

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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Elizabeth A. Brown  
Clerk of Supreme Court

IAN CHRISTOPHER HELD,	)	
	)	
Appellant,	)	Case No. 83549
	)	
vs.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
_____	)	

Appeal from Jury Verdict and Conviction  
Second Judicial District Court of the State of Nevada  
The Honorable David Hardy

**APPELLANT'S JOINT APPENDIX – VOLUME III**

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# EXHIBIT 3

**EXHIBIT 3**

FILED

29 Mar 2021 3:03 pm

JAMES P. CONWAY  
RENO JUSTICE COURT  
BY D. Woodard  
DEPUTY CLERK

IN THE JUSTICE COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE DAVID CLIFTON, JUSTICE OF THE PEACE

--o0o--

THE STATE OF NEVADA,	)	Case No. RCR2020-109411
	)	
Plaintiff,	)	Dept. No. 5
	)	
vs.	)	
	)	
IAN CHRISTOPHER HELD,	)	
also know as Ian Held	)	
	)	
Defendant.	)	
_____	)	COPY

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TRANSCRIPT OF PROCEEDINGS

JAVS RECORDED PRELIMINARY HEARING

Wednesday, March 3, 2021

Transcribed by:

EVELYN J. STUBBS, CCR #356

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1 RENO, NEVADA; WEDNESDAY, MARCH 3, 2021

2 ---oOo---

3  
4 THE COURT: Good afternoon, everyone.

5 Ms. Clerk, go ahead and call the case to order, please.

6 THE CLERK: State versus Ian Held, RCR 2020-109411.

7 Counsel, please state your appearances for the record.

8 MR. DELONG: Good afternoon, Your Honor. Robert DeLong  
9 on behalf of the State.

10 MS. ROSENTHAL: And Melissa Rosenthal on behalf of  
11 Mr. Held, who's present in custody at the Washoe County Jail.

12 THE COURT: All right. Mr. Held, can you hear us okay?  
13 Take it off mute, if you're there, so I know you can  
14 hear us.

15 Is there a deputy there with him? Got to be, right?

16 THE CLERK: Should be. I just asked to unmute.

17 THE COURT: Ms. Rosenthal, do you have another attorney  
18 that will be assisting you today?

19 MS. ROSENTHAL: No, Your Honor.

20 THE COURT: So nobody is keeping in touch with him by  
21 phone at the jail?

22 MS. ROSENTHAL: Your Honor, I did speak with him just  
23 before we started and let him know that if he had something that  
24 he needs to discuss urgently that we can discuss like on breaks

1 between witnesses or whatnot. I do have the phone number to  
2 contact him.

3 THE COURT: I didn't hear that part.

4 MS. ROSENTHAL: I do have the phone number to contact  
5 him in the room he's in right now.

6 THE COURT: Well, I want to make sure he can hear us.  
7 Mr. Held, if you can hear us, just raise your hand.

8 Okay. Have a seat. As long as you can hear us, that's  
9 fine. They can keep you muted. You can always raise your hand  
10 during the proceedings if you need to get Ms. Rosenthal's  
11 attention, otherwise we will probably stop after each witness or  
12 after the direct examination or the cross-examination so you and  
13 she can talk a little bit if you need to talk to her.

14 Is that okay? Just give me a thumbs-up or thumbs-down.

15 All right.

16 All right. Then we'll proceed. Are the parties ready  
17 for preliminary hearing today, Mr. DeLong?

18 MR. DELONG: Yes, Your Honor. Thank you.

19 THE COURT: Thank you.

20 And, Ms. Rosenthal?

21 MS. ROSENTHAL: Yes, Your Honor. And I would just ask  
22 that any witness not be brought in unless he or she is testifying  
23 for somewhat of a --

24 THE COURT: You're asking for the rule of exclusion,

1 right?

2 MS. ROSENTHAL: Yes. A Zoom exclusion, please.

3 THE COURT: All right. So all of them are not with us  
4 right now. They're all in the waiting area, and Ms. Clerk has  
5 informed me of that also.

6 I'll instruct each one of them of the rule of exclusion  
7 after they testify. I'm not going to be able to talk to them  
8 right now, so I hope Mr. DeLong has about not talking about the  
9 case while they're in the room if they're all together.

10 Are they all together in the room or are they all  
11 separate?

12 THE CLERK: They're all separate.

13 THE COURT: Oh, they're all separate. So they're not  
14 talking to each other. All right. That's good. And then I'll  
15 give them the rule of exclusion admonition when they're done  
16 testifying.

17 So, Mr. DeLong, if the State is ready, you may call  
18 your first witness.

19 MR. DELONG: Thank you, Your Honor. And for the  
20 record, I did speak with the ROP detectives. I think they may be  
21 in the same office, but they understand to be in different rooms  
22 to testify and not to listen to each other.

23 THE COURT: All right. Thank you.

24 MR. DELONG: Thank you, Your Honor. The State calls at

1 this time Chris Gardella.

2 THE COURT: All right. Let's call in Mr. Gardella, if  
3 it's a he. Is that a detective or not?

4 MR. DELONG: No, Your Honor. The State intends to call  
5 the majority of the lay witnesses first.

6 THE COURT: Okay. Chris Gardella then we're waiting to  
7 come on.

8 THE CLERK: I'm asking him to start his video.

9 THE COURT: All right. Good afternoon, Mr. Gardella.  
10 Can you raise your right hand, please.

11 (Witness sworn.)

12 THE COURT: Thank you. You can put your hand down.  
13 And speak up a little bit, so we can hear you.

14 You may proceed, Mr. DeLong.

15 MS. ROSENTHAL: Real quick, Robert.

16 Mr. Gardella, can you please put your hands down from  
17 your face. Thank you.

18 MR. DELONG: I was just going to ask the same thing.

19 CHRIS GARDELLA,

20 called as a witness herein, being first duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. DELONG:

24 Q Mr. Gardella, my name is Robert DeLong. We have spoken

1 on the phone, but we haven't met in person. Thank you for  
2 appearing here today.

3 Could you please state and spell your name for the  
4 record.

5 A Chris Gardella, C-H-R-I-S, G-A-R-D-E-L-L-A.

6 Q And where do you live, Mr. Gardella?

7 A Man, is that really --

8 Q Well, I apologize. Are you familiar with 1440 Whisper  
9 Rock Way?

10 A I am.

11 Q How are you familiar with that address?

12 A It's in the neighborhood that I reside.

13 Q Okay. And are you familiar with an incident that  
14 occurred on September 21st of last year?

15 A Yes, ma'am.

16 Q And did it occur near that address?

17 A Yes, it did.

18 Q Okay. Can you tell me what you were doing that day?

19 A I was going to the store. And upon driving through our  
20 neighborhood, I saw a U-Haul truck and one person in it. They  
21 looked completely out of place for my neighborhood. And it just  
22 looked like an individual that didn't belong in our neighborhood,  
23 and especially with a U-Haul truck.

24 And as I drove out of the neighborhood, I just didn't

1 have a good feeling about the truck or the individual. And I  
2 went through the roundabout and just thought to myself that  
3 something just wasn't right. And I went back into our  
4 neighborhood, and upon leaving, the U-Haul truck was parked by  
5 our mailboxes, and there was nobody in it.

6 I stopped for a moment and just kind of assessed the  
7 situation, because there's really nothing around that area. Just  
8 didn't feel comfortable about the situation, so I took a picture  
9 of the truck.

10 Q So you said it was by the mailboxes. Where are the  
11 mailboxes in the neighborhood in proximity to 1440 Whisper Rock  
12 Way?

13 A It's right next to it.

14 Q So the truck was in front of the mailboxes right next  
15 to that address?

16 A Correct.

17 Q And can you describe the truck for us, please.

18 A Pickup truck, white, "U-Haul" all over it, very  
19 distinctive license plate. It was -- yeah, just said "U-Haul"  
20 all over it and lettered up "U-Haul."

21 Q Did you recognize the state of the license plate?

22 A It was an Arizona license plate. I just recall, I  
23 think it's AK with zeros. I think it was a 2. I mean I have a  
24 picture of it, but it was a very distinctive, easy license plate.

1 MR. DELONG: Your Honor, at this time I would ask to  
2 show the witness what's been marked as Exhibit A from the State.

3 THE COURT: One moment. And just a minute, Mr. DeLong.

4 Ms. Rosenthal, I'm sorry to do this. I thought I  
5 remember viewing this this morning, and I'm not seeing a third  
6 amended criminal complaint already had an arraignment. Do you  
7 have a copy of the third amended criminal complaint filed  
8 February 24th, Ms. Rosenthal?

9 MS. ROSENTHAL: Yes, Your Honor. And we did go through  
10 a formal arraignment of that.

11 THE COURT: I wonder why it didn't show. Okay. I  
12 double-check with the clerk. I thought I saw that on my computer  
13 this morning, but I'm not seeing it on my screen this morning --  
14 or this afternoon.

15 All right. Then that's fine. Do you want to mark it,  
16 Mr. DeLong?

17 MR. DELONG: Yes, Your Honor.

18 THE COURT: We will mark it Exhibit A.

19 (Exhibit A was marked for identification.)

20 THE COURT: Are you going to screen share it?

21 MR. DELONG: That would be my intention, Your Honor.

22 THE COURT: All right. It is marked as Exhibit A.

23 Go ahead.

24 ///



1 BY MR. DELONG:

2 Q So, Mr. Gardella, can you see an image on your screen?

3 A No. It looks like a computer screen with a bunch of  
4 files.

5 MS. ROSENTHAL: Robert, I think you need to drag it to  
6 your other screen.

7 BY MR. DELONG:

8 Q Can you see it now?

9 A No, same screen.

10 Q That's not working. I see what I did wrong. I  
11 apologize.

12 Do you see an image now, Mr. Gardella?

13 A Yes.

14 Q Have you seen -- what do you see in the image?

15 A I see the truck that I took a picture of. That appears  
16 to be a picture of a picture of my picture. That is the house  
17 that is sitting beside that the robbery occurred.

18 So, yes, that's a picture of the picture I took.

19 Q And so that's 1440 Whisper Rock Way behind it?

20 A Correct.

21 Q Does this fairly and accurately depict the truck that  
22 you saw on that day?

23 A That is the truck.

24 MR. DELONG: Your Honor, the State would move for

1 admission of Exhibit A at this time.

2 THE COURT: Ms. Rosenthal?

3 MS. ROSENTHAL: May I just ask a couple questions of  
4 the witness regarding this exhibit?

5 THE COURT: You may.

6 VOIR DIRE EXAMINATION

7 BY MS. ROSENTHAL:

8 Q Mr. Gardella, is this the exact picture you took?

9 A This is the exact picture I took. And now that I'm  
10 seeing the picture, I believe that was a female officer that was  
11 on the site that took the picture from my phone.

12 Q And that is your phone displaying the photo that you  
13 took?

14 A It is not my phone, but it is my picture.

15 Q Do you know whose phone it is?

16 A I believe that was the female officer that was at the  
17 scene the day that I met them there, that day.

18 MS. ROSENTHAL: I have no objection, Your Honor, for  
19 the purposes of this hearing.

20 THE COURT: Thank you. Exhibit A is in.

21 (Exhibit A was admitted into evidence.)

22 MR. DELONG: Thank you, Your Honor.

23 ///

24 ///

1 DIRECT EXAMINATION (Resumed)

2 BY MR. DELONG:

3 Q So, Mr. Gardella, you took a picture of the truck.  
4 What happened next?

5 A You know, I just kind of carried on my day. And, you  
6 know, it's always in the back of my mind. I always take care of  
7 my neighborhood, I guess you could say.

8 The next day my wife was out on a run and saw that -- I  
9 don't recall how it came about. I'm not sure if it was one of  
10 our fellow neighbors outside of the house that my wife  
11 recognized, knows, basically informed her that the --

12 MS. ROSENTHAL: Objection, Your Honor. Calls for  
13 hearsay.

14 THE COURT: I tend to agree.

15 Mr. Gardella, you cannot speak about what your wife has  
16 told you. So if she knows somebody and she's told you that, that  
17 would be hearsay.

18 Any response, Mr. DeLong?

19 MR. DELONG: No, Your Honor. I'll ask a different  
20 question, if I may.

21 THE COURT: Then I'll strike that last portion of his  
22 response. Go ahead.

23 MR. DELONG: Thank you, Your Honor.

24 ///

1 BY MR. DELONG:

2 Q Let's back up for a second. Did you see the  
3 individual's face that was in the truck?

4 A I recall scraggly hair.

5 Q Well, but did you see him or just his hair?

6 MS. ROSENTHAL: Objection, Your Honor. The witness did  
7 not say it was a him or a her.

8 MR. DELONG: I apologize.

9 BY MR. DELONG:

10 Q Did you see the individual?

11 A I did see a guy with straggly hair in a truck that  
12 didn't look like he or the truck belonged in my neighborhood.

13 Q Did you get a look at his face?

14 A I got a look at his face knowing that he was a person  
15 that didn't belong. But, yes, I recall straggly hair.

16 Q Can you see the participants in the Zoom call right  
17 now?

18 A I can kind of see. And I'm not sure if the -- his hair  
19 is pulled back, but it looks -- I can't see it close enough, but  
20 it looks like it might be very close to straggly hair.

21 Q I'm just asking, can you see all the participants right  
22 now?

23 A Yes, uh-huh.

24 MR. DELONG: Your Honor, at this time I would ask the

1 Court direct the individual with the mask on to remove the mask  
2 so we can clearly see everyone's face on the Zoom.

3 THE COURT: Any objection to that, Ms. Rosenthal?

4 MS. ROSENTHAL: Not him moving his mask, Your Honor,  
5 but I feel like I'm going to be objecting to this identification.

6 THE COURT: Okay. Well, that will come up later.

7 Mr. Held, if you can go ahead and pull your mask down  
8 below your chin. If you can safely do so. You don't need to  
9 speak, so you can keep your mouth closed. Just breathe through  
10 your nose if you want.

11 And go ahead, Mr. DeLong.

12 MR. DELONG: Thank you, Your Honor.

13 BY MR. DELONG:

14 Q I just want to know, do you recognize anyone on the  
15 Zoom call that was in that truck that day?

16 A That one fits the description, but I can't -- you know,  
17 I can't call that because I'm looking at a tiny little screen.  
18 If I saw maybe a side shot of him, because that's the shot that I  
19 saw. He was not, like, looking me in the eye.

20 I don't know if he can turn sideways. The other way.

21 THE COURT: Mr. DeLong, are you requesting that?

22 MR. DELONG: He just did, Your Honor. No request at  
23 this time.

24 THE COURT: Okay.

1 THE WITNESS: That fits a very close description, but I  
2 can't give 100 percent, because it's on a tiny little screen.

3 THE COURT: You can put your mask up, Mr. Held.

4 BY MR. DELONG:

5 Q Just for clarification of the record: The individual  
6 that you're saying that fits some of the description, can you  
7 identify a color of clothing that they're wearing right now?

8 A Looks like an orange, like a pumpkin color.

9 MR. DELONG: Your Honor, I would request that the  
10 record reflect that he has been describing the defendant in this  
11 case, at least to the extent.

12 THE COURT: He talked about -- he's been talking about  
13 and referring to the defendant in the screen, I agree, but  
14 there's no identification made.

15 Go ahead.

16 MR. DELONG: Thank you, Your Honor.

17 BY MR. DELONG:

18 Q Now, did you speak with anyone else about this incident  
19 after you took a picture of the truck?

20 A Yes. After I spoke with the officers, I did see a post  
21 on our Somerset page, and fit the description of a U-Haul truck  
22 in their neighborhood. I reached out to the gentleman, and we  
23 had a chat. He did have a Zoom -- or not a Zoom, excuse me, a  
24 Ring doorbell video of the --

1 Q Okay. So I just want to make sure we're not talking  
2 about things that are what we would describe as hearsay.

3 So you spoke with another individual. But before you  
4 said that, you said you talked to officers; is that correct?

5 A I did talk to officers, yes. I was -- I called Allen  
6 and let him know that I took a picture of a truck next to his  
7 house that was an out-of-place vehicle. And the fact that the  
8 house was broken into, I felt that I had something linked to  
9 that. So Allen had asked me to reach out to the police  
10 department, which I met the police officers up at the house. I  
11 told them exactly what partook the day before.

12 And my wife called me saying that that house was broken  
13 into, and that's when I reached out to Allen to let him know that  
14 I had a picture of the U-Haul truck, and I felt that it was out  
15 of place. So I did speak with the officers that day. They were  
16 able to reach out to the U-Haul company, because I had the  
17 license plate.

18 Q Let's not talk about what they were telling you. So  
19 did you meet with officers at 1440 Whisper Rock Way?

20 A Yes.

21 Q And did you go to the house or did you stay on the  
22 street?

23 A I stayed on the sidewalk. The officers cleared the  
24 house, and another neighbor and I did go into the house because

1 we're familiar with the house and just to kind of take a  
2 walk-through and see if we saw anything that we would recognize  
3 missing.

4 Q So what did you see when you went through the house?

5 A The sliding glass door to the courtyard was smashed in  
6 from a cinder block brick from the patio courtyard, broken glass  
7 on the floor, it looked like drawers in the bedroom were open. I  
8 didn't notice, like, any major, like, TV missing or anything that  
9 stood out from -- like missing a TV off a wall or something.

10 So other than that it was -- excuse me, like drawers  
11 were opened in the bedrooms. In the living room, I think there  
12 was some drawers open there. That's about what I recall.

13 MR. DELONG: Your Honor, no further questions at this  
14 time.

15 THE COURT: Thank you.

16 Ms. Rosenthal, would you like to meet with your client  
17 now or do you want to do cross-examination first and then meet  
18 with him or what?

19 MS. ROSENTHAL: I would like to proceed with  
20 cross-examination, please.

21 THE COURT: You may.

22 MS. ROSENTHAL: Thank you.

23 ///

24 ///



CROSS-EXAMINATION

BY MS. ROSENTHAL:

Q Good afternoon, Mr. Gardella. I want to follow up with a couple of things. You mentioned that you only saw one occupant in the vehicle; is that correct?

A Correct.

Q And did you see anybody else along the sidewalk or street?

A I did not.

Q How long have you lived in that neighborhood?

A Three years.

Q And how far away from 1440 Whisper Rock would you say your house is?

A Eighth of a mile.

Q And is that mailbox the mailbox you use?

A Yes, it is.

Q And so you drive by that mailbox often?

A Every day, multiple times.

Q I'm sorry, I'm having a hard time hearing you. Could you please speak up a little bit.

A Every day, multiple times.

Q Thank you. And are there often vehicles parked there?

A No.

Q So when people get their mail do they normally walk to

1 the mailbox?

2 A The majority of my neighbors do, yes.

3 Q And you described the U-Haul truck as a pickup; is that

4 correct?

5 A Yes. Yes, uh-huh.

6 Q Okay. And you mentioned that it caught your eye

7 because it was out of place?

8 A Absolutely.

9 Q And when you moved into that neighborhood, did you use

10 a moving company?

11 A No.

12 Q You moved yourself?

13 A This was a pickup. This wasn't a moving truck.

14 Q I'm just asking questions. Please answer my questions.

15 Did you use a moving truck?

16 A No.

17 Q Have you ever seen U-Hauls in your neighborhood before?

18 A No.

19 Q And so what stood out to you is that it was marked as a

20 U-Haul; is that correct?

21 A It was like a U-Haul pickup truck with all kinds of

22 verbiage on the side, phone numbers on the side. It was like --

23 Q That would be so other people could rent the truck,

24 correct?

1           A     Sure.

2           Q     And there was nothing else unique about the truck other  
3 than its writing on it?

4           A     No.

5           Q     And you drove by the truck one time; is that correct?

6           A     I drove by the truck one time. I drove through the  
7 roundabout and entered into the lower part of our neighborhood  
8 and drove back up through our neighborhood when that truck was  
9 parked at our mailbox with nobody in it.

10          Q     And when you're driving down past the mailbox, how fast  
11 would you say you were going?

12          A     Well, I stopped at the truck and sat there to assess  
13 the situation. So I --

14          Q     How far away were you when you stopped your vehicle?

15          A     20, 15 feet, 20 feet.

16          Q     And were you in front of or behind the truck?

17          A     My picture is from behind.

18          Q     And that was when you came back from the roundabout?

19          A     Correct.

20          Q     But the first time when you went down, you just drove  
21 right past it, correct?

22          A     The first time I was driving up the street, the truck  
23 was parked in between -- an individual was in the truck -- in  
24 between the house that was broken into and the other neighbor's

1 house. When I drove around the roundabout, that truck had turned  
2 around and was at kind of a weird spot, either not knowing if  
3 they were turning right or going straight through to Whisper  
4 Rock. That's when I turned around and went to the bottom side  
5 thinking -- when I drove away I was already thinking this is --  
6 something's not right. So . . .

7 Q I'm going to ask you to stop and just please answer my  
8 direct questions.

9 A Okay.

10 Q Did you provide a written statement to officers?

11 A I don't recall.

12 Q And you mentioned that you were asked to go inside  
13 because you, on quote, recognized the house and would be able to  
14 identify belongings. Is that correct?

15 A Yes.

16 Q And you were unable to say whether anything was taken,  
17 correct?

18 A Correct.

19 Q And you have no knowledge of any individuals entering  
20 that house, correct?

21 A Say it again.

22 Q You have no knowledge of an individual entering that  
23 house, correct?

24 You don't know whether it was one or multiple, correct?

1           A     No.

2           Q     You never saw somebody even in the vicinity of that  
3 outside of the truck, correct?

4           A     Outside of the truck, no.

5           Q     And the truck was parked on a public street; is that  
6 correct?

7           A     Yes.

8           MS. ROSENTHAL: Okay. I have nothing further, Your  
9 Honor.

10          THE COURT: Redirect, Mr. DeLong?

11          MR. DELONG: No, thank you, Your Honor.

12          THE COURT: All right. Sir, you may be excused, but  
13 there is a rule that's been invoked I must admonish you about.  
14 You're not to speak to anybody about your testimony or the facts  
15 of that case until this preliminary hearing is over, in case  
16 you're recalled, and we don't want you to influence any other  
17 prospective witnesses. Do you understand all that?

18          THE WITNESS: Yes, Your Honor.

19          THE COURT: We -- hopefully we'll be done this  
20 afternoon, but I have no guarantees. So check with Mr. DeLong  
21 before you speak to anybody. You can speak to the attorneys,  
22 either or both attorneys if you'd like, but nobody else.

23          Okay. You're free to go. You can log off. Thank you,  
24 sir.

1 THE WITNESS: Thank you.

2 MR. DELONG: Thank you, Your Honor. At this time the  
3 State would call Allen McCulloch.

4 MS. ROSENTHAL: Your Honor, Mr. Held is raising his  
5 hand. If I might call the jail real quick and see.

6 THE COURT: All right. Sure. Go ahead and mute  
7 yourself, I guess.

8 (Technical difficulties with witness. Witness to  
9 be called later.)

10 MR. DELONG: So I apologize for the technical  
11 difficulty there, Your Honor.

12 At this time the State would like to call Scott Eckard.

13 THE COURT: All right. Mr. Eckard, can you hear me  
14 okay? This is Judge Clifton from Reno Justice Court.

15 Take it off mute if you're there. Take it off mute if  
16 you can hear me, Mr. Eckard. I'm judge Clifton from Reno Justice  
17 Court.

18 THE WITNESS: Yes, I can hear you.

19 (Witness sworn.)

20 THE COURT: You can put your hand down. You can go  
21 ahead and proceed, Mr. DeLong.

22 MR. DELONG: Thank you.

23 ///

24 ///

1 SCOTT ECKARD,  
2 called as a witness herein, being first duly sworn,  
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. DELONG:

6 Q Mr. Eckard, can you please state and spell your name  
7 for the record.

8 A Scott Eckard, S-C-O-T-T, E-C-K-A-R-D.

9 Q And where do you live, Mr. Eckard?

10 A 2615 Snow Partridge Drive, Reno, Nevada.

11 Q And do you remember an incident at your house on or  
12 about September 24th of last year?

13 A Yes.

14 Q What occurred?

15 A My home was broken into.

16 Q Before you go any further, I apologize. That address,  
17 is that located -- can you give us the city, state and county?

18 A Reno, Nevada, and Washoe County.

19 Q Perfect, thank you.

20 So you said your home was broken into. Can you run us  
21 through what happened that day?

22 A Yeah. That day I was out on a mountain bike road and  
23 came home, and it had been reported earlier in the day from one  
24 of my neighbors, they had stated that there was --

1 MS. ROSENTHAL: Objection, Your Honor. Calls for  
2 hearsay.

3 THE COURT: Move on, Mr. DeLong.

4 THE WITNESS: So I had --

5 MR. DELONG: Hang on a second.

6 THE WITNESS: Okay.

7 MS. ROSENTHAL: Robert, you're frozen.

8 MR. DELONG: Am I still frozen?

9 THE COURT: No, you're good.

10 MS. ROSENTHAL: There was -- you didn't ask another  
11 question.

12 MR. DELONG: Oh, I thought the Court was going to say  
13 something. I apologize.

14 BY MR. DELONG:

15 Q So let's just slow down a second.

16 A Okay.

17 Q You received a call from someone about your residence;  
18 is that correct?

19 A It wasn't about my residence. While I was out, my  
20 girlfriend and myself, she was with me, we received a text  
21 message from one of my neighbors stating --

22 MS. ROSENTHAL: Again, Your Honor, the same line.  
23 Would state that --

24 THE COURT: Don't tell us what it says, Mr. Eckard.



1 We're talking about hearsay right now. You can't testify to what  
2 somebody else told you, your wife or girlfriend or anything like  
3 that.

4 THE WITNESS: Okay.

5 THE COURT: Mr. DeLong, you've got to guide him.

6 MR. DELONG: I apologize.

7 BY MR. DELONG:

8 Q So did you receive a text message from another  
9 individual?

10 A Correct. And upon that, I got home. I was on my way  
11 home receiving that. And I noticed that my gate was open, which  
12 my gate's never opened. It's always closed and latched. So upon  
13 noticing that it was open, I got out of my vehicle. And I went  
14 around -- I went through the side of my house, and I noticed on  
15 the ground my briefcase, my laptop bag, my girlfriend's purse and  
16 a travel bag that I had in my home laying on the ground in  
17 between the fence and the side of the house.

18 So I went around back and went in through the sliding  
19 glass door, which was open. And upon entering, my refrigerator  
20 was open and there were footprints from outside, dirt in my  
21 house, and my dog was in there.

22 I went through the house just to make sure.

23 Q Hang on. Let's slow down for a second. Do you  
24 normally leave your back door open?

1           A     No, I do not.

2           Q     And did you recognize those footprints at all?

3           A     No, I did not. They were not mine.

4           Q     Could they have been your girlfriend's?

5           A     Definitely not.

6           Q     Okay. So you saw the footprints. What did you do  
7 next?

8           A     I went through the house because, you know, I just --  
9 to make sure that there was no one in it before letting my  
10 girlfriend in.

11                Once I cleared the house, the -- I went out and grabbed  
12 my belongings, brought those in, and then I went out through the  
13 gate and went across the street to my neighbor's house, the one  
14 that had sent me a message earlier in the day.

15                Upon going over to their house, they weren't -- they  
16 weren't home. And that's when I was walking back from -- from  
17 their house back over to my house and a vehicle that was  
18 described was parked actually out in front of that neighbor's  
19 house. And before I walked across the street to my house, I  
20 noticed an individual walking towards that vehicle.

21           Q     All right. So let's slow down for a second. You're  
22 mentioning a vehicle. Can you describe the vehicle?

23           A     Yeah. It was a U-Haul pickup truck. You know, just a  
24 regular U-Haul pickup truck.

1           Q     Did you notice anything else about it, about the  
2 vehicle?

3           A     The only thing that really stood out were the -- they  
4 had an -- out-of-state plates on it. I believe they were Arizona  
5 plates.

6           Q     Okay. So then you're walking across the street. What  
7 happened next?

8           A     So I notice an individual walking down the street.  
9 They don't -- I've never seen that individual in the  
10 neighborhood. And so I kind of just paused, and the individual  
11 proceeded to -- they were on their cell phone talking. I don't  
12 know exactly what they were talking about or who, but I, you  
13 know, watched them get into their vehicle and basically got in  
14 and made a U-turn right in front of my house and slowly drove  
15 away.

16                     And then that's when I went -- I kind of went back to  
17 my property. And I had also noticed that there was my truck key  
18 from -- that was inside the house was actually on the ground in  
19 between the fence and the side of my house, and I know I didn't  
20 leave it out there. It was a spare key that was there. I had  
21 the key to my truck in my hand.

22                     So anyway, that was -- I went -- after that I went  
23 inside and got online and made a police report and made another  
24 report on the Nextdoor app.

1 Q Now did you get a look at the individual's face that  
2 you were describing in the U-Haul truck?

3 A Yes. Yes. Point blank.

4 Q Can you see the images of the different people  
5 participating in this Zoom call right now?

6 A Yes.

7 Q Do you recognize any of the individuals from that day?

8 A Yes, a -- yes.

9 MR. DELONG: Your Honor, at this time I'd request that  
10 the Court direct the individual with the white facemask to remove  
11 it.

12 THE COURT: All right. Go ahead, Mr. Held. If you can  
13 bring your mask down below your chin.

14 BY MR. DELONG:

15 Q So I know I just kind of asked this question, but now  
16 that you can see everyone a little bit better, do you recognize  
17 anyone on this Zoom call that was there in the U-Haul truck last  
18 year?

19 A Yes.

20 Q What item of clothing are they wearing, what color?

21 A Orange.

22 MR. DELONG: Your Honor, I request that the record  
23 reflect that the defendant has been identified.

24 THE COURT: He's identified the defendant. And it will

1 so reflect.

2 Mr. Held, you can put your mask back up, please.

3 Thank you.

4 Go ahead, Mr. DeLong.

5 MR. DELONG: Thank you, Your Honor.

6 BY MR. DELONG:

7 Q So without giving us any details, did you speak with  
8 anyone else regarding this incident?

9 A That day?

10 Q Or the day subsequent to it.

11 A Yeah. There was a gentleman that I had spoke to via  
12 the -- via the Nextdoor app, and he had -- actually he ended up  
13 calling me, because --

14 Q We don't want to know what he said though.

15 Do you know that individual's name?

16 A You know, I can't -- honestly, I can't remember it. If  
17 I was to try and remember it, I thought his name was Chris, but I  
18 could be completely wrong. It was a -- it was a -- quite a while  
19 ago.

20 Q And what is the Nextdoor app?

21 A It's basically like a social media app for a  
22 neighborhood, for your neighborhood. And it's very specific to  
23 the neighborhoods, neighborhood that I live in as well as some of  
24 the surrounding subdivisions.

1           Q     And did you make a police report before or after using  
2     that app?

3           A     I made the police report before.

4           Q     And did you speak with any officers about this  
5     incident?

6           A     Yes. Later on that afternoon an officer had -- had  
7     called me and spoke to me, asked if he could speak to me  
8     regarding what had gone on. And I gave him -- I told him that I  
9     had made a police report.

10          Q     Did you meet with officers?

11          A     I did later on. I met with a couple undercover  
12     officers, and I believe that was probably, that was maybe at  
13     least a month or might even have been a couple months after.

14          Q     If they gave you any additional information, we don't  
15     want to hear that, but what occurred during that meeting?

16          A     They actually contacted me and asked me if I was able  
17     to identify the person that I saw and if I had any other  
18     information, which I didn't. I'd given -- everything that I had  
19     basically, you know, reported was everything that I had. And  
20     that was about as fresh as my memory would have been at that  
21     time. Just, you know, I made the report right after it happened.

22                 So anyway, they -- yeah, I said, "Yeah, come on over."  
23     And they actually came over to my house. And then they gave me  
24     five photos -- five, I think five photos, and which I was able to

1 pick out the person that I saw.

2 Q So the photo you picked out, is that the same  
3 individual you've identified in the orange shirt?

4 A Yes.

5 Q Did you lose any belongings in connection with this  
6 incident?

7 A Not that I could find. Felt like I was pretty  
8 fortunate.

9 Q But were some of your possessions outside of your house?

10 A Yes.

11 Q And did you leave them there before you left that  
12 morning?

13 A No, no.

14 MR. DELONG: No further questions for this witness at  
15 this time, Your Honor.

16 THE COURT: Thank you.

17 Cross-examination, Ms. Rosenthal.

18 MS. ROSENTHAL: Thank you.

19

20

CROSS-EXAMINATION

21 BY MS. ROSENTHAL:

22 Q Good afternoon, Mr. Eckard. When you were provided  
23 that photo lineup, if you will, where were you?

24 A In my kitchen.

1 Q Okay. And how were those presented to you?

2 A One at a time.

3 Q And when you were looking at them, did the individuals  
4 look similar?

5 A Some of them did.

6 Q And when -- did you provide a written statement outside  
7 of your online report?

8 A Not that I recall.

9 Q And just want to reiterate, nothing to your knowledge  
10 was taken or was not recovered, correct?

11 A Yeah, not that I'm aware of.

12 Q And you -- it's accurate that your back door is always  
13 unlocked, correct?

14 A No.

15 Q Was there damage to the door?

16 A No, there was -- not that I -- not that I'm aware of.

17 Q So there -- there's nothing -- you're not out anything;  
18 is that correct?

19 A Peace of mind.

20 Q I'm asking for specifics.

21 A Yeah. Are you asking about material items?

22 Q Correct.

23 A Not that I'm aware of.

24 Q And you were able to identify the individual in orange,



1 because you said you were point blank away from him. What do you  
2 mean by "point blank"?

3 A I was within ten feet --

4 Q And were you --

5 A -- give or take.

6 Q Were you on the same side of the road?

7 A Same side. Same side of the street. Same side of the  
8 sidewalk.

9 Q Okay. And was he walking towards you or away from you?

10 A Towards me.

11 Q And was facing you?

12 A Yes.

13 Q And what was the individual wearing when you saw him?  
14 Do you remember?

15 A Yep. Blue jeans, no shirt.

16 Q Did he have a hat on or anything?

17 A No.

18 Q Was he wearing a mask of any type?

19 A No.

20 Q And how about sunglasses or regular glasses?

21 A I don't remember any glasses at all.

22 Q And the street where you located him, is that Snow  
23 Partridge as well?

24 A Correct.

1 Q And is that a public road?

2 A Yes.

3 Q So individuals can park there for a variety of reasons,  
4 correct?

5 A Correct.

6 Q And you never saw anybody enter your residence; is that  
7 correct?

8 A No.

9 Q Okay. You don't know whether one or multiple people  
10 entered?

11 A I'm not sure.

12 Q Okay. And you never saw the individual you identified  
13 as being in the U-Haul anywhere near your residence, correct?

14 A The individual that was walking towards the U-Haul  
15 truck that got in and drove away?

16 Q Correct. At this point did you see him at or in your  
17 residence?

18 A No.

19 Q And did officers indicate whether or not your  
20 conversations with them were recorded?

21 A I don't recall that.

22 Q And when you were shown the photo that you identified  
23 as the individual you saw, was there any sort of reaction from  
24 officers?

1           A     Not that I remember.

2           MS. ROSENTHAL: That's all I have for this witness,  
3 Your Honor.

4           THE COURT: Thank you.

5           Mr. DeLong?

6           MR. DELONG: Thank you, Your Honor.

7

8

REDIRECT EXAMINATION

9 BY MR. DELONG:

10          Q     Mr. Eckard, you said that you never saw the individual  
11 at or in your residence, but what was the proximity from him to  
12 your residence when you did see him?

13          A     Across the street, directly across the street.

14          Q     And where was the U-Haul in proximity to your  
15 residence?

16          A     Directly across the street.

17          Q     So then he got in the U-Haul and drove away?

18          A     Correct, flipped around basically from where he was  
19 parked. He was parked facing north and made a U-turn in the  
20 street and headed south.

21          MR. DELONG: No additional questions, Your Honor.

22          THE COURT: I have one question for you, Mr. DeLong.

23                I don't understand all these questions why both counsel  
24 are asking about the proximity and all. I understand the

1 connection from the defendant to the U-Haul from his  
2 identification of him and how that connects to the case, but I  
3 don't see a count for Snow Partridge Drive on this complaint. Am  
4 I missing something, Mr. DeLong?

5 What count is he a witness for or is it the entire  
6 gamut of the complaint?

7 MR. DELONG: Just give me one second, Your Honor.

8 THE COURT: Because I certainly don't see Snow  
9 Partridge on here. I'm operating under the third amended  
10 criminal complaint filed on the 24th.

11 MR. DELONG: So, Your Honor, I'm looking at Count II,  
12 residential burglary, second or subsequent offense, "Ian  
13 Christopher Held, on or about September 20th" --

14 THE COURT: Oh, okay. Just a minute.

15 Mr. Eckard, what date do you remember this occurring  
16 on?

17 THE WITNESS: Date, I'm not sure. I just remember the  
18 day was a Sunday.

19 THE COURT: Okay. Mr. DeLong, I wrote down, maybe I  
20 wrote it down wrong, but you asked him on September 24th. I  
21 wrote Snow Partridge, but it's the wrong date.

22 What?

23 MR. DELONG: Your Honor, I would just note that was my  
24 question. And in addition, the complaint is clearly stating "on

1 or about."

2 THE COURT: Well, that's fine. We will get to that  
3 later. I'm just trying to figure out which count he's talking  
4 about.

5 All right. I've got it. I think that was my mistake  
6 more than anybody's.

7 But, Mr. Eckard, you said you think it was on a Sunday;  
8 is that correct?

9 THE WITNESS: Correct.

10 THE COURT: All right. I'll take judicial notice last  
11 year September 20th was on a Sunday. Maybe I misheard it,  
12 Mr. DeLong, but I wrote down the 24th.

13 All right. That was for my edification. Sorry about  
14 that, counsel.

15 Ms. Rosenthal, do you have any recross?

16 MS. ROSENTHAL: No, Your Honor.

17 THE COURT: All right. Thank you.

18 Mr. Eckard, the rule of exclusion has been invoked,  
19 which means that you cannot speak to anyone about your testimony  
20 or about the facts of this case until this preliminary hearing is  
21 over. We don't want you to influence any other prospective  
22 witnesses, and you may be called back to the stand, hopefully  
23 not, but it could happen. So we don't want you to be discussing  
24 your testimony the facts of this case with anybody except for the

1 two attorneys. You can always talk to them during a recess or  
2 something, if you'd like. You don't have to. Do you understand  
3 all that?

4 THE WITNESS: Yes.

5 THE COURT: Just until the preliminary hearing is over.  
6 I can't guarantee you it will be today.

7 All right. You're free to log off. Thank you, sir.

8 THE WITNESS: Okay. Thank you.

9 MR. DELONG: Thank you, Mr. Eckard.

10 THE WITNESS: Thank you.

11 THE COURT: Mr. DeLong your next witness.

12 MR. DELONG: Thank you, Your Honor. We're going to try  
13 this again. At this time the State would like to call Mr. Allen  
14 McCulloch.

15 THE COURT: All right.

16 MR. DELONG: So, German, is he trying to call in right  
17 now.

18 MR. RODRIGUEZ: I've given him a number, the Los  
19 Angeles number to call. He's trying right now.

20 MR. DELONG: Thank you.

21 MR. RODRIGUEZ: Do you want me to have him unmute  
22 himself?

23 MR. DELONG: No, then we'll get a crazy echo.

24 MR. RODRIGUEZ: Yeah, I gave him the number.

1 MR. DELONG: Thank you.

2 THE COURT: Is Mr. McCulloch on the line with us?

3 THE CLERK: Yes, he -- (inaudible).

4 (Witness speaking, but indiscernible.)

5 THE COURT: Mr. McCulloch, can you hear me? I don't

6 know if he's coming in well enough, counsel. It's close.

7 Do you know where your microphone is on your computer

8 or your -- whatever you're using, Mr. McCulloch?

9 THE WITNESS: I'm moving up my microphone.

10 THE COURT: Your microphone is not picking you up very

11 well. I'm trying to get you to speak directly into the

12 microphone.

13 THE WITNESS: Okay. I'm speaking right into it now,

14 Judge.

15 THE COURT: I don't know, Mr. DeLong, do you want to

16 try?

17 MR. DELONG: Sir -- Your Honor, can I at this time once

18 again ask German to try to get him to connect on the phone before

19 we proceed with him and I'll take another witness right now?

20 THE COURT: Sure. German, let's get a good connection

21 before we try to use him again. We're getting closer.

22 All right. Next witness, Mr. DeLong.

23 MR. DELONG: Thank you, and I just want to see. Is

24 Robert Merrill in the visiting room?

1 MR. RODRIGUEZ: Robert, I'm sorry, I'm still trying to  
2 get them. They're having a problem with the link.

3 MR. DELONG: No problem at all. I apologize. I just  
4 wanted to see who was in the waiting room. I couldn't see.

5 Your Honor, at this time the State would call Officer  
6 Trail.

7 THE CLERK: Unless he's listed under iPhone, I -- he  
8 was in the waiting room earlier. I don't see an Officer Trail.

9 MR. RODRIGUEZ: He's going to log back on.

10 THE CLERK: Okay.

11 THE COURT: Officer, can you hear me?

12 Officer, can you hear me? This is Judge Clifton. Take  
13 it off mute. We can't hear you.

14 THE WITNESS: Can you hear me now?

15 THE COURT: Yep. Yep. Please raise your right hand.

16 (Witness sworn.)

17 THE COURT: Put your hand down. And, Mr. DeLong, go  
18 ahead.

19 MR. DELONG: Thank you.

20  
21 TY TRAIL,  
22 called as a witness herein, being first duly sworn,  
23 was examined and testified as follows:  
24



DIRECT EXAMINATION

BY MR. DELONG:

Q Officer Trail, can you please state and spell your name for the record.

A Yes. My name is Officer Trail, T-R-A-I-L.

Q And what's your current position?

A My current position is I work patrol for the Reno Police Department.

Q And how long have you been in that position?

A I've been in that position just under six years. So five and a half.

Q And were you involved in an investigation at 1440 Whisper Rock Way last year in September?

A Yes, I was.

Q And can you tell us how you got connected with that investigation?

A Yes. I was dispatched to that location regarding a residential burglary.

Q And what did you discover when you arrived?

A When I arrived I discovered that the house was burglarized with a broken window and door -- the back door open.

Q And did you make contact with any individuals in connection with that investigation?

A Yes, I did.

1 Q Okay. Who did you speak with?

2 A I believe I spoke with Chris Gardella, who was on scene  
3 when I got there.

4 Q And did you review any -- any information from him?

5 A Yes. Chris kind of related the following: That he was  
6 a neighbor for the victim, who was, I believe, Allen McCulloch,  
7 and that he noticed a broken window --

8 MS. ROSENTHAL: Objection, Your Honor. We already  
9 heard from the witness directly. I don't think an officer  
10 rendition of what he told him is appropriate.

11 THE COURT: All right. We already heard from who --  
12 he's talking about Allen McCulloch?

13 MS. ROSENTHAL: Your Honor, he's talking about what  
14 Mr. Gardella told him.

15 THE COURT: Oh, Mr. Gardella.

16 MS. ROSENTHAL: That's hearsay and should be excluded.

17 THE COURT: All right. Go ahead, then -- we will  
18 strike that. Mr. DeLong, ask another question. You can get him  
19 without the hearsay, you can get him to where you want him to go,  
20 I think.

21 MR. DELONG: Thank you, Your Honor.

22 BY MR. DELONG:

23 Q Let's back up one second. Can you tell me what city  
24 and state and county that residence is located at?

1           A     Yes.  It's in Reno in Washoe County.

2           Q     And you did speak with a Chris Gardella; is that  
3 correct?

4           A     That is correct.

5           Q     And did he show you anything?

6           A     I believe he showed me a picture of a U-Haul.

7           Q     Okay.

8                 MR. DELONG:  And, Your Honor, if I may share the screen  
9 at this point to show Exhibit A to the witness.

10            THE COURT:  All right.

11  BY MR. DELONG:

12           Q     Okay.  So can you see an image on the screen right now,  
13 Officer?

14           A     Yes, I can.

15           Q     And have you seen this image before?

16           A     Can you repeat the question.  Sorry.

17           Q     Have you seen this image before?

18           A     Yes.

19           Q     What is this?  What is your understanding of what this  
20 image is?

21           A     That is a picture from, I believe, Chris's phone that I  
22 took a picture with my personal work phone regarding the vehicle  
23 he saw outside the residence.

24           Q     So you took this picture; is that correct?

1           A     I took a picture of the phone, if that makes sense. I  
2     didn't specifically take this picture of the truck, but I took a  
3     picture of the phone that had the picture.

4           Q     And that's what we are looking at right now, right?

5           A     Yes.

6           Q     And is that the residence that you were at behind the  
7     truck there?

8           A     Yes, that's correct.

9           Q     Did you go into that residence?

10          A     Did I what? Sorry.

11          Q     Did you enter that residence?

12          A     Yes, I did.

13          Q     Okay. What did you see when you went in there?

14          A     When I went in there I saw a broken window with a rock  
15     in the hallway and multiple cupboards and drawers that are open.

16          Q     And did you figure out who the owner of the residence  
17     was?

18          A     Yes, I did.

19          Q     Who was that?

20          A     That was, as I mentioned earlier, Allen McCulloch.

21          Q     Now without describing statements from individuals you  
22     interviewed, what else did you do with your investigation?

23          A     What else do I do with my investigation?

24          Q     Yes.

1           A     I ended up contacting one of our community service  
2 officers to do prints on the residence.

3           Q     Okay. So were prints taken?

4           A     Yes. Sorry. No prints were taken. They were  
5 attempted to take, but we didn't find any latent prints.

6           Q     Did you do anything else with your investigation?

7           A     Yes, I did.

8           Q     What was that?

9           A     I conducted a registration check on the U-Haul.

10          Q     So what does that entail?

11          A     It entails, when I contacted U-Haul they gave me the  
12 renter's information, which came back to -- I believe it was Ian  
13 Held, and he resided -- they gave me an address, a phone number  
14 and an associate contact.

15          Q     And what was that address?

16          A     The address was 1455 West Fourth Street.

17                MS. ROSENTHAL: Your Honor, it appears that the witness  
18 is reading from something, and I don't think that's appropriate.  
19 I would ask that he only speak from memory and not from anything  
20 written down.

21                THE COURT: Mr. DeLong.

22                MR. DELONG: I don't disagree, Your Honor.

23                THE COURT: No, I just mean ask the next question.

24                MR. DELONG: Thank you, Your Honor.

1 BY MR. DELONG:

2 Q So did you go to that address?

3 A Yes, I did.

4 Q Okay. And what did you observe there?

5 A I observed the U-Haul parked in front of the residence.

6 Q That was the same U-Haul in the picture we looked at in  
7 Exhibit A?

8 A Yes.

9 Q Okay. Did you do anything else in connection with your  
10 investigation?

11 A Yes. I took pictures of the U-Haul parked in front of  
12 that residence.

13 MR. DELONG: And if I may, Your Honor, put on the  
14 screen what's been marked as proposed Exhibit B.

15 (Exhibit B was marked for identification.)

16 THE COURT: All right.

17 BY MR. DELONG:

18 Q Can you see this next image, Officer?

19 A Yes, I do.

20 Q Now is this one of the images you took?

21 A That's correct.

22 Q And what do you see in this image?

23 A I see the U-Haul with that plate and then the trailer  
24 parked in front of it.

1 Q And this is at 1455 West Fourth Street?

2 A Yes.

3 MR. DELONG: Your Honor, at this time the State moves  
4 for admission of Exhibit B.

5 MS. ROSENTHAL: No objection --

6 THE COURT: Ms. Rosenthal?

7 MS. ROSENTHAL: Sorry. No objection for purposes of  
8 this hearing.

9 THE COURT: It will be admitted for this preliminary  
10 hearing.

11 (Exhibit B was admitted into evidence.)

12 BY MR. DELONG:

13 Q So after you took the pictures, did you do anything  
14 else in connection with the investigation?

15 A Yes. I contacted the management at the -- at that  
16 residence where he resided.

17 Q And we don't want to hear the conversations with  
18 management, but did you do any other investigation with respect  
19 to the case?

20 A From what I remember, yes. I ended up attempting to  
21 see if any items were pawned through a website.

22 Q And were any?

23 A Not at the time, not that I could find under his name.

24 Q And that's under Ian Held?

1           A     That's correct.

2           Q     And did you ever -- when you were at the trailer park  
3 complex, did you ever see the owner of the trailer?

4           A     No, I didn't.

5           Q     Did you know who owned the trailer?

6           A     I didn't at the time, but from when I talked to  
7 management, they said it was Ian Held that owned the trailer.

8           Q     So did you do anything else in connection with your  
9 investigation?

10          A     I contacted sworn personnel in referencing any future  
11 burglaries regarding a U-Haul in the area and submitted the case  
12 to a ROP detective.

13          Q     And was that the end of your involvement in the case?

14          A     Yes, to my knowledge.

15          Q     Thank you.

16               MR. DELONG: No further questions for this witness at  
17 this time, Your Honor.

18               THE COURT: All right. Cross-examine, Ms. Rosenthal.

19               MS. ROSENTHAL: Thank you, Your Honor.

20

21                               CROSS-EXAMINATION

22               BY MS. ROSENTHAL:

23          Q     Officer Trail, you indicated that a window was broken,  
24 correct?



1           A     I believe so. It was like a sliding window to the rear  
2 of the residence.

3           Q     And there was what you said was a rock that was located  
4 inside the residence?

5           A     Correct.

6           Q     And the vehicle description was outside of the  
7 residence, correct?

8           A     The U-Haul, is that what you're talking about?

9           Q     Yes.

10          A     Yes.

11          Q     And it was on a street?

12          A     Yes.

13          Q     And that's a public road?

14          A     Correct.

15          Q     Where people may park their vehicles if they wish?

16          A     Yes.

17          Q     And when you contacted U-Haul, it was determined that  
18 it was appropriately rented, correct?

19          A     Correct.

20          Q     And it was not due back yet?

21          A     It was not due back yet.

22          Q     And so it was -- Mr. Held had lawfully rented that  
23 U-Haul?

24          A     Correct.

1 Q And just to reiterate, no prints were able to be  
2 redeemed, if you will, from the residence on Whisper Rock,  
3 correct?

4 A Correct.

5 Q And to your knowledge had anybody entered the house  
6 prior to you entering it on that date?

7 A Not to my knowledge.

8 Q Mr. Gardella didn't indicate that he previously walked  
9 through it?

10 A No, he didn't.

11 MS. ROSENTHAL: Nothing further for this witness.

12 THE COURT: Redirect, if any.

13  
14 REDIRECT EXAMINATION

15 BY MR. DELONG:

16 Q Officer Trail, did you walk through the residence with  
17 any other individuals?

18 A Yes, I did.

19 Q Who was that?

20 A I believe at the time it was Officer -- no Sergeant  
21 Bond, Sergeant Welch and Officer Golden.

22 Q But no other individuals?

23 A No.

24 MR. DELONG: No additional questions, Your Honor.

1 MS. ROSENTHAL: Your Honor, if I may real quick.  
2 Mr. Held is raising his hand. If I could please call before this  
3 witness is excused.

4 THE COURT: Go ahead.

5 (Recess taken.)

6 MS. ROSENTHAL: Thank you, Your Honor. If I may ask an  
7 additional question or two.

8 THE COURT: Okay.

9  
10 RECROSS-EXAMINATION

11 BY MS. ROSENTHAL:

12 Q Officer Trail, when you located -- excuse me, when you  
13 made contact with the U-Haul office and an associate/contact was  
14 listed, is that person able to drive the vehicle as well?

15 A I don't recall on U-Haul's policies on driving the  
16 vehicle.

17 Q But somebody else was listed as referenced to that  
18 vehicle, correct?

19 A Yes, that's correct.

20 Q And the photo that you were shown from Mr. Gardella  
21 doesn't have an address associated with it, correct?

22 A Which photo? The first one?

23 Q Correct. The photo that Mr. Gardella provided to you  
24 does not have an address or a sign next to it to show where it

1 was taken, correct?

2 A That's correct.

3 Q And neither does the photo that you took, correct?

4 A Of his -- the photo I took of his phone with the photo?

5 Q No. The photo that you took in front of the trailer.

6 It's just a photo of a truck and a trailer, correct?

7 A Correct. I believe there was a number on the trailer.

8 MS. ROSENTHAL: That's all. Thank you.

9 THE COURT: All right. Anything else, Mr. DeLong?

10 MR. DELONG: No, thank you, Your Honor.

11 THE COURT: All right. Officer Trail, you may have  
12 heard the rule of exclusion before. You're not to talk to anyone  
13 else about your testimony or the facts of this case, your  
14 supervisor, girlfriend, wife, relatives, nobody, until this  
15 preliminary hearing is over, other than the two attorneys. You  
16 can only speak to them.

17 But we just want your testimony, in case you're  
18 recalled, not to be influenced by anybody else, and we don't want  
19 you to influence anybody else that may be called as a witness.

20 Do you understand?

21 THE WITNESS: Yes, sir.

22 THE COURT: Just until the preliminary hearing is over.  
23 I don't know if it will be today or not. You can always check  
24 with Mr. DeLong if you need to.

1           You're excused. You can go ahead and log off. Thank  
2 you.

3           THE WITNESS: Thank you.

4           MR. DELONG: Thank you, Officer.

5           THE WITNESS: Thank you.

6           MR. DELONG: Your Honor, thank you for your patience  
7 with our technical difficulties. The State would like to try one  
8 more time for Mr. Allen McCulloch.

9           MR. RODRIGUEZ: Robert, we're still working on it.  
10 He -- we were going to try his phone, but it's not working. And  
11 then I'm going to try his wife's phone and see if that works.

12           MR. DELONG: Okay. I apologize. So I'll move on to a  
13 different witness. So at this time the State would like to call  
14 Officer Lance Tindell.

15           THE CLERK: He's not in the waiting room.

16           MR. RODRIGUEZ: I just texted him. He should be coming  
17 up and logging back on.

18           THE CLERK: Thank you.

19           MS. ROSENTHAL: Clerk, Kay, do we know who "iPhone" is  
20 in the waiting room?

21           THE CLERK: No, and they just logged off.

22           MS. ROSENTHAL: And, Your Honor, perhaps we could  
23 address something while we're waiting. I'm not sure if this  
24 Court is aware, but a bail argument was deferred to today's

1 hearing before the bindover.

2 THE COURT: (No audible response.)

3 MS. ROSENTHAL: Okay. Just wanted to make sure.

4 THE COURT: Yeah. I'll reserve ruling until we hear  
5 that issue. I agree. Thank you for --

6 MS. ROSENTHAL: Thank you, Your Honor.

7 MR. DELONG: And, Your Honor, while we're waiting,  
8 also, the State would move for admission of his prior burglary  
9 conviction from 2014. A certified copy has been filed with the  
10 court.

11 THE COURT: All right. Ms. Rosenthal, have you seen a  
12 copy of that?

13 MS. ROSENTHAL: I have not.

14 THE COURT: We don't have it either, Mr. DeLong.

15 THE CLERK: It's downstairs.

16 THE COURT: We can work on getting it up here, but you  
17 need to e-mail or ship a copy to Ms. Rosenthal, too, Mr. DeLong.

18 MR. DELONG: Thank you, Your Honor.

19 THE COURT: And then I'll have the clerk round it up  
20 while we're on our afternoon break or something. We'll get it  
21 for you in due time.

22 And we're still waiting for Officer Tindell?

23 MR. RODRIGUEZ: Your Honor, he was logged on. He was  
24 on an iPhone, but he was kicked out.

1 THE COURT: Oh, he was the iPhone?  
2 MR. RODRIGUEZ: Yeah, he should be back in there.  
3 THE COURT: Officer Tindell.  
4 THE CLERK: He's connecting to audio, I think.  
5 MR. DELONG: Officer, can you hear us?  
6 THE CLERK: Not connected to audio.  
7 MR. RODRIGUEZ: Hold on. I'm texting him right now.  
8 THE CLERK: He's connected now.  
9 THE COURT: Officer Tindell, let me know when you can  
10 hear me. Take it off mute.  
11 THE WITNESS: Sorry. I apologize.  
12 THE COURT: All right. We can hear you.  
13 Can you raise your right hand, please.  
14 THE WITNESS: Yes, sir.  
15 (Witness sworn.)  
16 THE COURT: Put your hand down. Go ahead and proceed,  
17 Mr. DeLong.  
18 MR. DELONG: Thank you.  
19 LANCE TINDELL,  
20 called as a witness herein, being first duly sworn,  
21 was examined and testified as follows:  
22 DIRECT EXAMINATION  
23 BY MR. DELONG:  
24 Q Officer Tindell, can you please state and spell your

1 name.

2 A First name is Lance, last name is Tindell,  
3 T-I-N-D-E-L-L.

4 Q And what's your current occupation and duties?

5 A I'm a detective with the Reno Police Department  
6 currently assigned to the ROP Team, Repeat Offender Program Team.

7 Q How long have you been in this position?

8 A I've been in this position approximately six months  
9 now.

10 Q And did you participate in an investigation of a  
11 burglary at 1440 Whisper Rock Way last year?

12 A I did.

13 Q Do you know the exact date of when that burglary might  
14 have allegedly occurred?

15 A I don't know the exact date. My portion of it was just  
16 an interview and speaking with the victim of the case.

17 Q Do you know when those events occurred?

18 A Sometime in September.

19 Q And so 1440 Whisper Rock Way, can you give us the city,  
20 county, and state?

21 A That's going to be Reno, Nevada, Washoe County.

22 Q Okay. And what did you do in connection with your  
23 investigation into this alleged burglary?

24 A My portion was to interview the suspect in that case.



1 Q Okay. So the suspect for that case was already under  
2 arrest at that time?

3 A He was arrested on 9-28 -- excuse me, September 28 of  
4 2020. And I believe the Whispering Rock burglary occurred  
5 September 21st.

6 Q So when did you interview this individual?

7 A September 28th.

8 Q And what is the individual's name?

9 A Ian Held.

10 Q And can you see the participants in this Zoom call  
11 right now?

12 A I can only see you right now.

13 Q Can you click on the view change to switch it to  
14 gallery view?

15 MS. ROSENTHAL: I believe you just need to swipe over  
16 on your screen if you're on the phone.

17 THE COURT: You can just scroll.

18 THE WITNESS: I got it. Again, I apologize.

19 Yes, I see him wearing an orange shirt and a mask.

20 BY MR. DELONG:

21 Q So wait, wait. Is that -- who do you see wearing an  
22 orange shirt and a white mask?

23 A Ian Held.

24 MR. DELONG: Your Honor, the State would request the

1 Court that the record reflect the defendant's been identified.

2 THE COURT: By this witness, yes. Thank you.

3 MR. DELONG: Thank you, Your Honor.

4 BY MR. DELONG:

5 Q And so you interviewed Ian Held?

6 A That is correct.

7 Q And can you tell us about your conversation with him?

8 A We took the defendant into custody near his trailer at  
9 1455 West Fourth Street. I drove him back to the Reno Police  
10 Department, where I placed him into an interview room. I  
11 proceeded to read him his Miranda Rights, which he waived.

12 I began my interview by asking the defendant how he  
13 came into contact with a red Jeep that he had been using. He  
14 informed me that the Jeep belonged to a friend of his, a  
15 neighbor, who had been arrested. He informed me that he had used  
16 the Jeep previously. And after the arrest, he figured it would  
17 be okay, because he used it previously.

18 I asked the defendant --

19 Q So you discussed -- I'm sorry. I didn't mean to  
20 interrupt you. So you discussed him driving a red Jeep. What  
21 else did you discuss?

22 A I asked him -- or I told him that we were conducting  
23 surveillance on the red Jeep. We observed him driving it into  
24 the area of University Park Loop, where it parked. He

1 acknowledged, yes, that he had been up there, he informed me,  
2 because he was looking for a man only known as Chris. He stated  
3 that Chris had previously robbed him earlier in the week, and he  
4 was looking to confront Chris.

5 He said that he knew Chris to live in that area. He  
6 approached the house where he believed Chris lived at. As he  
7 approached the residence at 920 University Park Loop, he observed  
8 a Ring doorbell. The defendant proceeded to cover up the Ring  
9 doorbell to conceal his identity, knocked on the door, the front  
10 door, didn't receive an answer at this time. The defendant  
11 stated that he threw a rock through a window and then proceeded  
12 to walk towards the rear of the residence.

13 Once at the rear of the residence he was confronted by  
14 a man inside of the residence. The two engaged in a brief  
15 conversation, and the defendant ended up getting back in the Jeep  
16 with his girlfriend, identified as Annabelle Bush, and leaving  
17 the area.

18 Q So he got back into the red Jeep. Is that what he told  
19 you?

20 A That's what he told me.

21 Q And do you know who owns 920 South University Park  
22 Loop?

23 A I had no contact with the owner, so, no, I do not know  
24 exactly who owns that residence.

1 Q Did he tell you anything else about that incident at  
2 University Park Loop?

3 A He didn't inform me of anything else about the incident  
4 on University Park Loop.

5 Q So did he talk -- did you talk about anything else with  
6 this individual?

7 A So we talked about an incident that happened before  
8 this where he was in the area of Somerset. He didn't have the  
9 exact address, but stated that he was up in the area of Somerset  
10 in a U-Haul truck that he had rented.

11 He didn't have much information about this residence  
12 other than he said he approached a residence. He broke a glass  
13 door, smashed a glass door. Didn't inform me how he smashed the  
14 glass door. Smashed the glass door to a particular residence,  
15 ended up changing his story saying he pried the front door open  
16 with pliers and either a tire iron or a tire jack from the U-Haul  
17 truck, gained entrance to this particular residence in Somerset  
18 where he took coins, clothing, and tools.

19 Q Now did you discuss the specific address of this  
20 residence?

21 A We didn't discuss the specific address. He didn't know  
22 the address, but he just said it was in the Somerset area when  
23 he had a U-Haul truck.

24 Q Are you personally familiar with the address 1440

1 University -- I'm sorry 1440 Whisper Rock Way?

2 A Yes, sir.

3 Q Where is that located?

4 A That's located in Somerset, northwest Reno.

5 Q And I'm sorry, just real quick, what's the county and  
6 state?

7 A That's Reno, Nevada, Washoe County.

8 Q So did you discuss anything else with him?

9 A I briefly discussed what he does with the items once  
10 they're taken. He stated that he gets rid of them fairly  
11 quickly. By this time in the interview I was joined by Detective  
12 Fye. We asked for consent to search the trailer where the  
13 defendant was residing, which he ultimately denied consent.

14 Q So he didn't give you consent to search his trailer?

15 A That's correct.

16 MR. DELONG: And real quick, Your Honor, if I may share  
17 Exhibit B with this witness?

18 THE COURT: All right.

19 BY MR. DELONG:

20 Q Can you see an image on the screen right now?

21 A I do.

22 Q Now is this the trailer you're referring to?

23 A Yes, that looks like the trailer. Yes.

24 Q Did he happen to mention any specifics about the U-Haul

1 that he was driving?

2 A It was just a U-Haul.

3 MS. ROSENTHAL: Objection, Your Honor. Leading.

4 THE COURT: No, that's not leading. Overruled.

5 Did he mention any specifics about the U-Haul he was  
6 driving; that was the question, correct, Mr. DeLong?

7 MR. DELONG: Yes, Your Honor.

8 THE COURT: All right. You may answer, Detective. Go  
9 ahead.

10 THE WITNESS: That it was a U-Haul truck. No other  
11 specifics other than that.

12 THE COURT: Okay.

13 MR. DELONG: I have no additional questions at this  
14 time, Your Honor.

15 THE COURT: Thank you. Ms. Rosenthal, cross-exam.

16 MS. ROSENTHAL: Thank you.

17

18 CROSS-EXAMINATION

19 BY MS. ROSENTHAL:

20 Q Officer, you indicated that when you took -- I'm sorry,  
21 Detective, you indicated that when you took Mr. Held to the Reno  
22 Police Department you Mirandized him. Did he sign a waiver?

23 A He did not sign a waiver.

24 Q Was his Miranda warning recorded?

1 A Yes.

2 Q Was that recorded interview uploaded to anybody?

3 A Yes.

4 Q And was the entirety of your interview with Mr. Held  
5 recorded?

6 A Yes.

7 Q And you indicated that you had followed Mr. Held up to  
8 University Loop; is that correct?

9 A That's correct.

10 Q How close were you following him?

11 A We had a tracker on the vehicle. I mean I had -- once  
12 he parked, I drove by to confirm that he was in that area.

13 Q Was he the driver of that vehicle or are you unsure?

14 A He was the driver of the vehicle.

15 Q Was anybody else in that vehicle?

16 A I saw a female later identified as Annabelle Bush in  
17 that vehicle.

18 Q Okay. At any time was Ms. Bush a subject in any of the  
19 investigation?

20 A She was interviewed.

21 Q Did you conduct that --

22 A She was not arrested though.

23 Q -- interview?

24 A No, I did not.

1 Q Did you have any conversation with Mr. Held in your  
2 vehicle as you drove to the Reno Police Department?

3 A He was wondering what it was about, but nothing -- no  
4 questions were asked or anything like that.

5 Q And the only time that you interacted with Mr. Held was  
6 during that interview?

7 A That's correct. Well, the arrest prior to, and then  
8 the interview.

9 MS. ROSENTHAL: I have no further questions.

10 THE COURT: Any redirect, Mr. DeLong?

11 MR. DELONG: No, thank you, Your Honor.

12 MS. ROSENTHAL: Your Honor, Mr. Held is raising his  
13 hand real quick.

14 THE COURT: Okay.

15 MS. ROSENTHAL: Thank you, Your Honor for that  
16 courtesy. I do have one follow-up question.

17  
18 CROSS-EXAMINATION (Resumed)

19 BY MS. ROSENTHAL:

20 Q Officer -- sorry, Detective Tindell, do you drive a  
21 marked vehicle?

22 A I do not.

23 Q Does your vehicle -- do you wear a body cam?

24 A I do not.



1 Q And does your vehicle have recording in it?

2 A It does not.

3 MS. ROSENTHAL: I have nothing further, Your Honor.

4 THE COURT: Thank you. Anything else, Mr. DeLong?

5 MR. DELONG: No, thank you, Your Honor.

6 THE COURT: Thank you, Detective. You're hereby  
7 admonished not to speak about your testimony or the facts of this  
8 case to anybody, not your supervisor or a relative or anybody  
9 other than the two attorneys, if you'd like to talk to them,  
10 during the pendency of this preliminary hearing. Once the  
11 preliminary hearing is over, then the admonishment goes away.  
12 Can you do that?

13 THE WITNESS: Yes, sir. Yes, Your Honor.

14 THE COURT: You're excused. You can log off. Thank  
15 you, sir.

16 THE WITNESS: Thank you.

17 MR. DELONG: Thank you, sir.

18 THE WITNESS: Thank you.

19 THE COURT: Do the parties want to take -- do you want  
20 to try Mr. McCulloch one more time or do you want to take your  
21 afternoon recess?

22 MR. DELONG: Why don't we take a short recess, since  
23 it's the Court's inclination. We're not ready with Mr. McCulloch  
24 yet.

## **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 Appellant's Joint Appendix – Volume III to the following:

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Via U.S. Mail

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

DATED this 28<sup>th</sup> day of February, 2022.

/s/Randi Jensen  
Randi Jensen