

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 28 2022 03:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

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

APPELLANT'S JOINT APPENDIX – VOLUME XII

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

TABLE OF CONTENTS
VOLUME I

1.	Information (Filed on 3/18/2021).....	1
2.	Judgment (Filed on 9/3/2021).....	5
3.	Notice of Appeal (Filed on 9/3/2021)	7
4.	Motion to Bifurcate Count three of the Information (Filed on 6/17/2021)	9
5.	Motion to Suppress (Filed on 6/16/2021)	16
6.	Opposition to Defendant’s Motion to Suppress (Filed on 6/22/2021)	20
7.	Defendant’s Motion to Suppress Fruits of Search Warrant Pursuant To <i>Franks v. Delaware</i> (Filed on 5/12/2021)	29

VOLUME II

8.	Opposition to Defendant’s Motion to Suppress Fruits of Search Warrant Pursuant to <i>Franks v. Delaware</i> (Filed 5/24/21).....	40
9.	Exhibit 1 Telephone Search Warrant (Filed 5/24/2021).....	54
10.	Exhibit 2 Application for Search Warrant (Filed 5/24/2021).....	59

VOLUME III

11.	Exhibit 3 Transcript of Preliminary Hearing, Pages 1-68 Dated 3/3/2021)	70
-----	--	----

VOLUME IV

12. Continued Exhibit 3 Transcript of Preliminary Hearing, Pages 69-144
Dated 3/3/2021) 139

VOLUME V

13. Transcript of Proceedings, Motion to Suppress
(Dated 6/9/2021) 215

VOLUME VI

14. Transcript of Proceedings, Motion to Suppress, Pages 1-83
(Dated 6/29/2021)..... 237

VOLUME VII

15. Continued Transcript of Proceedings, Motion to Suppress,
Pages 84-165 (Dated 6/29/2021)..... 320

VOLUME VIII

16. Transcript of Proceedings, Jury Trial Day 2, Pages 1-99
(Dated 6/30/2021)..... 402

VOLUME IX

17. Continued Transcript of Proceedings, Jury Trial Day 2,
Pages 100-199 (Dated 6/30/2021) 501

///

///

///

VOLUME X

18. Continued Transcript of Proceedings, Jury Trial Day 2,
Pages 200-261 (Dated 6/30/2021)..... 601

VOLUME XI

19. Transcript of Proceedings, Jury Trial Day 3,
Pages 1-129 (Dated 7/1/2021)..... 663

VOLUME XII

20. Continued Transcript of Proceedings, Jury Trial Day 3,
Pages 130-261 (Dated 7/1/2021)..... 792

VOLUME XIII

21. Notice of Bindover (Filed 3/08/2021)..... 924
22. Appearances Hearing (filed 3/22/2021) 925
23. Verdict, Count I (Filed 7/06/2021)..... 926
24. Verdict, Count II (Filed 7/06/2021)..... 927
25. Verdict, Count III (Filed 7/06/2021) 928
26. Order (Filed 4/09/2021)..... 929
27. Third Amended Criminal Complaint (Filed 2/24/2021)..... 930

1 you were just maintaining the trailer, it was known
2 that you were an officer; correct?

3 A To who?

4 Q To Ms. Bush.

5 A When she came back it would have been known.

6 Q When Ms. Bush entered the trailer it was known
7 that you and Officer Bailey were officers?

8 A Yes.

9 Q And Detective Fye?

10 A Yes.

11 Q And you don't wear body cams to maintain
12 secrecy?

13 A No.

14 Q You don't wear body cams because the statute
15 says you don't have to?

16 A Correct.

17 Q But it says there's a specific reason behind
18 that; correct?

19 A I don't know the exact wording of the NRS.

20 Q Is it your policy that you never have to wear a
21 body cam no matter what?

22 A In my position, yes.

23 Q And so the search warrant was not even applied
24 for until after Ms. Bush was allowed to go in the

1 trailer; correct?

2 A I believe that's how it worked.

3 Q Did you go in the trailer at any time before
4 the search warrant was granted?

5 A I did not.

6 Q Did you accompany Ms. Bush inside the trailer?

7 A Before it was granted, no.

8 Q Did anybody accompany Ms. Bush?

9 A Detective Travis Bailey was right at the door.
10 He was watching her, so in a way accompanying her.

11 Q Was he standing -- were there stairs on the
12 trailer?

13 A There were stairs going up to the trailer.

14 Q Was Mr. Bailey on those stairs?

15 A Yes.

16 Q So he could see in the trailer?

17 A Yes.

18 Q He could see while she moved around?

19 A I would assume so, yes, from his angle he would
20 be able to see her.

21 Q So essentially he was able to see what was in
22 the trailer from his angle?

23 A Yes.

24 Q Before the search warrant was granted?

1 A Yes.

2 Q And do you know why Ms. Bush was allowed to go
3 back in the trailer?

4 A Yes. She was going to go back inside the
5 trailer to retrieve some of her personal belongings.

6 Q Do you know if when she exited the trailer she
7 had any of those?

8 A She did not.

9 Q And you ultimately did go in the trailer?

10 A Yes.

11 Q And you took pictures of things?

12 A Yes.

13 Q Including an identifying card related to
14 Mr. Held which we saw earlier?

15 A Yes.

16 Q Were any identification cards of Ms. Bush
17 found?

18 A Not that I remember.

19 Q Was there any mail addressed to Ms. Bush in
20 that trailer?

21 A I don't remember.

22 Q Was there any insignia that Ms. Bush had
23 something identified to her in that trailer?

24 A Insignia?

1 Q Anything with her name on it.

2 A Not that I remember.

3 Q So to your knowledge there was nothing of

4 Ms. Bush's that you could tell in that trailer?

5 A After the fact not that I remember.

6 Q And you took photos of what you determined was

7 of important evidentiary value?

8 A Yes.

9 Q And there's no photos of anything related to

10 Ms. Bush?

11 A No.

12 Q But you did take photos of a drill?

13 A Yes.

14 Q But those photos were not taken in the trailer?

15 A Of the drill, no.

16 Q And the purpose of taking photos of things are

17 so you can look back and see how they were found;

18 correct?

19 A Yes.

20 Q And that was not what happened in this case?

21 A We took the photos at the evidence building.

22 Q Okay. And were you the one that retrieved that

23 drill from the trailer?

24 A No, I was not.

1 Q And so you don't know exactly where that drill
2 was found?

3 A According to Detective Bailey's report I do.

4 Q So you've reviewed that report?

5 A Yes.

6 Q Do you recall what color Detective Bailey said
7 the drill was?

8 A I don't remember that. I just remember that it
9 was located in the living room part of the trailer.

10 Q Wouldn't it be accurate that he said it was a
11 black drill?

12 A Without reviewing it again I don't recall.

13 Q Would seeing his report refresh your
14 recollection?

15 A Yes.

16 Q I don't seem to have that report, so I'm just
17 going to move forward.

18 A Okay.

19 Q And do you recall testifying at a prior hearing
20 in this case?

21 A Yes, I do.

22 Q And you were under oath for that?

23 A Yes.

24 Q And do you recall testifying that before

1 Detective Fye decided he was going to apply for the
2 search warrant Ms. Bush was allowed to go back into the
3 trailer?

4 A Without looking at my transcript that sounds
5 familiar, yes.

6 Q So it was not decided to apply for the search
7 warrant until after Ms. Bush was allowed back in the
8 trailer; correct?

9 A That was my understanding. That doesn't mean
10 that's what happened in Detective Fye's mind.

11 Q And then you also testified at that hearing
12 when asked "So officers were with her when she entered
13 the trailer?" and your response was yes?

14 A Yes. So like today I was saying Detective
15 Bailey was in a way accompanying by standing at the
16 trailer to keep visual contact inside.

17 Q And were you aware that at that time Mr. Held
18 had denied consent to search that trailer?

19 A I was not aware.

20 Q But usually you have to get a search warrant
21 when consent is denied; correct?

22 A When consent is denied, yes.

23 Q But it was believed that Ms. Bush resided
24 there; correct?

1 A Yes.

2 Q That's why she was allowed to return to that
3 property?

4 A Yes.

5 Q But nobody asked her for consent, did they?

6 A I don't know.

7 Q Did you ask her for consent?

8 A No, I did not.

9 Q Did you ever see the search warrant?

10 A No. It was a telephonic search warrant.

11 Q Okay. But were you looking for certain items?

12 A Yes.

13 Q And do you recall if any wine was found in the
14 trailer?

15 A I do not.

16 Q You do not recall or none was found?

17 A I do not recall.

18 Q Okay. Do you recall if any DVDs were found?

19 A I do not recall.

20 Q And at any time -- let me back up. Were you
21 ever in possession of that drill?

22 A No. I took photos of it at the evidence
23 building, so that would be the closest.

24 Q And when you take photos of it did you remove

1 it -- did you take it from a certain place to that
2 location?

3 A We would have taken it out of our locked room
4 where we keep the evidence.

5 Q Did you take it out of that evidence room?

6 A I don't remember.

7 Q When items are in the evidence room is there a
8 log of them of some sort?

9 A There is once it's booked into evidence.

10 Q Okay. So was the drill ever booked into
11 evidence?

12 A No.

13 Q But evidence is booked to keep track of it;
14 correct? The purpose of booking evidence is to keep
15 track of an item?

16 A Yes, amongst other reasons.

17 Q Because it might have evidentiary value?

18 A Correct.

19 Q Because it might be used at something like
20 this, a trial?

21 A Yes.

22 Q That's why evidence is booked?

23 A Not always, but yes.

24 Q And when evidence is booked it tends to have a

1 chain of custody associated with it; correct?

2 A Once it's booked, yes.

3 Q But if it's not booked there is no chain of
4 custody?

5 A Correct.

6 Q So we don't know how one piece of evidence got
7 to the location if there's no chain of custody?

8 A I mean, I would be able to testify to the
9 things that I collected, but I didn't collect the
10 drill, so I wouldn't be able to testify to that.

11 Q But you can't say that the drill you took
12 pictures of was the same drill found in the trailer?

13 A I can say that.

14 Q How can you say that?

15 A Because I believe the detectives that I work
16 with and it didn't come from anywhere else.

17 Q But you did not move the drill from one place
18 to the other?

19 A I did not.

20 Q Okay. And you were not with the drill the
21 entire time it was moved?

22 A Correct.

23 Q And other people have access to that evidence
24 locker other than yourself or Detective Fye?

1 A Detective Bailey or Detective Tindell would
2 have.

3 Q So the answer is yes, other people have access?

4 A Yes.

5 Q And you do not know who removed that drill from
6 the evidence locker?

7 A I don't remember, no.

8 Q Because that drill was never booked into
9 evidence?

10 A It was not.

11 Q And are other items of evidence or other items
12 collected from other cases also located in that room?

13 A There would be, yes.

14 Q So you can't say that that drill was the same
15 drill taken from the trailer; correct?

16 A It was not there before and it was there after
17 a return, so I would say it's the same drill.

18 Q But you did not take that drill out of that
19 room?

20 A Not that I remember.

21 Q And you did not take the drill from the trailer
22 and put it in that room?

23 A No, I did not.

24 Q Thank you.

1 MS. ROSENTHAL: The Court's indulgence.

2 BY MS. ROSENTHAL:

3 Q And you were responsible for taking all photos
4 of evidence in that trailer?

5 A Yes.

6 Q Did you take any photos of any wine?

7 A I don't believe so.

8 Q Did you take photos of any DVDs?

9 A Not that I remember.

10 Q Did you take photos of any other items listed
11 as stolen from the 1440 Whisper Rock Drive?

12 A I don't remember what was stolen from that
13 address, so without seeing the items that were stolen
14 and what I photographed I can't give you a good answer.

15 Q Before you enter the trailer you're given kind
16 of a lowdown on what you're to look for; correct?

17 A Yes.

18 Q And you were told to look for a drill set or
19 tools?

20 A Yes.

21 Q Wine?

22 A I don't remember.

23 MS. ROSENTHAL: Nothing further, Your Honor.

24 THE COURT: To the State.

1 MR. DELONG: Thank you.

2 REDIRECT EXAMINATION

3 BY MR. DELONG:

4 Q Did you search the trailer prior to obtaining
5 the search warrant?

6 A No.

7 Q Did anyone else on your team search the trailer
8 prior to obtaining a search warrant?

9 A No.

10 Q Would you guys ever do that?

11 A No.

12 Q Now, there's this evidence locker we've been
13 discussing where you work; right?

14 A Yes.

15 Q Can I just go in there and look around and see
16 what you guys have there?

17 A No.

18 Q Can anyone off the street go in there?

19 A No.

20 Q Can you describe the security generally? I
21 don't want any state secrets, but generally can you
22 describe the security for that building?

23 A So it's us and evidence that have access to the
24 gated area where we park our vehicles. And then we are

1 the ones that have access to get inside the building.
2 And then where our office is is where we would -- I'm
3 sorry. Our offices are above where that locked office
4 is, but we only have access to the key.

5 Q So I can't even just drive into that fenced
6 area in your building and park where you guys park, can
7 I?

8 A No, you cannot.

9 Q And I can't just come in and say hi to you on a
10 Tuesday?

11 A Correct.

12 Q So you have to have specific access, and that's
13 for sworn peace officers?

14 A Yes, and evidence.

15 Q And then does anyone besides sworn peace
16 officers have access to that room we're discussing?

17 A No.

18 Q More narrow than that, does anyone besides your
19 team have access to that room we're discussing?

20 A Evidence might have a key, but I don't know for
21 sure.

22 Q And evidence would be still another sworn peace
23 officer?

24 A They're -- no, they're civilian staff. Our

1 evidence technicians are the ones that handle all the
2 evidence.

3 Q So they're authorized to handle all evidence
4 for all cases?

5 A Yes.

6 Q And they have had their own background checks
7 before they got that job; right?

8 A I believe so.

9 Q No further questions. Thank you.

10 THE COURT: Recross to the defense.

11 MS. ROSENTHAL: Thank you.

12 RECROSS EXAMINATION

13 BY MS. ROSENTHAL:

14 Q At any given time there's a multitude of items
15 in that locker; correct?

16 A It's a room, but yes.

17 Q A room. And the items are not marked in any
18 way?

19 A That would not be correct.

20 Q So there is a record of what's in that room?

21 A Not -- the way you asked the question was
22 different. So we have items that we have packaged or
23 items that we have for safekeeping, but if you're
24 specifically asking for a log of the stuff we've

1 collected, no.

2 Q So there's no log of what is in that room at
3 any given time?

4 A Correct.

5 Q So you don't have to sign something in and out
6 of that room?

7 A Correct.

8 Q But if something is in evidence you have to
9 sign it in and out?

10 A Yes.

11 Q And the purpose of that is to establish chain
12 of custody?

13 A For signing in and out, yes.

14 Q And there's no chain of custody for this drill;
15 correct?

16 A No. Sorry. Correct.

17 Q Thank you.

18 THE COURT: Thank you. That concludes your
19 testimony.

20 Ladies and gentlemen, we'll stand for a moment as
21 we await the next witness.

22 MR. GRAHAM: The State calls Lance Tindell,
23 Detective Lance Tindell.

24 THE COURT: Please be seated.

1 THE BAILIFF: Raise your right hand.

2 (The oath was administered to the witness.)

3 THE WITNESS: I do.

4 THE CLERK: Thank you.

5 THE COURT: You may lower your mask your during
6 your testimony if you are comfortable doing so. You're
7 not required to.

8 THE WITNESS: Yes, Your Honor. Thank you.

9 LANCE TINDELL,
10 having been first duly sworn, was
examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. GRAHAM:

13 Q Detective Tindell, will you please state and
14 spell your name for the record.

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

17 Q How are you employed?

18 A I work for the Reno Police Department.

19 Q In what capacity?

20 A I am a detective.

21 Q How long have you in total been a police
22 officer?

23 A A little over 13 years.

24 Q And specifically a detective?

1 A A detective for about nine years.

2 Q In your current capacity I can see you have a
3 beard.

4 A I do.

5 Q Are you in an undercover position?

6 A I am, undercover, plain clothes position.

7 Q All right. I would like to draw your attention
8 specifically to September 21st, 2020. On that date
9 were you made aware of an individual by the name of Ian
10 Held who was a suspect in a residential burglary up at
11 1440 Whisper Rock Way in Reno, Nevada?

12 A I was.

13 Q Do you see Mr. Ian Held here in court today?

14 A I do.

15 Q Can you point to him and identify an article of
16 clothing that he's wearing?

17 A He's wearing a white button-up shirt and a
18 black mask, glasses.

19 MR. GRAHAM: I would ask that the record reflect
20 that the witness has identified the defendant.

21 THE COURT: Yes.

22 MR. GRAHAM: Thank you.

23 BY MR. GRAHAM:

24 Q Once you were made aware of the Whisper Rock

1 Way home burglary up in Somerset, what did you do?

2 A Detective Fye took over the case. We went over
3 to where the patrol officer found a U-Haul truck and we
4 conducted surveillance.

5 Q Would that surveillance have been on Mr. Held's
6 residence at 1455 West Fourth Street, No. 81?

7 A Yes.

8 Q A trailer park?

9 A Yes.

10 Q And what type of surveillance was this?

11 A We did three types of surveillance, static
12 surveillance basically where we sit and just watch the
13 trailer, watch the surrounding areas, a rolling
14 surveillance where we'll follow a vehicle or a person
15 away from that residence and we used GPS trackers to
16 give us updated information.

17 Q Specifically in this case on September 23rd
18 were you and your team able to place a tracker on a
19 vehicle that was associated with Mr. Ian Held?

20 A Yes, we were.

21 Q What vehicle was that attached to?

22 A It was an older model Jeep Cherokee, red in
23 color. It appeared to me as though it had a little
24 lift kit on it as well as aftermarket tires.

1 Q Specifically on September 24th, 2020, were you
2 doing any surveillance of Mr. Ian Held at that time?

3 A Yes. We had a tracker saying that the Jeep was
4 mobile. We tracked it to the area of University Park
5 Loop. I went up there. I was able to see a piece of
6 the Jeep parked on University Park Loop. I ended up
7 getting out of the area as to not be noticed by him. I
8 parked south of the residential area on Evans.

9 Moments later I received information that the
10 tracker was mobile again and I observed the Jeep
11 leaving the residential area driving past me at a high
12 rate of speed. I was able to identify the defendant as
13 the driver and Annebelle Bush as the front passenger of
14 that vehicle.

15 Q Are you aware of any type of relationship
16 between Mr. Ian Held and Annebelle Bush?

17 A At that time they were dating, considered
18 themselves boyfriend and girlfriend.

19 Q I would like to direct your attention to what
20 has been marked and admitted as State's Exhibit 48.
21 Have you seen this map before?

22 A I have.

23 Q I'm going to zoom in so that we can see a
24 little bit -- you just testified that while tracking

1 him you were receiving alerts of the GPS location of
2 that vehicle and you drove up and did actual eyes on to
3 make sure that the vehicle was up there?

4 A Correct.

5 Q Can you identify to me where you drove and
6 where you saw him?

7 A It was on University Park Loop. I saw -- I
8 don't know exactly where on the map I was, but I did
9 see a portion of the red Jeep. I stopped my car at
10 that point. I turned around and I went back down -- I
11 believe that's Socrates -- down to Evans.

12 Q And just for the record I've moved down. The
13 yellow road here, what is that?

14 A McCarran.

15 Q Did you cross McCarran?

16 A I did.

17 Q And set up in this area?

18 A That is correct.

19 Q Below where we can see?

20 A That is correct.

21 Q And in that area were you directly on the road
22 or did you --

23 A I was off to the west in a parking lot.

24 Q So off on this part of the map?

1 A That is correct.

2 Q And are you in a police cruiser at this point?

3 A I am in an unmarked vehicle.

4 Q Okay. And how long would you say that you were
5 set up in this parking lot off of Evans?

6 A I would say no longer than 15, 20 minutes tops.

7 Q What do you see next?

8 A I see the Jeep. I get a notice saying that the
9 Jeep was mobile. And then I see the Jeep coming
10 towards me. As it drives past me I am able to see the
11 defendant driving it as well as Annebelle Bush in the
12 front passenger seat.

13 Q Were you working this alone at the time or were
14 you working in tandem with anybody?

15 A I was the only one there, but other detectives
16 were around.

17 Q Detective Kenny Fye?

18 A Yes.

19 Q All right. Once that occurred what did you do
20 next?

21 A After that incident I believe the tracker
22 landed back at the West Fourth Street address and we
23 called it a day after that.

24 Q At any point right after that did you go back

1 up into University?

2 A Yes, drove up around University Park Loop to
3 see if there was any sort of remnants of a crime that
4 had occurred.

5 Q Now, in your unmarked vehicle -- I've been in
6 some -- work related I've been in police cruisers
7 before and it seems to me that they have an array of
8 radios and communication devices. Are you on that same
9 type of -- do you have that same setup in your vehicle?

10 A I only have a hand walkie-talkie. I don't have
11 a computer or anything like that.

12 Q Can you be dispatched to a certain scene?

13 A No.

14 Q So when you drove up after you saw the
15 defendant zooming past you -- let me back up. You said
16 at a high rate of speed. What makes you say that?

17 MS. ROSENTHAL: Objection, Your Honor. I don't
18 believe that he said that.

19 MR. GRAHAM: I thought he did.

20 THE COURT: Well, confirm with him.

21 BY MR. GRAHAM:

22 Q Okay. When you saw him drive past you in your
23 determination how fast was going?

24 A He was going faster than the posted speed

1 limit.

2 Q Did it catch your attention?

3 A It did.

4 Q After you saw him go past you, you drive back
5 up. And at that time had you been alerted to anything
6 that had happened up at University Loop?

7 A I had not.

8 Q Did you see anything up there that caught your
9 attention?

10 A No.

11 Q After coming back down and seeing that the
12 defendant is back at the trailer park did you do
13 anything regarding what you had just seen?

14 A I sent out an email saying that we're
15 investigating a suspect in a series of residential
16 burglaries and if anyone had taken a case up there to
17 let me know about it.

18 Q Did you receive a response?

19 A I did.

20 Q What was the response regarding?

21 A Officer Hakin sent me back an email and said
22 that he had taken an attempted burg case up in that
23 area.

24 Q Up at 920 South University Loop?

1 A That is correct.

2 Q And that would be on the exact same date you
3 had seen him up there?

4 A That is correct.

5 Q September 24th, 2020?

6 A That is correct.

7 Q At that point -- so that would have been the
8 next day. So September 25th I want to go to. Anything
9 regarding this case on September 25th?

10 A Not that I can recall.

11 Q The next day, September 26th?

12 A Not that I can recall.

13 Q At some point during the investigation did you
14 lose the GPS signal from the red Jeep that you were
15 surveilling?

16 A We did, yes.

17 Q At that point did you do more of a hands-on
18 surveillance with Mr. Ian Held?

19 A Yes. Since we lost the GPS tracker we had to
20 do static and rolling surveillance.

21 Q On September 28th was a decision made to arrest
22 the defendant for the burglary up in Somerset and then
23 also the attempt residential burglary at University
24 Park?

1 A It was.

2 Q Were you part of that arrest?

3 A I was.

4 Q What part did you play?

5 A I placed handcuffs on the defendant.

6 Q And was that at the 1455 West Fourth Street?

7 A Yes, it was.

8 Q Was it near his trailer or was it away from his

9 trailer?

10 A It was a little bit away from his trailer. We

11 watched him leave the trailer and decided it was time

12 to arrest him. We moved in and did so.

13 Q You and Detective Fye?

14 A Yes.

15 Q Did Detective Fye arrest Ms. Bush and you

16 arrested Mr. Ian Held?

17 A That is correct.

18 Q Okay. Once he's been arrested where do you

19 take him?

20 A I placed him in the front seat of my unmarked

21 vehicle. I proceeded to drive him to the Reno Police

22 Department main station where I take him out and place

23 him into an interview room. While in the interview

24 room I take him out of handcuffs, I provide him with a

1 bottle of water and then start my interview.

2 Q At the beginning of your interview did you read
3 him his Miranda rights?

4 A I did.

5 Q And I guess there's a different way to convey
6 those Miranda rights, but how specifically did you
7 convey those rights to him?

8 A So I have a placard in my wallet that I read to
9 everyone. It has the Miranda warning on it. I have
10 whoever I'm interviewing read along with me so they
11 understand. I ask them if they understand. And if
12 they agree, then I ask them if I can proceed with the
13 questioning. And if they agree, then I do so.

14 Q Did you ask him if he understood his rights?

15 A I did.

16 Q What was his response?

17 A He did, he understood his rights.

18 Q Did you ask him if he would agree to speak with
19 you about your investigation?

20 A I did.

21 Q What was his response?

22 A He said he would agree to speak with me.

23 Q I want to talk a little bit about whether or
24 not this interview was recorded. You said you took him

1 to the Reno Police Department for his interview. Was
2 it recorded?

3 A It was.

4 Q How so?

5 A So our cameras were down in the interview room,
6 so I used a body camera from the Reno Police
7 Department.

8 Q And in your undercover capacity you don't
9 normally wear a body cam?

10 A We do not.

11 Q So you had to borrow one?

12 A Yes, I got one that I normally don't wear.

13 Q I mean, would you agree that it's important to
14 record these type of things?

15 A Absolutely.

16 Q And so that's why despite having the cameras in
17 the actual interview room down you still wanted to
18 record it?

19 A Absolutely.

20 Q Thank you.

21 When you used that camera is it audio and video?

22 A It is.

23 Q What was the main point of recording this
24 interview?

1 A To capture the interview.

2 Q Okay. But was it the audio?

3 A Yes, the audio was the main, yes.

4 Q In starting your interview did you ask him

5 questions about whether or not he was living at that

6 1455 West Fourth Street, No. 81, address?

7 A I did.

8 Q What did he tell you about that?

9 A That he been living there for a couple days.

10 Q Did you ask him if anybody else was living with

11 him?

12 A I don't recall if I did at that time.

13 Q Did you ask him any questions regarding whether

14 Annebelle Bush was also living there?

15 MS. ROSENTHAL: Objection, Your Honor. Asked and

16 answered.

17 THE COURT: Sustained.

18 MR. GRAHAM: That's fine. I'll move on.

19 BY MR. GRAHAM:

20 Q Do you recall whether or not you know if

21 anybody else was living there?

22 A During our surveillance, yes, we saw Annebelle

23 and the defendant leaving from there.

24 Q Do you remember ever asking about whether or

1 not she lived there, Annebelle Bush?

2 A I believe -- I don't know that I did. I
3 believe that other detectives have. And I believe that
4 it was learned that Annebelle was living there.

5 Q Did you ask him about his possession in driving
6 that red Jeep?

7 A I did.

8 Q What did he say about that?

9 MS. ROSENTHAL: Objection, Your Honor. I would
10 like -- Your Honor, I would ask to be heard outside the
11 presence of the jury.

12 THE COURT: Ladies and gentlemen, this will be our
13 lunch recess. Please do not discuss this case amongst
14 yourselves. Please do not form or express any opinion
15 about this matter until it has been submitted to you.
16 We'll be in recess for 35 minutes.

17 We'll stand for our jury.

18 (Proceedings outside the presence of the jury.)

19 THE COURT: I just want to make sure that the "he"
20 pronoun in the question refers to Mr. Held.

21 MR. GRAHAM: I'll clean it up, Your Honor.

22 THE COURT: I'm going to sit down, but you
23 may stand.

24 Would you like to be heard?

1 MS. ROSENTHAL: Yes, Your Honor. My objection is
2 based off this is getting into a bad act. And also I
3 don't think it's relevant about the red Jeep. I don't
4 think it's relevant to the charges in front of the
5 jury. The Court is unaware the red Jeep was not
6 Mr. Held's. That's why the tracker was on it. And I
7 don't think that it needs to be gotten into by the
8 State.

9 THE COURT: Well, that's the Rocco Jeep, Rock-o or
10 Ro-co. So let me just pause for a moment.

11 I can't cleanse an entire case of its res gestae.
12 The facts unfold as they unfold. Distinct from that
13 are prior bad acts. If Mr. Graham were to start
14 talking about Mr. Rocco granted permission or reported
15 that the vehicle was stolen or that Mr. Held knew that
16 he didn't have permission, it was stolen, absolutely,
17 but the mere fact that he was driving somebody else's
18 car -- I mean, somebody drove my car this morning. You
19 know what I mean.

20 MS. ROSENTHAL: I just think it was the time to
21 address it now before it gets anywhere so that it's
22 known that -- he asked him specifically what he
23 learned -- what Mr. Held told him about the Jeep, and
24 there's only one way to go.

1 THE COURT: So I will accept your objection and
2 request for sidebar as prophylactic. No problem with
3 it whatsoever. This witness shall not indicate that
4 Mr. Held had stolen the Jeep or didn't have permission
5 or anything of that nature unless you can persuade me
6 otherwise.

7 MR. GRAHAM: Your Honor, I was never going to
8 elicit testimony and I've been clear with my witnesses
9 that we are never going to talk about the fact that
10 that vehicle was stolen, that it wasn't his, that he
11 admitted to taking it or anything of that matter. The
12 fact that -- we have done our due diligence to not even
13 talk about that and I didn't even elicit a question
14 that would give a response in that regard.

15 THE COURT: I actually thought you were going
16 somewhere else as you had expressed some concerns about
17 the audio quality of the tape recording, the rule of
18 completeness and so forth. So if that's all you
19 have --

20 MS. ROSENTHAL: Well, at this point, Your Honor, I
21 was specifically not wanting that testimony in any
22 regard to the red Jeep to come out because it
23 relates -- outside of that Mr. Held was driving the
24 Jeep which he already testified that he saw him driving

1 the Jeep. When he asked what Mr. Held told him about
2 the red Jeep, which is the question that the State
3 asked, I think there's only one answer and it's a
4 negative answer.

5 THE COURT: We are going to be in a very
6 abbreviated 30-minute lunch as well.

7 (The lunch recess was taken at 1:56 p.m.)

8 --oOo--
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 RENO, NEVADA; THURSDAY, JULY 1, 2021; 2:31 P.M.

2 --o0o--

3 THE COURT: All right. The jury, please.

4 (Proceedings within the presence of the jury.)

5 THE COURT: To the State, you may continue.

6 MR. GRAHAM: Thank you, Your Honor.

7 BY MR. GRAHAM:

8 Q Detective Tindell, I believe the last question
9 I had asked you was about whether or not you had asked
10 the Defendant Ian Held whether or not he was driving
11 that red Jeep. And what was his response when you
12 asked him the question about that?

13 A That he had been using the red Jeep.

14 Q Did you ask him when the last time it was that
15 he had driven that red Jeep?

16 A I did, I asked him the last time he last drove
17 that Jeep. He stated that it was the Saturday before
18 he had been arrested, so I believe that was the 26th.

19 Q Of September?

20 A Of September.

21 Q 2020?

22 A Yes, sir.

23 Q Did you confront Mr. Held regarding him driving
24 the Jeep up at University Park Loop area on September

1 24th, 2020?

2 A I did.

3 Q How did he respond?

4 A He admitted that he was up in that area. He
5 stated that he was looking for an acquaintance of his
6 known only as Chris. He stated that Chris had robbed
7 him earlier in the week and he was looking to confront
8 Chris.

9 Q Did he indicate to you if he was with anybody
10 while he was looking for Chris?

11 A He stated that he was with Annebelle Bush.

12 Q At any time did Mr. Ian Held indicate to you
13 whether or not he filed a police report regarding this
14 robbery?

15 A He never stated that he filed a police report.

16 Q Did he give you a last name of a person named
17 Chris?

18 A He did not.

19 Q Did he give you a description of this person
20 named Chris?

21 A He did not.

22 Q So no identifiers at all?

23 A No.

24 Q Just somebody named Chris?

1 A Just Chris.

2 Q And that was what he told you was the reason he
3 was up at University Loop?

4 A He told me he was up there to confront Chris
5 because Chris had robbed him previously.

6 Q And in confronting him what was the goal? Did
7 he want to get his money back?

8 A Yes, he wanted to get his money back, get his
9 belongings back.

10 Q Did you question him specifically about what
11 had happened up at 920 South University Park Loop?

12 A I did.

13 Q And what did he say?

14 A He admitted that he had parked in the area. He
15 admitted that he went up to -- approached the front
16 door where he observed a Ring doorbell. He stated that
17 he covered up that Ring doorbell to conceal his
18 identity and proceeded to knock on the window and front
19 door.

20 Once he didn't receive an answer at the front door,
21 he threw a rock through the window. Then he admitted
22 to going around to the back to the rear of the
23 residence where he was confronted by the male occupant
24 inside the residence. The two conversed briefly and

1 then the defendant admitted to getting back into the
2 Jeep and leaving the area.

3 Q I want to try to be specific regarding the
4 rendition that you just gave us. So you had indicated
5 that he observed that there was a Ring doorbell near
6 the front door?

7 A Yes.

8 Q At the time that you're interviewing Mr. Held
9 had you watched that already?

10 A I had seen it, yes.

11 Q Okay. So that confirmed what you had already
12 seen on the video?

13 A Yes.

14 Q And he indicated to you that he covered the
15 doorbell and proceeded to knock on the door?

16 A The door of the window.

17 Q The door of the window?

18 A Yes.

19 Q And was that basically confirmed by the video
20 that you watched?

21 A Yes.

22 Q All right. He indicates that he didn't receive
23 an answer?

24 A Yes.

1 Q And then I think you just stated that it's at
2 that point that he says he broke a window?

3 A Yes.

4 Q So based on the video evidence was that
5 congruent or the same as what we had seen in the video?

6 A I don't recall that portion of the video.

7 Q Okay. At some point was there a discussion --
8 and I want to direct you as specifically as I can about
9 you asking him how he broke the window. Did he say
10 something that he did not break the window with?

11 A He said that he did not break the window with a
12 pole.

13 Q Was that significant to your investigation?

14 A It went along with the report that the officer
15 had taken.

16 Q That there was a pole on scene?

17 A Yes.

18 Q Okay. Further in the investigation did he
19 indicate he did anything else while he was in the back
20 of this residence specifically regarding the sliding
21 glass door?

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

23 THE COURT: Overruled.

24 THE WITNESS: He stated that he went around to the

1 rear towards the sliding glass door and then he was
2 confronted by an occupant inside the residence.

3 BY MR. GRAHAM:

4 Q Thank you.

5 At this portion of the interview did you transition
6 to a different topic?

7 A I did.

8 Q What was that topic?

9 A Whisper Rock.

10 Q That would be the Somerset burglary?

11 A That would be.

12 Q At that point did you ask him about what type
13 of vehicle he was using?

14 A I did.

15 Q What was his response?

16 A U-Haul truck.

17 Q Did you question him about whether or not he
18 was with anyone?

19 A I did.

20 Q How did he respond?

21 A He stated that he was alone.

22 Q Did you ask him regarding how he gained entry
23 into the house?

24 A I did.

1 Q How many times -- to the best of your
2 recollection how many times did you have to ask him
3 about that?

4 A Numerous times.

5 Q At any point did he admit to breaking the glass
6 door at the residence up in Somerset?

7 A He did.

8 Q And did he ever tell you how he did it?

9 A He did not.

10 Q Did he say one thing that he did not do?

11 A I'm trying to think back. I don't recall.

12 Q Do you recall giving him different options of
13 how the glass sliding door could have been broken?

14 A Yes.

15 MS. ROSENTHAL: Objection. Your Honor. Asked and
16 answered.

17 THE COURT: Overruled.

18 BY MR. GRAHAM:

19 Q You can answer.

20 A I asked him if he had kicked the door, threw a
21 rock through the door, punched the window.

22 Q And what was his response, one thing that he
23 didn't do?

24 A I don't recall.

1 Q That's fine. At some point did he indicate to
2 you regarding -- did you ask him about any tools?

3 A I did.

4 Q Tell us about what he said.

5 A I asked him once he gained entry into the
6 residence what he had taken and he informed me that he
7 took some tools, power tools, miscellaneous change,
8 coins, as well as some clothing.

9 Q And that was my inartful question, and I'm
10 going to get to that guaranteed, but about entry into
11 the house regarding anything other than the broken
12 window.

13 A I'm sorry. Can you say that again?

14 Q Did he indicate to you or did you ask him
15 anything about entry into the home other than breaking
16 the window?

17 A Yes. So he initially told me that he had
18 smashed the window and then he changed his story a
19 little bit and stated that he went back to the U-Haul
20 truck where he got a tire iron or tire jack from the
21 truck along with a long screwdriver and some pliers and
22 pried the front door.

23 Q And at that point you clarified with him --
24 correct me if I'm wrong, but this is the Somerset

1 house we are talking about?

2 A Yes. I wanted to make sure we were talking
3 about the same house.

4 Q Now I want to go into you asking him questions
5 about what was stolen from the Somerset house. At
6 some point did he indicate to you that he didn't take
7 much?

8 A Yes.

9 Q And then I think you already talked about it,
10 but what were the things, the specific things, that he
11 said to you?

12 A Miscellaneous coins, change, tools, power tools
13 specifically, and clothing.

14 Q Did you ask him what happened to that property?

15 A I asked him if any of that property was back at
16 the trailer. He informed me that he usually gets rid
17 of things that are taken fairly quickly.

18 Q Okay. At that point did your interview cease?
19 Let me go back. I forgot one thing. When he was --
20 when you were talking with him did he indicate to
21 you -- other than this story about Chris and up at
22 University Park Loop did he indicate that anything had
23 been stolen from his trailer?

24 A He stated that a man named Colby had stolen

1 some coins from his trailer.

2 Q Did he say coins or did he say change?

3 A I believe he said coins.

4 Q Okay. At this point at the conclusion of your
5 interview -- how long was your interview?

6 A Total I would say around an hour fifteen, hour
7 twenty minutes.

8 Q And at the conclusion of that what did you do
9 next?

10 A So I called for a patrol officer to transport
11 the defendant to Washoe County Jail and then I
12 responded over to 1455 West Fourth Street.

13 Q And what was the reasoning for going over to
14 1455 West Fourth Street?

15 A Other detectives were there and Detective Fye
16 was attempting to get a search warrant for that
17 residence.

18 Q When you arrived had the search warrant already
19 been obtained?

20 A No.

21 Q When you arrived there did you enter into
22 Mr. Held's residence?

23 A Not before the search warrant was obtained.

24 Q Once that search warrant was obtained did you

1 enter into the residence?

2 A I did.

3 Q What was your specific role in entering into
4 that residence?

5 A I searched the front living room area of the
6 trailer.

7 Q During your search did you find anything?

8 A I did.

9 Q What did you find?

10 A I located a dark-colored, hard plastic Ryobi
11 multi-tool set.

12 Q Was that pertinent to your investigation?

13 A Excuse me?

14 Q Was that pertinent to your investigation?

15 A It was. It was one of the items that was
16 listed as stolen from the Whisper Rock Way.

17 Q Showing you what's been marked and admitted as
18 State's Exhibit 50, what are we looking at in this
19 photo?

20 A That appears to be the front room and the
21 hallway to the trailer.

22 Q Is this the area that you yourself searched?

23 A It looks to be, yes.

24 Q Now, did you take any of these photos of the

1 search?

2 A I did not.

3 Q Who was tasked with taking photos of the
4 search?

5 A Detective Catalano.

6 Q Showing you what's been marked as State's
7 Exhibit 29, what are we looking at here?

8 A That looks to be a dark-colored Ryobi case.

9 Q Showing you what's been marked and admitted as
10 State's Exhibit 30.

11 A That looks to be the insides of the previous
12 picture.

13 Q State's Exhibit 32, just another angle?

14 A Yes.

15 Q All right. Is that the Ryobi tool set that you
16 discovered in Mr. Ian Held's residence?

17 A Yes.

18 Q At any time did you find any loose change or
19 coins in Mr. Ian Held's residence?

20 A I did not.

21 Q Did you ask Mr. Ian Held about wine that had --
22 my understanding from the evidence so far is that wine
23 had been stolen during the Somerset home burglary.
24 Did you ask him about that?

1 A I did.

2 Q What did he say?

3 A He said that he didn't have any wine in his
4 trailer.

5 MR. GRAHAM: The Court's indulgence.

6 BY MR. GRAHAM:

7 Q After finding that Ryobi tool set and
8 photographing it were you involved in any way with the
9 return of that Ryobi tool set to the victim?

10 A I did. I accompanied Detective Fye in
11 returning it.

12 Q Have you in your career -- I think you said 13
13 years as a detective or 13 years total?

14 A Thirteen years total.

15 Q Thirteen years as a detective have you returned
16 lots of stolen property to victims?

17 A I have.

18 Q When you were speaking with the victim in this
19 case did you have any indication to you that he did not
20 sufficiently identify his property?

21 A In my opinion he sufficiently identified the
22 property.

23 Q If you had any doubts to that would you have
24 given that back to him?

1 A No.

2 Q During your interview with Mr. Held is there --
3 there's all these words. We communicate through words,
4 would you agree with that?

5 A Yes.

6 Q Is there other ways to communicate?

7 A Nonverbal cues, nodding your head.

8 Q When you were questioning Mr. Held did he
9 answer some of your questions nonverbally?

10 A Yes.

11 Q How so?

12 A With nodding your head, shaking your head,
13 things of that nature.

14 Q All right. And so while you were interviewing
15 him was it clear to you the admissions that we have
16 just talked about?

17 A Yes.

18 MR. GRAHAM: The Court's indulgence.

19 Pass the witness.

20 THE COURT: To the defense.

21 CROSS-EXAMINATION

22 BY MS. ROSENTHAL:

23 Q Mr. Tindell, did you meet with the State prior
24 to your testimony today?

1 A I did.

2 Q Did you go over your testimony with them prior
3 to today?

4 A A bit, yes.

5 Q You knew what questions they were going to ask
6 you already?

7 A No.

8 Q And you were not the lead detective in this
9 case, were you?

10 A I was not.

11 Q Have you been the lead detective before?

12 A Yes.

13 Q What roles does a lead detective have?

14 A Normally they take the case and they basically
15 set forth what they want other detectives to do or
16 where the investigation goes, develop probable cause,
17 things of that nature.

18 Q And the lead detective is responsible for the
19 entire case; correct?

20 A No. Each detective has portions of that case.

21 Q I'm not saying they do everything, but they are
22 the ones that everything comes back to; correct?

23 A They are the ones that take the lead. They are
24 the ones that have the final say about probable cause

1 and things of that nature, yes.

2 Q And I'm going to go start with the last point
3 the State made about the nonverbal cues. You indicated
4 that there was no video or audio in the room itself;
5 correct?

6 A Correct.

7 Q And normally there are actually two angles that
8 are obtained; correct?

9 A That is correct.

10 Q And those angles specifically show the person
11 being questioned; correct?

12 A Correct.

13 Q Because that shows any sort of verbal or
14 nonverbal cues?

15 A That is correct.

16 Q And in this case the room was not equipped?

17 A The room -- it wasn't working at that time.

18 Q It was equipped but not in a working condition?

19 A Correct.

20 Q So instead you borrowed a body camera?

21 A Correct.

22 Q And would you say they're about three-by-five,
23 three-by-three squares?

24 A Sounds about right.

1 Q And instead of placing this so one could see
2 Mr. Held, it was actually just sitting face up on a
3 table; correct?

4 A Yeah. The body camera is designed in a way
5 where it just sits on your chest with other magnets
6 or -- yeah, it's not going to just stand up facing
7 something.

8 Q But it could have been propped up in some
9 regard?

10 A It could have been.

11 Q And it could have shown Mr. Held?

12 A Yes. I mean --

13 Q And it could have shown these nonverbal cues
14 that you just relayed?

15 A Yes.

16 Q But in this case that did not happen?

17 A That did not happen.

18 Q And have you reviewed that body camera before
19 today?

20 A Yes.

21 Q You've reviewed it?

22 A The --

23 Q The body camera footage of the interview.

24 A Yes.

1 Q And isn't it accurate that you never see
2 Mr. Held in that?

3 A Yes, I think that's fair.

4 Q And in fact it's very hard to hear Mr. Held at
5 all?

6 A It is.

7 Q And you mostly hear yourself?

8 A I was speaking, yes.

9 Q But your voice is loud enough to be heard?

10 A My voice is loud and so was his.

11 Q But it's very difficult to hear Mr. Held?

12 A At times, but at times he's very -- you can
13 hear him.

14 Q And often throughout that interview you have to
15 wake Mr. Held up; correct?

16 A No, that's false.

17 Q He was never asleep at all?

18 A No.

19 Q You never had to ask him to pay attention?

20 A Well, sure, but that doesn't mean that he's
21 asleep.

22 Q And, again, we don't know that because we can't
23 see him; correct?

24 A Right, but I asked him several times have you

1 been using anything and he just says no, I'm just a
2 little tired. He answered the questions fine.

3 Q And he said he was tired?

4 A Yes.

5 Q And you asked him to snap out of it a couple
6 times; correct?

7 A Sure.

8 Q But, again, we can't see his demeanor because
9 it's not shown?

10 A That is correct.

11 Q So what we have is what you say he did or
12 didn't do?

13 A Yes. I did the best I could in that situation.

14 Q Okay. And often you led that conversation with
15 Mr. Held?

16 A Meaning --

17 Q You led the conversation.

18 A I was asking him questions, yes.

19 Q And those questions were leading questions;
20 correct?

21 A Yes. We weren't in a court proceeding, so I
22 was able to do that.

23 Q I'm not saying you weren't allowed to. I'm
24 just asking that they were leading questions.

1 A It's a tactic that we use to help someone
2 remember.

3 Q So you are the one that brought up the slider;
4 correct?

5 A I don't know if that's fact.

6 Q And Mr. Held said, "No, I did not do that"?

7 A I didn't hear that.

8 Q And Mr. Held also never said he entered into
9 the house at Whisper Rock Drive; correct?

10 A False.

11 Q He said, "I entered the house at Whisper Rock
12 Drive"?

13 A Not in so many words.

14 Q He said that he was in the area of Somerset;
15 correct?

16 A Yes.

17 Q And Somerset is a very big area?

18 A That is correct.

19 Q And at no point did Mr. Held clarify that he
20 was in the Whisper Rock Drive house?

21 A He didn't say he was in that specific address.

22 Q Thank you.

23 And would you classify Mr. Held's behavior during
24 the interview as being with it or out of it?

1 A He had times where he was with it and then
2 times where he seemed like he was -- like he said, he
3 was tired.

4 Q Okay. And that's when you had to have him snap
5 out of it?

6 A If I said "snap out of it," then, yes, that
7 would be one of those times.

8 Q And going back to the leading questions, when
9 asked Mr. Held did mention clothes and coins, but it
10 was you that suggested tools, isn't it?

11 A I don't believe so.

12 Q And you indicated on direct that Mr. Held said
13 that he liked to get rid of things quickly?

14 A Correct.

15 Q But nothing was pawned in Mr. Held's name;
16 correct?

17 A Correct.

18 Q Neither was anything pawned in Annebelle Bush's
19 name; correct?

20 A That is correct, but typically when these
21 things get pawned -- when things get pawned other
22 people do it under other people's driver's license.

23 Q Did anybody search for the items alleged to be
24 missing to be pawned?

1 A I can tell you I didn't.

2 Q And going back to you being undercover,

3 Mr. Graham asked you if because you have a beard that

4 meant you were undercover. You don't have to have a

5 beard to be undercover; correct?

6 A Correct.

7 Q And the University Park Loop response from the

8 officer was for a destruction of property call;

9 correct?

10 A I don't know what it was tagged as in the call.

11 Q Okay. And in fact nobody entered that

12 residence to your knowledge; correct?

13 A To my knowledge that is correct.

14 Q Did you ever follow up with the homeowner of

15 that?

16 A I did not, no.

17 Q And Mr. Held told you why was there; correct?

18 A He stated he was there to talk to a guy named

19 Chris.

20 Q Did you ever do any follow-up regarding that?

21 A It's not much information to go off.

22 Q But you never really asked him much more, did

23 you?

24 A He didn't give me much more.

1 Q So you did not look into it further?

2 A No.

3 Q And you didn't have a last name or a
4 description because you didn't ask; right?

5 A I don't know that as fact. I don't know. I
6 don't remember. I don't recall.

7 Q But in reality you never bothered to look into
8 whether Mr. Held was telling you the truth as to why he
9 was there or not?

10 A I think I know the truth. If it was to see a
11 guy named Chris, I don't know how one would follow up
12 on that.

13 Q So again my question is did you do anything
14 further to investigate Mr. Held's story as to why he
15 was at that location?

16 A I did not.

17 Q Thank you.

18 A I did not go and interview every guy named
19 Chris.

20 Q But you also did not follow up with the
21 homeowner as to whether Mr. Held's story matched up to
22 his actions that day?

23 A I did not, but it was pretty clear in the
24 report.

1 Q But you did not write that report?

2 A I did not write that report.

3 Q Did you follow up with the officer of that
4 report?

5 A That officer sent me an email and described
6 that report and I reviewed the report.

7 Q But once Mr. Held told you the story you did
8 not do any more follow-up?

9 A No, not after the search warrant.

10 Q Thank you.

11 And you also -- speaking of the search warrant
12 since you brought us there, you relayed on direct that
13 the search warrant was not pursued until after you
14 returned to the trailer park; correct?

15 A I'm saying that Detective Fye was in the
16 process of obtaining the search warrant when I got
17 there.

18 Q Okay. Do you know about what time he returned
19 to that location?

20 A Who returned?

21 Q Detective Fye.

22 A I don't know exactly what time, but he was
23 there as I arrived.

24 Q And you were there when individuals were

1 arrested; correct?

2 A I was.

3 Q You in fact arrested Mr. Held?

4 A I did.

5 Q You testified on direct that Officer Fye was

6 the one who arrested Annebelle?

7 A I believe that's correct.

8 Q Okay. But Detective Fye actually remained in

9 the trailer park; correct?

10 A If that's fact.

11 Q Mr. Held and Ms. Bush were arrested outside of

12 the trailer park; correct?

13 A They were arrested on the way to the manager's

14 office inside of the trailer park.

15 Q I'm going to show you -- I'm showing you what's

16 been admitted as Exhibit 89. This is an aerial

17 photograph of the trailer park and its surroundings;

18 correct?

19 A It looks that way, yes.

20 Q This is Fourth Street here?

21 A Yes.

22 Q This is the side street where -- this would be

23 the entrance to the trailer park?

24 A Yes.

1 Q It was testified earlier that the management
2 office is somewhere in this realm.

3 A It is up north, yes.

4 Q And so if Mr. Held and Ms. Bush were arrested
5 near the manager's office, it would be outside of the
6 trailer park, this loop; correct?

7 A Outside of that loop, yes, near that little
8 circled area right there.

9 Q So if Officer Fye remained near the trailer he
10 would not have been able to arrest Ms. Bush; correct?

11 A That is correct.

12 Q And you were present -- were you present when
13 Ms. Bush entered the trailer?

14 A I was not.

15 Q Was she already out of the trailer?

16 A She was.

17 Q Was anybody else around outside of Ms. Bush and
18 the two officers?

19 A No.

20 Q And do you recall or were you aware if anybody
21 followed Ms. Bush into the trailer?

22 A I am not aware. I wasn't there.

23 Q Okay. And do you recall what time the search
24 warrant was ultimately granted?

1 A I do not.

2 Q Do you know what time Mr. Held was arrested?

3 A Not without looking at the PC sheet.

4 Q Do you know about how much time passed between

5 arrest and execution of search warrant?

6 A Exactly, no, I don't.

7 Q Was it more than a day?

8 A No.

9 Q A couple hours?

10 A It was that day.

11 Q Okay. And your role in that search warrant was

12 the living room?

13 A The front room, living room area, yes.

14 Q So not the back bedroom but kind of the first

15 area when you walk in?

16 A Yes.

17 Q And you searched that entire area?

18 A I searched a lot of that area.

19 Q In that area did you find anything that would

20 be identifiable to Annebelle Bush?

21 A I don't know that I did, no.

22 Q Any identification?

23 A No.

24 Q Mail?

1 A No.

2 Q Anything with her name on it?

3 A Not that I recall.

4 Q But you did locate a Ryobi drill?

5 A I did.

6 Q And somebody else was tasked with photographing

7 that drill?

8 A Correct.

9 Q And do you point out items of evidence to be

10 photographed?

11 A Yes.

12 Q And do you recall if that item was photographed

13 inside the trailer?

14 A I don't recall that.

15 Q Did you remove that item of evidence from the

16 trailer?

17 A Yes.

18 Q Okay. Was it before or after it was

19 photographed?

20 A I don't recall it being photographed.

21 Q So if there are no photographs provided of it

22 in the trailer, then it's fair to say that none exist;

23 correct?

24 A It's fair to say that I didn't take any

1 photographs of the item you're talking about.

2 Q Okay. So if Detective Catalano said that he
3 didn't take any inside, then you didn't take any inside
4 either?

5 A Yes, I didn't take any inside.

6 Q But you did take that drill outside of the
7 trailer?

8 A Yes.

9 Q Were you wearing gloves when that happened?

10 A Yes, absolutely.

11 Q And that's to preserve the evidence; correct?

12 A It's to preserve the evidence and protect
13 myself.

14 Q And do you know if that drill was ever tested
15 for fingerprints?

16 A I believe it was not.

17 Q Okay. And do you -- did you take custody of
18 that drill?

19 A No.

20 Q Who took custody of that drill?

21 A I don't know.

22 Q Okay. Is there a chain of custody for that
23 drill to your knowledge?

24 A To my knowledge, no.

1 Q Okay. And when was the next time you saw the
2 drill?

3 A I believe it was the next day when we took it
4 up to Whisper Rock Way to return it to the victim.

5 Q When you say "we," can you please clarify who
6 that is?

7 A Detective Fye and I.

8 Q And did you -- were you just part of the
9 transfer or did you get that drill from somewhere?

10 A I was just part of the transport.

11 Q You don't know where that drill was kept during
12 that timeframe?

13 A I believe it was locked up in a secure room.

14 Q But you didn't lock it up; correct?

15 A I did not.

16 Q You didn't get it out of somewhere?

17 A That is correct.

18 Q And in your time as a lead detective have you
19 been responsible for the preservation of evidence
20 before?

21 A Yes.

22 Q And often evidence is preserved so that it can
23 be used at a future proceeding such as a trial;
24 correct?

1 A Not necessarily every time. Like I said, our
2 goal is to make the victims whole again. So if we can
3 return a piece of property so that the victims aren't
4 victimized any longer, then we will do that.

5 Q But you do that when something is unique, when
6 the victim can identify something?

7 A That is correct.

8 Q Such as provide a proof of purchase?

9 A No.

10 Q Such as their name being on it?

11 A If they describe it and it matches that
12 description in the report and we feel comfortable that
13 it is what they say it is, then, yes, we will return
14 that item to them.

15 Q So it comes down to an individual determination
16 by you whether or not it has been identified?

17 A Yes. I mean, they describe everything that
18 they're missing in that report. If that matches what
19 they describe, then, yes, absolutely.

20 Q So, for example, if I had a 1925 quarter and a
21 1925 quarter was found, would you return it to me?

22 A A 1925 quarter, if you did a police report and
23 all that for a 1925 -- a year 1925 quarter?

24 Q Yes.

1 A I would probably give you the 1925 quarter.
2 Q Okay. And at any point did you open the drill?
3 A I did not.
4 Q So the drill that you saw was just always in a
5 box?
6 A Yes. I didn't take anything out of --
7 Q Please finish.
8 A I didn't take anything out of the box.
9 Q I'm showing you Exhibit 29. Is this the status
10 of the drill every time you saw it?
11 A No. I've seen it open, but I didn't remove
12 anything from it.
13 Q Did you ever open it?
14 A I don't recall if I opened it or another
15 detective opened it.
16 Q Okay. Based on this photo is there anything
17 unique about this drill?
18 A Not that I can tell.
19 Q Is there any markings or names on it?
20 A No, other than the Ryobi 18 volt.
21 Q And the Ryobi is a common drill; correct?
22 A It is.
23 Q It could be found at any home improvement
24 store?

1 A I would agree with that.

2 Q And you said you had seen the drill open?

3 A Yes.

4 Q But you don't recall if you opened it or not?

5 A That is correct.

6 Q And this is Exhibit 30. Is this how you

7 remember seeing it?

8 A Something to that effect, yes.

9 Q Okay. And, again, could you point out any

10 distinctive features about how this appears?

11 A I cannot, no.

12 Q Did you ever follow up with Allen McCulloch

13 regarding this drill?

14 A Other than to return his property I did not.

15 Q But you were present when the property was

16 returned?

17 A I was.

18 Q And you and Detective Fye went up to Whisper

19 Rock to do that?

20 A Yes.

21 Q And were you present when that drill was passed

22 off to Mr. McCulloch?

23 A I was.

24 Q Were any further questions asked of

1 Mr. McCulloch regarding the identification of that
2 drill prior to it being handed off?

3 A We showed it to him, he agreed that it was his,
4 and we gave it to him.

5 Q By showing it to him did you open it?

6 A I don't recall that.

7 Q So it could have just been that this is a Ryobi
8 case and he said that's mine?

9 A I don't recall if we opened it or not.
10 Typically, yes, we would open it. He would describe
11 it. We would open it, show him. "Is this yours?"

12 "Yes," give it back. "No," then take it back and
13 put it into evidence.

14 Q Did you recall if Mr. McCulloch moved any items
15 in the drill before he accepted it?

16 A I don't.

17 Q Did at any point Mr. McCulloch tell you, "I
18 normally mark my drills or batteries with a date"?

19 A If he did that's a conversation that I don't
20 recall.

21 Q Okay. So he didn't look for anything specific
22 when you returned it?

23 A Not that I can remember.

24 Q He just said, "Yep, that's mine," and you went

1 MR. GRAHAM: I would appreciate that, Your Honor.

2 THE COURT: If you'll reframe the question to
3 cleaner.

4 BY MS. ROSENTHAL:

5 Q Would you be surprised to learn that
6 Mr. McCulloch testified that the drill was returned in
7 a cleaner condition than he remembers it being?

8 MR. GRAHAM: Objection again. I think that
9 misstates it.

10 THE COURT: At this point it's overruled.

11 THE WITNESS: I would not be surprised, because I
12 didn't have any conversations with him about that or
13 didn't know the condition that the drill was in when it
14 was taken.

15 BY MS. ROSENTHAL:

16 Q Because you didn't ask him what the condition
17 was; correct?

18 A That's fair, yeah.

19 MS. ROSENTHAL: Thank you.

20 THE COURT: To the State, redirect.

21 REDIRECT EXAMINATION

22 BY MR. GRAHAM:

23 Q You were asked a little bit about the defendant
24 indicating that he never admitted that he was in the

1 on your merry way?

2 A I don't know about merry way, but, yeah, I went
3 on my way.

4 Q And that was the last time you saw that drill?

5 A That was the last time.

6 Q And the purpose of photographing the drill
7 before it's returned is to ensure that it can be used
8 at future proceedings; correct?

9 A Sure. To document it, yes.

10 Q To show how it looked when it was returned?

11 A Yes.

12 Q Do you recall Mr. McCulloch saying that the
13 drill was in a different condition than it was
14 originally taken from him?

15 A I don't recall that conversation.

16 Q So you would be surprised to find out that
17 Mr. McCulloch said the drill was in a nicer condition
18 than he remembered?

19 MR. GRAHAM: Objection. Misstates the evidence.

20 THE COURT: Well, the word "nicer" I believe
21 misstates Mr. McCulloch's testimony. Undoubtedly it's
22 unintentional. Can we all agree on what the word was?

23 MS. ROSENTHAL: Cleaner.

24 THE COURT: I think he said clearer.

1 Whisper Rock address. Do you remember that question?

2 A Say that again.

3 Q On cross-examination the question was something
4 to the effect of Mr. Held never admitted that he was
5 inside the residence at Whisper Rock.

6 A He admitted he was inside the residence at
7 Whisper Rock.

8 Q Did he also give corroborating evidence of
9 being inside that residence?

10 A He did.

11 Q Such as?

12 A Taking items that were taken from the
13 residence.

14 Q What about the tire jack?

15 A And the tire jack, I guess there was pry marks
16 on the front door where he said he pried.

17 Q And where did that tire jack come from?

18 A The U-Haul truck.

19 Q Thank you.

20 Was there any evidence that you were able to see
21 from -- besides the defendant's own statements or
22 rendition of what happened, any evidence at all
23 corroborating this Chris story?

24 A No.

1 Q When you were doing the search of the trailer
2 were you looking specifically for items regarding
3 Annebelle Bush?

4 A No.

5 Q That wasn't the focus of the search warrant?

6 A No.

7 Q The focus of the search warrant was stolen
8 property?

9 A Stolen property.

10 Q And Annebelle Bush had already been released?

11 A Released, yes, she was released from custody.

12 Q Or unarrested.

13 A Yes.

14 Q So that would have been improper to look for
15 items regarding Annebelle Bush?

16 A Correct.

17 MR. GRAHAM: Pass the witness.

18 THE COURT: Any recross?

19 MS. ROSENTHAL: Yes, Your Honor.

20 RE CROSS EXAMINATION

21 BY MS. ROSENTHAL:

22 Q There was no -- just to clarify, there was no
23 corroborating evidence about Chris because you didn't
24 take time to do any further investigation; correct?

1 A I don't know how I could further that
2 investigation.

3 Q And although Ms. Bush was not under arrest at
4 the time, she was still a suspect; correct?

5 A That's a question for Detective Fye.

6 Q Okay. Thank you.

7 THE COURT: Thank you. That concludes your
8 testimony. You may leave the courtroom.

9 Let's all stand, ladies and gentlemen.

10 To the State.

11 MR. GRAHAM: Your Honor, with the admission of --
12 and I believe that we have a correct accounting of the
13 evidence so far. With the admission of the evidence
14 that we have so far, the State rests.

15 THE COURT: Ladies and gentlemen, I will invite you
16 to the jury deliberation room to enjoy another break.
17 Please do not discuss this case amongst yourselves.
18 Please do not form or express any opinion about this
19 matter until it has been submitted to you. The break
20 will be not less than 10 minutes, it could be as many
21 as 20 minutes.

22 (Proceedings outside the presence of the jury.)

23 THE COURT: Be seated, please.

24 Our record will reflect that we are out of the

1 jury's presence. Trial counsel and Mr. Held are
2 present.

3 Mr. Held and counsel, if you'll stand for a moment,
4 please.

5 I want to be very clear that you understand,
6 Mr. Held, your constitutional rights. I'm going to
7 have a brief conversation. I'll do most of the
8 talking. If at any time you do not understand, please
9 consult with counsel.

10 I don't know why I asked you to stand. It's a
11 formality. And I'm going to thank you and excuse you.
12 If you want to sit, that's fine as well.

13 MR. SILVERBERG: Your Honor, I know what Your Honor
14 is going to be asking about. May we have a few minutes
15 with Mr. Held before you canvass him?

16 THE COURT: I would prefer to conduct the canvass
17 and then I will undoubtedly give you as much time as
18 you need.

19 MR. SILVERBERG: Thank you, Judge.

20 THE COURT: All right. Under the Constitution of
21 the United States and under the Constitution of the
22 State of Nevada you cannot be compelled to testify in
23 this case. Do you understand that?

24 THE DEFENDANT: Yes.

1 THE COURT: You may of your own choice and at your
2 own request give up this right. You may waive it and
3 take the witness stand. If you do, you will be subject
4 to cross-examination by the State's attorney. Anything
5 you say, whether on direct or cross-examination, will
6 be subject to fair argument and consideration by the
7 jury. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: If you choose not to testify, I will
10 not permit the State's attorney to make any comment to
11 the jury about your choice and in fact I will
12 specifically instruct the jury not to consider your
13 choice to remain silent. The actual language of the
14 instruction may be a word or two different than I'm
15 about to say, but the instruction will be generally,
16 quote, the law does not compel a defendant in a
17 criminal case to take the stand and testify and no
18 presumption may be raised and no inference of any kind
19 may be drawn from the failure of a defendant to
20 testify, close quote.

21 I'm confident the instruction I'm provided will
22 also instruct the jury not to discuss your right and
23 choice to remain silent.

24 Any questions so far?

1 THE DEFENDANT: No, sir.

2 THE COURT: If you take the stand and testify,
3 Mr. Held --

4 Do we have any impeachment evidence of prior
5 convictions with him?

6 MR. GRAHAM: (Nods head.)

7 THE COURT: If you decide to take the stand and
8 testify, the district attorney in the presence of the
9 jury will be permitted to ask you if you have been
10 convicted of a felony, what the felony was and when the
11 felony occurred. I will not permit the district
12 attorney to go into any more detail about your felony
13 record.

14 If you deny that felony conviction, however, the
15 State may impeach your testimony with certified copies
16 of the conviction which may contain more information
17 about the felonies than would otherwise be provided to
18 the jury.

19 Do you have any question about that?

20 THE DEFENDANT: No.

21 THE COURT: To the State, are you satisfied with
22 the Court's canvass?

23 MR. GRAHAM: We are, Your Honor. Thank you.

24 THE COURT: At this time we will all leave the

1 courtroom. The only people present in the courtroom
2 will be Mr. Held and his attorneys and the deputy staff
3 providing sight supervision with trying to provide as
4 much as possible sound production so that they can have
5 a conversation that is freely an exchange between all
6 of them. We'll be in recess until call of the deputy.

7 MS. ROSENTHAL: Additionally, Your Honor, Mr. Held
8 may or may not be the only witness. I just wanted the
9 Court to know that.

10 THE COURT: Right. That's a great thing for me to
11 inquire. Will the State have -- excuse me. Will the
12 defense have any case to present and, if so, tell me --

13 MS. ROSENTHAL: Yes, Your Honor. Your Honor, we
14 anticipate to call at least one witness.

15 THE COURT: Would that be Ms. Bush?

16 MS. ROSENTHAL: Yes.

17 THE COURT: Is she available today?

18 MS. ROSENTHAL: Our investigator went to pick her
19 up, so we're hoping she'll be back.

20 THE COURT: Of course the defense case may take as
21 long as it takes. I impose no restrictions. I'm just
22 trying to anticipate time. It's 3:15 now. We might
23 reconvene at 3:30-ish about and we'll see how far the
24 defense case goes into the afternoon.

1 MS. ROSENTHAL: Thank you.

2 THE COURT: Court will be in recess.

3 (A recess was taken.)

4 THE COURT: Anything I should know before we bring
5 the jury in?

6 MS. ROSENTHAL: Not before you bring the jury in,
7 Your Honor.

8 MR. DELONG: Your Honor, the State does have a
9 concern. So I'm not sure what's happening right now,
10 but if Ms. Bush is to testify, the State does have
11 concerns that what we've been working so hard to keep
12 out, the prior bad acts, may inadvertently come in if
13 she's not at the very least carefully admonished,
14 because our understanding is all the testimony that she
15 gave -- the majority of it during the suppression
16 hearing concerns Rocco, the items from Rocco's trailer.
17 She was being interrogated regarding the stolen
18 property from Rocco's trailer. And then the guns were
19 a huge portion of that testimony.

20 And so while we take the position that if she's
21 going to testify, absolutely then University Park Loop
22 information she can provide will be relevant and it
23 wouldn't exceed or potentially cause a mistrial. We
24 have very grave concerns about those other issues that

1 may come in advertently from questioning.

2 THE COURT: I am happy to bring her in out of the
3 jury's presence and provide a general admonition. She
4 is the defense witness. And if the defense chooses to
5 call her and she spontaneously goes into a direction
6 that is not helpful for the defense, I don't believe
7 the State is responsible for that. I do think it's
8 appropriate that we provide some outline of where she
9 does not go.

10 MS. ROSENTHAL: May I just speak to her about
11 what's happening briefly?

12 THE COURT: Yes. Do you think I should do it?
13 Ms. Rosenthal, I don't ever know the relationship
14 between lawyers and defense witnesses. I don't know if
15 she's hostile to the prosecution, if she's friendly to
16 the prosecution. I don't know if she's reliable. If
17 you think your admonition to her will suffice, I won't
18 say anything.

19 MS. ROSENTHAL: I think I can make it clear to her,
20 Your Honor.

21 THE COURT: All right. Just be clear that I am not
22 going to bring her in and admonish her about prohibited
23 subjects. Should she go into those prohibited subjects
24 I'll do my best to stop it immediately, but it will not

1 give rise to defense -- the defense is not likely to be
2 aggrieved by its own witness.

3 All right. With that, go ahead.

4 (Pause in the proceedings.)

5 MS. ROSENTHAL: We're ready to bring the jury in,
6 Your Honor.

7 THE COURT: I just want to add one more thing to
8 our record. Should there be an unfortunate part of
9 Ms. Bush's testimony, I intend to stop her immediately.
10 Depending upon what it is, I might just quickly make
11 some curative statement, but I will not consider
12 opening the door to allow -- it's not my inclination to
13 say, oh, because she said this, then the State gets to
14 run wide with what she testifies to if, for example,
15 it's a prior bad act relating to a stolen vehicle or
16 guns or something of that nature.

17 Do you understand what I'm saying? You're both
18 looking at me either puzzled or in disbelief.

19 MR. DELONG: I understand exactly what you're
20 saying, Your Honor.

21 THE COURT: All right. Thank you.

22 All right. The jury.

23 (Proceedings within the presence of the jury.)

24 THE COURT: The entire jury is present.

1 To the defense.

2 MS. ROSENTHAL: Thank you, Your Honor. The defense
3 would call Annebelle Bush as its witness, please.

4 THE BAILIFF: Stand here, raise your right hand,
5 face the clerk.

6 (The oath was administered to the witness.)

7 THE WITNESS: I do.

8 THE CLERK: Thank you.

9 THE COURT: I didn't hear your response. I'm
10 confident I know what it was, but would you remember to
11 speak loudly, please, or direct your voice into that
12 microphone.

13 THE WITNESS: Yeah.

14 THE COURT: Thank you.

15 Counsel, you may begin.

16 MS. ROSENTHAL: Thank you.

17 ANNEBELLE BUSH,
18 having been first duly sworn, was
examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. ROSENTHAL:

21 Q Can you please state and spell your name for
22 the court reporter.

23 A It's Annebelle Bush, A-n-n-e-b-e-l-l-e, last
24 name B-u-s-h.

1 Q Thank you, Ms. Bush.
2 And do you know Mr. Ian Held?
3 A I do.
4 Q How do you know him?
5 A He was my boyfriend.
6 Q At any time during your relationship did you
7 reside with Mr. Held?
8 A I did not.
9 Q At any time during your relationship with
10 Mr. Held did you stay the night with him?
11 A Yes.
12 Q And approximately how many times, do you
13 recall?
14 A It was just every so often. I don't know a
15 number, but I wasn't there that often.
16 Q Okay. Were you ever there for extended periods
17 of time all together?
18 A No.
19 Q Would it be fair to say you kind of bounced
20 around?
21 A Yes.
22 Q And when I'm referring to his residence, is
23 that the trailer at 1455 West Fourth Street?
24 A Yes.

1 Q Did you ever receive mail at that address?
2 A I did not.
3 Q Did any identification you owned ever have that
4 address listed?
5 A No.
6 Q Did you ever use that address as your address?
7 A I did not.
8 Q And do you recall a time where you were
9 arrested with Mr. Held?
10 A Yes.
11 Q And ultimately you were taken back and
12 unarrested, so to speak?
13 A Yes.
14 Q And at that time were you permitted to enter
15 Mr. Held's trailer?
16 A Yes.
17 Q And what was your understanding of why you were
18 entering that trailer?
19 A To receive -- retrieve stolen property.
20 Q And why was that your understanding?
21 A Because that's what Lance told me.
22 Q And by "Lance" do you mean Lance Tindell?
23 A Yes.
24 MS. ROSENTHAL: Thank you, Your Honor. I'll pass

1 this witness.

2 THE COURT: Any cross?

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

4 CROSS-EXAMINATION

5 BY MR. DELONG:

6 Q So you testified that you remember being
7 arrested on September 28th, 2020; is that correct?

8 A Yes.

9 Q And when you were arrested were you transported
10 to the Reno Police Department to be interviewed?

11 A Yes.

12 Q And were you interviewed by Detective Kenneth
13 Fye?

14 A I don't know who he is. I don't recall who
15 interviewed me.

16 Q So you don't know who interviewed you when you
17 went to the police department?

18 A I think it was Lance.

19 Q Do you know how long you were interviewed for?

20 A Yes. I was interviewed for probably like an
21 hour.

22 Q But you don't know the individual's name?

23 A No.

24 Q Were there more than one individual that

1 arrested you?

2 A No, one person arrested me and took me in their
3 car.

4 Q And who was that?

5 A The boss, I believe.

6 Q Do you know the boss's name?

7 A I don't.

8 Q Now, were you under the influence of controlled
9 substances when you were arrested?

10 A Yes.

11 Q So you were doing drugs that day?

12 A Yeah.

13 Q But you do remember being interviewed at least;
14 right?

15 A Yes.

16 Q And during that interview do you remember
17 telling the detective that you lived at that residence?

18 A I do not.

19 Q Do you remember telling him that Ian saved you
20 from a terrible relationship and you had been there for
21 at least two months?

22 A I did say Ian saved me from a terrible
23 relationship, but I was not living there for a couple
24 months.

1 Q So it's your testimony today that you didn't
2 tell them that you lived there at all?

3 A No, I just stayed a night here and there.

4 Q A night here and there?

5 A Yes.

6 Q Like over two months how many nights would that
7 be?

8 A It wasn't very often, maybe in two months maybe
9 ten days. Maybe.

10 Q Now, when you were being driven back to the
11 trailer park after you were interviewed by this person,
12 this officer, do you remember telling them that you
13 wanted to call your brother?

14 A Yes.

15 Q And do you remember telling them you wanted to
16 get your stuff out of the trailer --

17 A Yes.

18 Q -- before you went with your brother?

19 A Yes.

20 Q So you did have personal belongings in the
21 trailer, didn't you?

22 A Yes, he let me store my belongings there.

23 Q So you stored your belongings there, but it's
24 your testimony you didn't reside there?

1 A No.

2 Q Now, when you were interviewed by Detective
3 Eye --

4 MS. ROSENTHAL: Objection, Your Honor. She never
5 said that she was interviewed by him.

6 THE COURT: If you'll reframe it "when you were
7 interviewed."

8 MR. DELONG: Thank you, Your Honor.

9 BY MR. DELONG:

10 Q When you were interviewed by a detective at the
11 Reno Police Department do you remember telling them
12 about a house off of McCarran where Ian Held broke a
13 window?

14 MS. ROSENTHAL: Objection, Your Honor. Outside the
15 scope.

16 THE COURT: It is outside the scope and it is
17 susceptible to being sustained. For efficiency
18 purposes the State could recall this witness in its own
19 rebuttal case if it so chose. So if you believe the
20 testimony is relevant to the State's case, I'm going to
21 overrule the objection with a caution and invitation to
22 be efficient in your examination as I think about the
23 scope.

24 MR. DELONG: Thank you, Your Honor.

1 THE COURT: Go ahead, please.

2 So I'm formally under the evidence code expanding
3 the scope of cross-examination.

4 BY MR. DELONG:

5 Q So isn't it true that you told a detective at
6 the Reno Police Department that Ian Held did a one-off
7 of a McCarran residence where he broke the window?

8 A What is a one-off?

9 MS. ROSENTHAL: Your Honor, I'm --

10 BY MR. DELONG:

11 Q What does it mean to you?

12 THE COURT: Hold on.

13 MS. ROSENTHAL: I'm going to renew my objection in
14 the sense that there is nothing to rebut at this time
15 and if the State wants to bring her back as their own
16 witness, they should do so, but there's nothing for her
17 to rebut and this is outside the scope of direct. And
18 the State did not notice her I don't believe.

19 MR. DELONG: She is on our witness list, Your
20 Honor.

21 THE COURT: Do you have a response to the defense
22 objection?

23 MR. DELONG: I believe it's appropriate to traverse
24 this territory right now, but we would be happy to call

1 her in rebuttal. And I would note that I believe all
2 of these issues have been addressed, discussed and are
3 pertinent.

4 THE COURT: I am going to allow -- you're going
5 farther afield than I anticipated which is fine. You
6 have the right to examine this witness. I'm going to
7 call the cross-examination to an end and there will be
8 a redirect and a recross. The witness will then be
9 recalled by the State upon your direct.

10 MR. DELONG: Thank you, Your Honor.

11 THE COURT: Any redirect?

12 MS. ROSENTHAL: No, Your Honor.

13 THE COURT: All right. You may leave the
14 courtroom, but you are susceptible to recall. And so
15 if you will make arrangements with the deputy about
16 where in the courthouse you will remain so that we know
17 when to bring you back into the courtroom.

18 THE WITNESS: Okay.

19 THE COURT: Thank you.

20 To the defense.

21 Your next witness.

22 MS. ROSENTHAL: The Court's indulgence.

23 Your Honor, the defense calls Ian Held.

24 THE COURT: If you'll stand for a moment while

1 we --

2 Deputy, if you'll assist Mr. Held, please.

3 THE BAILIFF: Stand here, raise your right hand,
4 face the clerk.

5 (The clerk administered the oath to the defendant.)

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Thank you.

8 MS. ROSENTHAL: Your Honor, I would ask that we
9 give Ms. Bush permission to leave because she has
10 somewhere else to be, a very important thing to be at.

11 THE COURT: I am not going to let her leave because
12 I have granted the defense request to limit the scope.
13 I did so because it was your request. But she's here,
14 she's to testify, and she will stay until she provides
15 that testimony.

16 MS. ROSENTHAL: The Court's indulgence.

17 IAN HELD,
18 having been first duly sworn, was
19 examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. ROSENTHAL:

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

24 A Ian, I-a-n, Held, H-e-l-d.

Q Mr. Held, were you involved in an investigation

1 that began in September of 2020?

2 A I was.

3 Q And were you arrested as a result of that?

4 A I was.

5 Q And when you were arrested were you questioned
6 by officers?

7 A I was.

8 Q Which officer questioned you, if you recall?

9 A Tindell.

10 Q And do you recall -- what did you tell Officer
11 Tindell during that interview?

12 A Mostly it was something about Somerset. I did
13 tell him a lot about the South University Park Loop
14 incident, because prior to that something happened at
15 my house and I was going to look for somebody. I told
16 him basically the short side of the story. A lot of
17 stuff about things that me and Annebelle discussed. I
18 made it known to him that we were having issues in our
19 relationship, that we were going through a difficult
20 time, that she -- me and her were not really on the
21 greatest terms.

22 Pretty much, you know, he was prodding a lot about
23 all kinds of stuff that I don't really remember the
24 exact details of, but we talked about our relationship,

1 we talked about University Park Loop. He asked me
2 about Somerset. I didn't know anything about any
3 addresses or anything like that. He did ask me about
4 Somerset.

5 Q And prior to that interview had you been up for
6 a significant amount of time?

7 A Yes. So I made it aware to Mr. Tindell and
8 Mr. Fye that I had relapsed and I had been up for about
9 four days, possibly even more, and that I hadn't had
10 any sleep and I was extremely tired and nodding out and
11 I was confused and didn't know what was going on. He
12 kept telling me to wake up and snapping his fingers. I
13 remember that. And I kept explaining to him that I
14 was, you know, sleepy and he just kept going.

15 Q Did you rent a U-Haul truck in September of
16 2020?

17 A I did. I think it was a couple days, two- or
18 three-day rental I believe it was.

19 Q What was the purpose of renting that U-Haul?

20 A My car had broke down, so I needed a vehicle to
21 drive.

22 Q And that car, was that the red car that was
23 discussed?

24 A Yes.

1 Q The car that you were working on the day you
2 were arrested?

3 A Right. I was just going back and forth out to
4 the car.

5 Q And when you rented that U-Haul did you drive
6 it up to the Somerset area?

7 A On that day, no.

8 Q On September 20th?

9 A The 20th, no.

10 Q And were you ever in the U-Haul truck on
11 September 20th?

12 A A few times. We went back and forth.
13 Annebelle had also drove it a couple times. We were
14 having issues, but I loved her and I wanted to work it
15 out, so I continued, you know, hoping for the best
16 basically.

17 Q And you gave Annebelle permission to drive the
18 U-Haul?

19 A Yes.

20 Q And when you rented that U-Haul you gave them
21 your true name; correct?

22 A I did. And I also used a credit card that's in
23 my name.

24 Q And your true address as well?

1 A Yes, and my phone number.

2 Q You were not trying to hide that it was you
3 that rented the U-Haul; correct?

4 A Not at all.

5 Q And do you recall going up to the area of
6 University Park Loop later that week?

7 A Yes.

8 Q What happened when you arrived there?

9 A So I was staying outside for a while. Actually
10 I was going to a neighbor's house, the one like right
11 next door I believe it was. I knocked on the door
12 asking for somebody named Chris and the guy said
13 there's no Chris here. And then I looked back at my
14 phone and was trying to find the right address because
15 I went to the wrong one. I got information about 920.
16 So I went back to the Jeep, I talked to Annebelle for a
17 little while, because we were arguing, and then
18 proceeded to go to the next house over which was the
19 920.

20 I remember knocking on the door, standing there for
21 a while. And as I'm doing that, I'm looking at my
22 phone going through my text messages. I'm going
23 through my phone, looking at my phone, waiting,
24 waiting, waiting. I'm not sure exactly how long I was

1 waiting there. But I knocked, waited for a while,
2 started to walk away, I believe, was standing there
3 some more, may have been a couple minutes. I'm not a
4 hundred percent.

5 I end up going back to the Jeep, I believe, or I
6 was going to head towards the Jeep because I was
7 actually going to have Annebelle come to the house and
8 knock on the door, because I was afraid that maybe this
9 guy would recognize who I was and not want to come
10 outside. So I was like, okay, maybe I'll have her.
11 Then I was like maybe not, because, you know, if this
12 guy -- I don't know how he is, if he's going to be
13 violent or whatever.

14 So I went back to the door, knocked again. Then I
15 was like, well, he's not going to come out if he knows
16 me. So I covered up the camera to make sure that as
17 I'm standing there he's not going to go, oh, it's that
18 guy I robbed kind of thing. Maybe it's not the
19 smartest thing, but that's what I did.

20 Q And did you break a window at that house?

21 A I did.

22 Q And how did you break that window?

23 A I threw a rock at the window.

24 Q And once you did that did you have a

1 conversation with anybody inside?

2 A I did. Mr. Merrill.

3 Q Did you let him know why you were there?

4 A I did. He was actually a very nice, polite
5 person. And I sat there having a conversation for
6 about five minutes with him about the person who had
7 broke into my house. And he explained to me that
8 nobody would be here, there was no reason for anybody
9 to be here. I gave him a description of kind of what I
10 thought this person would look like. He said nobody
11 lived here like that.

12 So I actually had gotten on my phone and called the
13 person who I got the information from. I said, "Hey,
14 with the information you gave me, this guy is not
15 obviously this Chris guy, it's an older gentlemen.
16 What the heck?"

17 At some point his wife I believe it was came home.
18 They started talking to each other. And I said, you
19 know, to her what I said to him basically. She was
20 saying something. I turned away and I started to walk
21 away. And at that point I was like, you know,
22 obviously I made a mistake, so I walked back to the
23 Jeep.

24 Q And did you drive the Jeep or did Annebelle

1 drive the Jeep?

2 A I drove the Jeep.

3 Q And you told Officer Tindell that same story;

4 correct?

5 A I did.

6 Q And did he ask you specifics on who Chris was?

7 A He did not.

8 Q And do you recall having some conversation

9 about Somerset with this officer?

10 A Yes, something about Somerset.

11 Q And I'm not talking about the interview, but

12 were you ever in the Somerset area?

13 A I've been up there many times.

14 Q And when you were up there did you ever break

15 into a home at 1440 Whisper Rock Drive?

16 A No, I did not.

17 Q Did you ever enter a residence at 1440 Whisper

18 Rock Drive?

19 A No, I did not.

20 Q Did you ever take any items from a residence at

21 1440 Whisper Rock Drive?

22 A No, I did not.

23 Q At any time did you burglarize the house at

24 1440 Whisper Rock Drive?

1 A No, I did not.

2 Q When you were interviewed by officers did they
3 ask you if Annebelle lived at your residence?

4 A So Detective Fye I believe it was was the one
5 who actually asked me. Lance Tindell was standing
6 right next to him. And he specifically asked me, "Does
7 Annebelle live with you in case she can consent?"

8 I said no. In fact, I explained to him that we
9 were having issues.

10 Q And that consent was consent to search your
11 trailer?

12 A Yes.

13 Q And you denied consent; correct?

14 A Yes, I did.

15 Q Mr. Held, as you stand here you have been
16 previously convicted of a felony; correct?

17 A Yes, I have.

18 Q Is that within the last ten years?

19 A Yes.

20 Q Mr. Held, is there anything else you would like
21 to share?

22 A Yeah. So I'm actually a recovering vet. Yes,
23 I have been arrested. We were having issues at the
24 time. We had actually been dating off and on for a

1 little while. I had actually discovered that she had
2 cheated on me. That's the issues I was talking about,
3 not to get too personal here, but there was
4 relationship issues.

5 I was doing good. I was going to college, started
6 a business here in Reno, became a life coach, you know,
7 was looking forward to having a better life. However,
8 I did relapse and fall back into that lifestyle of
9 being high again. It was painful. And, you know, I
10 don't want to bore everybody with my soap opera or
11 trauma, but, you know, it was a rough time.

12 Q Just to clarify, you admit to being at
13 University Park Loop?

14 A Yes. From the beginning I told them that I
15 went there looking for somebody who -- about two weeks,
16 maybe a week to two weeks, I'm not exact on the date,
17 but my house had been broken into and I had \$1,600 and
18 some other personal property that was stolen.

19 Q Did you file a report for that?

20 A No, no.

21 Q And you were very clear from the beginning that
22 you had been there?

23 A Oh, yeah.

24 Q You weren't trying to hide it?

1 A Yes.

2 Q You admitted to what you had done?

3 A Yes.

4 MS. ROSENTHAL: I pass the witness.

5 THE COURT: Thank you.

6 To the State.

7 CROSS-EXAMINATION

8 BY MR. DELONG:

9 Q Good afternoon, Mr. Held.

10 A Good afternoon, sir.

11 Q In September of 2020 did you have a job?

12 A I was doing DoorDash and also collecting --

13 THE COURT: You're talking into a microphone, so
14 find a sweet spot distance and answer that question.
15 DoorDash and what?

16 THE WITNESS: And I had also previously been on
17 unemployment, but I was doing DoorDash. About 2018 or
18 so I started a business here in Reno, a life-coaching
19 business. Of course, with the whole COVID thing it
20 tanked a little bit, but, you know --

21 BY MR. DELONG:

22 Q So you were receiving benefits and working with
23 DoorDash or for DoorDash?

24 A Yes, I was working for DoorDash.

1 Q And you had relapsed at that time; is that
2 right?

3 A Yes, I did.

4 Q When you were arrested on September 28th were
5 you under the influence of narcotics?

6 A Yes, I was. And I told the officer that.

7 Q So you specifically told officers --

8 A Yes.

9 Q -- that you were colloquially I'll say high at
10 the time?

11 A Yes.

12 Q Do you remember specifically what you said?

13 A I don't remember specifically, but I told them
14 I was using drug. He asked me if I was using drugs and
15 I said yes. I told him I hadn't slept in at least two
16 to four days and that I was very tired and that I was
17 out of it.

18 Q So then you testified that you went to 920
19 University Park Loop looking for Chris; is that right?

20 A Yes, sir.

21 Q But you went to the neighbor's house first,
22 didn't you?

23 A Yes.

24 Q And that was Gary Litzsinger's house?

1 A Yes, it was.

2 Q And you talked to him, didn't you?

3 A Yes.

4 Q Did you ring his doorbell?

5 A I knocked on the door.

6 Q Do you know if he has a doorbell?

7 A I don't remember if he had a doorbell. I just
8 knocked on the door. I'm old school, I guess.

9 Q Do you remember if he had a Ring doorbell or a
10 normal doorbell?

11 A I don't know which one it was.

12 Q So you ignored that doorbell is what you're
13 saying? You didn't even look at that doorbell; is that
14 right?

15 A No.

16 Q But you thought that Chris was at that address,
17 didn't you?

18 A Initially, yes. And then I realized it was the
19 wrong address.

20 Q How did you realize it was the wrong address?
21 Isn't that because you talked to Mr. Litzsinger?

22 A I talked to him. And as I was talking to him
23 he told me no. I was going through my phone again and
24 realized that I had the wrong address. Somebody had

1 texted me that it was on South University Park Loop.
2 That was the only information I got at first.
3 Afterwards I received 920.

4 Q So when you were talking to him you figured out
5 he was at a different address?

6 A Yes, and I went next door.

7 Q So you didn't bother to ask him does Chris live
8 over there, did you?

9 A No, I didn't.

10 Q It's a nice neighborhood, isn't it?

11 A It's pretty nice, yeah.

12 Q And you thought Chris owned that house all to
13 himself right next to it?

14 A I didn't think he owned it, no.

15 Q But you didn't bother to ask Mr. Litzsinger if
16 he owned that house or lived there?

17 A No.

18 Q And you don't remember Mr. Litzsinger's
19 doorbell, do you?

20 A No.

21 Q But you did some very specific things with the
22 920 doorbell, didn't you?

23 A After --

24 THE COURT REPORTER: Can you repeat that last

1 answer.

2 THE COURT: What I would like you to do is kind of
3 ignore the microphone. You lean forward to provide
4 each answer. I prefer that you kind of stay back and
5 just amplify your voice. None of us will think you're
6 yelling at us. Just speak louder because the
7 microphone is muffling you.

8 THE WITNESS: All right.

9 THE COURT: Thank you.

10 BY MR. DELONG:

11 Q Wasn't it just your testimony, though, that you
12 did that after you knocked? Right?

13 A After what?

14 Q You did specific things with the doorbell
15 camera after you knocked, was that your testimony just
16 now?

17 A I knocked one time, waited for a while, and
18 then I came back to the door again and knocked a second
19 time.

20 Q That's all you did, just knocked, walked away
21 and came back?

22 A And came back. And then the second time when I
23 came back to the door -- I initially left the door,
24 waited for a while, and then came back to the door.

1 Q Now, did you notice the doorbell when you first
2 walked up to 920 University Park Loop? Did you notice
3 what kind of doorbell that was?

4 A Not initially. When I first walked up to the
5 door I looked over at it.

6 Q You didn't initially wave your camera at a Ring
7 doorbell, did you?

8 A Not like within the first I don't know how
9 many -- one second or whatever, but I do eventually.

10 Q Oh, eventually you did that?

11 A I'm not sure exactly the amount of seconds or
12 whatever.

13 Q Were you under the influence of narcotics when
14 you were there also?

15 A Yes.

16 Q So you don't remember if you were waving your
17 phone at the door right when you walked up?

18 A Yeah, I did that.

19 Q Right when you walked up or later? .

20 A I can't tell you the exact, no.

21 Q I just want to be clear. You have no idea what
22 happened with Mr. Litzsinger's doorbell, but this
23 doorbell you knew enough to wave before you did
24 anything?

1 A I suppose.

2 Q And then you walked away and you said you were
3 going to speak with Annebelle and have her come to the
4 door; is that right?

5 A Yes.

6 Q So this Chris could come out and see you guys?

7 A Yes, sir.

8 Q But that's not what you did, is it? Isn't it
9 true that you hid by the side of the house, kind of
10 making yourself flat and then took a glove and very
11 quickly covered the Ring doorbell? Isn't that true?

12 A Yes.

13 Q And then you knocked a couple times, didn't
14 you?

15 A I think it was more than a couple times. Yes,
16 I did knock. I stood there and waited.

17 Q But you didn't knock loud, did you?

18 A I just knocked my normal knock.

19 Q You said, "Hey, Chris, I'm here"?

20 A I don't remember exactly what I said. I did
21 say something.

22 Q But you didn't call for him?

23 A I believe it was after I walked back around the
24 side I called. But I think I did say something at the

1 door like "Chris" or something like that.

2 Q Do you remember fixing the glove over the Ring
3 doorbell camera to make sure no one can see it a second
4 time after you had already placed it on there?

5 A Yes, I did.

6 Q And then you walked around the side of the
7 house; isn't that true?

8 A Yes. I believe it was the right-hand side.

9 Q And then did you carefully take off a screen
10 from a sliding glass door?

11 A I didn't carefully take it off. Actually I was
12 very annoyed at the fact -- I believed that he was
13 there and not wanting to come out to confront me about
14 the money he took, so I was just being, you know --

15 Q You were --

16 A -- a dick, I guess, and I just ripped it off.

17 Q So you're going to start trashing his stuff,
18 was that the plan, to start breaking things?

19 A I wanted to get him to come out. I wasn't
20 going to break it. And I really had just pulled it, I
21 mean pulled it off. I pulled on it and it came off. I
22 was hoping he would just come out and I would find out
23 if this was actually the Chris guy and if he had my
24 money and still nothing.

1 Q Did that make a really loud noise?

2 A Not super loud, no. It's like aluminum.

3 Q So you were hoping he would come out and see
4 you at that point, but when you were at the front door
5 you didn't want him to see who you were?

6 A No, because I thought he would come out. So if
7 he knew it was me and he knew he stole money from me, I
8 figured he's not going to just walk out knowing that he
9 stole money from me and see if it's me. I wasn't sure.

10 Q Once you pulled the screen off, though, you
11 think now he's just going to walk out?

12 A I would hope so. I thought so.

13 Q But you didn't stop at that one screen, did
14 you?

15 A No.

16 Q Then you walked over and took off another
17 screen from a window, didn't you?

18 A No, I think I just threw a rock through the
19 window.

20 Q So you don't remember taking off the second
21 screen?

22 A No. I just threw the rock in the window.
23 That's all.

24 Q Do you consider yourself -- did you consider

1 yourself to be heavily under the influence of narcotics
2 at that time?

3 A I don't know what you would consider heavy.

4 Q What would you consider?

5 A Not heavy, heavy, no, but I was under the
6 influence, yes.

7 Q And do you remember that day clearly?

8 A Most of it. I don't remember every single
9 second of the day that something happened, you know,
10 that long ago.

11 Q You don't remember pulling off that second
12 screen, though, do you?

13 A I don't specifically remember pulling off that
14 second screen. I thought I just threw the rock at the
15 window. I was upset admittedly and it wasn't the right
16 thing to do, but I was upset and I threw the rock at
17 the window. So I don't remember exactly the whole
18 process.

19 Q When you first saw Mr. Merrill through the
20 broken window of his home after you've thrown a rock
21 through it, were you holding anything?

22 A Initially I was holding a pole.

23 Q Where did you get that pole?

24 A It was somewhere in the yard.

1 Q So you just saw a pole laying in the yard
2 someplace?

3 A Yeah.

4 Q On the grass?

5 A I don't remember exactly where it was.

6 Q And you thought this is something I need right
7 now?

8 A Yeah, in case he came out with a weapon.

9 Q Were you going to go take back your money? Was
10 that your plan here?

11 A No, I was hoping he would come out and -- I
12 didn't really have an exact plan. Obviously it wasn't
13 like the best of plans. But I was hoping he would come
14 out and have a confrontation and ask him if he was --
15 because I wasn't a hundred percent sure, you know, but
16 I wanted to confront him, at least have the opportunity
17 to confront him about my money. \$1,600 is a lot of
18 money and I wanted to confront him about it.

19 Q Was it your plan to have a polite conversation
20 with him holding a pole after breaking a window of a
21 house?

22 A That was just in self-defense in case he came
23 out with a weapon.

24 Q Now, you threw that rock so hard it went

1 through the window, through rigid shutters and over the
2 bed; isn't that true?

3 A Yes.

4 Q Did you know if anyone was on that bed or not?

5 A No. I didn't know that was a bedroom.

6 Q You didn't know that was a bedroom?

7 A No.

8 Q You were just going to fling a rock through a
9 window and see what happens?

10 A Yeah. I mean, again, it wasn't the best of
11 plans.

12 Q But you didn't think you were going to get your
13 money back by doing this?

14 A I was hoping I would get something back.

15 Q Now, you testified today that you did not drive
16 the U-Haul truck that you rented, the pickup truck, on
17 September 20th of 2020.

18 A No, I said I did drive it. I just didn't drive
19 it up to 1440 Whisper Rock Way.

20 Q So you were driving it on the 20th?

21 A Yes, that morning I was driving it.

22 Q But you weren't anywhere near Somerset?

23 A Not at that time, no.

24 Q What time?

1 A The time that they said that happened.

2 Q What time did they say that happened?

3 A I believe they said it was at 4:00 something.

4 Q So you were nowhere near Somerset at

5 4 o'clock?

6 A No.

7 Q But a picture was taken of that pickup truck
8 that was rented to you with those license plates.

9 A Yes, sir.

10 Q At 4 o'clock.

11 A Around there, yes.

12 Q In Somerset. And that just wasn't you?

13 A Yes.

14 Q And just to be clear for your testimony today,
15 were you under the influence of narcotics on that day
16 as well?

17 A Yes.

18 Q Do you know for sure you weren't there?

19 A Yes.

20 Q Your memory is very clear on that day but not
21 with what happened at University Park Loop?

22 A I remember if I'm driving to a specific area of
23 town. Like I said, 920 University Park Loop, I
24 remember going to that part of town. You can remember

1 what part of town you're in.

2 Q So do you remember being interviewed by
3 Detective Tindell?

4 A Yes.

5 Q So you were lucid enough at that time to
6 remember that interview?

7 A Not the whole thing.

8 Q Well, do you remember when he asked you about
9 the place at Somerset?

10 A I don't remember specifically him asking
11 about -- he asked about a certain address. I told him,
12 "I have no idea what you're talking about." And then
13 he asked about Somerset. He said, "Have you ever been
14 to Somerset?"

15 I said, "Yes, I've been to Somerset."

16 That's about the most I remember of what he was
17 saying at the time.

18 Q Do you remember him saying -- we're talking
19 about Somerset right now -- right? -- and you
20 affirming that back to him?

21 A Yeah. Yeah, he asked me if I had been to
22 Somerset and I said yes.

23 Q And did he ask you about breaking into a home
24 in Somerset?

1 A Yes, I believe he asked me about breaking into
2 a home in Somerset.

3 Q And did he ask you how you did it?

4 A I don't remember if he asked me exactly. He
5 was telling me different stuff about breaking into a
6 house. He told me different things.

7 Q He said a window was broken, didn't he?

8 A At some point I believe he did, yes.

9 Q He wanted to know how that happened, didn't he?

10 A I believe so.

11 Q And you couldn't give an explanation for that;
12 is that right?

13 A I don't believe I did, no.

14 Q But you did describe getting a tire iron or a
15 tire jack out of the U-Haul truck and trying to pry
16 open a door? Didn't you tell him that?

17 A I didn't tell him I did. I just told him that
18 was something I believed that happened.

19 Q Oh, so someone might have done that but not you
20 is what you're saying?

21 A I didn't want to get into it further, but I
22 told him that that was possibly something that
23 happened.

24 Q Is that your testimony today, that you were

1 describing someone else to Detective Tindell that used
2 a tire iron or a tire jack to try to pry open a door in
3 Somerset?

4 A What do you mean?

5 Q You're telling us today that your statements to
6 Detective Tindell were that some other person was using
7 a U-Haul truck and trying to get a tire jack to pry
8 open the door?

9 A I believe that's what I was telling him, yes.
10 I don't remember nine months ago exactly the whole
11 conversation that happened with him. And, again, I was
12 out of it admittedly.

13 Q When you say "out of it," because you were on
14 drugs; is that right?

15 A Yes, sir.

16 Q So you don't remember it very well?

17 A Not perfectly, no.

18 Q Did he ask you what was taken out of the house?

19 A I think he did, yes.

20 Q And you told him, didn't you?

21 A Not exactly. I said something about clothes.
22 And he kept asking about coins and some other stuff.

23 Q You didn't tell him about tools?

24 A He did ask me about tools.

1 Q So you're saying he asked you about tools, you
2 didn't bring up the tools?

3 A I believe he's the one -- I'm not a hundred
4 percent, but I believe he was the one that brought up
5 the tools.

6 Q So the only thing you talked about was clothes?

7 A I said something about clothes, yes.

8 Q But you didn't tell him anything else, the rest
9 was all his idea, is that what you're telling us today?

10 A Again, I don't remember exact word for word. I
11 was pretty out of it and expressed to him that I was
12 out of it. I know I was mumbling a lot and nodding
13 out, falling asleep.

14 Q At any time during this interview did you say,
15 "No, no, no. Wait, wait, wait. Stop. I don't know
16 what you're talking about. I didn't do that"?

17 A Yes, I did.

18 Q Oh, you did?

19 A At some point he asked me something about some
20 burglaries and I said I don't know anything about that.

21 Q So you denied -- so you knew about a burglary
22 at Somerset, but you denied knowing anything about
23 burglaries?

24 A Right, pretty much.

1 Q Someone else did it; right?

2 A The whole thing was a little confusing. He
3 kept asking repeated questions very quickly over and
4 over and over. So at some point I just told him I
5 don't know anything about it.

6 Q So you stopped the whole interview and said, "I
7 don't know anything about this"?

8 A I believe I fell asleep or something like that.

9 Q It's your testimony you fell asleep --

10 A I believe so.

11 Q -- during the interview?

12 A I believe I fell asleep a couple times.

13 Q Did you fall asleep in the chair with your head
14 back or did you lay down on the table?

15 A I don't think there was a table right in front
16 of me, but I know I kept nodding out and like falling
17 over.

18 Q So you fell over in your chair?

19 A Falling forward, yeah.

20 Q And you fell completely asleep?

21 A Yes.

22 Q Is it your testimony that's how the interview
23 ended?

24 A I think he woke me up a couple times snapping

1 his fingers and saying, "Stay with me," or something
2 like that and I would fall asleep again.

3 Q Do you remember if he snapped his fingers in
4 the beginning of the interview or the end?

5 A I don't remember how many times. I just know
6 he woke me up.

7 Q Because you were fast asleep?

8 A Yes.

9 Q You're telling me -- you told him you were on
10 drugs at the time?

11 A Yes. He actually took me back to the jail and
12 made me wait in a holding tank for being under the
13 influence. They said I couldn't be booked in because I
14 was under the influence. There's some policy that they
15 can't book you in or something like that while you're
16 under the influence, so I actually waited like five
17 hours in a holding cell before I got booked in.

18 Q I just want to make sure I'm clear here. Did
19 you tell Detective Tindell you were under the influence
20 or did you tell the officer that took you to the jail
21 to book you into Parr Boulevard?

22 A Tindell. He's the one who took me to the
23 police department.

24 Q But from the police department -- you didn't

1 spend the night at the police department, did you?

2 A No. I was there for -- I don't know how long I
3 was there.

4 Q The police department is in downtown Reno,
5 isn't it?

6 A Yes.

7 Q But they then drove you to Parr Boulevard in
8 north Reno; right?

9 A Yes.

10 Q And that's where you had to spend the night;
11 right?

12 A Yes.

13 Q Is it possible you told that officer that you
14 were under the influence and not Detective Tindell?

15 A No, actually I told Tindell.

16 Q So your memory is clear on that?

17 A Well, he was a little -- the ride was kind of
18 extreme, so --

19 Q The ride from the trailer park on 1455 West
20 Fourth Street to the Reno Police Department?

21 A Yes. It was a little extreme, yes.

22 Q So that's why your memory is very clear even
23 though you were out of it at the time?

24 A Well, he was -- how do I mean? He was slightly

1 aggressive with me.

2 Q Was he driving?

3 A He was driving, yes.

4 Q So how was he aggressive with you?

5 A He was yelling kind of.

6 Q He was yelling at you on the way to the police
7 station?

8 A Yes.

9 THE COURT: At this point I'm going to ask you to
10 pause.

11 Ladies and gentlemen, I'm going to have a
12 conversation with counsel out of your presence. I want
13 you to know it has nothing to do with this witness or
14 this examination. I'm looking at the clock. I'm
15 wondering about the schedule. I'm thinking about
16 tomorrow. I'm thinking about our reporter. I want to
17 dispel any concern about anything that's happening in
18 this courtroom. I often interrupt. I just need to
19 figure out what the schedule is for the night.

20 So, ladies and gentlemen, during this recess please
21 do not discuss this case amongst yourselves. Please do
22 not form or express any opinion about this matter until
23 it has been submitted to you. This will not be a long
24 break.

1 Stand for our jury.

2 (Proceedings outside the presence of the jury.)

3 THE COURT: Deputy Coss, if you'll escort Mr. Held
4 back to his seat, please.

5 Each trial takes its unexpected turns. And during
6 Ms. Bush's testimony there was an objection to
7 exceeding the scope. I perceived the objection to be
8 strategic but ultimately unsuccessful because the
9 testimony she was about to provide would be
10 prejudicial. And while we could -- while her testimony
11 could be postponed, it could not be prevented.

12 I simply want to give the defense what I can when
13 there are legitimate requests. I could have exercised
14 my discretion under NRS 50.115 which allows me to
15 control the mode and the order of witness interrogation
16 to include exercising my discretion to permit inquiry
17 on cross-examination into additional matters as if on
18 direct.

19 When I made the decision I did, I didn't anticipate
20 Mr. Held would testify. Of course, I have no opinion
21 about whether he chose to remain silent or chooses to
22 testify. It's beyond my interest. But statistically I
23 have not had many defendants testify, and I just
24 thought that we would be immediately turning to

1 Ms. Bush as a witness for the State. And now I'm in a
2 conundrum, because we've been going for a long time.

3 I did not give this reporter, the staff or the jury
4 a break. I anticipate that with Mr. Held on the stand
5 we could easily go until 5 o'clock and maybe even we
6 continue tomorrow with Mr. Held.

7 So now I have Ms. Bush whose attendance tomorrow is
8 not certain. There are statutory remedies for me to
9 ensure her attendance tomorrow, but I don't want to do
10 that. If she chooses not to appear tomorrow I can
11 suspend trial and send law enforcement to go find her
12 on a warrant. It's just messy. And so I'm thinking
13 about how I extricate myself from a decision I made in
14 favor of defense which is to get Ms. Bush back on the
15 stand today.

16 MR. DELONG: I too would like to see Ms. Bush on
17 the stand today, Your Honor. And I can tell the Court
18 that at the very least my questioning on this
19 cross-examination is -- there's not much left.

20 THE COURT: On cross-examination with Ms. Bush or
21 Mr. Held?

22 MR. DELONG: Mr. Held. If we actually get Bush on
23 the stand I have a suspicion we may go past 5:00, but
24 these wouldn't -- the remainder of my cross -- I don't

1 know about recross, how that's going to go, but the
2 remainder of my cross is not very long at all.

3 THE COURT: With Mr. Held?

4 MR. DELONG: With Mr. Held. And the length of my
5 cross for Bush I don't anticipate to be -- it would be
6 very similar to the suppression hearing length, Your
7 Honor, not super long, because there isn't as much
8 territory to traverse.

9 THE COURT: Is she here on subpoena?

10 MS. ROSENTHAL: Yes.

11 THE COURT: But she was retrieved from Crossroads
12 by a defense investigator?

13 MS. ROSENTHAL: Yes, Your Honor. And she had a
14 first visit with her child from 4:00 to 5:00 which was
15 why we asked. She had a scheduled visit and that's why
16 we asked that she be released. So that was the
17 purpose. She has been present at hearings previously.

18 The reason our investigator retrieved her is
19 because we've been having to go through Crossroads
20 staff to get -- she has to take the bus to get here
21 normally. So we do know where she is. And she's also
22 the subject of a Second Judicial court drug court
23 program, so her whereabouts are known.

24 THE COURT: I really don't want to create any

1 appearance with this jury by stopping the Held
2 examination and bringing Bush back in, but I just
3 have -- I have some experience that causes me to be
4 uncertain about whether witnesses will arrive when
5 they're supposed to.

6 MS. ROSENTHAL: Your Honor, if I may be heard in
7 regards to the Court's decision earlier. I think it
8 was the appropriate decision, because there would have
9 had to have been defense testimony for the State to
10 rebut at that time. And there was no certainty that
11 Mr. Held would have testified, so there would have been
12 nothing to rebut at that time. So I think it was a
13 proper decision by this Court in that regard, because
14 there was no testimony to traverse other than her own.

15 THE COURT: I'm going to bring Ms. Bush in. I'm
16 going to admonish her about her subpoena, visit with
17 her about the consequences of her failure to appear
18 tomorrow morning. I'm trying to figure out who is
19 going to retrieve her tomorrow morning. It doesn't
20 feel appropriate that I designate the State or the
21 defense investigator to get her. I'm not sure I want
22 to go that far. I'm going to send this jury home and
23 we're going to reconvene with Mr. Held tomorrow, I
24 think. It's 4:20 and we've been going all day.

1 MS. ROSENTHAL: Your Honor, I would ask that if the
2 State intends to call her in rebuttal that it should be
3 up to them to bring her tomorrow.

4 THE COURT: Do you know where Ms. Bush is? Bring
5 her in.

6 Let's all stand for a minute and stretch as she
7 comes in.

8 You've previously been sworn. You're okay to just
9 come on in.

10 We are out of the jury's presence.

11 Be seated, please.

12 Ms. Bush, I'm just going to talk to you for a
13 moment. Okay? Your participation at this trial is not
14 over, but I'm not going to -- we're not going to get to
15 you as a witness today.

16 MS. BUSH: Okay.

17 THE COURT: So there are a couple of choices. You
18 are here under subpoena which means that your failure
19 to honor -- to continue honoring the subpoena puts you
20 at some risk. I want to recognize and validate that
21 you've been here before twice that I'm aware of and I
22 appreciate that. But the State is entitled to ask
23 questions that you may or may not like. And I don't
24 know if you want to be here.

1 So I thought, well, maybe I'll just put Ms. Bush in
2 jail tonight on a material witness hold of some type.
3 That's my strongest option. It appears to be a little
4 heavy-handed. I don't want you to go to jail tonight,
5 because you have been here pursuant to subpoena and I
6 think -- I just think that's wrong for me to do.

7 And so I'm going to let you go home tonight and
8 have you return tomorrow morning, but I want you to
9 hear me tell you the consequences if you're not here
10 tomorrow morning. I'm going to sign a warrant for your
11 arrest and I'm going to send somebody out to find you.
12 I'm not trying to be mean. I'm not trying to threaten
13 you. I'm just telling you what will happen. Should
14 you choose not to appear tomorrow and there's a warrant
15 for your arrest, it could affect what's happening with
16 you in the specialty courts in some way.

17 I just learned today that you're hoping for
18 reunification of your family life, and I hope that
19 happens. You disrupt things if you don't come tomorrow
20 morning. Do you understand what I'm saying?

21 MS. BUSH: Yeah.

22 THE COURT: I need you here, because if you're not
23 here I have to keep the jury impaneled until we find
24 you. That's going to be a big deal. All right. So

1 you've had rides to the courthouse. And I don't know
2 that I want to order the State investigator to get you.
3 The defense investigator doesn't want to retrieve you
4 because you're no longer their witness.

5 So, counsel --

6 MS. ROSENTHAL: Your Honor, I believe Ms. Bush if
7 she knows she has to be here can ride the bus. She
8 just needs to know what time to be here. It was more
9 in the sense of having to get her -- we didn't know
10 what time we may need her today. So I think she can
11 ride the bus if the Court tells her what time to be
12 here.

13 THE COURT: How did you arrive Tuesday?

14 MS. BUSH: I got a ride from Crossroads, but
15 normally the bus.

16 THE COURT: Yeah, Crossroads is not a locked
17 facility as I understand it. You could leave tonight
18 if you wanted.

19 MS. BUSH: Yeah, but I'm not going to.

20 THE COURT: I hope not.

21 MS. BUSH: No.

22 THE COURT: I actually really want your success and
23 continuing rehabilitation.

24 MS. BUSH: It's not that I didn't want to be here,

1 it's just I haven't seen my daughter in two months and
2 I had a visit at 4:00.

3 THE COURT: I just learned that.

4 MS. BUSH: Yeah.

5 THE COURT: All right. I think I'm going to just
6 instruct her to be here at her own devices.

7 MR. DELONG: Your Honor, I'm not inviting an order
8 for the State to comply in some way, but I am -- I
9 would like to offer that we're happy to bring her and
10 return her tomorrow.

11 THE COURT: Would you accept a ride from the State
12 investigator with the understanding that there won't be
13 any interrogation of you and it will just be politeness
14 along the way or you can come here on your own?

15 MS. BUSH: I would rather just ride the bus.

16 THE COURT: That's fine.

17 MS. ROSENTHAL: Can we please tell her a time to be
18 back.

19 THE COURT: I'm thinking about that, because I'm
20 going to send this jury home right now. And any
21 downtime that we have before the jury returns we can
22 work on -- I may not want to work on instructions just
23 yet.

24 MR. SILVERBERG: If it's any consolation, Your

1 Honor, as to instructions we have been working together
2 trying to get through and make that as efficient as
3 possible.

4 THE COURT: 11 o'clock.

5 MS. BUSH: Okay.

6 THE COURT: 11 o'clock. I'm doing this because I
7 trust you. Please don't let me down on this.

8 MS. BUSH: I won't.

9 THE COURT: We'll see you at 11 o'clock tomorrow.

10 MS. BUSH: I'll be here.

11 THE COURT: Stand with me for the jury.

12 MR. DELONG: Your Honor, if I may have one
13 housekeeping matter. I would just rather address this
14 today. In an overabundance of caution, the Court
15 earlier indicated the defendant's rights with respect
16 to testifying and with respect to the fact that his
17 prior conviction could be addressed in front of the
18 jury. As I said, in an overabundance of caution I want
19 to make sure that the Court deems it appropriate at the
20 very least the nature of the charge.

21 THE COURT: Yes.

22 MR. DELONG: Thank you, Your Honor.

23 THE COURT: That was not included in the direct
24 examination and you are entitled to ask the nature of

1 the charge.

2 MR. DELONG: And the date?

3 THE COURT: Yes, you are. Now, the question is was
4 it within the last ten years and the answer was yes.

5 MR. DELONG: Yes, Your Honor.

6 THE COURT: And so if you want to put a time stamp
7 on the year, that's okay.

8 MR. DELONG: Thank you.

9 THE COURT: And if you want to ask him the caption
10 of the crime.

11 MR. DELONG: Thank you, Your Honor.

12 THE COURT: All right. The jury, please.

13 (Proceedings within the presence of the jury.)

14 THE COURT: I told you that trials were highly
15 orchestrated. They're also very unpredictable.
16 There's been a lot of breaks today. And I decided that
17 our trial day is over. I'm going to send you home and
18 bring you back tomorrow.

19 In the sequence of trials there's the State's case
20 in chief. That has been closed. We are now in the
21 defense case in chief. I have no idea how long it will
22 go, but it appears that we have additional testimony
23 from Mr. Held. I anticipate that Ms. Bush will
24 testify. The defense may have other witnesses. I

1 don't ask and I don't know.

2 It's possible that you will begin deliberations
3 tomorrow afternoon. I'm a little concerned about that,
4 because I don't want there to be what we call a
5 compromised verdict, meaning you just kind of concede
6 and give up a little bit because of timing. And
7 tomorrow is the eve of the holiday.

8 And so if we go too late into the afternoon I
9 probably won't have you deliberate but instead I'll
10 have you come back Tuesday. I don't want you to be
11 thinking about your holiday weekend at the same time
12 you're considering the important case presented by the
13 State and the important defense tendered by Mr. Held.
14 They deserve all of what you have.

15 If any of you have any concerns about tomorrow
16 afternoon's schedule, your car is packed and you're
17 ready to leave, I'm going to ask you to just put that
18 in writing and hand it to Deputy Coss before you leave
19 today so I have a sense that I'm not stepping on fixed
20 plans. Let me know. Okay. And if there are a few of
21 you who are concerned about late tomorrow afternoon,
22 that will help me decide to end early.

23 A JUROR: Your Honor, I just have a question.
24 Monday, is it going to be observed as a holiday?

1 THE COURT: Yeah. I would have you come back on
2 Tuesday and not Monday in the event that your work is
3 not done tomorrow.

4 Ladies and gentlemen, you are admonished not to
5 converse amongst yourselves or with anyone else on any
6 subject connected with this trial. You will not read,
7 watch or listen to any report of or commentary on the
8 trial by any person connected with this case or by any
9 medium of information, including without limitation
10 newspaper, television, internet or radio.

11 You are further admonished not to form or express
12 any opinion on any subject connected with this trial
13 until the case is finally submitted to you. You may
14 not perform any independent research or investigation.

15 Please return to the courthouse tomorrow morning
16 for entry into the courtroom at 9:15 in the morning.
17 9:15. Now, if you begin deliberating tomorrow, there
18 is no time imposed upon your deliberation, but you will
19 not be allowed to break during your deliberation unless
20 I determine an overnight break is appropriate.

21 So we provide food at our expense at your request,
22 but you don't have a choice over the food. It's bar
23 food, pizza and wings, or I think we do sub sandwiches.
24 So, again, I don't know if you're going to deliberate

1 tomorrow, but if you have food issues, plan on feeding
2 yourself through the day. And again at your request
3 and our expense we will feed you tomorrow beginning at
4 lunch. Well, I'm not sure.

5 And with that, ladies and gentlemen, we'll stand
6 for our jury.

7 (The proceedings were adjourned at 4:33 p.m.)

8 --o0o--
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

4 I, LORI URMSTON, Certified Court Reporter, in and
5 for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me
7 at the time and place therein set forth; that the
8 proceedings were recorded stenographically by me and
9 thereafter transcribed via computer under my
10 supervision; that the foregoing is a full, true and
11 correct transcription of the proceedings to the best
12 of my knowledge, skill and ability.

13 I further certify that I am not a relative nor an
14 employee of any attorney or any of the parties, nor am
15 I financially or otherwise interested in this action.

16 I declare under penalty of perjury under the laws
17 of the State of Nevada that the foregoing statements
18 are true and correct.

19 DATED: At Reno, Nevada, this 12th day of
20 November, 2021.

21
22 LORI URMSTON, CCR #51
23

24 The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

LORI URMSTON, CCR #51

261

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 XII 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