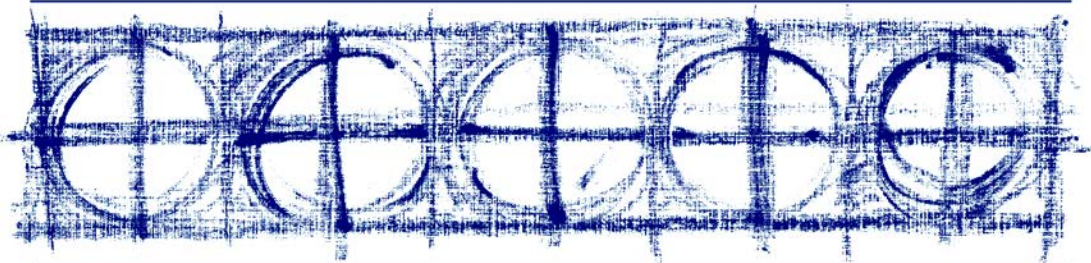


2015

# Case Materials

Idaho High School Mock Trial Competition

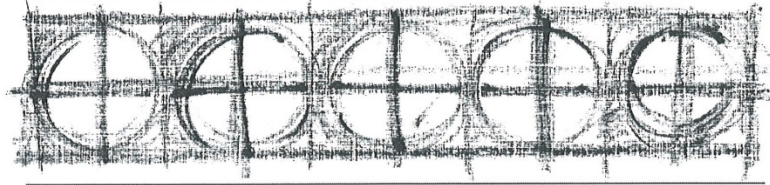
IDAHO LAW FOUNDATION



*Helping the profession serve the public*



# IDAHO LAW FOUNDATION



*Helping the profession serve the public*

25 November, 2014

Dear Mock Trial Teams & Coaches:

Welcome to the 2015 Idaho High School Mock Trial season! All of us at the Idaho Law Foundation look forward to working with you throughout the mock trial season.

The Mock Trial Committee is excited to provide you the opportunity to try this criminal case that includes an allegation of assault on a Federal officer. Our hope is that this case will give you the chance to grapple with some important and current legal issues while getting to know some interesting characters.

The materials included here were developed by the 2015 Idaho Mock Trial Committee including Rob Adelson, Greg Dickison, Mike Fica, and Lori Fleming. The materials were reviewed by Brenda Bauges, Andrew Jenkins, and Lisa Nordstrom. Thank you to everyone for your hard work, dedication, and invaluable assistance. You made both the process and the case very meaningful.

Mock trial could not operate without the generous contributions of our donors and volunteers. The Law Foundation would like to thank the many individuals and organizations who provide ongoing support for mock trial.

As you participate in the mock trial season, please remember the over 100 people, including Law Foundation staff and volunteers, make this competition possible. Your teacher sponsor and attorney coach will likely spend countless hours helping you prepare for competition. You will also meet judges, coordinators, and staff members who gladly give their time to support the mock trial program. Make sure you thank all these people for their commitment to making the mock trial program a wonderful experience for you.

Please feel free to contact me at (208) 334-4500 or [cshoufler@isb.idaho.gov](mailto:cshoufler@isb.idaho.gov) with any questions or concerns at any time throughout the season. Best of luck to you and your team as you prepare for the 2015 mock trial season.

Cheers!

Carey A. Shoufler  
Law Related Education Director

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Craig L. Meadows,  
*Vice President*  
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*Executive Director*



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## Case Background

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On Wednesday, September 18, 2013 on a rainy early evening at approximately 5:30 PM, about an hour before sunset, agents from the Coeur d'Alene office of the Drug Enforcement Agency showed up at Meadow's Bounty Family Farm just outside of Priest River, Idaho. The owner of record of Meadow's Bounty is Stacy Collins, who set aside part of the farm to grow and sell medicinal marijuana, which had become legal in Idaho in 2011.

DEA representatives arrived to serve a search warrant and conduct a search based on allegations that Stacy was going beyond his/her mandate to only grow and sell medicinal marijuana, and had instead, according to the allegations, been selling recreational marijuana to juveniles, which is not legal in Idaho. They set up in a church parking lot across the street from Stacy's property in an unmarked, black SUV, dressed in plain clothes.

While the DEA officers were attempting to serve the warrant to Collins at his/her home, a gun battle ensued. Special Agent Avery Miller suffered gunshot wounds to both the shoulder and the leg. As a result of this incident, Stacy Collins has been charged with assault on a federal officer. Stacy has maintained his/her innocence, claiming that s/he fired in self-defense.

## Disclaimers

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This is a work of fiction. The names, characters, businesses, organizations, places, events and incidents herein are the product of the authors' imaginations.

This case is meant to provide an opportunity for students to explore current and relevant legal issues. It is not meant to provide any kind of commentary, either for or against, current political issues regarding the legality of marijuana or the state of veterans' affairs.

## Version Changes

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1. Version 1.0, dated 25 November, 2014 does not include any changes.
2. Version 2.0, dated 30 December, 2014 includes the following questions and changes:

**Q: Would you add a stipulation to ensure that teams know that medical marijuana is not legal in Idaho?**

*A: The case materials include a disclaimer that informs teams that the case is a work of fiction. It is the responsibility of coaches to ensure that their teams are informed what aspects of the case, including the legal aspects of the case, are fictionalized.*

**Q: Given that Quinn and Stacy are referred to as a couple in this case, do we need to specify the genders of these two characters so teams know how assign witness roles?**

*A: No. The mock trial program is aware that this is different from other cases that we have developed, but expects teams to address this situation with maturity and decorum, regardless of the genders playing the roles on either side.*

**Q: The charging document indicates that the injury to Avery Miller was to the left shoulder and left leg, but other places in the case materials refer to the injury as being to the left shoulder and right leg. Is this difference intentional?**

*A: No. The charging document has been changed to indicate that the injury is to the left shoulder and right leg.*

**Q: All instances in the case materials indicate the incident occurred on September 18, 2013 except the charging document which has the date as June 19, 201. Is this an error?**

*A: Yes. The charging document has been changed to indicate the date of this incident is September 18, 2013.*



**Q: In Avery Miller’s witness statement, line 108 refers to Stacy. Is that supposed to say Chris?**

*A: No. The reference is meant to be Stacy. The statement has been edited to provide more context for the statement.*

**Q: In Chris Hayden’s witness statement, lines 63 to 65, the dates seem off. It lists something happening in June and then something that seems to come after this happening in May. Is this intentional?**

*A: No. The dates have been changed in those lines to be April and June.*

3. Version 3.0, dated 28 January, 2015 includes the following questions and changes:

**Q: The materials refer to both a basement and an upstairs. Does the house have a basement, an upstairs, or both?**

*A: The case materials are correct as written.*

**Q: Line 102 of Chris Hayden’s statement refers to uses both the words break and head. Is this a typo?**

*A: Yes. The word “head” has been deleted.*

**Q: Exhibit 1 indicates that Stacy Collins is Caucasian and male. Is that intended to constrain the casting of the character or the testimony?**

*A: No. The characterization of Stacy as Caucasian and male is not intended to limit the role.*

**Q: Exhibit 1 indicates that the document is pages 1, 2, and 3, of 5 pages? Is it intentional that two pages have been left out?**

*A: The materials are correct as written.*

## Stipulations

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1. In a pretrial hearing, the court ruled that the Federal government could enforce Federal marijuana laws even though some uses of marijuana are legal in Idaho.
2. Stacy Collins waived any doctor/patient privacy rights in order to have Dr. Vandenberg testify on his/her behalf. No objection may be made to Dr. Vandenberg's testimony based on privacy or privilege.
3. Sunset in Priest River, Idaho on September 18, 2013 occurred at 6:55 p.m.
4. A pretrial hearing was held on a defense motion challenging the legality of the warrant. The court held 1) that it was not making a determination as to whether the allegations made to obtain the warrant were true, but 2) if they were taken as true they were a sufficient basis for the warrant.
5. Following Stacy Collins' arrest law enforcement officers conducted a search of his/her residence. The officers did not find evidence that Stacy Collins was distributing marijuana outside the bounds of Idaho law.
6. While all exhibits included in the case materials are authentic and accurate representations and the proper chain of custody with regard to the exhibits has been maintained, teams must still use the proper procedures for admitting exhibits into evidence.
7. The signatures and signature representations (items marked with /s/) on the witness statements and all other documents are authentic. No challenges based on the authenticity of witness signed documents will be entertained.
8. The dates of witness statements are not relevant and therefore not included. No challenges based on the dates of the witness statements will be entertained. All statements were taken after the alleged incident but before trial.
9. The jurisdiction and venue for this mock trial case have been previously established and are proper.
10. All parties have agreed to the jury instructions.
11. Trial time will not permit the use of all the exhibits provided in the following materials. Each party must select and use only those exhibits that best support and illustrate that party's theory of the case.

# Charging Documents

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## Indictment

United States District Court, District of Idaho  
By: Micah Thompsen, Assistant United States Attorney  
6450 Mineral Drive, Suite 210  
Coeur d'Alene, ID 83815

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THE UNITED STATES OF AMERICA,	)	
	)	Case No. IDMT2015
Plaintiff	)	
vs.	)	
	)	<b>INDICTMENT</b>
STACY COLLINS,	)	
	)	18 U.S.C. § 111 (a)-(b)
Defendant	)	

---

The Grand Jury charges:

**COUNT ONE**

**Assault Resulting in Serious Bodily Injury  
18 U.S.C. § 111(a)-(b)**

On or about September 18, 2013, in the District of Idaho, the defendant, STACY COLLINS, forcibly assaulted Avery Miller, a Special Agent with the Drug Enforcement Administration, a federal officer within the meaning of 18 U.S.C. § 1114, who was engaged in the performance of his/her official duties, by shooting Special Agent Miller in the left shoulder and right leg, with a deadly and dangerous weapon, to wit a firearm, inflicting bodily injury upon Special Agent Miller while Special Agent Miller was executing a search warrant, in violation of 18 U.S.C. § 111 (a)-(b).

DATED this 3rd day of April, 2014



By: Micah Thompsen

Assistant United States Attorney

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

## Notice of Self Defense

ADELSON, DICKISON, FICA, FLEMING, & SHOUFLER, P.A.  
By: Jem Trotter, Attorney at Law  
123 Main Street  
Priest River, ID 83856

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO


THE UNITED STATES OF AMERICA,	)	
	)	Case No. IDMT2015
Plaintiff	)	
	)	
vs.	)	<b>NOTICE OF SELF-DEFENSE</b>
	)	
STACY COLLINS,	)	
	)	18 U.S.C. § 111 (a)-(b)
Defendant	)	

TO: The United States Attorney in the above-entitled case:

Comes now the Defendant, Stacy Collins, and hereby informs you that the Defendant intends to rely at trial on the defense of SELF-DEFENSE. The following facts form the basis for the defense:

1. The Defendant, Stacy Collins, was unaware when officers breached the door to his home on September 18, 2013, that Avery Miller was a federal agent;
2. The Defendant, Stacy Collins, reasonably believed the use of force was necessary to defend himself against an immediate use of unlawful force; and
3. The Defendant, Stacy Collins, used no more force than he reasonably believed necessary to prevent his own death or great bodily harm.

DATED this 23rd day of April, 2014

  
\_\_\_\_\_  
Jem Trotter  
Adelson, Dickison, Fica, Fleming  
& Shoufler

# Witness Statements

---

## Prosecution Witness Statements

### *Chris Hayden: Drug Enforcement Agency Lead Agent & Crime Scene Investigator*

1 My name is Chris Hayden. I'm 45 years old, divorced with two grown kids. My  
2 son is a medical student at Vanderbilt University in Nashville. My daughter is a  
3 Special Agent with the FBI, assigned to the Field Office in Santa Ana, California.  
4 Needless to say I am quite proud of both of them.

5 I am currently assigned as the Resident Agent in Charge, or RAC, at the Drug  
6 Enforcement Agency Field Office in Coeur d'Alene, Idaho. I have been in that  
7 position for about 2 years.

8 I grew up in Leonardtown, Maryland, which is in Southern Maryland, the child  
9 of two career Navy officers. I attended the University of Maryland, where I received  
10 an undergraduate degree in Criminal Justice.

11 I went to work for the DEA right out of college, and have worked for the agency  
12 for over 22 years. I was originally assigned to the Boston Field Office where I  
13 worked for 8 years as a field agent. While there I received a masters' degree in  
14 Criminal Justice with an emphasis in crime scene and active shooter investigations  
15 from Tufts University. Because of my degree, in addition to my other  
16 responsibilities, I investigate active shooter cases for the DEA. In other words, I  
17 determine after the fact whether an agent was justified in firing his or her weapon.  
18 In total I have investigated over 300 active shooter cases during the course of my  
19 career.

20 From Boston, I transferred to the El Paso Field Office. Working on the border  
21 was eye opening. I saw the devastating effect of drugs first hand. I also saw the  
22 tremendous amount of money that was made by the drug cartels from the sale of  
23 illegal narcotics. It was sickening to me that they got so wealthy off the poison that  
24 was shipped across the border.

25 And it was not just methamphetamine and cocaine, the amount of marijuana we  
26 saw was staggering. I am talking hundreds of pounds a day. And I saw the  
27 devastating effects that marijuana had on our community there. It's why I have been  
28 so adamant about opposing the legalization of marijuana here in Idaho and why, as

29 long as marijuana is still illegal under Federal law, I will do everything I can to keep  
30 it out of our communities. It's my job to enforce the letter of the law no matter what  
31 Eric Holder has to say about the situation.

32 I left El Paso after 6 years. Some might say that I was asked to leave El Paso for  
33 being a little too cozy with one of the citizen border patrol groups, but that's just not  
34 the case. First of all, those folks aren't doing anything wrong. Texas is an open-carry  
35 state and they are just trying to protect their country from illegal activity. Second of  
36 all, would I have gotten a promotion if I had been doing anything untoward?

37 So, after El Paso, I was transferred to the Denver Field Office as a Team Leader.  
38 This is where I first assumed supervisory responsibilities. I worked there for 6 years  
39 before I was promoted to RAC for the North Idaho Field Office. As the RAC, I  
40 supervise 8 agents. I handle all the administrative responsibilities for the office. I  
41 also supervise their case work. I am not a sit in the office kind of officer though. I  
42 find that the best supervisors get their hands dirty. So every chance I get, I go out in  
43 the field. I will often assist in cases like the Stacy Collins case.

44 I am not going to sugar coat it: this case is a perfect example of why those that  
45 talk about marijuana not being a dangerous drug are full of it. In my career, I have  
46 seen just as much, probably more, criminal activity from marijuana as any other  
47 drug. And people who say that marijuana dealers can't be violent, well look at Stacy  
48 Collins.

49 I know that marijuana is legal for medical purposes in Idaho, at least according  
50 to the new hug-a-thug legislation. I think that is a bunch of bull, but that is the way  
51 it is. It is clearly understood that, although what these sellers are doing is illegal  
52 federally, we are to let marijuana alone except in specific circumstances. One such  
53 circumstance is when they marijuana dealers are selling to minors.

54 Everyone knows Stacy Collins around here. S/he is a kook. Collins has been a  
55 big proponent of legalizing marijuana, going to all their rallies and what not. Collins  
56 claims that marijuana is a good treatment for a number of issues common to  
57 veterans. S/he claims marijuana has really helped him/her deal with all the awful  
58 things that happened during his/her service. If you ask me, you would have to  
59 smoke marijuana to believe that line. As a Federal Officer, I have served in war  
60 zones in my own country. I have kept this country safe for over 20 years and you

61 don't see me needing to turn to drugs or alcohol to deal with all I have gone through.  
62 PTSD, my eye.

63       Anyway, in approximately April of last year we got a call from a local school  
64 resource officer. He indicated that he had overheard a student at the high school  
65 talking about getting marijuana from Collins. Then in June the police arrested an  
66 associate of Collins on heroine distribution charges. We interviewed the guy, and he  
67 was very open and helpful in telling us that a lot of people were getting marijuana  
68 from Collins on a regular basis, with or without a prescription. Now I know, given  
69 the politics, this was not a big deal, but he also told us that he had seen juveniles  
70 over at Collins' house purchasing marijuana.

71       We conducted surveillance on Collins' residence at 1234 Old Priest River Road  
72 for the next several weeks. During this time period we observed numerous  
73 individuals coming and going from the residence, staying there for shorter periods of  
74 time. Several of these individuals were known drug users in the community. We  
75 also observed several individuals that looked like juveniles coming and going from  
76 the residence. We conducted a stop on one individual, a juvenile that had a  
77 probation warrant for her arrest, after she left the residence. She had marijuana on  
78 her, and eventually admitted to us that she had got it from Collins.

79       Based upon that information we decided to apply for a search warrant for  
80 Collins' residence. Because medical marijuana is legal in Idaho, but not federally,  
81 we applied for a search warrant from the U.S. District Court. Based upon the  
82 information we had, we obtained the warrant to search Collins residence for  
83 evidence of marijuana distribution. We were specifically looking for evidence of  
84 distribution to minors, or to those not allowed to possess medical marijuana.  
85 However, since it is illegal under Federal law, I instructed my agents that they were  
86 to seize any evidence of marijuana production or distribution. I had officers conduct  
87 surveillance of the residence in an attempt to determine a time when there would be  
88 no one but Collins at the residence. Surveillance officers watching the house  
89 determined that early evening would be a good time.

90       On September 18, surveillance indicated that there had been no one coming or  
91 going from the residence for several hours. However, since Collins' Ford Explorer  
92 was parked in the driveway, we believed s/he was home. Prior to execution of the  
93 search warrant we all met at the Bonner County Sheriff's Department for a pre-

94 search briefing. Everyone was in attendance that was going to execute the warrant.  
95 It was determined that this would be a “low risk” search warrant. We had no  
96 indication that Collins had firearms at the residence, and there was no history of  
97 violent behavior. That is not to say we did not take the execution of the warrant  
98 seriously. There are standard procedures we follow when executing all warrants no  
99 matter the risk factor, but this was not a warrant where we expected any heightened  
100 risk of violence.

101 The plan was that the initial team would enter the house by a side door which  
102 opened into the kitchen. Half the team would break upstairs to search the second  
103 floor of the house and half would go to the left and search the main floor of the  
104 house. The initial goal would be to secure Collins and remove him/her from the  
105 house, upon which the team would search the residence.

106 We staged across the street from the house in a parking lot of a local church.  
107 Looking back, that was probably a bad idea because we were in plain view of Collins’  
108 residence, and I am quite sure Collins saw us there and knew we were coming. Each  
109 officer was instructed to gear up. Since we all work narcotics we are generally in  
110 street clothes, not uniforms.

111 When we execute a search warrant though, each officer is supposed to put on  
112 body armor and wear additional clothes identifying him or her as law enforcement. I  
113 did a cursory inspection of everyone and am certain that everyone had body armor  
114 on that identified them as law enforcement, including Miller. I also noticed that  
115 several officers had jackets on identifying them as DEA or law enforcement, but I  
116 can’t say for certain whether Miller did or not.

117 We had previously determined that I would knock and announce, and Special  
118 Agent Morris would stand by with a battering ram to force open the door if Collins  
119 did not answer. Miller was the second officer in the “stack” or line. That meant s/he  
120 was to enter the home and be the first officer to turn left and head into the kitchen.

121 We approached by a side door off the driveway. The officers lined up to the left of  
122 the door and myself and the breaching officer, that’s the officer who will enter the  
123 scene first, stood to the right. I loudly knocked and yelled, “Police, search warrant!”  
124 and began counting out loud to ten. I then repeated that twice to allow the 30  
125 seconds to pass, as required by our policy. Right after I knocked and yelled the first  
126 time, I swear I could see movement in the kitchen. I could not tell really good as it



127 was difficult to see in with little light, but my impression was that Collins was going  
128 to answer the door. Unfortunately, s/he didn't. I then yelled breach and the door was  
129 forced open.

130 As soon as the door was forced open, the officers entered the residence, with  
131 officers going both into the kitchen and main floor and the others heading upstairs.  
132 After several seconds I heard Miller yell "kitchen clear." About a second later I  
133 heard Special Agent Moss, who was the first officer to go up the stairs yell "second  
134 floor clear." Immediately after that I heard three quick gunshots. At first I thought  
135 they had come from upstairs and my attention turned that way. In retrospect  
136 though, they were coming from the main floor of the house. I don't know how many  
137 of the shots were coming from the officers.

138 I can't remember the exact order of events at that point, but almost  
139 simultaneously, I heard someone yell "officer down" while at the same time I heard a  
140 door slam and additional shots that seemed much more muffled, like they were  
141 coming from the back of the house. It was then that I entered the kitchen. I saw  
142 Miller lying on the floor and several other officers with their guns drawn firing from  
143 the kitchen toward the living room area. Realizing we were in an active shooter  
144 situation I yelled for everyone to stop shooting and to pull out of the house. Another  
145 officer and I drug Miller out the door. As we were doing so I saw movement from the  
146 back of the living room and a flash and gun. I again ordered the officers to not  
147 return fire but get out, and we got Miller out of the house and we all took cover.

148 I had no sooner called on the radio for back up officers and an ambulance, when I  
149 heard Collins yell from inside the house, "I give up! Don't shoot." I ordered Collins  
150 to lie on the ground just outside the kitchen entrance with his/her hands opened. I  
151 then had several officers arrest him/her. Officers found a gun with the action  
152 opened and all the rounds shot lying in the kitchen. A similar clip, which was  
153 empty, but which was hot, indicating it had just been ejected from a fired gun was  
154 found in the back bedroom. Another gun was lying on the bed loaded and the action  
155 was cocked and ready to fire.

156 Miller had two gunshot wounds to his/her left shoulder. S/he also had one wound  
157 just below the side of his/her right buttocks. All three wounds were determined to  
158 have been caused by bullets fired from the gun found in the kitchen of the residence.  
159 Based upon my examination of the scene, it appears that Collins first shot Miller

160 twice in the shoulder. Miller then spun around after which Collins shot Miller in the  
161 leg while Miller's back was turned. This is indicated by the entry wound on the leg  
162 being in the back part of the leg and the blood spatters on the wall near Miller's leg

163 In addition to the bullet holes found in the kitchen and hallway, there were  
164 several bullet holes going through the wall from the extra bedroom into the entry  
165 way. If you look at these holes you can see that the wall material around the hole is  
166 beveled. This indicates the bullet passed through the wall in the direction of the  
167 beveling of material. These shots were not fired until after Miller had been shot in  
168 the kitchen. Thus, I can conclude that Collins continued to fire at my officers  
169 through the wall, even after the officers had stopped firing and were attempting to  
170 exit the house.

171 Bottom line, there is just no way that this was self-defense. Several officers were  
172 yelling "Police, search warrant!" Besides, Collins kept shooting even after s/he hit  
173 Miller, continued to shoot through walls, and didn't stop until s/he had emptied  
174 his/her gun. Stacy Collins needs to be held accountable for all the damage s/he's  
175 done to the community. S/he is a menace!!!

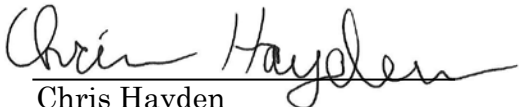
176 **WITNESS ADDENDUM**

177 I have reviewed this statement, and I have nothing of significance to add at this  
178 time. The material facts are true and correct.

179 Signed,

180

181

  
Chris Hayden

182

### *Avery Miller: Drug Enforcement Agency Special Agent & Victim*

1 My name is Avery Miller. I'm 31 years old, married, three kids. I grew up in  
2 Sandpoint, Idaho. I went to school with Stacy Collins – known him/her most of my life. I  
3 wouldn't say we were friends – we never hung out together – but our parents did social  
4 things together, so our paths crossed a lot. We both went into the military right after  
5 high school and served two tours in Iraq. It affected us very differently, though. While I  
6 did not enjoy being a target, I found the work exciting and stimulating. I liked getting to  
7 know the local people, and I discovered I was very effective at getting people to trust me  
8 and give me information.

9 When I got back to Idaho I had decide what to do with the rest of my life. I was  
10 weighing my options and a friend of mine told me about his work at the Sandpoint  
11 police department. It sounded a lot like what I had done in Iraq, but with a much better  
12 survival rate. I didn't want to be just a local cop though – I thought my military training  
13 and experience were worth more than that. So I applied with the DEA, and I've been  
14 working with the local office for eight years.

15 Like I said, Iraq affected Stacy and me very differently. I never saw Stacy over  
16 there, so I have no idea what s/he went through. And since we'd never really been  
17 friends we didn't spend a lot of time catching up when we first got back. But I'd see  
18 Stacy around and s/he just looked different. You know how it is, sometimes you see  
19 someone you've known a long time and you can just tell by looking at them that things  
20 are not really okay.

21 I've gotten to know Stacy better since then. There was an incident at a local bar one  
22 night. I was in there with some friends, just having a few after work beers, and Stacy  
23 was sitting by him/herself at the bar watching television. A waitress was clearing a  
24 table and dropped a tray full of empty glasses. It made quite a racket and got everyone's  
25 attention. Somebody made the standard "job opening!" joke, and then we all went back  
26 to talking.

27 All of us except Stacy. I didn't see it, but later someone said that Stacy was crouched  
28 down under the bar behind the stool, wide-eyed, which is just so weird. Someone must  
29 have noticed, because he went up to Stacy, touched Stacy on the shoulder, and asked if  
30 s/he was alright. Well, Stacy just went off. I turned around and saw Stacy launch at this

31 | guy, who obviously wasn't expecting it. The guy was knocked down on his back and  
32 | Stacy jumped on top. Stacy had his/her hands around the guy's neck, like s/he was going  
33 | to choke him. Fortunately several people immediately pulled Stacy off the guy and took  
34 | him/her outside.

35 | I followed them all out, just in case they needed someone to help detain Stacy until  
36 | the police arrived. When I got outside three or four people were holding Stacy while s/he  
37 | struggled. One thing we are trained to do is get a suspect's attention and keep their  
38 | focus on the officer and away from the situation. So I got close to Stacy's face and said in  
39 | a loud voice, "Stacy! What's going on?" Stacy looked right at me for about five seconds,  
40 | and then stopped struggling. Actually, s/he didn't so much stop struggling as just  
41 | deflate. Stacy said, "Avery! Man, what did I do that guy? Is he alright?" I will say, s/he  
42 | really reeked of alcohol.

43 | The cops arrived at that point, but the guy and his friends didn't want to talk about  
44 | what happened. Since no one involved was interested, I didn't feel the need to tell what  
45 | I saw. Without anything to go on the police just told Stacy to go home. The guy Stacy  
46 | knocked down wasn't hurt, and he seemed to feel more sorry for Stacy than anything.  
47 | He said something about Stacy's life being hard enough after Iraq and he didn't need to  
48 | make it harder.

49 | I don't know if Stacy has PTSD. Mostly, I think it's a lot of nonsense. "Get over it"  
50 | was pretty much my response to people who wanted to carry all their emotional baggage  
51 | around with them. But that was the first time I'd ever seen someone flip out like that,  
52 | for no real reason. I don't know why, but I Googled PTSD just to see what it was all  
53 | about. I wouldn't say I was convinced; I mean, you can make a disorder out of just about  
54 | anything these days, but it did make me realize that the world is more complicated than  
55 | I thought.

56 | I ran into Stacy on the street about a week after that. On a whim I invited him/her  
57 | to have a cup of coffee. We ended up sitting there for two hours while Stacy unloaded  
58 | the truck. That might sound weird – like I said, we were never friends – but I'm the  
59 | kind of person that people just naturally feel like they can talk to. People say I have a  
60 | calming influence, which comes in handy in my job, especially when it comes to getting  
61 | the trust of a possible suspect.

62           Anyway, it turns out Stacy's time in Iraq was nothing like mine. S/he saw things I  
63 only heard about, and s/he seemed to have seen more than his/her fair share, too. S/he  
64 said that night in the bar s/he had a flashback and just kind of snapped. It really scared  
65 him/her that s/he was capable of that. I encouraged Stacy to get help. I wasn't sure what  
66 s/he needed help for, but it seemed like s/he needed help for something. I suspect Stacy  
67 was self-medicating with alcohol, and probably marijuana too, which seemed to me like  
68 putting gasoline on a fire. It was clear that Stacy needed to talk to a professional.

69           That's also when I found out that Stacy was involved in trying to legalize medical  
70 marijuana in Idaho. It might sound strange that a DEA agent doesn't know who's  
71 involved with dope, but since so many states have made medical marijuana legal, the  
72 DEA has taken a sort of "don't ask, don't tell" approach – if you don't come up on DEA  
73 radar, we pretty much leave you alone.

74           Not that I think it's a good idea – I don't, especially for someone like Stacy. At the  
75 same time, I don't spend a lot of time obsessing on it. Growing up in Sandpoint, you  
76 learn to take a live and let live approach to certain things, a more broad-minded view of  
77 the world. We have Lake Pend Oreille on one side and Schweitzer Ski Resort on the  
78 other, and we're 65 miles south of the Canadian border. We get lots of tourists.  
79 Sometimes they bring dope with them. We never really liked it, and would rather they  
80 left that stuff at home, but as long as they kept it out of site, didn't share it with our  
81 kids, and didn't create problems, the local police didn't go out of their way to find it.  
82 Tourists bring in a lot of money, after all. So, if Idaho wanted to let people run pot farms  
83 for cancer patients, I'm not going to lose sleep over it.

84           I wish more DEA agents would take that attitude, like Chris Hayden, for one. I'm  
85 really not sure why s/he came here in the first place. I can understand why s/he left  
86 Denver, but why move here? I mean, if you are going to be hard-nosed about marijuana,  
87 then Colorado, Idaho, and Washington are not places you will feel comfortable.

88           Look, I hate to sound ungrateful after what Chris did for me at Stacy's place, but  
89 you wanted the truth, the whole truth, and nothing but the truth. And the whole truth  
90 is that I really cannot stand Chris Hayden. On the one hand s/he is the consummate  
91 professional. Chris is by the book, and s/he knows that book better than anybody else I  
92 can think of. But there is a fine line between professional and jerk, and unfortunately

93 Chris is on the wrong side of it. I've heard Denver can be a pretty rough place, so I  
94 understand taking a no-nonsense attitude in the right circumstances. But this is North  
95 Idaho. It's a completely different environment, and you can't expect to get very far if you  
96 come across like a jack-booted thug. People here value friendliness and relationships.  
97 It's really surprising how much more information you get from people – even full I'll-  
98 tell-you-where-the-body-is confessions – when you are nice to them. Anyway, Chris is  
99 my lead, and I'm well enough trained in military and DEA work to know how to follow  
100 my commander regardless of my personal feelings.

101 On the day I got shot, Chris came to me and said s/he had a search warrant to serve  
102 on Stacy Collins and that s/he wanted me on the team because I had worked so hard to  
103 cultivate a relationship with Stacy. Chris also said s/he wanted someone with my  
104 "interrogation skills." I can't say I was surprised when Chris told me the warrant was  
105 for trafficking in marijuana.

106 We went through all the usual pre-raid protocols before we drove out. Chris was the  
107 lead agent, so we followed his/her directions on how to approach it. S/he wanted to be  
108 his usual overly authoritarian self, but I knew Stacy and wasn't really worried about  
109 how Stacy would react to Chris' attitude.

110 I remember that we took our positions, and that Chris banged on the door yelling  
111 "Police! Search Warrant." I don't know exactly how long s/he waited before going in.  
112 Counting was not part of my assignment, so I wasn't focused on it. While we entered  
113 someone was still yelling "Police! Search Warrant." My assignment was to clear the  
114 kitchen, which I did. As I came out of the kitchen I remember seeing movement in the  
115 back of the house. I was just about to say something when I heard shots – maybe two or  
116 three. The next thing I remember is incredible pain in my shoulder and being on the  
117 floor. You know what it feels like when you bang your shin into a coffee table? Multiply  
118 that by about ten and you will begin to have an idea of what my shoulder felt like.

119 I'm positive that those first shots came from someone in the house. There is no way  
120 we shot first. At that point everything happened fast. I knew officers behind me were  
121 returning fire. I clearly remember someone yelling, "Police! Don't shoot!" I'm pretty sure  
122 I yelled, "Stacy! It's me, Avery!" The next thing I remember is Chris grabbing my shirt

123 collar and hauling me out of the house. Even as we retreated I heard officers yelling  
124 that we were the police, but Stacy kept shooting at us.

125 S/he had to know we were cops. I don't remember if I actually saw Stacy shooting.  
126 Bullets started flying from seemingly everywhere, but I never saw the gun or who was  
127 holding it. I never really saw anyone at all, really. I don't remember being shot in the  
128 leg. Again, I remember Chris pulling me out – or grabbing me, anyway. The next thing I  
129 remember is being in the ambulance with EMTs all around me looking like it was  
130 serious. Two of them were working on my leg, and the other one was looking at my  
131 shoulder. I remember her cutting away my shirt and saying something about stopping  
132 the bleeding. It was three days before I remember anything else.


133 **WITNESS ADDENDUM**

134 I have reviewed this statement, and I have nothing of significance to add at this  
135 time. The material facts are true and correct.

136

Signed,

137



Avery Miller

138

### *Quinn Schrader: Local Chef & Ex-Partner of Stacy Collins*

1 My name is Quinn Schrader. I am 29 years old. I grew up in Priest River, Idaho with  
2 Stacy Collins. We have known each other since we were kids; from the first day of school  
3 when our desks were right next to each other in Ms. Russer's second grade class. When  
4 you grow up in small towns like ours, the kids become very close; we're all each other  
5 have.

6 I know our story can sort of sound like a bad romance novel, but Stacy is pretty  
7 much the only person I have ever really dated. We started calling each other boyfriend  
8 and girlfriend I think in maybe the sixth grade. Of course, like many small town  
9 families, our parents were really conservative and we couldn't start dating for real until  
10 high school, when we were 16.

11 Stacy was the All-American kid; involved in sports; getting good grades; you know  
12 how this story goes. I, on the other hand, have always been more of the creative one –  
13 good at anything artistic – writing, art, whatever.

14 From the time we were in junior high, it was always assumed that Stacy would get a  
15 scholarship to go to college and I really wouldn't. So we always thought that I would just  
16 follow him/her wherever s/he went and then I would figure out what to do later while  
17 Stacy was getting a college education. I'm more of a practical person, but we all knew I  
18 would find a way to get by.

19 Then, of course, in our sophomore year of high school, 9/11 happened and because of  
20 that, more and more of our classmates decided to put off college and enlist in the  
21 military. Like I said, Stacy was the All-American kid and felt like it was important to  
22 serve his/her country. So, s/he decided to put off going to college and join the Army. I  
23 knew I couldn't say anything negative or I would risk sounding unpatriotic, but frankly,  
24 I wasn't sure that was a good idea.

25 Maybe I was just worried like anyone would be about someone they love putting  
26 themselves in harm's way, but the fact that the whole thing was Stacy's decision alone,  
27 without even considering how I felt about the situation, really put a strain on our  
28 relationship. But what was I supposed to do? I was stuck. It's not really cool to break up  
29 with someone when they are going to go off and serve their country in a war zone, so at



30 that point I didn't think I had any other choice but to stand by Stacy and Stacy's choice  
31 to join the military. What's new?

32 If I'm being honest, everything has always been about what Stacy wants. I've never  
33 really been anything more than Stacy's accessory. All I can say is thank goodness I am  
34 no longer the sidekick in the Stacy Collins Show.

35 When Stacy left for basic training, I hate to admit it, but I felt free for the first time  
36 in a long time. It became clear to me that I could make my own choices now and my first  
37 choice was to leave Priest River. I was so excited to get to have my own adventures and  
38 be something more important than Stacy Collins' significant other. So, I loaded up the  
39 old pick-up truck my dad gave me and headed west to Portland.

40 Within a few days, I had found a job working in the kitchen in a restaurant and an  
41 apartment with some really great new friends. It didn't take long for everyone at my  
42 work to realize that I had a gift for making great food. My boss at the restaurant  
43 encouraged me to go to culinary school and just a couple of years after moving to  
44 Portland I had earned a culinary degree from the Oregon Culinary Institute. In spite of  
45 what everyone, including Stacy, thought, I was able to make a good life for myself.

46 I became a sous chef in one of Portland's best restaurants and was well on my way to  
47 becoming a pretty renowned chef in the Portland restaurant scene. Then, of course,  
48 Stacy had to come back and manipulate me into setting my success aside to once again  
49 have to play second fiddle to him/her. Put a fork in it, so to speak. It's done. I mean, who  
50 wouldn't feel resentful?

51 Stacy finished his/her four year commitment to the Army and decided not to re-  
52 enlist. It was hard to get him/her to talk about it much, but it was clear that Stacy was  
53 just not quite right after what s/he had experienced in Iraq. And to top it off, it wasn't  
54 long after Stacy got home that Stacy's dad was diagnosed with cancer.

55 So, for the first two years after Stacy got out of the Army s/he was clearly a real  
56 mess and of course, who cleans up a mess but the chef. Stacy's family, my family, all of  
57 our friends put a lot of pressure on me to come home and be with Stacy. I got sick of  
58 everyone trying to guilt me into coming home to be there for Stacy and I finally just  
59 relented.

60 I quit my job at a two-star Michelin restaurant, packed up my car, which by now was  
61 this phat Prius, and moved back to Priest River and into Stacy's house. I guess you can  
62 go home again, if enough people make your life miserable enough to make you feel like  
63 there's no other option.

64 Of course, the best our little town has to offer as far as restaurants go is a Michelin  
65 negative two-star rating. Not exactly a gourmet destination, Priest River. So, I had to  
66 settle for working in a local diner and taking whatever catering gigs I could get. That is,  
67 when I wasn't watching Stacy play Call of Duty, telling me I don't know how many  
68 millions of times what a sharp shooter s/he'd been in the Army. Or, driving Stacy to  
69 his/her doctor to try to deal with his/her so-called PTSD. Not exactly what you would  
70 call an exciting life.

71 I think the low point was in the fall of 2010 when Stacy's dad finally passed away  
72 from his cancer. It was pretty awful. I mean, Stacy's dad was pretty much like my  
73 second dad. I started to wonder if I could take any more of this bad stuff happening. I  
74 gave up everything to be with Stacy and, like it had always been, I was just supposed to  
75 be grateful to be a part of his/her life. It never occurred to anyone that I had outgrown  
76 the role of supporting actor and was ready to be the star, least of all the self-absorbed  
77 Stacy Collins.

78 Then in early 2011, things started to look up. It was like we had both hit bottom and  
79 were finally going to have something we could grab onto to pull ourselves to higher  
80 ground. I admit, we were both a little on the obsessive side, but it was good to have  
81 focus; to have a purpose. The Idaho Legislature had passed a law to make medical  
82 marijuana legal to grow and sell in Idaho. It became Stacy's mission to set aside some  
83 land on his/her family's farm to grow medical grade marijuana and start a dispensary to  
84 sell it to people who were suffering from all kinds of ailments, but especially cancer.

85 Stacy had seen how much pain his/her father had suffered towards the end of his  
86 battle with cancer and was resentful that Mr. Collins was not able to utilize marijuana  
87 to ease his suffering since it wasn't legal in Idaho at the time. Stacy decided s/he owed it  
88 to his/her father to make sure other people wouldn't have to suffer like his/her dad had.

89 In hindsight, I'm not sure why, because Stacy's dad was really straight laced and  
90 probably wouldn't have touched marijuana no matter what benefits it offered. At the

91 time, though, I thought it was a good idea. It wouldn't take long before I felt differently  
92 on that subject.

93 As for me, I decided that working for a local diner was just not a good use of my  
94 culinary skills. So, my dad and I bought this old delivery truck and focused our time and  
95 energies into converting it into a food truck. We really built an awesome rig. On any  
96 day, you can find my truck in Coeur d'Alene or Sandpoint selling some of the best,  
97 locally sourced food you can find anywhere. Meadow's Bounty Fresh Eats: check it out.

98 The best part about being out on the truck, other than getting to fulfill my passion  
99 for good food, is that I didn't have to be around Stacy or the Meadow's Bounty Farm.  
100 Like I said earlier, Stacy's business quickly turned into a bit of a nightmare.

101 First of all, our house got broken into a couple of times. If you check out the  
102 statistics on communities that have legalized marijuana, you will find out that the  
103 number of home break-ins increases dramatically. I am pretty sure that there were a  
104 bunch of thug kids who thought they could get free weed.

105 But I always worried that Stacy was doing a little something on the side that made  
106 these kids think it was reasonable that they would find drugs at our house. On more  
107 than one occasion, I found wads of cash lying around the house and all of these people  
108 that we never would have associated with in high school – the loser party crowd –  
109 started hanging out at our house, eating junk food and staring at the TV screen like  
110 zombies while they played video games.

111 And then Stacy bought a couple of guns. I know that guns are really part of the  
112 culture when you live in a small town, but I also know that you don't need a Glock for  
113 hunting game. Something just seemed off. I remember one time Stacy was cleaning  
114 his/her gun and she said that the gun was his/her safety net so s/he would never have to  
115 back down if someone came to our house to try to take what was ours.

116 So, after years of working to get his/her life together, Stacy was becoming more and  
117 more paranoid. It was just the opposite that I had hoped for when Stacy opened the  
118 dispensary. I thought Stacy's life would start to have meaning, but instead s/he started  
119 becoming someone I just didn't want to be around; always angry and on edge. This just  
120 really made me nervous. This Stacy was really not someone you would want to spend  
121 the rest of your life with.

122       The last straw for me was when I was accused of being part of Stacy's drug business.  
123 I had the local police come and search my food truck for drugs. I'm sorry, but the only  
124 drugs I sell are the addictive pies I sell for dessert on my truck.

125       That drug dog they used was barking like it smelled drugs on my truck, but the  
126 police never found anything. And everyone knows the police train those dogs to bark  
127 whenever the police want to search your property so they have so-called reasonable  
128 suspicion or whatever they call it. The point is, they never found anything on my truck,  
129 no matter what that dumb mutt and his handler tried to get away with.

130       That was it for me. I couldn't take it anymore. I really wanted to get back at Stacy  
131 for all s/he had put me through. So, the day after the cops came to my food truck, I  
132 moved out of Stacy's house and back in with my parents.

133       I do feel badly about leaving someone who has been through as much as Stacy has,  
134 but I just can't let someone's poor choices stop me from having the life I deserve. This  
135 may sound cold, but I just can't get dragged into this any further. Was it my choice to  
136 have Stacy go play soldier in the desert? Nope. Was it my choice to have Stacy start that  
137 stupid medical marijuana business and bring the seedy element into our lives? Nope  
138 and nope.

139       When I heard on the news that Stacy had been arrested for shooting an officer, I  
140 wish I could tell you that I was surprised, but I wasn't. I could see the writing on the  
141 wall and that's why I got Stacy Collins out of my life. I just can't believe s/he would do  
142 this to me after all I have done for him/her.

143       And that's why I voluntarily went to the police. I know Stacy likes to talk about the  
144 oh-so-awful PTSD s/he suffers from, but I can't help but wonder at times if it's all just  
145 part of the act. The only real change I saw in Stacy after s/he got back from Iraq is that  
146 it was all just even more about Stacy.

147



## Defense Witness Statements

### *Stacy Collins: Defendant*

1 My name is Stacy Collins. I'm a farmer and small business owner from Priest River,  
2 Idaho. But I'm also a whole lot more than that. I grew up on a farm – and a farmer is  
3 still what I feel I am inside – but I've seen a lot of things and gone through a lot of  
4 things that your average farmer can't even imagine.

5 I'm only 30 years old but from my humble beginnings, I've gone on to become a  
6 soldier and fight to protect my country from what I thought was a grave and dangerous  
7 enemy. And when I came home from fighting our enemies during two tours of duty in  
8 Iraq, I realized that I could never really leave that place behind.

9 When I came home I realized that I – we – still have battles to fight here in America;  
10 in our own communities. As passionate as I became about taking the battle against  
11 global terrorism to our enemy, I am just as passionate about fighting for the rights of  
12 cancer patients to relieve their pain with cannabis, or medical marijuana.

13 Two tours of nearly unspeakable violence, panic, and loss changes a person. What I  
14 experienced in Iraq will always be with me. I have post-traumatic stress disorder.  
15 You've read about IEDs (improvised explosive devices) and you've seen them in movies  
16 and television shows. Those images and stories you've read about and watched have  
17 lasting emotional consequences on the soldiers who experience it. One in particular is  
18 in heavy rotation in my brain – seared into my psyche forever. It is always there the  
19 way a parent's love for a child is constantly at the forefront of her mind.

20 In March of 2005, my unit had been in country for about six months and would be  
21 shipping back to the real world in about two weeks. Before we could make our way back  
22 to our battalion group for shipping, we'd been ordered to stay in what had been an  
23 insurgent compound. Our job was to guard the compound, both the outlying areas and  
24 the buildings themselves as intelligence officers combed the place for any evidence  
25 about the insurgents themselves. The compound had been a market, both indoor and  
26 outdoor, and had various buildings including stables for animals, business offices, and a  
27 larger home toward the rear of the property.

28 My unit was assigned various shifts to cover each building and the outlying areas to  
29 ensure no locals entered the property and disturbed the intelligence officer's extremely

30 detailed cataloging of whatever had been left by the insurgents. The searching and  
31 cataloging was expected to last a week.

32 This was an extremely chaotic time period. Back home, the public was just  
33 beginning to understand that the insurgency was not in fact in its final death throes. It  
34 was also several months before “the surge” ordered by President Bush. We were spread  
35 very thin and the insurgents were taking back cities. At this particular time, though,  
36 our unit and our broader company had made great success in pushing the insurgents  
37 back, although we’d lost some soldiers I was very close with – people I’d trained with  
38 and fought with in serious combat. But we secured the compound and we intended to  
39 milk our victory for all it was worth before we moved on.

40 Because the insurgents had occupied the compound for so long and left in such a  
41 hurry we expected they’d been forced to leave behind equipment that would be of  
42 enormous intelligence value. Computers, servers, satellite link equipment, written  
43 materials. But it would take us about a week to get all we could out of it. In the  
44 meantime there were serious risks of counterattacks by the insurgents to retrieve or  
45 destroy what had been left. There were also risks that locals or other competing  
46 insurgents would try to loot whatever they could from the compound.

47 It was very stressful. We couldn’t be sure, but we felt fairly certain that we were far  
48 outnumbered by enemies around us. Our unit was down to fourteen soldiers. There  
49 were seven intelligence officers scouring the place but they were so busy with their jobs  
50 that they were essentially useless from a defense perspective.

51 Defending the compound was eventful, to say the least. On the second night, we  
52 were raided by the insurgents we’d just dispossessed. We knew it was them because of  
53 how they dressed. Rather than the common Iraqi garb with robes and headgear, these  
54 insurgents were obviously supported by Iran. They wore more traditional Western  
55 military gear – dark tactical pants and dark sweatshirts. They were well armed and  
56 well trained. Since that was only our second night on the compound, we really did not  
57 have much confidence in what buildings had been used for particular purposes. So we  
58 just tried to spread out as much as possible, cover each building and the perimeter. We  
59 were spread too thin. They picked off two people from our unit that night – one from my  
60 company and one of the intelligence officers.

61 Over the next few days it just got more and more chaotic. It was either the  
62 insurgents, the looters, or some group we couldn't identify. Someone was always coming  
63 at us. Unless they weren't. It messed with our minds. No one slept. We barely ate.  
64 Our minds raced. A truck would drive up the road – instantly we panicked because we  
65 thought it was an IED. Then nothing. Then a Molotov cocktail. Silence for a few hours.  
66 Then a group of beggars. No way could we help them. They could be suicide bombers.

67 Finally, on the last night, after twelve hours of eerie silence, we heard what sounded  
68 like a convoy. We radioed for eyes in the sky but nobody saw anything. We were down  
69 to eight soldiers in our unit. The rumbling got closer. Afraid of an all-out ambush that  
70 we could not stop, we all scampered to the main house. We were afraid to flee by  
71 Humvee because we thought we faced too much opposition. Finally, the rumbling  
72 reached the front gate area and stopped. Then nothing.

73 We were all huddled in a back room of the main house. After about ten minutes we  
74 could hear troops surrounding the compound. Then we figured they'd eventually be  
75 coming for us so we decided to spread out around the house. I was in a kitchen in the  
76 rear of the house. The most rear of our positions. Just outside was our Humvee. As a  
77 last resort I could make my way out of the back door and into the Humvee. Hopefully, I  
78 wouldn't be fleeing solo.

79 Then more silence.

80 And more silence.

81 Then BOOM! BOOM! BOOM! The front door came crashing down. The rapid fire of  
82 Kalashnikovs. Crack! Crack! Crack! Crack! Crack! Crack! Crack! Crack! Crack!  
83 Crack! Stomping feet, return fire. Crack! Crack! Crack! Crack! Crack! Crack!

84 From my location in the kitchen I saw the familiar black tactical pants and the black  
85 sweatshirt of the Iranian-funded insurgents rushing into the house. Two of my guys  
86 dashed into the kitchen, pointing towards the rear door. The three of us bolted out  
87 toward the Humvee. We piled into the truck as two black-clad insurgents dove away  
88 from the vehicle. Just as I started the Humvee I knew why the insurgents were diving  
89 away from it.



90 I was the only survivor. At least physically. Here I am. I am the only one who can  
91 tell you what happened that night. I am the person who carries the stories of all the  
92 soldiers who died at that compound. Some days it's almost too much to carry around,  
93 especially when there were some investigators who questioned some of what I had to  
94 say. But, I know what happened. I was there. Some days I still am.

95 \* \* \* \* \*

96 Growing up in Priest River, I was it. I mean I was it. I was a great athlete. Got  
97 tops marks in school. And Quinn Schrader was right by my side, supporting me in  
98 everything I did. Everyone knew I was gonna make it and that Quinn was on the rocket  
99 ship with me.

100 And then it all changed. 9-11 happened. The twin towers came down and my  
101 country needed me. I was goin' after those weapons of mass destruction in Iraq. I  
102 joined the United States Army to protect our freedoms and way of life. These colors  
103 don't run!!!

104 Even though I knew it was dangerous and that Quinn was afraid for me, I had a  
105 higher calling: making the world safe for freedom. I left for basic training. I would  
106 never be the same again.

107 I'm still the same small town farm boy from Priest River. But war has changed me.  
108 Some of the soldiers at my VFW say I have what the Vietnam Vets used to call the  
109 thousand-yard stare.

110 \* \* \* \* \*

111 When I got back to Priest River I knew I needed help. I was messed up.  
112 Nightmares, flashbacks, panic attacks. I was real hard for me to be in public. I know  
113 I'm in a safe place but I was trained to be a killer and my brain still has that training.  
114 I'm ALWAYS scanning my surroundings, evaluating potential threats, and planning my  
115 escape. There are so many variables in public that it exhausts me. I don't want to be  
116 like that. But I am. My brain just works that way now.

117 This sounds real weird, but the best and worst thing that happened to me since I got  
118 back in country is that my dad got cancer. It's a terrible, terrible experience. I loved my

119 dad so much. He meant the world to me. But taking care of him gave me a focus in my  
120 life. It distracted me from the PTSD I got from the war.

121 My true passion in life is dedicated to giving to others what my dad could not have  
122 when he was sick since medical marijuana wasn't legal at the time. I want to make  
123 other sick people feel as comfortable as possible. Making sure from the time they wake  
124 up in the morning through every waking and napping moment and all the treatment  
125 they have to endure, that that they are in as little pain as possible. It is so important to  
126 me to live this mission.

127 When I first came home I thought Quinn was out of my life forever. While I was  
128 making the world safe for democracy, Quinn moved to Portland to make the world safe  
129 for artisanal, locally grown, and sustainably sourced food stuff. Something like that.

130 Eventually, though, Quinn came back to Priest River. I certainly appreciate her/his  
131 help and company but I'm not sure whether s/he came back for me and my dad or  
132 because s/he couldn't make it in the big city. Even though Quinn was back in my life I  
133 feel like s/he resented that she lost her cool, Portland, keeping-the-dream-of-the-90s-  
134 alive crowd. S/he moved back to Priest River to again be my No. 2. And I appreciate it,  
135 but I'm not so sure s/he bought in completely.

136 Quinn and I spent a lot of time moderating a subreddit on Reddit about pain  
137 management. Quinn loved that as much as I did because it allowed me to get out of my  
138 own head and help others. That didn't last forever, though. My dad died in 2010. The  
139 last several months were very painful for him. It was also very painful for Quinn and  
140 me.

141 Quinn and I floundered for a while after that. I was lost in myself. Quinn was lost,  
142 too, and even tried to occupy her/himself with cooking stuff in an old van. Cooking  
143 therapy, I guess. S/he always did like that kind of stuff.

144 Eventually, though, a series of threads we read about on our pain management  
145 subreddit led to our new passion – advocating for legalized medical marijuana. We both  
146 became obsessed. For months and months we developed contacts and networks and to  
147 our own disbelief, our passion and hard work eventually led to the Idaho Legislature  
148 passing a law to make medical marijuana legal to grow and sell. We did it! Too bad my

149 dad had to suffer without the artisanal hydroponic super-chronic hippie lettuce we  
150 began to grow.

151 And grow we did!

152 When my dad died, I inherited his farm, Meadow's Bounty Farm, just outside Priest  
153 River. Quinn and I now devoted our tremendous love and passion to sowing the seeds of  
154 pain relief management – super high end cultivars of medicinal artisanal Priest River  
155 Blasta, as we called it.

156 Quinn and I really got into our pro-marijuana advocacy. It was such a new and  
157 exciting role for us. Rather than being known just as All-American kids and a war  
158 veteran, we were now new age medicinal marijuana farmer-merchants. We were  
159 embracing our crunchier sides.

160 We grew all sorts of unique cannabis targeted toward various maladies. Some were  
161 better for relieving generalized pain, others specific to the harsh effects of chemotherapy  
162 and nausea, and still others for various social anxiety disorders. We were doing good for  
163 people.

164 I was so excited about our success that my fear of public places was dissipating. A  
165 lot of people were coming and going and it didn't bother me. We even talked about  
166 setting up a small market to sell various craft goods, organic whole grain breads and  
167 snacks, and jewelry, runes, and Stonehenge-themed artwork. We really wanted Meadow  
168 Bounty to be a hang-out for all kinds of people.

169 Somehow, though, it seemed we outgrew our own success. People began to take  
170 notice. Some people in the community began to complain that they thought we were just  
171 selling weed to kids and not actually folks with pain relief needs. We really tried to  
172 straighten up and fly right, but at that point some local blazeoids tried to ruin our  
173 success. They broke into our storage rooms a few times.

174 One time I confronted a bunch of them. It totally freaked me out and I had  
175 flashbacks to Iraq. I woke from sleeping and saw some of them sneaking down the  
176 hallway and then into and through our kitchen door. They were wearing black pants  
177 and black sweatshirts. They were Iranian-sponsored insurgents – or so I thought at the  
178 time. I went into a total panic attack.

179       And this wasn't the first time I'd had a PTSD episode. It happened a couple of years  
180 ago. I don't remember much of it but I totally freaked out at local bar where I was  
181 having a few beers after a waitress dropped some dishes or something. I instantly  
182 snapped and I was back in the compound in Iraq. A bunch of guys had to hold me until  
183 the police came. Luckily Avery was there to talk with me and I didn't hurt anyone and I  
184 didn't get arrested. After that, Avery would come around to check in on me and make  
185 sure everything was going OK. S/he's a good listener and always knows the right  
186 questions to ask.

187       After that, I started seeing a psychiatrist, Dr. Hunter Vandenberg, who specializes  
188 in treatment of PTSD. We've been doing therapy, trying to process distressing  
189 memories, so I could reduce their lingering effects and develop more adaptive coping  
190 mechanisms. It was slow going but I think it worked. Dr. Vandenberg tried to get me to  
191 join a group, but I am not a group kind of person, so I left. But, I still go back to get my  
192 meds every few months.

193       \*   \*   \*   \*   \*

194       Wednesday, September 18, 2013. I remember it was late afternoon. Maybe 5 or 6  
195 p.m. It had been raining. Still light out but nearing dusk.

196       BOOM! BOOM! BOOM! The front door came crashing down.

197       This time I wasn't going to run out the back door! I know they've trapped the  
198 Humvee. I'm not going to just run.

199       Boots stomp! stomp! stomp! stomping! toward me!

200       This time I WILL protect myself! It's either them or me!

201       I fired as soon as I saw the black tactical pants and black sweatshirts.

202       CRACK! CRACK! CRACK!

203       Then nothing.

204       \*   \*   \*   \*

205



### *Dusty Santini: Neighbor to Stacy Collins & Eyewitness*

1 My name is Dusty Santini. I'm 63 years old. I am writing this statement voluntarily,  
2 as an objective and unbiased witness to the events that transpired on September 18,  
3 2013. I am trained in the law, and my life experience is in representing and defending  
4 those who are oppressed by the system, so I think I have some unique things to offer in  
5 this matter.

6 I graduated from high school on my 18th birthday and went straight to Vietnam. I  
7 was young and idealistic, full of the invincibility of youth and the righteousness of the  
8 cause. I served as a medic in a field hospital. Boy, was that eye opening. People who talk  
9 about the glory of war have never seen the gore of war. I lost my youthful idealism in a  
10 hurry.

11 When I got out I went straight to college on the GI Bill. At Berkeley, I earned my  
12 bachelor's degree in Political Science, summa cum laude, in only three years. And then,  
13 I completed law school in two years rather than the normal three, also summa cum  
14 laude. During law school I interned in the public defender's office. That's where I  
15 learned to love criminal law. Maybe my youthful idealism hadn't been lost as much as  
16 undergone a change of focus. While I no longer believed that war and violence could  
17 change the world for the better, I did believe that the poor and downtrodden needed  
18 champions. I knew with my abilities I would be able to get a job with any of the best  
19 firms in the country after I graduated, so I thought it would be good to help those who  
20 couldn't help themselves until that time.

21 During my time at the public defender's office I saw up close how powerful and  
22 corrupt the state can be. The police have the attitude that everyone is guilty until  
23 proven innocent, and to them "innocent" means you probably had a dishonest lawyer  
24 and got off on a technicality. The police and prosecutors have unlimited resources and  
25 discretion, as well as the power to call the shots that comes with that. Many of the  
26 public defender's clients had their rights violated, sometimes in shocking ways. Police  
27 would routinely lie in order to trick people into consenting to searches, or worse,  
28 admitting to crimes they didn't commit. I was appalled. I decided I would be a voice for  
29 those people.

30 I decided to dedicate my entire career to criminal defense. It's the job of a defense  
31 attorney to make sure the client gets what they deserve from the system. As far as I'm  
32 concerned, it's better for a guilty person to get a fair shot at justice than for an innocent  
33 person to suffer an injustice.

34 Of course, I had to make a living. Public defenders are some of the hardest working,  
35 most dedicated attorneys I've ever known. They are also the most underpaid. After law  
36 school I worked first with the famous (or infamous, depending on your point of view) N.  
37 Leigh Blaylock. I worked there five years. I had a great time, learned a lot, and made  
38 very good money, but the California life wasn't for me. I left L.A. and went to Idaho to  
39 work for the brilliant Harry Fence, so that I could enjoy a more rural lifestyle. Again,  
40 the experience was invaluable, but I got restless. I wanted to be the boss. After five  
41 years with Harry I moved to Seattle and opened my own criminal defense practice. In  
42 my later career I began teaching at the University of Washington Law School –  
43 Criminal Law and Procedure, and Evidence. I retired after the spring term of 2012. I  
44 had made a nice living in the law, and I was having some health problems. I had  
45 nothing left to prove. I'd bought some property in Idaho, and I thought that it would be  
46 nice to try some ranching.

47 During my career people like to say I was a showboat and that I was in it for the  
48 money. Well, I do like the limelight – I do jury trials, after all. I entertain and persuade.  
49 And I've never been shy about charging what I believe my services are worth.  
50 Obviously, my clients believed I was worth it, too. But it's not just about that. I've done  
51 lots of pro bono work during my career. I've never forgotten what I saw in the public  
52 defender's office, and I've always tried to "give back" by taking on good cases for  
53 defendants even when I knew they couldn't pay.

54 I met Stacy Collins shortly before I bought my Idaho property. I was talking to  
55 people in the area about what kind of place it was to live. Stacy owns the property right  
56 next to mine. S/he said Priest River was about as close to heaven as you could get  
57 without having to die. Stacy became a friend, as did Quinn. It's a shame what happened  
58 to them. I believe they would have been very good together if Quinn had stuck it out,  
59 and if Quinn had just tried to be a little more understanding and patient with Stacy and  
60 maybe a little less resentful and self-absorbed.

61 Of course I know that Stacy was growing marijuana – I should emphasize that it  
62 was medicinal marijuana. Stacy discussed it with me several times. S/he was very  
63 careful to make sure s/he was doing everything by the book. I did have to tell Stacy that  
64 I was not and never had been licensed in Idaho, so I could not and did not given Stacy  
65 any legal advice. But Stacy did appear to have everything in order.

66 I'm also aware that Stacy was being groomed by a DEA agent named Avery Miller. I  
67 say “groomed” because a federal agent is never really interested in someone other than  
68 for the evidence that person can provide, either against themselves or against some  
69 other target. I tried to tell Stacy that on several occasions.

70 As I said, police officers believe that everyone is guilty until proven innocent. While  
71 medicinal marijuana is perfectly legal in Idaho, it is not legal under federal law. An  
72 unofficial truce had been called, but I had no reason to believe that a DEA agent would  
73 befriend a marijuana grower for any reason other than as a prelude to taking him/her  
74 down. Stacy tried to assure me that Miller was just a friend, that they had both been in  
75 Iraq, and that Miller was just trying to help Stacy through a difficult time. I didn't buy  
76 it.

77 I knew Stacy struggled with PTSD. I offered to talk to Stacy about it any time. I told  
78 Stacy about my time in Vietnam and what I'd seen. Stacy was appreciative of my offer,  
79 but said that combat was different than a field hospital. S/he didn't think I'd  
80 understand. I tried not to be offended at that, as I knew Stacy had to struggle with  
81 his/her demons in his/her own way.

82 On September 18, 2013 I went for a walk around my property, as I usually do. I like  
83 to keep an eye on things, as well as get some fresh air and see what wildlife is around. I  
84 carry binoculars with me for that purpose, and I had them with me on the 18th.  
85 Sometime after 5:00 p.m. I saw two black SUVs drive up the road and stop in the church  
86 parking lot across the street from Stacy's house. I could see them from where I was, but  
87 I was pretty sure they could not be seen from Stacy's house through the trees and  
88 shrubs that separated the parking lot from the road. My property sits higher than  
89 Stacy's, so I could see everything unfold. Several people got out of the SUVs. The SUVs  
90 were unmarked, and I could not see any uniforms or badges on the people who got out,  
91 but you automatically think “government agents” when you see something like that.



92 The agents, as I now know they were and so will call them, huddled together for  
93 approximately two minutes. I could not hear what they said. I trained my binoculars on  
94 them, but I still could not make out any insignias. I did recognize Avery Miller, which  
95 sadly confirmed my worst fears about how s/he was only using Stacy as a stooge. The  
96 agents then dispersed – with weapons drawn – and took positions around Stacy’s house.  
97 This took only a few seconds, as they moved swiftly. That is a standard tactic of law  
98 enforcement to gain the element of surprise. An operation in which the suspect sees  
99 them coming and has time to react is a compromised operation.

100 At this point I was very alarmed. I could see Stacy through his/her windows in the  
101 back of the house. I couldn’t tell what s/he was doing, but it did not appear s/he had  
102 seen the agents. I did not have my cell phone with me, so I couldn’t call Stacy to warn  
103 him/her. I was far enough from my house that I did not have time to go get it. I thought  
104 about shouting a warning, but I doubted Stacy would hear me. Then things came apart  
105 very quickly.

106 Several agents went to the front door, one carrying a battering ram. They stopped  
107 just by the front door and paused for perhaps five seconds, certainly no longer. The  
108 officer with the battering ram then knocked open Stacy’s front door and the agents  
109 poured in. During this time I did not hear anything at all said by the agents. I was too  
110 far from Stacy’s house to hear conversation – that’s one of the blessings of living where  
111 we do – but I absolutely would have heard shouting. At no time did the agents yell any  
112 kind of warning to Stacy. There was absolutely no knock and no announcement of any  
113 kind.

114 After the agents entered Stacy’s house I immediately heard gunshots, approximately  
115 five or six, but I can’t be certain. I know it was not less than two and not more than ten.  
116 Within seconds the agents were coming back out of the house. One agent was being  
117 pulled out, and s/he had clearly been wounded. As the officers came out I could hear  
118 them yelling “police” and “federal agents.” So, you see; I could hear them. This was the  
119 first time I heard the agents say anything, let alone identify themselves.

120 The agents withdrew and took positions well back from Stacy’s house. Things were  
121 quiet for a moment, and then an ambulance and several marked patrol cars from the  
122 county sheriff’s office came up the road with lights and sirens going. They parked in

123 front of Stacy's house. Someone got on a loudspeaker and told Stacy to come out with his  
124 hands up. S/he came out and was arrested without further incident.


125 I think it's terrible the agent was shot, and I know Stacy feels horrible about it. I  
126 have never seen anything going on at Stacy's home to cause me concern. We live close  
127 enough that I can easily see Stacy's house from mine. I've seen lots of police reports  
128 describing activity that they believe justifies a search warrant – people coming and  
129 going at all hours, staying only for a few minutes, associating with known drug users,  
130 etc. – and nothing like that was ever going on at Stacy's house.

131 I just can't accept that Stacy had any intention of hurting anyone. Stacy doesn't  
132 have a mean bone in his/her body. Believe me, I've been around enough criminals to  
133 know when someone is just a bad person. Stacy is gentle and kind. Stacy is simply not  
134 violent. If s/he had known the intruders were federal agents, and if they had not shot  
135 first, we would not be here today.

136 **WITNESS ADDENDUM**

137 I have reviewed this statement, and I have nothing of significance to add at this  
138 time. The material facts are true and correct.

139 Signed,

140   
141 Dusty Santini

*Dr. Hunter Vandenberg: Stacy Collins Psychiatrist*

1 My name is Dr. Hunter Vandenberg. I am a licensed and board certified psychiatrist  
2 in private practice in Coeur d'Alene, Idaho. As part of my job, I am also a community  
3 based outpatient provider for the Veterans' Administration, which allows veterans to  
4 get the care they need in local settings instead of having to travel long distances to Vet  
5 Centers. That's how I came to be Stacy Collins' doctor.

6 This may go without saying, but I'll say it anyway since there are still a lot of people  
7 out there who confuse psychology with psychiatry. A psychiatrist is a medical doctor  
8 that specializes in the treatment of mental disorders. One thing that differentiates me  
9 from a psychologist is that I can prescribe medication for my patients. Some people  
10 think that's all psychiatrists do is prescribe medication, but that's not the case with  
11 good psychiatrists and I consider myself to be a very good psychiatrist. I think that's  
12 especially true in my practice with veterans, because in addition to being a doctor, I am  
13 also one of them – a vet from the first Gulf War, which most people know as Operation  
14 Desert Storm.

15 I grew up in South Philly. In high school, I never really thought that college was an  
16 option for me. I thought I'd graduate high school and get a job like my parents had. But  
17 in 1988 when I graduated, our country was in the middle of a recession and there  
18 weren't a lot of jobs to be had. So, like a lot of the kids I graduated with, I joined the  
19 military.

20 Our country had been at peace for so long, that it never occurred to me that I would  
21 end up in a war zone. I was a medic in the army, stationed in Saudi Arabia. My  
22 regiment suffered the greatest casualties in the war with Iraq when our barracks in  
23 Dhahran were hit with an Iraqi missile. I saw and felt both the physical and  
24 psychological impact on me and the other soldiers who survived the attack and because  
25 of that I made two very important decisions. First, I was done being a soldier. Second, I  
26 was going to dedicate my life to helping them out.

27 After my tour, I went home and did what no one had ever expected of me: I  
28 graduated with honors with a degree in psychology from Swarthmore College and got  
29 into med school. I earned my M.D. from the Perelman School of Medicine at the  
30 University of Pennsylvania in 1998. After earning my medical degree, I completed a

31 four year residency in psychiatry at Bellevue Hospital in New York City, which allowed  
32 me to become Board Certified by the American Board of Psychiatry and Neurology. I  
33 then returned to Philadelphia and completed a two year Fellowship at the Veterans  
34 Administration in Philadelphia, specializing in the treatment of Post-Traumatic Stress  
35 Disorder (which most people know as PTSD).

36 There are probably those who might tell you that I left the Philly VA because of the  
37 controversy over using Ecstasy as a treatment for PTSD, but that's really not the  
38 reason. I had always thought that, after my Fellowship, it would be time to move on.  
39 The controversy just allowed both me and the hospital to mutually agree to part ways.  
40 Besides, all you need to do is look at the studies to realize that my drug therapy was not  
41 out of line. More and more practitioners are realizing drug treatment like Ecstasy and  
42 even medical grade marijuana are working. The world is filled with people who are  
43 ostracized for being wrong when all along it turns out that they were just ahead of their  
44 time.

45 I think, by now, it's pretty public that veterans are not getting the level of medical  
46 treatment that they need or deserve. What a lot of people don't realize is that vets who  
47 live in more rural areas, away from any of the major vet centers, are the ones who often  
48 get the least amount of help. That's really one of the main reasons I moved to Coeur  
49 d'Alene 10 years ago. I was ready to be in another part of the country, to get away from  
50 the hectic pace of city life, and to be a resource for rural vets.

51 As I mentioned earlier, I am in private practice now. Although I work with folks  
52 with all sorts of concerns, I am best known for work my work with victims of traumatic,  
53 dissociative disorders like PTSD. People like Stacy Collins; who I started seeing on  
54 referral from the Coeur d'Alene Community Based Outpatient Center of the Veterans  
55 Administration.

56 I think it's important to briefly explain what PTSD is and why it's likely the primary  
57 cause of what happened in the situation with Stacy. When people are in danger, it's  
58 natural to feel afraid. This fear triggers many split-second changes in the body to  
59 prepare to defend against danger or to avoid it. This fight-or-flight response is a healthy  
60 reaction meant to protect a person from harm. But in PTSD this reaction is changed or  
61 damaged.

62 People who have PTSD may feel stressed or frightened even when they're no longer  
63 in danger. PTSD develops after a terrifying ordeal that involved physical harm or the  
64 threat of physical harm. The person who develops PTSD may have been the one who  
65 was harmed, the harm may have happened to a loved one, or the person may have  
66 witnessed a harmful event that happened to loved ones or strangers.

67 In my educated opinion, which I have reached through many years of study and  
68 practice, I think most people suffer from some level of PTSD. Anyone who's spent any  
69 time in a war zone, like Stacy has, is definitely going to feel the lingering effects of the  
70 trauma they suffered or witnessed. Though I got a lot of flak for it, that's exactly what I  
71 try to explain to people all the time. We all suffer from some degree of mental illness.  
72 How could you not in this crazy world? It's frustrating that so many people still view  
73 mental illness as something that is not real, when it's real to some level for nearly every  
74 person on the planet.

75 Stacy exhibited classic symptoms of PTSD when s/he was attacked by the Feds.  
76 Through my practice and experience, I have grouped these symptoms into two main  
77 categories that are relevant here: re-experiencing and hyperarousal.

78 Re-experiencing symptoms are commonly known as flashbacks. Victims relive the  
79 trauma over and over, including physical symptoms like a racing heart or sweating and  
80 the frightening thoughts that are part of the relived experience. When Avery Miller  
81 burst into Stacy's house, I am certain that s/he was re-experiencing his/her terrifying  
82 war experiences. To Stacy, as someone who has been diagnosed with PTSD, the breach  
83 into his/her house by the officers was the same as an attack in a war zone. The only  
84 logical response for Stacy was to protect his/her home and him/herself from an invading  
85 force. Stacy had no way of knowing s/he had shot Avery Miller. For Stacy, it was just as  
86 likely that s/he was defending her/himself from an Iraqi insurgent.

87 Hyperarousal symptoms include being easily startled or feeling tense or on edge.  
88 People experiencing hyperarousal often have angry outbursts and can be seen as  
89 overreacting to loud noises. At times, the victim may not even realize after the fact that  
90 they have reacted. It's like they go into a trance. Hyperarousal symptoms are usually  
91 constant. When Stacy's PTSD was triggered by the Feds, s/he had no way of  
92 distinguishing whether s/he was under imminent threat. For Stacy, the officers were the

93 ones breaking the law and s/he was just standing his/her ground, like any good soldier  
94 would.

95 The force Stacy used was necessary under the circumstances to protect his/her life.  
96 In point of fact, it really wouldn't have been that difficult to tip Stacy toward a PTSD  
97 episode after some recent events like the break-in at his/her house from men in black  
98 hoody sweatshirts; sweatshirts that were just like the ones worn by the officers. The  
99 shame of this incident is that, after nearly two years of treatment, Stacy had made such  
100 great strides.

101 Stacy's treatment was very typical of how I most often treat a vet with PTSD. S/he  
102 came to me on referral after an incident in a local bar where Stacy apparently had an  
103 episode triggered after a waitress broke something. I utilized the commonly used intake  
104 and assessment procedures to determine that Stacy was exhibiting symptoms of PTSD  
105 and prescribed a combination of talk therapy and medication.

106 Talk therapies teach people like Stacy helpful ways to react to frightening events  
107 that trigger their PTSD symptoms. Through our sessions, Stacy learned about his/her  
108 trauma and its effects, gained relaxation and anger control skills, and identified and  
109 dealt with guilt, shame, and other feelings about the events that led to his/her PTSD.  
110 Our focus was on changing how Stacy reacted to his/her PTSD symptoms.

111 While I still think that Ecstasy can be an effective treatment for PTSD, I learned my  
112 lesson that most people aren't ready to accept this as standard protocol, so I instead  
113 prescribed the sertraline medication called Zoloft for Stacy. This medication is an  
114 antidepressant and in one of only two medicines approved for the treatment of PTSD.  
115 Zoloft helps control PTSD symptoms such as sadness, worry, anger, and feeling numb  
116 inside. Taking this medication also makes it easier for patients to go through  
117 psychotherapy.

118 Stacy did have some minor side effects that eventually went away. They included  
119 some minor headache and nausea and those effects disappeared after about a month.  
120 S/he also experienced some agitation, which has lingered to a degree during our  
121 therapy, but not to a point that would interfere with treatment or the efficacy of the  
122 drug. When combined with medical marijuana, which I prescribed for Stacy when it

123 became legal, Stacy was getting the proper medication and dosage to help him/her with  
124 his illness.

125 I also highly encouraged Stacy to attend group and family therapy but s/he refused.  
126 I do think that Stacy's treatment would have been better if s/he had availed him/herself  
127 of those treatments. It was at that point that Stacy decided to take him/herself out of  
128 treatment. I thought we could benefit from more work together, but I didn't feel worried  
129 that Stacy would harm him/herself or other if s/he was no longer in weekly treatment.

130 Our goals for treatment were to reduce PTSD symptoms, provide Stacy with  
131 strategies for living with any lingering symptoms, and learn how to cope with other  
132 problems associated with PTSD, like feeling less guilt or sadness, improving  
133 relationships at work, or communicating with friends and family. As you will see from  
134 my case notes, we had made significant progress in our time together. Stacy came in for  
135 regular visits for six months and has come in for follow up on a regular basis since then.

136 And that progress has been all but eliminated by the actions of Avery Miller and the  
137 other officers. What makes this incident so tragic is how this has set back Stacy's  
138 treatment. Officer Miller will recover from his/her minor wounds in a much shorter time  
139 than it will take Stacy to get back on track. The DEA is responsible for forcing Stacy to  
140 act out of violence and slide backwards in his/her treatment.

141 That's why I am here today and why I only testify on behalf of troubled vets in cases  
142 like this one. We owe our vets so much not the least of which is understanding what  
143 they are going through when they suffer from PTSD. Stacy Collins is not the criminal  
144 here. S/he is the victim.

145 **WITNESS ADDENDUM**

146 I have reviewed this statement, and I have nothing of significance to add at this  
147 time. The material facts are true and correct.

148 Signed,

149   
150 Dr. Hunter Vandenberg

## Exhibits

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The subsequent pages of this section include the following exhibits:

Exhibit 1: Pre-Search Operational Plan

Exhibit 2: Diagram of Crime Scene

Exhibit 3: Crime Scene Photos

Exhibit 4: Search Warrant

Exhibit 5: Incident Report from Agent Chris Hayden

Exhibit 6: Incident Report from Agent Avery Miller

Exhibit 7: Excerpts from Medical Examiner's Report

Exhibit 8: PTSD Brochure

Exhibit 9: Excerpts from Dr. Vandenberg's Case Notes

Exhibit 10: Police Report of Incident on Quinn Schrader's Food Truck

Exhibit 11: Letter from Quinn Schrader to Stacy Collins

Exhibit 12: Photos of Sweatshirt & Jacket



## Exhibit 1: Pre-Search Operational Plan

**Drug Enforcement Agency  
Idaho Division  
OPERATIONS PLAN**

**CASE NUMBER:** RK-13-0187 **DATE OF OPERATION:** 9/18/2013  
**DISTRICT:** SndPt **CASE OFFICER:**  
**TYPE OF OPERATION:**  Arrest Warrant  Search Warrant  Purchase  Surveillance  
 Probation Search  Arrest  Clan Lab  Other \_\_\_\_\_

**SUSPECT INFORMATION:**

	SUSPECT #1	SUSPECT #2	SUSPECT #3	SUSPECT #4	SUSPECT #5
Name	Stacey Collins				
DOB	11/27/78				
Race	Cau				
Sex	M				
OLN	13478				
Home Address	1234 Old Priest River Rd.				
Work Address					
Home Phone#	208-443-0285				
Work Phone#					
SSN	519-67-5265				
Suspect Armed?	N				
Photo Attached?	N				
Characteristics					
Criminal History	Dist Peace Poss.				
Spec Training					
Aliases					
Addresses Used					
Additional Info					

**SUSPECT VEHICLE INFORMATION:**

	SUSPECT #1	SUSPECT #2	SUSPECT #3	SUSPECT #4	SUSPECT #5
Color	Wht				
Year	03				
Make	Ford				
Body	Expl				
License	7B 80 4258				
State	ID				
Color					
Year					
Make					
Body					
License					
State					
Color					
Year					
Make					
Body					
License					
State					

**Drug Enforcement Agency  
Idaho Division  
OPERATIONS PLAN**

**CI and/or UC VEHICLE/CLOTHING DESCRIPTION:**

N/A  
 PHOTO

**SYNOPSIS OF OPERATION:**

Search warrant at residence/business. Subject operates a "medical marijuana" dispensary out of residence. Distribution beyond that authorized by state law.

**SPECIAL CONSIDERATIONS:**

**Known location for sale to juveniles. Surveillance will ensure no one else at residence. No indication of firearms at location**

**COMMUNICATIONS**

PRIMARY: radio OTHER: OTHER: OTHER:  
 SECONDARY: cell OTHER: OTHER: OTHER:  
 ENCRYPTED  OPEN

ARREST – AUDIO ARREST – VISUAL  
 DURESS – AUDIO DURESS – VISUAL

**ASSIGNMENTS:**

Detective/Officer	Agency	Call#	Cell#	Assignment
RAC Hayden	DEA	226		Supervisor - Announce
SA Griffin	DEA	286		Surv.-- knock
SA Morris	DEA	215		Breach
SA Moss	DEA	238		Search
SA Miller	DEA	267		Search
SA Cousins	DEA	298		Search
Det Cross	BCSO DTF			Search
Det Davis	BCSO DTF			Search
BCSO patrol X 2				perimeter

**STAGING AREA:**

church parking lot

**SUPPORT:**

EMS: West Pend Oreille FD PHONE #: 208-448-4435 NEAREST HOSPITAL: Bonner General PHONE #2631441 EOD: HAZMAT:

**PERSONAL EQUIPMENT CHECKLIST:**

- |  |  |  |                                       |
|--|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> Ballistic Vest | <input type="checkbox"/> Batteries       | <input checked="" type="checkbox"/> BDU/Raid Jacket    | <input type="checkbox"/> Binoculars   |
| <input type="checkbox"/> Flashlight                | <input type="checkbox"/> Goggles         | <input checked="" type="checkbox"/> Handcuff/Flexcuffs | <input type="checkbox"/> Hat/Helmet   |
| <input checked="" type="checkbox"/> O.C. Spray     | <input type="checkbox"/> Radio/Ear Piece | <input type="checkbox"/> Other: _____                  | <input type="checkbox"/> Other: _____ |

---

**Drug Enforcement Agency  
Idaho Division  
OPERATIONS PLAN**

**SPECIAL EQUIPMENT:**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> 35 MM Camera/Video Camera | <input checked="" type="checkbox"/> Bull Horn    | <input type="checkbox"/> Cellular Phone   | <input type="checkbox"/> Chemical Agents   |
| <input type="checkbox"/> Bolt Cutters              | <input checked="" type="checkbox"/> Evidence Kit | <input type="checkbox"/> Extension Mirror | <input type="checkbox"/> Fire Extinguisher |
| <input type="checkbox"/> Diversionary Device       | <input type="checkbox"/> Halligan Tool           | <input type="checkbox"/> Hooks / Chains   | <input type="checkbox"/> Ladder            |
| <input type="checkbox"/> Flashroll                 | <input type="checkbox"/> Animal Control Pole     | <input type="checkbox"/> Props: _____     | <input type="checkbox"/> Multi-Purpose Saw |
| <input type="checkbox"/> Hydraulic Door Opener     | <input type="checkbox"/> Pick                    | <input type="checkbox"/> Sledge Hammer    | <input type="checkbox"/> Pry Bar           |
| <input type="checkbox"/> Night Vision Equipment    | <input type="checkbox"/> Shotgun                 | <input type="checkbox"/> Body Bunker      | <input type="checkbox"/> Step Tool         |
| <input checked="" type="checkbox"/> Ram            | <input type="checkbox"/> Other: _____            | <input type="checkbox"/> Other: _____     | <input type="checkbox"/> Other: _____      |
| <input type="checkbox"/> Trauma Kit                |  |   |  |

**COMMAND POST**

Location	Telephone #	Radio Frequency	Incident Commander
BCSO	263-8417		Miller

**COMMAND POST PERSONNEL:**

Name	Agency	Assignments

**DECONFLICTION**

Idaho Intel Center, Mon. thru Fri., 8:00 am M.T. to 5:00 pm M.T.

208-846-7676, OR

1-800-821-0640 Ext 1, OR

1-800-952-5258

Submitted online

Deconfliction #: \_\_\_\_\_

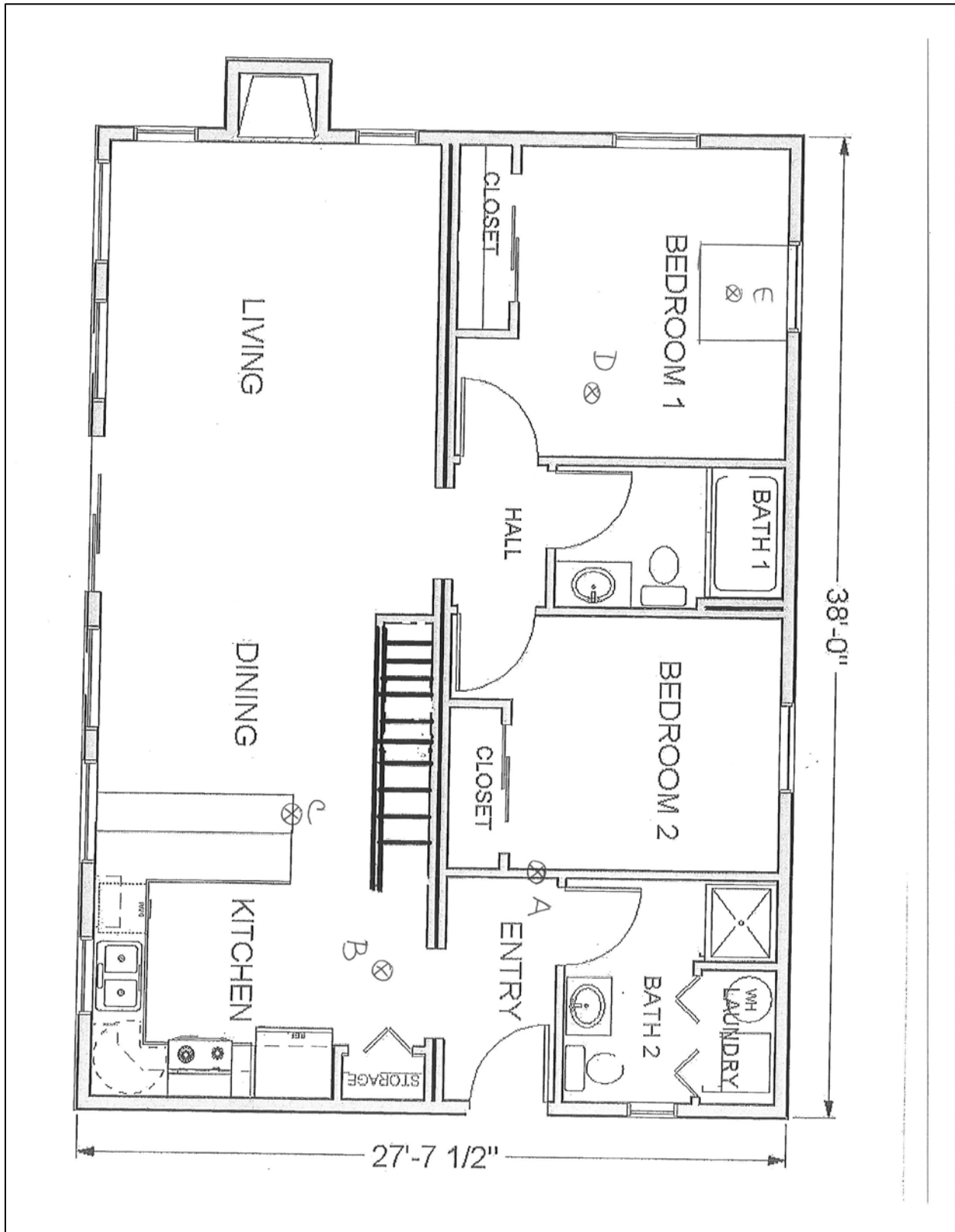
Christ Hayden  
SIGNATURE:

9/17/13  
DATE:

\_\_\_\_\_  
REVIEWED BY:

\_\_\_\_\_  
DATE:

Exhibit 2: Diagram of the Crime Scene





### Exhibit 3: Crime Scene Photos

NOTE: The following photographs correspond to areas marked A to E in Exhibit 2.

#### *Exhibit 3A*

Bullet hole through Entryway Wall and Bedroom 2



#### *Exhibit 3B*

Gun with action open and all rounds fired located in the Kitchen



*Exhibit 3C*

Blood stain on wall adjacent to Living Room



*Exhibit 3D*

Empty clip in Bedroom 1





*Exhibit 3E*

Loaded gun on the bed in Bedroom 1



## Exhibit 4: Search Warrant

AO 106 (Rev. 04/10) Application for a Search Warrant

### UNITED STATES DISTRICT COURT

for the  
District of Idaho

In the Matter of the Search of  
*(Briefly describe the property to be searched  
or identify the person by name and address)*

Meadow's Bounty Family Farm  
1234 Old Priest River Road  
Priest River, Idaho 83856

Case No. IDMT2015

#### APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Stacy Collins, owner/operator of Meadow's Bounty Family Farm, 1234 Old Priest River Road, Priest River, Idaho 83856 located in the Northern District of Idaho, there is now concealed *(identify the person or describe the property to be seized)*:

Evidence of marijuana distribution, to wit: Marijuana plants, scales, packaging materials, ledgers, cash.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 841(a)(1)	Unlawful Distribution of Marijuana

The application is based on these facts:

SEE Affidavit In Support Of Search Warrant, attached to this application and incorporated herein by reference.

- Continued on the attached sheet.
- Delayed notice of        days (give exact ending date if more than 30 days:       ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*/s/*

*Applicant's signature*

Chris Hayden Resident Agent in Charge, DEA

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 09/17/2013

*/s/*

*Judge's signature*

City and state: Coeur d'Alene, Idaho

Hon. William H. Michaels, U.S. Magistrate

*Printed name and title*



## **AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, CHRIS HAYDEN, being duly sworn, hereby do depose and say:

1. I am a Special Agent with the United States Drug Enforcement Administration (DEA), currently assigned as the Resident Agent in Charge (RAC) of the DEA field office in Coeur d'Alene, Idaho.

2. I received an undergraduate degree in Criminal Justice from the University of Maryland in 1993 and a master's degree in Criminal Justice from Tufts University in 1996.

3. I have been continuously employed by the DEA since 1993. I have held my current position as the RAC of the DEA field office in Coeur d'Alene, Idaho, for approximately two years. Before that, I worked as a field agent in the Boston, Massachusetts, El Paso, Texas, and Denver, Colorado, field offices.

4. As a Special Agent with the DEA, I am responsible for enforcing the controlled substances laws and regulations of the United States. To that end, I have conducted hundreds of federal criminal investigations of persons and organizations involved in the growing, manufacture, and/or distribution of controlled substances, both within the United States and internationally, when such substances are intended for illicit traffic across U.S. borders.

5. In addition to my training and experience as a federal law enforcement officer, I have been involved in obtaining search and arrest warrants, and have directed, coordinated and assisted other law enforcement agencies in executing numerous warrants.

6. Unless otherwise stated, the information contained in this affidavit is based on my training and experience, my personal knowledge and observations during the course of this investigation, and information provided to me by other sources as noted herein. This information is of the quality and quantity routinely and properly relied on by law enforcement personnel in conducting investigations and analyzing the existence of probable cause to believe crimes, such as that being investigated in this matter, are being or have been committed.

7. Based upon my knowledge, experience and information provided to me by other law enforcement officers, I am aware that the State of Idaho legalized the production and sale of medical marijuana in 2011. I am also aware that Stacy Collins is duly licensed by the State of Idaho to grow and sell marijuana for medicinal purposes, but such activity is strictly limited by the terms of Collins' medical marijuana license. According to public records obtained from the Idaho Medical Marijuana Program (operated by the Idaho Department of Health and Welfare, Division of Public Health), Collins has been growing medical marijuana on his/her property, known as Meadow's Bounty Family Farm, since July 2011. Collins is the owner of record of Meadow's Bounty Family Farm, which is located at 1234 Old Priest River Road, Priest River, Idaho 83856.

8. In June 2012, the school resource officer at Priest River High School called my office and reported that Collins may be involved in illicit marijuana distribution. Specifically, the officer reported that he had overheard several students at the high school talking about getting marijuana from Collins.

9. In May 2013, the Priest River Police Department arrested one of Collins' associates for distributing heroine. DEA Special Agent John Doe and I interviewed the arrestee at the Bonner County Jail on May 29, 2013. During the interview, the arrestee told us he had been purchasing marijuana from Collins "on a regular basis" over a several month period, and he had done so without obtaining a prescription. He also told us he had personally observed a number of juveniles purchase marijuana from Collins at Collins' residence located on the property earlier described as the Meadow's Bounty Family Farm.

10. Acting on the above information, a task force comprised of myself and three field agents under my direct supervision conducted surveillance on Collins' residence for the next several weeks. During that period we observed several people come and go from the residence, often limiting their visits to approximately 15 minutes at a time. Based on my training and experience, both the frequency with which people visited Collins' home and the brevity of their visits are consistent with illegal drug distribution and/or trafficking. Based on my own experience, as well as information

obtained from other law enforcement officers, I am also aware that many of the people we observed frequenting Collins's residence are actually known drug users in Priest River and the surrounding communities. In addition, several of the individuals whom we observed coming and going from Collins' residence appeared to be juveniles.

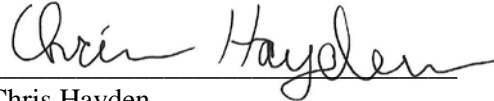
11. While conducting surveillance on Collins's residence on September 10, 2013, the task force observed an individual who is a known drug user enter the residence and then leave approximately 7 minutes later. Members of the task force, including myself, followed the individual after she left the residence. I ran the license plate on the individual's car and confirmed the existence of an outstanding warrant for her arrest for a probation violation. We conducted a traffic stop of the individual and arrested her on the warrant. During a search incident to arrest, we discovered a baggie containing a green leafy plant-like material in the individual's jacket pocket. Based on my training and experience, I recognized the material, by both its appearance and its smell, as marijuana. The individual whom we arrested also admitted the material was marijuana, but he refused to disclose where she had obtained it.

12. Based on my experience, education and training as a federal DEA agent, as well as on the aforementioned facts set forth herein, I reasonably believe that there is probable cause to believe a crime has been committed, to wit: Unlawful Distribution of Marijuana, 21 U.S.C. § 841(a)(1). I further reasonably believe that there is probable cause to believe evidence the crime will be found on the property known as Meadow's Bounty Family Farm, located at 1234 Old Priest River Road, Priest River, Idaho 83856, and/or in the possession of Stacy Collins, the owner and operator of the aforementioned property. Based on my training and experience, I reasonably believe such evidence will include, but not be limited to, items such as marijuana plants, scales, packaging materials, ledgers, and cash.

13. Therefore, based on your affiant's training and experience, and upon the facts and circumstances set forth herein, your affiant respectfully requests that this honorable court find there is

probable cause to search Stacy Collins and the residence located on the Meadow's Bounty Family Farm property for evidence of marijuana distribution, and that it issue a search warrant for the same.

DATED this 17<sup>th</sup> day of September, 2013.



Chris Hayden  
Resident Agent in Charge  
U.S. Drug Enforcement Administration

SUBSCRIBED AND SWORN BEFORE ME this 17<sup>th</sup> day of September, 2013.



Hon. William Michaels  
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Idaho

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Meadow's Bounty Family Farm
1234 Old Priest River Road
Priest River, Idaho 83856
Case No. IDMT2015

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the Northern District of Idaho
(identify the person or describe the property to be searched and give its location):

Meadow's Bounty Family Farm
1234 Old Priest River Road
Priest River, Idaho 83856

Stacy Collins, Owner/Operator

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of marijuana distribution, to wit: Marijuana plants, scales, packaging materials, ledgers, cash.

YOU ARE COMMANDED to execute this warrant on or before September 18, 2013 (not to exceed 14 days)
in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to Hon. William H. Michaels
(United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)

for days (not to exceed 30) until, the facts justifying, the later specific date of

Date and time issued: 09/17/2013 4:00 pm Judge's signature

City and state: Coeur d'Alene, Idaho Hon. William H. Michaels, U.S. Magistrate Judge
Printed name and title



## Exhibit 5: Incident Report from Agent Chris Hayden

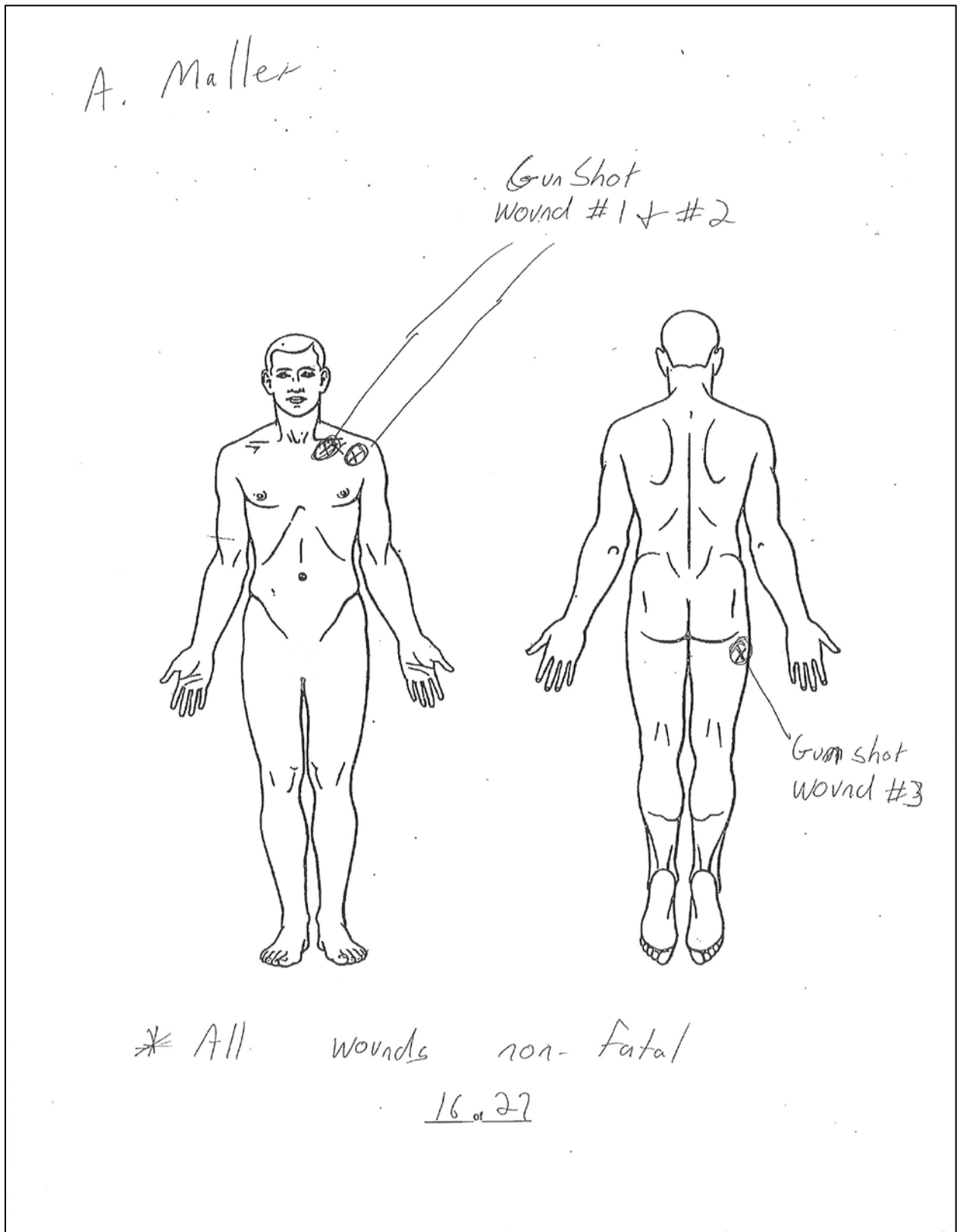
U.S. Department of Justice Drug Enforcement Administration		Page 1	
REPORT OF INVESTIGATION		Page 1	
1. Program Code	2. Cross File	Related Files	3. File Number
5. By: Chris Hayden, RAC At: Coeur d'Alene RO	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		4. G-DEP Identifier
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested by			6. File Title COLLINS, Stacy
9. Other Officers Avery Miller, SA			8. Date Prepared 09-24-2013
10. Report Re: Shooting during execution of search warrant at Meadow's Bounty Family Farm, 1234 Old Priest River Road, Priest River, Idaho 83856			
<b>DETAILS</b>			
<p>On September 18, 2013, at approximately 6:00 p.m., I was leading my team on the execution of a search warrant at Meadow's Bounty Family Farm, 1234 Old Priest River Road, Priest River, Idaho 83856. Prior to executing the warrant, I led my team in a pre-search briefing at the Sandpoint Police Department. At this meeting we discussed that this was a low risk search warrant. We had no indication that the target of the warrant, Stacy Collins, had firearms at the residence and he has no known history of violence.</p> <p>Our plan was to have the initial team enter the house via the side door which opens into the kitchen. Half the teams would then break off to the right and go upstairs. The remaining half of the team would break off to the left and go into the basement.</p> <p>We had been observing the house from a staging area across the street in a church parking lot. We were waiting until we could be sure that Collins was the only person in the house. It was unclear at the time whether Collins could see us from the house. In retrospect, though, it was a mistake to stage in this area because Collins clearly knew we were coming.</p> <p>Each member of the team geared up in dark body armor and tactical clothing which included dark pants and dark jackets with DEA identification markings.</p> <p>We had previously determined that I would knock and announce, and another officer would stand by with the battering ram if Collins refused to answer the door. Miller was the second officer in the stack. He would be the first officer to turn right and head into the kitchen.</p> <p>We approached the side door which is right off the driveway. The officers lined up to the left of the door and I stood to the right, along with the breaching officer. I knocked loudly on the door and yelled, "POLICE! SEARCH WARRANT!" and counted out loud to ten. At this point I saw movement in the kitchen, although it was dark in there. It appeared that Collins might answer the door. I then repeated my warning twice to allow the 30 seconds required by our policy. I then yelled "BREACH!" and the door was forced open.</p> <p>When the door was forced open, the officers entered the house, with officers going both into the kitchen and down to the basement. After several seconds I heard Miller yell, "KITCHEN CLEAR!" About a second later I heard another officer yell, "BASEMENT CLEAR!" Immediately after that I heard three quick gunshots. At first I thought they had come from the basement and my attention turned that way. In retrospect, though, it is clear the shots had come from the back of the house. That was obvious because I then immediately heard several shots come from the officers in the kitchen.</p> <p>Just about simultaneously, I heard someone yell, "OFFICER DOWN!" just as a door was slamming and then additional shots were fired. The additional shots sounded muffled, like they were coming from way back in the house.</p> <p>Then I entered the kitchen, where I immediately saw Miller lying on the floor and several other officers with their guns drawn, shooting down the hall.</p> <p>Realizing we had an active shooter, I yelled for everyone to pull out of the house. Another officer and I dragged Miller out the door. As we were dragging Miller I saw movement in the hall and a flash and gunfire. Miller immediately screamed. I ordered the officers not to return fire but to get out of the house. We all got out of the house and took cover behind a fence.</p> <p>I then called on the radio for back up officers and an ambulance. Collins then immediately yelled from inside the house, "I GIVE UP! DON'T SHOOT!" I ordered him come out of the house, walking backwards with his hands up in the air. Once he was out of the house, I ordered him to lay face down on the ground with his hands above his head and I had several officers arrest him.</p> <p>When officers reentered the house after Stacy's arrest they found a gun in the kitchen and another gun along with an empty ammunition clip in the back bedroom.</p>			
11. Distribution	12. Signature (Agent)	13. Date	
Division	<i>Chris Hayden</i>	9/25/13	
District	14. Approved (Name & Title)	15 Date:	
Other	RAC Chris Hayden	9/25/13	
<small>DEA Form -6 (04/1995)</small>			
<small>DEA SENSITIVE Drug Enforcement Administration This report is the property of the Drug Enforcement Administration. Neither it nor its contents may be disseminated outside the agency to which loaned. Previous edition 8/91 may be used.</small>			

## Exhibit 6: Incident Report from Agent Avery Miller

U.S. Department of Justice Drug Enforcement Administration		REPORT OF INVESTIGATION		Page 1
1. Program Code	2. Cross File	Related Files	3. File Number	4. G-DEP Identifier
5. By: Avery Miller, SA At: Coeur d'Alene RO	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		6. File Title COLLINS, Stacy	
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested by			8. Date Prepared 09/30/13	
9. Other Officers Chris Hayden, RAC				
10. Report Re: Execution of search warrant at Meadow's Bounty Family Farm, 1234 Old Priest River Road, Priest River, Idaho 83856				
<b>DETAILS</b>				
<p>On September 18, 2013, RAC Chris Hayden recruited me to assist in the execution of a search warrant at Meadow's Bounty Family Farm, 1234 Old Priest River Road, Priest River, Idaho 83856. RAC Hayden advised me that, during the past several months, s/he had obtained information from several known sources that the owner of Meadow's Bounty Family Farm, Stacy Collins, was engaged in the unlawful distribution of marijuana. RAC Hayden also advised me that, for the past several weeks, s/he and other agents under his/her supervision had been conducting surveillance on the Meadow's Bounty Family Farm property and had observed activity consistent with illegal drug trafficking. I was not involved in any of the investigation that led to the issuance of the search warrant, but I have been personally acquainted with Collins for a number of years.</p> <p>At approximately 4:00 p.m. on September 18, 2013, I attended a pre-search briefing at the Sandpoint Police Department. RAC Hayden led the briefing. Other agents tasked with assisting in the execution of the search warrant at Meadow's Bounty Family Farm were also present. During the briefing, RAC Hayden assured us that this was a "low risk" search warrant. RAC Hayden instructed us to take all standard precautions in executing the warrant, but s/he advised us there was no unusual risk of danger because, as far as his/her investigation revealed, Collins had no history of violent behavior, and there was no indication Collins had any firearms or other weapons in his/her home.</p> <p>Immediately following the briefing, all of the agents assigned to the search warrant team assembled at a church parking lot directly across street from Collins' residence on the Meadow's Bounty Family Farm property. At RAC Hayden's direction, and per our standard protocol, we each suited up in our DEA standard issue tactical gear. Like other members of the team, I wore dark body armor, dark pants, a dark jacket with our DEA insignia, and a sidearm. I also wore a DEA badge on a lanyard around my neck.</p> <p>From our vantage point in the church parking lot, we could clearly see Collins' residence. We monitored the residence for approximately 30 minutes to make sure Collins was the only person there. During that time, I thought I saw someone inside the residence peer through the curtains of the window that faced the church parking lot. It was shortly after that, at approximately 5:30 p.m., that RAC Hayden gave the "go" signal to execute the warrant.</p> <p>Consistent with the plan we discussed during the pre-search briefing, the search warrant team approached the side door of Collins' residence in a stack formation. I was the second officer in the stack, immediately behind RAC Hayden. RAC Hayden pounded on the door and yelled, "Police! Search Warrant!" Several seconds later, RAC Hayden yelled, "Breach!" and another agent broke open the door. We entered the house and one of our team members - I'm not sure who - again yelled, "Police! Search Warrant!" Immediately upon entering the house I led half of the team into the kitchen; the other half of the team went downstairs to the basement.</p> <p>When my team and I entered the kitchen, it was relatively dark. There were no lights on and the curtains were closed, but there was ambient light coming into the kitchen from the open side door. Just as I was about to yell "Kitchen clear!" I saw movement toward the back of the house. Almost simultaneously, I heard two or three gun shots and then fell to the floor. I was in a great deal of pain and realized I had been shot in the leg. The agents behind me immediately began returning fire, and someone yelled, "Police! Don't Shoot!" I also called out to Collins, yelling something to the effect of "Stacey! It's me, Avery!" but received no reply. At that point, RAC Hayden gave the order for the search warrant team to vacate the residence. RAC Hayden and another agent grabbed me and pulled me out of the house. Officers were still yelling, "Police!" but the gunman/woman kept shooting until we retreated from the residence.</p> <p>I was treated by EMTs and transported by ambulance to the Priest River Hospital. I lost consciousness during the ambulance ride and so had no further involvement in the attempted execution of the search warrant at Meadow's Bounty Family Farm. As a result of the incident, I sustained gunshot wounds to my leg and shoulder. I am currently on medical leave.</p>				
11. Distribution	12. Signature (Agent)	13. Date		
Division	<i>Avery Miller</i>	10/1/2013		
District				
Other	14. Approved (Name & Title)	15. Date:		
	RAC Chris Hayden	10/1/2013		
<small>DEA Form - 6 (1st 1999)</small>				
<small>DEA SENSITIVE Drug Enforcement Administration This report is the property of the Drug Enforcement Administration. Neither it nor its contents may be disseminated outside the agency to which loaned. Previous edition R91 may be used.</small>				



Exhibit 7: Excerpt from Medical Examiner's Report



# Exhibit 8: Post Traumatic Stress Disorder Brochure

This brochure was created in 2011 by the American Psychiatric Association

LET'S TALK FACTS ABOUT

## Posttraumatic Stress Disorder (PTSD)

WHAT IS POSTTRAUMATIC STRESS DISORDER? THE FACTS SYMPTOMS TREATMENT FOR PTSD

### What Is Posttraumatic Stress Disorder?

Posttraumatic stress disorder (PTSD) is a psychiatric disorder that can occur in people who have experienced or witnessed life-threatening events such as natural disasters, serious accidents, terrorist incidents, war, or violent personal assaults like rape. People who suffer from PTSD often relive the experience through flashbacks or nightmares, have difficulty sleeping, and feel detached or estranged.

### The Facts

PTSD has often been misunderstood or misdiagnosed, even though the disorder has very specific symptoms. Although it was once thought to be mostly a disorder of war veterans who had been involved in heavy combat, researchers now know that PTSD also affects both female and male civilians, and that it affects more females than males. In some cases the symptoms of PTSD disappear with time, whereas in others they persist for many years. PTSD often occurs with—or may contribute to—other related disorders, such as depression, substance abuse, problems with memory, and other physical and mental health issues.

Not everyone who experiences trauma requires treatment; some recover with the help of family, friends, or clergy. But many do need professional treatment to recover from the psychological damage that can result from experiencing, witnessing, or participating in an overwhelmingly traumatic event.

### Symptoms

PTSD usually appears within 3 months of the trauma, but sometimes the disorder appears later. Symptoms for PTSD fall into three categories:

- \* Intrusion
- \* Avoidance
- \* Hyperarousal

### INTRUSION

In people with PTSD, memories of the trauma reoccur unexpectedly, and episodes called “flashbacks” intrude into their current lives. This happens when sudden, vivid memories, accompanied by painful emotions, take over the person’s attention. Flashbacks may be so strong that individuals feel like they are actually reliving the traumatic experience or seeing it unfold before their eyes and in nightmares.

### AVOIDANCE

Avoidance symptoms affect relationships with others. A person with PTSD often avoids close emotional ties with family, colleagues, and friends. At first, the person may feel numb, have diminished emotions, and may only complete routine, mechanical activities. Later, when reliving the traumatic event, the individual may alternate between a flood of emotions caused by the flashback and an inability to feel or express emotions at all. A person with PTSD avoids situations or activities that are reminders of the original traumatic event.

The inability of a person with PTSD to work out grief, anger, or fear from the traumatic event means the trauma can continue to affect the person’s behavior without the individual being aware of it. Depression is a common product of this inability to resolve painful feelings. Some people also feel guilty because they survived a disaster if others—particularly friends or family—did not.

### HYPERAROUSAL

PTSD can cause individuals to act as if they are constantly threatened by the trauma that caused their illness. They can become suddenly irritable or explosive, even when unprovoked. They may have trouble concentrating or remembering current information, and, because of terrifying nightmares, may develop insomnia. This constant feeling that danger is near causes exaggerated startle reactions.

Finally, many people with PTSD also attempt to rid themselves of painful flashbacks, loneliness, and anxiety by abusing alcohol or other drugs to “self-medicate” or help them to dull or forget the pain and trauma temporarily. A person with PTSD may show poor control over his or her impulses and may be at risk for suicide.

### Treatment for PTSD

Today, psychiatrists and other mental health professionals have significant success in treating the very real and painful effects of PTSD. They use a variety of treatment methods to help people with PTSD to work through their trauma and pain.

**Cognitive Behavior Therapy (CBT)** focuses on correcting the painful and intrusive patterns of behavior and thought by teaching people with PTSD relaxation techniques and examining (and challenging) the mental processes that are causing the problem.

**Exposure therapy** uses careful, repeated, detailed imagining of the trauma (exposure) or progressive exposures to symptom “triggers” in a safe, controlled context to help the survivor face and gain control of the fear and distress that was overwhelming during the trauma. In some cases, trauma memories can be confronted all at once (flooding). For others, it is preferable to work up to the most severe trauma gradually or by taking the trauma one piece at a time (desensitization).

**Psychodynamic psychotherapy** focuses on helping the individual examine personal values and how behavior and experience during the traumatic event affected them.

**Family therapy** may also be recommended because the behavior of spouse and children may result from and affect the individual with PTSD.

**Discussion groups or peer-counseling groups** encourage survivors of similar traumatic events to share their experiences and reactions to them. Group members help one another realize that many people would have done the same thing and felt the same emotions.

**Medication** can help to lessen the symptoms of PTSD. The symptom relief that medication provides allows many patients to participate more effectively in psychotherapy when their condition may otherwise prohibit it. Certain antidepressant medications may be particularly helpful in treating the core symptoms of PTSD either alone or in combination with psychotherapy.

## Exhibit 9: Excerpts from Dr. Vandenberg's Case Notes

### *Excerpt from Case Notes for Therapy Sessions between Stacy Collins and Dr. Hunter Vandenberg*

#### General Information

Patient filled out an intake form meant to determine the degree to which s/he was suffering from the common issues related to Post Traumatic Stress Disorder (PTSD). The same form was filled out at the point at which the patient and doctor have determined that it is time to end the therapy relationship. The table below lists the scores at both onset and separation and the percentage of change that has resulted. The scale is a 1 to 10 scale where 1 equals "not at all" and 10 equals "severe."

Issue	Score at Onset	Score at Separation	% of Change
Depression	8	3	65% improvement
Anxiety	9	3	70% improvement
Anger	10	5	50% improvement
Behavior Control	8	5	40% improvement
Difficulty relating to others	7	6	10% improvement

#### April 5, 2011

Stacy Collins is a veteran of the most recent Iraq War, likely suffering from DSM-IV-TR chronic military related posttraumatic stress disorder (PTSD). Stacy indicated on the first visit that s/he decided to seek treatment at the urging of a friend after suffering from what s/he believed to be a flashback while visiting a local bar.

Stacy emphasized that the most painful wounds s/he sustained in the war could not be seen with the naked eye. Stacy reported that s/he did not experience any of the current PTSD symptoms during his/her active duty time. But, most recently, the death of Stacy's father and ongoing issues with his/her significant other have brought Stacy's issues to the surface.

Symptoms have included outbursts of anger, a heightened startle response, survivor's guilt, difficulty in relationships, and frequent, overpowering flashbacks. Stacy hopes that treatment will allow him/her to lay some ghosts to rest and move forward with a more healthy life. S/he feels in a good, stable position emotionally and mentally, as well as very motivated to take a more aggressive treatment approach. Stacy and I decided to meet weekly for a three month period and then re-evaluate the need for therapy after that period.

#### April 12, 2011

During our second visit, Stacy and I worked on setting goals for therapy. Based on our discussion and my feedback, we set the following four goals:

1. Decrease client's frequency and intensity of both outbursts of anger and flashbacks;
2. Increase the client's social network of friends;
3. Determine an meaningful career path to provide a focus and positive future outlook; and
4. Build a happier and healthier relationship with his/her significant other.

#### June 13, 2011

Stacy's outlook is really starting to look up as s/he works toward his/her goal of having a more meaningful work life. Stacy was instrumental in helping pass legislation concerning medical marijuana in Idaho and is now in the process of converting part of the family farm into growing and dispensing medical marijuana

to help with pain management for people who suffer from various forms of chronic pain. My one area of concern is that I don't want to see Stacy use the marijuana from the farm to self-medicate his/her PTSD symptoms. I made it clear to Stacy that s/he should only use marijuana under the guidance of a physician and that if that is a direction s/he wants to explore, we should discuss it further. Stacy's response to my urging seemed very non-committal.

**August 23, 2011**

While Stacy is headed in a positive direction, his/her progress is slower than we both might like. S/he is reporting experiencing fewer angry outbursts, leading to a better relationship with Quinn, but says that s/he still has to brace herself when s/he feels flashbacks coming on. What's healthier is that Stacy seems to be able to tell when s/he is about to experience a flashback and move him/herself to a quiet place to talk him/herself down from what Stacy has said are no more than paranoid fantasies.

Stacy does seem anxious to know how much longer s/he will need to keep coming to therapy sessions and we had a long discussion about how Stacy should consider coming to therapy as a strength and not a weakness. Stacy mentioned that, while his/her relationship with Quinn had improved markedly, s/he was worried that Quinn was feeling put out by having to drive Stacy to therapy on a weekly basis. It will be important for Stacy to help Quinn understand what s/he needs to do to take care of him/herself.

**October 11, 2011**

Stacy appears to be expanding his/her social network. S/he is spending some time the local VFW Post. She indicated that most of the people who hang out there are older, but that s/he actually prefers the company of older people who can give him/her wisdom and guidance like Stacy's father had. Being able to reach out to include other people in his/her life, especially other vets, shows strong progress towards recovery.

**November 22, 2011**

The Zoloft and medical marijuana that I prescribed for Stacy seem to be working really well. After nearly 7 months of treatment, Stacy seems calm and much more centered. The Zoloft still has some minor side effects of causing agitation, but the side effects are not severe enough to take him/her off the drug. I suggested to Stacy that s/he consider moving from one-on-one therapy to a group. For some reason, that suggestion didn't sit very well with Stacy and s/he was not able to articulate why, except to say that s/he doesn't like the idea of talking about his/her problems in front of a bunch of strangers. We decided that we would revisit the idea at a future date.

**December 13, 2011**

At Stacy's visit today, s/he indicated that s/he felt ready to end her/his therapy sessions and try working on any remaining PTSD issues on his/her own. While I usually like to have more time to wrap up therapy relationship, I am confident that Stacy has made significant progress towards his/her therapy goals. I did leave the door open for more therapy in the future should Stacy decide s/he needs more help. We decided that we would have a med check visit every 3 months to decide if we needed to change any medication or dosage.

**September 3, 2013**

Received phone message from Stacy Collins asking to come in for a med check and to revisit the possibility of attending group therapy. This was the first contact from Stacy in about six months.



## Exhibit 10: Police Report of Incident on Quinn Schrader's Food Truck

Drug Enforcement Agency – Coeur d'Alene Office – Incident Report – Submitted September 17, 2013

On August 28, 2013 I, Agent Avery Miller, was assigned by Agent Chris Hayden to interview Quinn Schrader with the object of getting information and evidence regarding illegal controlled substance transactions. Schrader operates a mobile food vending service, and my goal was to obtain Schrader's consent to search the food truck or enough evidence to justify a search warrant.

The DEA had received unconfirmed reports of illegal controlled substances being purchased from the food truck. The reports said that buyers would approach the vehicle where it was parked during regular business hours, and that they would use "code words" while placing an order. The buyer would hand the appropriate amount of cash to Schrader, and Schrader would place a packet of drugs in the to-go container with the food. The transaction was made to look like a regular food purchase, even to other customers placing normal orders.

It is well known that Schrader is living with Stacey Collins. It is also well known that Stacey Collins grows and sells marijuana, ostensibly for medical use only. Based on this information and the reports Agent Hayden suspected that Collins was selling marijuana illegally from Schrader's truck.

I detailed Agent Philip Fish to assist. Agent Fish is the handler of our drug detection K-9 unit. Since we did not have sufficient evidence to search without a warrant or Schrader's consent, we needed the K-9 to determine whether controlled substances were present.

At approximately 11:45 a.m. We located Schrader's truck in a parking lot on Cedar Street in downtown Sandpoint. We parked our unmarked vehicle approximately one block from Schrader's location so that we could view the lunchtime crowd and see if we could gather evidence of illegal drug transactions. By 12:45 business had dropped off enough that we decided we could question Schrader without interruption. The K-9 was also getting restless and needed to get out of the vehicle.

We approached Schrader's truck from the side so that Schrader could not see us until we were at the truck. I engaged Schrader in conversation while Agent Fish took the K-9 around the truck.

Schrader's first words when s/he saw me were, "oh, no." I greeted Schrader and asked why s/he would be unhappy to see me. Schrader said that police hovering around a food truck tended to drive away business, and asked if we could come back later. I asked Schrader how police just coming to order food could drive away business. Schrader did not have an answer.

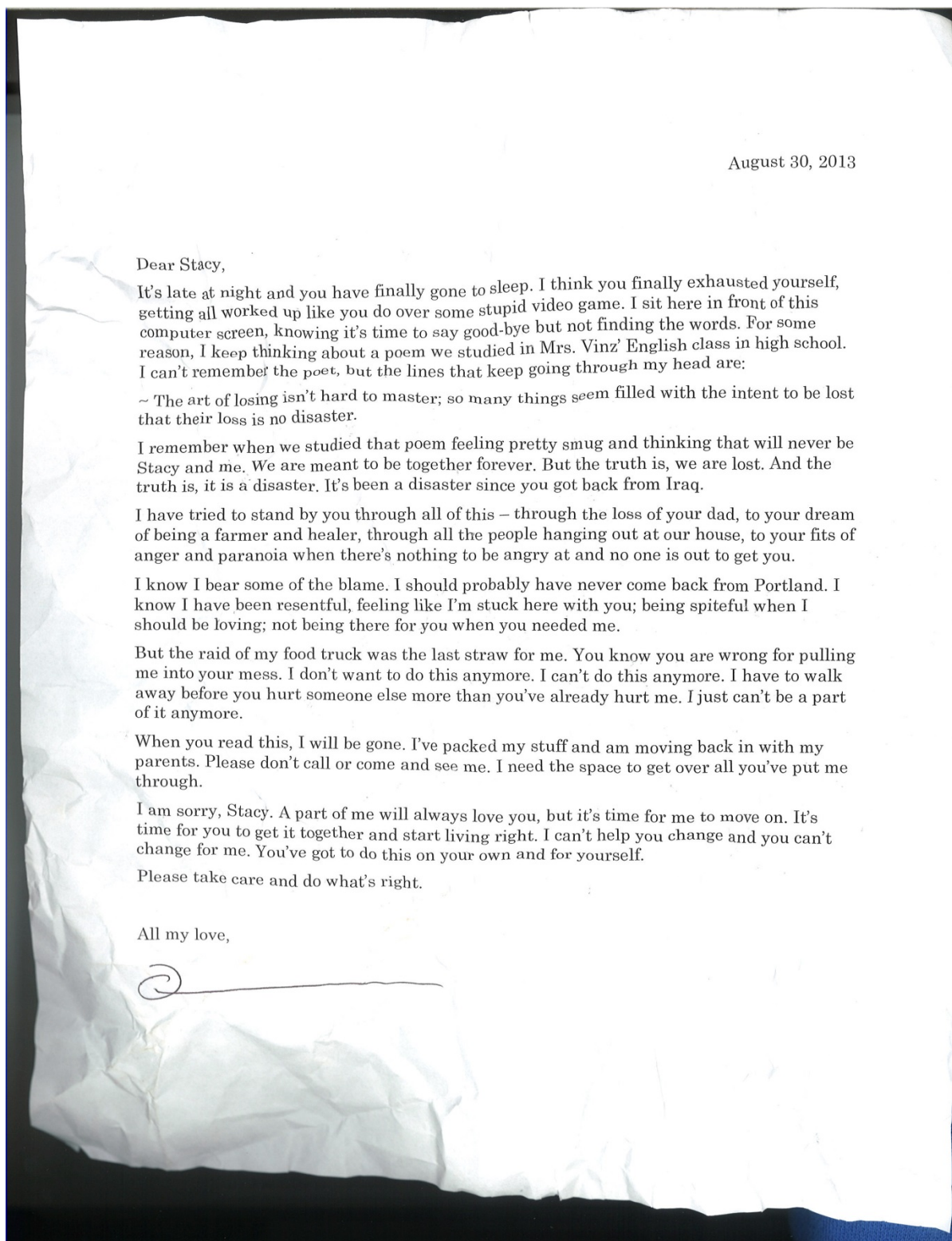
I told Schrader that we were not there to order food, but that I wanted to talk to Schrader about other orders that might have been placed. Schrader said s/he didn't know what I was talking about. I told Schrader that I believed s/he knew exactly what I was talking about, and that I wanted to know about the special orders I'd heard about. Schrader did not respond. I told Schrader that I knew s/he was living with Stacey Collins, that Collins was growing and selling marijuana, and that Collins was having a hard time. I told Schrader that maybe s/he had gotten into something s/he didn't really want to be involved in and needed help getting out. I told Schrader this would be a good opportunity to come clean. Schrader looked at me for a few seconds, then said, "you really have no idea what you're dealing with, do you."

I asked Schrader to help us and himself/herself out by allowing us to search the truck. Schrader became very angry at this point, saying that we had no right to search, that s/he was no drug dealer, and that we needed to leave. At this point Agent Fish advised me that the K-9 had alerted on the truck, indicating the presence of controlled substances. I told Schrader that with the K-9 alert I did not need his/her permission to search. I directed Schrader to exit the truck and wait on the sidewalk while I conducted the search of the truck. Schrader's anger escalated, but s/he complied. Agent Fish kept watch over Schrader while I searched the truck. After a thorough search the truck I was unable to locate any evidence of controlled substances.

When I finished the search I thanked Schrader for being cooperative. I told Schrader that I knew s/he was in a tough spot, and that if s/he ever needed any assistance s/he should call. I gave Schrader my card and cleared the scene. I passed the foregoing information to Agent Hayden.

## Exhibit 11: Letter from Quinn Schrader to Stacy Collins

This letter was found in Stacy Collins' pants pocket when s/he was arrested on September 18, 2013.



## Exhibit 12: Photos of Sweatshirt & Jacket



Sweatshirt Stacy Collins reported seeing on one of the people who broke into his/her house. These sweatshirts are not official DEA gear and are sold on various websites.



Jackets worn by DEA agents during incident at Stacy Collins house. These jackets are official DEA gear and are not sold to the public.

# Jury Instructions

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## INSTRUCTION NO. 1

You have now heard all the evidence in the case. My duty is to instruct you as to the law. You must follow all the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.

## INSTRUCTION NO. 2

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection was made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I was being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustained an objection to a question or to an exhibit, the witness was not allowed to answer and the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I told you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.



Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.

### **INSTRUCTION NO. 3**

This criminal case has been brought by the United States of America. The defendant is charged by the United States of America with a violation of federal law. The charge against the defendant is contained in the Indictment. The defendant is charged with Assaulting a Federal Officer with a Deadly Weapon, and s/he has pleaded not guilty. The Indictment is simply a description of the charge; it is not evidence.

### **INSTRUCTION NO. 4**

A defendant in a criminal action is presumed to be innocent. This presumption places upon the state the burden of proving the defendant guilty beyond a reasonable doubt. Thus, a defendant, although accused, begins the trial with a clean slate with no evidence against the defendant. If, after considering all the evidence and my instructions on the law, you have a reasonable doubt as to the defendant's guilt, you must return a verdict of not guilty.

Reasonable doubt is not mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is the state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

## **INSTRUCTION NO. 5**

The defendant has been charged in the Indictment with Assault on a Federal Officer, in violation of Section 111(b) of Title 18 of the United States Code. In order to for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

- (1) The defendant, Stacy Collins, forcibly assaulted DEA Special Agent Avery Miller;
- (2) The defendant, Stacy Collins, did so while Special Agent Avery Miller was engaged in, or on account of his/her official duties; and
- (3) The defendant, Stacy Collins, used a deadly or dangerous weapon and/or inflicted bodily injury upon the person of Special Agent Avery Miller.

There is a forcible assault when one person intentionally strikes another, or willfully attempts to inflict injury on another, or intentionally threatens another coupled with an apparent ability to inflict injury on another which causes a reasonable apprehension of immediate bodily harm.

A hand gun is a deadly or dangerous weapon if it is used in a way that is capable of causing death or serious bodily injury.

If any of the above elements have not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above elements has been proven beyond a reasonable doubt, you must determine if the defendant acted in self-defense, as defined in the next instruction.

## **INSTRUCTION NO. 6**

The defendant asserts that s/he acted in self-defense. It is a defense to the charge if (1) the defendant did not know that Special Agent Avery Miller was a federal law enforcement officer, (2) the defendant reasonably believed that use of force was necessary to defend himself/herself against an immediate use of unlawful force, and (3)

the defendant used no more force than appeared reasonably necessary in the circumstances.

Force which is likely to cause death or great bodily harm is justified in self-defense only if a person reasonably believes that such force is necessary to prevent death or great bodily harm.

In addition to proving all the elements of the crime beyond a reasonable doubt, the government must also prove beyond a reasonable doubt either that:

(1) The defendant, Stacy Collins, knew that Special Agent Avery Miller was a federal law enforcement officer; or

(2) The defendant, Stacy Collins, did not reasonably believe force was necessary to defend against an immediate use of unlawful force; or

(3) The defendant, Stacy Collins, used more force than appeared reasonably necessary in the circumstances.

If the government has not proven any of the above elements beyond a reasonable doubt, you must find the defendant not guilty. If the government has proven one or more of the above elements beyond a reasonable doubt, and has also proven all of the elements of the crime beyond a reasonable doubt, you must find the defendant guilty.

## **INSTRUCTION NO. 7**

Certain evidence may have been admitted for a limited purpose. At the time any such evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was admitted.

## **INSTRUCTION NO. 8**

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case. The evidence you are to consider consists of:

(1) Sworn testimony of witnesses;

(2) Exhibits which have been admitted into evidence; and

(3) Any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

(1) Arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;

(2) Testimony that has been excluded or stricken, or which you have been instructed to disregard; and

(3) Anything you may have seen or heard when the court was not in session.

## **INSTRUCTION NO. 9**

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

## **INSTRUCTION NO. 10**

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

## **INSTRUCTION NO. 11**

I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law as given you in these instructions.

Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

However, none of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of the defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.