

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 XI

MARC PICKER
Washoe County Alternate Public Defender

CHRISTOPHER HICKS
Washoe County District Attorney

MELISSA ROSENTHAL
Deputy Alternate Public Defender

JENNIFER NOBLE
Deputy District Attorney

350 S. Center St., 6th Floor
RENO, NEVADA 89501

1 South Sierra St., 4th Floor
RENO, NEVADA 89501

ATTORNEYS FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 CODE: 4185
LORI URMSTON, CCR #51
2 Litigation Services
151 Country Estates Circle
3 Reno, Nevada 89511
(775) 323-3411
4 Court Reporter

5
6 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8 HONORABLE DAVID A. HARDY, DISTRICT JUDGE
9

10 STATE OF NEVADA,

11 Plaintiff,

Case No. CR20-3104

12 vs.

Dept. No. 15

13 IAN CHRISTOPHER HELD,

14 Defendant.
15 _____/

16 TRANSCRIPT OF PROCEEDINGS

17 TRIAL - DAY 3

18 THURSDAY, JULY 1, 2021

19 Reno, Nevada
20
21
22
23

24 Reported by:

LORI URMSTON, CCR #51

APPEARANCES:

FOR THE PLAINTIFF:

NICKOLAS J. GRAHAM
ROBERT W. DELONG
Deputy District Attorneys
1 South Sierra Street
South Tower, 4th Floor
P.O. Box 30083
Reno, Nevada 89520

FOR THE DEFENDANT:

IAN E. SILVERBERG
MELISSA ROSENTHAL
Alternate Deputy Public Defenders
350 S. Center Street
P.O. Box 30083
Reno, Nevada 89520

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1 RENO, NEVADA; THURSDAY, JULY 1, 2021; 9:18 A.M.

2 --o0o--

3 (Proceedings outside the presence of the jury.)

4 MS. ROSENTHAL: Can we address a housekeeping
5 matter?

6 THE COURT: Yes.

7 MS. ROSENTHAL: I think it's reasonable to believe
8 that this case may conclude today. In that case is the
9 Court willing to proceed with jury instructions this
10 evening and then we could present them to the jury in
11 the morning or how is that going to look?

12 THE COURT: I am willing to entertain jury
13 instructions this evening. I have reviewed all of the
14 instructions the State has proffered. I don't know if
15 you have separately submitted any. I don't request
16 that you do so. I don't know which instructions you
17 disagree with. So do you think there will be a lengthy
18 jury instructions process?

19 MS. ROSENTHAL: Your Honor, we do have some
20 instructions to propose that we'll get filed as soon as
21 we can. Specifically the one on spoliation of evidence
22 I have one. I don't believe that it would be -- I
23 would think an hour or two would be plenty to discuss
24 it. I don't see it going beyond that.

1 MR. DELONG: I don't disagree, Your Honor. We
2 would ask that when we settle if we could settle phase
3 one and phase two at the same time, because phase two
4 should be completely independent of any result in phase
5 one of the trial.

6 THE COURT: So I grant your motion to bifurcate.
7 If there's a defense response, I haven't seen it. Do
8 you contemplate that this same jury upon completion of
9 phase one will be -- will receive additional arguments
10 and then sent to deliberate again?

11 MR. DELONG: Essentially a mini trial, yes, Your
12 Honor, on Count III.

13 THE COURT: When you say "mini trial," to include
14 the introduction of new evidence?

15 MR. DELONG: Yes, Your Honor, we would need two
16 witnesses. It's not expected to be long, but two
17 witnesses and then submission of one document to the
18 Court.

19 THE COURT: So when Ms. Rosenthal suggests that we
20 might finish today, that's finishing phase one. So I'm
21 trying to add time into the whole deliberation process
22 as I think about tomorrow.

23 MR. DELONG: Of course. And the difficulty I would
24 think is just that we couldn't complete today I

1 wouldn't think because we have no idea how long
2 deliberation would take for phase one, but I would just
3 suggest that we try to settle both jury instructions at
4 the same time if that's how we're proceeding.

5 THE COURT: We'll see how it goes.

6 MS. ROSENTHAL: Your Honor, I do have another
7 question. Regarding phase two, we don't disagree that
8 there should be separation from Counts I and II to
9 Count III. That's why there was no response to that
10 motion. But we, depending on the outcome of this jury,
11 may disagree with them hearing Count III.

12 THE COURT: Let me just sit with what I've heard.
13 I'll ask you to be more direct, because the inference I
14 make from your words is that if this jury convicts your
15 client of the two counts you're not particularly fond
16 of this jury to submit the third count to it whereas if
17 this jury acquits your client on the first two counts
18 you'd like this jury.

19 MS. ROSENTHAL: And I think it goes to prior bad
20 acts, Your Honor. This jury would have found a prior
21 bad act or a felony. They don't know what the level
22 is, but they would have information as to potential of
23 a prior bad act whereas if they acquitted there's not
24 that to be heard on the possession of a weapon. If

1 he's found not guilty, then there's no saying that he
2 had a prior bad act. If he's found guilty, then there
3 would be the inference that there was a prior bad act.
4 And that's the distinction I would like to make.

5 THE COURT: So I would invite you at the proper
6 time to inform the Court with points and authorities,
7 because there is a distinction between bifurcation and
8 severance. I do not contemplate calling a new jury in
9 to begin anew. That's not the framework that I'm
10 familiar with or that the State proposes. So to
11 override that defined definition of bifurcation I would
12 need some case law.

13 MS. ROSENTHAL: Your Honor, I have one more thing.
14 Sorry. If this case is resolved and Count III is
15 outstanding, my question is whether the Court would
16 consider an unconditional plea -- or a conditional plea
17 in the sense of preserving appellate rights of Mr. Held
18 related to the Franks motion.

19 THE COURT: Yes.

20 MS. ROSENTHAL: Thank you.

21 THE COURT: Let me just -- I want to make sure that
22 we're using the words "conditional plea" similar. My
23 experience with a conditional plea, it's kind of a
24 Creps, C-r-e-p-s, I think, process whereby the

1 attorneys want an advisory opinion as to sentencing. I
2 regularly say no. Then they say, well, we're going to
3 enter this plea, but if we don't get the sentence we
4 want we have reserved the right to withdraw the plea.
5 That's what I hear when you use the word "conditional."

6 MS. ROSENTHAL: So my thought -- the reason I used
7 that word was it would not be in agreement with the
8 State because it would just be a plea to the count.
9 It's not an agreement as to anything, it's just a plea.
10 But when somebody enters a plea, they essentially give
11 up appellate rights as to that count. And it would be
12 a conditional plea with the condition that Mr. Held
13 reserves his right to appeal the Franks suppression
14 motion which if it had been granted would have
15 dismissed this charge. Or the charge would not have
16 sit.

17 THE COURT: Which charge?

18 MS. ROSENTHAL: Count III, the possession of the
19 weapon.

20 THE COURT: So you think if I would have suppressed
21 the tools --

22 MS. ROSENTHAL: The guns were included in the
23 trailer.

24 THE COURT: We didn't focus on that, so I'm not as

1 familiar. So I renew my yes. If your request is that
2 I accept a plea reserving his ability to challenge my
3 Franks decision on appeal, I think he has every right
4 to challenge my Franks decision, but I would accept the
5 plea and enter judgment and impose sentence and we
6 would see what the supreme court did.

7 MS. ROSENTHAL: Thank you.

8 MR. DELONG: Your Honor, it's my understanding the
9 State has no ability to stand in the way of a plea, but
10 this is a condition the State would not agree to, it
11 would not stipulate to. We don't concede that it's
12 appropriate to plea and retain your appellate rights
13 which is against the established law concerning plea
14 agreements or pleading guilty. If you're going to
15 plead guilty and admit that you did it, there are
16 consequences to that. And so if he wants to proceed,
17 that's fine, but we don't concede in any way -- in
18 fact, we object to such a plea.

19 THE COURT: All right. Then I'll read the law in
20 the interim. My first reaction was that it was a
21 distinction without a difference because another court
22 will be looking at this Court's decision. I just now
23 need to think about if there is relief granted on the
24 search warrant Franks issue would that somehow also

1 affect Count III automatically. I guess I'll think
2 about it and do some research on this conditional plea.
3 My goal is to reserve appellate rights to the extent
4 necessary.

5 MS. ROSENTHAL: Your Honor, again I would just
6 point out the agreement between Mr. Held and the State
7 is simply Mr. Held pleading to the charge, it's not any
8 sort of plea agreement. It's just a plea with that
9 condition.

10 MR. DELONG: The State takes the position that
11 that's basically requesting special relief beyond the
12 establishment of current law because it's not just a
13 plea. And I agree, Your Honor, I think the Franks
14 motion would be -- concern any result in Count III if
15 Count III were to go through trial and a verdict was
16 entered. And so that's why the State objects to this
17 and doesn't believe it would be appropriate based on
18 existing law.

19 THE COURT: All right. Ms. Rosenthal, find me a
20 case that authorizes me to do what you've requested.

21 Do we have all our jurors?

22 Excuse me. I'll be right back.

23 (A recess was taken.)

24 THE COURT: I can tell you already that I'm going

1 to have the attorneys meet out of my presence and I'm
2 going to have you merge these into one packet in which
3 the disputed ones are identified, because I don't want
4 to go through two separate packets that have all of the
5 general stock instructions.

6 MR. DELONG: And I just thought, Your Honor, I do
7 have a redacted version. We submitted the version that
8 would apply if the bifurcation motion isn't granted.
9 And so if it's okay to give that to the Court right
10 now.

11 THE COURT: I have that. I've reviewed it. The
12 supplementals?

13 MR. DELONG: No, the supplemental would be phase
14 two, Your Honor. This is the packet that included --
15 so we sent a packet that had the exact information
16 which wasn't redacted, because we sent that five days
17 before. I now have a redacted version.

18 THE COURT: I saw it redacted in the supplementals.
19 Because I had circled it in the originals indicating we
20 needed to redact it. But that's fine. We'll go back
21 to my concern. I'm not going to pour through two
22 separate stacks that contain duplicitous stock
23 instructions. I need one tendered instruction that
24 says here's where we agree and here's where we

1 disagree. So I'll give you time either at the end of
2 the day or during lunch.

3 MR. DELONG: Thank you, Your Honor.

4 THE COURT: You can stop writing. When we'll
5 settle instructions we'll certainly go on the record.

6 (Discussion off the record.)

7 (Proceedings within the presence of the jury.)

8 THE COURT: All right. Counsel, the jury is here.
9 Let's begin.

10 The entire jury is present as are trial
11 participants.

12 Deputy, if you will retrieve Officer Fye, please,
13 the defense may commence it's cross-examination.

14 Officer Fye, you have previously been sworn. You
15 remain under oath. This is a continuation of your
16 witness examination. You are now susceptible to
17 cross-examination and the defense may begin. Have a
18 seat, please.

19 THE WITNESS: Thank you.

20 CROSS-EXAMINATION

21 BY MS. ROSENTHAL:

22 Q Good morning.

23 A Good morning.

24 Q So in this instance you were the lead

1 investigator; correct?

2 A Correct.

3 Q And you work for the Sparks Police Department?

4 A Yes.

5 Q And other officers involved, what agency did
6 they work with?

7 A For Reno Police Department and the Washoe
8 County Sheriff's Office.

9 Q So would you call it a joint task force?

10 A Correct.

11 Q And when you are conducting an investigation
12 with a joint task force which department's policies are
13 you following?

14 A I believe that we have a regional policy. I'm
15 not exactly sure. Do you mean -- can you rephrase the
16 question for me?

17 Q Yes. You indicated you work for the Sparks
18 Police Department.

19 A Yes.

20 Q Other officers involved may have worked for
21 Washoe County Sheriff's Office or the Reno Police
22 Department?

23 A Correct.

24 Q You are the lead investigator?

1 A Correct.

2 Q When you are conducting an investigation as
3 part of the joint task force whose policies does the
4 investigation fall under?

5 A Like I said, there's a joint -- I think that
6 they have a joint agreement where we take policies from
7 each of the different agencies that will best fit our
8 unit.

9 Q And the events related to this case that you're
10 here for today occurred in the Reno jurisdiction;
11 correct?

12 A Correct.

13 Q And are you familiar with Reno's policies?

14 A I'm more familiar with Sparks'. I'm somewhat
15 familiar with Reno's.

16 Q Would you say that they are relatively similar?

17 A Yes.

18 Q And when you first received the case from the
19 officers that responded, you indicated that there was
20 potential suspects; correct?

21 A Correct.

22 Q So more than one?

23 A From the -- you're talking about from the very
24 first at the 1440 Whisper Rock?

1 Q Correct.

2 A At that time I was only made aware of one
3 suspect.

4 Q But you were aware that somebody else was on
5 the lease to the U-Haul; correct?

6 A Correct.

7 Q And did you ever contact U-Haul yourself?

8 A I did not.

9 Q And as lead investigator what are your duties?

10 A It is to gather the information from those
11 initial officers and kind of compile those into an
12 all-encompassing case. And with that being said, you
13 know, we are a task force, we are a team, so there is a
14 lot of like separation of tasks and stuff like that
15 where we split up the work. It's not just solely my
16 responsibility.

17 Q And are you responsible for separating those
18 tasks?

19 A Not always, no.

20 Q Somebody above you does that?

21 A Either that or, again, it's a team environment,
22 so most of the time someone would just say, "I'll take
23 care of that, I'll take care of this," and, you know,
24 we just do it as a team.

1 Q But as lead investigator do you review what the
2 other people do?

3 A Yes.

4 Q And when you first got made aware of this case
5 you had information that a U-Haul was parked outside of
6 a residence; correct?

7 A Correct.

8 Q And that that U-Haul had -- the lease of that
9 U-Haul had been looked into?

10 A Correct.

11 Q And it had been determined that a person by the
12 name of Ian Held had leased that?

13 A Correct.

14 Q And that that U-Haul had been located on a
15 street?

16 A Yes.

17 Q Outside of a residence?

18 A Correct.

19 Q That at some point had been broken into?

20 A Correct.

21 Q You did not know when it was broken into?

22 A Correct.

23 Q And did you do any follow-up with that
24 homeowner?

1 A Later on, yes.

2 Q Okay. And did you come to find out that he was
3 not home during that time?

4 A Yes.

5 Q And that he had been away for a couple of weeks
6 in fact?

7 A Correct.

8 Q And that the only person that kind of checked
9 on it came every Monday?

10 A What I was told was that there was a couple of
11 neighbors that helped him watch the residence. They
12 were aware that he would be away from his house for
13 sometimes extended periods of time. And they're a
14 close little community, I guess, so they would help
15 watch the house. And I was also made aware of a
16 landscaper I think that was there on a regular basis,
17 and I believe that that's who you're referring to.

18 Q And it's clear that nobody knows when the house
19 was broken into; correct?

20 A I believe that there's a timeframe, but, yeah,
21 I guess to pinpoint it, not exactly.

22 Q So there's no saying that the day the U-Haul
23 was parked in front was the day the house was broken
24 into; correct?

1 A Correct.

2 Q And would you consider the neighbors somewhat
3 of a neighborhood-watch-type group?

4 A It appeared like that to me, yes.

5 Q And have you come to see photos of the U-Haul
6 truck?

7 A Yes.

8 Q And it's accurate that that truck is parked on
9 a street?

10 A Correct.

11 Q It was never parked in the driveway based off
12 of the photo?

13 A Correct.

14 Q And that street is a public street?

15 A Correct.

16 Q I could go and park my car on that street;
17 correct?

18 A Yes.

19 Q And the U-Haul that was rented was rented
20 legally; correct?

21 A Correct.

22 Q And there was a lease for that?

23 A Yes.

24 Q And the U-Haul was in fact returned in a proper

1 amount of time?

2 A I believe so.

3 Q And the person you identified as Mr. Held's
4 name was on that lease?

5 A Correct.

6 Q In addition to his proper address?

7 A Correct.

8 Q And phone number?

9 A Correct.

10 Q And in no regard was Mr. Held trying to hide
11 that he was the renter of the U-Haul; correct?

12 A Correct.

13 Q So Mr. Held driving around the U-Haul, it was
14 valid for him to do so?

15 A Correct.

16 Q Mr. Held parking a U-Haul on a public street,
17 nothing wrong with that?

18 A Correct.

19 Q And so when you began your surveillance as you
20 called it on Mr. Held, the information you had was that
21 Mr. Held had rented a U-Haul and that U-Haul was parked
22 on a public street?

23 A Correct.

24 Q And that street just happened to be near a

1 house that had been broken into?

2 A That's a vague description of it. The
3 information that I got was that the U-Haul was parked
4 in front of the house. The neighbor had thought that
5 that was suspicious. What I gathered was that he was
6 very familiar with the houses, the neighborhood, the
7 neighbors and the community, so he knew what was normal
8 and what was not. And so he thought that a moving
9 truck was abnormal and he thought that the driver he
10 did not recognize was abnormal.

11 Q I'm going to stop you right there, please.

12 A Okay.

13 Q You saw a picture of the U-Haul; correct?

14 A Correct.

15 Q And it in fact is not a moving van?

16 A It's a moving truck.

17 Q It's actually a pickup truck; correct?

18 A Yes.

19 Q So the same as like an F-150?

20 A Correct.

21 Q Or a GMC 1000?

22 A Yes.

23 Q So it's a typical truck?

24 A Correct.

1 Q A truck that many people drive to and from work
2 every day?

3 A Yes, but I believe U-Haul rents trucks for
4 people to move. It's a moving truck.

5 Q But anyone can go rent a U-Haul for a day or a
6 couple days; correct?

7 A Correct.

8 Q U-Haul doesn't ask them what they're using it
9 for?

10 A No.

11 Q I could go rent a moving truck --

12 A Yes.

13 Q -- because I needed to move something?

14 A Exactly.

15 Q Or because I just needed a truck that day?

16 A Correct.

17 Q So there's nothing unique about this U-Haul
18 truck; correct?

19 A Correct.

20 Q So there's nothing suspicious about a U-Haul
21 truck being parked on a public street; correct?

22 A In these circumstances according to the witness
23 it was unusual.

24 Q Okay. But that person did not know about the

1 break-in at that time; correct?

2 A Correct.

3 Q And so it was actually the day before that he
4 took that photo of the U-Haul?

5 A Correct.

6 Q So at the time that he took that photo and
7 declared it suspicious, it was just a U-Haul parked on
8 a street?

9 A Yes.

10 Q I'm going to show you -- I'm showing you and
11 the jury what's been admitted as Exhibit 88. This is
12 the photo we're referring to; correct?

13 A Yes.

14 Q And this is the U-Haul you see here?

15 A Yes.

16 Q And it is in fact a Chevy Silverado; correct?

17 A Yes.

18 Q You can see that right here.

19 A Okay.

20 Q Would you like it closer up so you could see
21 that?

22 A No.

23 Q And so it's just a truck?

24 A Correct.

1 Q And moving forward, you began surveillance once
2 this report came to you?

3 A Correct.

4 Q And your surveillance lasted a couple days? a
5 couple hours?

6 A I believe we began surveillance on September
7 23rd and it was off and on, intermittent surveillance
8 between that date and September 28th when the arrest
9 was made.

10 Q And when you were doing that surveillance was
11 it 24 hours or was there a timeframe during the day
12 that that occurred?

13 A It was intermittent.

14 Q Intermittent?

15 A Yes.

16 Q And who decided what the hours would be?

17 A It was just depending. Like I mentioned
18 yesterday --

19 Q I'm going to stop you there. So the jury was
20 not present for any of that testimony, so I'm going to
21 ask you just to answer my questions, please.

22 A Okay. So we are a task force. We have other
23 responsibilities. And so when time allotted or when we
24 felt appropriate we would conduct the surveillance, and

1 that varied per day.

2 Q So you were not watching Mr. Held 24 hours a
3 day?

4 A Correct.

5 Q And often you would get notice when he was
6 moving; correct?

7 A Correct.

8 Q Because you were tracking a vehicle he was
9 driving?

10 A Correct.

11 Q That vehicle is not the U-Haul; correct?

12 A Correct.

13 Q So most of your surveillance came when you got
14 a notification that he was moving?

15 A I would just monitor it, not necessarily just
16 the notifications, I would monitor it on my own.

17 Q Okay. But you didn't -- you weren't conducting
18 surveillance on his trailer that whole time?

19 A Not the whole time, but also intermittently
20 separate from the vehicle we were conducting
21 surveillance on his residence.

22 Q At any time during your surveillance, you
23 personally surveilling Mr. Held, did you see Annebelle
24 Bush at the trailer?

1 A Yes.

2 Q And was that any time outside of September

3 28th?

4 A Yes.

5 Q And when you were surveilling the other vehicle

6 was Mr. Held always the driver?

7 A Yes.

8 Q And when you were going over the map with

9 Mr. DeLong with the points and directions of travel, do

10 you remember that?

11 A I do.

12 Q Do you verify the time on those marks?

13 A I know that the tracker data is very accurate

14 and, yeah, the time is always accurate.

15 Q And how do you know that?

16 A Just from using it for several years.

17 Q But is it a program that has to be updated

18 frequently?

19 A No.

20 Q So once the time is set it's just set forever?

21 A It's managed by the company.

22 Q At any time do you compare those to your time

23 on your phone perhaps?

24 A Yes.

1 Q And so back to why you began your surveillance.
2 You began your surveillance because a U-Haul was rented
3 in his name and parked on a public street?

4 A Correct.

5 Q And now I'm going to show you what's been
6 admitted as Exhibit 35. Do you recognize this
7 photograph?

8 A Yes, I do.

9 Q Did you take this photograph?

10 A I did not.

11 Q And when you were conducting surveillance on
12 Mr. Held did you ever see the U-Haul truck and the
13 trailer in this position?

14 A I never saw the U-Haul truck in that position,
15 no. I saw the trailer in that position.

16 Q Because you never saw the U-Haul truck
17 physically; correct?

18 A Correct.

19 Q So you never saw the U-Haul parked in front of
20 Mr. Held's trailer?

21 A Correct.

22 Q And when you were following the other vehicle
23 and you decided to go pursue following it in the
24 neighborhood of University Park Loop, that occurred

1 during the middle of the day; correct?

2 A Correct.

3 Q And I think based off hours it was around 2:00

4 in the afternoon?

5 A Correct.

6 Q And it was the time of year where it would be

7 sunny out during that time?

8 A Correct.

9 Q And it's a neighborhood, so there's other

10 houses around?

11 A Correct.

12 Q And you could see from the map that was

13 provided yesterday there's actually a lot of houses

14 around?

15 A Yes.

16 Q And so you found it suspicious that this car

17 was just going through a neighborhood in the middle of

18 the day?

19 A Correct.

20 Q And you mentioned that when you first left the

21 area nothing appeared out of the sorts.

22 A Correct.

23 Q And that a call came in later?

24 A Yes.

1 Q And isn't it true that that call was actually
2 for a destruction of property?

3 A I'm not sure what the call was titled, but yes.

4 Q So is it your opinion that it was not labeled
5 an attempted burglary?

6 A I'm not sure. Often when a dispatcher receives
7 a call it may sound like something and then when an
8 officer goes there it may turn out to be something
9 else.

10 Q But the person that called said it was for
11 destruction of property; correct? And it could have
12 been labeled something later, or you don't know?

13 A I don't know.

14 Q And you indicated yesterday that you followed
15 Mr. Held for a couple of days?

16 A Correct.

17 Q And during those couple of days nothing new
18 happened in regards to Mr. Held; correct?

19 A Correct.

20 Q So any probable cause in your mind that existed
21 back on September 21st existed throughout that week?

22 A Yes.

23 Q And so you chose not to arrest Mr. Held on the
24 21st; correct?

1 A Correct.

2 Q And nothing in Mr. Held's actions between then
3 and the 28th changed in regards to the burglary?

4 A Correct. You're talking about leading up to
5 the arrest?

6 Q Correct.

7 A Okay. Correct.

8 Q And you -- sorry I'm jumping around a little
9 bit. That's just because that's how my notes are.
10 When you were surveilling Mr. Held you were in a common
11 area?

12 A Yes.

13 Q And that common area was in the trailer park?

14 A Correct.

15 MS. ROSENTHAL: Your Honor, I would ask to have
16 this marked.

17 THE COURT: Yes.

18 THE CLERK: Exhibit 89 marked for identification.

19 (Exhibit 89 was marked.)

20 BY MS. ROSENTHAL:

21 Q I'm going to show you a photograph and ask that
22 you keep it to yourself until it's admitted, if it is.

23 A Okay.

24 Q Do you recognize what's in this?

1 A Yes, I do.

2 Q And how do you recognize it?

3 A You said to keep it to myself. Do you want me
4 to tell you what it is?

5 Q Just how do you recognize it?

6 A Because I've been here.

7 Q Does it appear to be an aerial photograph of
8 the trailer park?

9 A Yes.

10 MS. ROSENTHAL: Your Honor, I would ask for
11 admission of 89.

12 MR. DELONG: No objection, Your Honor.

13 THE COURT: 89 is admitted.

14 (Exhibit 89 was admitted.).

15 MS. ROSENTHAL: Publishing that to the jury now.

16 BY MS. ROSENTHAL:

17 Q So I've zoomed in a little. But this is what
18 you said is the aerial photograph, this is the trailer
19 park area; correct?

20 A Yes.

21 Q And I know it's a little hard to see, but the
22 common area is on this side; correct?

23 A The common area would be pretty much that whole
24 area where your finger was where that red roof is, the

1 grass area to the north of that and then a sidewalk
2 that surrounds it.

3 Q And what's the red roof?

4 A I believe it's where the bathrooms and the
5 laundry and maybe like some storage buildings for the
6 RV park are located.

7 Q Where is the main office for this RV park?

8 A It is out of the photo right now to the north.
9 So up Edwards Way the trailer park continues and the
10 office is up in that second loop.

11 Q Over in this area?

12 A No, that will be a mobile home park. So, yeah,
13 it cuts it off, but you can see at the very top of the
14 photo where it starts to round out again there's a
15 whole other loop of trailers.

16 Q Over here?

17 A Correct.

18 Q Okay. So the office is where you spoke to the
19 lady?

20 A Where Deputy Catalano spoke with the manager.

21 Q And in this photo do you see the spot where
22 Mr. Held's trailer was parked?

23 A I know the area and I can narrow it down to two
24 spaces.

1 Q It's over in this area; correct?
2 A Correct.
3 Q And you were in the common area over here?
4 A No, I was to the south of the building with the
5 red roof.
6 Q Over on this side?
7 A Yes.
8 Q And Mr. Held's trailer was in this area?
9 A Correct.
10 Q And how far away would you say you were?
11 A I would say that it varied between maybe 10 and
12 20 yards.
13 Q And you were there for two to three hours?
14 A Correct.
15 Q And at any time while you were there did anyone
16 approach you?
17 A No.
18 Q Anybody ask you why you were there?
19 A No.
20 Q And you clearly could see Mr. Held coming in
21 and out of his trailer?
22 A Correct.
23 Q And did Mr. Held ever look at you?
24 A No.

1 Q And what time of day was this?

2 A This was like afternoon, around noon.

3 Q And you had done surveillance on that area for

4 a couple of days at that point?

5 A Yes.

6 Q Are you familiar with the layout of the trailer

7 park?

8 A Yeah, to some degree.

9 Q And you're familiar with how it looks from the

10 street view?

11 A Yes.

12 Q I'm going to show you another series of

13 exhibits.

14 A Okay.

15 Q I ask you to look at those and let me know when

16 you're done.

17 Thank you.

18 And, Mr. Fye, do these appear to be photos from

19 that trailer park?

20 A Yes.

21 Q And do they show different angles and areas in

22 that trailer park?

23 A Yes.

24 Q And is it -- are they accurate as to what you

1 saw on that day?

2 A Some of them they're zoomed in pretty far and
3 it's hard to tell exactly, but I would say that no,
4 they're not the same as when I was observing.

5 Q And they're not the same because there's
6 different trailers there maybe?

7 A Yeah.

8 Q But the layout is the same?

9 A Yes.

10 Q And the common area is the same?

11 A Yes.

12 Q And the views are accurate views of the trailer
13 park?

14 A Currently, yes.

15 Q They're not altered?

16 A Correct.

17 MS. ROSENTHAL: Your Honor, I would ask for
18 admission of defense Exhibits 64 through 84.

19 MR. DELONG: Permission to voir dire, Your Honor.

20 THE COURT: Yes.

21 VOIR DIRE EXAMINATION

22 BY MR. DELONG:

23 Q So you didn't take these photos, did you?

24 A No.

1 Q Do you know when they were taken?

2 A I do not.

3 Q Do you see any depiction of Ian Held's trailer
4 in here?

5 A I do not.

6 Q Are you able to identify for sure which space
7 is his?

8 A In those photos?

9 Q Yes.

10 A I believe so. There's no numbers indicating,
11 but, yes, I think I can.

12 Q Do you know for sure or you think you can?

13 A I know it's one of two spaces.

14 Q But these photos don't depict what the trailer
15 park looked like the day Ian Held was arrested, do
16 they?

17 A They do not.

18 MR. DELONG: Your Honor, the State objects to their
19 admission because we don't believe proper foundation
20 has been determined. It's possible that individual
21 photos might be, but this is a group we believe does
22 not depict --

23 THE COURT: May I see them, please.

24 MR. DELONG: Yes, Your Honor.

1 -- the trailer park the day of the arrest or the
2 specific trailer at issue.

3 THE COURT: To the defense, which of these 20 do
4 you intend to ask -- use as you ask specific questions?

5 MS. ROSENTHAL: Your Honor, I'm not sure. I'm
6 happy to try to admit them one by one.

7 THE COURT: I would like you to do that, please.
8 Understanding the theme of the State's objection, it is
9 overruled, but I think it's appropriate to narrow the
10 number of photographs to the specific ones used with
11 this witness as opposed to entering them all as a
12 block.

13 So at the moment none are admitted, Ms. Clerk.

14 But if you will just simply recite the numbers --
15 the number of the exhibit as you hand it to the
16 witness, they will then be admitted by court statement.

17 CROSS-EXAMINATION (Resumed)

18 BY MS. ROSENTHAL:

19 Q Did you ever conduct surveillance from the
20 outside of the trailer park?

21 A Yeah. We again as a team shared the
22 responsibility of maintaining the eye and then
23 surrounding positions.

24 Q And there's other buildings around the trailer

1 park; correct?

2 A Correct.

3 Q And in fact the trailer is parked kind of with

4 one side on a main street?

5 A Correct.

6 Q There's a big fence there?

7 A A brick wall, yes.

8 Q There's also a wooden fence; correct?

9 A Yes.

10 Q And you drove through the entrance of the

11 trailer park?

12 A Yes.

13 Q And around the loop?

14 A Correct.

15 Q The trailers are kind of parked at different

16 diagonals; correct?

17 A Yes.

18 Q I'm going to show you what's been marked for

19 identification as Exhibit 64. Do you recognize this

20 photograph?

21 A Yes.

22 Q And does it appear to be the outside street of

23 the trailer park?

24 A Yes.

1 Q Does it appear to be an accurate depiction of
2 that street?

3 A Yes.

4 MS. ROSENTHAL: Your Honor, I would ask for
5 admission of 64.

6 THE COURT: 64 is admitted.

7 (Exhibit 64 was admitted.)

8 BY MS. ROSENTHAL:

9 Q I'm now showing you Exhibits 67, 68 and 70.

10 MR. DELONG: Permission to review what specific
11 photos are being seen.

12 THE COURT: Yes.

13 BY MS. ROSENTHAL:

14 Q 67, 68 and 70, do you recognize this?

15 A Yes.

16 Q Does it appear to be the outside wall of the
17 trailer park?

18 A Yes.

19 Q Does it accurately reflect the wall as you saw
20 it?

21 A Yes.

22 MS. ROSENTHAL: Your Honor, I would ask for
23 admission of 67, 68 and 70.

24 MR. DELONG: May I, Your Honor?

1 THE COURT: I'm sorry?

2 MR. DELONG: May I voir dire?

3 THE COURT: No. 67, 68 and 70 are admitted.

4 (Exhibits 67, 68 and 70 were admitted.)

5 BY MS. ROSENTHAL:

6 Q I'm now showing you Exhibit 78. Do you

7 recognize this?

8 A Yes.

9 Q Does it appear to be the front entrance of the

10 trailer park?

11 A Yes.

12 Q Does it accurately reflect the front entrance?

13 A Yes.

14 MS. ROSENTHAL: Your Honor, I would ask for

15 admission of this exhibit.

16 THE COURT: 78 is admitted.

17 (Exhibit 78 was admitted.)

18 BY MS. ROSENTHAL:

19 Q Officer Fye, you testified that you drove

20 around the trailer park several times.

21 A Throughout the course of the surveillance?

22 Q Yes.

23 A Yes.

24 Q And it's in a horseshoe shape; correct?

1 A Yes.

2 Q Or a square shape?

3 A Yeah.

4 Q And the trailers that are parked there are
5 angled; correct?

6 A Correct.

7 Q I'm showing you Exhibits 73, 83 and 75. Do you
8 recognize the contents of these photos as it relates to
9 the direction that the trailers are parked in the
10 trailer park, not as to the specific trailers?

11 A Yes. I mean, I can orientate myself and I
12 understand where this is in the complex, but this is
13 where the landscape looks a bit different just because
14 of the trailers that are in these photos.

15 Q Not the specific trailers but the angle of the
16 trailers, are those accurate?

17 A Yes.

18 Q And it is accurate to show direction?

19 A Correct.

20 MS. ROSENTHAL: Your Honor, I would ask for
21 admission of these exhibits.

22 MR. DELONG: Objection based on foundation, Your
23 Honor. He doesn't recognize the trailers that are
24 contained in the photos.

1 MS. ROSENTHAL: Your Honor, I'm not admitting them
2 for --

3 THE COURT: I don't want speaking objections or
4 responses. Let me just look.

5 73, 83 and 75 are admitted.

6 (Exhibit 73, 75 and 83 were admitted.)

7 BY MS. ROSENTHAL:

8 Q You testified you were in the common area as
9 you referred to it for several hours?

10 A Yes.

11 Q And that common area, you are familiar with how
12 it looks?

13 A I am.

14 Q And you're familiar with that because you had
15 been there for a long period of time?

16 A Correct.

17 Q So I'm going to present to you Exhibits 79, 80,
18 81 and 84 and ask if you recognize these as they
19 pertain to the area you refer to as the common area.

20 A The same as the last time, I recognize this as
21 being the south corner of the common area, but again
22 the landscape is heavily different than when I was
23 surveilling.

24 Q And you indicated on cross a little bit ago

1 that you were in that south area; correct?

2 A Correct.

3 Q So it's the same corner that you were in?

4 A Yes.

5 Q And the landscaping different is that there may
6 be different trailers parked there?

7 A There are different trailers and also the
8 vegetation is a little bit different being a different
9 time of year and being a year of growth and things like
10 that and other possible things. Do you want me to
11 continue? I recognize that being the area and being
12 very close to where I was, but again that photo doesn't
13 depict what I was seeing.

14 Q And we don't have a photo of what you saw,
15 because you didn't take any photos that day; correct?

16 A Correct, because I was in an undercover
17 capacity.

18 Q So there's no way for us to have photos of the
19 events on that day because none were taken?

20 A Correct.

21 Q But this shows the angle or view you would have
22 had that day?

23 A Not correct.

24 Q Because there's different trailers involved?

1 A And different vegetation and again just not the
2 exact spot, exact angle, exact height and things that I
3 was -- you have a picture that doesn't show the trailer
4 and I was able to see the trailer.

5 Q Okay. So this is actually more hindering than
6 what you saw?

7 A Yes.

8 Q Did you take any photos of the trailer while
9 you were under surveillance?

10 A No.

11 Q Do you ever?

12 A If they're needed for evidentiary purposes I
13 have in the past, yes.

14 Q So there could have been evidentiary value in
15 having photos of what you could see that day; correct?

16 A How so?

17 Q There could have been evidentiary value to
18 having photos of what you could see that day; correct?

19 A Potentially.

20 Q But you didn't take those?

21 A Correct.

22 Q And even after an arrest was made you didn't
23 have photos taken of the scene?

24 A Correct.

1 Q And when you arrested the individuals you
2 arrested two people; correct?

3 A Correct.

4 Q Because there was multiple suspects in your
5 mind?

6 A Correct.

7 Q And when you were conducting surveillance and
8 you were in that southeast corner common area where
9 were other officers, do you know?

10 A I don't know exactly, but they were all set up
11 outside of the trailer park, I believe, or close by on
12 Edwards Way.

13 Q And I'm going to refer you back to this map
14 that's up here, Exhibit 89. Where were Mr. Held and
15 Ms. Bush arrested based off of this map?

16 A That would be a better question for the
17 officers that placed them under arrest.

18 Q Okay. To your knowledge were they arrested in
19 this complex?

20 A I believe that they made themselves out towards
21 Edwards, but they were out of my view when they were
22 under arrest, so I can't say for sure.

23 Q Okay. But you -- was it you that initiated
24 them leaving the trailer or was that another officer?

1 A That initiated them leaving? So they were
2 called out of the trailer by a civilian and I watched
3 them leave the trailer.

4 Q But that civilian was under direction of
5 officers; correct?

6 A Correct.

7 Q And so you had asked the civilian to call
8 Mr. Held out?

9 A Detective Catalano did.

10 Q And that was a ploy, wouldn't you say?

11 A A ruse, yes.

12 Q Ruse, ploy, same thing?

13 A Yes.

14 Q So you were tricking him?

15 A We -- so like I explained earlier --

16 Q It's a yes-or-no question.

17 THE COURT: No, I'm going to allow the witness to
18 answer the question that was asked acknowledging this
19 is cross-examination.

20 Go ahead, please.

21 THE WITNESS: Thank you. Just for officer safety
22 purposes. I had witnessed him come in and out of the
23 trailer but never far enough to apprehend them safely
24 to where he couldn't go back into the trailer. So for

1 our safety purposes and for his safety, yeah, we
2 created that ruse to get him far enough away from the
3 trailers so that he could be contacted out in the open
4 again for his safety and for officer safety.

5 BY MS. ROSENTHAL:

6 Q But you had been conducting surveillance on
7 Mr. Held for days at that point?

8 A Yes.

9 Q So you had plenty of opportunities to arrest
10 him based off of the probable cause dating back to the
11 21st; correct?

12 A Well, the circumstances did change on the
13 arrest date or just before it because the vehicle that
14 we were following him in had gone missing and the
15 tracking device was not responding. So it made it
16 difficult for us to conduct surveillance on him and we
17 didn't know what he would do. And it was more of a
18 liability to the community at that point and that's why
19 it was determined that the arrest should be made at
20 that time.

21 Q But you could have arrested Mr. Held at any
22 time from the 21st to the 28th; correct?

23 A We could have.

24 Q But you chose not to?

1 A Correct.

2 Q Instead you tricked him to get him out of the
3 trailer?

4 A Correct.

5 Q And once Mr. Held and the other person were
6 under arrest -- can you first tell us the other
7 person's name?

8 A Annebelle Bush.

9 Q And did you come to learn that Ms. Bush was
10 also listed on the U-Haul lease?

11 A Yes.

12 Q Okay. And Ms. Bush was a suspect; correct?

13 A Correct.

14 Q In both the Whisper Rock and the University
15 Park Loop cases; correct?

16 A Not correct. She was never mentioned on
17 Whisper Rock. The witness only observed a male in the
18 truck.

19 Q But she was linked to the U-Haul?

20 A She was linked to the U-Haul, yes.

21 Q And what you had was that the U-Haul was there?

22 A Correct.

23 Q But she was a suspect in your mind in the
24 totality of the circumstances?

1 A Initially with the Whisper Rock she was not
2 considered a suspect. After the 920 South University
3 Terrace Loop, she was discovered to be in a vehicle and
4 that is when she became a suspect.

5 Q And had you conducted surveillance on Mr. Held
6 prior to the University Park Loop?

7 A Yes.

8 Q And was Ms. Bush with him?

9 A Yes.

10 Q Okay. So her only essence of being a suspect
11 was her connection to Mr. Held?

12 A Correct.

13 Q And so that didn't change at any time?

14 A Well, you just said her association with
15 Mr. Held. I would say that we knew that she was
16 associated to Mr. Held prior to the 920 South
17 University Park but wasn't considered a suspect. After
18 seeing the vehicle leaving that scene is when we
19 thought she might be involved in the actual criminal
20 behavior.

21 Q But at that point you knew that she was on the
22 lease to the U-Haul; correct?

23 A Correct.

24 Q And you knew that she was associated with

1 Mr. Held?

2 A Correct.

3 Q And you were the one that conducted her
4 interview?

5 A Yes.

6 Q At any time did she say she was residing in
7 that trailer?

8 A Yes.

9 Q What were her specific words?

10 A I'm not going to give you her specific words
11 because I can't recall, but I can paraphrase it. She
12 had told me that her and Ian had been in a two-month
13 dating relationship, that prior to that she was
14 homeless and that for the past two months she had been
15 living with him.

16 Q Isn't it accurate that she said she actually
17 hadn't stayed there for a couple of day?

18 A She had mentioned to me that in the weekend
19 leading up to the arrest that she had gone to Fernley
20 to visit some family, but I don't remember any
21 specifics about how many days. I know that for a day
22 she went to Fernley and returned, but, again, her
23 primary place of staying was at that trailer.

24 Q And were those her words, that it was her

1 primary place of staying?

2 A She said that that was really the only place
3 that she had to stay. She had children that stayed
4 with somebody else, I believe a family member. She
5 said that she seldomly stayed with them and that that
6 was her main residence.

7 Q So she was transient?

8 A Prior to the last two months.

9 Q But it's your testimony that in the last two
10 months that that trailer was her residence?

11 A Correct.

12 Q And you got into yesterday that you obtained a
13 search warrant for the trailer.

14 A Correct.

15 Q And you applied for that search warrant because
16 you believed there was probable cause to grant it?

17 A Yes.

18 Q And you -- is it your opinion that you had that
19 probable cause at the time of arrest?

20 A Yes.

21 Q Okay. And you did not apply for a search
22 warrant at the time of arrest?

23 A Correct.

24 Q And your anticipation was to seize the trailer

1 in a sense?

2 A Yes.

3 Q And you came to find out that you were unable
4 to?

5 A Correct.

6 Q Because of certain things in or around the
7 trailer mostly that prohibited that?

8 A And the trailer's condition itself, yes.

9 Q Okay. And you believe you could have applied
10 for a search warrant at a later time after it was
11 seized; correct?

12 A So ideally or historically if we were doing
13 something that's mobile, something that can be towed on
14 a trailer or a vehicle, one way of doing it is to tow
15 that to a secure lot, sealing it to maintain its
16 integrity and then getting a warrant later.

17 Q Okay. So the purpose of that is to preserve
18 the integrity of the trailer?

19 A Correct.

20 Q And to make sure it's in the condition that you
21 left it or that it was last seen?

22 A Correct.

23 Q And in fact in this case the integrity was not
24 maintained; correct?

1 A Not correct.

2 Q You allowed Ms. Bush, a suspect, to enter that
3 trailer?

4 A Are you referring to after the interview and
5 she returned to the trailer?

6 Q I'm asking if you allowed Ms. Bush to return to
7 the trailer.

8 A So she was escorted to the Reno Police
9 Department. An interview was conducted. She was
10 brought back to the trailer and then she was allowed
11 into it, yes.

12 Q And that was before you applied for a search
13 warrant?

14 A Correct.

15 Q And she was allowed to return to that trailer
16 without an officer accompanying her inside the trailer?

17 A Correct.

18 Q And that is because Mr. Held denied consent to
19 search that trailer; correct?

20 A She was --

21 Q I'm asking if Mr. Held had denied consent to
22 search the trailer.

23 A Yes, he did.

24 Q And it's your testimony that you believe

1 Ms. Bush was a resident there?

2 A Correct.

3 Q And that she could have consented to the search
4 of that trailer?

5 A Correct.

6 Q Did she consent to the search of that trailer?

7 A I don't know that she asked -- or that she was
8 asked that directly.

9 Q Okay. So instead you just let her go into the
10 trailer?

11 A So when I brought her back she rode with me
12 back to the trailer and then Detectives Catalano and
13 Bailey who were watching the trailer and maintaining
14 that integrity basically took control of her and
15 allowed her to go in. And they watched her go into the
16 trailer from the doorway.

17 Q Okay. So she was under police control?

18 A No, she was released on her own and she was
19 being monitored for safety purposes.

20 Q Okay. For her safety?

21 A For her safety and our safety.

22 Q Okay. But she was no longer a suspect in your
23 mind?

24 A Correct.

1 Q And do you own a trailer?

2 A I do.

3 Q And would you consider yourself an expert on
4 hookups for trailers?

5 A An expert, no.

6 Q So when you said that the hookups were
7 haphazardly done, that's your opinion; correct?

8 A Yes.

9 Q And in fact hookups are often removed or taken
10 off?

11 A Yes.

12 Q And that's how you move trailers?

13 A Yes.

14 Q So in this case the trailer could have been
15 moved?

16 A No. There was the connections to the sewer
17 pipes that were hooked up in an unorthodox fashion
18 where there was tape and things like that involved.
19 And these are lines with sewer content. And then there
20 was some type of an HVAC system I remember on the roof
21 with like ductwork, also like duct taped and affixed to
22 the trailer all in a very makeshift and nontraditional
23 RV fashion.

24 Q Okay. But the trailer was such that it could

1 have been moved if those were taken off?

2 A Also no, because there was a lot of property
3 stored underneath the trailer, a lot of property stored
4 on top of the trailer.

5 Q The trailer was moved eventually; correct?

6 A To my knowledge, yeah.

7 Q So it was moveable?

8 A Eventually, yes.

9 Q So there was nothing saying that that trailer
10 could not have been moved?

11 A All those things that I listed made it --

12 Q But that's your opinion.

13 THE COURT: Hold on. Hold on.

14 Go ahead and answer the question.

15 THE WITNESS: Okay. So it's all about a timeframe
16 for us, okay, because we're officers and we also don't
17 haven't the ability to move this guy's personal
18 property, to detach his lines and to completely uproot
19 his home at this time just for our convenience. And so
20 that's why the determination was made, yes, it was
21 possible, but it was done by the owner of the trailer.

22 THE COURT: Please slow down.

23 THE WITNESS: And police.

24 /////

1 BY MS. ROSENTHAL:

2 Q But you also determined that Ms. Bush had the
3 rights to that trailer; correct?

4 A Correct.

5 Q And she could have assisted in removing the
6 property around it; correct?

7 A It was my understanding that Ian owned the
8 trailer and that she resided in the trailer. So the
9 laws in Nevada about establishing residency in a place
10 don't necessarily correlate with ownership. So I don't
11 think that that would be appropriate either.

12 Q And in fact Mr. Held did not own the trailer?

13 A Correct.

14 Q His mother did?

15 A Correct.

16 Q Okay. So the same thing, it wasn't Mr. Held's
17 property either?

18 A It wasn't his property at the trailer?

19 Q The trailer was his mother's?

20 A The trailer, yes, was owned, I believe, legally
21 like in terms of title by his mother.

22 Q Okay. And it was your anticipation that
23 Ms. Bush was entering the trailer to retrieve personal
24 property?

1 A Correct.

2 Q And then you were going to seize that trailer?

3 A Correct.

4 Q And you were letting her get a few things to be
5 a nice guy?

6 A Correct.

7 Q And she entered that trailer?

8 A Correct.

9 Q Officers Catalano and Bailey were standing
10 there?

11 A Correct.

12 Q And are they also detectives?

13 A They are.

14 Q And so they don't wear body cam either?

15 A Correct.

16 Q But at this point it was known that you were
17 officers?

18 A By --

19 Q By anyone involved with this trailer.

20 A Correct.

21 Q Okay. Ms. Bush knew you were an officer?

22 A Correct.

23 Q You had arrested her?

24 A Yes.

1 Q You had Mirandized her in fact; correct?
2 A Yes.
3 Q Because she was under investigation?
4 A Correct.
5 Q You interrogated her?
6 A I interviewed her, yes.
7 Q But for an interview the Miranda is used for
8 interrogation?
9 A Interviews and interrogations, yes.
10 Q Okay. And Ms. Bush entered the property, the
11 trailer?
12 A Yes.
13 Q And how long was she in there?
14 A I wasn't present for that, so --
15 Q Did you ever see Ms. Bush leave the trailer?
16 A No, not that I recall.
17 Q Did you see Ms. Bush again after that?
18 A Yes.
19 Q Did she have any personal property with her at
20 that time?
21 A No.
22 Q So there was actually nothing that she could
23 say was hers at that time?
24 A Nothing that she could say was hers inside of

1 the trailer?

2 Q Correct.

3 MR. DELONG: Objection. Calls for speculation.

4 THE COURT: It is sustained. I think the question
5 should be reframed. The witness should have an
6 opportunity to understand exactly what the question
7 means, because I heard two different meanings in that
8 question. Go ahead and reframe the question, please.

9 BY MS. ROSENTHAL:

10 Q You saw Ms. Bush after she was allowed to be in
11 the trailer; correct?

12 A Correct.

13 Q And she did not have any personal property on
14 her?

15 A Correct.

16 Q And your understanding is she never took
17 anything out of the trailer before it was searched;
18 correct?

19 A Correct.

20 Q And you supervised that search?

21 A The search of the trailer after the warrant was
22 granted?

23 Q Yes.

24 A When you say -- no, I didn't supervise it.

1 Q Okay. Are you familiar as the lead detective
2 with what and wasn't found in the trailer?

3 A I am.

4 Q To your knowledge was anything specific to
5 Ms. Bush found in that trailer?

6 A I don't know.

7 Q Is that "I don't know" or "No"?

8 A I don't know.

9 Q Was there any mail for her in that trailer?

10 A I don't know.

11 Q Identification?

12 A I don't know.

13 Q Any clothing related to her?

14 A I don't know. I never went into the trailer,
15 so I can't speak to that.

16 Q But you did say you are the lead detective and
17 you review all of the reports in this case.

18 A So I was made aware of what was taken that
19 served as evidence in the case and that's what I'm
20 familiar with.

21 Q Did any of that have any relation to Ms. Bush?

22 A No.

23 Q And you were the one that applied for the
24 search warrant; correct?

1 A Correct.

2 Q And that search warrant was then done
3 telephonically?

4 A Yes.

5 Q And in that -- when you're asking for that
6 search warrant you present to the judge the evidence
7 that you believe is relevant?

8 A Yes.

9 Q And your goal in that is to tell the judge why
10 there's probable cause for the warrant?

11 A Yes.

12 Q And you are under oath in that; correct?

13 A Yes.

14 Q And you relayed information to the judge?

15 A Yes.

16 Q And you've come to find out that some of the
17 information you relayed is not accurate; correct?

18 MR. DELONG: Objection. Ambiguous.

19 THE COURT: No. Overruled. The witness can answer
20 "Yes" or "No" or ask -- I'm sorry. The witness may
21 answer the question.

22 THE WITNESS: So my explanation to that question
23 would be that hindsight is 20/20 in that there could
24 have been additional information in there, but in terms

1 of laying out the foundation, giving details that I
2 knew to be accurate at that time and details that I
3 felt to be true and details that I felt encompassed
4 everything up until that point is what I provided the
5 judge.

6 BY MS. ROSENTHAL:

7 Q Okay. And the statements that you made in
8 there were what you believed was accurate at the time?

9 A Correct.

10 Q Do you recall saying in your application for a
11 search warrant that the U-Haul truck was parked in the
12 driveway of the residence?

13 A Yes, I do.

14 Q And that's not true; correct?

15 A Correct.

16 Q And you said that because that was your
17 interpretation of the information that was given to
18 you?

19 A Yes. So it was relayed to me verbally by
20 Officer Trail -- excuse me -- by Sergeant Welch that
21 the U-Haul truck was parked directly in front of the
22 victim's residence and I interpreted that as being in
23 the driveway. And so when I relayed that
24 telephonically to the judge, I said that it was parked

1 in the driveway because that was my belief at that
2 time.

3 Q Okay. But you were told that it was parked on
4 the street or directly in front of it?

5 A Not on the street, but I was told it was parked
6 directly in front of the house.

7 Q But you were not told it was parked in the
8 driveway? Those were not the words relayed to you?

9 A Correct.

10 Q But those are the words you told the judge?

11 A Correct.

12 Q And you were part of the return of a Ryobi
13 drill?

14 A Yes.

15 Q And that drill was ultimately located in
16 Mr. Held's trailer?

17 A Yes.

18 Q And could you describe the drill for us?

19 A It was a Ryobi power tool set that included a
20 handsaw and a hand drill in a gray case. That's a
21 general description of it.

22 Q And it is a general drill; correct?

23 A What do you mean?

24 MR. DELONG: Your Honor, objection. I just

1 couldn't hear the question.

2 THE COURT: The question was is it a general drill.

3 THE WITNESS: It's just like your homeowner-type
4 handheld power drill.

5 BY MS. ROSENTHAL:

6 Q And it's something that can be purchased at a
7 home improvement store?

8 A Correct.

9 Q It was not a personal case that had a mismatch
10 of different items in it?

11 A Correct.

12 Q It was a set?

13 A Correct.

14 Q Something that is bought all together?

15 A Correct.

16 Q And there was -- was there any insignia on the
17 box?

18 A No.

19 Q Was there any personalization at all?

20 A No.

21 Q And did you open that box?

22 A Yes.

23 Q Was that box tested for fingerprints to your
24 knowledge?

1 A No.

2 Q And when you opened that box was anything
3 apparent in that box to you?

4 A So I had contacted the victim in the case --
5 there was something apparent in it, yes.

6 Q Okay. Thank you.

7 So when you first opened that box there was
8 something apparent -- apparently unique about that
9 drill?

10 A Yes.

11 Q What was that?

12 A When I spoke to the victim --

13 MS. ROSENTHAL: Your Honor, I'm going to -- I'm
14 asking a different question than he's trying to answer.

15 THE COURT: Hold on. The question was what was
16 unique about the box and he began answering by saying
17 "when I spoke to the victim." And I presume he's going
18 to describe what he thought was unique to the box based
19 upon his conversation with the victim.

20 You may answer the question as you understand it.

21 THE WITNESS: Okay. So he explained -- I asked him
22 to explain to me -- I was familiar that his reporting
23 was that there was a Ryobi tool set missing. And it is
24 a generic tool set, so I asked him to explain to me as

1 much detail as he could.

2 THE COURT: Please slow down.

3 THE WITNESS: And so he told me that it was a Ryobi
4 tool set with the drill, with the saw, all encompassed
5 in a gray case. And then he said when you open it up
6 you should see one loose Phillips drill bit in the
7 container.

8 And so when I opened it up to see if what he was
9 saying was accurate, I opened it up and I located that
10 drill bit. And so when you ask me if there's anything
11 unique in it, I would say yes, because him predicting
12 that there was going to be one loose drill bit that was
13 this particular size and type of drill bit I thought
14 was very unique.

15 BY MS. ROSENTHAL:

16 Q Is there anything unique about that drill bit
17 itself?

18 A It's a standard Phillips drill bit.

19 Q When you say "standard," it's not unique?

20 A I mean that it's common, but it's amongst
21 hundreds of drill bits that can be used in that drill,
22 you know.

23 Q But I could go to Home Depot or Lowe's and buy
24 a No. 2 drill bit?

1 A Correct.

2 Q And the drill that was located in that case
3 requires drill bits to be used?

4 A Yes.

5 Q In order to use the tool you need a drill bit?

6 A Yes.

7 Q And so having a drill bit associated with a
8 drill is not unique?

9 A Correct.

10 Q Was there anything else that Mr. McCulloch
11 could identify from that drill -- or that set? I'm
12 sorry. It was a set.

13 A Just everything that he had given as far as
14 color, size, the tools, the bit, everything that he
15 said was perfectly accurate.

16 Q Okay. But there was nothing identifiable to
17 Mr. McCulloch by a name or a serial number; correct?

18 A Correct.

19 Q And that drill was returned almost immediately
20 to him?

21 A Correct.

22 Q And is it common to return items like that?

23 A Yes, it is.

24 Q And it's common to do that if they're

1 identifiable; correct?

2 A Correct.

3 Q And items that are not identifiable are often

4 kept as evidence?

5 A Yes.

6 Q And items are often booked into evidence;

7 correct?

8 A Correct.

9 Q Because they would be used at something like

10 this, a trial?

11 A Potentially, yes.

12 Q And when you returned this item you took photos

13 of it?

14 A Correct.

15 Q Or Detective Catalano did?

16 A Yes.

17 Q Were you there when the photos were taken?

18 A I believe I was, yes.

19 Q And when you -- when those photos were taken,

20 do you recall how many photos were taken?

21 A No.

22 Q And the goal of the photos is to allow someone

23 to preserve the evidence; correct?

24 A Correct.

1 Q And so that the evidence can be returned but
2 there's still something there?

3 A Correct.

4 Q And that piece of evidence was returned prior
5 to prosecution in this case; correct?

6 A Correct.

7 Q So there was no way for the defense to examine
8 that?

9 A Just through the photographs that depict --

10 Q No way otherwise?

11 A In its original content, I guess if there's an
12 opportunity to recontact the victim or something like
13 that.

14 Q Is there a chain of custody you performed for
15 that drill set?

16 A I don't believe so. I remember taking it, you
17 know, taking it straight from the scene basically to
18 the victim.

19 Q But there's nothing written down as to when
20 that happened or where?

21 A It would just be the recording of the warrant
22 that shows that we seized it. And I'm not a hundred
23 percent sure if there was one done or not, but
24 sometimes there's a release of property done.

1 Q But you're not sure if one was done?
2 A Correct.
3 Q But you are the lead investigator in this case?
4 A Correct.
5 Q And normally pieces of evidence that are
6 maintained have a chain of custody; correct?
7 A Usually we maintain the chain of custody as
8 part of an evidence form that gets booked into
9 evidence.
10 Q But you decided that this wasn't evidence in
11 this case?
12 A It was evidence --
13 Q Okay. But --
14 A -- that was released.
15 Q It was evidence that was released?
16 A Correct.
17 Q But the evidence was not booked?
18 A Correct.
19 Q So there is no chain of custody for that piece
20 of evidence?
21 A Correct.
22 Q Okay. So there's nothing saying that this
23 drill that was taken from the trailer is the same drill
24 that I returned to Mr. McCulloch?

1 A Sorry. Can you give me that one again?

2 Q There is nothing, no record, no written record
3 of any sort, saying the drill taken from this trailer
4 is the same drill I returned to Mr. McCulloch?

5 A There is in my report. I explain that it was
6 located in the trailer and I also said that I later
7 released it to Mr. McCulloch.

8 Q But there's nothing saying you took custody of
9 it, I did this, I took pictures and now I'm returning
10 it to Mr. McCulloch?

11 A I believe that that's in my report, that I
12 collected it and then I released it to McCulloch.

13 Q At any time from when it was taken out of the
14 trailer to when it was returned to Mr. McCulloch did
15 you not have eyes on it?

16 A It's hard for me to recall that, but we have --
17 what we would normally do, we would put it into our
18 vehicles, we would bring it to where we work and we
19 have a secured storage area. So sometimes we put
20 evidence in there. It's under lock and key. And
21 sometimes it takes us up to a couple days to book our
22 evidence into evidence, you know, when time allows us.
23 So there was a possibility that that happened. I don't
24 exactly remember the timeline, but it was either under

1 my direct possession or it was stored.

2 Q Okay. But you did not take it from that
3 trailer and in that same instance return it to
4 Mr. McCulloch?

5 A Correct.

6 Q And at some point depending on the timeframe it
7 was out of your sight?

8 A Correct.

9 Q And normally when things are booked in lockers
10 there's a record of what's in that locker; correct?

11 A No.

12 Q You don't say what's in that locker?

13 A It's just a temporary secure storage area for
14 this purpose.

15 Q But if you weren't -- something happened and
16 someone else had to take over the case, how would they
17 know it was in that locker?

18 A I just don't think that that's ever happened.
19 I'm not sure what would happen.

20 Q But they wouldn't know -- correct? -- unless
21 they went and opened it?

22 A Well, there are other people on the team too.
23 You know, we all collected the things out of the
24 trailer.

1 Q So it was out of your sight for a period of
2 time?

3 A Yes.

4 Q And other people had access to it? Other
5 officers, other people had access to that locker?

6 A Other detectives.

7 Q Do you recall getting that piece of evidence
8 out of the locker, you personally?

9 A I feel like I'm just going down a road of
10 hypothetical. It's hard for me to remember exactly the
11 timeline on when I returned it, but I believe that I
12 took it, I placed it in there, I secured it. And then
13 after I spoke with Mr. McCulloch and it was determined
14 that it was going to be returned, I took direct
15 possession of it again and gave it back to
16 Mr. McCulloch.

17 Q And so it's your testimony that you were the
18 one that placed it in the locker and that you're the
19 one that removed it from the locker and returned it to
20 Mr. McCulloch?

21 A Yes.

22 Q And did other officers have access to that
23 locker in the interim time?

24 A Yes.

1 Q And that locker is at the Reno Police
2 Department?

3 A It is at -- yes.

4 THE COURT: Pause. Ladies and gentlemen, let's
5 stand for a minute and stretch.

6 (Pause in the proceedings.)

7 THE COURT: Counsel, you may continue.

8 MS. ROSENTHAL: Thank you.

9 BY MS. ROSENTHAL:

10 Q And you said you don't know how many days
11 passed between when the drill was removed and it was
12 returned; correct?

13 A From my recollection it was the next day, but
14 I'm not a hundred percent.

15 Q And you were present when it was returned to
16 Mr. McCulloch?

17 A Yes.

18 Q And was it just a simple handoff?

19 A There was some small talk and conversation and
20 stuff with him about the case.

21 Q Okay. Did you ask him to open that case in any
22 regard --

23 A I don't recall that.

24 Q -- and confirm identity of the drill as his?

1 A Not that I remember, because he had given me --

2 Q I'm sorry. Finish, please.

3 A He had given me such an accurate description
4 before that -- yeah, I think that I gave it to him, he
5 recognized it and said, "Yeah, that's it." We
6 continued to talk about the case a little bit and that
7 was it.

8 Q And he recognized it by the outside?

9 A Yes.

10 Q He never opened it in your -- to your
11 recollection he never opened it in front of you?

12 A I'm trying to recall, because that's such a
13 small detail, but actually I think that he did open it.
14 I think that when we gave it, then he brought up that
15 bit again. I think he opened it up and he said, "Yeah,
16 there's that bit in there."

17 Q But he did not say, "Yep, there's the dates I
18 placed on my drill"?

19 A No.

20 Q Did you know he placed dates on the batteries
21 of his drills?

22 A No.

23 Q That's news to you?

24 A It is.

1 Q And when you were asking him for specifics did
2 he ever mention that he marks his tools?

3 A He did not.

4 Q So the only identification was the one rogue
5 drill bit?

6 A That was the most specific thing amongst all
7 the other.

8 Q The color and size?

9 A Size and type of tools, yes.

10 Q And do you recall reviewing Officer Bailey's
11 report?

12 A Yes.

13 Q And isn't it true that he said that the item
14 seized, because he was the one that seized it, was a
15 black set?

16 A Yes.

17 Q And when you talked to Mr. McCulloch during
18 your investigation did you ever discuss this case with
19 Mr. McCulloch?

20 A When I asked him to describe it to me, yes.

21 Q Not about the drill, just the case in general.

22 A Yes.

23 Q And would you be surprised to hear that he
24 testified that he believed more than one person was

1 involved in his home burglary?

2 A Would that surprise me? Yes.

3 Q Okay. Did you know that he's law enforcement?

4 A Retired, yes.

5 Q And did Mr. McCulloch ever provide proof of
6 purchase for that drill?

7 A He did not.

8 Q Was he asked to?

9 A No.

10 Q Did you ever attempt to search if Ms. Bush had
11 pawned any items in these cases?

12 A Yes.

13 Q Did she?

14 A No, I don't believe so.

15 Q Did Mr. Held ever attempt to pawn any items
16 reported stolen?

17 A I don't believe so.

18 Q And there were other items reported stolen from
19 the McCulloch residence than just the drill; correct?

20 A Correct.

21 Q Were any of those items ever discovered?

22 A No.

23 Q So the items that he mentioned were wine and
24 coins and DVDs; correct?

1 A Correct.

2 Q And none of those were found?

3 A Correct.

4 Q Have they been found to this day?

5 A No. I believe that Mr. Held gave an
6 explanation to those during his interview.

7 Q But you did not conduct that interview;
8 correct?

9 A Correct.

10 Q And now I'm going to go through the exhibits
11 that have been admitted so we can orient the jury as to
12 the trailer park. Would you please describe what you
13 see in Exhibit 64. What is this we see here in Exhibit
14 64?

15 A This is West Fourth Street and the bits of the
16 wall that we can see would be the south border of the
17 trailer park.

18 Q And so when we were looking at that map of the
19 trailer park, Mr. Held's trailer was along this;
20 correct?

21 A Correct.

22 Q The backside of it?

23 A Correct.

24 Q And this is a shopping center next door?

1 A Correct.

2 Q And now Exhibit 68, what do we see here?

3 A It's hard to tell because it's zoomed in, but I
4 believe that this is probably going to be the east
5 side, because I know that there's a wood fence on the
6 east side.

7 Q And by "east side" -- I'm going to go back to
8 Exhibit 64 -- you mean this angle down here?

9 A Yeah, it's hard to tell because it's zoomed in,
10 but that's what it looks like to me.

11 Q So there's a road that goes on this side;
12 correct?

13 A Part of the shopping center, correct.

14 Q And there's a wooden fence on that side of the
15 trailer park?

16 A Yes.

17 Q Would it be fair to say that this appears to be
18 that?

19 A Yes.

20 Q And the same, just a little bit different angle
21 in Exhibit 70?

22 A Yes.

23 Q So Mr. Held's trailer would be on this side?

24 A Correct.

1 Q And this is an upclose of that fence. This is
2 kind of the street you would see where Mr. Held's
3 trailer would be on?

4 A Yes.

5 Q And it kind of appears to be looking over the
6 fence?

7 A Correct.

8 Q And this is a standard five-foot, six-foot
9 fence?

10 A Yes.

11 Q And this is Exhibit 78. This is the front
12 entrance of that trailer park?

13 A Correct.

14 Q And is it a one-way loop or can you go both
15 ways?

16 A It's used as both ways, but I think because of
17 the way the trailers are angled it's a one-way.

18 Q So as you can see, the trailers in this one are
19 kind of angled this way and then the trailers would be
20 angled the other way?

21 A Correct.

22 Q So you kind of get this sort of view; correct?
23 That's how the trailers are when you drive through?

24 A Yes.

1 Q They're almost angled away from you?
2 A Correct.
3 Q If you're going that way?
4 A Yeah. And I wasn't a hundred percent sure
5 about this one, but this looks like it's probably
6 pointed toward the entrance but it's kind of hard to
7 tell.
8 Q And then this is again Exhibit -- not again,
9 but this is Exhibit 83. You can see that they are
10 angled?
11 A Correct.
12 Q And you see this curb right here?
13 A Yes.
14 Q Can you tell by this photo if this curb is the
15 curb you were observing things on or not?
16 A To me this looks like the southwest corner. So
17 I would have been at the other corner or near it.
18 Q And I'm going to move it over. This side or
19 over here?
20 A Where you first showed.
21 Q Over here?
22 A Correct.
23 Q And this photo is Exhibit 73. Does this show
24 in general how close the trailers are parked?

1 A Yeah. You can see that they're painted and I
2 believe that each space will have the trailer and then
3 a spot next to it where people would park their
4 vehicles.

5 Q So the spot is normally associated with a
6 parking spot next to it?

7 A Correct.

8 Q And when they have the spot and the parking
9 space there isn't much room between the trailers if
10 there's not a trailer there?

11 A Correct.

12 Q Do you recall on September 28th whether or not
13 a trailer was adjacent to Mr. Held's?

14 A Yes, I believe there was.

15 Q On both sides or just one?

16 A To the east for sure. I can't say for sure on
17 the west. I remember there being a space back there,
18 but that may have been because there was no car or
19 anything like that parked there.

20 Q Okay. And do you recall if -- you said the
21 east side for sure -- there was a trailer there?

22 A Yeah, I remember it going Mr. Held's trailer,
23 Mr. Held's vehicle and then a trailer.

24 Q And so would that be the side that the trailer

1 door was on?

2 A Yes.

3 Q And I'm going to show you again Exhibit 35.

4 I'm trying to avoid this spot right there. This Ideal
5 trailer, is that Mr. Held's trailer?

6 A Yes.

7 Q And this red car right there, is that
8 Mr. Held's car parking spot?

9 A Yes.

10 Q And this is the one you can say -- this is the
11 east trailer?

12 A Correct.

13 Q So from this photo it's clear that the door to
14 Mr. Held's trailer is between those two?

15 A Correct.

16 Q And is this how Mr. Held's trailer was on the
17 day that you conducted your surveillance?

18 A That looks very close to it, yes.

19 Q Outside of the U-Haul being there, because you
20 said it was not there?

21 A Yes.

22 Q And you said he was doing work on the car. Is
23 that the red car you see here?

24 A Yes.

1 Q Do you recall if these vehicles were also
2 there? Sorry. There appears to be a couple. I can
3 bring it to you if that's easier.

4 A It's okay.

5 Q There's a glare.

6 A I don't recall where the vehicles were parked
7 at that trailer.

8 Q And do you recall if there was a trailer parked
9 in this spot over here?

10 A I remember that it was open. Like I had just
11 said, I think there could have been a trailer, but, you
12 know, there's an open spot where someone would park
13 their vehicle and then a trailer. And I remember it
14 being similar to this photo where there was some
15 openness to the back.

16 Q And your common area spot was over in this
17 direction; correct?

18 A Yes.

19 Q Not on this side?

20 A I did move around a little bit, but I was
21 primarily where you first showed toward the top of that
22 photo.

23 Q So that you could see the door?

24 A Correct.

1 Q Because you wouldn't be able to see the door
2 from over here?

3 A I feel like you kind of exaggerated a little
4 bit, but, yes, that's correct.

5 Q And just a couple things I want to hit on a
6 little bit. You returning the drill was based off of
7 policy?

8 A Correct.

9 Q And it is the policy of the Sparks Police
10 Department or is it the policy of all departments that
11 if evidence -- evidence should be returned to a victim
12 if able?

13 A This would be a case where I could speak to
14 Sparks policy where that is the case.

15 Q Okay. And is that a written policy or just a
16 verbal policy that's conveyed?

17 A It's a written policy.

18 Q Okay. And do you recall what it says
19 specifically?

20 A It just says when we have the opportunity to
21 release -- and this isn't verbatim obviously, but when
22 we have the opportunity to release property recovered
23 to the victims that we do that or the owners.

24 Q And although it gives you permission to release

1 it, does it have clarification on how it should be
2 released?

3 A I'm not sure.

4 Q Okay. And isn't it true that the goal of
5 preserving evidence is to obtain its integrity?

6 A Can you say that one again?

7 Q When you are preserving evidence the goal is to
8 maintain the integrity of the evidence?

9 A Correct.

10 Q And normally items are returned that can be
11 identifiable?

12 A Correct.

13 Q And that identity comes from victim statements?

14 A Correct.

15 Q Or the physical evidence itself?

16 A Correct.

17 Q Because some physical evidence can be unique on
18 its own?

19 A Correct.

20 Q And in this case the physical evidence was not
21 unique but the statement from the victim made it
22 unique?

23 A Correct.

24 Q And so when you or I are looking at this drill

1 nothing would be unique to us?

2 A One other thing that I could add about the
3 drill is that I am also somewhat familiar as a
4 homeowner and a DIY'er of power tools and stuff like
5 that. This is a little bit older of a set and the
6 color of Ryobi tools is now different. So he must have
7 purchased this a long time ago. And also, you know, as
8 an investigator I take what a normal, reasonable person
9 would do. I also don't have proof of purchase for my
10 personal power tools and things like that. It's very
11 hard to maintain these type of things.

12 So when he gives me the description of this tool,
13 I'm familiar that Ryobi tools now look very different
14 than that. So, you know, the older that it gets, power
15 tools don't last forever, that is also making this a
16 little bit more rare and unique to me just from my
17 background knowledge with that.

18 Q So the drill as you saw it was unique because
19 of its age?

20 A That was one thing, yes.

21 Q And Ryobi drills are a common drill?

22 A Yes.

23 Q And they like anything go through cycles?

24 A Correct.

1 Q They're updated?

2 A Correct.

3 Q Colors change?

4 A Yes.

5 Q But at any given time there's a multitude of
6 Ryobi drills that look the same?

7 A Correct.

8 Q So if I go to Home Depot in Reno or Home Depot
9 in California, you could potentially find the same
10 drill?

11 A Correct.

12 Q And so at any given time there's a bunch of
13 drills that look the same?

14 A Yes.

15 MS. ROSENTHAL: Your Honor, I would pass the
16 witness back to the State.

17 THE COURT: Ladies and gentlemen, during this
18 recess please do not discuss this case amongst
19 yourselves. Please do not form or express any opinion
20 about this matter until it has been submitted to you.
21 We'll be in recess for 20 minutes until 12:20.

22 Please join me in standing for our jury.

23 (Proceedings outside the presence of the jury.)

24 THE COURT: Go ahead and be seated, if you would,

1 please.

2 Under NRS 174.0353, with the consent of the court
3 and the district attorney the defendant may enter a
4 conditional plea of guilty, reserving in writing the
5 right on appeal from the judgment to review an adverse
6 determination of a specified pretrial motion.

7 The defense would have to demonstrate to me absent
8 the State's consent that I have authority to override
9 its decision not to consent. I just wanted to give
10 that indication to you as you prepare your research and
11 arguments. See you in 18 minutes.

12 (A recess was taken.)

13 (Proceedings within the presence of the jury.)

14 THE COURT: We will take a 30-minute break in an
15 hour and 15 minutes. We will probably stand once or
16 twice between now and then.

17 Redirect examination.

18 MR. DELONG: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. DELONG:

21 Q So just to clarify something that caught me off
22 guard a little bit during the cross-examination. You
23 testified yesterday in this court; right?

24 A Correct.

1 Q And you never testified outside the presence of
2 the jury, did you?

3 A No.

4 Q So getting back to when you were tracking the
5 red Jeep in the 920 University Park Loop area --

6 THE COURT: Hold on. I just want to be clear.
7 What you just said was accurate. This witness did not
8 testify outside of the presence of this jury. But this
9 witness and other witnesses, as in all cases, have made
10 appearances in this courtroom before trial.

11 MR. DELONG: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. DELONG: It was just a comment that was made
14 during the examination I wanted to clarify.

15 BY MR. DELONG:

16 Q So you testified that you were tracking the red
17 Jeep in the University Park Loop area and you gave
18 testimony regarding the tracking. Do you use those
19 trackers often?

20 A Yes.

21 Q And how often do you use them?

22 A It varies, but I've been working in an
23 undercover capacity for about six years, so I've used
24 them quite a bit throughout that time.

1 Q In those six years have you come across
2 instances where you're concerned with the accuracy of
3 the time stamps?

4 A No.

5 Q And you were in the area at the time also when
6 you were tracking the Jeep in University Park Loop; is
7 that right?

8 A Correct.

9 Q And do you have any concern about the time
10 stamps that you saw regarding the tracking data?

11 A I do not.

12 Q Now, what would you describe as the pieces of
13 evidence that link Ian Held to the 920 University Park
14 Loop incident?

15 A The witness seeing --

16 MS. ROSENTHAL: Your Honor, I object. It's outside
17 the scope.

18 THE COURT: It is sustained unless you can direct
19 me to any cross-examination that focused on the
20 University Park Loop or Merrill residence.

21 MR. DELONG: There was at the very beginning, Your
22 Honor. We started with the tracking data and then we
23 went to -- the question I believe was was there
24 anything that you had to connect him to University Park

1 Loop. And so I believe this is directly in that line
2 of questioning.

3 THE COURT: You are right, I believe that there
4 were questions on cross-examination relating to the
5 tracking locations, the tracking accuracy. You may
6 examine on that subject and other subjects as long as
7 specifically raised on cross-examination.

8 MR. DELONG: Thank you.

9 THE COURT: You may continue.

10 MR. DELONG: Thank you, Your Honor.

11 BY MR. DELONG:

12 Q And did you ultimately determine there was
13 probable cause to make an arrest after the University
14 Park Loop incident?

15 A Yes.

16 Q And who did you make a determination to make an
17 arrest?

18 A Ian Held.

19 Q And did you make a determination to arrest
20 anyone else?

21 A Yes.

22 Q Who was that?

23 A Annebelle Bush.

24 Q What gave you the determination to make an

1 arrest of Ian Held after that incident?

2 A It was based off of the witnesses and the
3 victim's testimony that they had seen and identified
4 Ian and that the witness had written in the report that
5 he believed it was his intentions to go into his home.
6 And I had reviewed the camera, the video from the
7 incident, in addition to tracking him up there. And we
8 didn't talk about it a ton yesterday, but for me as an
9 investigator when I see him going into the neighborhood
10 at a slow rate of speed, that makes me believe that he
11 might be looking at houses and opportunity. And then
12 when I see him leaving at the high rate of speed, I
13 take that as an indication that he's trying to make a
14 getaway. So it was based off of those things.

15 Q So at that time it was your determination you
16 had probable cause to make an arrest?

17 A Correct.

18 Q But you didn't immediately make an arrest, did
19 you?

20 A No.

21 Q What occurred next?

22 A So I believe that happened on September 24th.
23 And, you know, it was an active investigation amongst
24 other duties and stuff that I have, and so he wasn't

1 our only focus, but, you know, we're still working on
2 collecting as much information as we can, reviewing
3 those reports, doing any follow-up that might be
4 necessary and then also doing that surveillance where
5 we're looking at his behaviors and routines and things
6 like that.

7 Q So did you continue to track him at that point?

8 A Yes.

9 Q And did that end at some time?

10 A Yes.

11 Q When did that end?

12 A On September 27th, the day before the arrest.

13 Q And what do you -- what happened? Why did it
14 end?

15 A Well, the surveillance of him in that vehicle
16 stopped on the 27th, and that's because the tracker
17 stopped responding. And so from my experience that's
18 either because it fell off the vehicle and broke or it
19 was discovered by somebody and damaged, so it was no
20 longer functioning. And then also the red Jeep was no
21 longer at Ian's residence or surrounding areas.

22 So when we discovered that, we just began doing
23 direct surveillance on his trailer on the 28th. And
24 that's when I realized he was there. It was going to

1 be too difficult to do surveillance because he may have
2 access to other vehicles and so forth, and so we
3 decided to make the arrest at that time.

4 Q So that was what changed between the 24th and
5 28th?

6 A Yes. Yeah, exactly, making it more difficult
7 for to us follow him, because there's only a handful of
8 us too. So when we're doing the traditional
9 surveillance where we're just following him on foot or
10 in vehicles, you can only look behind you and see those
11 vehicles so many times before you start to realize
12 you're being followed. So with that tracker out of
13 play, yeah, it made it more difficult and it increased
14 the possibility that there could be other victims, and
15 that's why we made that decision at that time.

16 Q Now, you mentioned when you were conducting
17 surveillance of the trailer on the 28th that no photos
18 were taken of the outside; is that right?

19 A Correct.

20 Q But photos were taken on scene; right?

21 A Of the trailer, the warrant, in terms in that,
22 yes.

23 Q So when the warrant was executed photos were
24 taken of the inside?

1 A Yes.

2 Q Now, you testified regarding Annebelle Bush's
3 return from the Reno Police Department to the trailer
4 park; is that correct?

5 A Correct.

6 Q And so when you were transporting her what was
7 the plan at that time with respect to the trailer?

8 A So the plan was for her to gather those
9 personal belongings. She made that phone call to her
10 brother, made arrangements to get picked up. She
11 intended to grab those personal belongings and then
12 leave. And it was our intentions driving over there to
13 seal up the trailer, have it towed and brought to the
14 Sparks Police Department.

15 Q So even before the plan was to -- I'm sorry.
16 Even before she was returned she had spoken to a
17 relative?

18 A Yes, her brother.

19 Q And wanted to get some personal property?

20 A Correct.

21 Q So then when you get to the trailer park what
22 happens with respect to Annebelle Bush?

23 A So we arrive on scene. I began to look at the
24 trailer and assess it, you know, in preparation for the

1 tow. I give her over to Detective Catalano at that
2 time who had been staying with the trailer from the
3 time that I had left earlier. So he kind of was --
4 him, as well as Bailey, were in charge of her really at
5 that time.

6 So I was aware that she went into the trailer.
7 Shortly after she was asked to step out of the trailer.
8 And I went on to get the warrant telephonically, served
9 the warrant, searched the trailer. We were done with
10 that and then Annebelle was left there and that kind of
11 concluded the day.

12 Q So at least initially the plan was for her to
13 get property out of the trailer so she could then at
14 least be picked up by this relative?

15 A Yes.

16 Q And so that's why she was given access to the
17 trailer?

18 A Correct.

19 Q Now, you wouldn't usually let just anybody into
20 the trailer at that point; right?

21 A Correct.

22 Q But because she had some connection -- she was
23 at least living there before that?

24 A Correct.

1 Q And so then did anyone see or go into the
2 trailer when she went in?

3 A Yes.

4 Q Who was that?

5 A Detective Bailey and Catalano both, I believe.

6 Q Okay. And so would she be given free access to
7 the trailer to do whatever she wanted in there?

8 A Again, I wasn't the one doing it, but normally
9 what we would do for officer safety purposes is try to
10 maintain somewhat of a visual on the subject just for
11 safety purposes. So she's allowed to go in to get her
12 belongings, but we as detectives or officers would not
13 go into their obviously until the warrant was granted.
14 So just for purposes of safety again, we would just
15 want to maintain, you know, like a visual contact with
16 her.

17 Q So was that visual contact maintained when she
18 was inside the trailer to your knowledge?

19 A To my knowledge, yes.

20 Q And was that by Detective Bailey?

21 A Yes.

22 Q And she left after how long, left the trailer?

23 A Of being in the trailer I would estimate only a
24 couple of minutes. Like I said, she called her brother

1 to come pick her up. He said he needed to get a
2 vehicle. So she actually ended up just kind of hanging
3 out for a little while, but she was only in the trailer
4 for a couple of minutes is what I would guess.

5 Q And did she have any property when she went
6 into the trailer, personal property?

7 A No. So when anyone is placed under arrest we
8 obviously do a thorough search of that person for
9 weapons, contraband, et cetera. You know, that's just
10 our protocol search incident to arrest. So she was
11 searched thoroughly before being transported and then
12 obviously before I brought her back, you know, nothing
13 of those sorts.

14 Q So just to back up there a second. When she
15 was arrested, she was then interviewed and then you
16 determined that really you're not going to continue
17 with the arrest, you're going to release her?

18 A Correct. She seemed better fit as a witness
19 rather than a principal for this case.

20 Q And that's when you drove her back to the
21 trailer?

22 A Yes.

23 Q And so are you aware of her bringing any
24 property out of the trailer?

1 A No.

2 Q Now, I want to go over this drill, the Ryobi
3 drill. Sorry. I don't want to make a mess here. So
4 I'm publishing what's been marked as Exhibit 32 and
5 admitted. Is this the drill set you were discussing
6 with defense counsel?

7 A Yes, it is.

8 Q Now, taking a look at the edges of the photo,
9 that drill box was set on something, wasn't it?

10 A Yes.

11 Q Do you recognize -- what is that?

12 A That is the carpet at the office where it was
13 taken.

14 Q That's the office where you work?

15 A Yes.

16 Q So this property was taken to your offices and
17 photographed in those offices; right?

18 A Correct.

19 Q I'm showing you what's been admitted as Exhibit
20 30. That once again is the drill set; correct?

21 A Correct.

22 Q You mentioned a DIY'er. What does that mean?

23 MS. ROSENTHAL: Objection, Your Honor. Relevance.

24 THE COURT: Overruled.

1 THE WITNESS: I do a lot of home projects. I do
2 some renovations and stuff like that. I have a rather
3 extensive tool collection.

4 THE COURT: The question is what does DYI mean.

5 THE WITNESS: Do it yourself.

6 BY MR. DELONG:

7 Q So that's in terms of doing improvement
8 projects?

9 A Correct.

10 Q So you wouldn't hire someone, you would do it
11 yourself?

12 A Correct.

13 Q And so you said you had some familiarity at
14 least with Ryobi tools; is that right?

15 A Yes.

16 Q Can I go to a store right now, a hardware
17 store, and buy a set like this?

18 A No.

19 Q Why do you say that?

20 A Because Ryobi tools have changed to a different
21 color. These are like a darker teal and they're now
22 currently a bright green. They've been like that for
23 several years. So that lets me know that this tool set
24 is at least several years old.

1 Q And can you see the batteries in this set?

2 A Yes.

3 Q What color were the batteries?

4 A They're yellow.

5 Q Is it just yellow?

6 A Yellow and black.

7 Q And are those the type of batteries you could
8 buy for these sets right now?

9 A No.

10 Q And do those batteries match with these drills,
11 this drill and saw?

12 A Yes.

13 Q Do those batteries look like the original
14 batteries that would have come with this set?

15 A Yes.

16 MS. ROSENTHAL: Objection, Your Honor. Foundation.

17 THE COURT: Sustained as to -- you're going to have
18 to lay a deeper foundation than DIY if he's going to
19 testify that those are original batteries.

20 MR. DELONG: Thank you, Your Honor.

21 BY MR. DELONG:

22 Q So do you know for sure like the timeframe when
23 these would have been sold?

24 A No, but I would say they're five years old.

1 MS. ROSENTHAL: Objection, Your Honor. He said
2 "No." Calls for speculation.

3 THE COURT: I would like the witness to at least
4 continue his sentence. It is overruled.

5 THE WITNESS: I would estimate five years or older.
6 BY MR. DELONG:

7 Q Now, do you return tools to victims -- I
8 shouldn't say tools. I apologize. Do you return
9 property to victims regularly?

10 A Yes. Again, I've been acting as a detective
11 for six years primary in property crimes, so it's very
12 often that I return both evidence property and tools to
13 victims.

14 Q And when you're returning items does it ever
15 happen where the victims aren't able to identify the
16 specific items?

17 A Yes.

18 Q Are they returned at that time?

19 A No.

20 Q In this instance if the victim had indicated
21 that he had a black and red Black & Decker drill would
22 you have returned these drills to him?

23 A No.

24 Q If he had indicated it was a corded power tool

1 would you have returned those?

2 A No.

3 Q If he had the wrong color would you have

4 returned them to him?

5 A No.

6 Q Now, there was some discussion regarding the

7 record of the existence of the tools.

8 A Correct.

9 Q To your understanding they were obtained from

10 the trailer; correct?

11 A Yes.

12 Q Did you fill out a warrant return after the

13 warrant was executed in this case?

14 A Yes.

15 Q Were the power tools listed in the warrant

16 return?

17 A Yes.

18 Q Were pictures taken of the tools?

19 A Yes.

20 Q And those were at your work; right?

21 A Correct.

22 Q And did you create reports in this case?

23 A Yes.

24 Q Did the other detectives on your team create

1 reports in this case?

2 A Yes.

3 Q Was the power tool included in those reports?

4 A Yes.

5 Q And then was the fact that the tools were
6 returned to the victim, Mr. McCulloch, included in the
7 report?

8 A Yes.

9 MR. DELONG: No further questions. Thank you, Your
10 Honor.

11 THE COURT: Any recross?

12 MS. ROSENTHAL: Yes, Your Honor.

13 RE CROSS EXAMINATION

14 BY MS. ROSENTHAL:

15 Q First off, Mr. Fye, did you meet with the State
16 during our last break?

17 A No.

18 Q You didn't meet with them at all?

19 A I said hello outside the door.

20 Q Okay. And when you said that the victims
21 testified to you, that was incorrect, it was actually
22 they just provided statements; correct?

23 A Correct.

24 Q It was not testimony?

1 A Correct.

2 Q And you indicated that there were safety
3 concerns regarding Ms. Bush reentering that trailer?

4 A Yes.

5 Q But you also indicated that she was also
6 previously searched; correct?

7 A Yes.

8 Q And there was nothing on her?

9 A Correct.

10 Q And none of the -- nothing during your
11 investigation led you to believe there was anything
12 dangerous stolen; correct?

13 A Correct.

14 Q So there were actually no safety concerns?

15 A I wouldn't agree with that. I would say that
16 the trailer was a big unknown. Even a kitchen knife,
17 which I would assume is in any residence, is a danger
18 to an officer.

19 Q But instead you allowed her to enter that
20 trailer?

21 A Correct.

22 Q And you testified on first cross that you
23 weren't there when she entered the trailer; correct?

24 A Correct.

1 Q So you don't know how long she was in there?

2 A Well, I was present on scene and my primary
3 focus was assessing the trailer, deeming that not
4 possible and working on the warrant. So I was present
5 on scene, but, yeah, she was not my direct focus or
6 responsibility at that time.

7 Q So when you testified with me earlier that you
8 weren't sure, that is more accurate than your
9 estimation?

10 A How long she was in there?

11 Q Correct.

12 A I think I could give a fairly accurate
13 estimation just based off of what I was doing and what
14 they were doing and recognizing her outside of the
15 trailer as being what I gave.

16 Q So your testimony to me earlier is different
17 than your testimony now?

18 A I'm estimating that she was in the trailer from
19 three to five minutes.

20 Q And previously you said you could you not
21 estimate that?

22 A I said I didn't know for sure.

23 Q And you identified these photos, 30, 31, 32, as
24 being taken inside of the Reno Police Department?

1 A Correct.

2 Q Have you seen any photos of this drill inside
3 of the trailer?

4 A I have not.

5 Q Do you know if any exist?

6 A I believe none do.

7 Q So no photos of the drill were taken inside of
8 the trailer?

9 A That's what I've been made aware of, yes.

10 Q And you also indicated that in your opinion
11 this drill is about five years old?

12 A Correct.

13 Q Did you do any research regarding that?

14 A That's just from my past -- well, my everyday
15 life and my past work experience.

16 Q So you did not do any research into that?

17 A Correct.

18 Q And you are not sure whether or not I could go
19 to the store and buy this drill today?

20 A I said that you cannot.

21 Q Okay. Could I go on eBay and buy it?

22 A Potentially.

23 Q Could I go on Craigslist?

24 A Potentially.

1 Q So this drill is out there?

2 A Correct.

3 Q And so it's not unique that this drill is five
4 years old?

5 A Like I said, it's more rare. If you would have
6 had a bright green and new drill, that's more often
7 what I would see as something brand new that could be
8 purchased and that I see a lot of in my course of work.
9 And me estimating the age of this just makes it more
10 rare and less likely that it could be found.

11 Q But you didn't go on eBay or Craigslist to see
12 if this drill was available?

13 A Correct, no, I did not.

14 Q You just searched pawnshops?

15 A I searched pawnshops for just Ian and
16 Annebelle's history.

17 Q Would you be surprised to find that this drill
18 is readily available on eBay and/or Craigslist?

19 A Would I be surprised?

20 Q Yes.

21 A I would assume that there's not a huge
22 selection of them. If you found one I would not be
23 shocked, but I don't think there's a huge selection of
24 this tool set.

1 Q But it does come as a set?

2 A Correct.

3 Q Did you make any attempts to go to a hardware
4 store to inquire about this set?

5 A No.

6 MS. ROSENTHAL: I would like to have this marked,
7 please.

8 THE CLERK: Exhibit 90 marked for identification.

9 THE COURT: Exhibit nine zero?

10 THE CLERK: Nine zero, Your Honor.

11 (Exhibit 90 was marked.)

12 BY MS. ROSENTHAL:

13 Q I'm going to show you what's been marked for
14 identification as Exhibit 90. Do you recognize this as
15 a set similar to the one that was retrieved?

16 A Similar, yes, but different.

17 THE COURT: Let's just -- it's not admitted yet.
18 Let's see what happens.

19 BY MS. ROSENTHAL:

20 Q Does it appear that all of the pieces are
21 there?

22 A Yes.

23 Q And is there a battery pack associated with
24 that one?

1 A Yes.

2 Q Is it the same color as the one that was
3 provided?

4 A Yes.

5 Q And so had you done some research you would
6 have realized that that's the same color as the one --

7 MR. DELONG: Objection, Your Honor. I believe the
8 image is being used at this time.

9 THE COURT: Hold on. I'm trying to follow the
10 examination so that you have a full opportunity to
11 explore your theory. It appears to me that you had him
12 look at a document that was just acquired from
13 somewhere and asked him a question about it. You may
14 not inquire at all about that document unless it is
15 admitted.

16 MS. ROSENTHAL: Okay. I don't believe there was an
17 actual like evidentiary objection, it was just --

18 THE COURT: Would you like to continue, please,
19 counsel.

20 MS. ROSENTHAL: Okay. I'm finished, Your Honor.

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

22 THE COURT: No, you had direct and redirect as I
23 understand it.

24 MR. DELONG: I apologize, Your Honor. I just want

1 to preserve an objection. I would move to strike -- I
2 want to make this objection contemporaneously to the
3 evidence. I move to strike any commentary on the image
4 that was not admitted into evidence.

5 THE COURT: Do you wish to be heard?

6 MS. ROSENTHAL: I think it goes for anything not
7 admitted into evidence, that should not be mentioned
8 further.

9 THE COURT: So I'll just the jury that it is
10 improper to provide testimony in the form of questions.
11 This document was not admitted. Therefore, any
12 questions related to that document shall be disregarded
13 by you.

14 You may step down.

15 Let's all stand, ladies and gentlemen.

16 Your next witness, please.

17 MR. DELONG: The State would like to call Detective
18 Jeremy Catalano.

19 THE COURT: You may be seated, please.

20 THE BAILIFF: Stand here, raise your right hand,
21 face the clerk.

22 (The oath was administered to the witness.)

23 THE WITNESS: I do.

24 THE CLERK: Thank you.

1 THE COURT: You may lower your mask during your
2 testimony only if you're comfortable. You're not
3 required to do so.

4 THE WITNESS: Thank you, sir.

5 JEREMY CATALANO,
6 having been first duly sworn, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. DELONG:

10 Q Detective Catalano, good morning. Could you
11 please state and spell your full name for the record.

12 A My name is Jeremy Catalano, J-e-r-e-m-y, and
13 then C-a-t-a-l-a-n-o.

14 Q And what's your current profession?

15 A I am a detective with the Reno Police
16 Department.

17 Q And how long have you had that profession?

18 A About three years.

19 Q And were you involved in an investigation
20 regarding Mr. Ian Held?

21 A Yes.

22 Q And do you know who Ian Held is?

23 A Yes, I do.

24 Q Can you identify him here today if you were
asked to?

1 A Yes.

2 Q Can you please point to him and point out an
3 article of clothing he's wearing.

4 A He's wearing a white dotted button-up shirt
5 with a back mask over his face.

6 Q Can you point?

7 A Sorry. Yes.

8 Q Thank you very much.

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

11 THE COURT: Yes.

12 BY MR. DELONG:

13 Q Now, did you assist in an arrest of Ian Held on
14 September 28th of 2020?

15 A Yes.

16 Q What was your involvement in that occurrence?

17 A Part of my involvement was conducting
18 surveillance inside a trailer park where Ian lives.

19 Q So how did you do that?

20 A I was positioned not directly looking at the
21 trailer, but I was positioned nearby inside the trailer
22 park in case I needed to get to the trailer a little
23 bit closer, but there was a separate arrest team that
24 was set up for the purposes of arresting Ian.

1 Q So let me back up a second. I apologize. I
2 notice you're here today with longer hair.

3 A Yes.

4 Q Is that how you wear your hair when you're
5 acting in your official capacity as a detective?

6 A Sometimes it's down; sometimes it up. It
7 depends.

8 Q But you don't wear an officer's uniform when
9 you're actively investigating cases?

10 A Correct. I'm in normal plain clothes, everyday
11 kind of clothes.

12 Q Why is that?

13 A We're an undercover unit. I'm an undercover
14 detective.

15 Q And so are you -- do the statutes require you
16 to wear body cam?

17 A They do not.

18 Q So you don't wear body cameras when you're
19 conducting your duties?

20 A Correct.

21 Q So at that time were you in plain clothes also?

22 A Yes.

23 Q Okay. And so -- I apologize. That took a
24 second. I'm showing you what's been marked as Exhibit

1 35. Is this the trailer park you were at?

2 A Yes.

3 Q And is that the trailer of Ian Held?

4 A Yes.

5 Q Were you conducting surveillance of this?

6 A Yes.

7 Q Was anyone conducting surveillance with you or
8 were you on your own?

9 A So I was in my vehicle by myself. Detective
10 Kenny Fye was there and a couple of the detectives that
11 were there were there. Detective Kenny Fye and I were
12 the ones that were inside the trailer park. He was the
13 one that was specifically watching the trailer the day
14 of the arrest. I was -- while Detective Kenny Fye was
15 watching the trailer I was not, but it was us two who
16 were watching the trailer.

17 Q So at some point did you start watching the
18 trailer and he wasn't?

19 A Correct.

20 Q Explain that if you can.

21 A So while Detective Kenny Fye was watching the
22 trailer Mr. Held and a female came out of the trailer
23 and they were walking away from the trailer to the
24 adjoining trailer park. At that time they were taken

1 into custody. And so Detective Kenny Fye was the one
2 who was primarily investigating the case, so I went to
3 where he was, took his spot to watch the trailer, and
4 he went to where Mr. Held and the female were.

5 Q And were you able to see the entrance of the
6 trailer at that time?

7 A Yes.

8 Q And were there any other entrances or exits to
9 the trailer besides that one?

10 A No.

11 Q And so then you watched the trailer and the
12 entrance until when?

13 A Until Detective Kenny Fye applied and was
14 granted a search warrant and we executed the search
15 warrant.

16 Q So did anyone go in or out of the trailer while
17 you were watching it?

18 A No.

19 Q Did Annebelle Bush come back to the scene at
20 any time?

21 A Yes.

22 Q Was she granted access to the trailer?

23 A Yes.

24 Q Was that while you were watching it?

1 A Yes.

2 Q And do you know how long she was in the
3 trailer?

4 A A couple minutes.

5 Q Can you describe -- do you remember her entry
6 into the trailer?

7 A Not exactly, but I remember she went into the
8 trailer through the door which is on the other side of
9 the trailer that's not pictured.

10 Q So you were observing when that occurred?

11 A Yes.

12 Q Because that was prior to the execution of the
13 search warrant?

14 A Correct.

15 Q And then did you take photos in this case?

16 A Yes, I did.

17 Q So I'm showing you what has been marked as
18 proposed Exhibits 49, 50 and 61. Please take a look at
19 those for a second. Have you seen these photos before?

20 A Yes, I have.

21 Q Do you know who took them?

22 A I took the photos.

23 Q What date were they taken on?

24 A They were taken September 28th, 2020.

1 Q Do they fairly and accurately depict -- well,
2 do they -- let me -- if I may take a look here. Does
3 proposed 49 fairly depict the outside of the trailer on
4 that date?

5 A Yes.

6 Q Does it look altered in any way?

7 A The photo?

8 Q Yes.

9 A No.

10 Q And then proposed 50 and 61, do they fairly and
11 accurately depict the inside of the trailer on that
12 day?

13 A Yes.

14 Q Do they look altered in any way?

15 A No.

16 MR. DELONG: The State would move for admission,
17 Your Honor.

18 THE COURT: To the defense.

19 MS. ROSENTHAL: Your Honor, I just have a couple
20 questions about them individually.

21 THE COURT: Yes. I just want to be clear. We're
22 talking about 49, 50 and 61?

23 MR. DELONG: Yes, Your Honor.

24 THE COURT: Go ahead, counsel.

1 VOIR DIRE EXAMINATION

2 BY MS. ROSENTHAL:

3 Q In regards to Exhibit 49, it is not an overview
4 of the trailer; correct?

5 A No, this is just a photo of the license plate.

6 MS. ROSENTHAL: No objection to 49.

7 THE COURT: 49 is admitted, Ms. Clerk.

8 (Exhibit 49 was admitted.)

9 BY MS. ROSENTHAL:

10 Q In regards to 61, was that picture taken after
11 any movement of that item or --

12 A That would have been where I found it.

13 Q It was not moved in any way?

14 A No.

15 MS. ROSENTHAL: No objection to 61 or 50.

16 THE COURT: 49, 50 and 61 are admitted, Ms. Clerk.

17 (Exhibits 50 and 61 were admitted.)

18 THE COURT: The State may continue.

19 DIRECT EXAMINATION (Resumed)

20 BY MR. DELONG:

21 Q So showing you Exhibit 49, can you tell us what
22 this is a picture of?

23 A This would be the rear license plate of the
24 trailer at 1455 West Fourth Street, space No. 81, which

1 is the trailer that Mr. Held was living in.

2 Q And this is the license plate of the trailer
3 where the warrant was executed?

4 A Correct.

5 Q And did you assist with the execution of that
6 warrant?

7 A Yes, I did.

8 Q And so you went in the trailer then and took
9 pictures?

10 A Yes.

11 Q Looking at Exhibit 50 -- I'll have to back this
12 out a little bit. What is this showing?

13 A This would have been where I was positioned
14 inside the living room area of the trailer looking down
15 the hallway into the bedroom.

16 Q So this is the inside of the trailer then?

17 A Yes.

18 Q I'm just changing the lighting so we can try to
19 see it better.

20 Now showing you Exhibit 61, you indicated that you
21 photographed this in the location. It was found in the
22 trailer; is that correct?

23 A Yes.

24 Q What is this depicting?

1 A This is an identification card in the name of
2 Ian Held.

3 Q Why would you take a picture of this?

4 A This would show that there is some sort of
5 personal belonging and residency of the trailer. It's
6 referred to as indicia, meaning that the person who we
7 are investigating has items that would show that they
8 are living in this residence or this trailer.

9 Q Now, were other people assisting you in the
10 execution of the search warrant?

11 A Yes.

12 Q Who were they?

13 A Detective Lance Tindell, Detective Travis
14 Bailey. Detective Kenny Fye was there as well.

15 Q Was he inside the trailer, though?

16 A I don't remember.

17 Q Do you know, was the drill set found inside the
18 trailer?

19 A Yes.

20 Q Was it found by you?

21 A No.

22 Q Did you take pictures of that drill set?

23 A Yes.

24 Q And were those pictures taken at the trailer or

1 were they taken someplace else?

2 A They were taken someplace else.

3 Q I'm showing you Exhibit 29. Is this one of
4 those photos of the drill set?

5 A Yes.

6 Q And can you tell where that was taken?

7 A That was taken at the evidence building, the
8 Reno Police Department evidence building.

9 Q So these are actually the pictures you took?
10 I'm showing you Exhibit 30 of the drill set.

11 A Yes.

12 Q Were you involved in the return of this drill
13 set?

14 A I was not.

15 Q Thank you.

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

18 THE COURT: To the defense.

19 MS. ROSENTHAL: Your Honor, may we take that quick
20 break, please.

21 THE COURT: Yes, of course.

22 Ladies and gentlemen, during this recess please do
23 not discuss this case amongst yourselves. Please do
24 not form or express any opinion about this matter until

1 it has been submitted to you. We'll stand for our
2 jury. I don't know how long we'll be, maybe just a few
3 minutes, so stay close, please.

4 (Proceedings outside the presence of the jury.)

5 THE COURT: Be seated, please.

6 MS. ROSENTHAL: I just need to use the restroom.

7 THE COURT: I'm sorry.

8 MS. ROSENTHAL: It's okay. No, it wasn't for
9 anything else. I just know I would need a restroom
10 break.

11 THE COURT: That's fair.

12 Deputy Coss, you can tell the jury that this will
13 be a 15-minute break.

14 MS. ROSENTHAL: Thank you. I apologize.

15 (A recess was taken.)

16 (Proceedings within the presence of the jury.)

17 THE COURT: To the defense, you may begin.

18 CROSS-EXAMINATION

19 BY MS. ROSENTHAL:

20 Q Good afternoon. You indicated that you were
21 also part of the surveillance at the trailer park;
22 correct?

23 A Yes.

24 Q Did you participate in any time other than the

1 28th of September?

2 A Of doing surveillance?

3 Q Yes.

4 A Not specifically of the trailer or the trailer
5 park, but I did.

6 Q You did surveillance of Mr. Held?

7 A Yes.

8 Q Related to the tracker?

9 A I believe so, yes.

10 Q But your only time at the trailer park was on
11 the 28th?

12 A I believe so. That was the first time that I
13 was inside the trailer park conducting surveillance.

14 Q Showing you what's been admitted as Exhibit 89,
15 this appears to be a photo of the trailer park;
16 correct?

17 A Yes, it does.

18 Q This is the entrance over here?

19 A Yes.

20 Q And Mr. Held's trailer was located on this
21 side; correct?

22 A Yes, it was.

23 Q And based off of this could you describe where
24 you were stationed for the surveillance?

1 A Am I able to get up?

2 Q Maybe you can direct me.

3 A So where the middle building is, I guess bottom
4 left side, there's a little parking spot that's not
5 shown because of some trees, but there's -- so I'm
6 trying to explain it accurately. But if you look at
7 the trailers to the left of that middle building, at
8 the very bottom of those trailers are some parking
9 spots and that's where I was.

10 Q Okay. And do you recall where Officer Fye was?

11 A I don't know exactly where he was.

12 Q From you position could you see Mr. Held's
13 trailer?

14 A Not from my position.

15 Q So you could not see anyone enter or exit that
16 trailer?

17 A Not when I was in that position.

18 Q At some point you changed positions, though?

19 A Yes.

20 Q And that was once the individuals were
21 arrested?

22 A Yes.

23 Q And once you started to surveil the actual
24 trailer? You secured the trailer?

1 A After they arrested them I took over Detective
2 Fye's spot, yes.

3 Q And at that time you could see the trailer?

4 A Yes.

5 Q Who went in and out?

6 A During that time the only person that went in
7 was Ms. Bush.

8 Q Ms. Bush was actually arrested; correct?

9 A She was. And then I don't know exactly how it
10 came about, but she was unarrested and then was brought
11 back to the trailer.

12 Q She was unarrested, is that what you said?

13 A Yeah. From the interview -- I don't remember
14 exactly who interviewed her, but during the interview
15 it was determined that she wasn't going to be arrested.

16 Q But that was not you that interviewed her?

17 A Correct.

18 Q You remained at the location?

19 A Yes.

20 Q And the trailer in question was not subject to
21 a search warrant at that time; correct?

22 A Meaning we hadn't had a search warrant yet?

23 Q Correct.

24 A Correct, we did not have a search warrant yet.

1 Q And so if somebody wanted to go in and out of
2 that trailer at that time, would you have allowed them
3 to?

4 A No.

5 Q And why is that?

6 A Our intentions were -- I was under the
7 understanding that we were going to get a search
8 warrant.

9 Q But you hadn't; correct?

10 A At that point, no, but we usually will freeze
11 or lock down an area or a residence or trailer in this
12 instance.

13 Q And that is to maintain the integrity of that
14 house or trailer?

15 A Yes.

16 Q To maintain what was in there?

17 A Yes.

18 Q To ensure that it's in the same spot when you
19 want to search it as it was found?

20 A Yes.

21 Q But instead of that happening someone else was
22 allowed to enter that?

23 A Ms. Bush was allowed to enter.

24 Q Okay. And when your surveillance was done and

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 XI to the following:

IAN CHRISTOPHER HELD, 96555
c/o NNCC
PO BOX 7000
CARSON CITY, NV 89702
Via U.S. Mail

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

DATED this 28th day of February, 2022.

/s/Randi Jensen
Randi Jensen