

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 28 2022 03:01 p.m.
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 VI

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IN THE SECOND JUDICIAL DISTRICT COURT

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STATE OF NEVADA, COUNTY OF WASHOE

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THE HONORABLE DAVID HARDY, DISTRICT JUDGE

9

STATE OF NEVADA,

Department No. 15

10

Plaintiff,

Case CR20-3104

11

vs.

12

IAN CHRISTOPHER HELD,

13

Defendant.

14

Pages 1 to 165, inclusive.

15

TRANSCRIPT OF PROCEEDINGS

16

MOTION TO SUPPRESS

17

Tuesday, June 29, 2021

18

A P P E A R A N C E S:

19

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1 RENO, NEVADA -- 6/29/21 -- 9:00 A.M.

2 -o0o-

3 THE COURT: Good morning.

4 Ms. Rosenthal, shall we wait for -- good
5 morning. CR20-3104.

6 Counsel, let's begin with appearances,
7 please.

8 MR. DeLONG: Robert DeLong and Nick Graham
9 on behalf of the state.

10 MS. ROSENTHAL: Melissa Rosenthal and Ian
11 Silverberg on behalf of Mr. Held, who is present
12 this morning.

13 THE COURT: Good morning to all of you.

14 We are out of the jury's presence. The
15 jury has not yet been summonsed to appear in
16 Department 15. We are all in the courtroom.

17 Counsel, by administrative order we are
18 required to wear masks if we do not socially
19 distance. I intend to announce that rule. I shall
20 not police it. You may use your own best discretion
21 according to your comfort levels. I want to be
22 heard and sound is difficult in this room. I intend
23 to put a mask on when the jury arrives later this
24 afternoon. That's all I have to say about masks and

1 social distancing.

2 We are here pretrial pursuant to three
3 motions, a motion to suppress regarding the warrant
4 application, the motion to suppress regarding the
5 return of a Ryobi drill and a motion in limine
6 regarding hearsay and the defense's inability to
7 introduce any statements made By Mr. Held. Of
8 course, an exception to the Evidence Code is if the
9 state seeks to introduce such out-of-court
10 declarations, it does not fall within the definition
11 of hearsay.

12 Mr. DeLong, was your motion in limine
13 simply a prophylactic statement of law or do you
14 anticipate any defense effort?

15 MR. DeLONG: Your Honor, it's our
16 understanding that an alibi, if you will, was made
17 by the defendant through his own statements. And we
18 don't intend to introduce any evidence of that alibi
19 unless, of course, the defendant himself wants to
20 speak to that and to be subject to
21 cross-examination, so that was the intention and
22 reason for filing that motion.

23 While I'm commenting, your Honor, I believe
24 there's also the motion to bifurcate that should be

1 at least addressed regarding the ex-felon in
2 possession of a firearm charge.

3 THE COURT: Right. I guess I didn't attend
4 to it this morning because I knew we would not be
5 presenting to this jury any information about that
6 count. And I was informed yesterday that the
7 charging document was redacted for purposes of
8 instructions and reading to the jury.

9 I will attend to the bifurcation as soon as
10 I read it again. I don't remember reading it. I
11 remember oral arguments that we had.

12 THE CLERK: Your Honor, I apologize. I
13 believe you granted that at the motion to suppress
14 hearing previously.

15 THE COURT: Go ahead, Mr. DeLong.

16 MR. DeLONG: I'm sorry. I hadn't filed it
17 yet, your Honor. We discussed it during the motion
18 to suppress hearing but then I filed a written
19 motion after that hearing was continued.

20 THE COURT: All right. I have not read
21 that and I will. Anything from the defense?

22 MS. ROSENTHAL: Regarding the motion in
23 limine, your Honor, I would just note that I don't
24 believe that the statements that the state claims

1 are alibis. Statements are not alibis that
2 specifically goes to Mr. Held's state of mind and
3 why he was at that location and not why he was
4 somewhere else. I don't think it's hearsay because
5 of that exception.

6 With the state's argument that it goes to
7 an alibi, it was his state of mind as to why he was
8 somewhere, not that he was somewhere else.

9 THE COURT: How do you intend to get that
10 evidence in?

11 MS. ROSENTHAL: Your Honor, I believe it
12 may come in if an officer testifies to a
13 conversation with Mr. Held. I ask for completeness
14 that Mr. Held's whole interview come in, if any part
15 of it.

16 THE COURT: This is a regular recurring
17 issue in criminal trials. Counsel, I advise all of
18 you to tread very carefully during opening
19 statements and jury selection, very carefully. And
20 then if there is anticipated testimony involving
21 Mr. Held, I need to know about it out of the
22 presence of the jury before it occurs.

23 You'll need to manage your witnesses. Of
24 course, if the state introduces the evidence, it's a

1 different analytical structure, but I don't want to
2 violate the well set and historically rich concept
3 that, if the defendant remains -- chooses to remain
4 silent, that is a sacred constitutional choice, but
5 his testimony may not come through other means when
6 he's invoked his right to silence. I'll just listen
7 and manage as we proceed.

8 I do not need arguments yet regarding the
9 motions to suppress. I have read and reread the
10 moving papers. I prefer to begin with witness
11 testimony and then I would invite argument from
12 counsel at the conclusion of the witness testimony.

13 MS. ROSENTHAL: Your Honor, for
14 clarification, are we asking questions of the
15 witnesses in regards to both motions at this time.

16 THE COURT: Yes.

17 MS. ROSENTHAL: Thank you.

18 THE COURT: All right. Your first witness.

19 MS. ROSENTHAL: Mr. Held would call
20 Ms. Annabelle Bush, please.

21 (Witness sworn.)

22 THE COURT: Counsel, you may proceed.
23
24

1 DIRECT EXAMINATION

2 BY MR. DeLONG:

3 Q. Hello, can you please state and spell your
4 name for the record.

5 A. Annabelle Bush. A-n-n-a-b-e-l-l-e,
6 B-u-s-h.

7 Q. And, Ms. Bush, were you present at a
8 trailer park back in September of last year?

9 A. Yes.

10 Q. Was that the trailer park located on Fourth
11 Street?

12 A. Yeah.

13 Q. Was that in Reno, Washoe County, Nevada?

14 A. Yes.

15 Q. And when you exited that trailer, what
16 happened?

17 A. We started walking to the --

18 THE COURT: Wait, wait. We have to make
19 sure everybody hears everything.

20 THE WITNESS: We were walking to the office
21 and we were drawn at gunpoint.

22 BY MS. ROSENTHAL:

23 Q. And who -- when you say "drawn at
24 gunpoint," can you please elaborate?

1 A. Two cars pulled up -- like we were walking
2 and two cars pulled up, one in front, one in back,
3 and then people jumped out and had their guns.

4 Q. And what happened after that?

5 A. We got took -- handcuffed and took to a
6 Reno, I guess, police station.

7 Q. So, you were placed under arrest --

8 A. Uh-huh.

9 Q. -- to your knowledge?

10 When you say "we," who do you refer to?
11 Who was with you.

12 A. Ian.

13 Q. And do you see Ian today?

14 A. Yes.

15 Q. Could you please identify him?

16 A. He's right there (indicating).

17 MS. ROSENTHAL: Your Honor, may the record
18 reflect identification of Mr. Held.

19 THE COURT: Yes.

20 BY MS. ROSENTHAL:

21 Q. Ms. Bush, when you were taken to the Reno
22 Police Department, what happened next?

23 A. Well, I was questioned.

24 Q. And after you were questioned, what

1 happened?

2 A. They took me back to the trailer and asked
3 me to recover stolen property.

4 Q. When you say "they asked," do you recall
5 who specifically asked you?

6 A. Lance.

7 Q. Okay. Would that be Lance Tindell?

8 A. Yes. And there was one other one. I don't
9 remember his name, though.

10 Q. And did you end up going in that trailer?

11 A. Yes.

12 Q. Was that your trailer?

13 A. No.

14 Q. And did you let them know it was not your
15 trailer?

16 A. Yes.

17 Q. Did they let you know at any time if they
18 had consent to go in that trailer?

19 A. No. I think --

20 THE COURT: I didn't understand what you
21 said.

22 THE WITNESS: I believe they told me they
23 didn't have the consent to go in there.

24

1 BY MS. ROSENTHAL:

2 Q. And after you went in the trailer, what
3 happened next?

4 A. I was trying to recover stolen property but
5 I couldn't remember the stolen property. They told
6 me that Ian said there was a gun in the trailer that
7 would be around the bed, so I went to go look. And
8 then there was guns in the closet so I went and told
9 them.

10 Q. And what happened next?

11 A. They wouldn't let me back in the trailer.

12 Q. And at some point were you allowed to go
13 back into the trailer?

14 A. After they were done.

15 Q. What happened?

16 A. They searched the trailer.

17 MS. ROSENTHAL: Pass this witness, your
18 Honor.

19 THE COURT: Thank you.

20 To the state.

21 CROSS-EXAMINATION

22 BY MR. DeLONG:

23 Q. So, do you remember who interviewed you
24 when you were detained at the Sheriff's Office?

1 A. Lance and someone else.

2 Q. Was it possibly Mr. Kenneth Fye?

3 A. Um, I don't know. I don't remember the
4 name at all of the second one.

5 Q. Do you remember being interviewed?

6 A. Yes.

7 Q. Do you remember telling them that stolen
8 property was inside of the trailer?

9 A. Yes.

10 Q. What property did you describe?

11 A. Well, because they asked about going in the
12 trailer that was next to us, so I believe it was
13 stolen property from -- I forget the person's name.

14 Q. Was it Rocco?

15 A. Yes. Rocco.

16 Q. Is his trailer next to Ian Held's trailer?

17 A. Yes.

18 Q. And do you remember Ian Held driving a red
19 Jeep?

20 A. Yes.

21 Q. Do you know who owned that Jeep?

22 A. Rocco.

23 Q. So, Ian Held didn't own that Jeep?

24 A. No.

1 Q. Did you tell officers about that?

2 A. Yeah. They were aware of it.

3 Q. And did you tell officers about being at
4 University Park Loop, the street?

5 A. I don't remember what street that is.

6 Q. Do you remember telling them you were with
7 Ian Held when he broke a window and confronted a
8 person inside a house?

9 A. Yes.

10 Q. Do you remember him telling you to get out
11 of the way and him jumping into the red Jeep?

12 A. Yes.

13 Q. And driving away?

14 A. Uh-huh.

15 Q. You told all that to officers.

16 Is that right?

17 A. Yes.

18 Q. And then you said the officers told you --
19 I'm sorry. Why did you go back in the trailer?

20 A. The officers asked me to go recover stolen
21 property.

22 Q. Did they ask you to do anything else?

23 A. No -- well, they asked me to see if there
24 was guns in there.

1 Q. Where had you been living before that
2 occurred?

3 A. Sometimes I would stay with Ian, but
4 sometimes I would just stay on the streets or with
5 my ex-boyfriend. I wasn't staying there full time.

6 Q. But you did stay there?

7 A. Yes, every so often.

8 THE COURT: You said, "Yes," what?

9 THE WITNESS: Yes, "every so often."

10 BY MR. DeLONG:

11 Q. Well, you were there when you were detained
12 by officers, weren't you?

13 A. Yes. I showed up like 4:00 that morning.

14 Q. And did you have any of your own property
15 in that trailer?

16 A. Yes, there was some of my property there.

17 Q. You didn't want any of that?

18 A. I got my property out of there.

19 Q. When did you get your property out of
20 there?

21 A. After they were done.

22 Q. What do you mean by "after they were done"?

23 A. After they were done with the search
24 warrant, I would go back to the residence. I had

1 permission from the person who ran the trailer park
2 to stay and recover my property and get it out of
3 there before his mom was going to come pick up the
4 trailer.

5 Q. Isn't it true that you told officers,
6 though, that you wanted to get your property out of
7 there before they were going to execute the search
8 warrant?

9 A. No. I said if they weren't going to allow
10 me to go back in there period, that I could get my
11 belongings so I had some stuff to take with me, my
12 stuff.

13 Q. So, you did tell them you wanted to get
14 some of your stuff out.

15 A. Yeah. If they would not let me back into
16 the trailer.

17 Q. And they said, No, we're gonna let you back
18 in. Is that what they told you?

19 A. They said they didn't --

20 THE COURT: Hold on, please. Didn't
21 understand a word you said. Again, I'm not
22 criticizing you. You must slow and enunciate each
23 word, please.

24 THE WITNESS: Okay.

1 THE COURT: Thank you.

2 THE WITNESS: They said that they would
3 have to see what their supervisor says about going
4 back into the trailer or not.

5 BY MR. DeLONG:

6 Q. So, who told you specifically to go get
7 stolen property out of the trailer?

8 A. Lance and whoever else was interviewing me
9 asked if I could recover it.

10 Q. Did they ask you together?

11 A. No. I believe Lance came in and he was
12 like, I'm sorry, but you're going to take a ride
13 down to jail, and I said, What? And he said, I'm
14 just kidding, but we need you to go back to the
15 trailer and recover stolen property.

16 Q. And where were you when this conversation
17 occurred?

18 A. We were at the -- well, I was at the Reno
19 -- whatever -- Police Station in a questioning room.

20 Q. Now, you indicated that -- I want to make
21 sure I understand this right.

22 Did you testify earlier that Ian said there
23 were guns by the bed?

24 A. That's what they said, that Ian said during

1 his interview.

2 Q. They told you that Ian said there were guns
3 in the trailer.

4 A. Yes. He said to go into the trailer and
5 look for a gun that he -- he said there was a gun
6 that was possibly by the bed.

7 Q. So, when you went in the trailer, what were
8 you looking for?

9 A. At first stolen property. But after I
10 couldn't recover some of the stolen property because
11 there was a lot of shit in there --

12 THE COURT: Hold on.

13 THE WITNESS: Oh, sorry.

14 THE COURT: We each have a way of speaking
15 in our personal lives, but in a courtroom we use
16 dignified words.

17 THE WITNESS: Okay.

18 THE COURT: This courtroom will not devolve
19 into a street environment.

20 THE WITNESS: Okay.

21 THE COURT: You understand what I'm saying?

22 THE WITNESS: Yes.

23 THE COURT: Be careful, please.

24 THE WITNESS: Okay. So, after I couldn't

1 identify any stolen property, they asked me to go in
2 and see if there was a gun around the bed, because
3 Ian Held during his interview said there was a gun
4 in the house.

5 BY MR. DeLONG:

6 Q. So, initially you went in to find stolen
7 property. Is that your testimony today?

8 A. Yes. He asked me to go recover Rocco's
9 stuff.

10 Q. What stolen property specifically?

11 A. Anything that came from Rocco's trailer.

12 Q. And then is it your testimony that after
13 you did that, you came back out with nothing?

14 A. I said, Oh, I think this might be some of
15 it, but because I wasn't 100 percent sure, they said
16 just leave it.

17 Q. So, you came back out with nothing?

18 A. Yeah.

19 Q. Is that your testimony?

20 A. Pretty much, yep.

21 Q. And they sent you back in again, is that
22 your testimony?

23 A. Yes.

24 Q. And this time it was only for a gun.

1 A. Yeah. They said that Ian Held stated
2 during the interview that there was a gun in the
3 house.

4 Q. Had you ever seen any guns in the house?
5 It's not a house, though.

6 A. It's a trailer.

7 Q. Talking about a trailer.

8 Have you ever seen any guns in there?

9 A. There was guns in there, yes.

10 Q. Did you tell officers about the guns being
11 in there?

12 A. I did.

13 Q. Did you tell them before or after you went
14 in?

15 A. After.

16 Q. But you knew there were guns in there.

17 A. Yes.

18 MR. DeLONG: If I may have one moment, your
19 Honor.

20 BY MR. DeLONG:

21 Q. Where are you residing currently?

22 A. Crossroads.

23 Q. And why are you at Crossroads?

24 A. Because I was an addict.

1 Q. Okay. And when you were with Ian Held at
2 the house where a rock was thrown through the window
3 and he told you to get out of the way so he could
4 drive, were you under the influence of drugs at that
5 time?

6 A. Yes.

7 Q. Were you under the influence of drugs when
8 you were detained by officers?

9 A. Yes.

10 Q. Are you under the influence of drugs today?

11 A. No.

12 MR. DeLONG: No further questions at this
13 time.

14 THE COURT: To the defense for redirect.

15 REDIRECT EXAMINATION

16 BY MS. ROSENTHAL:

17 Q. Ms. Bush, do you know who was on the lease
18 to the trailer?

19 A. As far as I know, Ian Held.

20 Q. And when you indicated on cross that his
21 mom was coming to pick the trailer up, is that
22 because she owned the trailer?

23 A. I believe her new husband owned the
24 trailer.

1 Q. But you were not an owner of that trailer,
2 correct?

3 A. No.

4 Q. And you were not on a lease to that
5 trailer?

6 A. No.

7 Q. And you told officers that you were not
8 living there, correct?

9 A. Yes.

10 MS. ROSENTHAL: Nothing further.

11 THE COURT: Re-cross on those narrow
12 questions?

13 RE-CROSS-EXAMINATION

14 BY MR. DeLONG:

15 Q. Isn't it true you told officers that you
16 were living there for the last two months?

17 A. No, I don't remember saying that.

18 Q. Isn't it true that you told officers that
19 he had saved you from a terrible relationship, an
20 abusive relationship?

21 A. Yes. Ian did.

22 Q. And you were dating him?

23 A. Yes.

24 Q. And you were staying there the last two

1 months.

2 A. I was not staying there the whole time, no.
3 On and off.

4 MR. DeLONG: That's all, your Honor.

5 THE COURT: Thank you.

6 That concludes your testimony.

7 Your next witness, please.

8 MS. ROSENTHAL: Your Honor, I would call
9 Detective Fye.

10 THE COURT: Thank you.

11 Deputy, would you bring Ms. Bush back in.
12 Just have her stand right there.

13 Ms. Bush, you've been subpoenaed to
14 participate at trial. You remain under subpoena and
15 must be present at the time you are called as a
16 witness.

17 THE WITNESS: Okay. Thank you.

18 THE COURT: Thank you.

19 (Witness sworn.)

20 THE COURT: Counsel, you may begin.

21 DIRECT EXAMINATION

22 BY MS. ROSENTHAL:

23 Q. Can you please state your name and spell
24 your last name for the record.

1 A. Kenneth Fye, F-y-e.

2 Q. How are you currently employed?

3 A. As a detective for the Sparks Police
4 Department.

5 Q. How were you employed on September 28th,
6 2020?

7 A. As a detective with the Sparks Police
8 Department.

9 Q. And on that day do you recall requesting a
10 search warrant?

11 A. I do.

12 Q. And were you the lead detective on that
13 case?

14 A. Yes, I was.

15 Q. And as lead detective can you describe your
16 roles.

17 A. Well, I took the information from a lot of
18 the responding officers that took the initial
19 reports, kinda compiled that data and turned that
20 into a surveillance of the suspect, Ian Held.

21 Q. And there was another suspect, correct?

22 A. Correct.

23 Q. Who was that?

24 A. That was Annabelle Bush. It was the

1 girlfriend of Ian.

2 Q. Okay. And when you -- were you the one
3 that conducted the surveillance as you indicated?

4 A. Correct.

5 Q. And could you describe what that
6 surveillance was?

7 A. It was direct surveillance following Ian
8 around at his place of residence and around town
9 while he was driving.

10 Q. Did that occur on September 28th or
11 before that time?

12 A. Started before then.

13 Q. And on September 28th were Mr. Held and
14 Ms. Bush arrested?

15 A. Yes.

16 Q. Were they both taken to Reno Police
17 Department?

18 A. Yes.

19 Q. And they were both interviewed, correct?

20 A. Correct.

21 Q. And the interview rooms were not equipped
22 with audio-visual, correct?

23 A. Correct.

24 Q. And so body camera or Axon cameras were

1 used?

2 A. Detective Tindell used an Axon camera and I
3 used a cell phone.

4 Q. And you just turned "record" on your cell
5 phone?

6 A. Correct.

7 Q. Who did you interview?

8 A. Annabelle Bush.

9 Q. At any time did you interview Mr. Held?

10 A. Yes.

11 Q. And was that recorded?

12 A. Yes.

13 Q. Was that on your cell phone?

14 A. That was on Detective Tindell's Axon
15 camera.

16 Q. And after the interviews were conducted,
17 what happened?

18 A. After the interviews were over with, it was
19 determined that Annabelle was gonna be a witness for
20 this case and Ian would be arrested for his
21 involvement with the cases, and that was what was
22 determined after the interviews.

23 Q. Isn't it true Ms. Bush was already
24 arrested?

1 A. She was, yeah.

2 Q. And so she was arrested when -- she was
3 under arrest when the interview was conducted,
4 correct?

5 A. Correct.

6 Q. And at some point did you apply for a
7 search warrant?

8 A. Yes.

9 Q. And was that before or after Ms. Bush
10 returned to the trailer?

11 A. That I applied for the warrant was after
12 she returned to the trailer.

13 Q. Did you accompany Ms. Bush to the trailer?

14 A. Yes.

15 Q. And do you recall what time that was?

16 A. I do not.

17 Q. Do you recall if it was morning, afternoon,
18 evening?

19 A. I remember that the warrant was granted
20 just before 7:00 p.m. so I would guess that we
21 arrived back to the trailer maybe around 6:00 p.m.

22 Q. And when you arrived back, was anybody else
23 at the location?

24 A. Yes.

1 Q. Who was that?

2 A. Detective Catalano and Detective Bailey.

3 Q. And they were watching the trailer, so to
4 speak?

5 A. Correct.

6 Q. Ms. Bush was allowed to return to the
7 trailer and go inside, correct?

8 A. Correct.

9 Q. And before that time Mr. Held had denied
10 consent to search the trailer, correct?

11 A. Correct.

12 Q. In fact, Mr. Held was questioned for almost
13 an hour about consent and it was denied the entire
14 time, correct?

15 A. No. I wouldn't say that he denied it the
16 whole entire time. He was back and forth with his
17 consent because he said that he had no problem with
18 us getting the stolen property out of the trailer
19 and he gave us information about that stolen
20 property.

21 But he had a concern that we were gonna
22 take property that wasn't stolen that was his
23 personal valuables. And so that was his concern so
24 we kinda went back and forth with him on that, but

1 he wasn't really adamant about the denial.

2 Q. But he never said, I give you consent to
3 search my trailer, correct?

4 A. Correct.

5 Q. And you knew that when you went back to the
6 trailer.

7 A. Correct.

8 Q. And you did not apply for a search warrant
9 at that time.

10 A. I applied for the search warrant after I
11 returned to the trailer.

12 Q. Okay. But you did not apply for the search
13 warrant prior to letting somebody else go in the
14 trailer.

15 A. Correct.

16 Q. And you knew at the time that Ms. Bush was
17 not on the lease for the trailer, correct?

18 A. Correct.

19 Q. And you knew that the trailer was not owned
20 by Ms. Bush?

21 A. Correct.

22 Q. And Ms. Bush had told you that she did not
23 live there permanently, correct?

24 A. That's not correct. She told me that she

1 was in a dating relationship with Ian for about two
2 months. She said that she was kind of homeless
3 before that, she had nowhere else to stay, and that
4 was her primary place to live, that she had personal
5 belongings in the trailer and she established
6 residency there, was my understanding.

7 Q. Okay. So, she said, I live in that trailer
8 with Mr. Held?

9 A. Yes.

10 Q. This is my residence.

11 A. Yes.

12 Q. And that's all in that report that you
13 took?

14 A. I don't know if she referred to it as being
15 her residence. She referred to it as being Ian's
16 place, because he owned the trailer. But she said
17 that that's where she resides and that's where she
18 had been staying for two months.

19 Q. And, in fact, she told you that she
20 sometimes stayed there, correct?

21 A. She told me that she sometimes stayed with
22 her children, but primarily she stayed at that
23 trailer.

24 Q. But including the days right leading up to

1 the 28th, she was not living there, correct?

2 A. If I remember correctly, I think she said
3 she went to Fernley, maybe something to do with her
4 children or something like that. But she said her
5 primary place to stay and where she kept her
6 personal belongings was in the trailer.

7 Q. But during your questioning of her she said
8 that she had not stayed there for several days,
9 correct? In fact, she was confused on the days of
10 the week.

11 A. I remember she said because of her drug use
12 she was confused on the days. And I remember her
13 saying that she had gone to Fernley, I think, with
14 her children. But I can't say for sure if she said
15 she stayed there for several days, as you're saying.

16 Q. On the 28th of September 2020 what time did
17 you begin the surveillance on Mr. Held?

18 A. On the 28th?

19 Q. Yes.

20 A. I wanna say roughly late morning, maybe
21 around 10:00 or 11:00 a.m.

22 Q. But you had been surveilling him prior to
23 that, correct?

24 A. Correct.

1 Q. And isn't it accurate that Ms. Bush was not
2 at the trailer that night before?

3 A. I can't say for sure that we surveilled at
4 that time that I can recall.

5 THE COURT: Will you pause, please.

6 Thank you.

7 BY MS. ROSENTHAL:

8 Q. Detective, your interview of Mr. Held was
9 specifically regarding the consent to search, right?

10 A. Primarily, yes.

11 Q. It was not regarding the events that had
12 occurred previously?

13 A. We also talked about some of that stuff
14 while I was talking with him. Specifically what I
15 remember is the burglary of Jason Rocco's trailer
16 and use of the Jeep that he was driving.

17 Q. And as lead detective, did you have access
18 to all the information in this case?

19 A. Yes.

20 Q. And were you aware of a U-Haul truck?

21 A. Yes.

22 Q. And a photo of a U-Haul truck?

23 A. Yes.

24 Q. And that photo being -- having been taken a

1 week or so prior to the 28th?

2 A. Correct.

3 Q. And that was taken by an individual not
4 related to any burglaries, correct?

5 A. The photo that I'm recalling is the photo
6 parked in front of the trailer --

7 Q. I'm sorry?

8 A. A photo of the U-Haul truck parked in front
9 of Ian's trailer that I think was taken by the RPD
10 officer.

11 Q. Okay. But do you recall seeing a photo of
12 the U-Haul truck parked elsewhere?

13 A. No.

14 Q. And you didn't know where the U-Haul -- how
15 it was connected to the trailer.

16 A. I knew that the initial officer had taken
17 the residential burglary at 1440 Whisper Rock. A
18 witness in that case saw a U-Haul truck and got a
19 license plate off it.

20 The RPD officer followed up on that from
21 U-Haul and got the rental information for the person
22 who rented it. It came back to Ian Held and it was
23 cosigned by Annabelle Bush, and that's kind of what
24 led us onto them or identified them as potential

1 suspects early on in the investigation. That's what
2 I was familiar with.

3 Q. Okay. But, in fact, that person had taken
4 a photo of the U-Haul, not just relayed the license
5 plate, correct?

6 A. The witness?

7 Q. Yes.

8 A. I'm aware of that now, but at the time of
9 the -- that I originally got the information relayed
10 to me it was just a verbal relay of information, so
11 I was not aware of that photo at that point.

12 Q. So, were you aware that the U-Haul truck
13 was never in the driveway?

14 A. I am now.

15 Q. And it was, in fact, on a public street?

16 A. The information that was relayed to me by
17 the officer -- actually, by Sergeant Welch who
18 supervised the officer on the initial calls -- he
19 said that the U-Haul truck was parked directly in
20 front of the victim's house, is what he relayed to
21 me.

22 Q. Okay. So, that would mean that it was not
23 in the driveway, correct?

24 A. I think it could be interpreted

1 differently. Parked directly in front of the house
2 could mean the street and also could mean the
3 driveway.

4 So, I later referred to it in a warrant as
5 being parked in a driveway, but it was told to me
6 that it was parked directly in front of the house
7 and I interpreted that as being parked in the
8 driveway.

9 Q. So, it's inaccurate, to your knowledge, now
10 that it was ever in the driveway?

11 A. I understand now that it was parked on the
12 street and not in the driveway now.

13 Q. And so it was your interpretation that it
14 was in the driveway, not from the information that
15 was relayed to you.

16 A. Yes.

17 Q. When you said in your search warrant
18 application that it was parked in the driveway, that
19 was inaccurate?

20 A. I know that now. But, like, again, you
21 know, I was told by Sergeant Welch it was parked
22 directly in front of the house, and I interpreted
23 that as being in the driveway.

24 Q. So, you could have said it was parked

1 directly in front of the house in your search
2 warrant application, correct?

3 A. I could have worded it many ways in my
4 search warrant application.

5 Q. And that would have been information you
6 relayed -- that you were given, was that it was
7 parked in front of the house.

8 A. Correct.

9 Q. But that's not what you told the justice of
10 the peace. You said it was parked in the driveway.

11 A. Correct.

12 Q. And when -- do you recall in your search
13 warrant saying that Ms. Bush also admitted to all of
14 the things?

15 A. Yes.

16 Q. And that was also inaccurate, correct?

17 A. I think that it was possibly a slight
18 overstatement, but she gave corroborating
19 information for each of the things that I had
20 discussed in the search warrant application.

21 Q. But, in fact, during Ms. Bush's interview
22 she denied participation in any of the burglaries,
23 correct?

24 A. She admitted being in the vehicle during

1 the attempted burglary at University Park Loop, so
2 she fully admitted to that. She said that it wasn't
3 her intent to do any burglaries or anything like
4 that, so she admitted involvement with that.

5 Q. So, she admitted to being in a vehicle
6 where a crime occurred, but she did not admit to
7 burglarizing a house, correct?

8 A. Yeah. Like I said, it was just
9 corroborating information from the investigation,
10 the other information I obtained up to that point.

11 Q. Did Ms. Bush say, I burglarized those
12 residents?

13 A. She did not.

14 Q. And isn't it accurate that Ms. Bush
15 separated herself from Mr. Held's actions during her
16 interview?

17 A. Correct.

18 Q. And ultimately you determined that Ms. Bush
19 was not a participant in the burglaries, correct?

20 A. Correct.

21 Q. And she was what you called a witness.

22 A. Correct.

23 Q. So, in fact, she did not admit to
24 committing a crime, correct?

1 A. Correct.

2 Q. And when you are applying for a search
3 warrant, the goal is to give the justice of the
4 peace the full story, correct?

5 A. Correct.

6 Q. And so they can make a determination on
7 whether there's probable cause to grant the search
8 warrant.

9 A. Correct.

10 Q. And you take an oath before you start
11 testifying for that, correct?

12 A. Correct.

13 Q. The same oath you took here?

14 A. Yes.

15 Q. And isn't it true you did not tell the
16 judge the full story?

17 A. So, to explain, being on a telephonic it's,
18 you know, I'm doing this in my vehicle and
19 everything on the fly. I've compiled as much
20 information as I could and I did my best to
21 accurately give a representation and fully explain
22 all the details. And so when I said that they fully
23 admitted to the crimes, I mean that they both gave
24 information about all the crimes that I had

1 explained.

2 So, in an interview they don't always say,
3 you know -- me as an investigator with my training
4 and experience, they don't always say, Yes, I
5 committed a burglary at this date and time. They'll
6 give little bits and pieces of information that
7 implied that she was in the vehicle, she helped
8 drive away the vehicle, she was driving through the
9 neighborhood with him and was aware that he was
10 scouting houses to burglarize. She was aware that
11 he had driven up in the area of Somerset and so
12 forth. She was aware that he went into Jason
13 Rocco's trailer and she was aware that he took the
14 Jeep without Rocco's consent.

15 So, those are the things that she said she
16 was aware of. Like I said, she gave information
17 that led me to that conclusion based off the other
18 facts and circumstances that I had done the week
19 prior to the investigation.

20 Q. But even based off her statements to you
21 and you're saying she's accompanying Mr. Held, you
22 determined she was not going to be arrested in this
23 case or no longer under arrest.

24 A. Yeah. I guess because we saw her driving

1 in the vehicle and we originally placed her under
2 arrest for conspiracy to commit burglary because at
3 that time from our observation it looked like she
4 was assisting with the scouting of the houses and
5 possibly with other aspects of the burglary from
6 what we observed.

7 And after speaking with her, I believe --
8 we believe that that wasn't necessarily the case
9 and, you know, like you said, she was determined to
10 be a better fit as a witness.

11 Q. And it's your testimony that your
12 telephonic search warrant was rushed.

13 A. No. I was just trying to say that when I
14 have a full day or time to sit at my desk and type
15 it and proofread it, it could just be a bit more
16 thorough than what I'm trying to get across on the
17 phone, that I did my absolute best given all the
18 facts and circumstances and everything I believe to
19 be true to the judge at that time.

20 But I guess what I'm saying is I could have
21 done a more thorough job if I had time to sit down
22 and write. But looking back on the warrant, I still
23 think I did a good job and I still think I presented
24 what I knew to be true at that time. Again, I think

1 I may be overgeneralized by saying that rather than
2 going into detail on each individual thing that I
3 just explained to the Court today.

4 Q. In fact, there was no urgency in getting
5 that search warrant at that time, correct?

6 A. No.

7 Q. You could have gotten it at a later time.

8 A. What do you mean?

9 Q. You could have taken the time to type up an
10 application for a search warrant.

11 A. Well, I believe we also talked about that
12 in a preliminary hearing, where the vehicle couldn't
13 be towed. That was our original plan, was to seal
14 the vehicle, tow it into a secured lot and seal it
15 up. And then that's what we generally do that would
16 give us enough time to type up a warrant, walk it
17 through and have it signed by a judge.

18 But since the vehicle was not towable, it
19 pushed us into doing a telephonic warrant because we
20 just didn't have the manpower or the ability to sit
21 around and surveil, especially until the next
22 working day that we have an officer basically stand
23 around the clock just to do that.

24 Q. But you could have. It could have been

1 done.

2 A. No, it could not have been done because we
3 didn't have the manpower or resources to guard the
4 trailer for that amount of time.

5 Q. But there was nothing urgent in the trailer
6 that you had to search it at that time, correct?

7 A. Correct. Like, I wasn't worried about --

8 Q. Because --

9 A. We were watching it. But if we were to
10 leave it, you can't leave it unmanned because that
11 gives up the --

12 Q. But you stated that you could have locked
13 it and drug it away, so there was no urgency in
14 searching the trailer at that time.

15 A. I could not. I originally thought I could
16 seal it, lock it up, and bring it to a secured lot.
17 But then when we got on scene, the trailer was in
18 really poor condition, the tires were bad, it had
19 duct work all around it, the sewer lines were
20 haphazardly on the --

21 THE REPORTER: Slow down, please.

22 THE WITNESS: The trailer was not towable.

23 BY MS. ROSENTHAL:

24 Q. Ideally, if the trailer were to have been

1 towed, you would have done that, correct?

2 A. Correct.

3 Q. And at that time you would have applied for
4 a search warrant written and not telephonic.

5 A. Correct.

6 Q. And so there was nothing urgent in the
7 trailer itself to where you felt like you had to get
8 a telephonic search warrant right away.

9 A. I know you've asked that but I just don't
10 know what you mean by that.

11 Q. Let me try to state it a different way.

12 A. Okay.

13 Q. If -- I'm just going to move on.

14 I'm going to circle back to telling the
15 full story in your application for a search warrant.

16 A. Okay.

17 Q. Isn't it accurate that you omitted
18 significant information in your warrant application?

19 A. I don't agree with that.

20 Q. And you make no mention to the justice of
21 the peace that Ms. Bush was allowed back in the
22 trailer, correct?

23 A. Correct.

24 Q. And you don't say anything about her

1 entering after consent was denied, correct?

2 A. Correct.

3 Q. And so that's a significant omission.

4 A. Okay.

5 Q. And so the judge didn't have the full story
6 when you submitted this to the court.

7 A. I don't agree with that.

8 Q. So, you think the judge had all the
9 information available to her when determining
10 probable cause for the search warrant?

11 A. I believe I gave all the pertinent
12 information I had available to me at the time.

13 Q. So, that was information you decided was
14 pertinent?

15 A. Correct.

16 Q. Not the total story of what was available.

17 A. What I had available to me at the time.

18 Given the multiple variables and stuff like that in
19 the investigation and things going on, I believe
20 that I gave all the pertinent information.

21 Q. But you did have -- you were aware at the
22 time that Ms. Bush had gone into that trailer.

23 A. Correct.

24 Q. And that Mr. Held had denied consent.

1 A. Correct.

2 Q. And you did not mention that.

3 A. Correct.

4 MS. ROSENTHAL: I'll pass the witness.

5 CROSS-EXAMINATION

6 BY MR. DeLONG:

7 Q. So, I guess we've gone over this a little
8 already, but Detective Fye, you applied for a search
9 warrant in this case, correct?

10 A. Correct.

11 Q. And what was the basis? What was the
12 reason for applying for the search warrant?

13 A. To recover stolen property from residential
14 burglaries.

15 Q. When you say shorthand "residential
16 burglaries," what do you mean?

17 A. Talking about the residential burglary that
18 happened at 1440 Whisper Rock and the residential
19 burglary that occurred at 1455 Keystone Avenue,
20 Jason Rocco's trailer, and property that Ian and
21 Annabelle had told us was in the trailer.

22 Q. Now, it's been discussed already that you
23 said that they admitted committing all the
24 burglaries. Is that correct?

1 A. Correct.

2 Q. But that wasn't the only information you
3 gave the judge, was it?

4 A. No.

5 Q. Do you remember the information you gave
6 the judge regarding 1440 Whisper Rock Way?

7 A. Yes.

8 Q. Can you elaborate?

9 A. I explained that a Reno patrolman responded
10 to take this report and what he had found was that a
11 back sliding glass door had been broken with what
12 appeared to be a rock and that there was pry marks
13 on the door and there was obvious signs of entry
14 into the house.

15 And it looked like that person -- that
16 victim's property had kind of been rummaged through
17 and it appeared things were missing. I believe the
18 victim was out of town when the initial report was
19 taken, so they couldn't determine the loss exactly
20 at that point in time. And the witness also said
21 that he observed a U-Haul truck being driven by a
22 white male with longer hair driving a rented U-Haul
23 truck with an Arizona license plate that he was able
24 to write down. He said he saw that truck parked in

1 front of the house, and that's what he gave the
2 initial officer in that information and relayed to
3 me later.

4 Q. So, that's the U-Haul truck we're talking
5 about that you indicated initially was in the
6 driveway, correct?

7 A. Correct.

8 Q. But it was actually -- you understand now
9 it was in front of the house.

10 A. Yes, now I do.

11 Q. You wrote a report in this case too, right?

12 A. Correct.

13 Q. Where did you indicate the truck was within
14 the report?

15 A. I also stated that it was in the driveway
16 in the report.

17 Q. So, that was your understanding at least at
18 the time, with respect to the investigation.

19 A. Correct.

20 Q. But now it's -- you understand it was in
21 front of the house?

22 A. Correct.

23 Q. Where did you gain that new understanding?

24 A. After the preliminary hearing I believe

1 that the witness came and testified and
2 differentiated that, said that the U-Haul truck was
3 parked directly in front of the house rather than in
4 the driveway, and that was made aware to me at that
5 time.

6 Q. Have you seen pictures of where the truck
7 was parked?

8 A. I have not.

9 Q. But it's your understanding that it still
10 was in front of a house, correct?

11 A. Correct.

12 Q. Okay. So, then you mentioned you also
13 based your warrant upon 1920 University Park Loop.

14 Is that correct?

15 A. Correct.

16 Q. Can you tell us what information you gave
17 the magistrate with respect to that attempted
18 burglary?

19 A. Yes. So, we were tracking that vehicle
20 using a tracker at that time. It was done
21 digitally. And we saw it going up into a
22 neighborhood that we didn't know Ian to have any
23 association with.

24 So, we saw him going into that

1 neighborhood, Detective Tindell arrived on scene
2 first and stayed out of the area to see what was
3 going to happen so that he didn't give up his
4 identity or concealment as a detective by driving by
5 or anything like that, so he stayed nearby.

6 Time passed and then he saw the Jeep
7 leaving at a high rate of speed. And he observed
8 Ian in the driver's seat and Ms. Bush in the
9 passenger seat and relayed that information to me.
10 We drove around the area but didn't see any
11 disturbance or any signs of a burglary or anything
12 like that, but later learned that an attempted
13 residential burglary was reported at 920 South
14 University Terrace Loop.

15 And so, again, another RPD officer
16 responded to that and made contact with the owners.
17 The owners said they saw Ian on his Ring doorbell,
18 that he walked around the house like he was scouting
19 it, broke out a window and was confronted by the
20 owner at that time. They had a conversation with
21 each other and then Ian fled the area, which is when
22 Detective Tindell saw him.

23 Q. Now, at the time you applied for the
24 warrant he had been interviewed already, right?

1 A. Correct.

2 Q. And you were at least made aware of what
3 occurred during the interviews?

4 A. Yes.

5 Q. Did he talk about -- well, start with
6 University Park Loop. Did he discuss that at all
7 during the interviews?

8 A. Yes.

9 Q. What did he say to officers?

10 A. So, he had admitted to going there,
11 admitted to ringing the door bell and admitted to
12 breaking the window, and he said that he was looking
13 for someone that owed him money.

14 Q. Then did he make any statements with
15 respect to the first residence 1440 Whisper Rock
16 Way?

17 A. During the interview he did, yes.

18 Q. What did he say about that?

19 A. He said that he burglarized the house, he
20 said that -- I think he said he tried to pry the
21 door open with a screwdriver. And then he went back
22 to the U-Haul truck and grabbed a tool of some sort
23 out of it and used that and broke in the glass.

24 Q. Did you interview Annabelle Bush before you

1 applied for the warrant?

2 A. Yes.

3 Q. Did she tell you about either of these
4 incidents?

5 A. She told me that she was aware that Ian had
6 been driving in the area of Somerset but didn't
7 have a whole lot more information on that. She told
8 me that she was aware of the University Park -- 920
9 university park, that she was with him on that one.

10 She said that she knew that he had broken
11 the window and had a confrontation with a neighbor.
12 She was aware of the story of him looking for
13 someone who owed him money but she said that she
14 didn't believe that was a true story, that it was
15 Ian's intent to burglarize the house.

16 Q. And you mentioned there was a third basis
17 for applying for the warrant.

18 A. Yes.

19 Q. And you also mentioned you were tracking
20 the red Jeep that Mr. Held was driving.

21 A. Correct.

22 Q. Why was that being tracked?

23 A. So, we saw him -- you know, we started
24 direct surveillance on his trailer and then saw him

1 driving the red Jeep. We -- I checked the
2 registration and stuff like that and I found out it
3 belonged to a neighbor that also lived in the
4 Keystone trailer park, Jason Rocco, and I learned
5 that he was just arrested, I think about one or two
6 weeks before we were conducting that surveillance on
7 Ian.

8 So, we went up to the jail to talk to
9 him -- he was in custody at the Washoe County
10 Jail -- and did an interview with him.

11 Q. What did he tell you?

12 A. He told us that he knew who Ian was, that
13 they had a past friendship and they had a
14 falling-out and they were no longer on good terms.

15 He told me that to his knowledge his Jeep
16 was parked in front of his trailer and it was
17 secured and his trailer was secured and that the
18 keys to the Jeep were inside of his trailer. And he
19 said that Ian did not have permission to be driving
20 the trailer -- or permission to enter his trailer
21 and Ian didn't have permission to be in possession
22 of any of his property.

23 Q. So, that created the basis for putting the
24 tracker -- for tracking the Jeep?

1 A. Correct. At that time Jason Rocco reported
2 that vehicle as stolen with us, because he said
3 that, you know, it's supposed to be his and it's
4 supposed to be kept secure at his house and no one
5 else is supposed to have it. So, it was deemed to
6 be stolen at that time and he signed a stolen
7 vehicle waiver. We reported it as stolen at that
8 time, and that's when we placed the tracker on it.

9 Q. Now, did Ian Held during his interview make
10 any statements about the Jeep or potential burglary
11 there?

12 A. Yes, he did.

13 Q. What did he say?

14 A. So, he admitted to driving the Jeep and
15 told us he was friends with Rocco and that Rocco had
16 given him permission to borrow the Jeep in the past,
17 so he assumed that, since Rocco was incarcerated and
18 not using it, that he would be okay with Ian driving
19 the Jeep, although he never actually had permission
20 to drive it.

21 Q. That doesn't line up with what Rocco told
22 you, does it?

23 A. No, it does not.

24 Q. Do you know Rocco's last name?

1 A. First name "Jason" last name "Rocco."

2 Q. Thank you. And then did you discuss the
3 Jeep and Rocco's trailer with Annabelle Bush?

4 A. Yes.

5 Q. You conducted that interview?

6 A. Correct.

7 Q. What did she say about that?

8 A. She told us that to her knowledge Ian never
9 had permission to drive the Jeep or go into the
10 trailer. And she told us that she and Ian had both
11 been driving that Jeep and she told us that she had
12 witnessed Ian going into Rocco's trailer and
13 grabbing his property -- Rocco's property out of
14 Rocco's trailer and bringing it into Ian's trailer.

15 Q. Now, discussing your interview with
16 Ms. Bush, during the interview itself -- you
17 recorded that interview, right?

18 A. Correct.

19 Q. During that recorded interview, did you
20 talk about going back to the trailer or what she
21 would do after she was interviewed?

22 A. Say that again.

23 Q. Did you talk about what would occur after
24 the interview was done?

1 A. No.

2 Q. So, what happened after you finished that
3 interview with Annabelle Bush?

4 A. So, after I finished the interview with
5 Ms. Bush is when I went into the interview with
6 Detective Tindell and Ian and asked for the consent
7 to search the trailer.

8 Q. What happened next?

9 A. He denied our consent after asking for
10 quite a while, and it was determined that we would
11 tow the vehicle and get a warrant. I told Ms. Bush
12 that she wouldn't be placed under arrest, that she
13 would be a witness in this case.

14 She said that she was done with Ian because
15 this was kind of an overwhelming experience for her,
16 is how she explained it. And she wanted to go back
17 to the trailer and she wanted to retrieve her stolen
18 property and she was going to go on her way --

19 Q. Wait a minute. She was going to retrieve
20 her stolen property?

21 A. Sorry. If I said "stolen," she was going
22 to retrieve her personal property.

23 Q. Go on.

24 A. Okay. So, she wanted to go retrieve her

1 personal property from the trailer and then go on
2 her way while we obtained the warrant and searched
3 the trailer.

4 Q. Did Detective Tindell ever come back in and
5 talk with Ms. Bush after you had sought consent to
6 enter the trailer?

7 A. No.

8 Q. Did you ever tell Ms. Bush, You're going to
9 go get stolen property out of there?

10 A. No.

11 Q. Did you drive Ms. Bush back to the trailer?

12 A. Yes.

13 Q. Did you discuss anything with her during
14 that trip?

15 A. No. During the trip I remember she -- what
16 took up most of the time during that trip is she
17 called, I believe, her brother because she wanted
18 someone to come pick her up to bring her somewhere
19 else other than the trailer.

20 I remember her brother said he didn't have
21 a vehicle but he would work on getting a vehicle and
22 he would come pick her up.

23 Q. After she got off the phone with her
24 brother, did she tell you anything?

1 A. No.

2 Q. When you were driving back to the trailer,
3 what was the plan for the investigation going
4 forward from there?

5 A. So, when I was driving back to the trailer,
6 the plan was for Annabelle to get her personal
7 property and leave, and then we were gonna seal the
8 trailer and tow it back to the Sparks Police
9 Department to a secured lot.

10 Q. So, she was gonna go with her brother then?

11 A. That was her plan, yeah. Her brother had
12 some issues, like I said, to pick her up, so it may
13 be delayed is what it sounded like but her plan was
14 to get a ride from the trailer.

15 Q. So, did this plan to tow the trailer and
16 then get a warrant later, did that ever change?

17 A. Yes.

18 Q. When did that change?

19 A. Pretty much as soon as we got on scene. I
20 evaluated the trailer and noticed the things that I
21 talked about earlier; that is, it was not towable,
22 and that's when it was determined that we would do a
23 telephonic warrant rather than a tow.

24 Q. So, that's what created the impetus for the

1 telephonic warrant.

2 A. Correct.

3 Q. You realized you couldn't move this thing,
4 right?

5 A. Correct.

6 Q. What happened with Annabelle Bush when you
7 got back to the trailer?

8 A. She went into the trailer to grab her
9 personal property. When we arrived on scene
10 Detectives Bailey and Catalano were there, so I
11 passed her off to them at that time while I
12 evaluated the trailer, made that determination, and
13 started preparing things to call the judge.

14 Q. Was there ever any intention for her to
15 identify stolen property?

16 A. No. I do remember explaining to her that
17 that was Ian's reason for denial, is just that he
18 had a big concern. Because we had left her in that
19 interview room for however long it was that I was in
20 there with Ian, so it was quite a while. I think
21 she was expecting to leave sooner.

22 And I went back and explained to her that
23 Ian was worried that we were gonna -- I think she
24 was also intending on going back to that trailer and

1 sleeping that night and staying there. And so I was
2 explaining to her that that wouldn't be a
3 possibility because of the tow and I explained to
4 her that Ian denied consent of searching it because
5 he was worried that detectives would take his own
6 personal property, so I just explained that to her.

7 Q. So, you did discuss stolen property with
8 her?

9 A. Yes. And that happened during the
10 interview as well when she had told me about Rocco's
11 property that she knew was in the trailer.

12 Q. So, were you a witness to what occurred
13 when she went into the trailer?

14 A. No.

15 Q. So, what did you do at that time?

16 A. What do I do? Again, I just -- when he
17 arrived on scene, I passed her off to Detectives
18 Bailey and Catalano and then I assessed the trailer
19 and determined it wasn't towable and prepared to
20 call the judge.

21 Q. Now, going on to a different topic, did you
22 find out that property was stolen from 1440 Whisper
23 Rock Way?

24 A. Yes.

1 Q. Do you remember what property was stolen?

2 A. I remember the victim reported bottles of
3 wine, I believe some coins or change, some Ryobi
4 power tools and DVDs.

5 Q. Were any of those items identified in the
6 trailer?

7 A. Yes, the Ryobi power tools were included in
8 the trailer.

9 Q. Was that returned in the search warrant?

10 A. Yes.

11 Q. What happened with those tools?

12 A. They were returned to the victim in this
13 case.

14 Q. When you -- did you participate in that?

15 A. Yes, I did.

16 Q. And when that occurred did the victim do
17 anything? Say anything? What happened?

18 A. Yeah. So, I talked to him on the phone. I
19 knew that that was not in the initial report, the
20 power tools, so I called him and asked him for
21 specifics.

22 I remember he said it was in a dark case,
23 the Ryobi drill and saw combination tool set, and he
24 said that there would be a loose drill bit in the

1 case with it. And that was like a spot-on, accurate
2 description of the power tools that we had located,
3 so I determined that those were -- belonged to him.

4 Q. And you ultimately participated in
5 returning them to him?

6 A. Correct.

7 Q. Is this out of the ordinary for you?

8 A. No. This is our regular practice. We
9 don't like to deprive the victims of their property
10 so we usually make -- if we can make the
11 determination before it gets booked into evidence,
12 then we'll photograph it and then we'll return it
13 straight back to the victims.

14 Q. Were these power tools photographed?

15 A. Yes, they were.

16 Q. And were they included in your reports?

17 A. Yes.

18 MR. DeLONG: If I may have one moment, your
19 Honor.

20 BY MR. DeLONG:

21 Q. Did you ever discuss firearms with
22 Annabelle Bush?

23 A. Yes.

24 Q. When did that occur?

1 A. I just remember her saying that she knew
2 that Ian had a firearm at some point and she said
3 that it was stolen from him, that someone had stolen
4 all of his belongings, I think like a backpack that
5 had the gun in it and all his belongings and so,
6 yeah, I remember discussing that with her.

7 Q. Did you believe there were firearms in the
8 trailer when you were bringing her back to the
9 trailer?

10 A. No.

11 Q. During any other investigation, would you
12 allow a witness into a trailer if you knew firearms
13 were in there?

14 A. No, we do not.

15 Q. Did you ever tell her, Go get these
16 firearms out of there?

17 A. No.

18 MR. DeLONG: No further questions.

19 THE COURT: To the defense, redirect?

20 MS. ROSENTHAL: Yes, your Honor. Thank
21 you. May I have some things marked as exhibits?

22 THE COURT: Yes.

23 THE CLERK: Exhibits 9 through 12 marked.

24 (Exhibits 9 - 12 marked.)

1 BY MS. ROSENTHAL:

2 Q. Detective Fye, I'm going to start from the
3 beginning. You stated that the neighbor saw
4 somebody leaving the residence, correct?

5 A. In the U-Haul truck correct.

6 Q. But that's inaccurate, isn't it?

7 A. I believe that's correct, that the
8 neighbors saw a U-Haul truck leaving the area of
9 Whisper Rock.

10 Q. In fact, the neighbor only saw the U-Haul
11 truck parked on the street.

12 MR. DeLONG: Objection, your Honor,
13 misstates testimony.

14 THE COURT: Overruled on that basis.

15 BY MS. ROSENTHAL:

16 Q. Isn't it true that a neighbor observed the
17 U-Haul truck?

18 A. Yes, that's true.

19 Q. And was able to get the license plate?

20 A. Correct.

21 Q. And there's no mention that that neighbor
22 identified anyone, correct?

23 A. Correct.

24 Q. And you are the lead detective in this

1 case?

2 A. Correct.

3 Q. And it's your testimony that you haven't
4 seen all the photos in this case.

5 A. Correct.

6 Q. Have you seen the photos that your officers
7 took of the drill that was returned?

8 A. Yes.

9 Q. And did you -- were you present when those
10 photos were taken?

11 A. Yes, I believe so.

12 Q. And when you spoke to Mr. McCulloch, he
13 identified a drill bit specifically?

14 A. Correct.

15 Q. And that's what led you to determine that
16 this was his drill?

17 A. He explained the whole tool set and the
18 case, the color, the combo tool set, the brand, and
19 then the drill bit also.

20 Q. And a Ryobi drill isn't unique, correct?

21 A. I'm not really sure.

22 Q. Anyone could go to Home Depot or Lowe's and
23 buy a Ryobi drill set, correct?

24 A. Correct.

1 Q. And I'm going to show you what's been
2 marked as 9 through 12. I'll ask you to identify
3 these or if you recognize them. I'm sorry.

4 (Witness reviewing document.)

5 THE WITNESS: Yeah, I do.

6 BY MS. ROSENTHAL:

7 Q. Are these the photos taken by officers --
8 the officers that you were with?

9 A. Yes.

10 Q. And is that the condition that the drill
11 was in when you saw it last?

12 A. Yes.

13 MS. ROSENTHAL: Your Honor, I'd ask for
14 admission of those.

15 MR. DeLONG: No objection, your Honor.

16 THE COURT: Nine through 12 are admitted,
17 Ms. Clerk.

18 (Exhibit 9 through 12 admitted.)

19 BY MS. ROSENTHAL:

20 Q. And sticking to Exhibit No. 10, could you
21 please point to where you see this drill bit that
22 you mentioned.

23 A. Yes. It's right here (indicating).

24 Q. And that's a generic drill bit?

1 A. Yes.

2 Q. Could be part of any set?

3 A. Yes.

4 Q. And, in fact, there's a drill in this case,
5 correct?

6 A. Correct.

7 Q. So, the drill bit could go to that?

8 A. I assume, yes.

9 Q. Could be used with that tool?

10 A. Yes.

11 Q. And it would be common for someone who had
12 a drill to have drill bits with it.

13 A. Yeah. I think it was the combination of
14 things, again, the total thing, and then just, I
15 have one loose bit floating in there, seemed to be a
16 pretty specific detail. Some people may have that
17 but just one specific bit floating in there to his
18 knowledge was pretty significant.

19 Q. And when the search of the trailer was
20 conducted, was the drill in the trailer?

21 A. Yes.

22 Q. Do you recall where it was?

23 A. I did not participate in the search of the
24 trailer so, no, I don't know exactly where.

1 Q. But you have since read the reports of
2 other officers?

3 A. Yes.

4 Q. And now do you know where this drill was
5 located?

6 A. I believe it was in the living room area.

7 Q. And are there photos of the drill in the
8 trailer?

9 A. I'm not sure.

10 Q. And to your knowledge there are no photos,
11 then.

12 A. I'm not sure if there is or not.

13 Q. So, you've never seen a photo of this drill
14 in that trailer?

15 A. Correct.

16 Q. You've only seen it outside of the trailer?

17 A. Correct.

18 Q. And was Mr. McCulloch able to provide proof
19 of purchase for this drill?

20 A. No.

21 Q. Was he asked for?

22 A. I don't believe so.

23 Q. And was -- are these the only photos that
24 you know of of the drill that was taken?

1 A. Yes.

2 Q. So, these are the only photos we have of
3 the only evidence against Mr. Held related to that
4 burglary, correct?

5 MR. DeLONG: Objection, your Honor --

6 THE WITNESS: No.

7 MR. DeLONG: -- misstates the testimony in
8 evidence.

9 THE COURT: Well, I don't know if it
10 misstates the testimony in evidence before the court
11 at the moment. But I'm going to ask defense counsel
12 to reframe the question so the Court understands it.
13 What I heard you say was, without this drill bit,
14 there is no other evidence from the trailer.

15 MS. ROSENTHAL: Linking Mr. Held to the
16 burglary.

17 THE COURT: That would connect Mr. Held to
18 the burglary. No wine, no other property of any
19 type.

20 MS. ROSENTHAL: Correct. That's my
21 question to you.

22 THE WITNESS: It would --

23 THE COURT: Overruled. You'll get a chance
24 to re-cross.

1 THE WITNESS: I would say that the witness'
2 observations of that, the interview, the U-Haul
3 truck, the license plate, the rental information, I
4 take that all as evidence for Mr. Held in the
5 burglary.

6 BY MS. ROSENTHAL:

7 Q. The only property that was alleged to have
8 been taken from that residence that was found in
9 Mr. Held's trailer is this drill, correct?

10 A. Correct.

11 Q. And isn't it common for officers of the
12 police department to store evidence for a period of
13 time?

14 A. Correct.

15 Q. Okay. Including phones, things like that?

16 A. Yes.

17 Q. And often when it is a defendant's
18 property, it's stored for forever, correct?

19 A. Correct, until they come and get it.

20 Q. And this was released to Mr. McCulloch
21 almost immediately?

22 A. Correct.

23 Q. And it was released to Mr. McCulloch prior
24 to Mr. Held being charged in this case?

1 A. No.

2 Q. Not prior to being arrested but prior to
3 being charged. Do you know?

4 A. Yeah, it was after the arrest and before
5 this.

6 Q. Okay. And so Mr. Held would have had no
7 opportunity to view this evidence prior to it being
8 released, correct?

9 A. Correct.

10 Q. And given that this is a significant piece
11 of evidence against Mr. Held, was anything -- other
12 photos or fingerprints or anything taken of that
13 drill?

14 A. No.

15 Q. So, these four photos are all we have of
16 this piece of physical evidence.

17 A. Correct.

18 Q. And I'm going to show you Exhibit 9.
19 Could you please describe the color of that
20 case.

21 A. Dark grayish black.

22 Q. So, is it gray or is it black?

23 A. I guess very dark gray.

24 Q. And do you have any sort of chain of

1 custody for this drill outside of you returning it
2 in your report?

3 A. Well, I remember taking possession of it
4 after the warrant and then I gave it directly back
5 to the victim.

6 Q. So, there's no chain of custody, correct?

7 A. You mean like a written chain of custody?

8 Q. Correct. Was this ever booked into
9 evidence?

10 A. No, it was not.

11 Q. So, the evidence of this drill against
12 Mr. Held was never booked into evidence by -- in
13 this investigation.

14 A. Correct.

15 Q. It was simply photographed a couple times
16 and released.

17 A. Correct.

18 Q. And when you were discussing what Mr. Held
19 said to Officer Tindell, you specifically said "I
20 think he said," because you don't know what he said
21 because you weren't there, correct?

22 A. During the first interview?

23 Q. Yes.

24 A. Correct.

1 Q. So, your information regarding what
2 Mr. Held said was from Officer Tindell.

3 A. Correct, relayed to me. Correct.

4 Q. Have you ever listened to the interview
5 with Mr. Held?

6 A. Yes.

7 Q. And the initial report for the 920
8 University Park Loop case was a destruction of
9 property, correct?

10 A. The initial report?

11 Q. Correct, the call for service.

12 A. I'm not exactly sure what the officer
13 labeled it.

14 Q. And do you recall what time of day that
15 occurred?

16 A. I wanna say it was around 2 p.m. but I'm
17 not 100 percent confident.

18 Q. So, the middle of the day?

19 A. Correct.

20 Q. It's light out?

21 A. Yes.

22 Q. People are around?

23 A. Yes -- well --

24 Q. There could have been people around?

1 A. There could have been, yes.

2 Q. And it's not a common time where people are
3 sleeping.

4 A. Correct.

5 MS. ROSENTHAL: Sorry. Court's indulgence.

6 BY MS. ROSENTHAL:

7 Q. Did you have an opportunity to review
8 Officer Bailey's report prior to today?

9 A. I don't think I did. No.

10 Q. Have you ever reviewed his report?

11 A. I'm trying to recall any details of it and
12 I don't think so.

13 Q. Okay. So, as lead detective you haven't
14 reviewed all the reports in this case.

15 A. I just can't really remember any details
16 that are jumping out on me on that.

17 MS. ROSENTHAL: Nothing further, your
18 Honor.

19 THE COURT: The state?

20 RE-CROSS-EXAMINATION

21 BY MR. DeLONG:

22 Q. I don't mean to quiz you, but do you
23 remember when the Whisper Rock -- the photo of the
24 U-Haul truck was taken at that address?

1 A. Do I remember when?

2 Q. The date.

3 A. September 23rd maybe, but I'm not
4 100 percent on that.

5 Q. Do you know when Officer Trail did his
6 investigation of Whisper Rock?

7 A. I thought it was September 23rd.

8 Q. And do you know when Mr. -- pardon me --
9 when Ian Held was arrested? Do you know the date?

10 A. September 28th, I believe.

11 Q. So, there's some time between there.

12 A. (Witness nods.)

13 Q. With the Whisper Rock alleged burglary and
14 then when he was finally arrested.

15 A. Correct.

16 Q. Now, when you returned the drill bits to
17 Mr. McCulloch, he identified at least some specifics
18 about them, correct?

19 A. Yes.

20 Q. Now, if he hadn't done that, would you have
21 released them to him?

22 A. No.

23 Q. You did release guns back to individuals in
24 this case, didn't you?

1 A. Yes.

2 Q. And who were those guns returned to?

3 A. Mr. O'Day. I remember his last name was
4 "O'Day."

5 Q. Was he able to identify those weapons?

6 A. Yes.

7 Q. And were there indications on the weapons
8 that caused you to return them to him?

9 A. Yes. His name was inscribed on most of
10 them.

11 Q. But you didn't give Mr. O'Day all the guns?

12 A. No.

13 Q. Is there a gun in evidence right now?

14 A. Yes.

15 Q. And why is that gun in evidence?

16 A. Because he wasn't able to identify that
17 one.

18 Q. And no one else reported that, at least in
19 connection with this investigation, as stolen?

20 A. Correct.

21 Q. The return of the property in this case, is
22 that different from any other case you worked on
23 regarding stolen property?

24 A. No. That's a common practice, and that's

1 our ideal outcome, is not to deprive the victim of
2 their property. If we can give it back to them, we
3 like to do that.

4 Q. So, you looked at that, the drill case,
5 right, correct?

6 A. Right.

7 Q. And that was a unique factor that
8 Mr. McCulloch identified. Is that right?

9 A. Correct.

10 Q. What was that unique factor?

11 A. Again, detail. He described everything
12 basically to a T and one very specific thing was the
13 drill bit that was loose in the case.

14 Q. Did he describe the color of the case?

15 A. Yes.

16 Q. Did he describe what was in the contents of
17 the case specifically?

18 A. Yes.

19 Q. Not just the drill bit, though, right?

20 A. No. He said the drill bit, the drill, saw,
21 Ryobi combo tool set all in one case.

22 Q. It's not just like a bag that you stuff
23 tools in, right? This was a specific set sold with
24 a drill and a saw together, right?

1 A. Correct.

2 Q. So, it's not just unique to any drill that
3 you get at Home Depot. It's a set.

4 A. Correct.

5 Q. And he was able to identify that set?

6 A. Yes.

7 Q. And the bits that were in there and the
8 loose bit that was in there. Is that correct?

9 A. Correct.

10 Q. Did you have any concern giving him that
11 drill back that he was lying to you?

12 A. No.

13 Q. Do you know what he did for a living?

14 A. I believe he was a retirement law
15 enforcement.

16 Q. But he's retired at this time?

17 A. Yes.

18 MR. DeLONG: No further questions at this
19 time, your Honor.

20 MS. ROSENTHAL: I have one followup on
21 that.

22 THE COURT: I don't allow three attempts at
23 the witness. Under NRS 50.145, I have the authority
24 to ask questions myself. You have the prerogative

1 to object to the court's questions, and I encourage
2 you to do so if you believe my questions are
3 objectionable. That's the only time I'll say it. I
4 might -- I have never yet asked questions in front
5 of the jury and I don't intend to do it in this
6 trial, but at any time that I ask questions of a
7 witness, Counsel, you are allowed to object.

8 BY THE COURT:

9 Q. So, you drove Ms. Bush back to the trailer.
10 Is that correct?

11 A. Yes, sir.

12 Q. All right. And she entered the trailer.

13 A. Correct.

14 Q. Was the trailer locked or was it unlocked
15 when she entered the trailer?

16 A. I don't know 100 percent, but I believe it
17 was unlocked.

18 Q. Okay. So, you don't have any recollection
19 of her possessing a key or knowing where a keypad
20 was or access code or anything that would have
21 demonstrated her awareness of how to enter the home?

22 A. No.

23 Q. When she returned from the home -- well,
24 she went into the home, under your testimony, to

1 retrieve personal property.

2 A. Correct.

3 Q. When she exited the home, did she possess
4 her own personal property?

5 A. I don't think that she did, because she was
6 asked to step out -- again, I was separated from
7 that. She was with Detective Bailey and Catalano.
8 But while she was in the trailer getting her
9 personal property, she said that there was a gun in
10 the trailer, that she located a gun.

11 I think Officer Bailey just said, Okay,
12 hold still and come out here and we'll have you wait
13 outside until we're conducting business for officer
14 safety purposes.

15 THE COURT: Thank you. I'll allow you a
16 very narrow followup on the questions I asked. The
17 purpose of the question is I'm trying to determine
18 agent status, whether Ms. Bush was an agent of the
19 place or whether she was an inhabitant of the home.
20 I was looking for her ability to access the home and
21 whether there was indicia of her habitation in the
22 property.

23 To the defense, any questions based upon my
24 specific questions?

1 MS. ROSENTHAL: Yes, your Honor.

2 BY MS. ROSENTHAL:

3 Q. Detective Fye, you wrote several reports in
4 this case, correct?

5 A. Correct.

6 Q. And you recall saying that Ms. Bush would
7 help in compiling property and differentiating
8 between stolen and personal property?

9 A. I believe she offered that when I explained
10 to her about Ian's concern with us taking his own
11 personal property and depriving him of that. So, I
12 explained that to her and she said, Oh, yeah, I know
13 what's in there, what's stolen, and what he grabbed
14 from Rocco's, and I know the difference. So, she
15 offered that service but it wasn't asked of her.

16 Q. When it was offered by her, did you agree
17 to let her do that?

18 A. I don't think I said, Don't do anything
19 like that, but I made sure that she was aware we
20 were getting a warrant and stuff like that and we
21 would be getting the property after the warrant --
22 or she was made aware that we would apply for it
23 and, if granted, you know, if any assistance was
24 needed of her, it would be at that time.

1 Q. But you didn't tell her that you would get
2 a warrant until after she exited, correct?

3 A. It's my knowledge that she knew the whole
4 time we were going over there and the trailer was
5 getting towed and she was not having a place to stay
6 that night.

7 Q. When she exited she didn't have her
8 personal property.

9 A. Correct.

10 Q. She had to go in and get it after the
11 search warrant was conducted.

12 A. Correct.

13 MS. ROSENTHAL: Nothing further.

14 THE COURT: Thank you. To the state.

15 RE-CROSS-EXAMINATION

16 BY MR. DeLONG:

17 Q. So, you weren't present when she went in
18 the trailer, though. You weren't watching her go
19 in, did you?

20 A. No.

21 Q. Was she just allowed to be in there for as
22 long as she wanted?

23 A. No. I think --

24 THE COURT: My questions were very narrow.

1 I'm trying to discern whether she was an agent of
2 the police or any indicia of ownership.

3 MR. DeLONG: If I may, your Honor, this is
4 directly linked, though, with respect to his
5 response to your questions regarding the firearm,
6 because she was made to leave the trailer. That is
7 -- that simply is what I'm eliciting right now.

8 THE COURT: My understanding is when she
9 left the trailer before the warrant, she did not
10 possess any of her own personal property.

11 MR. DeLONG: I'm trying to get at the
12 reason for why that occurred.

13 THE COURT: I don't care about the reasons.

14 MR. DeLONG: If I may, your Honor.

15 If we're concerned whether she has indicia
16 of ownership coming out of the property and it turns
17 out she was told to get out of there and stop
18 looking for her own property because she made
19 mention of a firearm --

20 THE COURT: You made your argument. I know
21 why you believe it's probative. I was wondering if
22 she had a cosmetics bag or luggage, shoes, or
23 something like that, and she doesn't.

24 MR. DeLONG: Fair enough. Thank you, your

1 Honor. No further questions.

2 THE COURT: You may step down, Detective.
3 Your next witness, please.

4 MS. ROSENTHAL: I would call Officer Lance
5 Tindell.

6 THE COURT: I want to pause on housekeeping
7 matters. I only allow direct, cross, redirect, and
8 recross. So, I summarily stopped you from a third
9 redirect, but I didn't notice you in advance that
10 that's the court's policy, so I want to -- I wish I
11 would have so it wasn't a direct response. But I
12 intend to tell the jury that -- and I do every
13 single time -- that there's no more than two
14 sequences of examination.

15 The second is I learned this morning the
16 standard pretrial jury selection order that I enter
17 in every case has not been entered, so I entered it
18 about 20 minutes ago. I asked the clerk staff to
19 give you a copy of it to govern your jury selection
20 participation.

21 With that, this witness may proceed and be
22 sworn.

23 You may begin, Defense.

24 (Witness sworn.)

DIRECT EXAMINATION

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BY MS. ROSENTHAL:

Q. Thank you. Can you please state and spell your name for the record.

A. First name is Lance, last name Tindell, L-a-n-c-e, T-i-n-d-e-l-l.

Q. How are you presently employed?

A. I work for the Reno Police Department.

Q. Were you so employed on September of 2020?

A. That is correct. Yes, I was.

Q. Were you involved in an investigation related to Mr. Ian Held?

A. That is correct, yes.

Q. And did you at some point interview Mr. Held?

A. I did.

Q. And was that recorded?

A. It was.

Q. How was that recorded?

A. Via body camera.

Q. And why was it recorded via body cam?

A. Because the cameras were down at the time.

Q. Were they down in every room?

A. As far as I know, yes.

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 VI to the following:

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WASHOE COUNTY DISTRICT ATTORNEY
Attn: Appellate Department
Via Electronic Mail

DATED this 28th day of February, 2022.

/s/Randi Jensen
Randi Jensen