

1 THE COURT: Please be seated. We are outside the  
2 presence of the jury.

3 Mr. Prengaman?

4 MR. PRENGAMAN: Your Honor, I want to move the Court  
5 to -- let me start -- I believe the Defense has opened the  
6 door to all the subject matter that the Court has previously  
7 said I can't get into.

8 You previously cautioned the Defense during a prior  
9 examination with Detective Johnson. The Defense went down the  
10 road of the sending the message, and you cautioned them  
11 strongly. In fact, you allowed me to, in a very, very limited  
12 fashion, address with them the door they had opened. But you  
13 found at that point in time the prejudicial -- there was still  
14 too much prejudice for letting the balance -- what I'll call  
15 the balance of the videos in. I submit they have walked, in  
16 spite of that warning by the Court, have gone way beyond that.  
17 They have -- from the beginning of their examination of the  
18 Defendant, they've painted a picture of him as simply a victim  
19 of circumstance. They have in a number of ways -- I'll work  
20 from the beginning.

21 So just recently they have questioned him about  
22 these videos. They've elicited from him that this drug video  
23 was the video that he sent to Detective Johnson. He wanted to  
24 send a message out as a repeated theme that that was exactly

1 what the Court found, the line was stepped over previously.  
2 They went right back to that he wanted to send him a message.  
3 And they suggested that, again, he's a victim. The cops won't  
4 do anything. "In your interview why did you lie?"

5 "Well, I just wanted them to do something."

6 "Did they?"

7 "No, they won't do it. They never did."

8 They painted a picture of him as -- they elicited  
9 testimony about him being a responsible gun owner who has  
10 taken safety classes when, in fact, we know, and you have  
11 ruled off limits, is a series of videos, including the actual  
12 video he sent Detective Johnson, which has extremely  
13 threatening content, as well as other videos that show that  
14 he's not the responsible individual that he is portraying here  
15 today, but, in fact, is unstable, especially when it comes to  
16 using firearms.

17 So they didn't need to do that in order to address  
18 the issue. If he wanted to say that it wasn't drugs in the  
19 video, they didn't have to elicit a lot of background about  
20 his character and paint a picture of him as, again, just a  
21 victim of the unfortunate things that have happened to him.  
22 In fact, he has a, in the videos, demonstrated history of  
23 those videos with very threatening content, agitated content,  
24 not a reasonable individual who is trying to seek redress.

1 And I believe in order to rebut what they've done -- and,  
2 again, I submit they have gone way over the line that you  
3 cautioned them, and at this point any prejudice is outweighed  
4 by the probative value to address what they've done here.

5 THE COURT: Any other motions? You want to hold  
6 your thought for a minute?

7 MR. PRENGAMAN: Yes, Your Honor.

8 THE COURT: All right.

9 Go ahead. Respond.

10 MS. HICKMAN: Thank you, Judge. Obviously the State  
11 introduced the video of him using drugs or using suspected  
12 drugs. In my direct of Mr. Hager, I was very specific what I  
13 asked him. I said about this video specifically, "Did you  
14 make this video to send Detective Johnson a message?" I did  
15 not say, "In general you were trying to send him a message.  
16 In general you were trying to do these things." I  
17 specifically talked about one video, and it's a video that the  
18 State has already admitted into evidence. And part of our  
19 defense is explaining why that video was made.

20 Detective Johnson was allowed to testify. He was  
21 allowed to testify that this video was made to mirror the  
22 conversation that he had with Mr. Hager. That's what we  
23 talked about. He made this video to mirror a conversation  
24 with Detective Johnson to get his attention about this

1 specific subject. I did not get into anything else about a  
2 threat, about unstable behavior.

3 THE COURT: Yes, you did. You said, and I quoted it  
4 because I was anticipating the State's motion -- when you  
5 asked him about Detective Johnson not doing any further  
6 involvement, you specifically asked, "Part of that was your  
7 own doing." That's got nothing to do with your analysis of  
8 the video.

9 MS. HICKMAN: Right.

10 THE COURT: To me that's classic opening the door to  
11 allow what that doing was.

12 MS. HICKMAN: Well, Judge, part of that is from the  
13 Court's earlier ruling where you allowed Detective Johnson to  
14 testify as to why he didn't follow up with Mr. Hager.

15 THE COURT: What was his response?

16 MS. HICKMAN: Yes. Because I referred it to further  
17 people. I did not follow up with that.

18 THE COURT: I allowed that limiting instruction as a  
19 remedy to the fact that your co-counsel, in my view, had  
20 partially opened the door. I still maintained my ruling that  
21 the threats would not come in, but that was appropriate to  
22 cure the defect that your co-counsel had created by stepping  
23 over the line, in my opinion.

24 MS. HICKMAN: This is the same information the State



1 elicited.

2 THE COURT: Just want the record to be clear.

3 MS. HICKMAN: This is the same information. It's  
4 partially his fault that they didn't do anything, right? I  
5 mean, we have to be able to respond to the evidence the State  
6 has put in.

7 THE COURT: Agreed.

8 MS. HICKMAN: And if the State wants to talk about  
9 he's not stable, he's not responsible, he's not a responsible  
10 gun owner, well, they've put that in. That's everywhere.  
11 There's pictures of his gun in his laundry room, in his  
12 refrigerator, all over his house, right? And the question  
13 isn't is he stable right now or not; it's has he been  
14 adjudicated mentally ill? And so his instability, his  
15 dangerousness with firearms, those things are not relevant.  
16 It's not important. There's no reason for the State to  
17 introduce, no matter what we do, that he's unstable now and  
18 that he's not a responsible gun owner. Part of that is a  
19 lead-up as to why he ever had the firearms. Why he was a  
20 bounty hunter. What licensing he had. It's not introduced to  
21 say, "Well, you're a very stable person." Because we also  
22 went into the fact that, "You were suicidal," that "The police  
23 came twice to your house when you were suicidal," that "You  
24 tried to commit suicide when you were diagnosed with MS."

1           So we haven't shown him to be an extremely stable,  
2 calm person that they have to rebut that. By showing videos  
3 that are, quite frankly, bizarre and have nothing to do with  
4 the case, his mental stability is not at issue today. It's  
5 whether or not the Court ever adjudicated him mentally ill.  
6 And the same thing is in place. If you let the jury see the  
7 mental instability -- which I know we talked about in this  
8 court. I know that there's a pretty strong record of how  
9 damaging those videos could be. It doesn't go to the strict  
10 liability as to whether or not he had been adjudicated  
11 mentally ill and shouldn't have a firearm. What it's going to  
12 do is have the jury think, "Well, crap this guy is crazy now."

13           THE COURT: I gave a very limiting order in the  
14 beginning that the evidence of what occurred with his brother  
15 and his death would not be used unless the door was opened.  
16 You made a strategy decision, in the Court's opinion, to open  
17 that door related to a full discussion of the Defendant's  
18 dissatisfaction with the police, especially with Detective  
19 Johnson, and I previously quoted -- very closely quoted to  
20 what you said.

21           Is there something else you want to share? I didn't  
22 mean to interrupt you.

23           MS. HICKMAN: No. That's fine.

24           THE COURT: Thank you.

1           You get the last word, Mr. Prengaman.

2           MR. PRENGAMAN: Your Honor, if you're inclined to  
3 grant my motion, I don't have anything else.

4           THE COURT: I'm inclined to grant it.

5           MR. PRENGAMAN: Then I have nothing else to argue.

6           THE COURT: It's my belief that the door was not  
7 only opened widely by that area of inquiry, but as I quoted  
8 the Defense question, he -- the Defense indicated in response  
9 to why Detective Johnson didn't have any further involvement  
10 in the investigation after the video, it was "Part of that was  
11 you're own doing," and the State is allowed to show what that  
12 doing is. That's my ruling.

13           All right. Do you have any other motions?

14           MR. PRENGAMAN: I do, Your Honor. I -- in my  
15 opinion, now you have allowed the Defense to put on evidence  
16 related to their --

17           THE COURT: Affirmative.

18           MR. PRENGAMAN: -- entrapment by estoppel.

19           At this point I would move to strike the testimony  
20 that is apart from -- a very limited amount -- but to strike  
21 the testimony that has been admitted by the Defendant because  
22 they haven't made out the Defense. And there's not even, I  
23 submit, evidence sufficient that a reasonable jury could find  
24 by a preponderance of the evidence that the elements have been

1 met. Specifically there's nobody that has been shown that was  
2 authorized to make a representation, an affirmative  
3 representation that his guns were legal. They haven't shown  
4 that anybody made an affirmative representation that he could  
5 legally own firearms. And so I submit -- and they haven't  
6 made out the other elements that any reliance on his part was  
7 reasonable.

8           So I would submit that there should be no  
9 instruction. First of all, I submit that because they have  
10 failed to make that out, the testimony by this Defendant is  
11 irrelevant on the subject of his beliefs and going to that  
12 defense.

13           Secondly, I would submit to the Court that the Court  
14 should not instruct the jury on that defense.

15           THE COURT: Briefly. Briefly.

16           MS. HICKMAN: Is this the only hearing we are going  
17 to have on this?

18           THE COURT: Do you understand what I mean by  
19 "briefly"?

20           MS. HICKMAN: Yes. But, Judge, I think it's  
21 important to make a record.

22           Ms. Bellamy held herself out to be a licensed  
23 federal firearms dealer.

24           Ms. Renfroe depended on the information that was

1 given to her by the District Attorney from Humboldt County,  
2 who was present when Mr. Hager was placed into Mental Health  
3 Court.

4 Both of those people would be authorized  
5 representatives. Or in the case of Ms. Bellamy, held them out  
6 to be such a person so that he could reasonably rely on their  
7 information.

8 As to affirmatively telling him whether or not he  
9 could have his firearms, both of those people called him and  
10 said, "You can come pick up your firearms. I will walk you to  
11 the car with them." I don't know that there's anything much  
12 more affirmative than that in telling somebody, "Yes, you can  
13 have your firearms." Did he rely on it? Yes. He has his  
14 firearms. He displays them often in photos, in Facebook  
15 videos, everywhere he goes. And is that reasonable? Well,  
16 Judge, it's unreasonable to think he wouldn't rely on that.  
17 What is he supposed to do when the police, both agencies, say,  
18 "You can have your guns back. We ran a background check. We  
19 know your history. The District Attorney who prosecuted you  
20 says it's okay for you to have them"? Is he supposed to now  
21 hire a lawyer and say, "I don't trust these police agencies.  
22 I should look into this further"?

23 I think we have met all of the elements to have it  
24 given to a jury.

1 THE COURT: Thank you.

2 Any response?

3 MR. PRENGAMAN: No.

4 THE COURT: Thank you.

5 I have carefully reviewed this issue. I am citing  
6 United States versus Batterjee appearing at 361 Fed. 3rd,  
7 1210, a 2004 decision from the 9th Circuit.

8 I do believe the Defense has established the Defense  
9 of entrapment by estoppel. I'm going to allow that to move  
10 forward. I'm denying your request to strike it, and I'm going  
11 to allow a jury instruction, appropriately tailored, to allow  
12 for that defense. That's my finding and ruling.

13 All right. Anything else?

14 MR. PRENGAMAN: I don't believe so, Your Honor.

15 THE COURT: Did you need some time?

16 MR. PRENGAMAN: If I could, to prepare.

17 Your Honor -- and the Court, as previously  
18 indicated, several of the videos I played part of I would seek  
19 leave from the Court to play the entirety of those videos.

20 THE COURT: I would share with you what's relevant  
21 for me, and I think for you, is the threat piece.

22 MR. PRENGAMAN: Okay.

23 THE COURT: If it requires us to go through the  
24 videos, I'm going to look to you to make a discretionary

1 determination based on my ruling. But that was what you had  
2 requested, and I granted that. If there is some issues  
3 related to that, the best way I can say it from a mental  
4 instability basis, I trust the State will use their discretion  
5 in that regard. If there's an issue, I will have to deal with  
6 it over an objection, or if you think we can take the time now  
7 to do it outside the presence like we did before. But that's  
8 what you asked for, and I granted it.

9 MR. PRENGAMAN: Thank you, Your Honor. I think we  
10 should -- I don't want to run afoul of the ruling the Court  
11 has given. So I would like to, if we could, do that outside  
12 the presence of the jury.

13 THE COURT: Yeah, we can do that now if you like.

14 MS. HICKMAN: Judge, can I have Mr. Hager come sit  
15 back over here?

16 THE COURT: Of course.

17 THE WITNESS: Thank you, sir.

18 THE COURT: That's just where you ended up.

19 MR. PRENGAMAN: So, Judge, if I may have a little  
20 leeway from the Court. I had the redacted ones prepared but  
21 not necessarily my notes for all of these.

22 THE COURT: Of course.

23 MS. HICKMAN: I'm sorry. What video is this?

24 MR. PRENGAMAN: Maybe I could just play it. And

1 then if I'm -- if it's one -- and I apologize for this. If we  
2 could just kind of go through them and mark them.

3 THE COURT: Would your initial request be that they  
4 all come in for everything, or are you going to, on your own,  
5 do some redacting consistent with the Court's ruling, or do  
6 you want just to go through them?

7 MR. PRENGAMAN: I would like to go through them,  
8 Your Honor, just for this reason. I wasn't necessarily  
9 expecting them to open the door like that. And so I have --  
10 I'm not prepared to do that sort of on the fly in a way that I  
11 would be comfortable I could make sure that I don't put  
12 something in that's inappropriate.

13 Actually, Your Honor, I do have -- if you would  
14 allow me a brief recess, I do have a sort of master list of  
15 the content of all the video.

16 THE COURT: How much time do you need?

17 MR. PRENGAMAN: Maybe 15 minutes.

18 THE COURT: We'll be in recess 15 minutes. If  
19 you're able to go through anything and are able to accomplish  
20 any stipulations, that will be great, too. Thank you. See  
21 you in 15 minutes.

22 (A break was taken.)

23 THE COURT: Back on the record in CR16-1457, outside  
24 the presence of the jury.



1 Mr. Prengaman.

2 MR. PRENGAMAN: Thank you, Your Honor. May I  
3 proceed to play?

4 THE COURT: Sure. Were there any stipulations  
5 entered into?

6 MR. PRENGAMAN: There weren't. I pretty much took  
7 up all the time trying to sort them out.

8 THE COURT: All right. All right.

9 (A DVD was played.)

10 MR. PRENGAMAN: This is actually not one of them,  
11 Your Honor. I'll take this out now that I've seen it.

12 THE COURT: We are both most concerned about the  
13 threats.

14 (A DVD was played.)

15 MR. PRENGAMAN: Sorry, Judge.

16 THE COURT: That's okay. That's perfectly okay.  
17 Just a question: I'm interested in maybe the CD that was  
18 actually sent vis-a-vis the link, the first one. Does that  
19 have information on it that's relevant?

20 MR. PRENGAMAN: It does.

21 THE COURT: You can do it any way you wish to.

22 (A DVD was played.)

23 THE COURT: You may play that tape.

24 MR. PRENGAMAN: May I have this marked as the next

1 in order?

2 THE COURT CLERK: It's Exhibit 102.

3 (Exhibit 102 marked for identification.)

4 (A DVD was played.)

5 THE COURT: I'm going to reserve on that for just a  
6 moment and see what else we have.

7 MR. PRENGAMAN: He does say -- he makes a specific  
8 reference to killing everybody involved.

9 THE COURT: I understand.

10 MR. PRENGAMAN: And that is -- that is -- I mean,  
11 the Defense knew -- I mean, this has been out there. We  
12 played this in the beginning. You said I couldn't do it, and  
13 they went ahead in spite. We played this video at the  
14 hearing, and you told me I couldn't use it.

15 THE COURT: I certainly did. I'm reserving on it.  
16 Let me see what else you have, and I'll make my ruling on that  
17 particular disk. It has a lot of things on it.

18 (A DVD was played.)

19 THE COURT: You absolutely can have that.

20 MR. PRENGAMAN: Detective Johnson, he's saying as  
21 he's driving by the Reno Police Department.

22 (A DVD was played.)

23 MS. HICKMAN: I'm sorry. Can I just see what date  
24 that one was made?

1 MR. PRENGAMAN: That was March 16th.

2 MS. HICKMAN: Thank you.

3 MR. PRENGAMAN: Second file.

4 MS. HICKMAN: Thank you.

5 MR. PRENGAMAN: Judge, there is a couple of others  
6 but they are sort of buried. It would be sort of buried in a  
7 lot of stuff that you probably would not let me play. So I  
8 would say, based on the Court's ruling, that those would be  
9 the three that I think most directly demonstrate the threats  
10 that Detective Johnson received.

11 THE COURT: I understand. One and three will be  
12 admitted.

13 I want to hear argument on number two, Ms. Hickman.

14 MS. HICKMAN: Judge, I think my argument is probably  
15 fairly predictable as to number two. Obviously, he's talking  
16 about a number of things that are very prejudicial there.  
17 There's more than just what could be classified as threats to  
18 the police officers. He goes on and on. He uses very crass  
19 words. He uses very crass terminology. He's insulting to  
20 women. He's insulting to fat women. He's insulting -- it's  
21 much more than just directed at Detective Johnson.

22 MR. PRENGAMAN: Your Honor, if I may.

23 THE COURT: Of course.

24 MR. PRENGAMAN: What they elicited was -- again,

1 they portrayed the Defendant as this mild mannered, I'm just  
2 trying to get the police to help me out, and, in fact, send  
3 them -- they once again went back to send a message, and then  
4 they talked about Detective Johnson not following up and it  
5 being his fault.

6 So, number one, directly -- you're too scared to go  
7 after a direct reference to the case. I'm going to kill --  
8 wait for me to kill everyone involved. You better do your  
9 job. He identified himself by name.

10 And I think what's also relevant in that,  
11 Your Honor, is the -- it's not just what he's saying; it's the  
12 way he's saying it.

13 THE COURT: I know.

14 MR. PRENGAMAN: It is highly threatening, and it  
15 shows he's agitated. He's not calm. He's not a reasonable  
16 individual just seeking the police to help, but he is -- I  
17 think it's highly probative directly on the area the Defense  
18 has opened the door for.

19 And then, you know, again, if you do, you don't want  
20 to go to my car. That's another reference to violence, to  
21 provoking. And then, you know, it's only March. And there's  
22 a direct threat again in there. So there's a second one in  
23 there. But, again, that's part of the escalation of his  
24 agitation and anger with the police.

1           THE COURT: I appreciate it. There's so much  
2 outrageousness. There's such a danger that the jury will be  
3 confused by that. The other two are not. They're very fair.  
4 I'm not going to allow number two. It is very prejudicial  
5 talking about sexual relations and different things. It is  
6 offensive to the Court, and it will be offensive to the jury,  
7 and it will be too prejudicial on the issues involved. But  
8 one and three are admitted.

9           MR. PRENGAMAN: Would you allow me, then, to play up  
10 to, "That was me, Ian Andre, alias Ian Hager -- Ian Hager,"  
11 because that would encompass him -- "You're too scared to go  
12 after people, too stupid to figure it out."

13          THE COURT: I will allow that.

14          MR. PRENGAMAN: And then I'll stop it after he  
15 identifies himself.

16          And then I would like to move forward if you will  
17 allow me to --

18          THE COURT: I will allow that. There's definitely  
19 relevance to the threats, but he intersperses it with things I  
20 cannot admit. So this would have to be redacted in that  
21 regard.

22          MR. PRENGAMAN: Can I play it again and show the  
23 Court.

24          THE COURT: Sure. That I would accept. But I can't

1 have the other information.

2 (A DVD was played.)

3 MR. PRENGAMAN: So I guess there's a little --

4 THE COURT: I can't have the doughnut piece in  
5 there.

6 MR. PRENGAMAN: So I'll cut it after he says, "Do  
7 your F'ing job. That's what I pay my taxes for."

8 And then if I could go to --

9 (A DVD was played.)

10 MR. PRENGAMAN: I go to approximately 140.

11 THE COURT: It's allowed.

12 (A DVD was played.)

13 MR. PRENGAMAN: It's okay from there.

14 (A DVD was played.)

15 THE COURT: I'll allow that.

16 That's my order. Anything else?

17 MR. PRENGAMAN: Thank you, Your Honor. Not that I  
18 can think of.

19 THE COURT: All right. Are you ready for your  
20 cross-examination?

21 MR. PRENGAMAN: Yes, if I can just have a moment to  
22 put all this stuff away.

23 THE COURT: You may resume the witness stand now,  
24 Mr. Hager. Thank you. You're still under oath, of course.

1 THE WITNESS: Okay.

2 MS. HICKMAN: That's 102, 103 and 104?

3 THE COURT CLERK: That's correct.

4 MS. HICKMAN: Is two marked as 104?

5 THE COURT CLERK: 102 is the Facebook video, March  
6 21st, 2016, 102.

7 103 is the Facebook video, March 16, 2016, number  
8 two.

9 And 104 is Facebook video, March 16th, 2016, number  
10 three, that we just heard.

11 THE COURT: And they are all admitted in the way we  
12 discussed, for the record.

13 (Exhibits 102, 103 & 104 marked and admitted into evidence.)

14 MR. PRENGAMAN: Thank you, Your Honor.

15 THE COURT CLERK: And, Your Honor, just quickly for  
16 clarification, Exhibits 102 and 103, I need to confirm that  
17 they only have that video on each exhibit, or will they need  
18 to be redacted, too?

19 MR. PRENGAMAN: They only have that single video  
20 each.

21 THE COURT: Let's all rise for the jury.

22 (The jury entered the courtroom.)

23 THE COURT: Please be seated. Thank you for your  
24 patience, ladies and gentlemen. We are doing our best to try

1 and get the case to you.

2           Depending on the schedule -- we are doing our  
3 best -- there may be a situation where we may have to do  
4 closing arguments tomorrow morning. But we'll continue on.

5           And different issues come up, we have to resolve  
6 them so you get the best evidence for your review. So thank  
7 you again for your patience.

8           Mr. Prengaman, your cross-examination.

9           MR. PRENGAMAN: Thank you, Your Honor.

10

11                           CROSS-EXAMINATION

12 BY MR. PRENGAMAN:

13           Q     Good afternoon.

14           A     Hello.

15           Q     Mr. Hager, you were residing on April 8th at the  
16 2460 Anqua address, correct?

17           A     Yes, sir.

18           Q     How long had you lived there?

19           A     Since 2012.

20           Q     And showing you Exhibit Number 61, do you recognize  
21 that rifle?

22           A     Yes.

23           Q     Do you recognize that rifle?

24           A     Yes, I do.



1 Q And that was yours? You own it?

2 A Yes.

3 Q And how long was that in your possession going back  
4 from April 8th, 2016, back in time?

5 A I believe I got that back around September of 2015.

6 Q Okay. And then was it ever out of your possession  
7 in the interim, between when you got it -- where did you buy  
8 it?

9 A It was my brother's.

10 Q And then was it ever out of your possession between  
11 then and April 8th, 2016?

12 A No.

13 Q And was it in your house that entire time?

14 A Between September and this year?

15 Q Yes.

16 A Yes.

17 Q So November 6th, 2015, through April 8th, 2016, you  
18 owned that gun? It was in your possession in your home?

19 A Yes, sir.

20 Q Showing you now Exhibit 57, do you recognize this  
21 gun?

22 A Yes.

23 Q Which gun is this?

24 A That's the 20-gauge.

1 Q Remington?

2 A Yes.

3 Q And you owned this gun?

4 A That was also inherited from my brother.

5 Q So you owned it?

6 A Yes.

7 Q And it's here in court. You've seen it?

8 A Yes.

9 Q And this -- this gun, how long had you possessed it

10 going back from April 8th -- owned and possessed it going back

11 from April 8th, back in time?

12 A I think they released it to me in January.

13 Q Do you remember what day?

14 A I don't remember what day.

15 Q But from some time in January, all the way through

16 to April 8th, 2016, that gun was in your possession?

17 A Yes.

18 Q You owned it, and it was in your house?

19 A Yeah.

20 Q And as to this gun and the gun -- the rifle -- I'm

21 sorry, the shotgun we just looked at in Exhibit 61, those guns

22 were in your possession in your home on the same day that you

23 made the video that you testified about where you snort or, as

24 you claim, appear to snort methamphetamine; is that true?

1 A The salt, yes.

2 Q Salt.

3 But those guns were in your home and in your  
4 possession on the day that you made that video?

5 A Yes.

6 Q Showing you Exhibit 60, do you recognize this?

7 A Yes.

8 Q This is one of your firearms?

9 A Yes.

10 Q Have you previously fired all of these weapons?

11 A I don't think I ever shot the 20-gauge.

12 Q How about the --

13 A The side by side either.

14 Q Not the shotgun?

15 A Correct.

16 Q How about this gun?

17 A Yes, I have.

18 Q This is the Colt 1911?

19 A Yes.

20 Q Again, you own it. It was in your possession on  
21 April 8th, 2016?

22 A Correct.

23 Q Going back in time, how long had it been in your  
24 continuous possession?

1           A     Since April. From April until January. This was  
2 returned with the 20-gauge from the Sparks Police Department.

3           Q     Going backwards in time. So the same time you got  
4 the Remington 20-gauge back, you got this gun back?

5           A     Yes.

6           Q     So from then, in January, until all the way through  
7 April 8th, it was in your possession?

8           A     In my residence, yes.

9           Q     And it was in your home in your possession on the  
10 day you made the -- is it okay if we refer to -- that video  
11 where you, I'll say appear to snort methamphetamine, we'll  
12 call that the February 26th video?

13          A     Okay.

14          Q     And I believe you testified that you either made  
15 that video on or within a day or two of February 26th?

16          A     Okay.

17          Q     Is that right? You tell me.

18          A     Around there, yeah.

19          Q     Okay. So it was definitely in February you made it?

20          A     Yes.

21          Q     And so when you made it, this 1911 was in your home,  
22 in your possession?

23          A     Yes, it was in my home.

24          Q     And it was in your possession, right? Is that

1 right?

2 A Yeah. It was in the residence, yes.

3 Q In your possession. In your ownership?

4 A Yes.

5 Q Showing you now Exhibit 58, do you recognize this?

6 A Yes.

7 Q This is one of your firearms?

8 A Yes.

9 Q And which gun is this?

10 A This is the Navy Arms black powder gun.

11 Q And it was in your possession, and you owned it on

12 April 8th, 2016?

13 A Yes.

14 Q And then going back in time, how long had it been in

15 your continuous possession?

16 A I believe I got that back with the shotgun --

17 Q Okay.

18 A -- that you showed me.

19 Q So the same time in --

20 A September.

21 Q I'm sorry. In September?

22 A I believe in September, yeah.

23 Q So from September 2015 all the way through up until

24 April 8th, 2016, this gun was in possession in your home?

1           A     Yes.

2           Q     You owned it?

3           A     Yes.

4           Q     And it was in your home and your ownership and  
5 possession on the date that you made the video on  
6 February 26th?

7           A     Yes.

8           Q     Showing you Exhibit 53, what do you see there?

9           A     That's the Bushmaster assault rifle.

10          Q     And, likewise, that was in your possession and you  
11 owned it on April 8, 2016?

12          A     Yes, sir.

13          Q     And then going back from there, how long had been  
14 your continuous ownership and possession?

15          A     I believe it was August 28th when the Nevada Highway  
16 Patrol evidence technician released it to me.

17          Q     And from there it was in your continuous ownership  
18 and possession until April 8th?

19          A     Yes.

20          Q     And so it was in your home and your ownership and  
21 control on the day that you made the video of February 26th?

22          A     Yes.

23          Q     Showing you Exhibit 7, do you recognize that gun?

24          A     Yes.

1 Q And which gun is that?

2 A That's the Ruger 10/22.

3 Q Okay. And you owned that and possessed it on  
4 April 8, 2016?

5 A Yes.

6 Q And going back in time from then, how long had it  
7 been in your continuous possession?

8 A I believe that was one of the ones that was returned  
9 to me by Sparks PD at the station or came back with the  
10 side-by-side and the black powder gun.

11 Q What date would that have been?

12 A Around September.

13 Q September 2015?

14 A Yes, sir.

15 Q So when you got it in September of 2015 until  
16 April 8, 2016, you had continuous ownership --

17 A Yes.

18 Q -- and possession in your home?

19 A Yes.

20 Q And it was in your ownership and possession when you  
21 made the video of February 26th?

22 A Yes.

23 Q And then showing you Exhibit 79, do you recognize  
24 that?

1           A     Yes, I do.

2           Q     And that's your SIG Sauer .40 caliber handgun?

3           A     That's correct.

4           Q     Now, you owned that gun. It was in your possession

5 on April 8, 2016?

6           A     Yes.

7           Q     And going back from then, how long had it been in

8 your continuous possession?

9           A     Since Nevada Highway Patrol returned that and the

10 Bushmaster in August.

11          Q     August of?

12          A     2015.

13          Q     Approximately August 28th of 2015. After that it

14 was in your continuous --

15          A     Yes.

16          Q     -- ownership and possession in your home?

17          A     Yes.

18          Q     And it was in your ownership and possession on the

19 date you made the video on February 26th?

20          A     In the home, yes.

21          Q     And in your ownership?

22          A     Yes.

23          Q     And under your possession and control?

24          A     Uh-huh.



1 THE COURT: Is that a "Yes."

2 THE WITNESS: Yes, sorry.

3 BY MR. PRENGAMAN:

4 Q Showing you Exhibit 76, and you previously testified  
5 about that pipe?

6 A Yes, sir.

7 Q That's a methamphetamine smoking pipe?

8 A It can be used for that, yes.

9 Q In fact, you used it for that?

10 A Not that I recall, no.

11 Q I thought you told us that you used it when you had  
12 the relapse in January of 2013?

13 A I said it was possible.

14 Q So that's yours?

15 A Uh-huh.

16 THE COURT: Is that a "Yes."

17 THE WITNESS: Yes, sorry.

18 THE COURT: That's okay. The court reporter just  
19 can't take "uh-huhs".

20 THE WITNESS: Okay.

21 BY MR. PRENGAMAN:

22 Q And you testified a little bit about the incidents  
23 that led to some of your firearms being taken by the police,  
24 correct?

1 A Yes.

2 Q In February -- in February of 2015, there it was an  
3 incident where you were contacted by the police, correct?

4 A In February of?

5 Q February 15th of 2015.

6 A February 2015 --

7 Q And you knew Detective Gallup of the Sparks Police  
8 Department, correct?

9 A Yeah. I believe it was March of 2015, wasn't it?

10 Q And do you recall an incident in February 15th of  
11 2015 where you had been texting Detective Gallup about you  
12 getting into a shooting incident with the police who had  
13 arrived at your home and you telling Detective Gallup via text  
14 message that you wanted the police to shoot you and that you  
15 hoped he wasn't going to be one of the ones that came because  
16 you might have to start shooting first in order to get the  
17 police to shoot you?

18 A No.

19 Q No?

20 A No. I think there's couple of things wrong with  
21 that statement. The timing seems off to me. I was -- the  
22 time that they came to the house in 2015, in the beginning,  
23 was right after I was diagnosed with MS. And I don't believe  
24 it was February, but it could have been. I thought it was

1 March.

2 Q Well, there was an incident on March 6th of 2015,  
3 correct, where the police again came to your home?

4 A I guess.

5 Q Well, let me go back.

6 So February 15th -- do you recall an incident where  
7 you were texting Detective Gallup saying you were going to  
8 prompt a confrontation with the police so that they would  
9 shoot you?

10 A No, I don't. I recall contacting Detective Gallup  
11 before I was diagnosed with MS because I was struggling and  
12 asking him if he would take possession of some of my firearms  
13 for me.

14 Q And you told Detective Gallup you hoped he wasn't  
15 one of the people to show up because you didn't want him to  
16 have to be involved be the one to shoot you?

17 A I think you are getting two things confused.

18 Q You think that happened another day?

19 A Yes.

20 Q On March 6, 2015, the police showed up at your  
21 house, correct?

22 A March 6th. I think that's the date we were talking  
23 about when I was texting Detective Gallup saying, "I hope  
24 you're not working."

1 Q And it wasn't just 1 or 2 police officers. There  
2 were had a lot of police officers that showed up at your  
3 house?

4 A Yes.

5 Q And you were making those statements, suicidal  
6 statements, right, about prompting the -- about a violent gun  
7 battle with the police so they would shoot you?

8 A I just wanted them to shoot me. I wasn't going to  
9 hurt anybody. When they got to the house, they could see all  
10 the guns were put away.

11 Q You agree you told Detective Gallup, knowing he was  
12 there with other police officers, that if they wouldn't do it,  
13 you would start shooting to force them to shoot you?

14 A I didn't say that.

15 Q And so ultimately they were able to talk you out of  
16 that, and they took your guns for safekeeping, correct?

17 A Yes.

18 Q Which guns did they take?

19 A The 1911. And I believe that Ruger 10/22, I think  
20 was one of them. I know they had a .22. That might have been  
21 the one that I contacted Gallup before and asked him, "Hey  
22 please take possession of a couple of these. Right now I'm  
23 not feeling very well."

24 Q And did they take you to the hospital as a result of

1 that incident?

2 A Yes.

3 Q And where were your other guns?

4 A Somewhere in the gun safe at the house.

5 Q Okay. So you told them about some of your guns but  
6 not all of your guns, correct?

7 A They did a sweep of the house. They were more  
8 concerned with asking me about what was going on in my life as  
9 opposed the guns.

10 Q And then on August 20th of 2015, there was another  
11 incident where the police responded to your residence,  
12 correct?

13 A Yes.

14 Q And you had placed a call to Detective Gallup or  
15 Detective Leery -- Sergeant Leery?

16 A To Detective Gallup.

17 Q And you told him that you were in your house with a  
18 gun to your head?

19 A No.

20 Q And is that an incident where you had some yellow  
21 post-it notes with messages on them?

22 A No. You're getting the dates confused. That was  
23 the March incident.

24 Q That was March. So the March incident you had the

1 post-it notes?

2 A Yes.

3 Q And you had a number of, essentially, suicidal  
4 statements on them?

5 A Yes.

6 Q And then August 20th, 2015, again, you were talking  
7 about suicidal ideations, correct?

8 A Yes.

9 Q And the police take guns on that occasion?

10 A Yeah. They took the 20-gauge.

11 Q And where were your other guns then?

12 A I can't recall.

13 Q You still had guns, right?

14 A Yeah. I had a couple. The 1911 was in Sparks'  
15 possession, Sparks Police Department.

16 Q Now, when you -- you've testified about going to the  
17 police departments to retrieve your firearms. You knew you  
18 were dealing with evidence custodians, correct, evidence  
19 technicians?

20 A Yes.

21 Q At both the Highway Patrol and the Sparks Police  
22 Department?

23 A I believe I was dealing directly with police  
24 personnel.

1           Q     Evidence technicians, right? You didn't really  
2 think you were dealing with like peace officers, police  
3 officers, did you?

4           A     I did.

5           Q     And what about your interaction made you think you  
6 were dealing with police officers?

7           A     Because they work at the police department.

8           Q     Did you ever deal with people at the front desk?

9           A     Yes.

10          Q     And those were civilian folks, right?

11          A     Sometimes.

12          Q     But you're telling us you thought these were peace  
13 officers?

14          A     Yes. Well, some of them were.

15          Q     Well, you only had contact with two evidence  
16 custodians to get your guns back, correct?

17          A     Constant contact, yes. I mean, when I went  
18 downstairs in the elevator at Sparks Police Department, a  
19 uniformed officer escorted me down there. And, likewise, when  
20 I got my firearms back from NHP, two officers in uniform had  
21 to show up, roll the cart out, hand the guns to me, and I  
22 believe one of them escorted me out that day too.

23          Q     Okay. But the evidence technicians you were talking  
24 to about getting your guns back, are you telling us you really

1 thought those are police officers?

2 A Well, they work with the police department. I  
3 figured they would be knowledgeable on what's legal and what's  
4 not.

5 Q And neither of them told you that you could  
6 legally -- they didn't affirmatively say, "Mr. Hager, you can  
7 legally possess these firearms," did they?

8 A That's basically what they were tell me when they  
9 were handing me back firearms after an investigation on me.

10 Q They didn't tell you that, though, right? They  
11 never said, in any form, "Mr. Hager, you can legally possess  
12 these firearms"?

13 A Not that I can recall specifically them saying that,  
14 no.

15 Q They didn't affirmatively tell you that you could  
16 legally possess your guns?

17 A Vocally, no. That statement didn't come out of  
18 their mouths. But I guess if somebody works for the police  
19 department hands you guns back after doing an investigation,  
20 you're going to use your head and go, "Wow, well, these people  
21 know what they are doing. That's what they are paid to do  
22 background checks, and make sure that the wrong person doesn't  
23 get these guns."

24 Q So you inferred that from them releasing your guns



1 to you?

2 A Yeah. They made an educated decision based off the  
3 elements involved.

4 Q But the point is here they didn't affirmatively tell  
5 you that you could legally possess those guns?

6 MS. HICKMAN: Objection, asked and answered.

7 THE COURT: Overruled. It's cross-examination.

8 THE WITNESS: Answer?

9 BY MR. PRENGAMAN:

10 Q Yes. Answer.

11 A Did they vocally say that affirmatively? Is that  
12 what you're saying?

13 Q Did either one of those evidence technicians  
14 affirmatively tell you you could legally possess those guns?

15 A Yeah. The NHP evidence tech said, "Hey, the DA said  
16 you could have your guns back." That's basically what I heard  
17 her say.

18 Q I'm not talking about what you heard or what you  
19 inferred. Right now I'm talking about the words that came out  
20 of the mouths of the evidence technicians that you dealt with.

21 A No. I can't recall them saying that, no.

22 Q They didn't say that, did they?

23 A Not that I recall.

24 Q And you heard them testify today?

1           A     Uh-huh.

2           Q     And they both said that they didn't, right?

3           A     Uh-huh.  Yes.

4           Q     And that's because they didn't.

5           A     Okay.

6           Q     Did they?

7           A     Not that I can recall, sir.

8           Q     They didn't give you any advice about the legality

9 of owning your firearms, did they?

10          A     No.

11          Q     You didn't tell either one of them that you had been

12 to Mental Health Court, did you?

13          A     I believe I mentioned to both of them that I had

14 been through diversion court.

15          Q     Okay.  But you did not tell them, either one of

16 them, that you had specifically been to Mental Health Court

17 did you?

18          A     No.

19          Q     Okay.  And so neither one of them knew because you

20 didn't tell them that you had been ordered into Mental Health

21 Court?

22          A     Correct.

23          Q     And neither one of them knew because you didn't tell

24 them that the Mental Health Court Judge had found you to meet

1 the criteria and put you in the program?

2 A I'm sorry. Are you saying that --

3 Q You didn't tell them that the Mental Health Court  
4 Judge accepted you into Mental Health Court, did you?

5 A No, I didn't tell them that. But they knew when  
6 they started doing their investigation.

7 Q Now, you're assuming that. You didn't tell them  
8 that, did you?

9 A No.

10 Q And hear them testifying today that neither one of  
11 them know that, right?

12 A They found it in the records, apparently, is what I  
13 heard.

14 Q They told you they didn't. They told us today they  
15 didn't, and you heard that, correct?

16 A Okay.

17 Q And you did not tell them that, did you?

18 A No, I did not.

19 Q And you didn't tell them anything about any history  
20 of controlled substance use or addiction, did you?

21 A I told them I wasn't an addict, especially on that  
22 form.

23 Q And that's right. But you didn't tell them anything  
24 affirmatively about your history.

1           A     There was no section in that form for that.

2           Q     But you didn't verbally tell them, did you?

3           A     No.

4           Q     Okay. And as to the Sparks evidence technician,  
5 that federal firearms form that you filled out, you're not  
6 telling us that you thought that she was a licensed federal  
7 firearms dealer, are you?

8           A     I mean, the language there, it's weird. When you go  
9 to a police department to retrieve evidence as serious as a  
10 firearm, you assume that they know what they are doing. And  
11 that's a safe assumption because they are the people that are  
12 paid to keep us safe in our community. So, I mean, they  
13 should know what they are doing. So when they are telling me  
14 what I have to do, my part in something, is to fill out this  
15 form, be honest on it, answer the questions correctly, which I  
16 did, I've done my part of the job. Now, they have to take  
17 that and do the research and make sure that all of that is  
18 correct and true and that I'm actually able to collect the  
19 firearms again.

20          Q     So you didn't actually think that that Sparks  
21 evidence technician was a licensed federal firearms dealer,  
22 did you?

23          A     Not a dealer, no.

24          Q     Okay. So you were not misled as to her authority by

1 that form, were you?

2 A Well, yeah. I was.

3 Q You thought she was a federal firearms dealer, a  
4 licensed federal firearms dealer?

5 A No. But, I mean, maybe they should have a different  
6 form then if that's what it comes down to. Because this is  
7 what they are telling me I have to fill out in order to  
8 retrieve my property, so that's what I filled out. And when  
9 somebody in an authoritative position is telling you you have  
10 to do A, B, and C to get to D, you do A, B, and C. And they  
11 are supposed to be doing their A, B, and C too.

12 Q You heard your lawyer's questions today, both to the  
13 technician and to you about that. I just want to clarify.  
14 You weren't misled into thinking she was a federal firearms  
15 dealer?

16 A No.

17 Q She gave you a form to fill out. You filled it out,  
18 and they released your firearms to you?

19 A Yes.

20 Q Now, we've heard testimony, and you have, I believe,  
21 testified that in 2013 you were arrested by the Nevada Highway  
22 Patrol, correct?

23 A Yes.

24 Q And that was for a charge of Carrying a Concealed

1     Weapon, correct?

2           A     A warrant.

3           Q     Okay. A warrant. But the charge -- the warrant  
4     would have the two charges in it, right?

5           A     What happened was I was pulled over for speeding,  
6     and a warrant -- two warrants popped up. One said I was a  
7     prohibited person in possession of a firearm, and the other  
8     one said I had possession of a concealed weapon.

9           Q     So two charges?

10          A     Uh-huh.

11          Q     And you went to court on those charges, correct?

12          A     Yes, I did.

13               MR. PRENGAMAN: Can I have this marked as next in  
14     order.

15               THE COURT CLERK: Exhibit 105.

16               (Exhibit 105 marked for identification.)

17               MR. PRENGAMAN: Showing defense counsel 105 for  
18     identification.

19               MS. HICKMAN: May I see what it is?

20               Judge, I don't have an objection to the first two  
21     page, but I do have an objection to the last page.

22               THE COURT: You do?

23               MS. HICKMAN: I do.

24               THE COURT: Can I see it. Okay. That takes care of

1 that.

2 BY MR. PRENGAMAN:

3 Q Sir, let me show you what we've marked as --

4 MR. PRENGAMAN: Whoops. I guess I wasn't as smooth  
5 as --

6 BY MR. PRENGAMAN:

7 Q Mr. Hager, I'm showing you what's been marked as  
8 Exhibit 105.

9 THE COURT: It's being admitted without objection;  
10 is that correct?

11 MS. HICKMAN: Yes.

12 THE COURT: All right. It's admitted.

13 (Exhibit 105 admitted into evidence.)

14 BY MR. PRENGAMAN:

15 Q Do you recognize that?

16 A Yes.

17 Q That's a complaint, the charging document filed  
18 against you in the Winnemucca 2013 case, correct?

19 A Correct.

20 Q And so you went to court, and you appeared in front  
21 of a Judge, correct?

22 A Uh-huh.

23 Q And you were arraigned. They told you what the  
24 charges were?

1 A Yes.

2 Q Correct? They showed you that document, gave you a  
3 copy of it?

4 A Yes.

5 Q Asked you if you understood what it said?

6 A Yes.

7 Q You told them you did?

8 A I understood what it said, yes.

9 Q Okay. And the -- one of the charges in that  
10 document that you were arrested for is being a prohibited  
11 person in possession of a firearm, correct?

12 A Yes.

13 Q And that document contains the statute that  
14 prohibits people from possessing firearms for various reasons,  
15 correct?

16 A Correct.

17 Q Okay. And so you knew when you went to the Sparks  
18 Police Department, when you went to contact the Nevada Highway  
19 Patrol during the time periods we are talking about, you knew  
20 personally that there was a state statute that provided that  
21 certain classes of individuals are not to possess firearms,  
22 correct?

23 A Yes, I was aware of that.

24 Q Now, you talked about somewhat with your lawyer the



1 videos that you made, correct?

2 A Yes.

3 Q And the videos that we have seen played in court,  
4 they are all videos that were made by you, correct?

5 A Yes.

6 Q They were all made by you and posted onto your  
7 Facebook page, correct?

8 A Yes.

9 Q And it's accurate that you made them close in time  
10 to when you posted them, correct?

11 A Yes.

12 Q Okay. So when, for instance, you see like we see in  
13 Exhibit 14A, something that was posted on a particular date,  
14 it's -- you were generally posting these videos the same day,  
15 day or two later?

16 A Yes.

17 Q Is that fair?

18 A Yes.

19 Q So, for instance, something posted February 28th was  
20 probably made by you on that day, maybe a day or two earlier?

21 A Yes.

22 Q And are you telling us that any of the videos that  
23 we've looked at in court that have been admitted were made way  
24 outside the timeframe, months earlier?

1           A     It is possible.

2           Q     Which ones?

3           A     It's hard to say without going to my Facebook.

4           Q     Are there any that stand out that you made like --  
5 let's say before November -- November 6, 2015. Any of the  
6 ones that we've watched that you believe you made before that?

7           A     No.

8           Q     And you talked about with your lawyer the video that  
9 I'll call the November -- I'm sorry -- February 26th video,  
10 correct? You talked quite a bit about that?

11          A     Yes.

12          Q     You told your lawyer that's the video you sent  
13 Detective Johnson a link to?

14          A     Yes, I believe it was.

15          Q     And you told your lawyer that you wanted to send  
16 Detective Johnson a message, correct?

17          A     I believe so, yes.

18          Q     But you wanted to do more than just send him a nice  
19 message, "Hey, look what I'm doing," to get him to do his job,  
20 right?

21          A     I was upset.

22          Q     You were extremely upset. Weren't you?

23          A     I was heartbroken.

24          Q     But you were more than heartbroken. You were

1 extremely angry, correct?

2 A There was some anger in there, yes.

3 Q And you testified today that Detective Fox was like  
4 your best friend?

5 A He was.

6 Q But you were extremely angry with him?

7 A Recently I had become because he just dropped off  
8 the map on me all of a sudden.

9 Q And so it's, again, not just a matter of you wanting  
10 to send a little, "Look at me, what I'm doing" message. You  
11 were extremely angry, and you actually created several videos  
12 where you expressed your anger to the police, specifically to  
13 Detective Johnson?

14 A I was frustrated that the police aren't going after  
15 murderers in our community, yes.

16 Q And you threatened Detective Johnson and the police  
17 generally, didn't you, in those videos?

18 A I don't feel like I threatened them directly, no.

19 Q You said things like, "If you don't do your jobs,  
20 I'm going to finish it for you"?

21 A That's not a threat to them.

22 Q "I'm going to have to kill everyone involved"?

23 A No.

24 Q Those are things you said in videos that you posted

1 and to which you sent Detective Johnson a link?

2 A I believe it's taken out of context right now.

3 Q Are you saying you didn't say those things?

4 A Not the way you're putting them, no.

5 Q And the link that you sent Detective Johnson  
6 actually was not to that video of February 26th, was it?

7 A I can't recall.

8 Q Well, you told your lawyer under oath that did you,  
9 that it was?

10 A I said I believe it was.

11 Q But it wasn't, and you know it wasn't.

12 A I don't know that. I don't have any of the  
13 information. I haven't been shown documents like everybody  
14 else has.

15 Q So you're saying you don't remember what you did or  
16 didn't do?

17 A I know I posted a video trying to disprove my  
18 brother's overdose by acting out that it was a methamphetamine  
19 consumption. I know that I sent Detective Johnson another  
20 link to another video. I know that for sure. I was getting  
21 frustrated, and basically giving him a deadline and telling  
22 him he should do something about my brother's case.

23 Q And you were giving him a deadline or else, right?

24 A Or else what?

1           Q     Or else you were going to do something violent to  
2 him or to the other police?

3           A     No.

4           Q     You drove past the Reno Police Department where he  
5 worked, correct?

6           A     Yes.

7           Q     And you filmed yourself extremely angrily calling  
8 out to Scott Johnson that he's had enough time, his time was  
9 up.

10          A     I would say I was agitated, and that time was up for  
11 me waiting on him.

12          Q     Okay. And when Detective Johnson cut off  
13 communication with you, that's the reason, isn't it?

14          A     I guess so.

15          Q     Not because he -- not because of anything about him  
16 or what he was doing, but because of what you were doing and  
17 saying to him in those videos.

18          A     Well, we didn't have contact for quite awhile. But  
19 that's what was making me more agitated.

20          Q     And you showed it in the videos, and you wanted him  
21 to see the videos, correct?

22          A     I was frustrated. Yes, I wanted him to see them.

23          Q     Now, when the police came and took you into custody,  
24 you participated in an interview with then Detective Rowe,

1 correct?

2 A Correct.

3 Q When he asked you -- he talked about the video of  
4 February 26th, correct?

5 A Correct.

6 Q You've heard that clip, in fact, from the interview  
7 in court, right?

8 A Yes.

9 Q He asked you what you were doing in that video. You  
10 told him methamphetamine.

11 A Yes.

12 Q And then later on when he told you that you were  
13 being arrested, that you were going to jail and that the  
14 reason was what he had seen in that video and what you had  
15 admitted to him in the interview, you did not tell him, "Hey,  
16 it was just salt."

17 A No, I didn't.

18 Q You said words to the effect of, "The truth fucks me  
19 again," or something to that effect, correct?

20 A Correct.

21 Q And there was even another time during that  
22 interview when you told him that it was -- you told him --  
23 when he was talking about your controlled substance problem,  
24 you told him it wasn't a problem. There was just one incident

1 of doing meth in one video, correct?

2 A Yes, I did. I wanted him to look into my brother's  
3 case. I was trying every avenue I could think of at this  
4 point.

5 Q And you told him that -- so another opportunity to  
6 tell him it was just salt. You didn't say a word.

7 A Right.

8 Q Knowing you were going to jail because of that?

9 A Yeah. When you weigh the balance of me going to  
10 jail and finding justice for my brother's death, I was more  
11 concerned with finding justice for my brother's death.

12 Q So your claim to us is that by maintaining that was  
13 methamphetamine, you were somehow going to get justice in your  
14 mind?

15 A That was the hope.

16 Q How was that going to happen?

17 A Hopefully they would go, "Look, he did this. So  
18 maybe he's right and his brother didn't die of this, and we  
19 have to actually spend time on the case," like the previous  
20 detective did.

21 Q Well, Detective Rowe told you that was not going to  
22 happen in the interview, right?

23 A That is not true. He said it would look into it.

24 Q He said it was another agency's case, and it was

1 beyond his control.

2 A That's not true.

3 Q Now, with regard to Exhibit 16 -- I'm sorry -- 76 --  
4 so your testimony today was that it had been how long since  
5 you had used methamphetamine?

6 A January of 2013.

7 Q And so you were an addict, correct? You were  
8 addicted to methamphetamine at one time?

9 A When I was a teenager, yes.

10 Q And when you talked about using again, you used the  
11 word "relapse"?

12 A Yes.

13 Q And do you believe that once an addict always an  
14 addict?

15 A I don't believe that.

16 Q And would you agree that if somebody is an addict  
17 and they have gotten past it, they would rid themselves of all  
18 vestiges of the use of the drug?

19 A Sometimes. It would depend on the person.

20 Q Okay. You did not.

21 A No. I didn't rid myself of a lot of things. My  
22 house was a disaster.

23 Q And you told us that during your time in Mental  
24 Health Court, that you never had a dirty test?



1           A     Correct.

2           Q     That's not true, is it?

3           A     No. That is true.

4           Q     You did, in fact, have a dirty test?

5           A     No.

6           Q     You tested dirty for methamphetamine?

7           A     No, I did not.

8           Q     And admitted you had used methamphetamine?

9           A     I told them toward the end of the program that I had

10 relapsed trying to stay in the program. The only structure

11 that I had at that point was about to leave again, and I was

12 scared. And they said, "You've been doing great. We are not

13 going to take that. You're getting out of the program today

14 anyways."

15          Q     Okay. So you did test dirty for methamphetamine?

16          A     No. They never tested me.

17          Q     You admitted using methamphetamine?

18          A     I tried using that to stay in the program longer,

19 yes.

20          Q     So when you testified under oath when your lawyer

21 was asking you whether you used no methamphetamine during your

22 time in Mental Health Court, that was untrue, wasn't it?

23          A     No, that's not correct. I was lying in specialty

24 court so I could stay in.

1           Q     So you were telling us that you were lying about  
2     having used methamphetamine in specialty court.

3           A     Yeah. There was no test. They wouldn't even test  
4     me that day. They said, "You're getting out of the program.  
5     You've done a perfect program."

6           MR. PRENGAMAN: Thank you, Mr. Hager. No further  
7     questions.

8           THE COURT: Very good.

9           Redirect?

10          MS. HICKMAN: Thank you.

11

12                               REDIRECT EXAMINATION

13     BY MS. HICKMAN:

14          Q     Mr. Hager, the State asked you about those incidents  
15     you had in March and August of 2015. Do you remember that?

16          A     Yeah.

17          Q     And those were the incidents where you were  
18     allegedly suicidal?

19          A     Yes, ma'am.

20          Q     And there was a lot of testimony about your  
21     relationship with Detective Gallup. Do you remember that?

22          A     Yes.

23          Q     Is Detective Gallup a family friend of yours?

24          A     Yes, he is.

1 Q So when you are texting him, are you doing it  
2 because he's a friend?

3 A Yes.

4 Q Are you reaching out to him for help?

5 A Yes.

6 Q And during those meetings that you had with the  
7 police, you allowed them to go into your home, right?

8 A Absolutely. They went through the home thoroughly.

9 Q You allowed them to go in there because there were  
10 firearms in there, right?

11 A Yes.

12 Q And you let them collect them?

13 A Yes.

14 Q And they didn't collect them as part of a crime  
15 investigation, right?

16 A Correct.

17 Q So specifically the August 20th incident -- that was  
18 August 20th of 2015?

19 A Yeah.

20 Q Sorry. I feel like we have thrown out so many dates  
21 I want to make sure I'm getting them right.

22 So August 20th, 2015?

23 A Yes, ma'am.

24 Q You're at your house?

1           A     Yes.

2           Q     And the police came to your home, and that was the  
3 time you said you had a gun to your head, right?

4           A     Yes.

5           Q     And that's when they collected that --

6           A     20-gauge.

7           Q     -- the 20-guage?

8           A     Yes, ma'am.

9           Q     And the State asked you where your other guns were,  
10 right?

11          A     I believe so. You mean just now?

12          Q     Yeah. When they were --

13          A     Yes.

14          Q     Four of those were in the possession of the Sparks  
15 Police Department, right?

16          A     Correct.

17          Q     And two of those are here today, right?

18          A     Yes.

19          Q     And all four of those guns that were in the  
20 possession of the Sparks Police Department at that time -- I'm  
21 sorry. I lost my train of thought.

22                 So four of those guns were in the possession of the  
23 Sparks Police Department?

24          A     Yes.

1 Q So you didn't have them in your possession?

2 A Correct.

3 Q And two of your guns were in the possession of

4 Nevada Highway Patrol?

5 A Yes.

6 Q And you got those back on August 28th?

7 A Yes, ma'am.

8 Q Okay. So of the guns that are here today, four of

9 those were not in your possession, right?

10 A Correct.

11 Q On August 20th?

12 A Correct.

13 Q And correct me if I'm wrong, did I hear you tell the

14 State that you got the Ruger and the Navy firearm sometime in

15 September of 2015?

16 A Yeah, I believe that's correct.

17 Q So you wouldn't have owned those firearms when the

18 police came to your house in August of 2015?

19 A A family member was holding onto them for me.

20 Q So you didn't have them.

21 A Correct.

22 Q So when the Winchester was collected, was that the

23 only firearm that was in your house?

24 A Yes.

1 Q And then there was a lot of talk about what you did  
2 or didn't think about when you got your guns from the Sparks  
3 Police Department. Do you remember that?

4 A Yes.

5 Q And the State specifically asked you, "You're not  
6 really telling me that you could have thought that Joanna  
7 Bellamy was a licensed firearms dealer," right?

8 A Correct, yes.

9 Q You're not a licensed firearms dealer?

10 A No.

11 Q You don't know what it takes to be a licensed  
12 firearms dealer?

13 A No, ma'am.

14 Q Do you know even what a licensed firearms dealer is?

15 A Somebody that does backgrounds to make sure somebody  
16 could possess guns.

17 Q So with that definition, it would have been  
18 reasonable for you to think she was one, right?

19 A Yes.

20 Q And this form that's been admitted as Exhibit 98 was  
21 a form you filled out, right?

22 A Yes, ma'am.

23 Q And it's a form that has a certification by somebody  
24 who says they are a licensed firearms dealer.

1           A     Yes, ma'am.

2           Q     And Miss Bellamy never said to, "I'm having you fill  
3 out this form but I don't actually have any authority under  
4 it," right?

5           A     Absolutely not. In fact, she said, "This section is  
6 for me," for this part.

7           Q     So "this section," when you say that, you mean this  
8 section here?

9           A     Yeah. She said that that's her stuff.

10          Q     And that's her stuff where she would certify that  
11 she is essentially a licensed firearms dealer.

12          A     Correct.

13          Q     So while you may not have really put a lot of  
14 thought into whether or not she is, you had no reason to think  
15 she wasn't.

16          A     Right.

17          Q     Especially when she's telling you, "This section for  
18 licensed firearms dealers is for me"?

19          A     Right.

20          Q     And the State was asking you that there's no way you  
21 really could have possibly believed she was a police officer,  
22 right?

23          A     Right.

24          Q     She worked at the Sparks Police Department?

1 A Yes.

2 Q She worked in the evidence room?

3 A Yes.

4 Q She had identification identifying her as an  
5 employee of the Sparks Police Department?

6 A Yes.

7 Q Was she wearing clothes that had any police insignia  
8 on them?

9 A I can't recall. But even civilians at the jail, I  
10 know from my experience that they can be in khaki pants and  
11 black shirt, and they are a sworn police officer.

12 Q So just because someone is not wearing a police  
13 uniform doesn't mean they are not a police officer?

14 A Correct.

15 Q So you didn't rely on the information she gave you  
16 because you thought she was a police officer?

17 A Right.

18 Q You relied on it because of what she told you?

19 A Yeah. She said that was her job, to make sure  
20 evidence was released properly to people could have their  
21 evidence back.

22 Q And the State was asking you questions that  
23 Mr. Bellamy never said to you, "Mr. Hager, I affirmatively say  
24 to you that you may legally possess firearms"?



1           A     I'm sorry. What was the question?

2           Q     Miss Bellamy never said to you, "I am affirmatively  
3 telling you that you may legally possess firearms"?

4           A     Correct. Not that I can recall. She never said  
5 that.

6           Q     But what she did say is -- a month and a half after  
7 you came in, she called you and said, "You can come pick up  
8 your guns"?

9           A     Yes.

10          Q     And not only did she say you can come pick up your  
11 guns; she helped you take them to your car.

12          A     Yes.

13          Q     So those are affirmative actions on her part, right?

14          A     Correct.

15          Q     And those are affirmative actions that made you  
16 think you could own a firearms?

17          A     Absolutely.

18          Q     And it was reasonable for to you believe that,  
19 right?

20          A     Yes.

21          Q     Because you walked out of the police department with  
22 four firearms.

23          A     And with help of one of the employees there.

24          Q     And you didn't ask her for advice about whether or

1 not you could legally own a gun, right?

2 A No. I -- I guess assumptions are clearly now not  
3 best made.

4 Q And the State asked you about whether or not you  
5 specifically told her that you participated in Mental Health  
6 Court?

7 A I'm sorry?

8 Q If you specifically said, "I participated in Mental  
9 Health Court"?

10 A No, I don't recall that.

11 Q And if you specifically told her you at one time had  
12 used methamphetamine?

13 A No. That wasn't a question on the sheet.

14 Q Because when you answered as to whether or not  
15 you're an addict or an unlawful user of a controlled  
16 substance, were you?

17 A No.

18 Q Are you?

19 A No.

20 Q And the State showed you Exhibit 105, which has been  
21 admitted, right? And this is the charging document for your  
22 prior case out of Humboldt County?

23 A Yes, ma'am.

24 Q So let's talk about this document a little bit.

1 A Okay.

2 Q Obviously, it comes out of Humboldt County, right?

3 A Yes.

4 Q It's filed by who?

5 A By the Deputy District Attorney, Jason Dorn.

6 Q And it alleges certain crimes, right?

7 A Yes, ma'am.

8 Q And one of those crimes it alleges is a prohibited

9 person in possession of a firearm, right?

10 A Correct.

11 Q What happened to this charge in Humboldt County?

12 A It was dismissed.

13 Q And it was dismissed before a preliminary hearing?

14 A Yeah, before the preliminary hearing.

15 Q It was dismissed before a trial?

16 A Correct.

17 Q And it was dismissed when you pled guilty to

18 Carrying a Concealed Weapon, right?

19 A Right.

20 Q And then the State asked you about you being angry,

21 right?

22 A Yes.

23 Q And that you were angry with Detective Fox?

24 A I was upset.

1 Q I'm sorry?

2 A Upset.

3 Q Did you feel like he abandoned you?

4 A Yes.

5 Q Why?

6 A Because --

7 Q Without getting into all the back details, just at  
8 that moment, why were you upset?

9 A He was the closest person in my life for a long time  
10 after a tragic experience, another tragic experience, and it  
11 was nice. Things don't matter in life. People matter. And  
12 when you don't have anybody to share an experience with at any  
13 time of day, or any feeling at all, life is pretty dark. And  
14 when that only person is the detective that's working your  
15 brother's homicide case for two years, and all of a sudden,  
16 they just drop off one day, it's upsetting.

17 Q So did he stop responding to text messages like he  
18 used to?

19 A Yes. And I could tell he was reading them. But he  
20 just wasn't responding anymore. And it's not like I was  
21 acting out towards him or anything. It was normal stuff at  
22 first, and then I got more agitated that he kept reading the  
23 messages and not responding, and it upset me.

24 Q So the videos that the State was asking you about

1 making, where he specifically said -- he characterized you as  
2 being violent toward the police, driving by the police  
3 department, telling Detective Johnson his time was up, did  
4 those videos reflect that level of frustration?

5 A Yes.

6 Q Were they acts of desperation?

7 A Yes.

8 Q Did you ever intend on hurting a police officer?

9 A No, definitely not.

10 Q Okay. And then I want to talk about this statement  
11 to Mental Health Court about you using methamphetamine. Do  
12 you remember when that statement was made?

13 A I think upon my entry.

14 Q No, no, no. I'm sorry. When you told them that you  
15 relapsed.

16 A Oh, yeah. That was toward the end of the program.

17 Q Who did you tell that to?

18 A What happens is every Friday they hold court, and as  
19 you progress in the program, you can come once a week, then  
20 twice a month, then once a month, and then once every two  
21 months or something, I believe. They taper you off the more  
22 progress you're doing. But when you show up to court on your  
23 assigned day, everybody gathers outside at first. The  
24 probation officer checks in with you, your service

1 coordinator, the Mental Health Court staff, everybody. And I  
2 approached one of them, the first probation officer, and I  
3 said, "Hey" --

4 Q Who was your probation officer at that time?

5 A I think it was Wilkes. Actually, it wasn't Wilkes  
6 that I approached. It was Probation Officer Munson.

7 Q Probation Officer Munson?

8 A Yeah. He was there all the time.

9 Q Is he the officer who is assigned to Mental Health  
10 Court?

11 A Yes, one of them.

12 Q Go ahead. I'm sorry I cut you off.

13 A So I approached him. At first we discussed my  
14 nervousness about leaving the program. And then out of an act  
15 of desperation -- because all the other contacts of people  
16 that I had had at that time was Detective Fox, the homicide  
17 detective on my brother's case --

18 Q So you told Detective Munson you were nervous about  
19 getting out of Mental Health Court?

20 A Yes, ma'am.

21 Q Because you enjoyed the structure?

22 A Yes.

23 Q The camaraderie?

24 A Yes.

1 Q The sense that people cared about you and were  
2 expecting to see you?

3 A Yes.

4 Q Because that was something that had been lacking  
5 your life?

6 A Yes.

7 Q And so you told him close in time to when you  
8 graduated you relapsed on methamphetamine?

9 A Yes.

10 Q And you weren't test that day, right?

11 A No, ma'am.

12 Q Is it fair to say that in Mental Health Court, if  
13 somebody violates a term of it, there's different sanctions?

14 A Yes.

15 Q Sanctions can be community service hours. They can  
16 be a weekend in jail. They can be 90 AA meetings in 90 days.  
17 It just depends on the infraction, right?

18 A Yeah. I've seen all kind of things.

19 Q So what was the sanction you got for that?

20 A Nothing.

21 Q And you graduated from Mental Health Court?

22 A Yes.

23 Q And you haven't used drugs since?

24 A No, ma'am.

1           Q     And that statement that was made to Detective  
2 Munson, was that in April or May of 2014?

3           A     It was May 2014.

4           Q     Over two and a half years ago?

5           A     Yes.

6           MS. HICKMAN: Thank you. I have no further  
7 questions.

8           THE COURT: Thank you.

9           Recross?

10          MR. PRENGAMAN: Thank you.

11

12                               RECROSS-EXAMINATION

13          BY MR. PRENGAMAN:

14          Q     Mr. Hager, when you were speaking with Detective  
15 Rowe and he told you you were going to jail, and he told you  
16 why you were going to jail, you didn't tell him, "Hey, you  
17 guys misled me." "Hey, I thought my" -- "I thought I was  
18 entitled to have these because you guys told me I could," did  
19 you?

20          A     No, I didn't. At that point I quit talking to the  
21 police because it was obvious that something was wrong, and I  
22 needed counsel.

23          Q     Well, you continued talking to them for awhile after  
24 that point, didn't you?



1           A     I don't believe so.

2           Q     The fact of the matter is you never raised that idea  
3 with him that, "Hey, you guys misled me. What are you talking  
4 about?" Nothing like that, did you?

5           A     No. I was confused. The arrest that they decided  
6 to implement on me was pretty extreme. So there was all kinds  
7 of stuff going on in my head that day.

8           MR. PRENGAMAN: Thank you. Your Honor, no further  
9 questions.

10          THE COURT: Thank you.

11          You're excused. You may step down.

12          THE DEFENDANT: Thank you, sir.

13          THE COURT: This is a good time to take a ten-minute  
14 recess so you all can stretch out. And we'll come back in ten  
15 minutes. So that's what we'll do. Remember my admonition.  
16 We'll see you in ten minutes.

17                   (The jury left the courtroom.)

18          THE COURT: All right. We are outside the presence.  
19 Please be seated.

20                 My understanding, Ms. Hickman, is that the Defendant  
21 is your last witness, and that will be the Defense  
22 case-in-chief; is that correct?

23          MS. HICKMAN: That is.

24          THE COURT: Okay. Thank you. I'll make that

1 announcement in front of the jury.

2 And then it's my understanding, Mr. Prengaman, you  
3 have some rebuttal witnesses; is that correct?

4 MR. PRENGAMAN: I do, Your Honor.

5 THE COURT: All right. Very good.

6 So this is what I think as we move -- I would like  
7 to get the testimony done today, and I would like to settle  
8 jury instructions tonight, and then tomorrow we'll come back.  
9 And you can have the evening to prepare your respective  
10 closing arguments. It's unfair for you to go this afternoon,  
11 of course. So I'll give you tomorrow to prepare your closing  
12 arguments. We'll reconvene at 10:00 for closings and see  
13 where we are there. I'll read the instructions at that time  
14 and do closing arguments.

15 MS. HICKMAN: Judge, just briefly, before we get to  
16 rebuttal witnesses, I would ask the State to make a proffer as  
17 to who they are going to call as a rebuttal witness. In order  
18 for them to properly call a rebuttal witness, there has to be  
19 some sort of surprise or new information that they did not  
20 expect that was put on during our case-in-chief that they now  
21 need to rebut through a witness that they could not put on  
22 during their case-in-chief.

23 THE COURT: I appreciate that. I don't believe they  
24 are limit to surprise. I believe they can put on rebuttal

1 evidence to rebut something that occurred during the Defense  
2 case as long as it's rebuttal and not something that should  
3 have been case in chief.

4 That being said, it's fair to ask you guys to  
5 proffer at this time because you're up with that. So I'll  
6 hear that now.

7 MR. PRENGAMAN: Who I am going to call?

8 THE COURT: Just make an offer of proof.

9 MR. PRENGAMAN: I'm going to call Detective Johnson  
10 to testify about the videos the Court had allowed in and more  
11 fully explain his -- why he did what did he and cut off the  
12 communication.

13 THE COURT: All right.

14 MR. PRENGAMAN: And then I will likely call  
15 Mr. Popovich to testify about the Defendants -- the issue in  
16 Mental Health Court, with the dirty, his statement about using  
17 methamphetamine.

18 THE COURT: All right.

19 MS. HICKMAN: Judge, I guess I have an issue then as  
20 to Mr. Popovich because it's obvious the State is aware of  
21 this dirty UA. It's obvious they know about it. They  
22 probably got that information from the Division of Parole and  
23 Probation. That information was not shared with me. It was  
24 never discovered to me. I tried to get it. The Division

1 refused to give it to us. So --

2 THE COURT: Be a little more specific in your  
3 argument. You mean related to the -- I want to make sure our  
4 record is clear.

5 The Defendant's claim that he had used  
6 methamphetamine, as he just testified, near the end of Mental  
7 Health Court, that area.

8 MS. HICKMAN: So that evidence was never presented  
9 to us through discovery. We were getting no records of that.  
10 The first time that that was informed to me was when the State  
11 asked Mr. Hager that question, "You made that admission in  
12 Mental Health Court." So it's obvious the State had that  
13 information in its possession and did not discover that to us  
14 at any time. I think that that is discovery and obviously  
15 goes to guilt or innocence. It goes to whether or not he was  
16 an addict. It goes to everything that they really should have  
17 given us. If they have that full file, I don't know why that  
18 wasn't given to us. It's obvious they know about it. They  
19 have it in their file, and it should have been discovered to  
20 us.

21 THE COURT: Doesn't that sort of beg the question  
22 that why didn't your client disclose that to you?

23 MS. HICKMAN: It might, Judge. But if I don't know  
24 it and they do, it doesn't relieve them of their duty to give

1 it to me.

2 THE COURT: He might have a different opinion of  
3 that.

4 Go ahead, Mr. Prengaman.

5 MR. PRENGAMAN: Your Honor, I don't think I have a  
6 legal duty to give that to them. I could speak to when I  
7 found that out, but I don't think I have any obligation to  
8 provide inculpatory evidence like that to them, especially  
9 when I've never represented to them that I have an open-file  
10 policy. I provided all the Brady material I believe I have  
11 to. I don't think that's Brady material, not even close, and  
12 it's true rebuttal. And, again, I've never represented that I  
13 have an open-file policy. I never told the Defense and I did  
14 not tell them that I am giving them every single thing in my  
15 file. And there's been no actual legal argument as to any  
16 duty on my part to give that evidence.

17 THE COURT: You have the last word, if you have one.

18 MS. HICKMAN: I just -- I think that if the State  
19 has a statement that he made that goes to the issue in this  
20 case whether or not he is an addict and they are relying on  
21 statements that he made in Mental Health Court. The totality  
22 of those statements should be discovered to us. It's going to  
23 his guilt or innocence. That is covered by Brady. They do  
24 intend to use it against him. They are now going to provide a

1 rebuttal witness for it, and it should have been turned over.

2 THE COURT: Thank you. I'm going to allow the State  
3 to bring in a rebuttal witness and deny your request to  
4 overrule it. I think that you don't know what the Defendant's  
5 going say until he says it. But I believe it's incumbent also  
6 upon the Defendant to tell you if that was out there based on  
7 this case. But I don't believe the State did anything. The  
8 question was asked, and the Defendant's answer will stand.  
9 And that's subject to rebuttal because he said he didn't have  
10 a dirty test. He made it up. So we'll hear what Mr. Popovich  
11 has to say.

12 All right. That being said, any other proffer, any  
13 other rebuttal witnesses?

14 MR. PRENGAMAN: No, Your Honor.

15 THE COURT: Based on that, do you have any  
16 surrebuttal witnesses?

17 MS. HICKMAN: I think I would have to hear what's  
18 said before I decide to call a surrebuttal witness.

19 THE COURT: Just made a proffer, but I will just  
20 leave it up to you under those circumstances.

21 All right. We'll be back in ten minutes.

22 (A break was taken.)

23 THE COURT: Thank you. Please be seated. Thank you  
24 for your patience. We are back on the recorded in CR16-1457,

1 State versus Ian Andre Hager.

2 Ms. Hickman, call your next witness.

3 MS. HICKMAN: Thank you, Judge. At this time the  
4 Defense will rest.

5 THE COURT: Thank you. Ladies and gentlemen, the  
6 Defense has rested. This provides the State the opportunity,  
7 if they so choose, to do what's known as a rebuttal case to  
8 the Defense case.

9 Mr. Prengaman, do you have a rebuttal case?

10 MR. PRENGAMAN: I do.

11 THE COURT: Thank you. Please call your next  
12 witness.

13 MR. PRENGAMAN: Thank you, Your Honor. The State  
14 would call James Popovich.

15 THE COURT: Mr. Popovich, I know you were sworn  
16 before, but I'll have you resworn because you're coming back  
17 in a different stage of the case.

18 (The witness was sworn.)

19 THE COURT: Take the stand again and spell your name  
20 for the record.

21 THE WITNESS: Sure. James Popovich.

22 P-O-P-O-V-I-C-H.

23 THE COURT: Mr. Prengaman.

24 MR. PRENGAMAN: Thank you, Your Honor.

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JAMES POPOVICH,  
having been first duly sworn, was examined  
and testified as follows:

DIRECT EXAMINATION

BY MR. PRENGAMAN:

Q Good afternoon, Mr. Popovich.

A Good afternoon.

Q Since it's been a little while, just by way of  
orientation, could you please tell us how you're employed?

A By the Second Judicial District Court. I'm the  
specialty court manager.

Q And you told us before, as the manager you have  
custody and control over the records for all of the various  
specialty courts, correct?

A Correct.

Q And that includes Drug Court?

A Correct.

Q I'm sorry. Drug Court and Mental Health Court?

A Correct.

Q I'd like to ask you to go back to the subject of the  
Defendant, so Ian Hager's participation in the Mental Health  
Court beginning in 2013.

Now, when Mr. Hager was in the Mental Health Court,



1 was there a program of testing for controlled substance?

2 A There was.

3 Q And did Mr. Hager, in the course of the time that he  
4 was in Mental Health Court, did he ever have a dirty test?

5 A He did.

6 Q And can you tell us when that dirty test occurred  
7 and the -- what it was dirty for. When we say "dirty," what  
8 does that mean?

9 MS. HICKMAN: Judge, if he is using something to  
10 refresh his recollection, I would ask to be able to look at  
11 it:

12 THE COURT: Sure.

13 MR. PRENGAMAN: Absolutely. Your Honor, may I  
14 ask -- if I could, may I ask the Court to order him to provide  
15 that as an exhibit?

16 THE COURT: Sure.

17 MR. PRENGAMAN: May I have this marked as next in  
18 order?

19 THE COURT CLERK: 106.

20 (Exhibit 106 marked for identification.)

21 THE COURT: Please show that to Ms. Hickman.

22 MR. PRENGAMAN: Showing Exhibit 106 marked for  
23 identification to the Defense.

24 ///

1 BY MR. PRENGAMAN:

2 Q Mr. Popovich, returning Exhibit 106 to you, does  
3 that record document the results of a dirty test?

4 A It does.

5 Q And what day did the dirty test occur on?

6 A April 4th, 2014.

7 Q And what was the -- when we say "dirty," was it  
8 positive for a controlled substance?

9 A It was positive for alcohol and methamphetamine.

10 Q Now, does the record reflect whether the Defendant  
11 was confronted with that information?

12 A This record does not reflect that.

13 Q Does it reflect whether he was asked whether he had,  
14 in fact, used methamphetamine?

15 A It doesn't reflect that he was asked.

16 Q Does it reflect if he made any statement about using  
17 methamphetamine?

18 A It does reflect there was an admit.

19 Q Which would mean he acknowledged that he had, in  
20 fact, used methamphetamine?

21 A As to which drug of the two, I'm not sure. It does  
22 not show that. But it does say "admit."

23 MR. PRENGAMAN: Thank you very much. I have nothing  
24 further.

1 THE COURT: Cross-examination?

2 MS. HICKMAN: Thank you.

3

4 CROSS-EXAMINATION

5 BY MS. HICKMAN:

6 Q Mr. Popovich, you're not a specialty courts officer,  
7 correct?

8 A Correct.

9 Q So you're not involved in actually doing these drugs  
10 tests?

11 A Correct.

12 Q And if I may approach and get that exhibit from you.  
13 So when you look at this exhibit, you can see the  
14 test that Mr. Hager took, correct?

15 THE COURT: I'm not sure it's admitted. Is there a  
16 stipulation?

17 MS. HICKMAN: I would stipulate to it.

18 MR. PRENGAMAN: That's fine.

19 THE COURT: It's admitted.

20 (Exhibit 106 admitted into evidence.)

21 BY MS. HICKMAN:

22 Q So you can see drug tests, right? All the drug  
23 tests that Mr. Hager took in Mental Health Court?

24 A Correct.

1           Q     And when you're looking at these, you can look over  
2 on the side where it says "type of drug test," right?

3           A     That's correct.

4           Q     So that tells you what type of drug test was  
5 administered, right?

6           A     Correct.

7           Q     So what's a five?

8           A     Five-panel drug test.

9           Q     A five-panel drug test is a urine test?

10          A     That is a urine test.

11          Q     And that is a urine test that somebody would provide  
12 a sample of urine, and then it would change colors if there  
13 was the presence of drugs, right, or alcohol?

14          A     Correct.

15          Q     And then there's this type of test that is oral,  
16 right?

17          A     Correct.

18          Q     And that is a drug test that involves like a mouth  
19 swab?

20          A     That's correct.

21          Q     So you swab the inside of somebody's cheek and it  
22 would tell you whether or not there's the presence of drugs or  
23 alcohol?

24          A     Correct.

1 Q And then there's also this ETG, right?

2 A That's correct.

3 Q What type of test is that?

4 A It's an 80-hour alcohol test or dimethyl glutarate.

5 Q So an 80-hour alcohol test is the type of test given

6 to a person to see if they have used alcohol in the last

7 80 hours; is that correct?

8 A Correct.

9 Q So it's more sensitive than like the mouth swab or a

10 urine swab to tell how long it's been since somebody consumed

11 alcohol?

12 A It is. And it is urine.

13 Q And then there is the ten test, right?

14 A Correct.

15 Q What type of test is that?

16 A That's a ten-panel urinalysis.

17 Q Does that test for ten different types of controlled

18 substance?

19 A That's correct.

20 Q And then here we have something that says "admit,"

21 right?

22 A Correct.

23 Q So that doesn't say that a drug test was given to

24 somebody, correct?

1           A     My understanding of this system is that it defaults  
2 to admit if there's admit or a positive. So it populates in  
3 the type column.

4           Q     Right. And this was saved in the system what is  
5 called Scotia?

6           A     Correct.

7           Q     So this is the -- this isn't just the first initial  
8 screen; this is what was actually saved, right?

9           A     Correct.

10          Q     Regarding this drug test?

11          A     Correct.

12          Q     Or regarding, actually, all the drugs tests, right?

13          A     Correct.

14          Q     Okay. So it may auto populate to admit here,  
15 correct?

16          A     Once it returns.

17          Q     Okay. But there's nothing in this entire form that  
18 you are looking at that tells you that there was, in fact, a  
19 drug test given to Mr. Hager, correct?

20          A     It was entered in there by a specialty court  
21 officer, manually entered.

22          Q     So let me ask you this: If a person comes in to  
23 check-ins and says, "I used," and they say, "I admit I used  
24 drugs," it's not common to then give them a follow-up drug

1 test, right?

2 A Correct.

3 Q You can just take that admit and say, "You admitted  
4 to it and we take you at that word," right?

5 A Correct.

6 Q So it would not be unusual to say that in this case  
7 right here, Mr. Hager came into Mental Health Court and  
8 admitted that he used drugs, right?

9 A Correct.

10 Q And that a drug test was not given, correct?

11 A I don't have knowledge of that.

12 Q So when you're testifying that Mr. Hager had a dirty  
13 drug test, you, in fact, don't know that, right?

14 A I don't know if there was a follow-up test after his  
15 admission or if his admission was in addition to a test that  
16 was done previous to his admission.

17 Q Right. So all you can tell us is that on April 4th,  
18 2014, Mr. Hager admitted to using methamphetamine and alcohol,  
19 right?

20 A Based on this, correct.

21 Q And you don't have anything else that you're basing  
22 your testimony on, right?

23 A No.

24 Q Just this?

1           A     Correct.

2           Q     And above and beyond this one test that we are  
3 looking at, every other test is negative, correct?

4           A     Correct.

5           Q     And that is every single test from June of 2013  
6 through April of 2014, correct?

7           A     Correct.

8           Q     So, really, all you can testify to is that he had  
9 one positive admit which was 4-4-14, right?

10          A     Correct.

11          Q     Not a dirty drug test.

12          A     That would be correct. Based on this, that would be  
13 correct.

14          Q     And you're not basing your testimony on anything  
15 else, right?

16          A     Correct.

17          Q     Just this?

18          A     Correct.

19          Q     So to the best of your personal knowledge, this was  
20 the basis of an admission of drug use?

21          A     Correct.

22          Q     And, Mr. Popovich, have you personally ever seen  
23 somebody self-sabotage to stay into Mental Health Court or  
24 Drug Court or Veterans Court?



1           Let me define what that means.

2           A     Based on their admission of that, yes.

3           Q     That they get close to the end of the program, and

4     then it all falls apart for them. They may start using drugs.

5     They may commit new crimes. They may do whatever it takes and

6     say, "I'm self-sabotaging because I don't want out of the

7     program"?

8           A     I have heard that before, yes.

9           Q     So it's not an uncommon thing for people to do?

10          A     It's not common.

11          Q     It's also not uncommon, because you've heard of it?

12          A     Correct.

13          Q     You've heard of people who have done it?

14          A     Correct.

15          Q     And, Mr. Popovich, in the records for Mr. Hager, he

16     wasn't sanctioned for this test, correct?

17          A     I don't know that.

18          Q     You don't know if he was sent to jail?

19          A     I do not know.

20          Q     You don't know if he was given community service

21     hours?

22          A     I do not.

23          Q     You don't know if he was given 90 AAs in 90 days?

24          A     I do not.

1           Q    All you know is what is reflected on this piece of  
2 paper, right?

3           A    Correct.

4           Q    Which is that there was a self-admitted drug use,  
5 correct?

6           A    Correct.

7           MS. HICKMAN: Thank you.

8           I have no further questions.

9           THE COURT: Thank you.

10          Recross?

11          MR. PRENGAMAN: No, Your Honor.

12          THE COURT: Thank you. You're excused. You may  
13 step down. Thank you for your testimony.

14          Call your next witness.

15          MR. PRENGAMAN: The State will call Detective  
16 Johnson.

17          THE COURT: I'm going to have you resworn, Detective  
18 Johnson. It's another day.

19                   (The witness was sworn.)

20          THE COURT: Please take the witness stand again.

21          THE WITNESS: Thank you, Your Honor.

22          THE COURT: And, once again, just for the record,  
23 spell your last name for us.

24          THE WITNESS: Yes, sir. Johnson. J-O-H-N-S-O-N.

1 THE COURT: Thank you.

2 Go ahead, Mr. Prengaman.

3 MR. PRENGAMAN: Thank you.

4

5 SCOTT JOHNSON,

6 having been first duly sworn, was examined

7 and testified as follows:

8

9 DIRECT EXAMINATION

10 BY MR. PRENGAMAN:

11 Q Good afternoon, Detective.

12 A Good afternoon, sir.

13 Q Detective, you have previously testified about

14 the -- your contacts with the Defendant, Mr. Hager?

15 A Yes, sir.

16 Q And you testified about the course of your

17 communications leading up to a day at the end of March of this

18 year when he sent you a link to his Facebook page?

19 A Yes, sir.

20 Q And I previously asked you in a very general way

21 about the -- what you saw and the reasons you ceased

22 communicating with Mr. Hager. I would like to ask you some

23 follow-up questions about that now.

24 When Mr. Hager sent you that link, when you followed

1 it, what did it take you to specifically?

2 A It took me to a specific video.

3 Q Okay. And did the video have concerning content to  
4 you?

5 A It did.

6 Q Okay. Did it cause you concern for your personal  
7 safety?

8 A Myself and another police officer.

9 Q Okay. And in looking at the other videos posted on  
10 the Defendant's Facebook page, did you see some additional  
11 videos that similarly caused you concern?

12 A Yes, sir.

13 Q Did you see one or more videos that made reference  
14 to you by name?

15 A Yes, sir.

16 Q I'd like to show you what we've admitted as Exhibit  
17 Number 102.

18 (A DVD was played.)

19 BY MR. PRENGAMAN:

20 Q I'm going to stop it. So you recognize who we see  
21 in the photo -- in the video?

22 A Yes, sir. That's Mr. Hager.

23 (A DVD was played.)

24 ///

1 BY MR. PRENGAMAN:

2 Q And, Detective, did you see anything right there?

3 A Yeah. I was very concerned when I saw the very  
4 opening part of the video, especially what you've just seen  
5 because I can see that Mr. Hager has a firearm in his  
6 waistband.

7 Q Tucked in the back of the waistband?

8 A Yes, sir.

9 (A DVD was played.)

10 BY MR. PRENGAMAN:

11 Q That was one of the videos you observed when you  
12 followed the links to Mr. Hager's Facebook page?

13 A That's correct, sir.

14 Q I'm going show you now what we've admitted as  
15 Exhibit 103.

16 (A DVD was played.)

17 BY MR. PRENGAMAN:

18 Q Again, do you recognize this as one of the videos  
19 you saw when you went to Mr. Hager's Facebook page?

20 A I know this video very well, sir.

21 Q Does it appear Mr. Hager is in his vehicle, filming  
22 himself as he's driving?

23 A Yes, sir.

24 Q It's a short clip. But what do you notice about the

1 background or the area where he's driving?

2 A Mr. Hager specifically is driving by my place of  
3 employment.

4 (A DVD was played.)

5 BY MR. PRENGAMAN:

6 Q And, Detective, I'm going show you what we've marked  
7 as Exhibit 104. There will be two parts to this. I'm going  
8 to play the beginning and just take a -- stop it for a moment?

9 (A DVD was played.)

10 BY MR. PRENGAMAN:

11 Q Now, you can't see anything yet. But do you  
12 recognize this video just from the beginning?

13 A I am familiar with it; however, he has many videos  
14 like this where he's calling out different vehicles. So I  
15 would have to see more than just that snippet.

16 (A DVD was played.)

17 BY MR. PRENGAMAN:

18 Q Do you recognize it now?

19 A Yes, sir.

20 Q Is this one of the videos that you watched when you  
21 followed the link to his Facebook page?

22 A Yes, it is.

23 (A DVD was played.)

24 ///

1 BY MR. PRENGAMAN:

2 Q I'm going to stop it at 1 minute and 1 second in.  
3 Just a moment.

4 (A DVD was played.)

5 BY MR. PRENGAMAN:

6 Q And for the record, that was 1 minute 40 seconds to  
7 the end.

8 Detective, when you -- did you see other videos --  
9 and I'm not going to ask you to describe them. But did you  
10 see other videos with similar content to these?

11 A Yes, sir.

12 Q Other videos that referenced you by name  
13 specifically?

14 MS. HICKMAN: Judge, I object to that.

15 THE COURT: What grounds?

16 MS. HICKMAN: If we may approach?

17 THE COURT: Sure.

18 (Discussion at the bench.)

19 BY MR. PRENGAMAN:

20 Q Detective, were there other videos that made  
21 reference to you by name?

22 A Yes, sir.

23 Q Okay. Now, when you ceased communicating with  
24 Mr. Hager in that -- about that time -- and it was that time

1 that you got that link to the videos, correct?

2 A Yes, sir.

3 Q Was it because of the concerns that you had based on  
4 what you were seeing?

5 A Yes, sir. My personal communication ended with  
6 Mr. Hager based on the threats that I could see directly to me  
7 from those videos.

8 Q And is that why you referred the case to the Sparks  
9 Police Department?

10 A Yes, sir.

11 MR. PRENGAMAN: Thank you, Detective. I have no  
12 further questions.

13 THE COURT: Cross-examination?

14 MS. HICKMAN: Thank you.

15

16 CROSS-EXAMINATION

17 BY MS. HICKMAN:

18 Q Detective Johnson, just trying to get a timeline,  
19 you first made contact with Mr. Hager in February of 2016?

20 A Yes, ma'am.

21 Q And that's when he came into the Sparks Police  
22 Department?

23 A Reno.

24 Q I'm sorry, yes. Reno Police Department. And that's



1 when he made inquiries to you about his brother's case,  
2 correct?

3 A That's correct.

4 Q And you told him you would look into that; is that  
5 right?

6 A Yes, ma'am.

7 Q And had you contact with him as you were looking  
8 into the circumstances of his brother's death, correct?

9 A Yes, ma'am.

10 Q And then sometime, about a week later, you met face  
11 to face with Mr. Hager again?

12 A I believe I did, yes.

13 Q And that's what you testified to earlier, right?

14 A Uh-huh.

15 Q And that was the incident where you told him that  
16 you agree that the conclusion of his brother's death was some  
17 sort of asphyxiation and methamphetamine intoxication,  
18 correct?

19 A Yes.

20 Q And you believed you told him new information?

21 A Yes. At that time I felt the information I was  
22 giving him was new to him.

23 Q That's what I meant. New to him. Not new  
24 information about the case, but new to him?

1           A     Yes, ma'am.

2           Q     And that was near in time to February 26th of 2016,  
3 correct?

4           A     Yes, ma'am.

5           Q     And then after that, Mr. Hager came into the police  
6 department with more information and said, "Hey, would you  
7 please look into this information?"

8           A     Yes, ma'am.

9           Q     And that information also was part of his brother's  
10 death, correct?

11          A     Yes, ma'am.

12          Q     And did you look into that information?

13          A     I did.

14          Q     And did you tell him that you were not reopening the  
15 case?

16          A     I don't know if I told him that exactly. I would  
17 just give him information. He would request information, and  
18 I would follow up with that request and honor that request and  
19 then tell him what the results of that request were.

20          Q     Did you tell Mr. Hager you were not investigating  
21 this as a homicide?

22          A     I don't know if I used that particular wording. I  
23 did make it clear to him that the case was closed and that my  
24 findings were that what the original detectives had found was

1 accurate to what I had found also.

2 Q So that it was accidental?

3 A The -- it was a combination of accidental with a  
4 methamphetamine overdose.

5 Q And you didn't believe that there was evidence there  
6 to show that he was murdered?

7 A That's correct.

8 Q And I believe you testified -- the days are running  
9 together -- but earlier this week that Mr. Hager was  
10 unsatisfied with that?

11 A That's right.

12 Q How many communications, either in person or on the  
13 phone, did you have with him between that February 26th-ish  
14 date and when you stopped communicating with him?

15 A I can't tell you the exact date. But we spoke on  
16 the phone and then communicated by e-mail. And the reason why  
17 I say that is I believe he went out of town for a little while  
18 to do some things in Los Angeles or something like that. He  
19 had mentioned he was doing something like that. So there was  
20 a bit of a break in our communication, for a week or maybe two  
21 weeks, but we did speak, I believe, on the phone.

22 Q Okay. And so then that would take us into about  
23 mid-March?

24 A I would believe so, yes.

1 Q And then so if we use March 15 as the middle date?

2 A Sure.

3 Q And then you got the link e-mailed to you on March  
4 31st, right?

5 A Right.

6 Q So that's about 16 days?

7 A Sure. Yeah. Sure.

8 Q How much communication did you have with him between  
9 that date and the date you got the link sent to you?

10 A I don't know exactly. Because our conversations  
11 after that -- when I didn't meet him in person, they were  
12 brief; on the phone or by e-mail.

13 Q So not very much communication?

14 A Not very much.

15 Q And it's fair to say you weren't actively  
16 investigating his brother's case?

17 A I was, actually. The information he had given me  
18 was interesting to me. He had spoken about a doorman that  
19 worked at the apartment complex where his brother lived, and  
20 the information he gave me was very interesting to me. But I  
21 found that the information that he thought may have happened  
22 actually didn't. And so I was very interested in that part of  
23 the case. So I was continuing to work on some of those  
24 things.

1 Q Okay. And when did you tell him your conclusion  
2 that it wasn't actually what he thought it was?

3 A It had to have been somewhere around that  
4 mid-to-late March timeframe.

5 Q Okay. Mid to late March?

6 A That's what I think, yeah.

7 Q But definitely before you get this link e-mailed to  
8 you, correct?

9 A Yes.

10 Q Okay. And, Detective Johnson, I can't remember from  
11 your earlier testimony, how long have you been a police  
12 officer?

13 A 12 years.

14 Q Okay. And you're a detective?

15 A Yes, ma'am.

16 Q With the Reno Police Department?

17 A Right.

18 Q So you have access to essentially the Reno Police  
19 Department, right?

20 A Sure.

21 Q The full force of that agency, correct?

22 A Yes, ma'am.

23 Q And you know how to get a protection order, correct?

24 A Sure.

1 Q You know how to apply for a warrant, correct?

2 A (The witness nods.)

3 Q You have to answer out loud.

4 A I'm sorry?

5 Q You have to answer out loud.

6 A Yes.

7 Q You know how to apply not just for a search warrant  
8 but also for an arrest warrant, correct?

9 A Yes. Of course.

10 Q And as a police officer, you're familiar with the  
11 laws of the State of Nevada, correct?

12 A Yes, ma'am.

13 Q Because partially what you do is enforce them,  
14 right?

15 A That's correct.

16 Q So you know it's a felony to threaten or intimate a  
17 public officer, correct?

18 A Yes, ma'am.

19 Q So when you got this link e-mailed on the 31st and  
20 you saw these videos that we just watched, you didn't apply  
21 for an arrest warrant for Mr. Hager, correct?

22 A No, ma'am.

23 Q You didn't apply for a protection order to keep him  
24 away from you, correct?

1           A     No, ma'am.

2           Q     You didn't ask officers from the Reno Police  
3 Department to go contact him, correct?

4           A     Not Reno, no.

5           Q     Sparks?

6           A     I made my supervisors aware of what I had just been  
7 sent and began a process in which we would begin moving  
8 forward to do something about this situation.

9           Q     But your testimony today is you were very concerned,  
10 correct?

11          A     Yes, ma'am.

12          Q     You were very concerned because you see a firearm in  
13 his waistband, correct?

14          A     Yes.

15          Q     You were very concerned until you stopped talking to  
16 him, correct?

17          A     That's correct.

18          Q     You were scared.

19          A     Yes.

20          Q     You were scared for your family.

21          A     Absolutely.

22          Q     And it's not until 18 days later that he's arrested;  
23 is that right?

24          A     I don't know about the exact timeframe. But I

1 wasn't going to personally make contact with him, if that's  
2 what you're asking. I'm not sure if that's what you're  
3 asking.

4 Q You did not arrest him, right?

5 A I personally did not go out there to arrest him.  
6 No, ma'am. That would be a very dangerous situation.

7 Q You know he was arrested.

8 A I do know he was arrested. That was given to me by  
9 my supervisors.

10 Q So if your supervisors told you he was arrested, you  
11 also knew he was arrested peacefully, correct?

12 A I actually didn't know how his arrest went until  
13 later.

14 Q So you know now?

15 A I do know now.

16 Q So you know that it happened peacefully, correct?

17 A I do know that, yes.

18 Q So when you are listening to Exhibit 104 and he  
19 said, "I won't pull over for any of you fucks. You won't want  
20 to walk up to the car," you, in fact, know that after that he  
21 pulled over for police officers. They walked up to the car  
22 and they peacefully put him under arrest, correct?

23 A Actually, that's not how his arrest went.

24 Q Yes. They brought him out of his house, right, to a



1 gas station?

2 A Well, Detective Gallup asked him to come out of his  
3 house but made sure that during that conversation that  
4 Mr. Hager was not armed.

5 Q And had his car go to a gas station, right?

6 A Right.

7 Q Where he was contacted by officers from Sparks  
8 Police Department, correct?

9 A Tactically, he made an advantage for us based on the  
10 information that he had given over the Internet.

11 Q Thank you. You weren't part of that, correct?

12 A I was not.

13 Q Because you just testified you wouldn't be part of  
14 arresting him, right?

15 A Absolutely not.

16 Q So tactically you didn't make any decisions about  
17 how he would be arrested, correct?

18 A No. But what you're referring to, that's not how it  
19 happens.

20 Q So you know he was eventually arrested by the Sparks  
21 Police Department, correct?

22 A Yes, ma'am.

23 Q He didn't fight them, correct?

24 A He wasn't given a chance to fight them.

1 Q He didn't struggle, right?

2 A I don't know how the physical struggle went. I just  
3 know that the tactical plan was made for his arrest. And,  
4 yes, he was arrested peacefully because a tactical plan was  
5 made.

6 Q And then you know that he spoke to Detective Rowe,  
7 correct?

8 A Yes, ma'am.

9 Q And he wasn't violent with Detective Rowe.

10 A As far as I know.

11 Q He complied with Detective Rowe, right?

12 A To my best understanding, yes, ma'am.

13 Q And during that tactical arrest, he didn't attempt  
14 to fight them in any way either, right?

15 A To my knowledge, he didn't attempt to fight, no.

16 Q So what he threatened in that never came true,  
17 correct?

18 A We would not let that come true based on we wanted  
19 to arrest him on our terms because of the information that he  
20 was posting.

21 Q Sure. Sure. And you also listened to Exhibit 102,  
22 correct? And that was the one --

23 A Whichever one that was.

24 Q -- that was posted March 21st, the first video?

1           A     If that's Exhibit 22, sure.

2           Q     102.

3           A     102, sorry.

4           Q     And that is a video where he's talking about being  
5 upset with Detective Fox, right?

6           A     Yes, ma'am.

7           Q     And he tells you that he believes that you're  
8 fucking wasting time, correct?

9           A     Yes.

10          Q     And he talks about Detective Fox being a pussy,  
11 correct?

12          A     Yes.

13          Q     And he said, "Detective Johnson, you have until  
14 midnight," correct?

15          A     Correct.

16          Q     Well, by the time you viewed that, midnight on  
17 March 21st had come and gone, right?

18          A     Right.

19          Q     And Mr. Hager hadn't done anything to you, correct?

20          A     Right.

21          Q     And then there's a phrase that we heard where he  
22 said, "I'm going to kill everyone involved. You better do  
23 your job," right?

24          A     Correct.

1 Q To the best of your knowledge, he didn't kill anyone  
2 involved, correct?

3 A No.

4 Q He didn't attempt to kill you, right?

5 A I don't know that.

6 Q To the best of your knowledge.

7 A To the best of my knowledge.

8 Q And then we look at the video that was introduced  
9 where he's driving by what you said is your place of  
10 employment, correct?

11 A Right.

12 Q Your place of employment is the Reno Police  
13 Department, correct?

14 A Correct.

15 Q A government building?

16 A Yes, ma'am.

17 Q Open to everybody?

18 A Sure.

19 Q It's on a public street?

20 A Absolutely.

21 Q He doesn't go into that building on that video,  
22 correct?

23 A No, not on the video.

24 Q He doesn't stop by it, correct?

1           A     Not on the video.

2           Q     And what he says over and over in all those videos  
3 is, "Do your fucking job," correct?

4           A     Right.

5           Q     Because what he wants you to do is look into the  
6 circumstances of his brother's death, correct?

7           A     Sure.

8           Q     And you knew he was upset, right?

9           A     Sure. Yeah.

10          Q     You knew that he wanted you to continue to look into  
11 that, correct?

12          A     Yes, ma'am.

13          Q     And he also knew that you weren't necessarily  
14 following down that same road with him, correct?

15          A     He didn't agree with the investigation is how I took  
16 it.

17          Q     Right. You didn't have the same theory that he did  
18 as to how his brother died, correct?

19          A     That's correct.

20                MS. HICKMAN: Thank you. I have no further  
21 questions.

22                THE COURT: Thank you.

23                Anything on redirect?

24                MR. PRENGAMAN: No further questions.

1 THE COURT: Thank you. You're excused. You may  
2 step down.

3 MR. PRENGAMAN: We have no further witnesses.

4 THE COURT: You have no further witnesses on  
5 rebuttal?

6 Does the Defense have any surrebuttal witnesses?

7 MS. HICKMAN: We don't, Judge. Thank you.

8 THE COURT: Thank you very much.

9 All right. Ladies and gentlemen, that's the  
10 conclusion of the evidence in this case. The process is going  
11 to work as follows: It's 4:30. I hoped we would be done  
12 today for your benefit, but I did advertise the trial being  
13 five days. So tomorrow will be our fifth day.

14 I'm going to ask you to be back here at 10:00. At  
15 that time you will -- be here at 10:00. We'll start shortly  
16 thereafter. But please be here at 10:00 tomorrow, at which  
17 time I'm going to instruct you on the law. After I instruct  
18 you on the law, the lawyers at that time will have the  
19 opportunity to give closing arguments and appeal to you as to  
20 what they believe the evidence showed for your consideration.  
21 And then we are going to give you the case for your  
22 deliberations.

23 So that being said, please remember again the words  
24 of the recess admonishment. We are going to take our evening

1 recess.

2           During this recess, it is your duty not to converse  
3 amongst yourselves or with anyone else on any subject  
4 connected with the trial, or to read, watch, or listen to any  
5 report of or commentary on the trial by any person connected  
6 with the trial, or by any medium of information, including,  
7 without limitation newspaper, television, Internet,  
8 Smartphones, Facebook, radio, any other social network. And  
9 you are not to form or express any opinion on any subject  
10 connected with this case until it is finally submitted to you.

11           Thank you for your attention today. We'll see you  
12 tomorrow at 10:00.

13           All rise for the jury.

14                           (The jury left the courtroom.)

15           THE COURT: Let's take ten minutes, 15 minutes. We  
16 will see you back in chambers, and we will start talking about  
17 instructions.

18           MS. HICKMAN: Thank you.

19           THE COURT: All right.

20           I didn't have any authorities on the Defense  
21 instructions for the most part.

22           MS. HICKMAN: There is authorities on all of them.

23           THE COURT: I'll double-check that.

24           MS. HICKMAN: They should all have authorities. If

1 not, I have another copy that have the authorities listed.

2 MR. PRENGAMAN: Judge, since you said you were going  
3 to give an entrapment instruction, I have one.

4 THE COURT: I have been working on one for the last  
5 half-hour. We'll see how mine came out.

6 I'll see you in chambers when you're ready.

7 MS. HICKMAN: Judge, if Mr. Hager prefers, do you  
8 care if he does not come?

9 THE COURT: No. I would let him.

10 MS. HICKMAN: Thank you.

11 THE COURT: He doesn't have to be a part of the jury  
12 instructions.

13 MS. HICKMAN: Thank you.

14 THE COURT: Mr. Hager, for the record, what we do is  
15 meet informally in my chambers, discuss the law. At the  
16 conclusion of discussing the law related to discussions, then  
17 I'll probably tomorrow morning put the instructions on the  
18 record. Any objections that your lawyer has, she can put them  
19 on the record at that point. But we go through a discussion  
20 sort of informally related to what the law is and what the  
21 instructions should be.

22 Do you waive your appearance for that?

23 THE DEFENDANT: Yes, Your Honor, I do.

24 THE COURT: We'll see you tomorrow.



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THE DEFENDANT: Thank you, Your Honor.  
(Proceedings continued to December 16, 2016.)

-o0o-

1 STATE OF NEVADA       )  
2 COUNTY OF WASHOE     ) ss.  
3

4 I, SUSAN KIGER, an Official Reporter of the  
5 Second Judicial District Court of the State of Nevada, in and  
6 for the County of Washoe, State of Nevada, DO HEREBY CERTIFY:

7 That I am not a relative, employee or in  
8 contractor of counsel to any of the parties, or a relative,  
9 employee or in contractor of the parties involved in the  
10 proceeding, or a person financially interested in the  
11 proceedings;

12 That I was present in Department No. 9 of the  
13 above-entitled Court on December 15, 2016, and took verbatim  
14 stenotype notes of the proceedings had upon the matter  
15 captioned within, and thereafter transcribed them into  
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of  
18 pages 1 through 268, is a full, true and correct transcription  
19 of my stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 14th day of  
21 April, 2017.

22 /s/ Susan Kiger

23 SUSAN KIGER, CCR No. 343  
24

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16th day of August 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy, Chief Appellate Deputy,  
Washoe County District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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John Reese Petty  
Washoe County Public Defender's Office

IN THE SUPREME COURT OF THE STATE OF NEVADA

IAN ANDRE HAGER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

---

Appeal from a Judgment of Conviction in Case Number CR16-1457  
The Second Judicial District Court of the State of Nevada  
Honorable Scott N. Freeman, District Judge

---

JOINT APPENDIX VOLUME FOUR

---

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Electronically Filed  
Aug 16 2017 01:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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Code No. 4185

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE SCOTT N. FREEMAN, DISTRICT JUDGE

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

IAN ANDRE HAGER,

Defendant.

Case No. CR16-1457

Dept. No. 9

TRANSCRIPT OF PROCEEDINGS

Jury Trial - Day 4

Pages 1-268

Thursday, December 15, 2016

Reno, Nevada

Reported By: SUSAN KIGER, CCR No. 343, RPR

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1 RENO, NEVADA, THURSDAY, DECEMBER 15, 2016, 10:07 A.M.

2 -oOo-

3  
4 THE COURT: We are on the record and outside the  
5 presence of the jury in CR16-1457, State versus Ian Andre  
6 Hager.

7 I see the presence of the Defense, the Defense team,  
8 and the Prosecution.

9 Mr. Prengaman, you're standing, sir.

10 MR. PRENGAMAN: I am. Good morning, Your Honor.

11 THE COURT: Good morning.

12 MR. PRENGAMAN: This morning I was just handed a  
13 series of documents, and it looks like the defense has had  
14 these from at least November 29, 2016. It appears to be  
15 books, documents, papers, that type of thing, they intend to  
16 produce in their case-in-chief, or statements of the witness  
17 they intend to call in their case-in-chief.

18 I going to object to that under NRS 174, I think,  
19 234, 235, discovery.

20 THE COURT: May I see them, please.

21 MR. PRENGAMAN: I think the defense marked them as  
22 an exhibit.

23 THE COURT: All right. What time did you receive  
24 them, Mr. Prengaman?

1 MR. PRENGAMAN: Just this morning when I came in, so  
2 about 5, 10 minutes ago. So it would be what they've marked,  
3 I believe, as Exhibit 97.

4 THE COURT: Who is handling this?

5 MS. HICKMAN: I will, Judge. Thank you.

6 We did receive these at the end of November. I did  
7 give them to Mr. Prengaman this morning. They are documents  
8 we got from the Nevada Department of Public Safety, from the  
9 Nevada Highway Patrol evidence tech. They were in the  
10 possession of the State the entire time.

11 THE COURT: Wait. I don't understand.

12 When you say "possession of the State," what do you  
13 mean? They were part of Mr. Prengaman's file?

14 MS. HICKMAN: No. They were part of law  
15 enforcement's file.

16 THE COURT: That's not possession of the State.  
17 Mr. Prengaman represents the State through the District  
18 Attorney's Office.

19 MS. HICKMAN: That's correct, Judge. But if we're  
20 talking about what is and is not in possession of the State,  
21 items are in the possession of the State if they were in the  
22 possession of law enforcement as well.

23 THE COURT: That's the reason you didn't give it to  
24 him?

1 MS. HICKMAN: No. That's not the reason I didn't  
2 give it to him. I didn't give it to him because I didn't know  
3 if I would be able to put the evidence on. And so I was  
4 waiting to see what the Judge's ruling was. When you ruled we  
5 could go forward with this evidence, I brought it this morning  
6 and I did give it to him.

7 THE COURT: Is that the extent of your argument?

8 MS. HICKMAN: Yes.

9 MR. PRENGAMAN: Then, Your Honor, I request that  
10 based on that, it appears to me that that's a strategic delay  
11 in giving it to me. If you don't know if you're going to call  
12 the witness or not, you disclose it. That's what you have to  
13 do to meet the discovery deadline anyway.

14 I ask the Court preclude this evidence as well as  
15 the witness. If this includes the statements of the witness  
16 they're going to call, I ask the evidence and the witness be  
17 precluded.

18 MS. HICKMAN: Judge, it's two pages that the State  
19 has not previously seen. The rest has been discovered by the  
20 State.

21 THE COURT: What are the two pages they haven't  
22 seen?

23 MS. HICKMAN: The first two pages.

24 THE COURT: Is that correct, Mr. Prengaman?

1 MR. PRENGAMAN: I think the third -- I'm not sure  
2 about the last several pages.

3 MS. HICKMAN: The other pages came over with the  
4 discovery the State sent us regarding Ms. Bellamy. These are  
5 duplicates to that. I haven't attached that discovery to  
6 this, but they are the same documents.

7 MR. PRENGAMAN: I'm not -- I'll have to take her  
8 representation about that. I don't recognize the -- I'll take  
9 the representation.

10 THE COURT: So the first two you object to?

11 MR. PRENGAMAN: Yes, Your Honor.

12 THE COURT: I'm not allowing the first two. They  
13 are stricken as a violation of the discovery statute.

14 You may inquire of your witness, but they will not  
15 be allowed to be introduced under any set of circumstances.  
16 However, you may refer to them when speaking to -- examining  
17 your witness because Ms. Branford is going to be here, so you  
18 can ask her about it. But other than that, the rest will be  
19 allowed if you lay the proper foundation.

20 MS. HICKMAN: Thank you.

21 THE COURT: All right. For purposes of the record,  
22 I'm granting the State's motion as a violation of discovery.

23 Thank you. Anything else?

24 MR. PRENGAMAN: Nothing for the State.

1 THE COURT: All right. Thank you. We are ready to  
2 bring the jury in. And your witnesses are ready, Ms. Hickman?

3 MS. HICKMAN: Yes.

4 THE COURT: I note the presence of the Defense, the  
5 Defense team, the Prosecution, all our jurors are here. Thank  
6 you very much.

7 Good morning.

8 We are in the Defense case. So please call your  
9 next witness, Ms. Hickman.

10 MS. HICKMAN: Thank you, Judge. The Defense would  
11 call Joanna Bellamy.

12 THE COURT: Please step forward and be sworn.

13 (The witness was sworn.)

14 THE COURT: Please take the witness stand right  
15 there. Make yourself comfortable. I'm going to know you're  
16 comfortable because you're going to tell me your first and  
17 last name, spelling your last name for the record.

18 THE WITNESS: Okay. Joanna Bellamy. B-E-L-L-A-M-Y.

19 THE COURT: Thank you. You can move that microphone  
20 a little closer and sit there naturally. Don't worry about  
21 it. We'll pick up the sound.

22 Ms. Hickman, please, you may proceed.

23 MS. HICKMAN: Thank you.

24

1 JOANNA BELLAMY,  
2 having been first duly sworn, was examined  
3 and testified as follows:  
4

5 DIRECT EXAMINATION

6 BY MS. HICKMAN:

7 Q Ms. Bellamy, how are you employed?

8 A I'm an evidence tech at the Sparks Police  
9 Department.

10 Q How long have you been employed in that capacity?

11 A Three and a half years.

12 Q And as an evidence tech with the Sparks Police  
13 Department, what are your duties?

14 A We take in property and evidence that's booked into  
15 the police department and release it.

16 Q And when you say "release it," who do you generally  
17 release those things to?

18 A To either the owners, or to Destruction if it  
19 doesn't have an owner.

20 Q I'm sorry. I didn't hear the last part.

21 A If it doesn't have an owner.

22 Q You said to Destruction?

23 A Uh-huh.

24 Q Were you working in that capacity in December of

1 2015?

2 A Yes.

3 Q Specifically December 8th of 2015?

4 A Yes.

5 Q And do you remember coming in contact with somebody  
6 by the name of Ian Hager?

7 A On that particular day?

8 Q Yes.

9 A No.

10 Q Or around then?

11 A I never met Mr. Hager until I released the firearms.

12 Q So you had contact with somebody by the name of Ian  
13 Hager in January of 2016?

14 A Yes.

15 Q And do you see Mr. Hager in the courtroom today?

16 A Yes.

17 Q Can you please point him out and indicate something  
18 that he is wearing?

19 MR. PRENGAMAN: I'll stipulate to his  
20 identification.

21 MS. HICKMAN: Thank you.

22 THE COURT: The stipulation is accepted by the  
23 Court.

24 MS. HICKMAN: Thank you.



1 THE COURT: A stipulation means they've agreed to a  
2 fact, it doesn't have to be proven. They've agreed to the  
3 fact that's Mr. Hager for your consideration.

4 BY MS. HICKMAN:

5 Q And, Ms. Bellamy, do you remember why you had  
6 contact with Mr. Hager?

7 A His firearms had been booked into the police  
8 department, and he was looking to get them back.

9 Q Okay. And when we say that his firearms were booked  
10 into the police department, do you remember which firearms  
11 those were?

12 A No, I don't.

13 Q Did you fill out the ATF Form 4473 as to which  
14 firearms were being released to him?

15 A Yes.

16 Q Would looking at that help refresh your  
17 recollection?

18 A I would know that I wrote it. I wouldn't know the  
19 firearms.

20 MS. HICKMAN: Okay. Judge, if I may approach?

21 THE COURT: You may.

22 BY MS. HICKMAN:

23 Q I'm showing you what has been marked as Exhibit 98.  
24 Do you recognize that document? And you can look through it.

1           A     Yes.

2           Q     And what is that document?

3           A     This is what we call the Brady Bill, ATF Form 4473.

4           Q     Okay. And is that the document that was filled out

5 by Mr. Hager and yourself?

6           A     Yes.

7           Q     And did you sign that document?

8           A     Yes.

9           Q     And is that a true and accurate representation of

10 that document?

11          A     Yes.

12                MS. HICKMAN: Judge, I would move for the admission.

13                MR. PRENGAMAN: I'll object on relevance grounds at

14 this point.

15                THE COURT: It's admitted.

16                (Exhibit 98 admitted into evidence.)

17 BY MS. HICKMAN:

18          Q     Ms. Bellamy, I'm showing you page 3 of what has been

19 admitted as Exhibit 98. Is that your handwriting on Section

20 D?

21          A     Yes.

22          Q     And if you look up at the top of that page, there's

23 four firearms that are listed; is that right?

24          A     Yes.

1 Q Can you tell me what those firearms are?

2 A A Winchester shotgun. A Marlin rifle. A blue  
3 Browning rifle, and a Colt 1911 pistol.

4 Q Why would you list those firearms there?

5 A Those were the firearms that we had booked in under  
6 that case.

7 Q Were those the firearms that were being released  
8 back to Mr. Hager?

9 A Yes.

10 Q And just to get a little bit of information about  
11 this document, is this a document that you routinely fill  
12 out --

13 MS. HICKMAN: Judge, if I can have one moment.

14 Thank you.

15 BY MS. HICKMAN:

16 Q Is this a document that is routinely filled out when  
17 people are picking up firearms from the Sparks Police  
18 Department?

19 A Yes.

20 Q And is it a document that you're familiar with?

21 A Yes.

22 Q Do you -- when you personally release a firearm, do  
23 you always sign on page 3 what is essentially question 33?

24 A Yes.

1           Q     And going over the specifics of this, this is  
2 something that a person would fill out to get their firearms  
3 back; is that right?

4           A     Yes.

5           Q     So in this specific case, who filled this document  
6 out?

7           A     Mr. Hager.

8           Q     So he filled out this top portion, right, with his  
9 identifying information?

10          A     Yes.

11          Q     And then, if you look towards the middle of the  
12 page, there is a number of questions; is that right?

13          A     Yes.

14          Q     If I zoom in, does that make it easier to see those  
15 questions?

16          A     Yes.

17          Q     And specifically if you look under Section E, do you  
18 see what that says -- or, I'm sorry, question E?

19          A     Yes.

20          Q     What does that say?

21          A     "Are you an unlawful user or addicted to marijuana  
22 or any depressant, stimulant, narcotic drug, or any other  
23 controlled substance."

24          Q     And what did Mr. Hager answer?

1 A No.

2 Q And then, if you look at question F, can you read  
3 that to me? And it's hard because there is a stamp on it, but  
4 can you see what it says?

5 A "Have you ever been adjudicated mentally defective,  
6 which includes a determination by a court board -- something  
7 else -- "or other lawful authority that you are a danger to  
8 yourself or others or incompetent to manage your own affairs  
9 or have you ever been committed to a mental institution?"

10 Q And what was Mr. Hager's answer to that question?

11 A "No."

12 Q And when he fills that form out, he's given the  
13 entire packet, correct, all six pages?

14 A Yes.

15 Q And are there definitions in this packet?

16 A I believe so, yes.

17 Q So if we were to look at page 4, there are certain  
18 that define the terms that were in question F; is that right?

19 A Yes.

20 Q And question F, does that refer somebody to this  
21 definition if they are unsure?

22 A They can look at it, yeah.

23 Q And Mr. Hager had this document?

24 A Yes.

1 Q If you look at page 2, can you see which day  
2 Mr. Hager filled this out?

3 A December 8th of 2015.

4 Q Do you know if his guns were returned to him on that  
5 day?

6 A They were not.

7 Q Okay. And why not?

8 A Once they fill out this form, then we run their  
9 criminal history.

10 Q Okay. So he was told that he would have to have his  
11 criminal history ran and the guns couldn't be given back to  
12 him until that was looked into?

13 A Yes.

14 Q And did you personally run that criminal history?

15 A I did.

16 Q And when you ran that criminal history, did you find  
17 some things that you wanted to look into?

18 A Yes.

19 Q Did you find --

20 MR. PRENGAMAN: Object, calls for hearsay.

21 THE COURT: What's your question? Ask it first.

22 MS. HICKMAN: Let me back up, Your Honor, and I'll  
23 lay the foundation for it.

24 ///

1 BY MS. HICKMAN:

2 Q So you ran his criminal history; is that right?

3 A Yes.

4 Q How do you do that?

5 A Through NCIC, the National Crime Information Center.

6 Q And is that an agency that would provide information  
7 about people who are prohibited people from owning firearms?

8 A It has convictions -- or arrests, I should say, and  
9 convictions of those arrests.

10 Q And why do you run that?

11 A To see if somebody is prohibited.

12 Q And that's part of your job?

13 A Yes.

14 Q And you're familiar with what a criminal history  
15 looks like when it's returned from NCIC?

16 A Yes.

17 Q So in this case, did you run Mr. Hager's criminal  
18 history?

19 A Yes.

20 Q And did you get a copy of his criminal history?

21 A Yes.

22 Q And were you able to look at it and decide that  
23 there were things that you wanted to look into?

24 A Yes.

1 Q So you got in touch with a number of courts to find  
2 out the disposition of cases?

3 A Yes.

4 Q Do you remember which courts those were?

5 A Reno Municipal Court, Reno Justice Court. And I  
6 called the highway patrol to find out a disposition on their  
7 case, and it was out of Humboldt, and I didn't personally call  
8 Humboldt.

9 Q Okay. Do you know who did personally call Humboldt?

10 A My coworker, Steve Fiori.

11 Q Did he provide you with information he got from  
12 Humboldt County?

13 A Yes.

14 Q And did you personally see documents that came from  
15 Humboldt County?

16 A Yes.

17 Q What did you see that came from Humboldt County?

18 A A disposition stating that a specialty court  
19 dismissed the charge.

20 Q And you are familiar with the specialty courts?

21 A Somewhat.

22 Q Okay. Are you familiar with how somebody would get  
23 their case dismissed through specialty courts? I'm not  
24 talking about the entire process; I'm just asking about how it



1 would end.

2 A That it would be dismissed. That it wouldn't be on  
3 their record.

4 Q Right.

5 A Yeah.

6 Q And are you familiar with the Mental Health Court  
7 specialty court?

8 A No.

9 MR. PRENGAMAN: Objection, calls for speculation.

10 THE COURT: She just asked if she was familiar, and  
11 she isn't. So the objection is overruled.

12 Go ahead.

13 BY MS. HICKMAN:

14 Q Do you know that one exists?

15 A I do.

16 Q And you also know that there is a Drug Court  
17 specialty court?

18 A Yes.

19 Q And do you know those are both specialty courts that  
20 could end with proceedings being dismissed against a person?

21 A Yes.

22 Q And so is the order that you saw from Humboldt  
23 County consistent with that?

24 A Yes.

1           Q     And I just want to make sure that I'm clear. You  
2 actually viewed an order that dismissed the case and set it  
3 aside; is that right?

4           A     Yes.

5           Q     And so once you saw that document and you had it,  
6 you felt that it was lawful for Mr. Hager to get his guns back  
7 just regarding that case?

8           A     Yes.

9           Q     Okay. And then there was a case, I believe you said  
10 out of Reno Justice Court?

11          A     I don't remember which court. I had to go back and  
12 forth between Reno Muni and Justice. But I don't remember  
13 which one it ended up being out of.

14          Q     And what caught your attention is he had an arrest  
15 for a domestic battery?

16          A     Yes.

17          Q     Tell me why that would cause you a concern.

18          A     Anybody who is convicted of domestic battery is  
19 prohibited from owning a firearm.

20          Q     And through the work that you did, were you able to  
21 determine the disposition of that case?

22          A     Yes.

23          Q     And what was it?

24          A     It was pled down.

1 Q To?

2 A Disturbing the peace, I believe.

3 Q Okay. So a person who has a conviction for  
4 disturbing the peace can still own a firearm?

5 A Yes.

6 Q And you were aware of a DUI conviction out of Reno  
7 Justice Court?

8 A Yes.

9 Q But that wouldn't prohibit somebody from having a  
10 firearm, right?

11 A No.

12 Q Okay. So once you had run that criminal history  
13 check and you had satisfied yourself that Mr. Hager was not  
14 somebody who could not possess a firearm, what did you do?

15 A Contacted him and told him that we could release his  
16 firearms and that he needed to make an appointment.

17 Q So did you personally make that telephone call?

18 A I believe so.

19 Q Okay. And, obviously, not remembering of the  
20 correct wording, but you told him, "You can have these. Come  
21 pick them up"?

22 A I said we could release them, yes.

23 Q And if we look again at this ATF 4473 Form, you  
24 signed under certification; is that true?

1           A     Yes.

2           Q     You can see, I think, it's question 33?

3           A     Yes.

4           Q     And by signing that, what are you attesting to?

5           A     That I transferred the firearms to the person on the  
6 form.

7           Q     And by signing that, you're attesting that you  
8 certified the answers in Section B and D are true, correct and  
9 complete?

10          A     Yes.

11          Q     And B and D, just to be clear -- B is a portion that  
12 you fill out; is that right?

13          A     Is it 20 B that you're asking, or which --

14          Q     I'm talking about this entire section. I'll circle  
15 it to make it clear.

16          A     Yes.

17          Q     So that's a portion you fill out?

18          A     Yes.

19          Q     So you certified that that was all true, right?

20          A     Yes.

21          Q     And that D was true. Is that true, correct and  
22 complete?

23          A     Yes.

24          Q     And that's D, sorry, just to be clear.

1 A Yes.

2 Q And you certified that you have read and understood  
3 the notices, instructions, and definitions on ATF Form 4473?

4 A Yes.

5 Q And that's this form that we are looking at, right?

6 A Yes.

7 Q And just to be clear, this is the form that  
8 Mr. Hager filled out when he came into the Sparks Police  
9 Department?

10 A Yes.

11 Q And it's the form -- I'm just going to leave it at  
12 that, sorry.

13 And you verified that he was, in fact, the person  
14 that he said he was?

15 A Yes.

16 Q How did you do that?

17 A Through his ID.

18 Q His driver's license?

19 A Yes, sorry.

20 Q And did he show you that same driver's license when  
21 he came to pick up the firearms?

22 A I don't believe he had it on him. I believe we  
23 printed it out from DMV records.

24 Q Okay. Is it safe to say that you felt confident

1 that it was the same person?

2 A Yes.

3 Q And if you look at Section 3 of that certification  
4 or Subsection 3, it says, "The information in the current  
5 state laws and published ordinances, it is my belief that it  
6 is not unlawful for me to sell, deliver, transport, or  
7 otherwise dispose of the firearms listed on this form to the  
8 person identified in Section A"?

9 A Yes.

10 Q And so you signed under that saying, yes, this is  
11 what I believe?

12 A Yes.

13 Q Okay. And this may seem obvious, but as an evidence  
14 technician for the Sparks Police Department, you work for the  
15 Sparks Police Department?

16 A Yes.

17 Q And is that a state agency?

18 A Yes.

19 Q You don't work for a federal agency?

20 A No.

21 Q And this Form 4473, I'm not sure if I asked you  
22 this, who told -- why do you fill this out?

23 A It's what I was told to do when I started working  
24 down there.

1           Q     So is it common practice for this to be filled out  
2 before you release a firearm?

3           A     Yes.

4           Q     And do you know how many firearms you've released to  
5 somebody?

6           A     On this particular one?

7           Q     No. Overall.

8           A     I have no idea.

9           Q     A lot?

10          A     Yes.

11          Q     And if you look at the purpose of this form, which  
12 is part of the notices, instructions, and definitions, it  
13 talks about a person who would be licensed to determine if he  
14 or she may lawfully sell or deliver a firearm to the person  
15 identified in Section A; is that right?

16          A     Yes.

17          Q     And to alert the buyer of certain restrictions on  
18 the receipt of possession of firearms?

19          A     Yes.

20          Q     Okay. And then it says that this form should only  
21 be used for sales or transfers where the seller is licensed  
22 under 18 USC Section 923?

23          A     Yes.

24          Q     And, Ms. Bellamy, you signed that indicating that

1 you do have that license.

2 A Yes.

3 Q Are you, in fact, a licensed firearms dealer?

4 A No.

5 Q Did you ever tell Mr. Hager in any way that you're  
6 not a licensed firearms dealer?

7 A No.

8 Q And I want to talk to you about two of the guns that  
9 you returned to Mr. Hager specifically. The Winchester  
10 shotgun, which is a 20-gauge shotgun, do you see that?

11 A Yes.

12 Q That's up at the top. And then the Colt 1911  
13 pistol.

14 A Okay.

15 Q Are you familiar with firearms at all? Are you a  
16 gun person?

17 A No, not at all.

18 Q Do you see, though -- did you write down the serial  
19 number of those?

20 A From what was on the evidence tags when they were  
21 booked in.

22 Q Okay. So if you wrote down the serial number, the  
23 type of gun, the caliber and what it is, that would be the gun  
24 that you would return, right?



1 A Yes.

2 Q And so on January 14th of 2016, is it fair to say  
3 that Mr. Hager left the Sparks Police Department with the four  
4 firearms listed up there?

5 A Yes.

6 Q And he did so after a phone call from you?

7 A Yes.

8 Q That told him he could come pick those guns up?

9 A Yes.

10 MS. HICKMAN: Thank you. I have no further  
11 questions.

12 THE COURT: Thank you. Cross-examination.

13

14 CROSS-EXAMINATION

15 BY MR. PRENGAMAN:

16 Q Good morning.

17 A Good morning.

18 Q Ms. Bellamy, let me back up a little bit.

19 The Defendant's lawyer asked you about an order  
20 from, I believe you said Winnemucca, that you reviewed?

21 A Yes.

22 Q She asked you about the nature of several other  
23 cases and what might have given you concern. What was it  
24 about that particular case that gave you concern when you were

1 conducting your review?

2 A The nature of the arrest.

3 Q And why was that?

4 A It was a felony arrest.

5 Q Okay. And what about the nature of the -- did the  
6 nature of the felonies give you any concerns?

7 A Any felony, if they are convicted, means that they  
8 are prohibited from possessing a firearm.

9 Q And what were the charges in that case?

10 A I believe it was prohibited person in possession of  
11 a firearm.

12 Q And when you -- when the Order -- so if I understood  
13 your testimony, you communicated with the Court in Winnemucca?

14 A Not me personally.

15 Q Okay. Somebody else did?

16 A Yes, yes.

17 Q You saw the results until terms of that Order?

18 A Yes.

19 Q Okay. Now, the Defendant's lawyer used the word  
20 "Mental Health Court." Did that order say anything about  
21 Mental Health Court?

22 A I think it just said specialty court.

23 Q Okay. And I'm going show you what has been marked  
24 as Exhibit 99 for identification. Could you please take a

1 look at that and tell me if you recognize it as the Order that  
2 you reviewed pertaining to that particular charge.

3 A Yes.

4 Q Okay. Looking at it now, does it inform you in any  
5 way or did it -- did it then or does it now inform you in any  
6 way that the -- Mr. Hager was in Mental Health Court?

7 A No.

8 Q Does it inform you in any way that a District Court  
9 Judge ordered him into Mental Health Court and that he was  
10 found to meet the criteria for Mental Health Court and  
11 admitted into that program?

12 A No.

13 Q So in terms of -- can you tell from looking at that  
14 Order which specialty court he was in?

15 A No.

16 Q And the Defendant's lawyer asked you sort of about  
17 your general knowledge. To your knowledge, there is a number  
18 of different specialty courts.

19 A Yes.

20 Q Is that fair?

21 A Yes.

22 Q Okay. So that tells you nothing about the nature of  
23 his participation in any specialty court?

24 A Correct.

1           Q     So when the Defendant's lawyers used the terms --  
2 talked to you about Mental Health Court, that's not something  
3 that you knew about from the Order you got from the Court?

4           A     Right.

5           Q     In terms of Exhibit 98 which has been admitted into  
6 evidence, will you explain to us in Mr. Hager's case how sort  
7 of the process went? And let me start by asking, how did --  
8 who initiated the -- getting the guns back to Mr. Hager?

9           A     He contacted us and asked if he could get his  
10 firearms back.

11          Q     And -- and I think you said that you told him he  
12 needed to fill out this form?

13          A     Yes.

14          Q     Did you give him this form?

15          A     I did not.

16          Q     Okay. Do you know how he got it?

17          A     I would assume at our front desk at the Sparks  
18 Police Department.

19          Q     When he completed it, did he come back and give it  
20 to you?

21          A     No.

22          Q     How did it get to you?

23          A     He gave it to our front desk personnel.

24          Q     So he wasn't present. He handed you the -- strike

1 that. Poorly worded.

2 The portions of the form that you previously  
3 indicated were filled out by Mr. Hager, that's how the form  
4 came back to you?

5 A Yes.

6 Q Is that right?

7 A Yes.

8 Q And then at some point, you -- he was notified that  
9 he could come and pick up his guns?

10 A Yes.

11 Q And I think you indicated when the Defendant's  
12 lawyer asked you about that that that's all you said to him,  
13 "We can release them"?

14 A Yes.

15 Q Did you tell him, "It's legal for you to own these  
16 weapons"?

17 A No.

18 Q Did you give him any legal advice or interpret any  
19 laws for him?

20 A No.

21 Q When he came to pick up his firearm -- firearms, did  
22 he get a signed copy of this by you?

23 A No.

24 Q When did you sign it?

1           A     After he was gone, after I released them.

2           Q     So you never signed this and gave him a copy or  
3 signed it in his presence or made any representations to him  
4 by signing it?

5           A     No.

6           Q     And the Defendant's lawyer asked you questions  
7 whether you're a licensed firearms dealer, and you're not?

8           A     No.

9           Q     And did you represent to Mr. Hager in any way that  
10 you're a licensed federal firearms dealer?

11          A     No.

12          Q     Or state firearms dealer?

13          A     No.

14          Q     And this is a federal form, right?

15          A     Yes.

16          Q     This is a form that -- like if I was going to go  
17 down to, say, Sportsman Warehouse and buy a gun or rifle, this  
18 is the form they would have me fill out?

19          A     Yes.

20          Q     And you take the Defendant at his word on the  
21 representations he makes in these boxes?

22          A     Yes.

23          Q     And is there any state law, addendum, or anything  
24 that asks him questions under state law?

1           A     Not that I'm aware of.

2           Q     Okay. And state laws are certainly different in  
3 some ways from federal laws when it comes to guns, right?

4           A     Yes.

5           Q     And so are you able to tell us today whether --  
6 so -- so that day he didn't leave with a copy. You didn't  
7 sign in his presence. He never saw a copy that you had  
8 signed, correct?

9           A     Not that I'm aware of.

10          Q     Now, did you -- is it true that somebody can come to  
11 the Sparks Police Department and request a copy of, say, a  
12 police report in a case of a victim or even a Defendant?

13          A     Yes.

14          Q     And for this case, where you conducted your  
15 research, did you look into whether Mr. Hager had ever come  
16 later and requested a copy of the case?

17          A     Yes.

18          Q     And did he?

19          A     Not that I saw, no.

20          Q     So based on your research, not on the day that he  
21 came to get his guns, nor ever, did he get a copy signed by  
22 you?

23          A     Right.

24          Q     And are you a sworn peace officer?

1 A No.

2 Q Where is the evidence section where you work in the  
3 Sparks Police Department?

4 A In the basement.

5 Q Okay. And is it -- are there guns for sale?

6 A No.

7 Q Are there any firearms on display or fliers  
8 advertising you can buy guns or purchase guns here?

9 A No.

10 Q When you go down to the basement, will you give us a  
11 description of what you do? If I'm going down to the basement  
12 to go to the evidence section, what does it look like? How do  
13 I get there?

14 A You have to take the elevator, which is secured.  
15 And if you're somebody coming in to retrieve property, you're  
16 in a hallway, and there's a rollup window to the evidence  
17 section that we roll up so you can see us, and then give them  
18 the property.

19 Q And is it like you're -- what you would picture a  
20 basement, just sort of brick walls and --

21 A Yes, no windows.

22 Q And not much on the walls?

23 A No.

24 Q So you walk up to the rollup window. And then



1 inside where you work, are there guns out for display or for  
2 sale?

3 A No.

4 Q In the front office where one might come to pick up  
5 this form like Mr. Hager did and return it, are there fliers  
6 advertising guns for sale, "Sparks Police Department licensed  
7 gun dealer. Buy your guns here"?

8 A No.

9 Q So you're not sworn -- when you're -- when you're at  
10 work, are you in uniform with a police badge?

11 A Yes.

12 Q With a badge? Like an actual badge?

13 A It has a sewn on --

14 Q Like a little insignia, Sparks Police Department?

15 A Yes.

16 Q And do you have anything that indicates that you're  
17 a police officer --

18 A No.

19 Q -- in any way?

20 A No, I don't.

21 Q And, in fact, your job duties do not include law  
22 enforcement?

23 A Correct.

24 Q You are not authorized to interpret laws for anyone?

1           A     Correct.

2           Q     To give advice about the application of laws in the  
3 City of Sparks or in the State of Nevada?

4           A     Correct.

5           Q     You're not authorized to interpret laws, give  
6 advice, anything in that line, are you?

7           A     No.

8           Q     Have you -- did you represent to Mr. Hager that you  
9 had authority in any way to give advice about the legality of  
10 his possession of those firearms?

11          A     No.

12          Q     Did he tell you -- so we know that you couldn't tell  
13 from that form. Did Mr. Hager tell you when he came to -- at  
14 any time when he made his initial request, when he came to  
15 pick up the guns, did he advise you that he had been in Mental  
16 Health Court?

17          A     No.

18          Q     Did he tell you the Judge ordered him into Mental  
19 Health Court or that he had been found to meet the criteria to  
20 be admitted in Mental Health Court as somebody who was  
21 mentally ill?

22          A     No.

23          Q     Did he tell you that he had previously, in the -- in  
24 the various court proceedings involving that prohibited person

1 case, that he had made admission to being an addict to  
2 methamphetamine at certain periods and an addict to  
3 prescription OxyContin medication at certain periods, that he  
4 had had problems with drugs leading in that direction? Did he  
5 tell that you any of that?

6 A No.

7 Q Did he tell you when he entered the mental health  
8 program and filled out the orientation form that he made  
9 similar admissions about being an addict to methamphetamine at  
10 certain periods, and when he last used, and the issues he had  
11 with substance abuse?

12 A No.

13 Q So when he said he was not an addict or a user of  
14 controlled substances on the form, you took him at his word?

15 A Yes.

16 Q And other than "We can release them," did you make  
17 any representations -- affirmative representations to him  
18 about the guns or his legality of owning them?

19 A No.

20 Q And does this form make any -- the  
21 unsigned-by-you-form, does this make any representations  
22 affirmatively to him that he can own guns under state law?

23 A No.

24 Q Or federal law?

1           A     No.

2                   MR. PRENGAMAN:  Thank you.  I have no further  
3 questions, Your Honor.

4                   THE COURT:  Redirect.

5                   MS. HICKMAN:  Yes.

6

7                                   REDIRECT EXAMINATION

8 BY MS. HICKMAN:

9           Q     Ms. Bellamy, the State asked you if you knew what  
10 Mr. Hager's prior case was?

11          A     Uh-huh.

12          Q     You don't know the circumstance of that case, do  
13 you?

14          A     I do not.

15          Q     And you said you believed that the conviction was  
16 prohibited person in possession of a firearm; is that right?

17          A     Yes.

18          Q     But you don't know what he was actually convicted  
19 of, right?

20          A     No.

21          Q     You don't know what he actually pled to?

22          A     No.

23          Q     So you don't know that that charge was actually  
24 dismissed, right?

1           A     No.

2                   MR. PRENGAMAN:  Objection.  Calls for speculation.

3                   THE COURT:  She said she didn't know.

4                   Overruled.

5  BY MS. HICKMAN:

6           Q     And the State was asking about the order that you  
7  got from Humboldt County setting aside Mr. Hager's conviction.

8  Do you remember that?

9           A     Yes.

10          Q     And that order reflects that he was in specialty  
11 court; is that right?

12          A     Yes.

13          Q     And you testified that you're familiar at least with  
14 what the specialty courts are?

15          A     Yes.

16          Q     And you're familiar that there is a Mental Health  
17 Court and a Drug Court, right?

18          A     Yes.

19          Q     So if you look at the questions that are on page 1  
20 of 98, question F speaks about mental health issues; is that  
21 right?

22          A     Yes.

23          Q     So when you found out that Mr. Hager was potentially  
24 in Mental Health Court, could have been, right, because he

1 came out of specialty court, did you ask him questions further  
2 about that section?

3 A I did not.

4 Q And you also knew that there was a potential he  
5 could have been in Drug Court, right?

6 A Yes.

7 Q And question E talks about somebody who's an  
8 unlawful user of or addicted to marijuana, depressants,  
9 stimulants, narcotic drugs, or other controlled substances,  
10 right?

11 A Yes.

12 Q And so knowing that he could potentially have been  
13 in Drug Court, you didn't follow up with him on that question,  
14 did you?

15 A I did not.

16 Q And part of that, let me know if I'm wrong, is you  
17 saw this Order dismissed this case in 2014?

18 A Yes.

19 Q And that was in early 2014? Do you remember?

20 A I don't remember. I think it was.

21 Q Okay. And he's filling this out at the end of 2015;  
22 is that right?

23 A Yes.

24 Q So at least a year later?

1 A Yes.

2 Q And you had proof that he had successfully completed  
3 that program, right?

4 A Yes.

5 Q Whether it's Mental Health Court or Drug Court,  
6 right?

7 A Yes.

8 Q And you can see from that order that you got that  
9 his conviction was not only dismissed but the entire case was  
10 set aside, right?

11 A Yes.

12 Q And this form we are looking at, this ATF 4473, this  
13 wasn't a form Mr. Hager brought into the Sparks Police  
14 Department himself; is that right?

15 A I don't think so. You can print them out online. I  
16 don't know if he picked it up at the front desk.

17 Q But you provide them at the front desk?

18 A Yes, we do.

19 Q And if somebody comes in and says, "I would like to  
20 get my firearms back," what does the front desk do?

21 A They hand them this form and tell them to fill it  
22 out.

23 Q And just to be clear, when they hand them this form,  
24 do they just hand them the first page?

1           A     No. They hand them the entire packet.

2           Q     And that entire packet is six pages, right?

3           A     I believe so, yes.

4           Q     And that entire packet involves a number of

5 definitions, right?

6           A     Yes.

7           Q     You can see those -- it's on page 3, 4, 5, and 6,

8 correct?

9           A     Yes.

10          Q     Okay. And Mr. Hager was able to fill this packet

11 out; is that right?

12          A     Yes.

13          Q     At the Sparks Police Department?

14          A     I'm assuming he filled it out at the Sparks Police

15 Department.

16          Q     And if he didn't fill it out at the Sparks Police

17 Department, he at least returned it?

18          A     Yes.

19          Q     And to the best of your knowledge, nobody hurried

20 this through filling this out, reading it, taking all the time

21 he needed with it; is that fair to say?

22          A     Right.

23          Q     And the State was asking you questions about the

24 conversation you had with Mr. Hager when you called him. Do



1 you remember that?

2 A Yes.

3 Q And you said you did not affirmatively tell him he  
4 could legally own his firearms, correct?

5 A Yes.

6 Q What you told him is, "You can come pick your guns  
7 up. We can release them to you"?

8 A Yes.

9 Q And that was based on running his criminal history,  
10 right?

11 A Yes.

12 Q Calling all the different courts?

13 A Yes.

14 Q And getting the specialty court order where his case  
15 was dismissed and set aside?

16 A Yes.

17 Q So following the logical conclusion of that, he  
18 wasn't given his firearms initially because he was told you  
19 didn't know or the Sparks Police Department or the evidence  
20 room didn't know if he could have those back?

21 A Originally, when he first -- yes.

22 Q Okay. And he was told you guys needed to look into  
23 his criminal background, right?

24 A Yes.

1 Q And why wouldn't you -- you wouldn't give the guns  
2 back to somebody if they weren't legally allowed to have them,  
3 right?

4 A If they had something prohibiting them in their  
5 criminal history.

6 Q So when you tell somebody "I can't give them back  
7 right now because I have to look to see if you can legally  
8 have them," that's telling them that that's what you're going  
9 to do; is that fair?

10 A Correct.

11 Q And when you call them a month and a half later and  
12 say "Come pick up your guns," that's telling them that you've  
13 done what you said you were going to do, right?

14 A Yes.

15 Q You looked at his criminal history, right?

16 A Yes.

17 Q And you determined he could legally possess a  
18 firearm?

19 A Yes.

20 Q Even if you didn't use those exact words?

21 A Yes.

22 Q And the State asked if you if you ever represented  
23 to Mr. Hager if you were a federal firearms dealer?

24 A Correct.

1 Q And obviously you didn't.

2 A Right.

3 Q You didn't say, "Hi. My name is Joanna Bellamy.

4 I'm a federal firearms dealer," right?

5 A Right.

6 Q But as part of your job and something you do

7 routinely, you signed this form indicating that you are, in

8 fact, a firearms dealer, right?

9 A Yes.

10 Q And the State asked you a lot of questions about

11 what the evidence room looks like, right? It's a boring

12 basement. You don't display guns.

13 A Right.

14 Q And I'm guessing it's not like The Sportsman where

15 there's dead animal heads everywhere.

16 A No.

17 Q That would be weird.

18 But this form doesn't talk about specifically just

19 selling firearms, does it?

20 A No.

21 Q It talks about transferring them?

22 A Correct.

23 Q And is what did you with Mr. Hager, transferring

24 firearms?

1 A Yes.

2 Q No money exchanged hands, right?

3 A No.

4 Q And you -- the State's -- the State was asking you  
5 questions about whether or not Mr. Hager ever came and  
6 requested a copy of this form?

7 A Uh-huh.

8 Q He didn't?

9 A Right.

10 Q Do you know if he ever got a copy of it off the  
11 Internet?

12 A Oh, I have no idea.

13 Q Do you know if he read it completely and felt  
14 comfortable with what was in it before he turned it in?

15 A I don't know.

16 Q And just to be clear, this part where you signed  
17 indicating that the information in the current state laws and  
18 published ordinances, it's your belief that it's not unlawful  
19 for him to sell, deliver, transport or otherwise dispose of  
20 the firearms listed on the form, that was there when he  
21 initially filled out the form, right?

22 A Yes.

23 Q You didn't add that portion when you signed it?

24 A No.

1           Q     So if he would have read the form in its entirety,  
2 he would have seen that, right?

3           A     Yes.

4           Q     And the State asked you questions about how you  
5 could get into the evidence area?

6           A     Yes.

7           Q     It's a secured -- I think you said it's a secured  
8 elevator?

9           A     Yes.

10          Q     How does somebody get into the secured elevator?

11          A     From the front office, the front desk personnel uses  
12 a button to open the elevator and then sends them down.

13          Q     Are there uniformed police officers who are ever  
14 involved?

15          A     No.

16          Q     So a uniformed police officer wouldn't escort  
17 somebody down there?

18          A     No.

19          Q     Do you remember how Mr. Hager got all of these  
20 firearms out to his car?

21          A     I helped him.

22          Q     You helped him?

23          A     Uh-huh.

24          Q     So you personally helped walk out to the car and put

1     them in there?

2           A     I did.

3           Q     And you remember that?

4           A     Yes.

5           Q     And the State was asking you questions about the  
6     fact that you're not authorized to interpret laws.  You don't  
7     have the authority to give advice about the legality of gun  
8     ownership, right?

9           A     Correct.

10          Q     You never really -- you didn't have a discussion  
11     with Mr. Hager about, "Look, I have some concerns because you  
12     may have been in specialty court.  Let's look into that"?

13          A     No, I did not.

14          Q     And you didn't follow up on that order to ask him,  
15     "Hey, were you ever put in Mental Health Court"?

16          A     I did not.

17          Q     And if I'm understanding this correctly, the other  
18     person that you work with was able to get that order out of  
19     Humboldt County very easily?

20          A     Yeah.

21          Q     So if it was necessary, you could have gotten the  
22     entire court file?  I'm asking do you think --

23          A     I don't know.

24          Q     You don't know?

1 A Yeah.

2 Q Okay. And the State was asking you a number of  
3 questions about the time that Mr. Hager was placed into Mental  
4 Health Court. Do you remember that?

5 A Yes.

6 Q He asked you, "Did he ever tell you that he had  
7 previously been addicted to methamphetamine," right?

8 A Right.

9 Q And he didn't tell you that he had filled out a  
10 Mental Health Court form saying that he had previously used  
11 methamphetamine, right?

12 A Right.

13 Q He also didn't mention that he was addicted to  
14 methamphetamine up until the time he was 19 years old, right?

15 A Right.

16 Q And looking at this, Mr. Hager's birthday is on  
17 there; is that right?

18 A Yes.

19 Q So he was born in 1984?

20 A Correct.

21 Q So in January of 2016, how old was he -- sorry.  
22 That's terrible math. Like 28?

23 A Yes.

24 Q 29?

1           A     Well, he would have been like 30 in 2016 -- 29.

2           Q     29. Okay. So he didn't tell you that he had been  
3 addicted ten years prior to filling out this form?

4           A     No.

5           Q     And he didn't tell you that he filled out that PSI  
6 in 2013?

7           A     No.

8           Q     And that in that form he said that his last  
9 methamphetamine use was in January of 2013?

10          A     No.

11          Q     So he didn't tell you that he last used  
12 methamphetamine three years before he came into the Sparks  
13 Police Department?

14          A     No.

15          Q     And the question, "Are you an unlawful user of or  
16 addicted to marijuana or any depressant, stimulant, narcotic,  
17 drug, or other controlled substances," that doesn't ask about  
18 past addictions, right?

19          A     No.

20          Q     It doesn't say, "Have you ever in your life been  
21 addicted to any of these things"?

22          A     Correct.

23          Q     "At one time in your life, have you used  
24 methamphetamine," it doesn't say that?



1 A No.

2 Q It's "Present day are you currently an unlawful user  
3 of or addicted to any of these things"?

4 A Correct.

5 MS. HICKMAN: I have no further questions. Thank  
6 you.

7 THE COURT: Recross.

8 MR. PRENGAMAN: Thank you.

9

10 RECROSS-EXAMINATION

11 BY MR. PRENGAMAN:

12 Q So, Ms. Bellamy, just to clarify, so you didn't -- I  
13 think you answered this in part, but you didn't detail  
14 everything that you did for the Defendant; you just told him,  
15 "You can come and get your guns"?

16 A Correct.

17 Q So he didn't know what all you did?

18 A Right.

19 Q And just hypothetically, let's say somebody had a  
20 felony -- let me ask this: The history -- the NCIC that you  
21 run, the criminal history, is that a perfect system?

22 A No.

23 Q Does it catch every single felony conviction, every  
24 single domestic battery conviction, every single type of

1 debility that might prevent somebody from having a firearm?

2 A No.

3 Q It's got a lot of information in there, but it's not  
4 perfect?

5 A Right.

6 Q So let's say you had somebody that came to get their  
7 guns and had a felony conviction that didn't make it into the  
8 NCIC and they come to get their guns back, are you telling  
9 that individual, "Hey, you're good to go. You're legal to own  
10 that gun"?

11 A No.

12 Q You do the best you can with the information you  
13 have to see if you believe it's okay to release the guns?

14 A Correct.

15 Q No representations beyond that?

16 A No.

17 MR. PRENGAMAN: Thank you.

18 No further questions.

19 THE COURT: Thank you. You're excused. Thank you  
20 for your testimony. You may step down.

21 Call your next witness.

22 MS. HICKMAN: Oh, I'm sorry. I would call Lori  
23 Renfroe.

24 Judge, may we just briefly approach?

1 (Discussion at the bench.)

2 (The witness was sworn.)

3 THE COURT: Please take the witness stand. Make  
4 yourself comfortable. We'll know you're comfortable when you  
5 tell me your first and last name, spelling your last name for  
6 the record.

7 THE WITNESS: It's Lori Renfroe. R-E-N-F-R-O-E.

8 THE COURT: Thank you.

9 Ms. Hickman.

10 MS. HICKMAN: Thank you.

11

12 LORI RENFROE,  
13 having been first duly sworn, was examined  
14 and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. HICKMAN:

18 Q Ms. Renfroe, how are you employed?

19 A I'm fine. Thank you.

20 Q I'm sorry. How are you?

21 I asked how are you employed?

22 A Oh, I didn't hear that part. I'm sorry.

23 Q That's okay.

24 A All I heard was "how are you."

1 I'm an evidence technician for the State of Nevada.

2 Q Okay. And how long have you been employed as an  
3 evidence technician with the State of Nevada?

4 A About three and a half years.

5 Q Okay. And where is the -- if I call it "the  
6 evidence vault," is that right? Is that the right thing to  
7 call it?

8 A The property room.

9 Q The property room?

10 A Sure.

11 Q That's the word I was looking for.

12 Where is that located?

13 A It's in Reno.

14 Q And is that where you work?

15 A Yes.

16 Q Is the one in Reno?

17 A Yes.

18 Q And are there a number of agencies whose evidence  
19 may be stored in that property room?

20 A We store evidence for state agencies, like Highway  
21 Patrol, Parole and Probation.

22 Q As part of your duties as an evidence technician,  
23 did you come in contact with somebody by the name of Ian  
24 Hager?

1 A Yes, I did.

2 Q And do you remember when you first had contact with  
3 him?

4 A I believe it was in February of 2015.

5 Q February of 2015, okay.

6 And do you remember what that contact was about?

7 A He had contacted us about getting his firearms back.

8 Q And just briefly, not speaking about Mr. Hager  
9 particularly, as an evidence technician, what would you do if  
10 somebody called and said, "Can I have my firearms back"?

11 A Well, we would look into the case and see if they  
12 were submitted as evidence for safekeeping. If it's evidence,  
13 then we would have to get a release from the District  
14 Attorney's Office that's handling the case.

15 Q Okay. So if it's booked into evidence as evidence  
16 in a criminal case --

17 A Yes.

18 Q -- you have to get approval to release it from a  
19 District Attorney?

20 A Yes.

21 Q And not just any District Attorney. Is that  
22 generally --

23 A The one that's trying the case.

24 Q Okay. So the actual prosecutor assigned?

1           A     Yes.

2           Q     So you would get in touch with the District Attorney  
3 from where the criminal case originated?

4           A     Yes.

5           Q     In this case, where did Mr. Hager's case originate  
6 from?

7           A     It was Humboldt County.

8           Q     And do you work with that District Attorney's Office  
9 very much?

10          A     Not at all, sorry. It's more for our Elko evidence  
11 vault.

12          Q     Okay. So when Mr. Hager called and asked you if he  
13 could pick up his firearms, what did you do?

14          A     I sent an evidence release request to Humboldt  
15 County District Attorney's Office requesting them to sign it.

16          Q     And that evidence request -- evidence release  
17 request, is that a form that you commonly use?

18          A     Yes.

19          Q     And -- do you fax it? Do you mail it? Do you make  
20 a phone call?

21          A     I faxed it.

22          Q     Do you remember faxing it?

23          A     No, but I'm sure I did because I got it back signed.

24          Q     You got it back signed by who?

1           A     By someone at the District Attorney's Office. I  
2 cannot make out the signature.

3           Q     Okay. But was it signed by somebody who indicated  
4 they were a District Attorney?

5           A     Yes.

6           Q     And did that form tell you -- did that District  
7 Attorney okay releasing those firearms?

8           A     After 8-26 of 2015.

9           Q     So this was February of 2015?

10          A     Yes.

11          Q     And you get a property release back from a District  
12 Attorney that says, "Hold the guns until August" -- was there  
13 a date?

14          A     26th.

15          Q     Of 2015?

16          A     Yes.

17          Q     What did you do when you got that back?

18          A     I put it in the file. I don't know if I called  
19 Mr. Hager or not to let him know that. But he did call soon  
20 after that and said he had court documents he could bring in  
21 for me.

22          Q     Did you tell him the information you had about when  
23 the firearms could be released?

24          A     Yes, I did.

1 Q Do you remember exactly what you told him?

2 A No, I do not. I just told him they were available  
3 after August 26, 2015.

4 Q Did you tell him who had given you permission to do  
5 that?

6 A Yes.

7 Q Who did you tell him?

8 A The Humboldt County District Attorney's Office.

9 Q And you obviously weren't part of Mr. Hager's  
10 criminal case; is that right?

11 A That's right.

12 Q But you said you had some court documents about  
13 Mr. Hager that you looked into?

14 A Yes.

15 Q Because beyond just the District Attorney saying you  
16 can release them after August 26th of 2015, did you do your  
17 own background check?

18 A Yes, I did.

19 Q And did you find that case from Humboldt County?

20 A Yes, I did.

21 Q And this may seem obvious, but Humboldt County  
22 prosecuted that case that then they were telling you to  
23 release evidence for?

24 A Yes.



1 Q Okay. And were there some other things on  
2 Mr. Hager's criminal history that you wanted to look into?  
3 A Yes, he had a domestic violence charge as well.  
4 Q And were you able to see the disposition of that?  
5 A Yes, I was.  
6 Q And what was that?  
7 A It was reduced to disturbing the peace.  
8 Q So that wouldn't have precluded him from having a  
9 firearm?  
10 A Yes.  
11 Q Yes?  
12 A No, it wouldn't. Sorry.  
13 Q That's okay. I just want to make sure.  
14 A As far as I'm aware, it would not.  
15 Q And so you get the form back from the District  
16 Attorney in Humboldt County?  
17 A Yes.  
18 Q Where Mr. Hager was prosecuted?  
19 A I believe so, yes.  
20 Q That said you can release the guns after August 28th  
21 of 2015?  
22 A Yes.  
23 THE COURT: Actually, it's August 26th.  
24 THE WITNESS: August 26th.

1 MS. HICKMAN: Thank you.

2 THE COURT: Just goes to show you I'm listening.

3 BY MS. HICKMAN:

4 Q So you communicated that information to Mr. Hager?

5 A Yes.

6 Q Did you have any contact with him again until August  
7 of 2015?

8 A I do not believe so.

9 Q Did you have communication with him in August of  
10 2015?

11 A Yes, I did.

12 Q How did that happen?

13 A We returned his firearms to him on August 28th.

14 Q Did you call him?

15 A I believe I did.

16 Q Why would you have called Mr. Hager?

17 A To set up an appointment to retrieve his firearms.

18 Q Is that something you commonly do?

19 A Yes.

20 Q This case, though, was a little bit different; is  
21 that true?

22 A True.

23 Q Why?

24 A We had to transfer the firearms from our Elko

1 evidence vault to the Reno vault.

2 Q And I'm trying to remember. I think it's 4th grade  
3 that you do all the Nevada counties. Elko is in Humboldt  
4 County?

5 A No. That's part of our eastern command for Highway  
6 Patrol. So we have one vault that handles all the evidence in  
7 that area.

8 Q So if something is seized from somebody in a  
9 criminal case from Humboldt County, it would be stored in  
10 Elko?

11 A Yes.

12 Q So the firearms were brought to Reno from Elko?

13 A Yes.

14 Q As a courtesy?

15 A As a courtesy.

16 Q And as a courtesy to you or as a courtesy to  
17 Mr. Hager?

18 A As a courtesy to Mr. Hager.

19 Q Okay. So when they got to your evidence room, what  
20 did you do?

21 A I contacted Mr. Hager.

22 Q And what did you tell him?

23 A That he could come pick up his firearms. And I  
24 scheduled an appointment for the following day.

1           Q     And sort of going back to what we were talking about  
2 initially, were those firearms that were taken as part of a  
3 criminal case?

4           A     Yes.

5           Q     So you had to have the District Attorney's approval  
6 to then release them?

7           A     Yes.

8           Q     And you were in receipt of what has been admitted --  
9 I'm sorry. I'm going to show you what has been marked for  
10 identification as 100. This was provided -- I'm sorry. Do  
11 you recognize that?

12          A     Yes, I do.

13          Q     How do you recognize that?

14          A     That was provided by Mr. Hager when he picked up his  
15 firearms.

16          Q     And is this a true and accurate representation of  
17 how that appeared?

18          A     For the most part. It kind of has a dark -- it  
19 looks like a copy, but it's dark in the file.

20          Q     But in terms of the substance?

21          A     Yes.

22          Q     Okay.

23                 MS. HICKMAN: Judge, I would move for the admission  
24 of Exhibit 100.

1 MR. PRENGAMAN: I'm not sure what that is, Judge.  
2 THE COURT: Neither do I.  
3 BY MS. HICKMAN:  
4 Q Is that the Order that dismissed Mr. Hager's case?  
5 A Yes.  
6 MR. PRENGAMAN: There's two separate documents here.  
7 THE WITNESS: Yeah, it's just the first page.  
8 MS. HICKMAN: Maybe I can have them marked  
9 separately.  
10 THE COURT: All right.  
11 MS. HICKMAN: 100 and 100A.  
12 Do you have any objection to 100, Mr. Prengaman?  
13 MR. PRENGAMAN: May I ask a question of the witness?  
14 THE COURT: Of course.  
15 MR. PRENGAMAN: Was that something that factored  
16 into your decision to release the firearms?  
17 THE WITNESS: Yes, it was.  
18 MR. PRENGAMAN: No objection.  
19 THE COURT: 100 is admitted.  
20 THE COURT CLERK: Your Honor, for clarification,  
21 that is 100A.  
22 MR. HICKMAN: 100A. Thank you.  
23 THE COURT: 100A. And that's the one you're asking  
24 for admission?

1 MS. HICKMAN: Yes.

2 THE COURT: And that's the one you have no objection  
3 to?

4 MR. PRENGAMAN: Yes, Your Honor.

5 THE COURT: 100A is admitted.

6 (Exhibit 100A admitted into evidence.)

7 THE WITNESS: Isn't that the same document?

8 MS. HICKMAN: Let me back up.

9 BY MS. HICKMAN:

10 Q So you released the firearms to Mr. Hager?

11 A Yes.

12 Q After the Humboldt County District Attorney's Office  
13 gave you permission to?

14 A Yes.

15 Q And you had seen an Order dismissing his case,  
16 right?

17 A Yes.

18 Q And I'm showing you what's been admitted as 100A.

19 A Yes.

20 Q Is that that Order that dismisses that case?

21 A Yes. That the convictions are set aside, yes.

22 Q And specifically it's out of Humboldt County; is  
23 that right?

24 A Yes.

1 Q And that's dated October 17th of 2014?

2 A Yes.

3 Q Is it fair to say that that was before Mr. Hager got  
4 in touch with you?

5 A Before he got in touch with me, yes. He may have  
6 contacted our Elko vault before that.

7 Q So you gave him his firearms back after this  
8 document was filed?

9 A Yes.

10 MS. HICKMAN: Thank you.

11 I have no further questions.

12 THE COURT: Cross-examination?

13 MR. PRENGAMAN: Thank you.

14

15 CROSS-EXAMINATION

16 BY MR. PRENGAMAN:

17 Q Good morning.

18 A Good morning.

19 Q When did you first speak to Mr. Hager?

20 A In February of 2015.

21 Q And that was on the phone?

22 A Yes, it was.

23 Q And was that simply him asking you to obtain the  
24 firearms?

1           A     Yes, it was.

2           Q     And when -- so in that conversation, what did you  
3 tell him?

4           A     I told him I had to get a release of evidence from  
5 the District Attorney's Office.

6           Q     And then is it true that he made a series of calls  
7 sort of like checking on the status?

8           A     Yes, he did.

9           Q     And when was the next time that you told him  
10 something substantive about that?

11          A     Towards the end of February, I told him that we  
12 did -- we received the release from the District Attorney's  
13 Office.

14          Q     And did you tell him that -- well, let me ask this:  
15 When you sent -- so you faxed the form to the DA's office?

16          A     Yes.

17          Q     It comes back?

18          A     Yes.

19          Q     You can't read the signature?

20          A     No. It was Anthony something.

21          Q     Do you know if that's the same prosecutor that  
22 handled the case or not?

23          A     No, I do not.

24          Q     Do you know if that person had any personal



1 knowledge about Mr. Hager's case or what had happened?

2 A I do not know.

3 Q Do you know if that same prosecutor is even still  
4 working in that same office?

5 A I don't have any dealings with the Humboldt County  
6 DA's Office. So, no, I'm sorry.

7 Q No, no, that's fine.

8 So when the form came back to you, other than the  
9 date, did it have any affirmative representations on it, "We  
10 hereby declare Mr. Hager is lawful to own firearms"?

11 A No, it did not.

12 Q So no affirmative representations at all about the  
13 legality of Mr. Hager's firearm possession?

14 A That's true.

15 Q Just releasing the evidence?

16 A Yes.

17 Q So when you conveyed to Mr. Hager that you had the  
18 evidence release from the DA's office, that was when? When  
19 was that conversation?

20 A That was at the end of February.

21 Q And when that occurred, did you say anything else  
22 about the release from the DA other than that you got one?

23 A That it would have to be after August 26, 2015,  
24 before I could give it to him.

1 Q Other than that, did you tell him anything?

2 A No, I did not.

3 Q Did you tell him -- now, in your position as an  
4 evidence -- you said technician? That's your title?

5 A Yes.

6 Q -- are you authorized to give legal advice?

7 A No, I'm not.

8 Q Are you a peace officer?

9 A No, I'm not.

10 Q Is law enforcement one of your duties?

11 A No, it's not.

12 Q Are you authorized, deputized in any way to  
13 interpret statutes, administer or enforce laws?

14 A No.

15 Q When -- do you hold yourself out like that? Do you  
16 hold yourself out as an authority on Nevada's gun laws?

17 A No.

18 Q Do you make representations about that?

19 A No, I do not.

20 Q When you talked to Mr. Hager, did you tell him,  
21 "Hey, I know a lot about gun laws. You are legal to possess  
22 these guns"?

23 A No, I did not.

24 Q Other than you telling him his guns had been

1 released and he can pick them up, did you make any affirmative  
2 representations to Mr. Hager about either your authority to  
3 determine the legality of his gun ownership or about the  
4 legality itself of him owning guns?

5 A No, I did not.

6 Q Did you tell him, "The DA had affirmatively said you  
7 are legal to own firearms"?

8 A No, I did not.

9 Q The Order -- now, when you -- when you say this  
10 factored into your consideration, were you concerned about the  
11 nature of the case that this Order, Exhibit 100A, pertained  
12 to?

13 A Just that it was a felony charge.

14 Q Okay. Do you remember what the felony -- was it  
15 charge or charges?

16 A It was two charges.

17 Q What were they?

18 A Carrying a Concealed Weapon and Own or Possess a  
19 Firearm by a Prohibited Person.

20 Q And so when he brought this in, that's why it made a  
21 difference to you?

22 A It did.

23 Q Other than him handing you this form, did he tell  
24 you anything about that case?

1 A No, did he not.

2 Q And from looking at this form, does it say anything  
3 about -- it says specialty courts, right? It says -- well,  
4 I'm sorry. It doesn't even say specialty courts, does it?

5 A No, it doesn't.

6 Q It says nothing about whether Mr. Hager, for  
7 instance, had been in Mental Health Court?

8 A No, it does not say that.

9 Q So it says nothing?

10 A No.

11 Q So did Mr. Hager tell you that he had been ordered  
12 into Mental Health Court?

13 A No, did he not.

14 Q Did he tell you that a Judge had determined that he  
15 met the criteria to enter into the Washoe County -- I'm sorry,  
16 not Drug Court.

17 Did he tell you that he had been ordered into the  
18 Washoe County Mental Health Court?

19 A No, he did not.

20 Q Did he tell you that a Judge had determined that he  
21 met the criteria of somebody that was seriously mentally ill  
22 and was admitted into the Drug Court program?

23 A No.

24 Q I am sorry. Not Drug Court program. Mental Health

1 Court program.

2 A No, he did not.

3 Q He didn't say anything about that?

4 A No, he sure did not.

5 Q So if that's true, is it all news to you?

6 A Yes, it is.

7 Q So you -- when you told him he could have his guns,  
8 you weren't saying, "Hey, in spite of what happened in Mental  
9 Health Court and any decision the Judge has made, you're legal  
10 to possess these guns"?

11 A I did not say anything like that.

12 Q Did he tell you anything about any drug use,  
13 addictions?

14 A No.

15 Q Issues that he had?

16 A No.

17 Q When you released the guns to him, were you telling  
18 him, "Hey, even if you're addicted to drugs or even if you're  
19 a user of drugs, you are legal to own these guns"?

20 A No, I did not.

21 Q Ever after?

22 A No.

23 Q Did you tell him that the DA had said anything like  
24 that or made any affirmative representations in that regard?

1 A No, I did not.

2 MR. PRENGAMAN: Thank you.

3 No further questions.

4 THE COURT: Thank you.

5 Redirect.

6 MS. HICKMAN: Thank you.

7

8 REDIRECT EXAMINATION

9 BY MS. HICKMAN:

10 Q Miss Renfro, are -- okay. So when you book a  
11 firearm into property, does that property correspond with the  
12 same case number of the case that proceeds under District  
13 Court, for example?

14 A No. It will come in under our agency case number.

15 Q So it will come in under the agency number of  
16 whoever made the arrest?

17 A Yes.

18 Q Okay. And from that arrest, it then gets the case  
19 number and moves through the Courts?

20 A Yes.

21 Q So those firearms that we are talking about, and  
22 specifically we are talking about you released a SIG Sauer  
23 pistol?

24 A Yes.

1 Q And a Bushmaster 223 assault rifle; is that right?

2 A Yes.

3 Q And those were taken from Mr. Hager as part of his  
4 criminal case out of Humboldt County?

5 A Yes.

6 Q And this Order dismissing that he showed you is  
7 connected to that same original case, right?

8 A Yes.

9 Q That same original case that was prosecuted by the  
10 Humboldt District Attorney's Office, right?

11 A Yes.

12 Q And you didn't make any determinations about whether  
13 that case affected his ability to own a firearm other than to  
14 ensure he wasn't convicted of a felony?

15 A Yes.

16 Q Because you contacted the actual District Attorney  
17 who prosecuted that case?

18 A I contacted the office.

19 MR. PRENGAMAN: Objection. That misstates the  
20 evidence.

21 THE COURT: Sustained.

22 BY MS. HICKMAN:

23 Q You contacted the District Attorney's Office that  
24 prosecuted the case?

1           A     Via fax, with the request.

2           Q     And you faxed that to the District Attorney's  
3 Office?

4           A     Yes, I did.

5           Q     And you faxed that to their fax number that you had?

6           A     Yes.

7           Q     And it came back, right?

8           A     Yes.

9           Q     And it came back signed by somebody who signed as a  
10 District Attorney?

11          A     Yes.

12          Q     And because of that, you didn't feel like you needed  
13 to look into that case any further?

14          A     Correct.

15          Q     Is it fair to say that you felt that that person  
16 probably had all the information about the case?

17          A     Yes.

18          Q     So when you called Mr. Hager and told him you had  
19 gotten information back from the District Attorney's Office,  
20 do you remember specifically telling him the Humboldt County  
21 District Attorney's Office wants the guns held for this long?

22          A     Yes.

23          Q     And to the best of your knowledge, Humboldt County  
24 District Attorney's Office was the one who prosecuted



1 Mr. Hager?

2 A Yes.

3 Q And, obviously, when you called him, there was no  
4 reason for you to say, "Hey, I know a lot about gun laws. Let  
5 me tell you something different than what the District  
6 Attorney's Office may have told me"?

7 A No.

8 Q Because to the best of your knowledge, is the  
9 District Attorney a licensed attorney?

10 A As far as I know.

11 Q You rely on their representations?

12 A Yes.

13 Q And you rely on their representations regularly as  
14 part of your job?

15 A Yes.

16 Q About whether or not you can release firearms?

17 A Yes.

18 Q Or other evidence, not just firearms?

19 A Or other evidence, yeah.

20 Q And in this case specifically we are talking about  
21 two firearms, right?

22 A Yes.

23 Q A SIG Sauer and a Bushmaster 223 assault rifle,  
24 right?

1           A     Yes.

2           Q     So those two firearms were not released to Mr. Hager  
3 until the District Attorney from the Humboldt County -- a  
4 District Attorney from the Humboldt County District Attorney's  
5 Office told you that was okay?

6           A     Yes.

7           Q     And that information was also related to Mr. Hager?

8           A     Yes.

9           MS. HICKMAN: Thank you.

10          I have no further questions.

11          THE COURT: Recross.

12          MR. PRENGAMAN: Thank you. No, Your Honor.

13          THE COURT: Thank you. You're excused. You may  
14 step down. Thank you for your testimony.

15          Call your next witness.

16          MS. HICKMAN: Thank you, Judge. We would call  
17 Mr. Hager.

18          THE COURT: All right. Please step forward and be  
19 sworn.

20                         (The witness was sworn.)

21          THE COURT: Please take the witness stand. State  
22 your first and last name, spelling your last name for the  
23 record.

24          THE WITNESS: My name is Ian Andre Hager. My last

1 name is spelled H-A-G-E-R.

2 THE COURT: Thank you.

3 Ms. Hickman.

4 MS. HICKMAN: Thank you.

5

6 IAN ANDRE HAGER,

7 having been first duly sworn, was examined

8 and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MS. HICKMAN:

12 Q Mr. Hager, you're the Defendant in this case?

13 A Yes.

14 Q How old are you?

15 A 32.

16 Q 32. And in your 32 years of life, is it fair to say  
17 that you have had some demons?

18 A Yes.

19 Q Was there a time in your life that you were addicted  
20 to controlled substances?

21 A Yes, there was a time.

22 Q And were you addicted to prescription pills?

23 A Yes.

24 Q And how old were you then?

1           A     It was in 2011. So I would be 26.

2           Q     Okay. Were you addicted to methamphetamine?

3           A     No, ma'am.

4           Q     Have you ever told somebody that you were addicted

5 to methamphetamine?

6           A     Yes, ma'am.

7           Q     When was that?

8           A     When was my addiction?

9           Q     Yes.

10          A     Between the ages of 12 and 19.

11          Q     Okay. So I'm just going to go back because I asked

12 you, actually, were you ever addicted to methamphetamine, and

13 you told me no. Was that wrong?

14          A     Yeah, that was wrong.

15          Q     So you were?

16          A     I was.

17          Q     And you were addicted to methamphetamine between

18 when?

19          A     The ages of 12 and 19.

20          Q     And you, in 2013, had some issues in your life above

21 and beyond drug use?

22          A     Yes, ma'am.

23          Q     Just briefly what were those issues?

24          A     I lost six family members in less than a year and a

1 half, and then a few months after the last death, my ex-wife  
2 left.

3 Q So the family members you lost -- and I'm sorry  
4 because I know it's difficult -- you lost -- who did you lose?

5 A My sister.

6 MR. PRENGAMAN: I object on relevance grounds.

7 THE COURT: Overruled.

8 Go ahead.

9 THE WITNESS: Go ahead?

10 MS. HICKMAN: Go ahead.

11 THE COURT: Go ahead.

12 THE WITNESS: My sister, my sister-in-law and my two  
13 nephews.

14 BY MS. HICKMAN:

15 Q I'm going to stop you right there.

16 Actually, were any of these deaths expected?

17 A No.

18 Q How did your sister pass away?

19 A She died of an eating disorder in April of 2011.

20 Q And how did your sister-in-law and your nephews pass  
21 away?

22 A They died in a house fire trying to get out.

23 Q And after that?

24 A 11 months after that -- that was six months after my

1 sister. 11 months after that, my oldest brother, who was  
2 looking into the cause of the house fire, who was an attorney,  
3 he was killed, died.

4 Q And that brother passed away when?

5 A September 18th, 2012.

6 Q Okay. So it was your two nephews?

7 A Uh-huh.

8 Q Your sister?

9 A Uh-huh.

10 THE COURT: Is that a "Yes"? You have to answer out  
11 loud.

12 THE WITNESS: Oh, sorry.

13 THE COURT: That's all right.

14 THE WITNESS: Yes, that's correct. My sister-in-law  
15 and my two nephews.

16 BY MS. HICKMAN:

17 Q And your brother?

18 A And then my older brother.

19 Q Who am I missing?

20 A My sister-in-law's cousin.

21 Q Your sister-in-law's cousin?

22 A We were all real close.

23 Q And you said after that, your wife left you?

24 A Yes, ma'am.

1 Q When did your wife leave you?  
2 A Right around Christmas, after my brother died in  
3 2012.  
4 Q Christmas 2012?  
5 A Yeah.  
6 Q So that would have been December?  
7 A Yes, ma'am.  
8 Q Did you cope with that in any way?  
9 A I was drinking a lot. My life was unraveling. My  
10 dog even died. So I'm sort of a country song. Finally, I  
11 relapsed for the first time in years on methamphetamine, a  
12 onetime use in January of 2013.  
13 Q And that was fairly close in time after your wife  
14 left you?  
15 A Yeah, yeah.  
16 Q Because was that, is it fair to say, sort of the --  
17 A Within a week I would say.  
18 Q -- cherry on the cake?  
19 A Yeah.  
20 Q And then you were arrested?  
21 A Yes.  
22 Q When were you arrested?  
23 A February 15th of 2015.  
24 Q And you were arrested at Denise Quirk's office?

1 A No, ma'am.

2 Q I'm sorry. Where were you arrested?

3 A On Interstate 80. I was trying to leave the state,  
4 taking the detective's advice on my brother's case.

5 Q So you were arrested for Carrying a Concealed  
6 Weapon?

7 A Yes, ma'am.

8 Q And Prohibited Person in Possession of a Firearm?

9 A Correct. Both warrants.

10 Q Both warrants that were issued?

11 A Yes.

12 Q And that case originated out of behavior from when  
13 you were seeing a therapist?

14 A Yes.

15 Q And what were you seeing a therapist for?

16 A Trying to keep my life together, what was left of  
17 it.

18 Q Okay. Did that involve treatment for drug  
19 addiction?

20 A No.

21 Q Okay. Was it treatment for mental health issues?

22 A No. It was grieving. Grieving.

23 Q And what happened to the Carrying a Concealed Weapon  
24 charge?



1           A     It was dismissed and set aside.

2           Q     Okay. You just jumped like a mile ahead of where I

3 am.

4           A     Sorry.

5           Q     After you were arrested for it, what happened with

6 that?

7           A     I went to court. I --

8           Q     Let me ask you this: Did you plead out in that

9 case? Did you take a plea deal?

10          A     Yes, I did.

11          Q     What did you plead to?

12          A     Possession of a Concealed Weapon.

13          Q     What happened to the Prohibited Person in Possession

14 of a Firearm?

15          A     It was dismissed.

16          Q     Do you remember what the accusations in that case

17 were?

18          A     They were accusing me of being a prohibited person

19 because I was a known user of drugs then.

20          Q     And that was dismissed?

21          A     Yes.

22          Q     And you have used drugs then, right?

23          A     Yeah.

24          Q     In fact, you had just used methamphetamine about a

1 month before that?

2 A Yeah, about a month before.

3 Q And in January of 2013, you were 28?

4 A I believe so.

5 Q Ish?

6 A Yeah. Sorry. That whole period was horrible, so.

7 Q I'm a lawyer, not a mathematician.

8 Okay. So you took a plea deal in that case. What  
9 ended up happening to you?

10 A I was accepted into Mental Health Court for a  
11 Diversion Program.

12 Q Was that something you wanted?

13 A Yeah, yeah. I mean, I was seeking counseling when  
14 this charge came about. I was trying to get help to keep what  
15 was left of my life together.

16 Q And what were you diagnosed with?

17 A PTSD.

18 Q And PTSD, what is that?

19 A Posttraumatic stress disorder.

20 Q And I'm just asking you based on your understanding,  
21 obviously, because you're not a licensed professional --

22 A Correct.

23 Q -- what was the posttraumatic stress disorder a  
24 result from?

1           A     All the losses I had just been through and some  
2 significant other things that have happened in my life.

3           Q     So is it fair to say that the grief that you had was  
4 overwhelming?

5           A     Absolutely.

6           Q     And so you were trying deal with that even before  
7 you went into Mental Health Court?

8           A     Yeah, yes.

9           Q     And to get into Mental Health Court, do you remember  
10 filling out a PSI questionnaire?

11          A     Yes, ma'am.

12          Q     And meeting with somebody by the name of Ms. Okuma?

13          A     Yes, ma'am.

14          Q     And you saw her testify?

15          A     Yes.

16          Q     And part of that questionnaire asked about your drug  
17 use. Do you remember?

18          A     Yes, I do.

19          Q     Were you honest in this?

20          A     Yeah, I was.

21          Q     Why?

22          A     I'm usually always honest, you know.

23          Q     That wasn't my question.

24          A     And I wanted help.

1 Q Right. Were you honest in this because you wanted  
2 help?

3 A Yes.

4 Q And you wanted them to know really what was going on  
5 in your life?

6 A Yeah.

7 Q So you honestly answered the questions about your  
8 drug abuse, addiction, right?

9 A Yes.

10 Q So when you said that you last used in January of  
11 2013, that was honest?

12 A Yes, ma'am.

13 Q It wasn't downplaying your use?

14 A Correct.

15 Q And when you said that you were addicted to  
16 prescription pills when you were 26, that was honest, right?

17 A Yes.

18 Q You weren't downplaying that?

19 A That's correct.

20 Q And you were also honest with how much alcohol you  
21 were drinking?

22 A Yes, I was.

23 Q How much alcohol were you drinking?

24 A A lot.

1 Q Is it fair to say alcohol can continue to be a  
2 problem for you?

3 A It can, yeah.

4 Q And when you filled out this form, do you remember  
5 how much you told Ms. Okuma you spent on drugs weekly?

6 A I believe it was zero because that's what it was.

7 Q Because that's what it was?

8 A Yeah.

9 Q Do you remember how much you told her you spent on  
10 drugs monthly?

11 A Zero.

12 Q Is that because you weren't using anymore?

13 A Correct.

14 Q And you told Ms. Okuma that you believe that alcohol  
15 both can and cannot be a problem for you?

16 A Correct.

17 Q And same with drugs?

18 A Correct.

19 Q They can and can't be a problem for you?

20 A Right.

21 Q Depending on what's going on with your life?

22 A Yeah, yes.

23 Q And in that case in Humboldt County, you were  
24 represented by an attorney; is that right?

1           A     Yes, ma'am.

2           Q     And I'm going to make an assumption, and tell me if  
3 I'm wrong, you and that attorney worked together?

4           A     Yes.

5           Q     You talked to him about what you wanted?

6           A     Yeah.

7           Q     And so that attorney filed --

8                   MS. HICKMAN: Court's indulgence. I apologize.

9 BY MS. HICKMAN:

10          Q     So I'm showing you what's been admitted as  
11 Exhibit 34. And this is an application for treatment or  
12 diversion pursuant to Chapter 453.3363 or NRS 458, okay? And  
13 to the best of your memory, was this part of the plea  
14 negotiations that you accepted when you pled guilty to  
15 Carrying a Concealed Weapon?

16          A     I believe so.

17          Q     Were those plea negotiations that you would  
18 participate in some sort of Drug Diversion Court?

19          A     Yes, ma'am.

20          Q     Did you ever get an evaluation that found that you  
21 were currently an addict?

22          A     No, I didn't qualify because I wasn't an addict.

23          Q     You've never had an evaluation that told you either  
24 way?

1 A Correct.

2 Q But you did get an evaluation that found you --  
3 sorry. I grabbed too many exhibits. You did get an  
4 evaluation that said that you had that posttraumatic stress  
5 disorder, right?

6 A Yes, ma'am.

7 Q So I'm showing you Exhibit 35. That withdraws your  
8 application into Drug Diversion Court and asks that you go  
9 into Mental Health Court?

10 A Correct.

11 Q And, again, why did you want to go into Mental  
12 Health Court?

13 A I wanted help with the issues that had just happened  
14 in my life.

15 Q So did you go to Mental Health Court?

16 A I did.

17 Q Did you want Mental Health Court?

18 A I did.

19 Q Did you engage in Mental Health Court?

20 A Yes, I did.

21 Q Did you work hard in Mental Health Court?

22 A I did.

23 Q And for people who may never have been in Mental  
24 Health Court, what's required of you?

1           A     Constant check-ins, especially in the beginning.

2           Q     When you say "constant check-ins," what's does that

3     mean?

4           A     Showing up --

5           Q     Who are you -- I'm sorry. Who are you checking in

6     with?

7           A     The court staff here at this location and also

8     services over at NNAMHS, Nevada Mental Health.

9           Q     So you had to get mental health treatment?

10          A     Yeah.

11          Q     And you had to regularly check in with court staff?

12          A     Yeah, and Parole and Probation.

13          Q     So you're checking in at least with three different

14     agencies?

15          A     Every week.

16          Q     Were you drug tested?

17          A     Yes.

18          Q     How often?

19          A     In the beginning it was a couple of times a week,

20     and it tapered off toward the end.

21          Q     And how long were you in Mental Health Court?

22          A     A year.

23          Q     A year?

24          A     Yes.



1 Q In that time in Mental Health Court, did you ever  
2 give a dirty test?

3 A No, ma'am.

4 Q Can you explain to me what a dirty test would be?

5 A That would be showing up positive for any narcotics.

6 Q So you never tested dirty for methamphetamine?

7 A Correct. Or alcohol.

8 Q Or alcohol?

9 A They test you for that, too.

10 Q Okay. And were you able to successfully complete  
11 Mental Health Court?

12 A Yes, ma'am, I was.

13 Q Do you know when you successfully completed that?

14 A I believe it was May 8th or May 7th of 2014.

15 Q So I'm showing you what has been marked as  
16 Exhibit 99.

17 MS. HICKMAN: Judge, I believe the State is willing  
18 to stipulate to the admission of 99.

19 THE COURT: 9 is admitted.

20 (Exhibit 99 admitted into evidence.)

21 BY MS. HICKMAN:

22 Q So I'm showing you what was filed in Washoe County,  
23 okay?

24 A Okay.

1           Q     You can see that at the top. It tells you where it  
2 was filed. You see it says in the Second Judicial District  
3 Court of the State of Nevada, in and for the County of Washoe?

4           A     Yes, ma'am.

5           Q     And this is a Mental Health Court number. Do you  
6 see that?

7           A     Yes.

8           Q     Do you know why you have a different Mental Health  
9 Court number than a CR number?

10          A     Probably because it was in Mental Health Court.

11          Q     And because your case originated out of Humboldt?

12          A     Yes.

13          Q     And it was your understanding and what this  
14 indicates is that your case was dismissed, discharged and the  
15 conviction was set aside, right?

16          A     Right.

17          Q     Okay. So you left Mental Health Court, and you were  
18 not a convicted felon?

19          A     Correct. I still had my gun handling license  
20 throughout most of Mental Health Court.

21          Q     So I'm going to get into that.

22          A     Okay.

23          Q     Prior to going into Mental Health Court, were you  
24 employed?

1           A     Yes, ma'am.

2           Q     How were you employed?

3           A     I was a bail enforcement agent or bounty hunter for

4 approximately eight years.

5           Q     Explain to me what a bounty hunter is.

6           A     We track down and apprehend fugitives from justice

7 and return them to the jurisdiction they originated from.

8           Q     Is that something you have to be licensed to do?

9           A     Absolutely.

10          Q     Did you apply for those licenses?

11          A     Yes, ma'am.

12          Q     And who did you apply through?

13          A     State of Nevada.

14          Q     So you had your bounty hunting license at the end of

15 Mental Health Court?

16          A     I decided about halfway through Mental Health Court

17 not to renew it.

18          Q     Okay. Why? Was it stressful?

19          A     I was disturbed at everything that was going on, and

20 I decided right now is not the time for bounty hunting.

21          Q     But while you were in Mental Health Court, were you

22 allowed to have firearms?

23          A     No.

24          Q     Why not?

1           A     Because --

2           Q     Was it a condition of your probation?

3           A     Absolutely.

4           Q     And, in fact, were firearms collected from you?

5           A     Yes, ma'am.

6           Q     What was collected?

7           A     The Bushmaster and the SIG Sauer, both weapons I

8     used to use for bounty hunting.

9           Q     Those were the firearms you used as a bounty hunter?

10          A     Absolutely.

11          Q     And those were taken from you when you were in

12     Mental Health Court?

13          A     Before Mental Health Court.

14          Q     So when you successfully completed Mental Health

15     Court, did you want your guns back?

16          A     Yes.

17          Q     Okay. And before we get to that, I actually want to

18     ask you a different question.

19                 So you graduated Mental Health Court, I think you

20     said in May of 2014?

21          A     Yes, ma'am.

22          Q     So between May of 2014 and January of 2015, tell me

23     about your drug use.

24          A     None.

1 Q Okay. Did you ever use methamphetamine?  
2 A No.  
3 Q Did you ever abuse prescription pills?  
4 A No, ma'am.  
5 Q Did you ever use heroin?  
6 A No.  
7 Q Any other controlled substances?  
8 A No, not at all.  
9 Q Did you drink alcohol?  
10 A Yes. Unfortunately, I drank a lot.  
11 Q And, again, from May of 2014 to January of 2015,  
12 were you arrested at all?  
13 A No, ma'am.  
14 Q Did you have any police contact?  
15 A Yes.  
16 Q In 2014?  
17 A No. I'm sorry. It was 2015.  
18 Q Okay. So you were never arrested for possession of  
19 a controlled substance or drug paraphernalia or anything like  
20 that?  
21 A No, I wasn't.  
22 Q And then I want to talk about your drug use in 2015.  
23 Did you use drugs at all from January 2015 to the end of  
24 December 2015?

1           A     No, ma'am, I didn't.

2           Q     And then 2016, obviously that's where we are?

3           A     Right.

4           Q     From January of 2016 until your arrest, April 8th,  
5 2016, did you use any controlled substances?

6           A     No, ma'am, I did not.

7           Q     And I want to go back to talking about your guns  
8 that were collected.

9                     You wanted to get them back?

10          A     Yes.

11          Q     So what did do you?

12          A     I contacted the agency that had the firearms.

13          Q     Okay. Let me ask you this: Why did you wait until  
14 after you were done with Mental Health Court to seek your  
15 firearms?

16          A     Make sure I was in the place where I could have them  
17 responsibly again.

18          Q     As a bounty hunter, do you get gun safety training?

19          A     Yes, ma'am.

20          Q     Is that required to have a license?

21          A     The safety training?

22          Q     Uh-huh.

23          A     No.

24          Q     That's funny. But did you have some?

1           A     Yes, I did.

2           Q     And did you have training in how to operate a  
3 firearm?

4           A     Yes, ma'am.

5           Q     Was that part of your bounty hunting license?

6           A     It was. But I also took extra classes wherever I  
7 could.

8           Q     Okay. So you said you contacted the agency?

9           A     Yes, ma'am.

10          Q     What agency was that?

11          A     That was Nevada Highway Patrol at the time.

12          Q     And do you remember who you spoke to?

13          A     I think it was Lori Renfroe.

14          Q     And do you say that because you heard her testify  
15 today, or do you actually remember?

16          A     I actually remember. There were two different  
17 agencies that had my weapons. But I'm bad with names  
18 sometimes.

19          Q     Did you -- so did you call her? Did you show up in  
20 person?

21          A     I contacted her by telephone.

22          Q     Okay.

23          A     And I believe I even stored her number in my phone  
24 because we were having contact so much.

1 Q Okay. You contacted her, I think you said in  
2 February of 2015?

3 A I believe that's right.

4 Q What did she tell you?

5 A That she had to do some backgrounds and some  
6 investigation before she could release my firearms to me.

7 Q Did she tell you who she was going to contact?

8 A I believe it was the District Court in Winnemucca,  
9 Humboldt County.

10 Q Okay. Did she tell you she was going to contact the  
11 District Attorney?

12 A I can't recall. I believe so.

13 Q So you didn't get your guns back in February of  
14 2015?

15 A No, I didn't.

16 Q Why?

17 A Because there was a process that had to be done to  
18 make sure I was legal to have my guns again.

19 Q Did she tell you what she was going to do?

20 A Yeah.

21 Q Okay. And then did she get in touch with you and  
22 tell you when you could pick up your guns?

23 A Yes, she did.

24 Q When was that?



1           A     It was around August. She said she had contact with  
2 DA's office and that they were able to release the property  
3 now.

4           Q     So she called you back in August?

5           A     That's when they ended up being released to me after  
6 confirmation and everything.

7           Q     So I just want to be clear about what you were told.  
8 And if you don't remember the exact words, that's okay.

9                     Did she tell you who she had gotten permission to  
10 release them from?

11          A     The District Attorney.

12          Q     Okay. She didn't give you a name?

13          A     No.

14          Q     Okay. Did she tell you which county that District  
15 Attorney worked for?

16          A     It was Humboldt County.

17          Q     And you were prosecuted out of Humboldt County?

18          A     Yes, ma'am.

19          Q     And you were present for your sentencing --

20          A     Yes, ma'am.

21          Q     Let me finish.

22          A     Oh, sorry.

23          Q     You were present for your sentencing out of Humboldt  
24 County?

1 A Yes.

2 Q Did you hear the District Attorney from Humboldt  
3 County recommend you go into Mental Health Court?

4 A Yes.

5 Q Did you hear that same District Attorney acknowledge  
6 that he was in receipt of the finding of you having PTSD?

7 A Yes, ma'am.

8 Q And is that that same District Attorney that was in  
9 court when the Judge in Humboldt County ordered you to apply  
10 for Mental Health Court?

11 A Yes.

12 Q And when I'm saying "the same District Attorney,"  
13 I'm not talking about the person. I'm talking about someone  
14 from that District Attorney's Office.

15 A Correct.

16 Q Are we clear?

17 A Yeah, the same district.

18 Q So when she contacted you in August, what did she  
19 say to you?

20 A That she had the letter showing that I was able to  
21 pick up my firearms down from the District Attorney, and then  
22 on a certain date, I believe August 28th, I was able to come  
23 down and collect them, and we had to schedule an appointment.

24 Q So you had to schedule an appointment to go down and

1 pick up your firearms?

2 A Yes.

3 Q Did do you that?

4 A Yes. I believe we scheduled the appointment for the  
5 next day because she was going to head out of town and go on  
6 vacation somewhere.

7 Q So she affirmatively told you that you could come  
8 pick up your guns in August?

9 A Yes, ma'am.

10 Q I want to talk about which guns you picked up.

11 So one of those guns was a SIG Sauer pistol?

12 A Yes.

13 Q And that is what's depicted here -- give me a  
14 minute -- in Exhibit 79?

15 A Yes, ma'am.

16 Q And that's also what's depicted here in Exhibit 80?

17 A Yes, ma'am.

18 Q And so from the time you picked that up in August of  
19 2015, did you have that in your possession?

20 A I'm sorry, when?

21 Q From when you picked it up --

22 A Uh-huh.

23 Q -- until you were arrested --

24 A Uh-huh.

1 Q -- in this case --

2 A Yes.

3 Q -- did you have that firearm in your possession?

4 A In my home.

5 Q In your home?

6 A Yes.

7 Q And these pictures I'm showing you, these were taken  
8 in your home in April of 2016; is that fair?

9 A Yes, ma'am.

10 Q So you were in possession of them that day, right?

11 A Yeah.

12 Q Okay. And then you also picked up a Bushmaster; is  
13 that true?

14 A Yes.

15 Q And what is a Bushmaster?

16 A It's a brand of an assault rifle.

17 Q So I'm showing you what's been admitted as  
18 Exhibit 1. And that's a photo that was actually taken on  
19 August 28th of 2015?

20 A Correct.

21 Q And that is your Bushmaster that we can see here,  
22 right?

23 A Yes.

24 Q And that's your SIG Sauer pistol that we can see

1 there?

2 A Yes, ma'am.

3 Q And why did you take a picture of those on  
4 August 28th?

5 A Because that was a significant day. That was the  
6 day they released them to me.

7 Q When you picked up those firearms, did you have any  
8 doubt that you couldn't have them?

9 A No.

10 Q Okay. Is it fair to say that you relied on the  
11 information that was given to you?

12 A Yes.

13 MR. PRENGAMAN: Judge, I'm going to object to that  
14 last question under the standard for this case.

15 THE COURT: I'm going to allow it.

16 Go ahead.

17 BY MS. HICKMAN:

18 Q So did you rely on that information that you were  
19 given?

20 A Absolutely.

21 Q Did you have any reason to doubt that you were  
22 allowed to pick up those firearms?

23 A No, not when somebody is telling me, "You're  
24 property is ready for pick up," especially Nevada Highway

1 Patrol.

2 Q Did it play into your reliance at all that you were  
3 told that the District Attorney's Office that prosecuted you  
4 had allowed that release?

5 A Yes, absolutely.

6 Q And just so I'm clear, that would have been the same  
7 District Attorney's Office that was present for all those  
8 court hearings?

9 A Correct.

10 Q So in 2015, you had some contacts with the police?

11 A Yes.

12 Q You specifically had contact with the Sparks Police  
13 Department on March 6th of 2015?

14 A Yes, ma'am.

15 Q And August 20th of 2015?

16 A Yes, ma'am.

17 Q And on both of those days, is it fair to say you  
18 were having a pretty hard time?

19 A Yes, you could say that.

20 Q So without giving me lot of detail, can you tell me  
21 what you were struggling with?

22 A My sister and my brother that passed away, their  
23 birthdays are on March 9th and March 10th. So that's always a  
24 rough time of year, and I was just diagnosed that week with

1 multiple sclerosis.

2 Q So it felt like the hits kept coming?

3 A Yeah, no break.

4 Q So March 6th of 2015, you were upset?

5 A Yes.

6 Q Was there also a change sometime in 2015 with the  
7 detectives at the Reno Police Department?

8 A I'm sorry?

9 Q Was there a change in 2015 with the detectives at  
10 the Reno Police Department --

11 A Yes.

12 Q And let me just sort of finish.

13 The Reno Police Department was the agency who  
14 investigated your brother's death?

15 A Correct.

16 Q Did you work with a detective from that agency?

17 A Yeah, for about two years.

18 Q And who was that detective?

19 A Detective Fox.

20 Q And what was the change that happened -- was it in  
21 2015?

22 A I believe it was the end of 2015 that he retired.

23 Q Okay. And what was that change?

24 A He retired. And the detective and I -- he became

1 the closest person in my life. After losing everybody, he was  
2 somebody I would meet with every week, breakfast, lunch, and  
3 we would talk about the case and we would talk about other  
4 things in life. He would try to redirect me as much as  
5 possible back to normalcy, if you will.

6 Q So you and Detective Fox became close?

7 A Absolutely.

8 Q And he retired in 2015?

9 A Yes, ma'am.

10 Q So throughout 2015, did you have contact with him  
11 often about your brother's case?

12 A Yeah.

13 Q And I'm just going ask you briefly, you were upset  
14 about the handling of your brother's case?

15 A Yes, I was.

16 Q Why?

17 A Well, because for two years the detective -- the  
18 previous detective and I --

19 Q I'm sorry. I didn't ask that very well.

20 A Sorry.

21 Q You were upset because of what the manner of death  
22 was determined to be?

23 A Right.

24 Q What did you think the manner of death was, or what



1 do you still think?

2 A I believe he was killed.

3 Q And when you say "killed," he was murdered?

4 A Yes, ma'am.

5 Q By somebody else?

6 A Yes, by somebody else.

7 Q So in March, when you're having a hard time, the

8 police are dispatched because of that?

9 A Yes.

10 Q Had you made threats to kill yourself?

11 A Yeah. I wanted the police to do it. I was having a

12 tough time grasping doing it myself.

13 Q And so did they take things from you?

14 A They did.

15 Q What did they take?

16 A The firearms that Sparks Police Department had

17 custody of.

18 Q Okay. So they specifically took -- give me one

19 second.

20 On March 3rd, do you remember how many firearms they

21 took?

22 A I believe it was two or three.

23 Q Do you remember if they took a Colt 1911?

24 A They did.

1 Q And a black Remington shotgun?

2 A Yes, ma'am.

3 Q And the Colt firearm that was taken from you in  
4 March of 2015, was that that same Colt firearm that we see in  
5 Exhibit 60?

6 A Yes, ma'am.

7 Q And what's in Exhibit 60, is that a Colt firearm  
8 that was found at your home?

9 A Yes, ma'am.

10 Q In April of 2016?

11 A Yes, ma'am.

12 Q So in August of 2015, you again had contact with the  
13 police officers?

14 A Yes.

15 Q And that was the contact that you heard Officer  
16 Raker testify about yesterday?

17 A Yes, ma'am.

18 Q Did you again feel suicidal?

19 A Yes.

20 Q What was going on in August?

21 A Nothing was changing for the better, and that the  
22 detective on my brother's case just retired, and it was just a  
23 very dark, lonely time, where things just kept progressing. I  
24 wasn't -- I didn't have a network of people like I had before

1 my life was turned upsidedown.

2 Q So, Officer Raker testified that certain firearms  
3 were taken from you then?

4 A Yes, ma'am.

5 Q Do you remember which one that was?

6 A A 20-gauge shotgun.

7 MS. HICKMAN: The Court's indulgence.

8 BY MS. HICKMAN:

9 Q I'm showing you what's been admitted as 57. Is that  
10 that same shotgun that was taken from you?

11 A Yes, ma'am.

12 Q And that's the same shotgun that was found in your  
13 home in April of 2016; is that true?

14 A Yes, ma'am.

15 Q Did you ever try to hide your possession of these  
16 seven firearms that have been brought into court?

17 A No, ma'am.

18 Q Did you ever make your Facebook profile private?

19 A No.

20 Q Did you take photos of yourself with them?

21 A Yes.

22 Q Videos of yourself with them?

23 A Yes, ma'am.

24 Q And you posted them on a page that essentially

1 anybody could see?

2 A Anybody could see.

3 Q So I want to talk to you about how you got these  
4 firearms back, okay, specifically this Colt handgun that we  
5 can see in Exhibit 60 and the Winchester that's in Exhibit 55.

6 A Okay.

7 Q When did you try to get those back?

8 A I believe it was November I started inquiring of the  
9 Sparks Police Department, of 2015.

10 Q Okay. And how did you start inquiring?

11 A I believe I showed up or called for the first  
12 inquiry. I might have shown up since they are just down the  
13 street from my residence.

14 Q Okay. At some point did you fill out a form at the  
15 Sparks Police Department?

16 A Yes, ma'am.

17 THE COURT: I'm going give you a five-minute call,  
18 Miss Hickman, before we take our lunch break.

19 MS. HICKMAN: I'm sorry?

20 THE COURT: I'm giving you a five-minute call before  
21 we take our lunch break.

22 MS. HICKMAN: Perfect. Thank you.

23 THE COURT: You're welcome.

24 ///

1 BY MS. HICKMAN:

2 Q So you filled out a form at the Sparks Police

3 Department; is that right?

4 A Yes, ma'am.

5 Q Do you recognize that form as being admitted as

6 Exhibit 98?

7 A Yes, I do.

8 Q Where did you get that form from?

9 A Sparks Police Department.

10 Q Was it given to you?

11 A Yes.

12 Q Did you fill it out?

13 A Yes, I did.

14 Q Did you fill it out honestly?

15 A Yes.

16 Q Did you fill it out truthfully?

17 A Absolutely.

18 Q Did you read all the definitions that are on page 3?

19 A All the ones I wasn't clear about.

20 Q 4, 5 and 6?

21 A All the ones I wasn't clear about.

22 Q Do you remember which ones they were?

23 A Just the prohibited person.

24 Q And did you read those and think you were not a

1 prohibited person?

2 A Yeah. With my case being set aside before, that was  
3 my understanding.

4 Q And did you submit this document to the Sparks  
5 Police Department?

6 A Yes.

7 Q And that was done on December 8th of 2015?

8 A Yes.

9 Q Did you get your guns back that day?

10 A No, ma'am.

11 Q Why were you told you weren't getting your guns back  
12 that day?

13 A Because they had to do a thorough investigation.

14 Q Do you remember who told you that?

15 A I can't remember her name, but it was one of the  
16 people I was in contact with at the Sparks Police Department.

17 Q Did Sparks Police Department eventually get in touch  
18 with you?

19 A Yes.

20 Q Do you know who got in touch with you?

21 A The evidence technician at the Sparks Police  
22 Department.

23 Q Did she call you?

24 A Yes, she did.

1 MS. HICKMAN: And, Judge, I'm almost done if I can  
2 finish this.

3 THE COURT: Of course. Of course. Complete your  
4 thought.

5 MS. HICKMAN: Okay.

6 BY MS. HICKMAN:

7 Q And so she called you?

8 A Yes.

9 Q And what did she tell you?

10 A In December?

11 Q In January.

12 A Oh, in January that I could come pick up the guns.

13 Q Did she tell you what she had done in that month and  
14 a half?

15 A Yeah.

16 Q What did she say?

17 A We had some communication back and forth. She was  
18 looking into each one of the things that popped up on my  
19 criminal history for NCIC.

20 Q And did you tell her about the domestic battery  
21 arrest?

22 A Yeah. We discussed that.

23 Q Did you tell her how it resolved?

24 A Yeah. It was just disturbing the peace.

1 Q And did you tell her about the DUI you had?

2 A Yes, ma'am, I did.

3 Q And why was that significant to you to tell her

4 about?

5 A I was just being honest as always. I mean, I got my

6 firearms back from NHP a couple months prior. But this

7 department was being a lot more thorough as far as the

8 paperwork, and it gave me some concern.

9 Q Did you tell her about your case out of Humboldt

10 County?

11 A Yes.

12 Q Did you tell her you were in Mental Health Court?

13 A No, I don't believe I did.

14 Q Okay. Did you tell her that at one point in your

15 life you had been an addict?

16 A I don't believe we went over that, no.

17 Q Did you read question E on this form that asked,

18 "Are you an unlawful user of or addicted to certain drugs?"

19 A Yes, ma'am.

20 Q And you answered "No," right?

21 A Correct.

22 Q Was that true?

23 A Yes.

24 Q Were you addicted to drugs at that time?



1 A No, ma'am.

2 Q Were you using any drugs?

3 A No.

4 Q Okay.

5 THE COURT: This would be a good place to stop.

6 MS. HICKMAN: Judge, I have one more question. Then

7 I would move on to a different subject.

8 THE COURT: All right.

9 MS. HICKMAN: If I could just finish.

10 BY MS. HICKMAN:

11 Q So what did she do?

12 A She contacted me and let me get my firearms back.

13 She helped walk me -- walk all the firearms with me to my car.

14 Q Did you rely on that information?

15 A Absolutely.

16 Q Would you have taken your firearms back if she had

17 told you you couldn't have them?

18 A How could I?

19 No.

20 MS. HICKMAN: And I think that would be a good place

21 to stop.

22 THE COURT: Ladies and gentlemen, we are going to

23 take an hour lunch recess at this time.

24 During this recess it is your duty not to converse

1 amongst yourselves or with anyone else about any subject  
2 connected with the trial or to read, watch, or listen to any  
3 report of or commentary on the trial by any person connected  
4 with the trial, or by any medium of information, including,  
5 without limitation, newspaper, television, Internet,  
6 Smartphones, radio. You are not to form or express an opinion  
7 on any subject connected with this case until it is finally  
8 submitted to you. Enjoy your lunch. We'll see you back here  
9 at 1:00. All rise for the jury.

10 (The jury left the courtroom.)

11 THE COURT: Please be seated. We are outside the  
12 presence of the jury.

13 After Mr. Hager, do you have any other witnesses?

14 MS. HICKMAN: I do not.

15 THE COURT: Will you be closing your case at that  
16 point?

17 MS. HICKMAN: Not immediately after that, but I  
18 would be ready to, yes.

19 THE COURT: All right. And do you have any rebuttal  
20 witnesses?

21 MR. PRENGAMAN: Yes, Your Honor.

22 THE COURT: Very good. How many rebuttal witnesses  
23 do you think you'll have?

24 MR. PRENGAMAN: It's hard to say right now.

1 THE COURT: I won't hold you to it.

2 MR. PRENGAMAN: It's hard to say right now.

3 Probably two -- at least two.

4 THE COURT: Very good. All right. My plan would  
5 be -- what I normally would do is have jury instructions  
6 settled; however, in this unusual case, I want to hear all the  
7 evidence before we have our jury instruction meeting. So my  
8 plan is, at the conclusion of the case, to give the jury some  
9 time, I'm thinking an hour, and we'll settle jury instructions  
10 within an hourly time at the conclusion of the evidence and  
11 then come back and do closing arguments. That's what my  
12 schedule is, depending on how we do today. All right? So I  
13 will see you back here at 1:00.

14 Anything else?

15 MR. PRENGAMAN: Sorry, Judge. I didn't quite follow  
16 you. I just didn't quite follow that. So we will do the  
17 rebuttal witnesses, then take approximately an hour to settle  
18 instructions?

19 THE COURT: Yes.

20 MR. PRENGAMAN: Go right into closing?

21 THE COURT: Yes, that would be my plan. All right.  
22 Thank you very much. We'll be in recess. See you back here  
23 at 1:00.

24 (A recess was taken.)

1 RENO, NEVADA, THURSDAY, DECEMBER 15, 2016, 1:03 P.M.

2 -oOo-

3

4 THE COURT: Thank you. Please be seated. All  
5 right. Back on the record in CR16-1457. I see the Defense,  
6 the Defense team, the Prosecution, all the jurors here. Thank  
7 you for being on time.

8 Mr. Hager, you may resume the stand, and you are  
9 still under oath, sir.

10 THE WITNESS: All right.

11 THE COURT: Ms. Hickman, you may proceed.

12 MS. HICKMAN: Thank you, Judge.

13 BY MS. HICKMAN:

14 Q Mr. Hager, before we broke for lunch, we were  
15 talking about the time when you got your guns back from the  
16 Sparks Police Department. Do you remember that?

17 A Yes, ma'am.

18 Q So, the guns that you got back -- which guns were  
19 they that you got back from the Sparks Police Department?

20 A I believe it was the 20-gauge shotgun, the 1911 Colt  
21 handgun.

22 Q Uh-huh.

23 A I believe there was a .22.

24 Q There were four or five guns, right?

1           A     Yeah, there were four or five guns.

2           Q     But for the purposes of this case, for what's

3 charged, the Colt 1911, and then was it the Winchester?

4           A     The 20-gauge?

5           Q     The 20-gauge.

6           A     Yes, ma'am.

7           Q     And you got those back in January of 2016?

8           A     Yes, ma'am.

9           Q     Was that after you had successfully completed Mental

10 Health Court?

11          A     Yes, ma'am.

12          Q     And you also got guns back from the Nevada Highway

13 Patrol, right?

14          A     Yes, ma'am.

15          Q     Was that also after you had successfully completed

16 Mental Health Court?

17          A     Yes, ma'am.

18          Q     So I want to talk to you a little bit now about

19 things that are a little more recent in time, okay?

20                 February of 2016, did you have a meeting with

21 Detective Johnson from the Reno Police Department?

22          A     In February, yes.

23          Q     Who initiated those?

24          A     I did.

1 Q You had more than one?

2 A Yes, ma'am.

3 Q And did you initiate most of those, or did he

4 respond --

5 A I usually initiated them.

6 Q But you had fairly regular contact with him?

7 A Yes.

8 Q And what was the motivation between your contacting

9 Detective Johnson?

10 A Trying to get a better resolution out of my

11 brother's homicide case -- or case.

12 Q And the first time you spoke to Detective Johnson,

13 was he familiar with your brother's case?

14 A He wasn't the first time, no.

15 Q So did you share information with him about your

16 brother's case?

17 A I did.

18 Q Did you share information with him that you thought

19 your brother had been murdered?

20 A Yes, I did.

21 Q And did he share information with you that he was

22 going to look into what you were telling him?

23 A Yes.

24 Q And sometime towards the end of February, did he

1 tell you that he had looked into your brother's case?

2 A Yes.

3 Q And did he tell you what he -- or what he had seen  
4 other detectives had determined the cause of death for your  
5 brother was?

6 A Yeah. At this time, yes.

7 Q And what was that?

8 A Methamphetamine intoxication.

9 Q How did that information make you feel?

10 A Very upset.

11 Q Did you feel angry?

12 A Yes.

13 Q Did you feel hurt?

14 A Yeah.

15 Q Did you feel heartbroken?

16 A Yes.

17 Q Were you frustrated?

18 A Definitely.

19 Q What were you frustrated with, just briefly?

20 A The lack of effort and the contradictions. Two  
21 years of working with one detective and then somebody else  
22 gives it a quick glance and it's done.

23 Q So did you feel that you wanted Detective Johnson to  
24 look into the case much deeper?

1           A     Yes.

2           Q     Did you present him with evidence about why he  
3 should do that?

4           A     Yes.

5           Q     And did he take you at your word and look into those  
6 things?

7           A     He said he would.

8           Q     Okay. And did you have a conversation with  
9 Detective Johnson that led you to make a video regarding the  
10 consumption of methamphetamine?

11          A     Yes.

12          Q     Do you remember when you had that conversation with  
13 him?

14          A     It was February or March.

15          Q     And you've seen that video today?

16          A     Yes, ma'am.

17          Q     Or, I'm sorry, you haven't seen it today but you've  
18 seen it during this trial?

19          A     I know the video, yes.

20          Q     And that was a video you posted to your Facebook  
21 page, right?

22          A     Yes.

23          Q     Did you do more than just post it to your Facebook  
24 page?



1           A     I'm sorry. I don't understand.

2           Q     Did you ever e-mail it?

3           A     Yes, I did. I sent a link.

4           Q     Who did you e-mail it to?

5           A     Detective Johnson.

6           Q     And I'm going show you a little bit about this video

7     so we make sure we are talking about the same one. This is

8     what has been admitted as Exhibit 18.

9           Mr. Hager, is it difficult for you to watch these

10    videos?

11          A     Yeah, it is.

12          Q     Why?

13          A     Just everything about it is upsetting, the whole

14    situation.

15          Q     Is it emotional?

16          A     Yes.

17          Q     So at the beginning of this exhibit, is that you?

18          A     Yes, ma'am.

19          Q     And you can hear somebody talking in the background.

20    What's that?

21          A     That's the dispatch personnel.

22          Q     Is it like a police scanner?

23          A     Yes, ma'am.

24          Q     And are you drinking?

1           A     I am.

2           Q     Were you drinking a lot at this time?

3           A     I was.

4           Q     And so this video is posted on Facebook

5 February 26th. Do you remember the exact day you made it?

6           A     I don't.

7           Q     Was it fairly close in time?

8           A     Yes.

9           Q     And what was -- did you intend this video to mirror

10 a conversation you had with Detective Johnson?

11          A     I did.

12          Q     Did you intend this video in particular, just this

13 video, to get his attention?

14          A     Yes.

15          Q     What did you want to get his attention about?

16          A     My brother's case.

17          Q     Did you want to cause him to have second thoughts of

18 methamphetamine intoxication?

19          A     That was the intention.

20          Q     I'm just going to play some of this video.

21                   (A DVD was played.)

22 BY MS. HICKMAN:

23          Q     Is this video -- does it take place in your home?

24          A     Yes, ma'am.

1 Q What part of your house?

2 A The guitar loft.

3 Q And the camera angle that we can see, who set up the  
4 camera to take that angle?

5 A I did.

6 Q Was that intentional?

7 A Yes, ma'am.

8 Q So you can see in that video that there were words  
9 that just flashed across the screen?

10 A Yes, ma'am.

11 Q Who put those words there?

12 A I did in an editing program.

13 Q Did you do that after you made this video?

14 A Yes, ma'am.

15 Q And did you do that before you sent it to Detective  
16 Johnson?

17 A Yes.

18 Q Did you do that before you put it on your Facebook  
19 page?

20 A Yes.

21 Q Was that part of your intent in this video, to get  
22 Detective Johnson's attention?

23 A Yes.

24 Q And the name that flashed across the screen, was

1 that your brother's name?

2 A Yes, ma'am.

3 Q So at this point in the video, you can see that the  
4 camera angle has changed?

5 A Yes.

6 Q Did you change the camera angle?

7 A Yes.

8 Q And is it fair to say that we didn't see the camera  
9 being moved?

10 A That's correct.

11 Q So did you cut and splice this video together?

12 A Yeah. There were several different momentary  
13 lapses, I guess you could say, sections.

14 Q Was it several different videos, or was it all one  
15 video that you edited?

16 A It was several different videos. I would record a  
17 little bit and then stop and start again.

18 Q And you have the ability to put all of those  
19 together into one?

20 A Yeah, easily.

21 (A DVD was played.)

22 BY MS. HICKMAN:

23 Q So you're talking to the camera, right?

24 A Yes, ma'am.

1 Q I don't mean this offensively, but are you being  
2 fairly dramatic?

3 A Yes.

4 Q Is that intentional?

5 A Yeah.

6 (A DVD was played.)

7 BY MS. HICKMAN:

8 Q I even want to talk about what you're wearing. Can  
9 you describe it to me?

10 A It's ridiculous now that I look at it.

11 Q You have a tie around your neck?

12 A Yes, ma'am.

13 Q You're not wearing a collared shirt?

14 A No, ma'am.

15 Q You're wearing short sleeves?

16 A Yes, and a vest.

17 Q And a vest?

18 A Yeah.

19 Q Did you pick those clothes for this movie?

20 A Pretty much, yes.

21 Q As part of the theatrics of it?

22 A Yes, yeah.

23 (A DVD was played.)

24 ///

1 BY MS. HICKMAN:

2 Q Okay. So now the video has moved to a different  
3 part of your guitar loft?

4 A Yes, ma'am.

5 Q And, again, that guitar loft is in your home?

6 A Yes, ma'am.

7 Q So when we are looking at the video, do you see this  
8 brown thing that's a little bit blurry?

9 A Yes, ma'am.

10 Q Is that a bench that's in your guitar loft?

11 A Yes. Actually, it's a church pew.

12 Q Church pew?

13 A Yeah.

14 Q And then if I flip over and show you what's been  
15 admitted as Exhibit 67, is that that same guitar loft?

16 A Yes, ma'am.

17 Q And is this that same church pew?

18 A Yes.

19 Q And you can see that there's a little table right  
20 here?

21 A Yes, ma'am.

22 Q Is that the same table?

23 A Yes.

24 (A DVD was played.)

1 BY MS. HICKMAN:

2 Q The comment, "It feels like high school again," does  
3 that refer to the time that you were addicted to  
4 methamphetamine?

5 A Yeah. Things were tough back then, too.

6 (A DVD was played.)

7 BY MS. HICKMAN:

8 Q Okay. Do you see yourself holding a bag of  
9 something small and white right here?

10 A Yes, ma'am.

11 Q And that's one of those small plastic Baggies?

12 A Correct.

13 Q And you were obviously there when you filmed the  
14 video?

15 A Yes.

16 Q Was that full?

17 A Yes.

18 Q And was it so full that it was almost like squishy?

19 A Yeah, yes.

20 Q What's it full of?

21 A Kosher salt.

22 Q Not methamphetamine?

23 A Correct.

24 Q Where did you fill that Baggie up with salt?

1           A     At the top of the stairs.

2           Q     If I show you what's been admitted as Exhibit 65, do  
3 you see the salt that you used to fill that up?

4           A     Yes, ma'am.

5           Q     Where is it? Can you circle it?

6           A     It's right there. (The witness complies.)

7           Q     Mr. Hager, you're not much of a housekeeper, are  
8 you?

9           A     Not anymore. Pretty embarrassing.

10          Q     So in the photos of your home that we saw when your  
11 house was searched, you hadn't cleaned up for a significant  
12 period of time?

13          A     That's correct.

14          Q     Had you cleaned up this guitar loft at all?

15          A     Since when?

16          Q     Since you made the video that we are talking about.

17          A     No, ma'am.

18          Q     So were the things that were in this video in plain  
19 view when officers searched your house?

20          A     Yes.

21          Q     So if I go back then to the exhibit with the salt,  
22 let me zoom in on it. That salt was there when detectives  
23 searched your home; is that right?

24          A     Yes, ma'am.



1 Q Mr. Hager, it's safe to say you have used  
2 methamphetamine in the past?

3 A Yes, I have in the past.

4 Q At any time in your life have you ever been able to  
5 snort this amount of methamphetamine?

6 A No. I've never tried.

7 Q In your experience, is that a large amount?

8 A Yes.

9 Q And why did you choose such a large amount to have  
10 on this video?

11 A Again, theatrics, dramatization. Trying to go twice  
12 over what they said my brother supposedly died from and trying  
13 to get them to put more effort into this case.

14 Q So to show them that you were able to take that much  
15 and live?

16 A Right.

17 Q So it could not have been meth intoxication that  
18 killed your brother?

19 A Correct.

20 Q And just to point out the obvious, you're not a  
21 doctor?

22 A No, ma'am.

23 Q You're not a drug recognition expert?

24 A Correct.

1           Q     You're not trained in any way to know how  
2 methamphetamine may affect someone's body?

3           A     Trained, no.

4           Q     Other than at one point in your life you did use  
5 methamphetamine?

6           A     Right.

7                     But I've spoken of the results with a close family  
8 friend who's a doctor.

9           Q     I don't want you to tell me what your close family  
10 friend said.

11          A     Okay.

12          Q     So you don't know if this amount would kill somebody  
13 or not?

14          A     No, I don't.

15          Q     But when you made it, was your intent to have such a  
16 large amount that almost anyone would assume consuming that  
17 would kill a person?

18          A     Yes, ma'am.

19                     (A DVD was played.)

20 BY MS. HICKMAN:

21          Q     So we just saw the camera switch angles again.

22          A     Yes.

23          Q     Was that you editing that?

24          A     Yes.

1 Q Was that intentional?

2 A Yes, ma'am.

3 Q And when you made this video, were you trying to get

4 high?

5 A No.

6 Q Did you want any kind of a rush?

7 A No.

8 Q Were you feeding any kind of addiction?

9 A No, ma'am.

10 Q Did you buy those drugs from a drug dealer?

11 A They weren't drugs. No.

12 Q Did you choose salt because it was something you had

13 in your home?

14 A Pretty much.

15 Q And if we talk about salt, is salt a crystal?

16 A Yes, it is.

17 Q Is it white?

18 A Yes.

19 Q On this video, could it resemble methamphetamine?

20 A Especially sea salt.

21 (A DVD was played.)

22 BY MS. HICKMAN:

23 Q So, again, when we see you talking to the camera,

24 drinking, asking questions, is your conversation that you're

1 having with the camera intentional?

2 A Yeah.

3 Q Thought out?

4 A Put questions out there, yes. Sort of scripted, if  
5 you will.

6 Q It's all about your brother's death?

7 A Yes.

8 Q Not about getting high?

9 A Correct.

10 Q Not about satisfying an addiction?

11 A Correct.

12 (A DVD was played.)

13 BY MS. HICKMAN:

14 Q So you've changed the camera angle again to be able  
15 to see more of a portion of that guitar loft; is that right?

16 A Yes, ma'am.

17 Q And if you look in the background here, are there  
18 windows back there?

19 A Yes.

20 Q And you don't have blinds on those?

21 A That's correct.

22 Q And the entire time you're making this video, the  
23 light from those windows doesn't change; is that right?

24 A That's correct.

1 Q So how much time did you take actually shooting this  
2 movie?

3 A It's hard to say. Probably -- probably about an  
4 hour shooting everything.

5 Q And then you started editing it?

6 A Yes, ma'am.

7 Q And you were able to edit it because you weren't  
8 high; is that fair?

9 A Yeah.

10 Q So let me ask you the obvious question: Can you  
11 edit a video while you're drinking?

12 A Yeah.

13 Q While you're drunk?

14 A Yeah.

15 Q Okay. Were you drinking this day?

16 A Yes.

17 Q Were you drunk?

18 A I was buzzed by the end of this, yes.

19 Q So when you flash this video at Find Waldo Now, the  
20 book, that was also done after, put into the movie?

21 A Yes.

22 (A DVD was played.)

23 BY MS. HICKMAN:

24 Q The music that's playing in the background, did you

1 pick that?

2 A It's actually me playing piano.

3 Q Melancholy?

4 A A little bit.

5 Q Why?

6 A Something I used to play with my sister.

7 Q That's not music you normally get high to?

8 A No. I -- no.

9 (A DVD was played.)

10 BY MS. HICKMAN:

11 Q What are you talking about there, muscle relaxers  
12 and Marilyn Monroe?

13 A After I was diagnosed with multiple sclerosis, the  
14 first medication they started giving me was a muscle relaxer,  
15 and I found out about a month into taking it that that was  
16 what Marilyn Monroe -- the same medication she had overdosed  
17 on and --

18 Q So that's exactly what you were referencing?

19 A Yes.

20 Q When you were placed on those muscle relaxers, did  
21 you take those pursuant to a prescription?

22 A Yes, ma'am.

23 Q Did you abuse them?

24 A No.

1 Q You hesitated.

2 A Well, I did. It was a very depressing time still,  
3 since the diagnosis on. It's still pretty depressing  
4 sometimes. But at a certain point, I did try to take a large  
5 amount of the muscle relaxers at once in a suicide attempt.

6 Q When was that?

7 A The same August date of when the police responded to  
8 my home.

9 Q So August 8th of 2015?

10 A Yes, ma'am.

11 Q Or, I'm sorry. That was August 20, 2015?

12 A I think so.

13 Q Did you continue abusing those after that?

14 A No, ma'am.

15 (A DVD was played.)

16 BY MS. HICKMAN:

17 Q Okay. So, again, you hold up that Baggie for the  
18 camera?

19 A Yes.

20 Q Obviously displaying it?

21 A Yes.

22 Q You wanted to make sure that it was seen?

23 A Yes.

24 (A DVD was played.)

1 BY MS. HICKMAN:

2 Q So when you're flashing this writing on the screen  
3 that says "They have now given three different causes of death  
4 for one person," who does that refer to?

5 A My brother.

6 Q Does that refer to your frustration?

7 A Yeah.

8 Q And is that part of why you're making this video?

9 A Yeah, to disprove again and show the  
10 inconsistencies.

11 Q So when you use the word "disprove," you wouldn't  
12 disprove this video if you snorted salt, would you?

13 A I'm sorry. I wouldn't disprove the video?

14 Q You wouldn't disprove your brother's cause of death?

15 A Correct.

16 Q So when if you're saying you disproved it, was it an  
17 attempt to make a video making somebody think it was  
18 disproved, or were you actually using methamphetamine to  
19 disprove that?

20 A I was trying to make people think. I wanted more  
21 done on this case.

22 Q I'm sorry?

23 A I wanted more done on this case.

24 (A DVD was played.)



1 BY MS. HICKMAN:

2 Q Does that refer to your drug use when you were  
3 younger?

4 A Yes, ma'am.

5 Q And for the record, what you said at that point was,  
6 "Dad, thanks for the first line of coke"?

7 A Yes, ma'am.

8 Q So we've seen a lot of videos that you've filmed of  
9 yourself, and we are obviously watching this video. If you  
10 wanted to, could you have filmed yourself actually snorting  
11 that substance?

12 A Easily.

13 Q Could you have made it obvious that you were  
14 actually ingesting something?

15 A Absolutely.

16 Q You don't in this video?

17 A That's correct.

18 Q Why not?

19 A Because I'm not ingesting anything.

20 Q Was it your choice to sit on the pew back there?  
21 Was that intentional?

22 A Yeah. Out of sight with the lighting, with the box  
23 in front of the substance.

24 Q On your table, do you see what's right here?

1           A     Yes.

2           Q     It's a small wooden box?

3           A     Yes.

4           Q     Is it shaped like a coffin?

5           A     Yes, it is.

6           Q     That's what it looked like to me, but I wasn't sure.

7                 Is that the same box that is seen on the floor in

8 your guitar loft when the officers searched your home?

9           A     Yes, ma'am.

10          Q     And that's the same box that was sitting on the

11 table?

12          A     That's correct.

13          Q     That you pulled something out of?

14          A     Yes.

15          Q     What did you pull out of there?

16          A     I pulled out, I think the bag -- the backing to one

17 of my guitars, something metal to make it look like I was

18 cutting out lines.

19          Q     What did you do with that piece of metal?

20          A     I made the motions. I played the role.

21          Q     My question is what did you do with it after this

22 video?

23          A     Oh, it should be right in that area or back in the

24 box.

1 Q Back in that coffin-looking box?

2 A Yes, ma'am.

3 Q So if the police would have collected that, they

4 could have looked at that?

5 A Yeah.

6 (A DVD was played.)

7 BY MS. HICKMAN:

8 Q And was that you just grabbing that piece of your

9 guitar?

10 A Yeah, yes, the backing for the neck -- the neck

11 plate.

12 Q So what are you moving around in this video right

13 now?

14 A Salt on a Bible.

15 Q I want to talk to you a little bit about that Bible.

16 What did you do with the Bible after you filmed this

17 video?

18 A I walked up to the camera and acted like I was

19 pouring what was left off.

20 Q Did you throw that Bible away?

21 A Absolutely not. My aunt bought me that Bible.

22 Q Did you take it out of your house?

23 A No.

24 Q Where is it?

1           A     Well, it's still in the room, I think.

2           Q     So if the police would have looked for it, they  
3 could have found it?

4           A     Easily. If you look right -- can I touch the  
5 screen?

6           Q     Yeah, you can touch it.

7           A     It's right here. She got me the whole Bible setup  
8 stuff. She is really spiritual. So it's like a holder to  
9 prop the book up.

10          Q     So it would have been there if the police would have  
11 looked?

12          A     Yes, ma'am.

13                               (A DVD was played.)

14 BY MS. HICKMAN:

15          Q     Did you just actually snort anything?

16          A     No, ma'am.

17          Q     Real or fake?

18          A     It's fake.

19          Q     What did do you with that straw?

20          A     Dropped it.

21          Q     Did you ever take it downstairs to wash it?

22          A     No, ma'am.

23          Q     So it should have still been up there?

24          A     Absolutely.

1 Q Real or fake?

2 A Fake.

3 Q Are you high?

4 A No, ma'am.

5 Q Are you experiencing any euphoria or rush from doing  
6 anything?

7 A No, ma'am.

8 (A DVD was played.)

9 BY MS. HICKMAN:

10 Q The music that we hear playing, is that in the  
11 background, or did you record that over the movie when you  
12 edited it?

13 A I had to insert the audio clip into the editing  
14 process when I was done with it. That's why I decided to put  
15 the captions and stuff, because I have experience working in a  
16 studio, and you can get in trouble if you don't give credit to  
17 an artist for their work.

18 Q So while you're doing this, this melancholy sad song  
19 isn't playing in the background?

20 A Yes.

21 Q You did it later?

22 A Yes.

23 Q When you edited the movie?

24 A Correct.

1           Q     That you made to try to get Detective Johnson to pay  
2 attention --

3           A     Yes, ma'am.

4           Q     -- to the theory that he told you about your  
5 brother's death?

6           A     Yes.

7                                 (A DVD was played.)

8           MS. HICKMAN: I'm just going to skip forward.

9                                 (A DVD was played.)

10 BY MS. HICKMAN:

11          Q     It looks like you just toasted to the sky?

12          A     Yeah.

13          Q     What was that about?

14          A     More drama.

15          Q     Huh?

16          A     More dramatics.

17                                 (A DVD was played.)

18 BY MS. HICKMAN:

19          Q     This was added afterwards?

20          A     Yes, ma'am.

21                                 (A DVD was played.)

22 BY MS. HICKMAN:

23          Q     I want to pause this.

24                                 You said that the Bible was on like a stand-up thing

1 on the table?

2 A Yes, ma'am.

3 Q Is that what you can see in the background here?

4 A Yes, ma'am.

5 (A DVD was played.)

6 BY MS. HICKMAN:

7 Q Okay. Are you high?

8 A No, ma'am.

9 Q Have you ingested methamphetamine?

10 A No, ma'am.

11 Q Looking at this, is your nose red like you've  
12 actually snorted anything?

13 A No, it doesn't appear to be.

14 (A DVD was played.)

15 BY MS. HICKMAN:

16 Q So that's that Bible we were talking about that your  
17 aunt gave to you?

18 A Yes, ma'am.

19 (A DVD was played.)

20 BY MS. HICKMAN:

21 Q Did you ever pick that bag up and throw it away?

22 A No, ma'am.

23 Q Let me go back to this photo.

24 This is your loft?

1           A     Yeah.

2           Q     Is that that Bible?

3           A     Yes, ma'am.

4           Q     Sitting right here?

5           A     Yes.

6           Q     And that's where it would have been on the day that

7 the officers searched your home?

8           A     Yeah. This is their picture, isn't it?

9           Q     Yes.

10          A     Yeah.

11          Q     This is what has been admitted as Exhibit 68.

12                So, Mr. Hager, did this video have the desired

13 result?

14          A     I'm sorry?

15          Q     Did this have the desired result?

16          A     No.

17          Q     Did Detective Johnson reopen an investigation into

18 your brother's case?

19          A     No.

20          Q     Did he all of a sudden doubt the meth intoxication

21 theory?

22          A     He didn't even contact me again.

23          Q     And part of that was your own doing, right?

24          A     Yes.



1 Q Did you ever speak about this video with a detective  
2 from the Sparks Police Department?

3 A Yes. Detective Rowe.

4 Q Detective Rowe?

5 A Yes, ma'am.

6 Q Do you remember when that was? Not the date but  
7 what was going on?

8 A Yeah.

9 Q What?

10 A I was being arrested.

11 Q Was it at the Sparks Police Department?

12 A Yes, ma'am.

13 Q And when he asked you what it is, why didn't you  
14 tell him it was salt?

15 A Because I figured, a different department, maybe I  
16 could get them to look into his case if I lied.

17 Q Okay. So you wanted to continue this charade to try  
18 to get another department to open your brother's case?

19 A Yeah. That was important enough to me, yeah.

20 Q And you were arrested in April of 2016?

21 A Yes, ma'am.

22 Q So about a month after you made this video?

23 A Yes.

24 Q At the time you were arrested, had your anger

1 subsided?

2 A Anger, yeah.

3 Q What were you feeling?

4 A I was still heartbroken.

5 Q Frustrated?

6 A I was definitely still frustrated.

7 Q So you were hoping that Detective Rowe may take over  
8 your brother's case or make a referral or contact somebody or,  
9 really, anything?

10 A Something. Anything.

11 Q Okay. Why didn't your opinion change when he told  
12 you you were being arrested for it? Why didn't you save your  
13 own skin?

14 A It was important enough to me to keep trying to try  
15 to find justice for my family member.

16 Q So when he said "I'm arresting you as somebody who  
17 is an unlawful user of narcotics," you didn't say, "Just used  
18 salt"?

19 A Right.

20 Q You didn't say, "It was make believe"?

21 A No.

22 Q You didn't say, "I just made a movie"?

23 A No.

24 Q And that was because you were hoping he would take

1 you seriously?

2 A Yeah. At that point, I knew I was committed to this  
3 and could hopefully get some resolution out of my brother's  
4 case.

5 Q Okay. And you said something to Detective Rowe  
6 along the lines of "The truth fucks me again"?

7 A Yes, ma'am.

8 Q So you indicated that you knew that you were in  
9 trouble.

10 A Yes.

11 Q But you still didn't take the chance to get yourself  
12 out of trouble?

13 A No.

14 Q You've changed that story today, right?

15 A I have.

16 Q Have the detectives looked into your brother's case?

17 A No.

18 Q Does that play a role in your decision to tell  
19 people what that really was?

20 A Yes.

21 Q Mr. Hager, did you live at this 2460 Anqua Drive  
22 house in 2012?

23 A Yes.

24 Q When you were put into Mental Health Court?

1           A     Yes, ma'am.

2           Q     And you lived there throughout your time in Mental  
3 Health Court?

4           A     Yes, ma'am.

5           Q     How big is that house?

6           A     I think it's 2600 square feet.

7           Q     How many bedrooms does it have?

8           A     Four bedrooms, two and a half baths.

9           Q     You said "four bedrooms"?

10          A     Yes, ma'am.

11          Q     At the time you were arrested in April of 2016, were  
12 you sleeping in the master bedroom?

13          A     No.

14          Q     Why not?

15          A     My ex-wife picked the house, and I bought it. After  
16 everything fell apart at the end of 2012, the further loss of  
17 family and then her leaving, I didn't sleep in that room  
18 anymore. But I went in there to use the shower in the master  
19 bathroom, and that was it.

20          Q     But all your stuff is in there?

21          A     Yes.

22          Q     There's blankets on the bed?

23          A     Clothes everywhere.

24          Q     And there's that SIG Sauer firearm in there?

1           A     Yes, ma'am.

2           Q     So you used the room?

3           A     Yes.

4           Q     Did you ever drink in there?

5           A     Only in passing.

6           Q     Because there's lot of beer bottles in there; is  
7 that fair?

8           A     Yes, it was a man cave gone wrong, I guess you could  
9 say.

10          Q     I'm showing you what's been admitted as Exhibit 74.

11          A     Yes, ma'am.

12          Q     It's not an empty room?

13          A     Right.

14          Q     And you can see that you have a ton of beer bottles  
15 here, right?

16          A     Yes.

17          Q     And these are your shoes under the bed?

18          A     Yes.

19          Q     Everything in that room is yours?

20          A     Yes, ma'am.

21          Q     And this is the bedside drawer in that room, right?

22          A     Yes, ma'am.

23          Q     Have these plastic Baggies ever been used?

24          A     No. I think those are new.

1 Q So if they are new, it's fair to say they never had  
2 a controlled substance in them?

3 A Absolutely.

4 Q You never consumed a controlled substance that came  
5 out of those?

6 A No, ma'am.

7 Q Have these Baggies ever been used?

8 A No.

9 Q Have those ever had a controlled substance in them?

10 A No, ma'am.

11 Q Have you ever used a controlled substance that comes  
12 out of those?

13 A No.

14 Q Can you remember why you put those Baggies in that  
15 drawer?

16 A That's a junk drawer.

17 Q And then this pipe which you've heard referred to as  
18 a meth pipe?

19 A Yes.

20 Q Do you recognize that as a meth pipe?

21 A I recognize it as a meth pipe, yes.

22 Q How would you know that?

23 A My experience and expertise.

24 Q Because you smoked methamphetamine before?

1 A Yes.

2 Q When was the last time you used that pipe?

3 A I don't know that I ever used that pipe.

4 Q So can you tell me if you used that pipe in 2012?

5 A Not in 2012, no.

6 Q How about in 2013?

7 A The one relapse I had in January of 2013, it's

8 possible I used that pipe.

9 Q How about 2014?

10 A No.

11 Q 2015?

12 A No, ma'am.

13 Q 2016?

14 A No, ma'am.

15 Q Did detectives ever ask you about all the items that

16 were found in this drawer?

17 A No.

18 Q Did they ever ask you when you used meth out of that

19 pipe?

20 A No.

21 Q They didn't ask you if you ever used it at all,

22 right?

23 A Correct.

24 Q If they would have collected those Baggies, would

1 they have found drug residue in them?

2 A No, ma'am.

3 MS. HICKMAN: Can I have this marked.

4 (Exhibit 101 marked for identification.)

5 THE COURT CLERK: Exhibit 101.

6 BY MS. HICKMAN:

7 Q I'm showing you what's been marked as Exhibit 101.

8 MR. PRENGAMAN: I'll stipulate.

9 MS. HICKMAN: I'm sorry?

10 MR. PRENGAMAN: I'll stipulate.

11 THE COURT: 101 is admitted.

12 (Exhibit 101 admitted into evidence.)

13 BY MS. HICKMAN:

14 Q This is another picture of that guitar loft?

15 A Yes, ma'am.

16 Q And if we look right here, is this about where you

17 sat when you made the movie that we just watched?

18 A Yes.

19 Q I'm going to show you the picture before I put it up

20 here.

21 A Okay.

22 MS. HICKMAN: So if I may approach?

23 THE COURT: You may.

24 ///



1 BY MS. HICKMAN:

2 Q If you look closely at that picture, off to the side  
3 near the table, do you see a small white crystal looking like  
4 substance?

5 A Right here?

6 Q Yes.

7 A Yes.

8 Q What is that?

9 A Salt.

10 Q Why is there salt there?

11 A Because that's what I used to make the movie.

12 Q So if I zoom in on this, I'm not sure if it will  
13 show up. Can you see that white substance at all?

14 A Right there?

15 Q Yes.

16 A Yeah.

17 MS. HICKMAN: And, Judge, I would ask for permission  
18 to pass this photo around to the jury.

19 THE COURT: Granted.

20 MS. HICKMAN: Thank you.

21 BY MS. HICKMAN:

22 Q So, Mr. Hager, at the time that your home was  
23 searched on April 8th, 2016, were you in possession of a  
24 Bushmaster .223 caliber assault rifle?

1           A     I'm sorry.  What?

2           Q     When your house was searched --

3           A     Uh-huh.

4           Q     -- on April 8th of 2016, were you in possession of a

5 Bushmaster .223 assault rifle?

6           A     Yes, ma'am.

7           Q     And was that an assault rifle that you got back from

8 the Nevada Highway Patrol after you completed Mental Health

9 Court?

10          A     That's the same one.

11          Q     And were you in possession of a Winchester 20-gauge

12 shotgun?

13          A     Yes, ma'am.

14          Q     And how did that come back into your possession?

15          A     From a Sparks Police Department evidence technician.

16          Q     And were you in possession of a Navy Arms handgun?

17          A     Yes, ma'am.

18          Q     Were you in possession of a Colt 1911 handgun?

19          A     Yes, ma'am.

20          Q     How did that come back into your possession?

21          A     Sparks Police Department evidence technician.

22          Q     Were you in possession of a Sears and Roebuck

23 shotgun?

24          A     Yes, ma'am.

1           Q     Were you in possession of a SIG Sauer .40 caliber  
2 handgun?  
3           A     Yes, ma'am.  
4           Q     How did you come back into possession of that  
5 handgun?  
6           A     Nevada Highway Patrol evidence technician.  
7           Q     Were you in possession of a Ruger .22 caliber rifle?  
8           A     Yes, ma'am.  
9           Q     Were you addicted to methamphetamine at that same  
10 time?  
11          A     No, ma'am.  
12          Q     Were you addicted to methamphetamine in November of  
13 2015?  
14          A     No.  
15          Q     Or at any time up until the day you were arrested?  
16          A     No, ma'am.  
17          Q     Did you use methamphetamine during that same time?  
18          A     No.  
19          Q     Did you use any other controlled substance?  
20          A     No, ma'am.  
21          Q     Drank alcohol?  
22          A     Yes.  
23          Q     And the firearms that you got back from Sparks  
24 Police Department, once those were released to you from the

1 police agency who took them from you, did you have any reason  
2 to doubt that you were allowed to have those?

3 A No. I mean, the police gave them back to me,  
4 essentially.

5 Q And the firearms that were released to you from the  
6 Nevada Highway Patrol, after consulting with the Humboldt  
7 District Attorney's Office, did you have any reason to doubt  
8 that you could not be in possession of those firearms?

9 A No. They are the ones that oversee and make sure  
10 you can have them back.

11 MS. HICKMAN: Thank you, Judge. I have no further  
12 questions.

13 THE COURT: Thank you.

14 Cross-examination?

15 MR. PRENGAMAN: Judge, may we approach?

16 THE COURT: You may.

17 (Discussion at the bench.)

18 THE COURT: Ladies and gentlemen, we are going to  
19 take a brief recess. The lawyers have some things they want  
20 to talk to me about as we move to the next phase of the trial.  
21 So we are going to take a short recess. Remember my  
22 admonition. We'll call you back in just a little bit. Thank  
23 you so much.

24 (The jury left the courtroom.)