

IN THE SUPREME COURT OF THE STATE OF NEVADA

IAN CHRISTOHPER HELD,	)	Electronically Filed
	)	Oct 20 2021 10:29 a.m.
Appellant,	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
vs.	)	
	)	Case No. 83549
THE STATE OF NEVADA,	)	
	)	<b>DOCKETING STATEMENT</b>
Respondent.	)	<b>CRIMINAL APPEALS</b>
_____	)	

**GENERAL INFORMATION**

1. **Judicial District:** Second **County:** Washoe  
**Judge:** David Hardy **District Ct Case No.:** CR20-3104

2. **If the defendant was given a sentence,**

(a) What is the sentence?

Count I: The Jury determined Mr. Held was guilty of Residential Burglary, Second or Subsequent Offense; under NRS 205.060(1)(a); and the Court sentenced Mr. Held to 48 to 120 months with minimum parole eligibility. 340 days credit time served.

Count II: The Jury determined Mr. Held was guilty of Attempt Residential Burglary, Second or Subsequent Offense; under NRS 205.060(1)(a), NRS 205.060(2)(d), and NRS 193.330(1)(a)(2); and the Court sentenced Mr. Held to 24 to 60 months to be served consecutively with the sentence imposed in Count I. Zero credit time served.

Count III: The Jury determined Mr. Held was guilty of Being a Felon in Possession of a Firearm; under NRS 202.360; and the Court sentenced Mr. Held to 12 to 30 months with minimum parole eligibility, to be served

consecutively to the sentence imposed in Counts I and II. Zero credit time served. The Court determined that the sentenced imposed for Counts II and III be served consecutively to the sentence imposed in Count I, that the maximum aggregate term of imprisonment is 84 to 210 months.

(b) Has the sentence been stayed pending appeal?

No.

(c) Was defendant admitted to bail pending appeal?

No.

**3. Was counsel in the district court appointed or retained?**

Appointed.

**4. Attorney filing this docketing statement:**

Attorney: Melissa Rosenthal  
Firm: Washoe County Alternate Public Defender  
Address: 350 S. Center Street, 6<sup>th</sup> Floor  
Reno, Nevada 89501  
Telephone: 775-328-3967  
Client: Ian Christopher Held

**5. Is appellate counsel appointed or retained?**

Appointed.

**6. Attorney(s) representing respondent(s):**

Attorney: Jennifer Noble  
Firm: Washoe County District Attorney  
Address: One South Sierra Street, 4<sup>th</sup> Floor  
Reno, Nevada 89501  
Telephone: 775-328-3200  
Client: The State of Nevada

**7. Nature of disposition below:**

- |  |  |
|--|--|
| <input type="checkbox"/> Judgment after bench trial            | <input type="checkbox"/> Grant of pretrial habeas              |
| X Judgment after jury verdict                                  | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input type="checkbox"/> Judgment upon guilty plea             | <input type="checkbox"/> Post conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Grant of pretrial motion to dismiss   | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation           | <input type="checkbox"/> other disposition (specify)           |
| <input type="checkbox"/> Motion for new trial                  | <input type="checkbox"/> Motion to withdraw guilty plea        |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | <input type="checkbox"/> grant <input type="checkbox"/> denial |

**8. Does this appeal raise issues concerning any of the following:**

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender    |
| <input type="checkbox"/> life sentence  | <input type="checkbox"/> pretrial proceedings |

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes X      No ☐

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

N/A

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

N/A

**12. Nature of action.** Briefly describe the nature of the action and the result below:

Appellant was found guilty by a jury of Residential Burglary, Second or Subsequent Offense; under NRS 205.060(1)(a); and the Court sentenced Appellant to 48 to 120 months in the Nevada Department of Corrections. Appellant was given 340 days credit time served on this count.

Appellant was also found guilty by a jury of Attempt Residential Burglary, Second or Subsequent Offense; under NRS 205.060(1)(a), NRS 205.060(2)(d), and NRS 193.330(1)(a)(2); and the Court sentenced Appellant to 24 to 60 months to be served consecutively with the sentence imposed in Count I. Appellant was given zero days credit time served on this count.

Finally, Appellant was found guilty by a jury of Being a Felon in Possession of a Firearm; under NRS 202.360; and the Court sentenced Mr. Held to 12 to 30 months with minimum parole eligibility, to be served consecutively to the sentence imposed in Counts I and II. Appellant was given zero days credit time served on this count.

The Court determined that the sentenced imposed for Counts II and III be served consecutively to the sentence imposed in Count I. The total aggregate sentence imposed was 84 to 210 months.

**13. Issues on appeal.** State concisely the principal issue(s) in this appeal:

The trial court erred when it denied Appellant's motion to suppress evidence regarding an unlawful search of a trailer and the spoliation of evidence by the Reno Police Department. The trial court further erred when it allowed a witness to testify about weapons found in said trailer even though the trial was severed regarding the ex-felon in possession count.

**14. Constitutional issues.** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A ☒ Yes ☐ No ☐

**15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Presumptively assigned to Nevada Court of Appeals NRAP 17(b)(1) and NRAP 17(b)(3).

**16. Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes ☐ No ☒  
Public interest: Yes ☐ No ☒

**17. Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

5 days

**18. Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes ☐ No ☒

### **TIMELINESS OF NOTICE OF APPEAL**

**19. Date district court announced decision, sentence or order appealed from:**  
September 30, 2021.

**20. Date of entry of written judgment or order appeal from** September 3, 2021.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court:**

N/A

**22. If the time for filing the notice of appeal was tolled by a post judgment motion.**

N/A

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment _____	Date filed _____
New trial _____	Date filed _____
(Newly discovered evidence)	
New trial _____	Date filed _____
(Other grounds)	

(b) Date of entry of written order resolving motion \_\_\_\_\_

**23. Date notice of appeal filed** September 23, 2021.

**24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other**

**NRAP 4(b)**

**SUBSTANTIVE APPEALABILITY**

**25. Specify statute, rule or other authority that grants this court jurisdiction to review from:**

NRS 177.015(1) (b) \_\_\_\_\_  
NRS 177.015(1) (c) \_\_\_\_\_  
NRS 177.015(2) \_\_\_\_\_  
NRS 177.015(3) XXXXXXXXXX  
NRS 177.055 \_\_\_\_\_

NRS 34.560 \_\_\_\_\_  
NRS 34.575(1) \_\_\_\_\_  
NRS 34.575(2) \_\_\_\_\_  
Other (specify) \_\_\_\_\_

**VERIFICATION**

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information, and belief.

IAN CHRISTOPHER HELD  
Name of appellant

MELISSA ROSENTHAL  
Name of counsel of record

October 20, 2021  
Date

/s/ Melissa Rosenthal  
Signature of counsel of record

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **DOCKETING STATEMENT** to the following:

IAN CHRISTOPHER HELD, #96555  
C/O NNCC  
P.O. BOX 7000  
CARSON CITY, NV 89702  
Via U.S. Mail

CHRIS HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via Electronic Mail

DATED this 20<sup>th</sup> day of October, 2021.

/s/Randi Jensen  
Randi Jensen