

IN THE CHANCERY COURT FOR THE TWENTIETH JUDICIAL DISTRICT
DAVIDSON COUNTY, TENNESSEE

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|--------------------------------|---|------------------------|
| CLARA RENEE BREWER, |) | |
| Petitioner, |) | |
| v. |) | No. 23-0538-III |
| METROPOLITAN GOVERNMENT OF |) | |
| NASHVILLE AND DAVIDSON COUNTY, |) | CONSOLIDATED |
| Respondent. |) | ***controlling case*** |

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| JAMES HAMMOND AND TENNESSEE |) | |
| FIREARMS ASSOCIATION, INC., |) | |
| Petitioners, |) | |
| v. |) | No. 23-0542-III |
| METROPOLITAN GOVERNMENT OF |) | |
| NASHVILLE AND DAVIDSON COUNTY, |) | |
| Respondent. |) | |

NOTICE OF FILING DECLARATIONS WITH STATUS OF INVESTIGATION

The Metropolitan Government of Nashville and Davidson hereby gives notice of filing the declarations of Metropolitan Nashville Police Department Assistant Chief Mike Hagar and Lieutenant Brent Gibson.

These declarations provide the status of the ongoing criminal investigation into The Covenant School shooting. A chart is included listing the current status of the documents that have been requested in this lawsuit. While many of these documents are not public records because of the ongoing criminal investigation, there are also other exceptions to the Public Records Act that apply to these records. These exceptions are not waived, and they will be briefed by the Metropolitan Government prior to the show cause hearing.

Respectfully submitted,

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
WALLACE W. DIETZ (#009934)
DIRECTOR OF LAW
[/s/ Lora Fox](#)

LORA BARKENBUS FOX (#17243)
ASSOCIATE DIRECTOR OF LAW
CYNTHIA GROSS (#25720)
PHYLINDA RAMSEY (#29545)
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219
(615) 862-6341
lora.fox@nashville.gov
cynthia.gross@nashville.gov
phylinda.ramsey@nashville.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the Davidson County Chancery Court electronic filing system and via electronic mail and/or U.S. Mail on the following:

John L. Harris
Schulman, LeRoy and Bennett
3310 West End Avenue, Suite 460
Nashville, TN 37203
jharris@slblawfirm.com

Douglas R. Pierce
King & Ballow
315 Union Street, Suite 1100
Nashville, TN 37201
dpierce@kingballow.com

Rocklan W. King III
F. Laurens Brock
Adams and Reese LLP
1600 West End Avenue, Suite 1400
Nashville, TN 37203
rocky.king@arlaw.com
larry.brock@arlaw.com

Eric G. Osborne
William L. Harbison
Christopher S. Sabis
C. Dewey Branstetter
Ryan T. Holt
Micah N. Bradley
Frances W. Perkins
Hunter C. Branstetter
William D. Pugh
Sherrard Roe Voigt & Harbison, PLC
150 Third Ave South, Suite 1100
Nashville, TN 37201
eosborne@srvhlaw.com
bharbison@srvhlaw.com
csabis@srvhlaw.com
dbranstetter@srvhlaw.com
rholt@srvhlaw.com
mbradley@srvhlaw.com
fperkins@srvhlaw.com
hbranstetter@srvhlaw.com
wpugh@srvhlaw.com

Peter F. Klett
Autumn L. Gentry
DICKINSON WRIGHT PLLC
424 Church Street, Suite 800
Nashville, TN 37219
pklett@dickinsonwright.com
agency@dickinsonwright.com

Nader Baydoun
BAYDOUN & KNIGHT, PLLC
5141 Virginia Way, Ste 210
Brentwood, TN 37027
nbaydoun@baydoun.com

Nicholas R. Barry
AMERICA FIRST LEGAL FOUNDATION
611 Pennsylvania Ave, SE #231
Washington, DC 20003
nicholas.barry@aflegal.org

on this the 17th day of May, 2023.

/s/ Lora Fox
Lora Barkenbus Fox

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DAVIDSON COUNTY, TENNESSEE

CLARA RENEE BREWER,)
Petitioner,)
v.) **No. 23-0538-III**
METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY,) **CONSOLIDATED**
Respondent.) *****controlling case*****

JAMES HAMMOND AND TENNESSEE)
FIREARMS ASSOCIATION, INC.,)
Petitioners,)
v.) **No. 23-0542-III**
METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY,)
Respondent.)

DECLARATION OF ASSISTANT CHIEF MIKE HAGAR

I, Mike Hagar, under the penalty of perjury, declare as true and correct the following:

1. I am over the age of 18 and competent to testify to the matters stated herein, which are based on my own personal knowledge.
2. I am an Assistant Chief with the Metropolitan Nashville Police Department (“MNPDP”).
3. I joined MNPDP on April 1, 1990, and since then I have worked in the following assignments: Patrol, Traffic, Planning & Research, Training, Case Preparation, Identification/Crime Lab, Strategic Development, and Executive Leadership. Since 2017, I have been in the position of Deputy Chief or Assistant Chief.
4. Prior to joining MNPDP, I worked at the police department in Gallatin, Tennessee.
5. I have earned a Juris Doctor degree from Nashville School of Law.

6. MNPD officers have been investigating and gathering information relating to the shooting at The Covenant School since it occurred on March 27, 2023. The MNPD investigation into the matter is still an active, ongoing criminal investigation and an open matter.

7. Based on my 34 years of experience in law enforcement, I believe that harmful and irreversible consequences could result from disclosing investigative files prematurely, including in this case.

8. The MNPD's investigative file is the product of the education and investigative experience utilized by the law enforcement officers to gather relevant documents, items, and electronic files related to this crime.

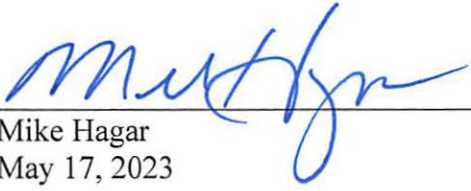
9. It is essential that police investigators be able to gather materials freely and broadly, using their judgment, without fear that materials they gather will prematurely be released to the public and cause prejudice to the effectiveness of the investigation.

10. I have a good faith belief that the Police Department's denial of Petitioners' public records requests were proper.

11. MNPD must continue and conclude its investigation in an unrushed, deliberate manner, before the records are released.

12. I have reviewed the writings submitted to the Court on May 12 for *in camera* review and the proposed redactions. Balancing the on-going investigation, with the pending litigation, I do not believe that releasing the redacted version of the writings will impede the investigation. Therefore, the MNPD does not object to the release of the redacted records, if after having heard from all interested parties and the Covenant parents, if this Court should so direct.

13. The remainder of the requested records related to the ongoing criminal investigation should remain confidential until the conclusion of the investigation or any resulting criminal case.



Mike Hagar
May 17, 2023

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| Respondent. |) | |

DECLARATION OF LIEUTENANT BRENT GIBSON

I, Brent Gibson, under the penalty of perjury, declare as true and correct the following:

1. I am over the age of 18 and competent to testify to the matters stated herein, which are based on my own personal knowledge.
2. I am a Lieutenant with the Metropolitan Nashville Police Department (“MNPDP”).
3. I joined MNPDP on February 16, 2002, and since then I have worked in the following assignments: Patrol Officer in the Patrol Division, Officer in the Special Operations Section, Detective in the Intelligence Unit, Sergeant in the Patrol Division and the Special Operations Section, and Lieutenant in the Patrol Division and the Criminal Investigations Division - Homicide Unit. Since March of 2021, I have been in the position of Homicide Unit Lieutenant.
4. Prior to joining MNPDP, I was a police officer for the City of Mt. Juliet from 1998 to 2002.

5. I earned an A.S. Criminal Justice degree from Columbia Southern University; further, I am a graduate of Northwestern University Center for Public Safety – School of Police Staff and Command.

6. MNPD officers have been investigating and gathering information relating to the shooting at The Covenant School since it occurred on March 27, 2023. I am overseeing this investigation, which is being conducted by a fluctuating number of MNPD officers. The MNPD investigation into this matter is still an active, ongoing criminal investigation and it is an open matter.

7. MNPD has been investigating, meeting with, and grieving with the families, working with state and federal agencies, reviewing the officer-involved shootings, interviewing witnesses, executing search warrants, and gathering documents, items, and electronic files from the scene, the assailant's home, and the assailant's background.

8. Specifically, MNPD is still in the process of gathering and reviewing the following records and conducting the following steps of the investigation:

- a. Social media records from the past two years;
- b. Internet and bank account records;
- c. Phone records;
- d. Autopsy and toxicology reports;
- e. Records obtained from search warrants;
- f. Medical records, including records of psychiatric treatment;
- g. Gun and ammunition account records;
- h. Interviewing individuals identified in all the records; and,
- i. Investigating the assailant's actions for the months prior to the incident; and,

- j. Following up on information discovered during this process.
9. Many of these documents must be subpoenaed and it takes time to get the records back. MNPDP must then examine the content of the materials and the metadata. MNPDP needs to review the assailant's messaging data, internet search histories, and any other relevant evidence. This often can be a time-consuming process.
 10. MNPDP uses this process to determine whether the assailant had any assistance with planning the shooting or any assistance with weapons purchases.
 11. MNPDP has not had an opportunity to interview everyone connected to the incident or to review all the materials it has gathered. Witness interviews typically are scheduled to occur *after* the materials related to the crime have been reviewed by the investigators, not before.
 12. Even though the assailant died at the school, the criminal investigative file does not automatically, instantly close. Investigators must still work to gather and analyze evidence in the case and to determine if related crimes were committed, are being planned, or whether other people were involved.
 13. Based on my twenty-five years of experience in law enforcement, I believe that harmful and irreversible consequences could result from disclosing investigative files prematurely, including in this case.
 14. The MNPDP's investigative file is the product of the education and investigative experience utilized by law enforcement officers to gather relevant documents, items, and electronic files related to this crime.

15. It is essential that police investigators be able to gather materials freely and broadly, using their judgment, without fear that materials they gather will prematurely be released to the public and cause prejudice to the effectiveness of the investigation.

16. I have a good faith belief that the Police Department's denial of Petitioners' public records requests has been proper.

17. MNPD must continue and conclude its investigation in an unrushed, deliberate manner, before the records are released. Releasing any of the puzzle pieces too quickly could jeopardize putting this intricate puzzle together.

18. Based upon the volume of evidence and the number of persons to be interviewed, I believe that it will take approximately 12 months for MNPD to complete its investigation in this case. There have been 46 homicide victims so far in 2023, and there were 112 last year. Our homicide investigators are proceeding to work on this case on a daily basis, with all deliberate speed to complete this investigation. They are also working with our federal agency partners on this investigation. However, we have other ongoing investigations to work on as well.

19. For comparison purposes, an investigation for a murder-suicide case, where it appears "obvious" what has happened, typically takes eight months.

20. While we believe at this time that the assailant acted alone in this case, we do not know for sure. And we need to investigate the matter thoroughly, as we do in all homicides, to rule out any co-conspirators or additional crimes related to this matter.

21. Here is the current status of the requested records:

| Status of Requested Records | |
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| Item Description | Status/Comments |
| Writings of the assailant. | Certain writings were provided to the court for an <i>in camera</i> review on May 12. The remaining writings, obtained from the home, are part of the ongoing criminal investigation. |
| All records depicting or describing the analysis of the writings. | None. |
| All records of communications between MNPB and the Office of the Director of Community Safety of Nashville regarding the writings. | None. |
| All records of communications between MNPB and the Office of the Mayor regarding the writings. | There are nine emails that relate to the writings. |
| All records of communications between MNPB and the FBI regarding the writings. | These records relate to the ongoing criminal investigation. |
| All records of communications between MNPB and the White House regarding the writings. | None. |
| All records, including emails, texts, and other communications to and from MNPB mentioning or regarding the writings. | These records relate to the ongoing criminal investigation. |
| All MNPB criminal police reports documenting this incident to include but not limited to: a. Impound/evidence invoices b. Photographs c. Bodycam footage d. City/County/State and or federal coroner information e. Suspect toxicology/lab results f. School video footage of suspects and officers. | a. MNPB can produce the inventory lists from house and car. b. Photographs are part of to the ongoing criminal investigation. c. Bodycam footage is part of the ongoing criminal investigation. d. The Davidson County Medical Examiner's Office has these records, not MNPB, but they are also part of the ongoing criminal investigation. e. The Davidson County Medical Examiner's Office has these records, not MNPB, but they are also part of the ongoing criminal investigation. f. School video footage relates to the ongoing criminal investigation. |

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| <p>All MNPD Force Investigation (FIT) internal administrative investigations/reports regarding this incident to include but not limited to those mandated by The Manual of the Metropolitan Police Department of Nashville, Davidson County, TN (The Department Manual) Title 1.130.050.</p> | <p>These records relate to the ongoing criminal investigation.</p> |
| <p>All MNPD communications between the Federal Bureau of Investigation (FBI), the U.S. Department of Justice (DOJ), and/or the Office of the District Attorney, Nashville (20th Judicial District) regarding the designation of the aforementioned multiple shooting at a Christian School by a self-identified transgender suspect as a "hate crime."</p> | <p>These records relate to the ongoing criminal investigation.</p> |
| <p>All MNPD criminal and/or field intelligence reports and/or received complaints involving the aforementioned shooting suspect dating from January 1, 2020, to the date of your final response to this public records request.</p> | <p>None.</p> |

Brent Gibson
Brent Gibson
May 17, 2023