

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

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Elizabeth A. Brown  
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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 IV**

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1 MR. RODRIGUEZ: Oh, Your Honor, he was going to try --  
2 (inaudible).

3 Robert, did you get that? Allen's going to try another  
4 mic for his computer.

5 MR. DELONG: Okay. Let's take a break, and then we'll  
6 give it another shot.

7 THE COURT: We'll take a recess.

8 And Ms. Rosenthal, do you have a way of getting an  
9 e-mail from Mr. DeLong regarding a prior conviction?

10 MS. ROSENTHAL: I did receive that, Your Honor, just  
11 now.

12 And, Robert, just for the future, we don't get notice  
13 that unless you e-mail it to us that it's filed.

14 MR. DELONG: I apologize.

15 THE COURT: And then you can decide whether you want to  
16 mark that as Exhibit C or not.

17 We'll take our afternoon recess. We'll be back in  
18 about 15 minutes. If it's okay, you two just log on with the  
19 clerk, let her know when you're ready, and we'll get started.  
20 She'll notify me.

21 We're in recess. Thank you, everyone.

22 MR. DELONG: Thank you, Your Honor.

23 (Recess taken.)

24 THE COURT: Thank you, everyone. We're back on the

1 record in State versus Held.

2 Mr. DeLong, are you ready with your next witness?

3 MR. DELONG: I believe so, Your Honor. Thank you.

4 THE COURT: All right. And we have all the requisite  
5 parties. The defendant is present from the jail.

6 Call your next witness, Mr. DeLong.

7 MR. DELONG: Your Honor, at this time the State would  
8 like to call Mr. Allen McCulloch.

9 THE COURT: Mr. McCulloch, can you hear me okay?

10 Take it off mute Mr. McCulloch.

11 MR. DELONG: No. No. No. I apologize, you need to  
12 keep your computer on mute. We just need that phone unmuted. I  
13 don't know who muted the phone.

14 THE COURT: Okay. Mr. McCulloch, you're still coming  
15 in a little bit scratchy, so make sure you talk directly into the  
16 microphone or the phone.

17 I'm going to ask you to raise your right hand if you  
18 have a free hand there.

19 (Witness sworn.)

20 MR. DELONG: Your Honor, I apologize. He can't answer  
21 right now. His phone needs to be unmuted. Not his computer  
22 screen, his phone. I don't know who hit mute on his phone.

23 THE CLERK: I'm asking him to unmute it.

24 MR. DELONG: Thank you.

1 THE COURT: I don't know if he knows how.

2 THE CLERK: He -- it was working during the break, and  
3 I think he muted it.

4 THE COURT: Somehow you muted your phone, Mr. McCulloch.  
5 You have to unmute it or we're going to have to go on to the next  
6 witness again.

7 MR. RODRIGUEZ: Your Honor, I'm telling him to unmute  
8 it. I'm sending him a text right now.

9 THE COURT: Mr. McCulloch, can you hear me?

10 THE WITNESS: I can.

11 THE COURT: Okay. You need to keep your phone on.  
12 Don't mute it again. Okay?

13 THE WITNESS: All right. I have just the computer.  
14 All right.

15 THE COURT: Try not to touch any buttons. Now that  
16 we've got you, let's keep you.

17 I just swore you in. What is your answer to the oath?

18 THE WITNESS: I do.

19 THE COURT: Thank you.

20 Go ahead, Mr. DeLong.

21 MR. DELONG: Thank you, Your Honor.

22 ALLEN MCCULLOCH,  
23 called as a witness herein, being first duly sworn,  
24 was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DELONG:

Q Mr. McCulloch, can you please state and spell your name for the record.

A My full name is Allen Vincent McCulloch. A-L-L-E-N, V, as in Vincent, last name McCulloch, M-C-C-U-L-L-O-C-H.

Q And do you own a property in Reno, Nevada?

A I do.

Q And what is the address of that property?

A The address is 1440 Whisper Rock Way, with a ZIP code -- that's Reno, Nevada, with a ZIP Code of 89523.

Q Now in September of last year was there an incident regarding that residence?

A Yes, there was. There was a window smashed at the side glass door, I believe on the date I reported.

Q Now we don't want --

A -- or the date before it was reported.

Q Now we don't want to hear any conversations with other individuals, but how did you learn about this?

A We got a phone call between 8:00 and 9:00 o'clock on Monday morning the day after the window smash from our gardener who asked us if we were there, and we were not.

Q Do you know the date of that phone call?

A It was I think September 21st. I believe the break-in



1 was on September the 20th.

2 Q Did you lose any items in connection with this?

3 A Yes, we did. There was probably cash of less than \$30  
4 in my end stand in the master bedroom, six bottles of wine on the  
5 countertop in the kitchen and tools. I had a cordless Ryobi  
6 drill set in the garage that was taken, and approximately six,  
7 approximately six movies. And I couldn't tell you the names of  
8 those movies.

9 Q So now you said you were away. How long were you away  
10 from the residence?

11 A Well, we're -- it's a second home for us, so we were  
12 probably away from the residence for about two weeks.

13 Q And what was the condition when you left the residence?

14 A Well, it was very, very clean and secure.

15 Q And so there was no broken windows or anything like  
16 that?

17 A No, there was not.

18 Q Did you learn anything else about the incident?

19 A Yes. On that very morning my neighbor Chris Gardella's  
20 wife was running by. She's a jogger. And she stopped to talk to  
21 our gardener and immediately got ahold of her husband, Chris  
22 Gardella, who said that he had taken --

23 MS. ROSENTHAL: Objection, Your Honor.

24 ///

1 BY MR. DELONG:

2 Q I'm sorry, we're trying to avoid -- I apologize -- any  
3 specific conversations with other people.

4 So did you get any of those items back?

5 A Yes, I did. The task force, the Repeat Offender Task  
6 Force brought me back my drill set. And I identified it as mine,  
7 because I had specific drill bits in the container that I was  
8 able to positively identify.

9 Q And just for the record, what is the city, state and  
10 county of your residence?

11 THE COURT: He already gave that. He said Reno,  
12 Nevada.

13 What's the county, Mr. McCulloch?

14 THE WITNESS: The county in Reno?

15 THE COURT: Yes.

16 THE WITNESS: Would be Washoe County.

17 THE COURT: Thank you.

18 MR. DELONG: Thank you. No other additional questions  
19 for this witness at this time, Your Honor.

20 And thank you, Mr. McCulloch, for your patience with  
21 us, sir. I appreciate it. I know this was difficult to connect.

22 THE WITNESS: Thank you for your patience.

23 THE COURT: Okay. We're not done yet, Mr. McCulloch.  
24 Ms. Rosenthal is going to be able to ask you questions also.

1 Cross-exam.

2 THE WITNESS: Okay.

3 MS. ROSENTHAL: Thank you.

4

5 CROSS-EXAMINATION

6 BY MS. ROSENTHAL:

7 Q Mr. McCulloch, you indicated that you had been gone  
8 from the residence for approximately two weeks?

9 A That's correct.

10 Q And had anybody been to your residence during those two  
11 weeks?

12 A No, there had been nobody, except -- well, wait a  
13 minute, my gardener comes every Monday, and he checks the  
14 residence out every Monday. So he had been there for the last  
15 previous two weeks doing the gardening.

16 Q And so you were contacted at some point, you indicated,  
17 on the 21st, which is a Monday, when your gardener came, correct?

18 A That's correct.

19 Q So nobody had been to your residence since the 14th; is  
20 that correct?

21 A Yeah, approximately. That's approximately correct,  
22 yes.

23 Q So a week had gone by since the last person had visited?

24 A Yes, to this specific house. However, Chris Gardella's

1 wife and Chris comes by every few days to check the mail and  
2 looks at the house and kind of keeps an eye on it. And so do  
3 some other neighbors, Herb and Linda James.

4 Q And the Ryobi drill set that you indicated was taken,  
5 what color was that?

6 A It's a gray color, and it's in a hard case, a gray  
7 colored hard case that, you know, closes it off from the dust and  
8 what have you. I keep it in my garage.

9 Q And what specific drill bits were you able to identify?

10 A The magnetic bit with a number 2 Phillips head bit in  
11 the container along with a small drill, approximately an  
12 eighth-inch wood drill bit inside the container that I keep there  
13 all the time.

14 Q And you did not personally see anybody enter your  
15 house, correct?

16 A I did not. I was 300 miles away.

17 MS. ROSENTHAL: I have no further questions.

18 THE COURT: Any redirect, Mr. DeLong?

19 MR. DELONG: No, unless there's additional questions.  
20 I saw the defendant's raising his hand.

21 THE COURT: You want to talk to your client,  
22 Ms. Rosenthal, go ahead.

23 MS. ROSENTHAL: Yes, please.

24 THE COURT: I keep forgetting to ask her, Mr. DeLong,

1 before she logs off so quickly if I can go over the rule of  
2 exclusion with the witness while we're waiting for her.

3 Oh, you were there. Ms. Rosenthal?

4 MS. ROSENTHAL: You can go over the rule, Your Honor,  
5 while I'm off.

6 THE COURT: Okay. Thank you. I didn't think she could  
7 hear me. I guess she could.

8 Mr. McCulloch, the rule of exclusion has been invoked,  
9 and the Court has to instruct you that when you're done, we're  
10 not quite done yet, but when we're done questioning you, from the  
11 attorneys, you're not allowed to talk to anyone about your  
12 testimony -- not to your wife, not to your relatives, not to  
13 anybody at work, if you work, nobody other than these two  
14 attorneys, if you want to talk to them by phone -- until this  
15 preliminary hearing is over, because we don't want you to  
16 influence any other prospective witnesses and we don't want them  
17 to influence you. Do you understand?

18 THE WITNESS: I do.

19 THE COURT: All right. So that's the instruction I  
20 usually give when we're all done questioning you, but we may have  
21 a few more questions, so I'll ask you to remember that admonition  
22 when we get done. And when Ms. Rosenthal comes back on we will  
23 see if she has any other questions.

24 You're coming in much more clearly now too.

1 MS. ROSENTHAL: No follow-up questions.

2 THE WITNESS: That's nice.

3 THE COURT: No further questions, Ms. Rosenthal, is  
4 that what you said?

5 MR. DELONG: Your Honor, if I may.

6 THE COURT: Is this redirect? I forgot where we were.

7 Mr. DeLong, I think we were on redirect, correct?

8 MR. DELONG: Yes, Your Honor.

9 THE COURT: Then you may. Go ahead.

10

11 REDIRECT EXAMINATION

12 BY MR. DELONG:

13 Q Mr. McCulloch, did you inspect your house when you came  
14 home?

15 A I did.

16 Q And did you see any other damage, besides the sliding  
17 glass door?

18 A There were some scrapes on the inside wall there where  
19 I think something was drug along the side wall in the entryway  
20 near where the glass was broken.

21 MS. ROSENTHAL: Your Honor, I believe this is outside  
22 the scope of cross.

23 THE COURT: I can't remember --

24 THE WITNESS: Can I continue?

1           THE COURT: -- I don't think she asked about any damage  
2 to the property or anything, Mr. DeLong. You have to stay within  
3 the scope of cross.

4           MR. DELONG: Understood. My recollection was that she  
5 was discussing the property and that he had been there and what  
6 was there. It's a very general connection, Your Honor.

7           THE COURT: Well, it has to be related to her specific  
8 questions. She didn't ask anything specifically of that. So I  
9 don't think you can go any further with that. Do you have any  
10 other questions?

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

12          THE COURT: Okay. I'm not sure damage, really, how  
13 necessary that is for a burglary anyway.

14          All right. So Mr. McCulloch, we're now done -- or do  
15 you have any others, Ms. Rosenthal? He kind of asked a question  
16 and got part of an answer there. Do you have any others --

17          MS. ROSENTHAL: No, Your Honor.

18          THE COURT: -- for cross. All right.

19          Mr. McCulloch, we are going to let you go now. That  
20 admonition applies. And I don't know if it's going to be over  
21 today or not. So before you talk about your testimony or this  
22 case, make sure you find out from Mr. DeLong if the preliminary  
23 hearing is over today or not. If we don't finish today, we might  
24 not set it for a another week or two. I don't know. Okay?

1 THE WITNESS: Okay. I understand.

2 THE COURT: Just in case you have to be recalled to the  
3 stand for any reason, I don't want you talking to anybody about  
4 your testimony other than the attorneys.

5 All right. Thank you, Mr. McCulloch. You can log off  
6 now with your phone and your computer. Thank you.

7 THE WITNESS: All right. Thank you.

8 THE COURT: Next witness, Mr. DeLong.

9 MR. DELONG: Thank you, Your Honor. At this time the  
10 State would like to call Robert Merrill. It's my understanding  
11 he will be on the line with the name Dotty.

12 Dorothy, is Robert Merrill available to testify first?

13 THE WITNESS: Yes.

14 THE COURT: Mr. DeLong, I see a Dorothy Merrill, but I  
15 don't see a Robert Merrill on your notice.

16 MR. DELONG: I apologize, Your Honor. Didn't realize  
17 he was excluded from the notice.

18 THE COURT: I have a lot of declarations, but I do  
19 watch this pretty closely, because it's required under --

20 MR. DELONG: Oh, you're saying there's no declaration  
21 for him.

22 THE COURT: Right. We have Dorothy Merrill. We don't  
23 have a Robert Merrill.

24 MR. DELONG: I understand. Your Honor, the State will



1 call Dorothy Merrill at this time.

2 THE COURT: Okay. Let's get her logged on. Robert  
3 Merrill, if you can get her. I don't know if you guys are  
4 together.

5 MS. ROSENTHAL: Your Honor, I think this might be hard  
6 for exclusion, but maybe if the State is going to ask him in the  
7 future that he be in a different room or something.

8 THE COURT: Oh, good point. Yes.

9 Do we have Dorothy?

10 THE WITNESS: Yes.

11 THE COURT: Okay. We need to make sure you're out of  
12 earshot from Robert. We need to separate you two. There's been  
13 a rule invoked where one witness cannot listen or talk to another  
14 witness.

15 Can you do that, Ms. Merrill?

16 THE WITNESS: Yes. He's leaving the room.

17 THE COURT: All right. And we don't want you reading  
18 anything, so have nothing in front of you like police reports or  
19 your victim statement or anything like that unless an attorney  
20 asks you to read it.

21 All right. I'm going to ask you to raise your right  
22 hand, please.

23 (Witness sworn.)

24 THE COURT: Thank you. You can put your hand down.

1 Mr. DeLong, you may proceed.

2 MR. DELONG: Thank you, Your Honor.

3  
4 DOROTHY MERRILL,  
5 called as a witness herein, being first duly sworn,  
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. DELONG:

9 Q Mrs. Merrill, can you please state and spell your full  
10 name for the record?

11 A Dorothy, D-O-R-O-T-H-Y, my middle name is Louise,  
12 L-O-U-I-S-E, Merrill, M-E-R-R-I-L-L.

13 Q Thank you. And do you own a residence in Reno, Washoe  
14 County, Nevada?

15 A Yes.

16 Q What is the address of that residence?

17 A 920 South University Park Loop, L-O-O-P, Reno, 89512.

18 Q Do you remember an incident there regarding that  
19 residence last year in September?

20 A Yes.

21 Q I'm sorry. I didn't hear your response.

22 A Yes.

23 Q Okay. What do you recall from that?

24 A It was on September 24th and in the afternoon. I had

1 gone to the University Post Office to mail some things, came  
2 home, and I was driving east on South University Park Loop when I  
3 noticed parked between our house and our neighbor's on the west  
4 side, 910 South University Park Loop, a very large red Jeep with  
5 oversized tires. And I noticed it, because I'd never seen the  
6 vehicle in our neighborhood before.

7 So I went ahead and drove into the garage and closed  
8 the garage door and went into the house. And my husband said,  
9 "You need to come into the bedroom. You need to see this." So  
10 I --

11 MS. ROSENTHAL: Objection, Your Honor, as to anything  
12 her husband said to her.

13 MR. DELONG: Your Honor, may I respond, please.

14 THE COURT: Well, just a minute, Mr. DeLong. I  
15 wouldn't say anything. But, Ms. Merrill, you have to be careful.  
16 We don't want hearsay. I don't think that was for the truth of  
17 the matter asserted, when he's just asking her and directing her  
18 to the window to come here. So I didn't hear anything that was  
19 for the truth of the matter asserted. I'm going to allow the  
20 statement.

21 But, Ms. Merrill, we don't want to hear what your  
22 husband has to say through you. Do you understand that?

23 THE WITNESS: I do.

24 MS. ROSENTHAL: And, Your Honor, I was just more

1 prefacing. I think it was going to be coming, what he said to  
2 her. And I would just ask that she not say anything that he said  
3 to her.

4 THE COURT: That's what I was saying to her. That's  
5 what I'm instructing.

6 Go ahead, Mr. DeLong.

7 BY MR. DELONG:

8 Q So being specific, we don't want to hear any factual  
9 information that your husband gave you, but what did you see  
10 after he asked you to come in?

11 A I saw that there was glass all over the table that we  
12 have that sits under a window on the south side of our bedroom.  
13 On the floor was also a lot of glass, and about ten feet away  
14 from the window was a very large rock. And I saw outside through  
15 the window a man standing there. And there was -- we have a blue  
16 spruce, I think that's what it is, bush, below the window. And  
17 on top of that was a pole, a disused umbrella pole.

18 And my husband was talking to the man. And the man  
19 said that someone had robbed him of \$1600.

20 MS. ROSENTHAL: Again, Your Honor. Objection to what  
21 her husband said happened.

22 MR. DELONG: Your Honor, this is not --

23 THE COURT: Wait a minute.

24 THE WITNESS: This is what the man said.

1 THE COURT: Stop. Ms. Merrill, stop.

2 As I understand it, Ms. Rosenthal, she's testifying as  
3 to what your client said.

4 Are you referring to what your husband said or what  
5 this man said, Ms. Merrill?

6 THE WITNESS: What the man said, Your Honor.

7 THE COURT: Right. The only thing I don't have  
8 established, Mr. DeLong, is that it may be her client. All I  
9 know is it's a man right now.

10 MR. DELONG: Understood, Your Honor.

11 THE COURT: Is that your proffer though, that it is the  
12 defendant or not?

13 MR. DELONG: We don't know.

14 THE COURT: If you don't know, then you'll have to lay  
15 more foundation.

16 MR. DELONG: We're getting there, is my thought, Your  
17 Honor.

18 THE COURT: All right. Then let me strike it. And  
19 don't testify to what this man said yet. We may get there  
20 though, Ms. Merrill. Thank you.

21 Go ahead, Mr. DeLong.

22 MR. DELONG: Your Honor, may I respond? I think it's  
23 appropriate for her to describe what she heard said by a man that  
24 was at this address. We've already got testimony from an

1 individual regarding this address. I think the connection there  
2 is that we at least hear what she heard from this individual,  
3 whether or not it's positively identified at this time to be the  
4 defendant.

5 THE COURT: Well, that's not the exclusion under the  
6 statute, Mr. DeLong. 51.035 says a party opponent. You have not  
7 established it's a party opponent yet. If you establish that or  
8 at give me some basis for it, then I'll allow it. But right now  
9 my ruling stands. It's the opposite order.

10 MR. DELONG: I understand, Your Honor. I'll proceed.  
11 BY MR. DELONG:

12 Q So, Ms. Merrill -- Mrs. Merrill, I apologize, did you  
13 get a good look at this individual that was outside your home?

14 A I guess, yes. I saw him standing there.

15 Q And was he wearing a face covering or anything?

16 A I'm not sure at that point whether he had a face  
17 covering on or not.

18 Q So before we get into if he said anything, what else  
19 did you observe at this time?

20 A Well, I observed that he was talking to my husband. I  
21 observed that he continued to stand there. I observed that they  
22 continued to say the same thing over again. And --

23 Q Did the conversation end at some point?

24 A At some point, I said, "That's not true." And I said,

1 "I'm calling 911." I took my phone out of my pocket. I was  
2 going to take a picture of him through the window. He backed  
3 away.

4 I called 911, and I was talking to the dispatcher as I  
5 walked toward the front door of our house. I went out the front  
6 door, and my goal was to take a picture of the license plate on  
7 the front of the Jeep. At the point that I could see the Jeep,  
8 and I was going to take a picture while still talking with the  
9 dispatcher. The Jeep backed down South University Park Loop,  
10 that is in reverse, backed down at a -- at an unusually high rate  
11 of speed.

12 Q And then what occurred?

13 A Then the officer came to our house. And one of the  
14 officers asked me if we had a doorbell camera. And I said,  
15 "Yes." And he said, "Will you check to see if anything has been  
16 recorded this afternoon."

17 So I checked our doorbell camera, and there were two  
18 recordings. There was one at 1445 or 2:45, and another one a bit  
19 later, a minute or two after that. I showed these doorbell  
20 camera recordings to the officer.

21 The person who was at the front door was plainly  
22 visible in the first recording. Even though the person at the  
23 front door took his cell phone and kind of waived it towards the  
24 doorbell camera in what appeared to me to be trying to disengage

1 it or cause it not to record.

2 In the second recording, as the same person comes back  
3 up the driveway -- or excuse me, the sidewalk toward the house,  
4 he takes a -- what looked to me like a disposable latex glove and  
5 hung it over the doorbell camera to prevent the camera from  
6 taking further footage of someone standing on the front porch.

7 Q But you did see a view of this individual in the camera  
8 footage; is that correct?

9 A That's correct.

10 Q And is it the same or different from the individual  
11 that you saw out the window?

12 A It was the same person.

13 Q Why would you say that?

14 A The person was dressed the same, the hair was the same,  
15 the body type was the same, both the shirt and the jeans were the  
16 same.

17 Q And this footage, do you have an idea of when it was  
18 taken?

19 A Yes, September 24th, 1445 and 1447 or 1446. There were  
20 two camera videos.

21 Q And do you know what time you came home?

22 A I don't know for sure, but I called the dispatcher at I  
23 believe about 3:10 or 3:11. And so it would have been maybe  
24 3:00, 3:05, somewhere in that area.



1 Q And then can you see the different individuals that are  
2 participating in this Zoom call right now?

3 A Yes.

4 MR. DELONG: Okay. Your Honor, at this time I would  
5 request that the individual in orange be requested to remove his  
6 white mask so his face can be seen.

7 THE COURT: All right.

8 BY MR. DELONG:

9 Q Now do you recognize anyone on the Zoom call today that  
10 was present when you came home or that was on the Ring Zoom call?

11 A Would you ask the person to remove his glasses, please.

12 THE COURT: He may. All right.

13 THE WITNESS: And could I see him from the side,  
14 please. His profile from the side.

15 No, turning so his shoulders are --

16 THE COURT: Move your body to the side, if you could.

17 Thank you.

18 THE WITNESS: Yes.

19 BY MR. DELONG:

20 Q Is that the individual you saw on the camera?

21 A Yes, believe it is.

22 Q Can you identify a color and an item of clothing that  
23 individual is wearing in the Zoom call right now?

24 A Looks to me like it's a burnt orange or orangy-brown

1 color.

2 MR. DELONG: Your Honor, at this time I would request  
3 that the record reflect that the defendant has been identified.

4 THE COURT: He has. It will so reflect.

5 THE WITNESS: Mr. DeLong, may I clarify one thing,  
6 please?

7 BY MR. DELONG:

8 Q Yes, please.

9 A I noticed when I was rereading my police statement last  
10 night that I inadvertently wrote that it was on August 24th, but  
11 these events took place on September 24th. I just want to get  
12 that mistake out there.

13 So I acknowledge it. Sorry. It was my inadvertent  
14 error.

15 Q Not at all. Can we back up though. When you said you  
16 saw the rock when you were inside the house, where was the rock?  
17 It wasn't clear from what you said.

18 A The rock was about ten feet from the window towards our  
19 bathroom door. So it appeared to me that the rock had been  
20 heaved through the window, knocked open our plantation shutters  
21 and landed about ten feet inside the bedroom.

22 Q And this bedroom, is it on the first floor or the  
23 second floor?

24 A We don't have a second floor. It's on the first floor.

1 Q And now getting back to the conversation that was  
2 between the individual that was outside and your husband. What  
3 was the individual outside saying? What did you hear?

4 A I heard him say that someone had taken \$1600 from his  
5 downtown apartment, and that one of his neighbors had told him  
6 that the person lived at our address. And he said something  
7 like, I thought you'd be younger, or something to that effect.

8 And then he said again, you took my \$1600. And I said,  
9 "Well, that's a lie." And that's when I backed up and said I was  
10 going to call 911.

11 Q

12 Q Did your husband make any indication that he agreed  
13 with anything that was being said at that time?

14 A He had no agreement with anything. He said, we didn't  
15 do that. I didn't do that. I can't remember which personal  
16 pronoun he used.

17 Q Now you described this pole outside the window on a  
18 bush I think. Can you better describe that for us?

19 A Yes. We had an umbrella, patio umbrella stand closer  
20 to the sliding -- part of our sliding glass door that's by our TV  
21 room, and in it was a disused umbrella pole left there. You  
22 know, the bottom half where the top half of the umbrella joins a  
23 pole. And this was the bottom half of that pole.

24 Q So you hadn't left it there on the bush before you left

1 your house that day?

2 A No.

3 Q Do you have any reason to believe why it was there or  
4 any reason to believe you put it there or someone in your house  
5 did?

6 A On top of the blue Spruce shrub?

7 Q Yes.

8 A No. I -- when I first entered the room it seemed -- I  
9 believe he was holding it in his hand, and then later laid it on  
10 top of the shrub, although my memory is a little cloudy on that.

11 May I tell you one other thing that I noticed belatedly  
12 when I went actually outside to look at this area?

13 Q Yes. What did you see?

14 A I saw on the ground next to our sliding glass patio  
15 doors the screen from that door, which was down on the ground. I  
16 had had that door open earlier in the day, and the screen was in  
17 place at that time.

18 Q Was there any other damage to your house that you  
19 observed?

20 A Aside from the screen being on the ground and the glass  
21 in the window being broken and the shutters being damaged, that  
22 was the damage.

23 Q Thank you.

24 MR. DELONG: Your Honor, no further questions at this

1 time.

2 THE COURT: All right.

3 Cross-exam, Ms. Rosenthal.

4 MS. ROSENTHAL: Thank you, Your Honor.

5

6 CROSS-EXAMINATION

7 BY MS. ROSENTHAL:

8 Q Mrs. Merrill, did you see the window break?

9 A No, I did not.

10 Q And did you see anyone attempt to enter your home?

11 A I did not.

12 Q And was -- what day did you notice that the screen was  
13 not on the door? Was it the same day?

14 A September 24th.

15 Q And the only time you saw who you identified as the  
16 person in orange, was he -- he was sitting outside of the window  
17 of your home, correct?

18 A That's right. He was standing close to the window.

19 Q And the only other time you saw him was when he knocked  
20 on the door through the Ring video, correct?

21 A There was no knock in the first video. There was a  
22 very hard-to-hear knock in the second video.

23 Q But he was outside your residence at that time?

24 A Excuse me?

1 Q This person was outside of your residence at that time?

2 A He was on the front porch, yes.

3 MS. ROSENTHAL: I have no further questions, Your  
4 Honor.

5 THE COURT: Thank you.

6 Mr. DeLong, any redirect?

7 MR. DELONG: I'll just reserve if additional questions  
8 are asked in connection with the defendant raising his hand.

9 THE COURT: Okay. Ms. Rosenthal -- I think she's okay  
10 with me giving the rule of exclusion admonishment.

11 Ms. -- Mrs. Merrill, that means -- the rule of  
12 exclusion has been invoked, which means witnesses are not allowed  
13 to talk to other witnesses or to influence other witnesses with  
14 their testimony in case that witness is called, so that could  
15 apply to your husband, or in case you're recalled to the stand.  
16 We don't want him or any other witness or any other person  
17 influencing your testimony.

18 This only applies during this hearing, which we may or  
19 may not finish today. You can always talk to the attorneys,  
20 either both or separate, it doesn't matter, but you can't talk to  
21 anyone else about your testimony or the facts of this case.

22 Do you understand that?

23 THE WITNESS: Yes, sir.

24 THE COURT: Especially you and your husband will have

1 to forego talking about this case at all until this preliminary  
2 hearing is over. And it may be by 5:00 o'clock today, and it may  
3 not. So make sure you keep in contact with Mr. DeLong if you're  
4 going to talk to your husband about the case and make sure the  
5 preliminary hearing is over by the time you do so. Okay?

6 THE WITNESS: Yes, Your Honor.

7 MR. DELONG: Your Honor, just to add to that, if I may.  
8 Dorothy, I'll call you to let you know when the hearing is over.  
9 So until you get that call, please just assume you can't talk to  
10 your husband about this at all. Okay?

11 THE WITNESS: Yes.

12 MR. DELONG: -- or how this went.

13 THE WITNESS: I understand.

14 THE COURT: All right. Ms. Rosenthal is back on line  
15 with us. And, Ms. Rosenthal, if you can hear, I did invoke the  
16 rule of exclusion with her.

17 Do you have any other questions of her at this time?

18 MS. ROSENTHAL: No, Your Honor.

19 THE COURT: All right. Thank you. And, Ms. Rosenthal,  
20 are you okay with the future witnesses that we do today, are you  
21 okay with me going over the rule of exclusion with them while  
22 you're talking with your client?

23 MS. ROSENTHAL: That's fine, Your Honor.

24 THE COURT: All right. Thank you.

1 All right. Ms. Merrill, you're going to be free to go  
2 now with that admonition.

3 Thank you. Have a nice day. You can log off.

4 MR. DELONG: Thank you, Dorothy. I'll call you.

5 THE COURT: All right. Mr. DeLong.

6 MR. DELONG: Thank you, Your Honor. At this time the  
7 State would like to call Officer Jeremy Catalano.

8 THE COURT: Take it off mute, if you are there,  
9 Detective or Officer.

10 THE WITNESS: I can hear you now.

11 THE COURT: All right. Thank you.

12 Raise your right hand, please.

13 (Witness sworn.)

14 THE COURT: All right. Go ahead, Mr. DeLong.

15  
16 JEREMY CATALANO,  
17 called as a witness herein, being first duly sworn,  
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. DELONG:

21 Q Officer, can you please state your name and spell it  
22 for the record.

23 A It is Jeremy Catalano, J-E-R-E-M-Y, C-A-T-A-L-A-N-O.

24 Q And what's your current job?



1           A     I'm a detective with the Reno Police Department.

2           Q     And how long have you been in this position?

3           A     In my current position, I've been there a little over  
4 two-and-a-half years.

5           Q     And did you participate in an investigation of an Ian  
6 Held?

7           A     Yes.

8           Q     And how did you get connected with that investigation?

9           A     The investigation was first brought to my attention by  
10 Sergeant Jason Welch at the Reno Police Department. He told  
11 Detective Kenny Fye and I, who were together, that Officer Trail  
12 had been investigating an -- I believe it was residential  
13 burglary case. And Sergeant Welch told us that due to Held's  
14 criminal history that he should be somebody that we could  
15 potentially investigate for this burglary.

16          Q     So what did you specifically do in connection with the  
17 investigation?

18          A     My main part of the investigation was speaking with the  
19 manager at the Keystone RV Park where Ian lived. So I received  
20 information from her throughout the investigation, which I  
21 relayed to Detective Fye, and I was also part of the search of  
22 his trailer upon a search warrant.

23          Q     So you said the RV park. Do you have an address for  
24 that?

1           A     I believe it's 1455 West Fourth Street here in Reno.

2           Q     And is that Washoe County, Nevada?

3           A     Yes. And more specifically on that, his space number  
4 would have been 81.

5           MR. DELONG: And very quickly, Your Honor, if I may  
6 show the defendant the screen share, Exhibit B.

7           MS. ROSENTHAL: And, Your Honor, before we go too far,  
8 I just ask that Detective Catalano not reference any reports or  
9 anything. I don't know if he has anything in front of him, but  
10 before we get anywhere.

11          THE WITNESS: Okay.

12          THE COURT: If you have any reports or anything written  
13 in front of you, Detective, please turn it over, unless you ask  
14 us to refresh your recollection or a lawyer asks you to turn it  
15 over. You shouldn't be reading anything while you're testifying,  
16 if you are. I don't know if you are.

17          THE WITNESS: Okay.

18          THE COURT: Thank you.

19 BY MR. DELONG:

20          Q     So now I'm sharing an image which has been admitted in  
21 this case as Exhibit B. Do you recognize the trailer in this?

22          A     Sorry, it's hard to see on my phone.

23                Yes.

24          Q     And how do you recognize that trailer?

1           A     That would be the trailer that we would have been doing  
2 surveillance on in the Keystone RV Park, trailer park.

3           Q     And just for clarity, you don't recognize the U-Haul  
4 truck though?

5           A     I don't recognize the U-Haul truck, no.

6           Q     So I'll stop sharing that at this time.

7                 So you conducted surveillance on that trailer; is that  
8 correct?

9           A     Yes, we did.

10          Q     And do you know who owns that trailer?

11          A     To my knowledge it was Ian.

12          Q     And how did you come about that information?

13          A     With speaking to Dee, or Deanne, the manager of the RV  
14 park. She told me that this was his spot.

15                 And actually, if I remember correctly, it was his -- it  
16 was Mr. Held's mother's trailer, but he was the one that was  
17 using it.

18          Q     And so you did surveillance. Can you tell us when that  
19 occurred and what happened?

20          A     So we conducted surveillance for a couple days. I  
21 don't remember how long our surveillance lasted for. But I know  
22 from the time that we were told by Sergeant Welch about these  
23 cases we started kind of sporadically conducting surveillance of  
24 the trailer park and his trailer specifically.

1 Q And what did you observe during surveillance?

2 A Personally, I was never the one that was watching his  
3 trailer. I was positioned to the adjoining business park or  
4 businesses, which was to the east of his trailer park.

5 So during the surveillance, what I personally witnessed  
6 was Mr. Held and a female named Annabelle Bush coming and going  
7 from a red Jeep. And then ultimately when we arrested Mr. Held,  
8 I watched the trailer after Detective Fye watched the trailer,  
9 kind of in between the time we made the arrest and we served the  
10 search warrant.

11 Q And so you were there -- oh, I'm sorry, this is what I  
12 was thinking. Do you remember what date he was arrested?

13 A I believe it was September 28th, 2020.

14 Q And said a search warrant was issued; is that correct?

15 A Yes.

16 Q And did you help execute that search warrant?

17 A Yes.

18 Q And what occurred?

19 A So during the execution of the search warrant where I  
20 searched primarily was the -- really, the only bedroom and closet  
21 area of the trailer. And so during that search, I took overall  
22 photos of the trailer, took overall photos of the bedroom itself  
23 and the closet. And during the search I found five rifles -- er,  
24 sorry. I found four rifles and a shotgun that were inside the

1 bedroom and trailer area -- sorry bedroom and closet area.

2           There was a shotgun inside the closet, and then there  
3 were four rifles which was inside a black rifle case, which was  
4 leaning up against the bed, with like a blue rag hanging over the  
5 muzzles of the rifles.

6           In the -- there was a dresser where I found an ID card  
7 in the name of Ian Held. There was other mail that was in there  
8 as well. I photographed the rifles, the shotgun, the ID card as  
9 well. There was I believe another ID in another female's name  
10 and a passport possibly as well.

11           And that was -- those were the main things of note that  
12 I noticed. There were other items that I included in my report,  
13 but off my memory, those were the items that were kind of of note  
14 during the search.

15           Q     So just to back up a second. Before you executed the  
16 search warrant you were observing the trailer after Detective  
17 Fye; is that what you were indicating?

18           A     Yes. So on the date that Mr. Held was arrested, I was  
19 inside the trailer park and Detective Fye was inside the trailer  
20 park as well. He was the one that was actually able to see the  
21 door to the trailer park and was able to see who was coming and  
22 going.

23           And so when he was -- sorry let me go back a little  
24 bit. Prior to Mr. Held being arrested, Detective Fye saw

1 Mr. Held and a female, Annabelle Bush, leaving the trailer. Once  
2 they left the trailer, Detective Tindell, Detective Bailey and  
3 Sergeant Russell took them into custody. And so about that time  
4 Detective Fye and I switched places, so I could actually watch  
5 the trailer, keep eye on the trailer, while he could talk to  
6 Mr. Held and Annabelle Bush.

7 Q So after they exited and were arrested, you were  
8 watching the trailer?

9 A Yes, I took Detective Fye's spot and watched the  
10 trailer.

11 Q And between the point where you started doing that and  
12 the search warrant was executed, did anyone leave or enter the  
13 trailer that you saw?

14 A No.

15 Q And you took pictures inside the trailer; is that  
16 correct?

17 A Yes.

18 Q Did you see any other individuals inside the trailer?

19 A No.

20 Q Any evidence that individuals were hiding or located  
21 within the trailer?

22 A No.

23 Q Did you do anything else in connection with the case?

24 A Yes, I did. I helped package some of the evidence for

1 the case, and then I also researched or did some research  
2 regarding the rifles and shotgun that were recovered and found  
3 out that out of the five firearms that we found that four of them  
4 were reported stolen out of a Pyramid Police Department case.  
5 And so I was able to contact the Pyramid Police Department.

6 Let me go back to make a little more sense of that.  
7 On, I believe, three of the rifles there was a Lawrence O'Day  
8 that was engraved onto the rifles with a Social Security number.  
9 So through the name and the Social Security, I was able to find a  
10 phone number that matched a Lawrence O'Day. So I called him, and  
11 he told me that he was the victim of a burglary. I want to say  
12 it was between the dates of September 2nd and September 5th of  
13 2020. And he had reported that with the Pyramid Police  
14 Department.

15 And so he gave me a case number for that report. So I  
16 contacted the Pyramid Police Department and gave them that case  
17 number and requested the case number, which they had provided to  
18 me. And so I was able to look at the firearms that were reported  
19 stolen in that case number, and they matched four of the firearms  
20 that we recovered from Mr. Held's trailer.

21 Q Just to make sure, did you do anything else in  
22 connection with the case?

23 A Just to speak out loud: Met with Sergeant Welch, spoke  
24 with him, I talked with the manager Deanna Shapiro, conducted

1 surveillance of the trailer before the search warrant, seized the  
2 items, packaged the items, spoke with Lawrence O'Day, returned  
3 the items to him. That was the majority of my involvement in the  
4 case.

5 Q Thank you.

6 MR. DELONG: No further questions at this time, Your  
7 Honor.

8 THE COURT: All right.

9 Ms. Rosenthal, cross-examination.

10 MS. ROSENTHAL: Thank you.

11  
12 CROSS-EXAMINATION

13 BY MS. ROSENTHAL:

14 Q Detective Catalano, I'm going to kind of go in reverse,  
15 just because that's what's fresh in my memory right now.

16 A Okay.

17 Q During your search of the trailer, were you wearing  
18 body cam?

19 A No.

20 Q Do you ever wear body cam?

21 A Not in my position.

22 Q And were photos taken of the items located in the  
23 trailer?

24 A Yes.



1 Q Were those uploaded?

2 A Yes, they were uploaded to -- so I took the photos and  
3 we upload them to an app called Axon Capture, and then the photos  
4 get uploaded to -- well, there's a little back story behind it,  
5 but I uploaded it to the Sparks Police Department, because that's  
6 who first had access to the app.

7 So that's where we first uploaded it to, was to the  
8 Sparks Police Department.

9 Q And you specifically only found an ID to Mr. Held, some  
10 guns, and another ID for some other person; that's correct?

11 A Without looking at my report those are the things that  
12 I can remember that I found off the top of my head.

13 Q And during the surveillance that you and your office  
14 conducted on the trailer, how many days did that last?

15 A Oh, I don't know specifically. I don't remember the  
16 exact date that we were told about Mr. Held. So from --

17 Q Was it more than one day?

18 A Yes.

19 Q Was it overnight?

20 A I don't believe we ever did oversight surveillance, no.

21 Q How many people went in and out of the trailer during  
22 that time?

23 A I don't know.

24 Q Did anybody other than Mr. Held go in that trailer?

1 A Yes.

2 Q Who were those people?

3 A Annabelle Bush I know for sure.

4 Q And Ms. Bush was not listed as a resident of that  
5 trailer; is that correct?

6 A I don't know. I don't think she was, but I can't say  
7 for sure.

8 Q And you're the one that spoke with the manager of the  
9 trailer park?

10 A Yes.

11 Q And it was registered to Mr. Held, correct?

12 A The spot is, yes.

13 Q And prior -- you testified that nobody entered the  
14 trailer after the arrest before the warrant was executed; is that  
15 correct?

16 A Well, we were watching it. Well, let me back up a  
17 little bit.

18 Annabelle Bush or Ms. Bush was -- she was initially  
19 brought to the Reno Police Department to be interviewed. She was  
20 brought back to the trailer by Detective Fye. And before  
21 Detective Fye decided that he was going to apply for the search  
22 warrant, Ms. Bush was allowed to go back into the trailer in our  
23 presence. So she was, she did go inside the trailer while we  
24 were there.

1 Q So the trailer was not blocked off from other people  
2 entering, correct?

3 A What do you mean? I'm sorry.

4 Q So from the time Mr. Held was arrested to when it was  
5 searched, individuals not part of the Reno Police Department  
6 entered the trailer?

7 A Annabelle went into the trailer, correct.

8 Q And nobody accompanied her into the trailer; is that  
9 correct?

10 A That's not correct.

11 Q So officers were with her when she entered the trailer?

12 A Yes.

13 Q Even though Mr. Held denied consent to search the  
14 trailer?

15 A I don't know about that.

16 Q Isn't it accurate that Mr. Held denied consent to enter  
17 the trailer?

18 A I don't know that.

19 Q That's why a search warrant had to be asked for?

20 A You're asking me things I don't know. I don't know  
21 that he denied consent, ma'am.

22 Q So is it your testimony though that Ms. Bush was  
23 allowed to enter the trailer prior to the search warrant being  
24 executed?

1           A     Yes.

2           Q     And your involvement with Mr. Held came after any  
3 alleged burglary, correct?

4           A     Yes.

5           MS. ROSENTHAL: Your Honor, that's all the questions I  
6 have, unless Mr. Held needs to talk to me about something.

7           Okay.

8           THE COURT: Why don't you go ahead and check with him  
9 while I give the exclusionary rule to the witness.

10          All right. I think she's muted. Detective Catalano,  
11 you understand the exclusionary rule, probably heard it before.  
12 You're not allowed to -- you're not allowed to talk about your  
13 testimony or to discuss the facts of this case with any other  
14 detectives and employees you work with, your family, anybody else  
15 other than these two attorneys after I let you go here today  
16 until this preliminary hearing is over, which may not be by 5:00  
17 o'clock today. I don't know, so check with Mr. DeLong before you  
18 talk to even your supervisor or anybody else that you work with  
19 about the facts of this case or your testimony in case you're  
20 called -- recalled to the stand. And we don't want you  
21 influencing other witnesses. So don't talk at all. Okay?

22          THE WITNESS: Yes, sir.

23          THE COURT: All right. Ms. Rosenthal, what's the  
24 verdict?

1 Oh. Okay.

2 And, Detective, I take it you're an offspring of  
3 another Detective Catalano, correct?

4 THE WITNESS: Yes, sir.

5 THE COURT: Is that John?

6 THE WITNESS: Yes, sir.

7 THE COURT: That's one of my era.

8 MS. ROSENTHAL: Nothing further, Your Honor.

9 THE COURT: All right. Thank you very much.

10 So that means there will be no further redirect or  
11 further questioning, Detective Catalano.

12 MR. DELONG: Your Honor --

13 THE COURT: So you're free to log off.

14 MR. DELONG: Your Honor, may I do redirect based on  
15 these questions?

16 THE COURT: Oh, okay. Yeah, because I keep doing that.  
17 We're still with the option of redirect. Yes, go ahead,  
18 Mr. DeLong, within the scope of Ms. Rosenthal's cross-  
19 examination.

20 MR. DELONG: Thank you, Your Honor.

21

22 REDIRECT EXAMINATION

23 BY MR. DELONG:

24 Q So you testified that Annabelle Bush was allowed to

1 enter the trailer before the search warrant was executed; is that  
2 correct?

3 A Yes.

4 Q And you witnessed her go in?

5 A Yes.

6 Q Did you see her bring anything with her?

7 A No.

8 Q Did she bring any items into the trailer that could be  
9 big enough that could be a gun?

10 A No.

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

12 THE COURT: All right. Anything else, Ms. Rosenthal?

13 MS. ROSENTHAL: No.

14 THE COURT: All right. Now, Detective, you're free to  
15 go and log off with that admonition not to talk about your  
16 testimony. Thank you very much.

17 THE WITNESS: Thank you for your time.

18 MR. DELONG: Thank you, Detective.

19 THE WITNESS: All right. Bye.

20 THE COURT: Mr. DeLong.

21 MR. DELONG: Thank you, Your Honor. At this time the  
22 State would like to call Detective Kenneth Fye.

23 THE COURT: All right. Detective, let me know when you  
24 can hear me.

1 Detective, take it off mute.

2 THE WITNESS: Can you hear me now?

3 THE COURT: Yes, we can. Raise your right hand,  
4 please.

5 (Witness sworn.)

6 THE COURT: You can put your hand down.

7 And you may proceed, Mr. DeLong.

8

9 KENNETH FYE,

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

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DELONG:

14 Q Detective, can you please state your full name and  
15 spell it for the record.

16 A Yeah, it's Kenneth Fye. K-E-N-N-E-T-H, Fye, F-Y-E.

17 Q And what is your current job responsibilities?

18 A I am a detective assigned to the Repeat Offender  
19 Program for the Sparks Police Department.

20 Q And how long have you been in this position?

21 A For about one-and-a-half years.

22 Q And did you engage in an investigation of an Ian Held?

23 A Yes, I did.

24 Q How did you get connected with that investigation?

1           A     I was advised by sergeant -- Reno PD Sergeant Welch  
2 about a residential burglary that had occurred, and he forwarded  
3 that case information to me.

4           Q     And do you know where that burglary was?

5           A     It happened on Whisper Rock Drive, 1440 Whisper Rock.

6           Q     And do you know about the date that occurred?

7           A     I believe it was September 21st.

8           Q     So what did you do in connection with that  
9 investigation?

10          A     So he had forwarded some suspect information. He had  
11 developed a vehicle, a U-Haul rental truck, in the name Ian Held  
12 as being the renter. So I began looking into Ian Held at that  
13 point.

14          Q     And so what did your investigation of Mr. Held entail?

15          A     It started with some basic stuff. I did a criminal  
16 history workup on him. I did determine that he had some history  
17 and stuff like that that fit the bill. I confirmed where he  
18 lived by checking our records and other law enforcement  
19 databases, confirmed that he lived at the West Fourth Street  
20 address that he had given the U-Haul. I confirmed that the phone  
21 number that he gave to the U-Haul as a renter belonged to him.  
22 He gave that phone number to law enforcement in his most recent  
23 contact.

24                So I just used a couple different databases to confirm



1 where he lived, criminal history, telephone number, and things  
2 like that. Just some kind of like preliminary investigative  
3 things before we launched off on the investigation.

4 Once that was all concluded, we started doing direct  
5 surveillance on Mr. Held.

6 Q So I'll just back up one second. The 1440 Whisper Rock  
7 address, is that in Reno, Washoe County, Nevada?

8 A Yes, it is.

9 Q And then the address of the trailer park that he was --  
10 his residence, is that in Washoe County, Reno, Nevada?

11 A Yes, it is.

12 Q Okay. So you started doing surveillance at that time.  
13 What did you do next?

14 A So we did surveillance on him. I believe that started  
15 around September 23rd. And we observed him driving a red Jeep  
16 Cherokee. I got the license plate off of that, found out who the  
17 registered owner was and kind of did a workup on that vehicle.

18 I found out that the vehicle belonged to Mr. Held's  
19 neighbor, a guy named Jason Rocco. The vehicle belonged to him,  
20 and Rocco had recently been arrested. And so we were advised by  
21 a neighbor who also lived in that trailer park, a neighbor to  
22 Rocco and to Held, that they believed that the vehicle was  
23 stolen.

24 So I went up and I did an interview with Rocco at the

1 Washoe County Jail and determined that the vehicle was stolen,  
2 that Held did not have permission to drive that vehicle.

3 Q So what occurred next in the investigation?

4 A So Rocco signed an -- or he filed, you know, officially  
5 filed the vehicle as stolen, and we placed a tracker on the  
6 vehicle at that time. So we began tracking Held for the  
7 vehicle's movement by the tracker and direct surveillance.

8 Q And what, if anything, did you learn from the tracking?

9 A So there was, you know, just some general driving  
10 around, stuff like that, didn't appear to be any criminal  
11 activity, but it did lead us to following Held, I think it was, I  
12 want to say the 23rd. Not 100 percent on that. But we were  
13 watching Held on a tracker, and it starts going --

14 Q I just want to ask -- and I apologize for interrupting,  
15 but you said the 23rd. The 23rd of what month are we talking  
16 about here?

17 A I'm talking about September -- yeah, I don't want to be  
18 quoted on the 23rd. It may have been -- trying to remember. I  
19 can't remember the exact date, but this was the date that the  
20 South University Park Loop attempted burglary occurred.

21 Q Is this September of last year or this year?

22 A September 2020.

23 Q Not this year. I apologize. But, 2020. Thank you.

24 A Yes.

1           Q     So please continue with the information from the  
2 tracking.

3           A     Okay. So the vehicle started driving around in a nicer  
4 residential area that from all the research and surveillance that  
5 we've done up to this point, that Ian had no ties to or any  
6 reason to be driving around in that area. So we believed that he  
7 was casing the neighborhood to potentially do a residential  
8 burglary.

9                     So we set up in the area. It was Detective Tindell and  
10 I at this point. And the vehicle circled the block a couple  
11 times and ended up stopping for about 15 minutes. And we kind of  
12 stayed out of the area. We weren't -- you know, to preserve our  
13 identity, I guess, so that he didn't, you know, realize that he  
14 was being followed.

15                    So he parks. We're just around the corner from him.  
16 The vehicle ends up leaving the area at a high rate of speed. We  
17 determined that Ian and Annabelle Bush are both in the vehicle.  
18 Ian is the driver of the vehicle. And it leaves the area.

19           Q     So let me slow down real quick. How did you determine  
20 that they were in the vehicle?

21           A     Detective Tindell observed them both.

22           Q     Did you observe who was in the red Jeep?

23           A     Not at this time.

24           Q     Okay. So what happened next?

1           A     So Reno Police ends up getting a call shortly after  
2     that that an attempted burglary had occurred.

3                     And you want me to go into details on that case?

4           Q     Well, I want to know what you did and what you  
5     specifically -- what occurred in your investigation?

6           A     Okay. So that was about it. From that point a Reno  
7     Police Department officer took that investigation from the victim  
8     and the witnesses on that case, and he just later forwarded that  
9     information to me. My next involvement would come in on the  
10    arrest date of September 28th.

11          Q     So what occurred on that date?

12          A     So the red Jeep ended up getting towed. So Ian was no  
13    longer driving it. And we didn't know what he may be driving, if  
14    he had access to other U-Hauls or rental cars or anything like  
15    that. So it kind of became too difficult to continue to do  
16    surveillance on him, so we decided that we were going to make an  
17    arrest based on the facts and circumstances that we had developed  
18    on these past burglary -- the -- the attempted burglary and the  
19    burglary that we looked into so far.

20                     So we decided we were going to arrest him, so we set  
21    up --

22          Q     Just to clarify, the attempted burglary, do you know  
23    the address of that one?

24          A     The 920 South University.

1 Q And then the address of the burglary you're referring  
2 to?

3 A Yeah, that would be the Whisper Rock.

4 Q Okay. Continue, please.

5 A So yeah, we decide that we're going to arrest him on  
6 the charges of those two cases. We set up at his Keystone  
7 Trailer Park. And I set up to where I had a visual on his  
8 trailer.

9 So his -- the RV park is set up kind of in a horseshoe  
10 pattern. In the middle of it is kind of a common area. I  
11 basically sat in that common area and watched his trailer.

12 Q If I may interrupt you real quick.

13 MR. DELONG: Your Honor, if I may share the screen for  
14 Exhibit B at this time.

15 THE COURT: All right.

16 BY MR. DELONG:

17 Q So can you see an individual on the screen right now?

18 A Yes, I can.

19 Q Is this the trailer you're referring to?

20 A Yes, it is.

21 Q Okay. Please continue.

22 A Okay. So I'm in the common area. I'm watching the  
23 trailer, and I see Ian come out of the trailer, as well as  
24 Annabelle Bush come out of the trailer, but they're only coming

1 out for a couple seconds at a time, and then they go back in.  
2 You know, like grab something and go back in. So they're not out  
3 and far enough away from the trailer to where we feel comfortable  
4 driving up in our police vehicles and apprehending them. You  
5 know, we're worried that he may retreat back into the trailer and  
6 we could end up in a standoff type situation. So --

7 MS. ROSENTHAL: Your Honor, I apologize. Sorry.  
8 Mr. Held's video was cut out, so I just wanted to make sure he  
9 was still there. Sorry.

10 BY MR. DELONG:

11 Q And this is a good stopping point. You said you  
12 witnessed them come in and out. Did you see them bring anything  
13 into the trailer?

14 A No.

15 Q Okay.

16 A No, the -- I think the main reason they were going in  
17 and out was because it looked like Held, Ian was working on a  
18 broken-down vehicle that was parked out in front of his trailer.  
19 So he would kind of come out, tinker on the vehicle a little bit,  
20 then go back into the trailer.

21 Q And right now -- this individual, you saw him coming in  
22 and out of the trailer, correct?

23 A Correct.

24 Q Can you see the images of the individuals on the Zoom

1 call right now?

2 A Let me swipe here. Yes, I do.

3 Q Okay. Do you recognize Ian Held in any of these  
4 pictures?

5 A Yes, I do.

6 Q Can you point out an article and color of clothing that  
7 he's wearing?

8 A He's wearing an orange shirt.

9 MR. DELONG: Your Honor, may the record reflect that  
10 the witness has identified the defendant.

11 THE COURT: It will reflect it.

12 MR. DELONG: Thank you, Your Honor.

13 BY MR. DELONG:

14 Q So you witnessed him working on this vehicle, but you  
15 didn't see him or her bring anything in or out of the trailer?

16 A Correct.

17 Q Okay. So what occurred next?

18 A So I'd estimate that this went on for about two to  
19 three hours that I'm sitting in this common area and I'm watching  
20 their trailer. And it doesn't appear that they're going to be  
21 leaving anytime soon. So we -- I don't know if this is  
22 important, but we ended up arranging a ruse, basically, to get  
23 them out of the trailer. The manager of the RV park called Ian  
24 and told him that she had mail at their office and requested that

1 he comes and gets it.

2 So Ian and Annabelle exiting the trailer. They get far  
3 enough away from the trailer to where detectives are able to  
4 contact them and place them under arrest.

5 Q So after they arrest him, what occurred?

6 A So I stayed in that common area. And I was maybe about  
7 15 to 20 yards away from their trailer. So after they walked  
8 away and they were out of my view, I walked over to the trailer.  
9 I stood in front of it. They advised that, you know, that they  
10 were both detained, everything was okay, and that they were going  
11 to be transported to Reno Police Department for interviews.

12 I stayed there until Detective Bailey and Catalano came  
13 over to the trailer. So they both parked their detective  
14 vehicles in front of the vehicle -- or in front of the trailer,  
15 and then I drove to Reno PD for an interview with Annabelle.

16 Q So then you interviewed Annabelle at that time?

17 A Correct.

18 Q And just to clarify. That entire time you were  
19 watching the trailer, no one else besides Bush or Held entered or  
20 left the trailer; is that correct?

21 A Correct.

22 Q Okay. So then you interviewed Ms. Bush. We don't want  
23 to know any factual information she's provided, but what else did  
24 you do in the investigation?



1           A     So we did the interview. We ended up going back to the  
2 trailer, because in the course of the investigation and during  
3 the interviews we learned that there was still stolen property  
4 located in the trailer. And that came from Ian's interview with  
5 Detective Tindell.

6                     So we wanted to recover that stolen property. Ian  
7 denied consent to -- well, he went back and forth. He wanted to  
8 give consent, then he didn't, he did, he didn't. He kind of went  
9 back and forth. So we just kind of said, you know, for the sake  
10 of that and him kind of changing his mind that we would just go  
11 ahead and apply for a warrant.

12                    We originally thought that we may tow the trailer.  
13 That's what we've done in past practice, we had towed it to the  
14 lot, an open -- or a secure lot for the police department. We'd  
15 seal it up and we'd get a warrant later. But after I returned to  
16 the trailer, I saw there were some -- basically some hazards that  
17 made it untowable. It was just kind of made more permanent than  
18 RVs generally are at RV parks. There was like an HVAC system set  
19 up, the tires were in really poor condition and were flat.

20                    And long story short is we were unable to tow it. So I  
21 decided to do a telephonic warrant at that time.

22           Q     Okay. So that warrant was executed. Did you execute  
23 the warrant?

24           A     Yes.

1 Q Okay. So did you go into the trailer?

2 A I was standing by, but I was not responsible for the  
3 actual search of the trailer.

4 Q Okay. And then what did you do in connection with the  
5 investigation?

6 A So that was about it at that point. We executed the  
7 search warrant, the search was done, Ian was arrested,  
8 transported up to jail. And then my next involvement, I guess,  
9 would be after Ian was in custody, I was advised by another Reno  
10 Police detective that a burglary had occurred, and this one  
11 happened on Snow Partridge, I believe is the street. Another  
12 person --

13 Q Is that in Reno, Washoe County, Nevada?

14 A Yes, it is.

15 Q Do you know who the owner or who contacted officers  
16 about that?

17 A The victim was Scott Eckard, I believe.

18 Q And did you speak with Mr. Eckard?

19 A Yes, I did.

20 Q Okay. What else occurred, if anything, with  
21 Mr. Eckard?

22 A So it was initially just an online report that I  
23 reviewed. It seemed to match up with the MO that was seen by  
24 Mr. Held. So I went and met with Mr. Eckard, along with

1 Detective Tindell. And he kind of just gave me a rundown that  
2 was a little bit more detailed than what he had done in the  
3 online report.

4 And do you want me to go into those details on that  
5 case that he told me?

6 Q Well, not just the specifics he told you, but what else  
7 occurred with your interaction with him?

8 A So he had told me and put in the report that he had had  
9 a face-to-face encounter with the suspect that burglarized his  
10 house. And so I compiled a photographic lineup, and I did that  
11 with Mr. Eckard.

12 Q And did he identify anyone in that lineup?

13 A Yeah, he did.

14 So the lineup consisted of six photos. So we were in  
15 his kitchen at this time. I go to place out the photos. I put  
16 out photos one, two, three, four. As I'm putting down number  
17 five, which was a picture of Mr. Held, Mr. Eckard immediately  
18 says, "That's him, that's the guy." I continued to put down  
19 photo number six so that he could see the complete array. He  
20 sees it, he goes, "Yep, this is him. I'm 100 percent sure."

21 Without any hesitation he identified Mr. Held as the  
22 person that he believed burglarized his home.

23 Q So did -- what did you do next in connection with the  
24 investigation?

1           A     So everything on that case ended up leading to me  
2     developing probable cause. I ended up doing an add book on  
3     Mr. Held while he was in custody for that burglary. And then I  
4     think that was about it, until I later conducted an interview  
5     with Ian while he was in custody at the jail.

6           Q     And was he Mirandized for that interview?

7           A     Yes, he was.

8           Q     And what occurred during that interview?

9           A     So, the key points of the interview was that he  
10    admitted to the University Park Loop burglary. He said that he  
11    was present for that. But he had -- he wasn't saying that he  
12    intended to steal property or burglarize that victim. He was  
13    saying that he believed that someone that owed him money lived at  
14    that address, and that's why he was contacting them. But he  
15    admitted to going there. He admitted to going into the backyard  
16    and breaking out the window.

17           I interviewed him about Scott Eckard's residential  
18    burglary, the Snow Partridge Drive. That was the primary purpose  
19    of me interviewing him. And he said that -- he said that he had  
20    committed two to three burglaries over the course of the last  
21    months, but he said that he was using large amount of drugs or  
22    narcotics over -- up to the -- weeks leading up to his arrest.  
23    So he said that he didn't recall any specific details or anything  
24    about that burglary.

1           Q     Did you discuss anything with respect to the search of  
2 the trailer?

3           A     Yes, we did. I advised him that we had located the  
4 guns in his trailer. His response to that, his initial response  
5 was that he had several strangers that would go in and out of his  
6 trailer. And he said that maybe they left them there, and it was  
7 completely unknown to him.

8                 I continued to interview him, and I expressed my  
9 concern that, you know, those guns were taken from an unrelated  
10 or, you know, a burglary not related to Ian's current charges and  
11 that there's still several outstanding guns, and that's a  
12 liability in law enforcement, and that I wanted to recover those  
13 guns. That was, you know, another primary reason on why I was  
14 interviewing Mr. Held.

15                And so he ultimately felt some remorse for that and he  
16 said he was aware that the guns were stored in his trailer. And  
17 he said that the -- sorry, was someone else talking? No. Okay.

18                He said that those were being stored in his trailer.  
19 He said they were brought by someone identified as Colby, unknown  
20 last name. And he said that he -- they'd been in his trailer for  
21 about one to two weeks.

22           Q     Did he tell you anything else during the interview?

23           A     No. He kind of led me to believe that he had more  
24 information, but he said that he didn't want to get anyone else

1 in trouble, but that's about as much information that he wanted  
2 to give at that time.

3 Q Thank you.

4 MR. DELONG: Your Honor, no further questions at this  
5 time.

6 THE COURT: Cross-exam, Ms. Rosenthal.

7 MS. ROSENTHAL: I'm sorry?

8 THE COURT: Cross-examination.

9 MS. ROSENTHAL: Thank you.

10

11 CROSS-EXAMINATION

12 BY MS. ROSENTHAL:

13 Q I apologize, Detective, so when you were --

14 THE COURT: Ms. Rosenthal, we're losing you on the mic.  
15 You're coming in all vibrated. I don't know what's wrong. Is  
16 there anything about your mic or I don't want you to have to  
17 reconnect --

18 MS. ROSENTHAL: I didn't change anything.

19 THE COURT: Now I can hear her. Go ahead.

20 Oops.

21 MS. ROSENTHAL: Can you hear me?

22 THE COURT: Yeah, but it's very muffled. Go ahead and  
23 ask a question and we'll try.

24 MS. ROSENTHAL: I'll just log back in. I think that's

1 easier.

2 THE COURT: Yeah, I think you better. Sounds horrible.

3 MS. ROSENTHAL: Is that better?

4 THE COURT: Yes.

5 MS. ROSENTHAL: I have not moved from my desk, so I  
6 don't know what's going on. Thank you. I apologize for that.

7 BY MS. ROSENTHAL:

8 Q Detective Fye, good afternoon. When you were trailing  
9 Mr. Held, did you see Mr. Held exit the vehicle at any time?

10 A So we followed him for a course of, you know, a couple  
11 of days. And kind of like I mentioned, a lot of it was, you  
12 know, not criminal activity or like that, like kind of just  
13 running errands sort of thing. So I observed him driving the  
14 vehicle and exiting the vehicle on several occasions.

15 Q Did you see him exit the vehicle in the region of  
16 University Loop?

17 A I did not.

18 Q Did you -- and you did not see anybody else in the  
19 vehicle, correct? You did not see --

20 A Me, personally, did not. Correct.

21 Q And you indicated that the vehicle drove past you at a  
22 high rate of speed. What do you classify as a high rate of  
23 speed?

24 A I would estimate it to be about 45 to 50 miles an hour

1 in a residential area where the speed limit is about 25.

2 Q Is there a reason you did not stop the vehicle at that  
3 time?

4 A Just because we were doing an ongoing investigation.  
5 We did not know at that point that an attempted burglary had  
6 occurred. So in light of the grand scheme of the investigation  
7 didn't warrant for a stop based on a traffic violation.

8 Q And you did not know who the driver was of that  
9 vehicle, correct?

10 A I was advised.

11 Q But you did not see the driver of the vehicle, correct?

12 A I was aware of who the driver was, but I did not see  
13 it; that's correct.

14 Q When you were conducting surveillance on the trailer at  
15 the trailer park, how far away were you?

16 A I moved around again in that common area, and I'd say  
17 that this ranged from about maybe like 10 to 25 yards.

18 Q And were you in a vehicle or were you out in the open?

19 A I was out in the open.

20 Q Were you in street clothes or police attire?

21 A Street clothes.

22 Q During that time how many -- you said a couple hours  
23 you were there; is that correct?

24 A Yeah, I'd estimate two to three hours.



1 Q How many people entered and exited the trailer other  
2 than Mr. Held or Ms. Bush?

3 A Zero.

4 Q At any time during your investigation was Ms. Bush a  
5 suspect?

6 A Yes.

7 Q In fact, she was also brought down for questioning,  
8 correct?

9 A Correct.

10 Q And Ms. Bush was allowed back in the trailer prior to  
11 the search warrant being executed, correct?

12 A Correct.

13 Q And Ms. -- this trailer was registered to Mr. Held,  
14 correct?

15 A I know that the trailer space was in Mr. Held's name.  
16 And I can't recall for sure, I believe the trailer may have been  
17 registered in Ian's mother's name.

18 Q But Ms. Bush was not on the registration, correct?

19 A Correct.

20 Q And Mr. Held denied consent search of the vehicle  
21 correct -- or of the trailer?

22 A Ultimately, yes, correct.

23 Q And between his denial of the search and the ultimate  
24 search, how much time passed?

1           A     It's hard to estimate, because I had to do the  
2 telephonic warrant. I would guess maybe an hour. That's a rough  
3 estimate.

4           Q     Was it before or after the warrant was granted did  
5 Ms. Bush enter the trailer?

6           A     It was before.

7           Q     And was it before or after Mr. Held denied consent that  
8 Ms. Bush entered the trailer?

9           A     It was after.

10          Q     And in your -- do you recall what your telephonic  
11 search warrant was requesting to be located?

12          A     The recovery of stolen property.

13          Q     And that's a pretty vague term, wouldn't you agree?

14          A     Well, specific I guess to the burglaries and stuff like  
15 that, that we had investigated so far and based on the stolen  
16 property that Ian had admitted to us was located in his trailer.

17          Q     Okay. And during -- so it was items that you had --  
18 you believed were located after your interview with Mr. Held?

19          A     I'm sorry. Can you repeat that.

20          Q     You just said that you had based it off of some things  
21 that Mr. Held had said to you, correct?

22          A     Yes.

23          Q     Or said to officers?

24          A     Correct.

1 Q Was that a conversation that you had with him or  
2 somebody else did?

3 A That was the interview done by Detective Tindell.

4 Q And at any time did you interview Mr. Held about prior  
5 to the execution of the search warrant?

6 A No. I sat in for brief parts of the interview with  
7 Detective Tindell, because I had some more information or  
8 specifics, I guess, about the burglaries that he wasn't sure  
9 about. So after Detective Tindell had done the bulk of the  
10 interview, I was in there for a brief period.

11 Q How long did Detective Tindell's interview last?

12 A I'm not sure.

13 Q And you don't wear body cam, correct?

14 A That's correct.

15 Q And the interview was not recorded either?

16 A Which interview? Well, both interviews --

17 Q The interview with Mr. Held at the Reno Police  
18 Department.

19 A That was recorded.

20 Q Okay. And was -- did he sign a waiver of Miranda?

21 A I don't know for sure. I conducted the interview with  
22 Annabelle Bush.

23 Q Okay. And regarding the telephonic search warrant,  
24 some of the items you were looking for included the items listed

1 in the Whisper Rock report; is that correct?

2 A Correct.

3 Q And namely bottled wine, a Ryobi power tool, and DVDs;  
4 is that correct?

5 A Correct.

6 Q And so were you -- you said you did not go into the  
7 trailer at any time; is that correct?

8 A Correct.

9 Q So you don't know where anything was located?

10 A Correct.

11 Q And is it your opinion that Ms. Bush was a resident of  
12 that trailer?

13 A Yes.

14 Q And how many bedrooms did the trailer have? Do you  
15 know?

16 A I mean, I'm an RV owner and I'm familiar with general  
17 layouts and stuff like that, but it would be a one-bedroom,  
18 fifth-wheel-style trailer.

19 Q You indicated earlier that you wished to secure the  
20 trailer and tow it to a secured lot; is that correct?

21 A Correct.

22 Q And is that because of the mobility of it?

23 A Yes, exactly.

24 Q Is there a way to secure the trailer without towing it?

1           A     There is, but that would require like -- I mean the  
2     only reason why we would do that is so we could do an in-person  
3     warrant or have it signed in a traditional manner rather than  
4     telephonic. And that would require us to sit on that and surveil  
5     it around the clock until the court opened back up. And this was  
6     after hours, so logistically that wouldn't make much sense.

7           Q     And was Ms. Bush released from custody after her  
8     interview?

9           A     Yes, she was.

10          Q     But she was not allowed back in the house?

11          A     She was allowed back in the trailer.

12          Q     That -- after the search warrant was executed she was  
13     allowed to stay the night there and do whatever she wished with  
14     the trailer; is that correct?

15          A     That's correct.

16          Q     And when you completed the photo array for Mr. Eckard,  
17     how did you choose those photos?

18          A     It's based off of a web mug, which is a program that  
19     just compiles photos of Washoe County inmates' booking photos.  
20     And so you set parameters of physical descriptors and stuff like  
21     that that's a range of, you know, a little bit above and a little  
22     bit below, in terms of height, weight and physical description  
23     and age of the target. And the photos are just -- are generated  
24     that way.

1 Q Do you have any photos of Mr. Held that didn't include  
2 him in custody?

3 A I did not. You mean -- no.

4 Q Is it common practice to only show mugshots?

5 A Yes.

6 Q Do you recall what parameters you entered for this  
7 case?

8 A I don't have them handy, but -- but I could get them.

9 Q Do you recall the photos that you chose?

10 A Like would I be able to tell you who the people were?

11 Q No, just in general. Did you look at the photos before  
12 you showed them?

13 A Yes.

14 Q Would you say that the people in the photos are similar  
15 or dissimilar to Mr. Held's appearance?

16 A I would believe that they were similar.

17 Q Do you recall if anybody in the photo array had long  
18 hair other than Mr. Held?

19 A I do not recall to say for sure.

20 Q Isn't it accurate that, in fact, nobody had long hair  
21 other than Mr. Held?

22 A I can't say that for sure. I'd have to review the  
23 photo lineup.

24 Q Wasn't one of the descriptors that some of the victims

1 gave was that he had long straggly hair?

2 A Yes, it is.

3 Q So it might be appropriate to show somebody else with  
4 long straggly hair for identification purposes?

5 A It would. And also Mr. Eckard signed the photo lineup  
6 admonishment, you know, which advises that things like facial  
7 hair, hairstyles, appearance like that can change, you know, and  
8 to try and focus more on the structure and things like that of  
9 the person.

10 So he did -- you know, he was advised of that and  
11 signed that admonishment.

12 Q And were you the only individual there to speak to  
13 Mr. Eckard on that day?

14 A No, I was accompanied by Detective Tindell.

15 Q Okay. Do you, when you're actually meeting with  
16 victims, ever wear body cam or never as part of your job?

17 A I don't have a body camera. I never do.

18 Q Were -- outside of the admonishment that you gave to  
19 Mr. Eckard, was there anything else said to him prior to the  
20 photo lineup?

21 A No.

22 Q And do you recall writing a report specific to the Snow  
23 Partridge investigation?

24 A Somewhat, yeah, because that was after the arrest and

1 stuff like that. So that was a second supplemental report that  
2 had, you know, my encounter with Mr. Eckard. And I believe it  
3 also included my interview with Mr. Held.

4 Q And would you have included that -- would that be a  
5 report formally outside of the declaration for probable cause?

6 A So that was part of the add book that I mentioned  
7 later. So we weren't aware of that burglary at the time of  
8 arrest. So that's why it's an additional report. And then that  
9 was added to the declaration.

10 Q Sorry. Just circling back a little bit. It's  
11 accurate -- and you said Ms. Bush was also a suspect in the  
12 alleged burglaries; is that correct?

13 A Correct.

14 Q In fact, she was also in the vehicle that arrived at  
15 University Loop?

16 A Correct.

17 Q And you never saw Mr. Held driving a U-Haul truck; is  
18 that correct?

19 A That's correct.

20 Q So when your surveillance started, it started once you  
21 spoke to Rocco and got permission to trail his vehicle, correct?

22 A Correct.

23 MS. ROSENTHAL: I have nothing, unless Mr. Held needs  
24 to speak to me.



1           Okay. One second, please.

2           THE COURT: Okay. You can talk to him.

3           And, Detective Fye, I don't know whether I want -- I  
4 don't know if I expect a yes or no to this. Are you in any way  
5 related to Sergeant Greta Fye?

6           THE WITNESS: Do you want me to answer that, sir?

7           THE COURT: What? "Do I have to answer that?"

8           THE WITNESS: No. No. Sorry. Sorry. Okay. Sorry.  
9 Yes, I am. It's a long story, but yes, I am.

10          THE COURT: Okay. Just curious because, again that's  
11 my era of -- been talking to a lot of people here today.

12          THE WITNESS: Yeah. And I'm sorry, sir. I thought  
13 when it popped up on my screen that Mr. Held was asking me that  
14 question. And I thought it to be a bit odd is why I said that.

15          THE COURT: No. No. It's just me, because I go way  
16 back, and I'm recognizing all these names, all these detective  
17 names are sons, daughters, relatives of people I knew back in my  
18 era.

19          All right. So the other thing I was going to tell you,  
20 the rule of exclusion has been invoked, if you've ever heard of  
21 that before, whether you've testified. It means you cannot talk  
22 about your testimony or the facts of this case to anybody else,  
23 including your supervisors, subordinates, people at work, people  
24 at home. Other than these two attorneys, you can't talk to

1 anybody else in case you're recalled or in case -- and we don't  
2 want you to influence any other witnesses.

3 I don't think we're going to be done today. So we're  
4 probably going to be set for another day. So don't talk about  
5 your testimony at all in case you're recalled, unless you get the  
6 okay from Mr. DeLong or Ms. Rosenthal that the preliminary  
7 hearing is over.

8 THE WITNESS: Okay.

9 MS. ROSENTHAL: Thank you, Your Honor. I have no  
10 further questions.

11 THE COURT: All right. Mr. DeLong, any redirect?

12 MR. DELONG: No, Your Honor. Thank you.

13 THE COURT: All right. Then, Detective Fye, you are  
14 free to go. Thank you for your assistance today in testifying.

15 THE WITNESS: Thank you everybody.

16 MR. DELONG: Thank you, Detective.

17 THE COURT: Thank you. Obviously it looks like we're  
18 not going to finish today. We're going to have to have a bail  
19 motion we're going to have to hear and we're going to have  
20 arguments and all that. So, Mr. DeLong, I don't know if you have  
21 any other witnesses we're going to hear, but you can save them if  
22 you do. As long as they already have declarations filed with the  
23 court they can testify.

24 The only time I have open up, Counsel, is Monday

1 afternoon. Do you want to take that time to reset this for, the  
2 continued preliminary hearing, Mr. DeLong?

3 MR. DELONG: I'm fine with that, Your Honor.

4 If I may, I just would like to move for admission of  
5 his prior, and then I have no further questions. So at the very  
6 least I can rest.

7 THE COURT: Do you want it marked as Exhibit C?

8 MR. DELONG: Yes, Your Honor, please.

9 THE COURT: All right. We will mark it as Exhibit C.

10 (Exhibit C was marked for identification.)

11 THE COURT: And, Ms. Rosenthal, have you had a chance  
12 to review it?

13 MS. ROSENTHAL: I have, Your Honor. I was provided a  
14 copy via e-mail. And then also when we took our break, my  
15 secretary had done the court run, and I did have a copy. But it  
16 was interoffice pickup, so it hadn't gotten here yet. But I have  
17 a physical copy now. I was able to review it and have no  
18 objection for the purposes of this hearing.

19 THE COURT: All right. Exhibit C is then admitted.

20 (Exhibit C was admitted into evidence.)

21 THE COURT: So A, B, and C are all in.

22 Mr. DeLong, were you saying you wanted to rest today  
23 then with that?

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

1           THE COURT: All right. Ms. Rosenthal, Mr. DeLong has  
2 rested. I can probably keep staff, I don't like to do this, but  
3 I can keep staff a little bit longer, if everyone wants to finish  
4 it today. I know it's not going to be by 5:00, but we can go a  
5 little bit over, or I can -- I know the jail is not going to be  
6 happy with that. That's the problem. The jail has to close up  
7 shop.

8           MS. ROSENTHAL: Your Honor, I would be happy --  
9 argument of bail if we could do it tomorrow or Friday, but I  
10 would not want to push it.

11          THE COURT: I can't. I don't have any choice,  
12 Ms. Rosenthal. I am so booked up. You would not believe my  
13 calendar tomorrow and Friday. There isn't a minute I can spare.  
14 I've got a huge trial going tomorrow afternoon. I've got a full  
15 calendar in the morning before we start that trial. It's a huge  
16 civil trial.

17          So I don't have any time. There's nothing on my  
18 calendar. And Monday morning is packed. I have 1:00 o'clock on  
19 Monday and 1:30 on Monday or we can try to squish it in right now  
20 if it's important to you to finish right now, Ms. Rosenthal.

21          I just worry about the jail. Is there a deputy at the  
22 jail that we can speak to, because I know we're not supposed to  
23 go past really 4:45 or 5:00 o'clock. I think we're better off  
24 just moving it to Monday, Ms. Rosenthal, because we've had

1 numerous e-mails from the jail not to go this late.

2 MS. ROSENTHAL: Your Honor, I have a murder motion  
3 hearing at 2:00 p.m. on Monday afternoon. So do you think we'd  
4 be able to be done by 2:00, Mr. DeLong, just for argument and  
5 bail, but if there's going to be over the hour then --

6 THE COURT: I think we can easily be done by 2:00 if we  
7 start at 1:00 o'clock. We're close right now. I was willing to  
8 start and hopefully finish by 5:30 at the latest. But we could  
9 easily do it within an hour.

10 Mr. DeLong, do you agree with that on Monday at 1:00  
11 o'clock?

12 MR. DELONG: Absolutely, Your Honor.

13 MS. ROSENTHAL: And, Your Honor, I think that's best,  
14 just so I can have time to talk to Mr. Held via iWeb or something  
15 beforehand and go over everything. I think that's better for his  
16 position, so as to go over everything versus just rushing it  
17 right now.

18 THE COURT: Perfect. All right. So Monday at 1:00  
19 o'clock this will be continued to.

20 Mr. DeLong has rested. I'm going to note that in my  
21 file here, that the State has rested.

22 So then make sure you go over the Phillips information  
23 with your client Mr. Held, Ms. Rosenthal, about whether he wants  
24 to testify or not testify or present any other witness, testimony

1 or evidence. And we will cover that at 1:00 o'clock on Monday.

2 So I expect it to be done within the hour easy. But if  
3 for some reason you or Mr. Held decide to put on witnesses or  
4 he's going to testify, then all bets are off. I don't know how  
5 long it might take. But I expect, normally with a preliminary  
6 hearing, the defense probably won't present any evidence. And if  
7 that happens, I'm sure we can be done within the hour.

8 So if it -- no matter what happens though,  
9 Ms. Rosenthal, because I want you and your client to have a  
10 chance to decide if he wants to testify or put on any witness or  
11 evidence, we can always do that at 1:00 o'clock and then adjourn  
12 at 1:45 and set it to another date, if we're running late.

13 So that will be the plan. We will get you out of there  
14 before 2:00 o'clock on Monday. Okay?

15 MS. ROSENTHAL: Thank you.

16 THE COURT: All right. So Monday at 1:00 o'clock.  
17 Exhibits A, B, and C are in. The State has rested. And we'll go  
18 on to defense case, if any, at 1:00 o'clock, and then into  
19 argument, then into a bail motion, and then I'll make my ruling  
20 after the bail hearing.

21 All right. Mr. DeLong, anything else for today?

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

23 THE COURT: All right. Thank you.

24 Anything else, Ms. Rosenthal?

1 MS. ROSENTHAL: No, thank you.

2 THE COURT: See you all at 1:00 o'clock.

3 Thank you everyone, and have a good day.

4 We'll adjourn.

5 (Proceedings continued to March 8, 2021.)

6 --o0o--

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

4 I, EVELYN J. STUBBS, do hereby state that I am not  
5 a relative, employee or independent contractor of counsel or to  
6 any of the parties, nor a relative, employee or independent  
7 contractor to any of the parties involved in the proceeding, nor  
8 a person financially interested in the proceedings;

9 That I was NOT present in Department No. 5 of the  
10 above-entitled Court on Wednesday, March 3, 2021, but transcribed  
11 the proceedings had and the testimony given upon the matter  
12 captioned within from the JAVS electronically recorded audio  
13 media;

14 That the foregoing transcript, consisting of pages  
15 1 through 143, is a full, true and correct transcription of said  
16 JAVS electronically recorded audio media.

17 DATED: At Reno, Nevada, this 29th day of March,  
18 2021.  
19

20 /s/ Evelyn J. Stubbs

21 EVELYN J. STUBBS, CCR #356  
22  
23  
24



## **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 IV to the following:

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CARSON CITY, NV 89702  
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