No Obj	12/13/16
94	Deft	Photo - photography equipment in Deft's residence	12/13/16	No Obj	12/13/16
95	State	DSM-IV (Court took judicial notice of document)	12/14/16	----	----
96	State	P&P Presentence Investigation Report Questionnaire	12/14/16	----	----
97	Deft	CR13-6258 – Order filed 10/17/14 w/ RMC case docket attached	12/15/16		
97-A	Deft	Nevada Dept. of Public Safety Property and Evidence letter & Property/Evidence Transfer Receipt (removed from exhibit 97 and stricken by the Court)	12/15/16	----	----
98	Deft	U.S. Dept. of Justice Firearms Transaction Record Part 1 – Over-the-Counter	12/15/16	Obj	12/15/16

TRIAL EXHIBITS**PLTF: THE STATE OF NEVADA****PATY: Luke Prengaman, D.D.A.****DEFT: IAN ANDRE HAGER****DATY: Katheryn Hickman, D.P.D.
Erica Flavin, D.P.D.****Case No: CR16-1457****Dept. No: 9****Clerk: L. Sabo****Trial Date: 12/12/16**

Exhibit No.	Party	Description	Marked	Offered	Admitted
99	Deft	MH13-0034 - Petition and Order of Dismissal and Discharge and Setting Aside of Conviction filed 6/4/14	12/15/16	Stip	12/15/16
100	Deft	CR13-6258 - State's Response to Defendant's Petition for Withdrawal of Plea and Dismissal of All Charges filed 10/30/14	12/15/16		
100-A	Deft	CR13-6258 - Order filed 10/17/14	12/15/16	No Obj	12/15/16
101	Deft	Photo - loft in Deft's residence	12/15/16	Stip	12/15/16
102	State	Facebook video - 3/21/16 (#2)	12/15/16	Obj	12/15/16
103	State	Facebook video - 3/16/16 (#2)	12/15/16	Obj	12/15/16
104	State	Facebook video (audio) – 3/16/16 (#3) (redacted)	12/15/16	Obj	12/15/16
105	State	Humboldt County Justice Court Felony Criminal Complaint filed 2/14/13	12/15/16	No Obj	12/15/16
106	State	Scotia test results for MHC	12/15/16	Stip	12/15/16

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/5/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

PRE-TRIAL MOTIONS

Deputy D.A. Luke Prengaman represented the State.
Defendant was present with counsel, James Leslie, Deputy P.D.
and Erica Flavin, Deputy P.D.
The Court addressed respective counsel regarding the conference
call conducted on December 2nd wherein the defense was seeking
a continuance of his hearing to a time when lead defense counsel
Katheryn Hickman was available.
The Court discussed the transcript of the Entry of Plea hearing
wherein the Court had directed counsel to be prepared to argue
pretrial motions on the date set for the Motion to Confirm Trial.
Respective counsel confirmed that they were ready to proceed at
this time.
Counsel for State addressed Defendant's Motion to Dismiss and
Motion to Declare NRS 202.360 Void for Vagueness and argued
said Motions were filed untimely, as they should have been
addressed via a pre-trial writ of habeas corpus; however, the State
understands that the Court may want to hear the Motions anyway.
The State argued his belief that Defendant would need to waive his
speedy trial rights if the Court is to consider these specific Motions.
The Court summed up the State's position that either (1) the Court
not consider either Motion at all, or (2) waive Defendant's speedy
trial rights and continue the trial herein.
Defense counsel Leslie urged the Court to hear the Motions as they
were filed and not as pre-trial habeas corpus issues.
The Court stated that the Motion regarding vagueness of NRS
202.360 was not necessarily a pretrial writ issue but that the Motion
to Dismiss does address pretrial habeas corpus issue.
Counsel Leslie responded regarding the possibility of waiving
Defendant's speedy trial rights and requested a few moments to
speak with the Defendant on this issue.
The State argued that pretrial habeas corpus rules require that they
be heard within twenty-one (21) days of the entry of plea.
Upon a discussion held off-the-record between Defendant and his
counsel, counsel Leslie stated that Defendant did not want to waive

12/12/16
10:00 a.m.
Jury Trial

his speedy trial rights.

The Court directed that Defendant's Motion to Dismiss be heard at this time with counsel to present arguments on the merits of the motion as well as address whether or not this is a pretrial habeas corpus writ issue.

Counsel Leslie presented additional argument in support of the Court viewing this document as a motion properly before this Court rather than as a writ. Counsel Leslie further argued in support of Defendant's Motion to Dismiss as to the merits of the motion and discussed Defendant's mental health status, as well as the status of Defendant's addiction to controlled substances. Counsel Leslie referred to NRS 433 regarding Defendant's mental health issues and argued that there was no adjudication that Defendant was mentally ill.

Counsel Leslie further discussed Defendant's addiction to controlled substances, Defendant's progress through Specialty Court and argued that said Specialty Court record shows Defendant ran a perfect program. Defense counsel discussed Defendant's recovery process.

The Court discussed the recent video wherein Defendant states he ingested methamphetamine.

Counsel Leslie responded and discussed why Defendant may have made that false statement.

The Court addressed the fact that Defendant must admit to being an addict in order to be allowed to participate in Drug Court in his prior case and directed counsel to address the defense's position that Defendant is no longer an addict.

Counsel Leslie responded further and argued the difference between use and addiction and stated that Defendant ended up in Mental Health Court rather than Drug Court.

Counsel for State responded to defense counsel's arguments and argued that the Motion to Dismiss is intertwined with Defendant's vagueness Motion. The State indicated that Defendant's position on said Motions highlight the State's argument that said Motions should have been litigated in the context of a pretrial writ. As to adjudication of mental illness, the State argued that Defendant came before another court in a prior case and stated that he suffered from mental illness; additionally the State argued that Defendant's prior admission of being addicted to controlled substances was sufficient to prove Defendant to be an addict, thus prohibiting him from possession firearms.

The State further discussed Defendant's initial intention of waiving his speedy trial rights in order to file a writ and subsequent change of position.

The Court discussed the challenge to the Court regarding what would happen in a subsequent review of this Court's determination

regarding whether this is a writ issue or not and believed it necessary to hear the Motions on the merits in order to avoid the possibility of this case having to be retried at a later date. The State expressed concern with a precedent being set and defense counsel attempting this strategy in other cases if allowed to proceed herein. The State would prefer the Court force a waiver of speedy trial rights.

Counsel Leslie responded and presented further argument in support of this Motion to Dismiss and in support of the Court considering said Motion at this time.

COURT ORDERED: Defendant's Motion to Dismiss should have been filed as a pretrial writ. The Court will not consider the motion on the merits, as it was not timely filed and Defendant does not want to waive his speed trial rights pursuant to NRS 34.

The Court directed the State to prepare a written order in accordance with the Court's ruling.

Counsel Leslie addressed the Court and presented argument in support of Defendant's Motion to Declare NRS 02.360 Void for Vagueness; stating that said statute is arbitrarily enforced. Defense counsel informed the Court that law enforcement had previously removed firearms from Defendant's residence and, subsequently, returned them to Defendant upon a determination that Defendant did not have any restrictions against possessing the same.

Counsel Leslie argued that the legislature wrote the statute in a vague manner and that said statute must be cleared up with defined terms and argued that this Court could do so at this time.

Counsel for State informed the Court that the argument included in the State's Opposition sets out the State's view; however, the State provided additional brief argument in opposition to the Motion regarding vagueness of the statute.

The Court made statements regarding the arguments presented by respective counsel.

In response to the Court, defense counsel Leslie stated that a more compelling argument could be made regarding whether or not Defendant is an addict and discussed the definition of an addict, which counsel argued was unclear.

The Court discussed Defendant's statements in his prior case related to his admission of being an addict, which made him eligible to participate in Specialty Court.

Counsel Leslie responded further.

COURT ORDERED: Defendant's Motion to Declare NRS 02.360 Void for Vagueness is hereby denied. The Court does not find that either aspect, Defendant's mental health or addiction to controlled substances, comes into question.

The Court directed the State to prepare a written order in accordance with the Court's ruling.

Regarding the State's Motion in Limine Re: Evidence of Defendant's State of Mind and Entrapment by Estoppel Defense, counsel for State submitted said Motion on the pleadings; additionally, the State provided a brief additional argument in support of the same, arguing that defense counsel's attempt to introduce this evidence is irrelevant.

Counsel Leslie argued in opposition to said Motion and responded to the Court's statements related to the fact that the firearms were previously removed and subsequently returned to Defendant upon completion of the ATF paperwork. Defense counsel argued that Defendant had no notice that he was not to possess firearms. Defense counsel further addressed the State's position that the defense must prove that Defendant was allowed to possess the weapons and stated his belief that this issue will be proven over the course of the trial.

Further discussions were held between the Court and defense counsel.

The State respond to the Court's statements and the argument of defense counsel.

COURT ORDERED: The State's Motion in Limine Re: Evidence of Defendant's State of Mind and Entrapment by Estoppel Defense is hereby denied without prejudice.

The Court will see what evidence is presented during the trial and will reconsider this Motion if appropriate.

The Court clarified that this issue cannot be addressed in opening statements and stated that this is a strict liability crime and the Court does not believe it to be appropriate to allow testimony that Sparks Police Department returned the weapons to Defendant.

Counsel Leslie requested clarification on this Court's ruling.

The Court stated that a hearing would be required, outside the presence of the jury, if this issue is expected to be addressed through testimony.

COURT ORDERED: The Court does not find that Sparks Police Department returning firearms to Defendant is a defense in a strict liability crime.

Further discussion regarding the necessity of having a hearing outside the presence of the jury to allow the Court to rule on this issue further.

Regarding the State's Request for Disclosures, counsel for State informed the Court that this was not at issue at this time and was just filed as a formality.

The Court confirmed that the statute is being adhered to and that no ruling was necessary.

Counsel for State addressed the Court regarding the State's Motion to Quash Subpoena Duces Tecum and stated his belief that this issue has been resolved.

Counsel for State next discussed his Trial Memorandum Re: Assertion of "Defense Theory of Case" as a Basis for Admitting Evidence and informed the Court that the State would rely on the law and that there was nothing to rule upon at this time.

Regarding Defendant's Motion to Exclude Testimony Regarding Alleged Methamphetamine, defense counsel Flavin argued in support of said Motion; counsel Flavin urged the Court to prohibit the State from showing the video of Defendant's alleged use and prohibit any testimony on the same being elicited at trial.

The Court noted that Defendant admitted to the substance on the video being methamphetamine.

Defense counsel responded and argued that the substance was never tested; counsel presented additional argument in support of Defendant's Motion.

The State argued in opposition to said Motion and discussed the relevancy of the video and related testimony.

COURT ORDERED: Defendant's Motion to Exclude Testimony Regarding Alleged Methamphetamine is hereby denied. The State will be allowed to play the video.

Defense counsel Leslie addressed the Court regarding Defendant's Motion to Preclude Testimony Regarding Defendant's Mental Health Diagnosis and Participation in Mental Health Court and presented argument in support of said Motion.

Counsel for State argued in opposition thereto and stated that this issue goes directly to the basis of Counts I through III in the Information and is intertwined with the State's Prior Bad Act Motion; therefore, the State believes the introduction of said information should be allowed at trial.

Counsel Leslie responded and discussed the issues of sufficient evidence regarding Defendant's mental health diagnosis versus mental health deferral and presented additional argument.

The State responded further and discussed the State's intention of presenting all of the evidence related to Defendant's cases out of the Sixth Judicial District Court.

COURT ORDERED: Defendant's Motion to Preclude Testimony Regarding Defendant's Mental Health Diagnosis and Participation in Mental Health Court is hereby denied. The Court will allow Defendant's prior case to come into evidence and discussed with respective counsel in which manner such evidence would be allowed.

Counsel Flavin addressed Defendant's Motion in Limine to Preclude Defendant's Statements Regarding Drug Use in His 2013 Presentence Investigation Report and argued in support of said Motion. Defense counsel argued that said statements were irrelevant and remote in time and, therefore, do not provide accurate information as to Defendant's current status. Counsel

further discussed the fact that Defendant successfully completed Mental Health Court with no positive drug tests or other incidents. The State responded in opposition, arguing that the State's Prior Bad Act Motion addresses this same issue; counsel for State discussed his intention to present evidence through the Division of Parole and Probation that Defendant admitted to being an addict. Further arguments were presented by respective counsel.

COURT ORDERED: Defendant's Motion in Limine to Preclude Defendant's Statements Regarding Drug Use in His 2013 Presentence Investigation Report is hereby denied. The Court finds that this evidence is relevant in this case.

Regarding the State's Trial Memorandum Regarding the Scope of Voir Dire, counsel for State informed the Court that this was filed as a formality and that no ruling was needed.

Counsel Leslie made brief statements on this issue.

Further discussion ensued.

Regarding Defendant's Motion in Limine to Preclude Irrelevant Testimony, Counsel Flavin argued for the Court to prohibit any evidence of alleged threats to police officers as well as any videos where Defendant does not possess a firearm and argued that this evidence would be more prejudicial than probative and, additionally, was irrelevant to this case. Counsel responded to the Court's comments as to this Motion.

Counsel for State argued in opposition to said Motion and informed the Court that the State had the video available for the Court's review. The State further provided an offer of proof of what the testimony of Detective Johnson would be regarding threats to law enforcement as well as Defendant's contact with Detective Johnson. The State discussed the relevance of said testimony and urged the Court to allow the same.

The Court discussed the Court's struggle related to relevance of Defendant's brother's demise being brought into this case.

State's exhibit 1 was marked for identification and played in open court.

Upon review of State's exhibit 1, which was the video addressed in defense counsel's Motion, the State discussed the proposed testimony of Detective Johnson related hereto.

Counsel Flavin discussed additional videos that the State proposes to introduce which do not mention drug use or show firearms.

COURT ORDERED: The Court will allow the February 27, 2016 video as well as the testimony of Detective Johnson.

Defendant's Motion in Limine to Preclude Irrelevant Testimony is hereby denied as to the February 27, 2016 video.

The State argued that the additional videos mentioned by the defense are relevant and discussed the contents thereof as well as

the reasons they are relevant.

The Court informed counsel that the Court would need to view the videos to determine relevance.

The State played the March 16, 2016 video (audio only), included in State's exhibit 1, for the Court and discussed the relevancy of the same.

COURT ORDERED: Defendant's Motion in Limine to Preclude Irrelevant Testimony is hereby granted as to the March 16, 2016 video.

The State suggested that law enforcement be allowed to testimony that Defendant posted additional videos/audio clips around this time; SO ORDERED.

The State played the March 21, 2016 video, included in State's exhibit 1, for the Court and discussed the relevancy of the same.

COURT ORDERED: Defendant's Motion in Limine to Preclude Irrelevant Testimony is hereby granted as to the March 21, 2016 video. However, the Court will allow testimony from law enforcement regarding the same. The Court further informed the State that the Court would grant Defendant's Motion as to any video which does not show weapons or drug use, but would allow testimony related thereto.

Counsel for State confirmed that the State would elicit testimony as to the relevant aspect of the additional videos through law enforcement in order to show a timeline of events.

The State discussed additional photos/videos which show weapons.

COURT ORDERED: The Court will not allow any testimony related to any threats towards law enforcement.

Counsel for State next addressed the State's Motion in Limine Re: Admission of Other Acts Evidence Regarding the Defendant and stated that most of this Motion had already been addressed by the Court when addressing the other pre-trial motions herein; the remaining issue to be addressed is admission of drug paraphernalia found in Defendant's residence.

COURT ORDERED: The State's Motion in Limine Re: Admission of Other Acts Evidence Regarding the Defendant is hereby granted as it relates to drug paraphernalia found in Defendant's residence.

The Court discussed trial procedure in Department 9 and confirmed that testimony would begin on Tuesday, December 13, 2016.

The Court confirmed that only one alternate would be needed.

Counsel informed the Court that the exhibit marking had been scheduled with the Court Clerk on December 8, 2016 at 2:00 p.m.

Defendant was remanded to the custody of the Sheriff.

EXHIBITS

PLTF: STATE OF NEVADA

PATY: Luke Prengaman, D.D.A.

DEFT: IAN ANDRE HAGER

**DATY: Jim Leslie, D.P.D.
Erica Flavin, D.P.D.**

Case No: CR16-1457

Dept. No: 9

Clerk: L. Sabo

Date: 12/5/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	CD – various Facebook video/audio clips	12/5/16	----	----

CASE NO. CR16-1457

STATE OF NEVADA VS. IAN ANDRE HAGER

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/08/17
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Luke Prengaman represented the State.
Defendant present with counsel, Katheryn Hickman, Deputy P.D.
Probation Officer, Thomas Wilson, also present.
Counsel for Defendant discussed the Defendant's life events,
support of friends and family and mental health accomplishments
and stated that the Defendant qualifies for probation.
The Defendant made a statement to the Court.
Counsel for State discussed the elements of the case and the
Defendant's paranoia and desires to seek revenge against law
enforcement and stated that the Defendant poses a danger to the
community and urged the Court to impose a prison term.
COURT ORDERED: Judgment entered. Defendant sentenced to
Nevada Department of Corrections for the minimum term of
nineteen (19) months to a maximum term of forty-eight (48)
months, as to each of Count I through VI, to run concurrently with
each other.
The Defendant is further ordered to pay the statutory Twenty-Five
Dollar (\$25.00) administrative assessment fee, the Three Dollar
(\$3.00) DNA administrative fee, a One Hundred Fifty Dollar
(\$150.00) DNA testing fee and reimburse the County of Washoe
the sum of Five Hundred Dollars (\$500.00) for legal representation
by the Washoe County Public Defender's Office. The Defendant is
given credit for three hundred seven (307) days time served.
Defendant remanded to the custody of the Sheriff.

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **THE STATE OF NEVADA,**

Case No. CR16-1457

7
8 **Plaintiff,**

Dept. No. 9

9 **vs.**

10 **IAN ANDRE HAGER,**

11 **Defendant.**

12 _____ /
13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 14th day of March, 2017, I electronically filed the Notice of Appeal
16 in the above entitled matter to the Nevada Supreme Court.

17 I further certify that the transmitted record is a true and correct copy of the original
18 pleadings on file with the Second Judicial District Court.

19 Dated this 14th day of March, 2017

20 Jacqueline Bryant
21 Clerk of the Court

22 By /s/ Yvonne Vilorio
23 Yvonne Vilorio
24 Deputy Clerk
25
26
27
28