

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 28 2022 02:56 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 II

MARC PICKER
Washoe County Alternate Public Defender

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Washoe County District Attorney

MELISSA ROSENTHAL
Deputy Alternate Public Defender

JENNIFER NOBLE
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RENO, NEVADA 89501

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ATTORNEYS FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR20-3104

15 v.

Dept: D15

16 IAN CHRISTOPHER HELD,
17 also known as
18 IAN HELD,

19 Defendant

20 OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS FRUITS OF SEARCH WARRANT
21 PURSUANT TO FRANKS v. DELAWARE

22 The State, by and through CHRISTOPHER J. HICKS, Washoe County
23 District Attorney, and Robert W. DeLong, Deputy District Attorney,
24 hereby opposes the Defendant's MOTION TO SUPPRESS FRUITS OF SEARCH
25 WARRANT PURSUANT TO FRANKS v. DELAWARE ("the Motion"), filed by the
26 Defendant Ian Christopher Held on May 12, 2021. This Opposition is
based on the following memorandum of points and authorities, together
with all other pleadings, papers, and exhibits on file herein, and any
evidence that may be considered by the Court during a hearing on the
Motion.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 The Defendant in this matter has filed a motion seeking to
4 suppress the evidence found as a result of a telephonic warrant that
5 was obtained in this case. When Officers were investigating a string of
6 residential burglaries in September of last year, they detained and
7 interviewed the Defendant and his girlfriend, Annabelle Bush. After the
8 interviews, Officers applied for a telephonic search warrant to search
9 the Defendant's residence, a trailer located in Reno. Officers relied
10 upon evidence they obtained during their investigation of the potential
11 burglaries, and information that they obtained from the Defendant and
12 his girlfriend when they were interviewed.

13 During the interviews, the Defendant and his girlfriend made
14 several admissions regarding the burglaries, which are discussed in
15 detail below. However, the Defendant now claims that Detective Kenneth
16 Fye made significant misstatements when applying for the search warrant
17 because he told Honorable Judge Ryan Katherine Sullivan that "[t]hey
18 admitted to doing all the burglaries that I just mentioned, and stealing
19 the vehicle." The State submits that this not a misstatement when it is
20 considered in light of all of the admissions that were made during the
21 Defendant's interview with Officers of the Reno Police Department.
22 Although it is a generalization, it is appropriate after reviewing all
23 of the information before the Officers at the time that they applied
24 for the warrant.

25 The Defendant also claims that Officers conducted an illegal
26 search of the trailer prior to applying for the search warrant. This

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1 claim is based upon the fact that Officers permitted Bush to enter the
2 trailer after she was interviewed by officers. However, the warrant
3 does not seek to search for any evidence that was not discussed during
4 the interviews of the Defendant and Bush. Bush was staying with the
5 Defendant at the trailer prior to her interview with officers, and was
6 never placed under arrest. More importantly, the Defendant has not and
7 cannot establish that, but for the alleged omission concerning her entry
8 into the trailer, the warrant would not have been granted. Probable
9 cause existed prior to her entry of the trailer, based upon the
10 information obtained by Officers during their interviews of the
11 Defendant and Bush. Arguably, probable cause existed based solely upon
12 the information provided by the Defendant.

13 In addition, the Defendant complains about the fact that
14 Officers misstated the location of a vehicle registered to the Defendant
15 when applying for the warrant. Detective Fye told the Judge that the U-
16 Haul truck that the Defendant was renting was parked in the driveway of
17 a residence that was burglarized in the Somerset area, when the vehicle
18 was actually parked on the street in front of the residence. The State
19 submits that this distinction is immaterial when considering all of the
20 evidence before the Court when it determined that probable cause existed
21 for the issuance of a search warrant.

22 23 **II. PROCEDURAL HISTORY**

24 On February 24, 2021, the State filed its Third Amended
25 Complaint against the Defendant in this matter, charging the Defendant
26 with Count I Residential Burglary, Second or Subsequent Offense; Count

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1 II Residential Burglary, Second or Subsequent Offense; Count III Attempt
2 Residential Burglary, Second or Subsequent Offense; and Count IV Being
3 a Felon In Possession of a Firearm. A preliminary hearing was held on
4 March 3, 2021, which concluded on March 8, 2021. As a result of the
5 hearing, the Court determined that probable cause existed to bind over
6 the Defendant to District Court on Counts I, III, and IV. An information
7 was then filed by the State in this matter on March 18, 2021, charging
8 the Defendant with one count of residential burglary, one count of
9 attempted residential burglary, and one count of being an ex-felon in
10 possession of a firearm.

11 In addition to the above procedural history, on September 28,
12 2020, the Honorable Judge Ryan Katherine Sullivan granted a telephonic
13 search warrant in this matter, permitting Officers investigating the
14 case to search the Defendant's trailer for stolen property. (See Exhibit
15 A hereto.) When the warrant was executed, Officers seized several stolen
16 items as a result of their search of the Defendant's trailer. (Ex. A
17 4.) The Defendant now seeks to have any evidenced obtained by officers
18 as a result of his warrant suppressed. The State opposes the Motion.
19

20 **III. STANDARD OF REVIEW**

21 NRS 179.035(3) provides that a warrant "to search for and
22 seize any property" may issue "[w]hen the property or things to be
23 seized consist of any item or constitute any evidence which tends to
24 show that a criminal offense has been committed, or tends to show that
25 a particular person has committed a criminal offense." The Nevada
26 Supreme Court has recognized that the determination of "[w]hether

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1 probable cause is present to support a search warrant is determined by
2 a totality of circumstances." Doyle v. State, 116 Nev. 148, 158, 995
3 P.2d 465, 471-72 (2000) (citing Illinois v. Gates, 462 U.S. 213, 238
4 (1983)). The Court further found that "[a] deficiency in either an
5 informant's veracity and reliability or his basis of knowledge 'may be
6 compensated for, in determining the overall reliability of a tip, by a
7 strong showing as to the other, or by some other indicia of
8 reliability.'" Id. (quoting Gates, 462 U.S. at 233, 103 S.Ct. 2317).
9 Moreover, great deference should be afforded to a Judge's determination
10 of probable cause. Gates, 462 U.S. at 236, 103 S.Ct. 2317. A Court
11 should not "overturn a magistrate's finding of probable cause for a
12 search warrant unless the evidence in its entirety provides no
13 substantial basis for the magistrate's finding." Garrettson v. State,
14 114 Nev. 1064, 1068-69, 967 P.2d 428, 431 (1998).

15 In this case, the totality of the circumstances presented to
16 the issuing Court demonstrate that probable cause existed for the
17 issuance of the search warrant, and deference should be afforded to
18 Judge Sullivan's issuance of the telephonic search warrant. The
19 Defendant's own admissions provide a concrete and substantial basis for
20 the Court's finding of probable cause.

21
22 **IV. Officers did not make intentional or reckless misstatements to the**
23 **Court when applying for a telephonic warrant in this case.**

24 This case is the result of an investigation by the Reno Police
25 Department and other agencies into a string of residential burglaries
26 that occurred in late September of 2020. During the investigation,

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1 Detective Kenneth Fye, of the Sparks Police Department, applied for and
2 obtained a telephonic search warrant from the Honorable Judge Ryan
3 Katherine Sullivan to search the Defendant's trailer for stolen
4 property. The Defendant now seeks to suppress any evidence obtained as
5 a result of this warrant.

6 The Defendant claims that "the warrant application contains
7 a significant misstatement that was either intentionally or recklessly
8 made." (Motion 3:12-14.) However, this is incorrect. When the warrant
9 application is read in its totality, along with the testimony presented
10 at the preliminary hearing, it is clear that the statements made to the
11 Court were appropriate and demonstrated probable cause for the issuance
12 of the warrant. This is true even though the Defendant's girlfriend was
13 permitted to enter the trailer prior to, or during the application being
14 made for the warrant.

15 During the telephonic warrant application, Detective Fye
16 testified to the Court regarding three separate burglaries that he was
17 investigating with respect to the Defendant. First, a residential
18 burglary that occurred on September 21, 2020, at 1440 Whisper Rock Way,
19 in Reno. (Exhibit B 5:5-6.) Second, an attempted residential burglary
20 at 920 South University Park loop. (Ex. B 5-6.) Third, the theft of a
21 red Jeep, belonging to Jason Rocco, the Defendant's neighbor. (Ex. B
22 6:13-19.) During the application for the warrant, Detective Fye did
23 state that "[t]hey admitted to doing all the burglaries that I just
24 mentioned, and stealing the vehicle." (Ex. B 7:1-2.) While this may be
25 a generalized statement regarding all of the information obtained by
26 the Officers at the time, it is not a "significant misstatement that

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1 was either intentionally or recklessly made." When taken in context, it
2 becomes clear that Detective Fye's statement is appropriate considering
3 all of the evidence before the officers at the time. The Defendant's
4 admissions to officers concerning each of the three alleged burglaries,
5 which were made prior to the application for the search warrant, are
6 detailed separately below.

7
8 **A. Evidence Supporting an Admission to Committing a Residential**
9 **Burglary at 1440 Whisper Rock Way.**

10 Detective Lance Tindell of the Reno Police Department
11 testified during the preliminary hearing in this matter that he
12 interviewed the Defendant during his investigation of a burglary that
13 occurred in September of last year at 1440 Whisper Rock Way, Reno, NV.
14 (Preliminary Hearing Transcript Volume I ("PHT I"), attached hereto as
15 Exhibit C, 59-60.) This address is located in the Somerset residential
16 development in Reno. (PHT I 63-64.) Detective Tindell testified that
17 the Defendant admitted to being "in the area of Somerset in a U-Haul
18 truck that he had rented." (PHT I 63:9-10.) The Defendant also admitted
19 to prying "the front door open with pliers and either a tire iron or a
20 tire jack from the U-Haul truck, gained entrance to this particular
21 residence in Somerset." (PHT I 63:15-18.) In addition, the Defendant
22 admitted to committing this burglary by describing to Detective Tindell
23 some of the items he took from the residence, such as coins, clothing,
24 and tools. (PHT I 63:14-18.)

25 All of these admissions were recorded, and obtained during
26 the Defendant's interview prior to the application for the warrant. The

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1 State plans to offer them as evidence for the Court if a hearing is
2 held on this matter. However, the State notes that these admissions are
3 difficult to hear on the recording, and that the testimony of Detective
4 Tindell will be needed to clarify the statements made by the Defendant.
5 Regardless, the State has presented sworn testimony in this case
6 establishing that Defendant did indeed admit to burglarizing the home
7 located at 1440 Whisper Rock Way.

8
9 **B. Evidence Supporting an Admission to Committing an Attempted**
10 **Residential Burglary at 920 University Park Loop.**

11 Detective Tindell testified that during his interview with
12 the Defendant, the Defendant admitted to covering up a Ring doorbell at
13 920 University Park Loop and then throwing a rock through a window of
14 the residence. (PHT I 62:5-12.) He also testified that the Defendant
15 admitted that he was confronted by a man at the residence and engaged
16 in a brief conversation with the man before leaving the area with the
17 Defendant's girlfriend, Annabelle Bush, in a red Jeep. (PHT I 62:10-
18 17.) As part of Detective Fye's investigation into this matter, he and
19 Detective Tindell witnessed the Defendant and Annabelle Bush drive away
20 from the area of University Park Loop, in a Red Jeep. (PHT I 61-62,
21 115.)

22 The Defendant's girlfriend, Annabelle Bush, was also
23 interviewed by Detective Fye as part of the investigation. This
24 interview was also recorded and may be played as part of any hearing
25 that may be held regarding this motion. During the interview, Bush
26 admits that the Defendant broke a window at a house off of McCarran

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1 Boulevard. She stated that the Defendant talked with a homeowner and
2 told the guy that he was looking for someone that had recently robbed
3 him. These statements support the Defendant's admissions to covering up
4 a Ring doorbell at 920 University Park Loop and then throwing a rock
5 through a window of the residence.

6
7 **C. Evidence Supporting an Admission to the theft of a red Jeep,**
8 **belonging to Jason Rocco.**

9 When the Defendant was interviewed by Detective Tindell,
10 the Defendant was asked how he came into contact with the red Jeep he
11 had been using. In response, the Defendant admitted that "the Jeep
12 belonged to a friend of his, a neighbor, who had been arrested." (PHT
13 I 61:15-15.) The Defendant also stated that he had used the Jeep
14 previously and "figured it would be okay" to use the Jeep after Rocco
15 had been arrested, "because he used it previously." (PHT I 61:15-17.)
16 When these statements are considered in connection with Rocco's
17 statements telling officers that the Defendant did not have the right
18 to drive the vehicle (PHT I 113-114), it becomes clear that the
19 Defendant has admitted that he was driving the vehicle without the
20 owner's consent.

21 During the interview of Annabelle Bush, she also stated
22 that she knew the jeep belonged to the next door neighbor, Jason
23 Rocco. Bush thought the bill of sale she found for the Jeep was
24 suspicious because it didn't contain Rocco's name or the Defendant's
25 name. She also told Detectives that Rocco was already in jail when
26 the Defendant got the keys to the Jeep. During the interview,

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1 Detective Fye confirms that she believed that Rocco was locked up and
2 that the Defendant went over to Rocco's trailer, got the keys, and
3 started driving it around. She also described stolen items taken from
4 Rocco's trailer, that belonged to Rocco and she presumed were stolen.
5 Bush identified cloths, paperwork, a drone, and a computer within the
6 Defendant's trailer as being property stolen from Rocco. These were
7 among the items listed as being sought within the search warrant.

8 (Ex. A 1.)

9 When the totality of this information is considered, it is
10 clear that the Defendant admitted to taking a Jeep without the
11 owner's consent, and that he was in the possession of stolen items
12 from Rocco's trailer.

13
14 **V. PROBABLE CAUSE EXISTED FOR THE WARRANT APPLICATION IRRESPECTIVE**
15 **OF THE FACT THAT BUSH WAS PERMITTED TO ENTER THE TRAILER PRIOR TO THE**
16 **SEARCH WARRANT BEING GRANTED.**

17 The Defendant complains that Officers committed a
18 warrantless search because they permitted Bush to enter the trailer
19 prior to the search warrant being granted. (Motion 5:16-26.) This
20 claim is based upon the fact that Officers permitted Bush to enter
21 the trailer after she was interviewed by officers—when she was not
22 under arrest. However, the warrant does not seek to search for any
23 evidence that was not discussed during the interviews of the
24 Defendant and Bush. In fact, it is not clear that Detective Fye, the
25 Officer applying for the warrant, even knew that Bush had entered the
26 trailer after she was interviewed. No information regarding her entry
was discussed within the warrant application or the warrant itself.

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1 The warrant was granted based entirely upon information gathered
2 outside of her entry into the trailer.

3 Accordingly, the Defendant has not and cannot establish that,
4 but for the alleged omission concerning her entry into the trailer, the
5 warrant would not have been granted. An independent and substantial
6 basis existed for the Court's finding that probable cause existed for
7 a warrant prior to Bush's entry into the trailer, based upon the
8 information obtained by Officers during their interviews of the
9 Defendant and Bush. Arguably, probable cause existed based solely upon
10 the information provided by the Defendant. Because the warrant
11 application did not rely on any information that may have been obtained
12 when Bush entered the trailer, there is no basis to invalidate the
13 warrant for the omission of information.

14 15 **VI. CONCLUSION**

16 Based upon the foregoing, the State respectfully submits that
17 the Defendant in this matter did make enough admissions during this
18 interview with Officers to justify the statement that "[t]hey admitted
19 to doing all the burglaries" when applying for the warrant. In addition,
20 the fact that Bush entered the trailer prior to the search warrant being
21 granted is immaterial because her entry into the trailer did not provide
22 any information that was relied upon within the application for the
23 warrant. When the totality of the evidence before the Officers at the
24 time of the application is considered, it is clear that probable cause

25 ///

26 ///

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1 existed for the issuance of the warrant in this case and that the
2 Defendant's Motion to Suppress should be denied.

3 AFFIRMATION PURSUANT TO NRS 239B.030

4 The undersigned does hereby affirm that the preceding
5 document does not contain the social security number of any person.
6

7 Dated this 24th day of May, 2021

8 CHRISTOPHER J. HICKS
9 District Attorney
Washoe County, Nevada

10
11
12 By 
13 ROBERT W. DELONG
14 10022
15 DEPUTY DISTRICT ATTORNEY
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1 CERTIFICATE OF SERVICE BY E-FILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of
3 the Washoe County District Attorney's Office and that, on this date,
4 I electronically filed the foregoing with the Clerk of the Court. A
5 notice will be sent electronically to the following:

6
7 ALTERNATE PUBLIC DEFENDER
8 MELISSA ROSENTHAL ESQ

9 Dated this 24th day of May, 2021

10
11 /s/RACHEL STEINMAN
12 RACHEL STEINMAN
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INDEX OF EXHIBITS

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| EXHIBIT 3 | Transcript of Preliminary Hearing | 144 Pages |

EXHIBIT 1

EXHIBIT 1

FILED

JAMES R. CONWAY
RENO JUSTICE COURT
BY H. Howden
DEPUTY CLERK

1 IN THE JUSTICE COURT OF Reno TOWNSHIP,
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 * * *

4 IN THE MATTER OF THE APPLICATION
5 FOR A SEARCH WARRANT.

6 _____/
7 DUPLICATE ORIGINAL
8 S E A R C H W A R R A N T
9 (TELEPHONIC)

10
11 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF WASHOE:

12
13 Proof by affidavit having been made this date before me by
14 DET K. FYE, of the SPARKS POLICE DEPT
15 _____, Washoe County, Nevada, that there is
16 probable cause to believe that the crime(s) of BURGLARY

17 _____
18 _____
19 felony violation(s) of NRS 20 S. 060. 1D
20 has/have been committed by IAN HEID
21 and that evidence of the crime(s), namely, STOLEN PROPERTY -
22 RC PHONES, LAPTOP COMPUTER, SAFE BOX, X-BOX SYSTEM,
23 JEWELRY, BOTTLED WINE, RYOBI POWER TOOLS, DVD'S

24 _____
25 _____
26 is/are presently located, concealed and/or hidden on or within

0055

1 (X) a residence and its surrounding premises and curtilage
2 including sheds, outbuildings and areas appurtenant thereto,
3 described as 1455 W. 4TH ST #81 (98 ALFA TRAILER)
4 _____ in Washoe County, Nevada;

5 () a vehicle, described as _____
6 _____ which is presently located at
7 _____ in Washoe County, Nevada;

8 () a container, described as _____
9 _____
10 which is/are presently located at 1455 W. 4TH ST #81
11 _____ in Washoe County, Nevada.

12 YOU ARE THEREFORE DIRECTED to make a complete search within
13 the exterior boundaries of the location and items described above,
14 including any containers therein, whether locked or unlocked, which
15 could reasonably contain the evidence to be searched for, and if the
16 evidence is found, to seize it, make a written inventory of the same,
17 and bring the inventory forthwith before me at the above Court.

18 A copy of the sworn affidavit supporting probable cause for
19 the issuance of this Search Warrant is attached hereto and
20 incorporated by reference herein.

21 (X) Serve this Warrant between the hours of 7:00 a.m. and
22 7:00 p.m.

23 () Good cause appearing, serve this Warrant at any time.

24 () Good cause appearing, this Warrant may be served without
25 knocking and announcing.
26

DATED this 28TH day of SEPTEMBER, 2020.

R. Sullivan
JUSTICE OF THE PEACE

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X20 DRONE
SOLAR LIGHT
MILWAUKEE SAW
BLACK & DECKER SAW
RYOBI SAW
PASSPORT - LAVINIA VAKA
(3) ID CARDS
VEHICLE TITLE - 07 FORD "JASON ROCCO"
BIRTH CERTIFICATE "ALBERTA LEE"
BLACK .22 RIFLE
20 GA SHOTGUN
BLACK BRN WITH MULTIPLE RIFLES
COMPOUND BOW
2 BAGS W/ LOOSE AMMUNITION
BULK BAG W/ DRINK & ACCESSORIES

DATED this 28^m day of SEPTEMBER, 2020.

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EXHIBIT 2

EXHIBIT 2

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IN THE JUSTICE COURT OF RENO TOWNSHIP
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA
BEFORE THE HONORABLE RYAN SULLIVAN

--oOo--

Transcript of Proceeding
Case No.

IN THE MATTER OF THE APPLICATION
FOR A SEARCH WARRANT,

-----/

RE: IAN HELD

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APPEARANCES

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Washoe County Deputy District Attorney
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Reno, Nevada 89520

SPARKS POLICE DEPARTMENT. Detective K. Fye

Transcription. Leslie Rosenthal

Proceedings recorded by digital sound recording, transcript
produced by Certified Court Reporter

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EXAMINATION

RENO, NEVADA, SEPTEMBER 28, 2020

-oOo-

Q Tyson Lee

A Detective K. Fye

MR. LEE: The date is September 28th, 2020.

This is Tyson Lee with the Washoe County DA's Office.

On the line, we have Judge Sullivan with the Reno
Justice Court, and Detective Fye with the Sparks Police
Department.

And the time is 6:08 p.m.

Your Honor, if you could please swear in Detective
Fye.

THE COURT: Certainly.

Before I do that. I'll state that I understand
you're recording this call, and you have my permission to do
so.

Detective, will you please raise your right hand?

DETECTIVE FYE: Yes.

(Detective duly sworn).

THE COURT: Thank you.

EXAMINATION

BY MR. LEE:

Q Detective, could you please read into the record the substantive parts of the Search Warrant that you're requesting?

A Yeah. You want me to just go and read the whole thing?

Q Yes, please.

A Okay. That proof by affidavit having been made this date before me by Detective Kenneth Fye of the Sparks Police Department, Washoe County, Nevada, that there is probable cause to believe that the crimes of burglary, a felony violation of NRS 205.060.1D has been committed by Ian Held, I-A-N H-E-L-D, and that evidence of the crimes namely stolen property to include RC drones, laptop computer, a safe box, an Xbox console, jewelry, bottled wine, Ryobi power tools, and DVDs is or are presently located, concealed, and or hidden on or within a residence and its surrounding premises and curtilage, including sheds, outbuildings, and areas appurtenant thereto described as 1455 West Fourth Street, Number 81.

Q Okay. And are you requesting service of this Warrant between 7:00 a.m. and 7:00 p.m.?

A Yes.

Q Okay. And that location is that within Reno?

1 A Yes, it is.

2 Q Okay. Could you please describe the probable cause
3 that you have to believe that Mr. Held committed the crimes of
4 burglary?

5 A Yes. A residential burglary occurred on 9/21/2020,
6 at 1440 Whisper Rock Way, in Reno.

7 Reno Patrol responded to the residential burglary,
8 and found that the suspect used a rock to gain entry through a
9 glass window.

10 The suspect stole power tools, wine, DVDs, and some
11 other personal belongings from this homeowner. A neighbor
12 observed a U-Haul truck in the driveway, and was able to get
13 the license plate off the U-Haul truck.

14 The Reno patrol officer spoke with a local U-Haul and
15 found out that Ian Held had rented the vehicle.

16 The Reno Patrol officer then went by Ian Helds'
17 residence at 1455 West Fourth Street, and observed the U-Haul
18 truck parked in front of his trailer.

19 The officer then advised the repeat offender program
20 about this suspect, and the residential burglary that occurred.
21 So road detectives began watching him later last week, and we
22 observed him driving in the area of 920 South University Park
23 loop. He was driving a red Jeep Cherokee at this time. We saw
24 him leave the area at a -- kind of a high rate of speed. We

1 went back and checked the area. We didn't notice anything
2 initially. Later on, a homeowner called and reported an
3 attempt of residential burglary, where they observed Ian going
4 around his house on a ring doorbell. Which is also evidence
5 with this case. But Ian was seen scouting the house out, and
6 walking around it. He then threw a -- [inaudible] through the
7 window in an attempt to gain entry. When he was confronted by
8 the homeowner, the homeowner saw him get into the red Jeep and
9 leave the area.

10 We ended up finding out that the red Jeep belonged to
11 a guy named Jason Rocco who's currently in custody at the
12 Washoe County Jail, and he is a neighbor of Ian Held.

13 We went and spoke with Rocco, and he told us that
14 when he was arrested, the jeep was locked up and secured at his
15 house, and Ian did not have permission to have it.

16 So we determined that Ian had stolen the red Jeep,
17 and that he had also committed a residential burglary to get
18 him to Rocco's trailer where he stole the keys to gain access
19 to the Jeep.

20 And we also learned that Ian had taken some property
21 out of his trailer, as well. We placed Ian and his girlfriend
22 who was with him on the South University Park loop burglary.
23 Her name is Annabelle Bush. We made contact with both of them
24 and placed Ian under arrest today. They were both cooperative

1 when interviewed with detectives. They admitted to doing all
2 the burglaries that I just mentioned, and stealing the vehicle.

3 Ian informed detectives that interviewed him that
4 there was still stolen property that belonged to Rocco in his
5 residence to include RC drones, a computer, and some clothing
6 items. He said all that was still located in his trailer. So
7 that's the property we're trying to recover. And that's it.

8 Q Okay. And the property that you described, that is a
9 trailer?

10 A Correct.

11 Q And is it -- why didn't you seize it and seal it to
12 apply at a different time?

13 A So that was our original plan, but when we got to the
14 trailer, it had poor tires. Slides on the -- it has a large
15 slide out on the trailer, and it doesn't look like it's
16 operable, it's an older trailer, and there's a lot of property
17 on top of the roof. Underneath the trailer, the sewer lines
18 are hooked up in a really weird fashion. It's all pretty
19 rusty, it's in bad shape, and it doesn't look like it's
20 movable.

21 Q Okay. And are detectives present to perform this
22 should it be granted immediately?

23 A They are.

24 Q Okay.

1 MR. LEE: Your Honor, do you have any further
2 questions?

3 THE COURT: No, I do not. And I do find probable
4 cause for the search.

5 MR. LEE: And does the detective have your permission
6 to sign your name?

7 THE COURT: Yes, he does.

8 MR. LEE: Okay. And the time is now 6:14 p.m.

9 I think that's all we need.

10 Thank you.

11 THE COURT: All right. Thank you, all. Have a good
12 night.

13 DETECTIVE FYE: Thank you, Judge.

14 THE COURT: Bye.

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(Interview concluded.)

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) S S :

I, LESLIE ROSENTHAL, do hereby certify:

That the foregoing transcript, consisting of 1 through 10, inclusive, contains a full, true and complete transcription of the tape recording in this matter to the best of my ability.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: This 20th day of January, 2021.

/S/ LESLIE ROSENTHAL

LESLIE ROSENTHAL

1 STATE OF NEVADA.)

2) SS:

3 COUNTY OF WASHOE)

4

5

6 I, Ryan Sullivan, Justice of the Peace of Reno

7 Township, Washoe County, Nevada, hereby certify: That

8 application for a Search Warrant was made by oral affidavit;

9 That the witness was first duly sworn and the testimony

10 and statements of all parties to the conversation were recorded

11 in my presence at my direction by electronic means, and

12 thereafter the tape was transcribed and submitted to me as

13 herein appears;

14 That when the examination of the witness and the oral

15 presentation of evidence and information was completed, it

16 appearing that there was reasonable cause and sufficient

17 grounds to believe that evidence of crime may be found, a

18 Search Warrant was orally authorized pursuant to NRS 179.045.

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JUSTICE OF THE PEACE

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 II 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