

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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 VII

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1 Q. And you weren't wearing that body cam?

2 A. I was not.

3 Q. It was seated on a table?

4 A. On a table between us, yes.

5 Q. Did you review that body camera after?

6 A. I did.

7 Q. And is it accurate that it is very
8 difficult to hear Mr. Held?

9 A. It was. It was hard to hear him, so I
10 reiterated everything that I was saying and that he
11 said.

12 Q. And, in fact, you wrote a report in this
13 case, correct?

14 A. I did.

15 Q. And you indicated you tried to assist Held
16 in remembering things, correct?

17 A. Correct.

18 Q. So, you kind of led the conversation.

19 A. Like I said in the report, I assisted him
20 trying to help him remember things.

21 Q. And would you say you led the conversation?

22 A. For some aspects, not throughout the whole
23 conversation.

24 Q. And you were present when Mr. Held denied

1 consent to search the trailer.

2 A. Correct.

3 Q. And were you a participant in the search of
4 that trailer?

5 A. I was.

6 Q. And were you wearing a body camera at that
7 time?

8 A. No.

9 Q. Why not?

10 A. In my unit we don't wear body cameras.

11 Q. And that is because you're, essentially,
12 undercover.

13 A. Correct.

14 Q. But at the time of the search of the
15 trailer you were no longer undercover, correct?

16 A. I'm in plainclothes at all times.

17 Q. But your presence was known, correct?

18 A. By some, I'm sure.

19 Q. Were there other officers there?

20 A. No.

21 Q. Everyone was in plainclothes?

22 A. Yes.

23 Q. Okay. And you were taking things out of
24 the trailer, correct?

1 A. I don't know that I took things out of the
2 trailer. I assisted in the search.

3 Q. So, there were -- nothing was taken out of
4 the trailer?

5 A. Things were taken out of the trailer. If
6 you're asking if I personally took things out of the
7 trailer, I don't recall personally taking things out
8 of the trailer but things were taken out of the
9 trailer.

10 Q. The purpose of not wearing a body camera is
11 to go un-noticed, correct?

12 A. Correct -- sorry. We deal with a lot of
13 confidential stuff that we don't want to be
14 revealed. We deal with a lot of substantial
15 assistance information that comes out.

16 Q. At the time that you were searching
17 Mr. Held's trailer, there was no need to be
18 undiscoverable.

19 A. I can tell you that our unit does not wear
20 body cameras.

21 Q. But body cameras would have been available
22 if you asked for one?

23 A. Sure.

24 Q. And you searched the living room of the

1 trailer, correct?

2 A. Correct. Front area, yes.

3 Q. Did you take any photos of the items in the
4 living room?

5 A. I don't believe I took any photos of the
6 items in the living room.

7 Q. So, any items that were located in the
8 living room were not photographed inside of the
9 trailer.

10 A. I believe there was photographs taken, yes,
11 but I don't believe I was the one that took them.

12 Q. Do you recall finding a gray Ryobi drill
13 set?

14 A. I do.

15 Q. And was it gray or black?

16 A. It was a dark color.

17 Q. And where was that located?

18 A. In the front living room area.

19 Q. And you did locate that?

20 A. Yes.

21 Q. And you did not photograph how you found
22 it?

23 A. I did not photograph it.

24 Q. Okay. So, that drill set was removed from

1 the trailer before it was photographed?

2 A. I'm not saying that.

3 Q. You just did not photograph it there?

4 A. Typically we have someone that takes care
5 of the evidence and we have someone that takes care
6 of pictures when evidence is found.

7 Q. Okay. So, when you located that Ryobi
8 drill, did you indicate to somebody that this is a
9 piece of evidence we should take a photo of?

10 A. Yes.

11 Q. So, whether a photo was taken or not, you
12 don't know?

13 A. I'm telling you I didn't take the photo. I
14 believe there was photographs taken of everything
15 that we took out of that residence.

16 Q. Okay. Would it have been taken while still
17 in the residence as well as outside of the
18 residence?

19 MR. DeLONG: Calls for speculation.

20 THE COURT: Overruled. There must be a
21 foundation for his competence to answer that
22 question.

23 BY MS. ROSENTHAL:

24 Q. Have you participated in other searches?

1 A. Yes.

2 Q. How many, would you say?

3 A. Numerous.

4 Q. Over ten?

5 A. Yes.

6 Q. Okay. And during those searches, is it
7 common to take pictures of evidence that's found in
8 the location that it's found?

9 A. Yes.

10 Q. And so if something was important, it would
11 be ideal to have a photo of it where it was found.

12 A. Typically, if I found something, I would
13 call for the person taking the photographs to come
14 and take a photograph of the item in place.

15 Q. But you don't know if that happened in this
16 case.

17 A. I'm sure it did, yes.

18 Q. So, you believe that there should be a
19 photo of that drill in the trailer.

20 A. As far as my knowledge, yes.

21 Q. At any point did you interview Ms. Bush?

22 A. I did not.

23 Q. Were you present at the trailer when
24 Ms. Bush was allowed to enter?

1 A. I was not.

2 Q. What time did you arrive at the trailer?

3 A. Exact time I can't tell you.

4 Q. Was it before or after the search warrant
5 was granted?

6 A. It was as Detective Fye was trying to
7 obtain the search warrant.

8 Q. Was Ms. Bush on scene at that time?

9 A. She was.

10 Q. And to your knowledge had Ms. Bush gone in
11 the trailer previously?

12 A. To my knowledge she was outside of the
13 trailer, as far as I knew at that time.

14 Q. And after the search of the trailer, did
15 that conclude your involvement with this case?

16 A. No. There was still reports and then
17 returning property.

18 Q. Okay. Were you involved in the returning
19 of the property?

20 A. I was.

21 Q. Which property were you involved with?

22 A. I believe it was the Ryobi multiple tool
23 set.

24 Q. Who did you return that to?

1 A. Victim Mr. McCulloch.

2 Q. Did you speak to that person personally?

3 A. Very briefly.

4 Q. What did you discuss?

5 A. The -- I asked him -- or Detective Fye knew
6 most of it -- just basically, Does this belong to
7 you? He said, Yes. And that was pretty much all we
8 talked about.

9 Q. Was he in person during that interaction?

10 A. Yes. He was standing before us.

11 Q. So it was shown to him and then asked if it
12 was his.

13 A. Yes.

14 MS. ROSENTHAL: Court's indulgence.

15 BY MS. ROSENTHAL:

16 Q. You conducted numerous searches.

17 A. Yes, ma'am.

18 Q. And Ms. Bush was a suspect in this case?

19 A. At the time.

20 Q. And so if you knew a search warrant was
21 gonna be applied for, would you allow a suspect back
22 into a residence prior to obtaining that?

23 A. It wasn't my case. That's not my decision
24 to make.

1 Q. I'm not talking about this case. I'm
2 talking about in general. If you know a search
3 warrant is going to be requested, would you allow a
4 suspect into that location prior?

5 A. Depending on the circumstances, I would.

6 Q. What about the facts of this case?

7 A. If she was there to get personal
8 belongings, I would allow her to get her personal
9 belongings. Our job isn't to debrief people of
10 their belongings.

11 MS. ROSENTHAL: That's all, your Honor.

12 THE COURT: Thank you.

13 To the state.

14 CROSS-EXAMINATION

15 BY MR. DeLONG:

16 Q. So, you conducted an interview of Ian Held
17 after he was detained. Is that correct?

18 A. Correct.

19 Q. And that's what you discussed earlier, that
20 you used your body cam?

21 A. Yes.

22 Q. Because the cameras were out.

23 Is that right?

24 A. Correct.

1 Q. And during that interview of Mr. Held --
2 well, let's stop first.

3 Did you interview Ms. Bush as well?

4 A. I did not.

5 Q. Did you talk to her at all at the police
6 station?

7 A. No.

8 Q. So, when she was taken to the police
9 station, you didn't have any interaction with her
10 whatsoever?

11 A. I did not.

12 Q. You didn't say, Hey, you're going to look
13 for some stolen property for us?

14 A. Did not.

15 Q. Okay. But you did talk to Mr. Held?

16 A. I did.

17 Q. And did he tell you anything about 1440
18 Whisper Rock Way?

19 A. He did.

20 Q. What did he tell you?

21 A. He informed me that he arrived in the
22 Somerset area in a U-Haul truck and informed me
23 that he went up to the residence. I asked him how
24 he gained entry into the residence and he stated he

1 smashed a glass door and then stated his story
2 changed and he stated he went back to the U-Haul
3 truck where he grabbed a tire iron or jack and some
4 pliers and tried to pry the door open.

5 I asked him what he took once he gained
6 access to the residence, and he told me
7 miscellaneous coins, tools, as well as some clothes.

8 Q. And then did he tell you anything else
9 regarding 1440 Whisper Rock?

10 A. No.

11 Q. Did he discuss with you 920 University Park
12 Loop?

13 A. Yes, he did.

14 Q. What did he tell you?

15 A. He stated he was in the area of University
16 Park Loop in a red Jeep. He admitted to going up to
17 the door where he observed a Ring doorbell. He
18 admitted to covering it up and began knocking on the
19 door.

20 MS. ROSENTHAL: I'll object this is outside
21 the scope of direct. Nothing about University Park
22 Loop was discussed with this witness.

23 THE COURT: Overruled.

24 THE WITNESS: He admitted to seeing the

1 Ring doorbell and covering it up, admitting to
2 knocking on the front door. He admitted to throwing
3 a rock through a window and then going to -- around
4 to the back of the residence.

5 Once he arrived to the rear of the
6 residence, he was confronted by a male inside the
7 residence. He admitted to talking to that male
8 briefly and then getting into the red Jeep and
9 leaving the area.

10 BY MR. DeLONG:

11 Q. And I know this is outside of the
12 interview, but were you in that area when the
13 incident occurred?

14 A. I was.

15 Q. What were you doing there?

16 A. I was tracking the defendant's movements.

17 Q. How were you tracking?

18 A. GPS.

19 Q. And what was that GPS connected to or how
20 did this work?

21 A. The GPS was connected to the red Jeep.

22 Q. So, the red Jeep was in that area?

23 A. Yes.

24 Q. What did you observe when you were in that

1 area?

2 A. I observed a red Jeep parked in a
3 residential area. I then got out of the immediate
4 area, parked somewhere on Evans Street.

5 Moments later the tracker informed me it
6 was mobile again and I saw the defendant driving a
7 red Jeep with Annabelle Bush in the passenger seat
8 driving at a high rate of speed southbound on Evans.

9 Q. So, getting back to your interview with
10 Mr. Held, you said you were tracking that Jeep.

11 Did he discuss that Jeep with you?

12 A. Yes.

13 Q. What did he tell you?

14 A. That he had used the Jeep prior and he was
15 using the Jeep during that time.

16 Q. Did he tell you he had permission to drive
17 the Jeep?

18 A. He said that he had used it before and
19 figured it was okay to use it at this time.

20 Q. What was your understanding of who
21 possessed that Jeep?

22 A. I was under the understanding that Jason
23 Rocco, one of his neighbors, possessed that Jeep.

24 Q. And did you discuss stolen property in the

1 trailer with Mr. Held?

2 A. Briefly of what was taken from the
3 burglaries.

4 Q. And what did he discuss?

5 A. He discussed some drums being taken, again,
6 power tools, coins, and miscellaneous clothing.

7 Q. Were the drones -- do you know where those
8 came from?

9 A. Came from the trailer -- do I know where
10 the drones -- yes, from Jason Rocco's trailer.

11 Q. So, he was describing drones from Jason
12 Rocco's trailer.

13 A. Correct.

14 Q. But the other items you just described were
15 from Whisper Rock.

16 A. Correct.

17 Q. Did you discuss guns at all?

18 A. I asked him if there was guns in the
19 trailer and he denied that.

20 Q. Did you discuss guns in any other capacity
21 at that point?

22 A. Not to my knowledge, no.

23 Q. Did you ever tell -- did you direct
24 Detective Fye in any way at this time?

1 A. I didn't direct him. I shared information
2 that I obtained during the interview.

3 Q. Did you say, Hey, go have her get the
4 stolen property from the trailer?

5 A. No.

6 Q. Did you give any direction to have her go
7 into the trailer?

8 A. No.

9 Q. So, did you have any conversations with
10 Annabelle Bush when you got back to the scene?

11 A. Just --

12 Q. The trailer being the scene. I'm sorry.

13 A. Just talking.

14 Q. You talked to Annabelle Bush?

15 A. Just briefly.

16 Q. Do you remember what you said to her?

17 A. No.

18 Q. Did you discuss guns at all?

19 A. Not to my knowledge, no.

20 Q. Did you discuss sorting through stolen
21 property?

22 A. Not to my knowledge, no.

23 Q. And you were then also present when the
24 Ryobi tools were returned to Mr. McCulloch?

1 A. I was.

2 Q. And he identified those tools?

3 A. He did.

4 Q. Was there anything out of the ordinary in
5 that transaction?

6 A. No.

7 Q. Did you get any sense that he was lying and
8 trying to take tools that weren't his?

9 A. No.

10 Q. Did you have any conversations with other
11 officers, Maybe we shouldn't take these over to him?

12 A. No.

13 Q. Is it standard practice in your department?

14 A. Yes.

15 Q. So, when you're dealing with stolen
16 property cases, you're trying to return it to
17 victims and not book it into evidence.

18 A. Yes. Our job is to make victims whole.

19 Q. And in this case did that occur with the
20 property that was identified?

21 A. Yes.

22 Q. So can you described generally what
23 happened to the property in this case?

24 A. So, we photographed it and we have -- we do

1 a photograph release form and we give it back to the
2 victim.

3 Q. And you were the individual that found the
4 Ryobi tools in the trailer.

5 A. Correct.

6 Q. Did you have any reason to believe those
7 tools would help Ian Held in his defense?

8 A. Repeat the question, please.

9 Q. Do you have any reason to believe that
10 those tools would help Ian Held defend this case?

11 A. No.

12 Q. Do you think they were something that
13 showed he wasn't responsible for these burglaries in
14 any way?

15 A. No.

16 Q. Can you think of a test to be done on them
17 that you need to do that you didn't do?

18 A. No.

19 MR. DeLONG: No further questions at this
20 time.

21 THE COURT: To the defense.

22 RE-REDIRECT EXAMINATION

23 BY MS. ROSENTHAL:

24 Q. Thank you, your Honor. I would ask to show

1 some of the exhibits that were submitted.

2 THE COURT: Yes. Nine through 12?

3 MS. ROSENTHAL: No. Submitted previously
4 on flash drive.

5 THE COURT: Why were they not done during
6 your direct examination?

7 MS. ROSENTHAL: Because Mr. DeLong brought
8 up the interview more specifically and I wanted the
9 Court to hear the interview for itself as to what
10 Mr. Held said happened and not from what the officer
11 is saying his memory was. I think it's important
12 for the Court to hear what was said to this officer
13 related to any admissions alleged by Mr. Held.

14 THE COURT: Okay.

15 MS. ROSENTHAL: I believe they're one and
16 two.

17 THE COURT: I'll say this to everyone.
18 Part of the problem is, Counsel, you've spent so
19 much time preparing for trial and you're ready to
20 go. But this right now is not trial. I need you to
21 focus in like a laser to the narrow issues on the
22 motion to suppress, because we have a jury coming in
23 in two hours. So, focus on the legal principles
24 before the court. How long is this interview you

1 propose that we listen to?

2 MS. ROSENTHAL: The interview itself is
3 about 40 minutes, and I would submit that, if it's
4 not -- if the state objects to it, that the Court
5 could listen to it not with this witness on the
6 stand.

7 But my concern is, your Honor, that this
8 motion is very dispositive of whether we have a
9 trial or not. And the basis -- one of the
10 significant bases for the application for a search
11 warrant is admission to all the things that I just
12 mentioned.

13 And in my listening to this I don't hear
14 Mr. Held say those things, so I believe it's
15 inaccurate and it's important as to that.

16 THE COURT: Mr. Held is entitled to a
17 vigorous defense. If you believe this witness has
18 testified falsely or with misrecollection, you're
19 entitled to demonstrate that.

20 To the state, you want to be heard?

21 MR. DeLONG: My only concern is the time
22 crunch, your Honor. And, frankly, if there are
23 specific statements or misstatements that she wants
24 to direct us to, I would suggest that might be

1 appropriate.

2 It wasn't brought up in the initial
3 presentation or direct examination of this witness.
4 So, if there, indeed, is something to say he's
5 saying it wrong, this is what actually occurred, I
6 think it's absolutely appropriate to listen to that.
7 But just to sit and listen to the entire 40 minutes,
8 it would be very, very difficult to hear interview.
9 That's why we did it this way, because it is very,
10 very difficult to hear. I don't think it's
11 appropriate to just play it for 40 minutes just to
12 see if maybe he says something inaccurate.

13 THE COURT: Well, every word we utter in
14 this room is preserved and subject to review, and it
15 is important Mr. Held be given every opportunity to
16 defend this state's charge against him.

17 On this motion to suppress I'm not looking
18 for perfect recollection. It's easy to analyze
19 after the fact what could have been said, what
20 should have been said. I'm looking for the thematic
21 consistency.

22 For example, the location of the U-Haul in
23 front of the home, on the street, in the driveway,
24 it's a very big deal to Counsel, but it's

1 thematically close enough for me to understand what
2 the issue is. If you believe, Counsel, that by
3 listening to 40 minutes of a taped interview that,
4 by the state's admission, is almost audio
5 incoherent, that you're going to be able to
6 demonstrate this witness has mis-recollected a
7 dispositive fact or misrepresented fraudulently
8 through his testimony, I want you to present that
9 evidence.

10 MS. ROSENTHAL: Your Honor, I believe that
11 Mr. Held's state of mind or where he was at during
12 the interview is important for the Court to hear.
13 Because that's part of the reason that it's
14 inaudible, is that Officer Tindell's constantly was
15 waking Mr. Held up, re-asking him things, saying,
16 Where are you, come on, get with me. I think that's
17 important.

18 Also, you mostly just hear Officer Tindell,
19 as he said when I asked him specifically if he
20 directed the conversation, and he said, I just
21 repeated what I -- those kind of things.

22 I don't -- my listening to it, I don't hear
23 the things that he's -- he's represented that he
24 repeats as what has come from Mr. Held.

1 THE COURT: Okay. I understand that it's
2 not a perfect replication. It's why in a different
3 setting we have the Best Evidence rule and we have a
4 witness here to testify as to what he heard or
5 recollects, that his recollection is not supported
6 by a legible body, by some audio incoherent audio.

7 Ultimately it will be a fact question for
8 the jury as to whether the state has proven its case
9 beyond a reasonable doubt. I'm focusing on a motion
10 to suppress.

11 MS. ROSENTHAL: At this time, your Honor, I
12 will hold off --

13 THE COURT: Hold on. I don't want you to
14 surrender. I want you to play the evidence if you
15 believe it will be dispositive to an issue directly
16 before this court on the motion to suppress.

17 MS. ROSENTHAL: I will ask a couple
18 questions and decide whether I believe it's
19 important.

20 THE COURT: Okay.

21 BY MS. ROSENTHAL:

22 Q. Officer Tindell, during your interview with
23 Mr. Held, he told you why he was at University Park
24 Loop, correct?

1 A. Yes.

2 Q. And he was there in the middle of the day,
3 correct?

4 A. The afternoon, yes.

5 Q. So, it was light out.

6 A. Correct.

7 Q. And was it the house on a main street?

8 A. Yes. It was on -- yes, it was a
9 residential area they were in.

10 Q. So, people would be coming and going at any
11 time?

12 A. Yes. It's a possibility.

13 Q. And do you recall which window was broken
14 on that residence?

15 A. I do not.

16 Q. And relating to the drill and its
17 significance, when Mr. DeLong was asking you about
18 if there's any other tests that could be done, the
19 drill was the only thing connecting Mr. Held to
20 items taken from Whisper Rock, correct?

21 A. Along with an admission.

22 Q. No other physical evidence that was
23 reported taken from Whisper Rock was found in the
24 trailer, correct?

1 A. No other evidence that was taken from
2 Whisper Rock? No. But there were other
3 circumstances that linked the defendant to Whisper
4 Rock.

5 Q. But no wine or coins or other things
6 reported taken from Whisper Rock were found in
7 Mr. Held's trailer.

8 A. Correct.

9 Q. The only thing was this drill.

10 A. Correct.

11 THE COURT: I just want to be clear, Ms.
12 Rosenthal. In your motion to suppress I thought one
13 of the issues was also the return of coins.

14 Did I misunderstand that as I read it?

15 MS. ROSENTHAL: Your Honor, after the
16 writing of that, Mr. DeLong informed me those coins
17 were not related to this location.

18 THE COURT: Excuse my interruption. Thank
19 you.

20 BY MS. ROSENTHAL:

21 Q. And going back to the interview, you
22 relayed information to Officer Fye, correct?

23 A. I did.

24 Q. And he was not present during your

1 interview related to the specifics of the Whisper
2 Rock, correct?

3 A. Correct.

4 Q. So, his information came from you.

5 A. Yes, that's correct.

6 Q. At the time you interviewed Mr. Held, were
7 you aware of where the U-Haul was parked?

8 A. At that time during the interview?

9 Q. Yes.

10 A. No, I was not.

11 Q. Were you the investigator of the Whisper
12 Rock Loop?

13 A. I was not.

14 Q. You were just present for the interview.

15 A. That is correct.

16 MS. ROSENTHAL: No further questions.

17 THE COURT: To the state.

18 MR. DeLONG: No questions, your Honor.

19 Thank you.

20 THE COURT: All right. Officer, you're
21 free to step down. Thank you, sir.

22 The next witness, please.

23 MS. ROSENTHAL: We will call Jeremy
24 Catalano.

1 (Witness sworn.)

2 THE COURT: You may proceed, Counsel.

3 DIRECT EXAMINATION

4 BY MS. ROSENTHAL:

5 Q. Will you please state and spell your name
6 for the record?

7 A. Jeremy Catalano, J-e-r-e-m-y,
8 C-a-t-a-l-a-n-o.

9 Q. Mr. Catalano, how are you currently
10 employed?

11 A. I'm employed with the Reno Police
12 Department as a detective.

13 Q. And were you so employed in September of
14 2020?

15 A. Yes.

16 Q. And during that time were you involved in
17 an investigation related to Ian Held?

18 A. Yes.

19 Q. And what was your involvement with that
20 investigation?

21 A. My involvement with that investigation was
22 getting some information from the trailer park
23 management. The manager there, Deanne Shapiro, had
24 some information that she was relaying regarding Mr.

1 Held.

2 I conducted surveillance of the trailer,
3 helped execute a search warrant of the trailer. I
4 packaged some of the evidence and returned some of
5 the property during the case.

6 Q. During your involvement with the manager of
7 the trailer park, did you learn who owned the
8 trailer at Spot 81?

9 A. I learned from her that it was the trailer
10 I believe belonged to Mr. Held's mother, but that he
11 was the tenant of that spot.

12 Q. And Mr. Held was the only tenant correct?

13 A. I don't know.

14 Q. Did she tell you anybody else was a tenant?

15 A. She did not.

16 Q. Was there a lease agreement of any sort?

17 A. I would assume so.

18 Q. Did you see that lease agreement?

19 A. No.

20 Q. But to your knowledge this spot -- the
21 trailer was owned by Mr. Held's mother?

22 A. Correct.

23 Q. And Mr. Held was a resident of that
24 trailer?

1 A. Correct.

2 Q. And you were present on scene from the
3 arrest through the search. Is that correct?

4 A. Yes.

5 Q. And were you present during the arrest of
6 the individuals?

7 A. No. I wasn't the one that was actually
8 arresting him. I was inside the trailer park and he
9 was arrested just outside the trailer park.

10 Q. Okay. But -- so the trailer park or
11 trailer itself?

12 A. So, where Mr. Held's trailer is, it's part
13 of the Keystone RV Park. And there's kind of two
14 trailer parks that are part of the same RV park, but
15 they're separated.

16 So, I was inside of Mr. Held's trailer park
17 and I believe when he was taken into custody he had
18 walked outside of his trailer park to the other
19 trailer park where the manager's office is.

20 Q. And you were responsible for securing
21 Mr. Held's trailer while him and Ms. Bush were
22 transferred to the Reno Police Department, correct?

23 A. Yes. I took surveillance of the trailer
24 while they were being taken there.

1 Q. And by "surveillance," was that just
2 physically watching it?

3 A. Yes. So, I was parked right in front of
4 the trailer watching the trailer.

5 Q. Were you in an unmarked or marked vehicle?

6 A. Unmarked vehicle.

7 Q. And were you in plainclothes?

8 A. Yes.

9 Q. Were any other officers on location in
10 uniform?

11 A. No.

12 Q. Okay. Everyone was in plainclothes?

13 A. Correct.

14 Q. And every vehicle was an unmarked vehicle?

15 A. Yes.

16 Q. Okay. At any time was it announced that
17 you were officers?

18 A. To who?

19 Q. To anybody.

20 A. Deanne Shapiro knows I'm a detective. She
21 came by at one point. I didn't announce it. I
22 didn't announce it to anybody. I didn't see anybody
23 else.

24 Q. Before Mr. Held and Ms. Bush were arrested,

1 was it made known that you were officers, that they
2 were being placed under arrest?

3 A. You would have to ask the detectives that
4 arrested themselves.

5 Q. And you were responsible for watching the
6 trailer?

7 A. Yes.

8 Q. At any time did somebody enter the trailer
9 prior to a search warrant being granted?

10 A. Yes.

11 Q. Who entered the trailer?

12 A. Annabelle Bush.

13 Q. What time was that?

14 A. I don't know the time.

15 Q. How long before the warrant was applied for
16 did Ms. Bush enter that trailer?

17 A. I don't have a good idea. Maybe -- can you
18 repeat the question?

19 Q. How long prior to the search warrant being
20 applied for was Ms. Bush allowed to enter the
21 trailer?

22 A. Oh, it would just be a guess. Maybe 30
23 minutes.

24 Q. How long was Ms. Bush in the trailer prior

1 to her exiting?

2 A. Oh, minutes.

3 Q. Were you present when Ms. Bush entered the

4 trailer?

5 A. I was outside the trailer watching the

6 door, so I was present.

7 Q. Okay. Were you present enough to hear

8 anything she may have said?

9 A. Yes.

10 Q. Okay. Were other officers also present?

11 A. Yes.

12 Q. And did she ultimately come out of that

13 trailer?

14 A. Yes.

15 Q. And you said within minutes?

16 A. Yes.

17 Q. Did she have anything in her possession?

18 A. No.

19 Q. At any time did she come to the door prior

20 to leaving?

21 A. Prior to leaving the trailer?

22 Q. Yes.

23 A. Yes. I believe I remember seeing her come

24 to the door, go back inside. And Detective Bailey

1 was the one standing at the door watching her while
2 she was inside.

3 Q. When she came to the door, did you see if
4 she had anything in her hands?

5 A. No, not that I remember.

6 Q. Could you hear the conversation with
7 Detective Bailey?

8 A. There's only one thing I remember her
9 saying, and she made some kind of a mention about
10 guns being inside the trailer.

11 Q. And at that point what happened?

12 A. At that point we had her come out of the
13 trailer. Kind of added an officer safety because
14 there was guns in there. I didn't know there was
15 guns in there, so we had her come outside the
16 trailer.

17 Q. And you were responsible -- you ended up
18 executing the search warrant or you were part of
19 that team, correct?

20 A. Yes, ma'am.

21 Q. And did you wear body cam for any of that?

22 A. No, I did not.

23 Q. And you searched the bedroom area, correct?

24 A. Correct.

1 Q. And you were the detective responsible for
2 photographing evidence in the case.

3 A. Yes.

4 Q. All of the trailer?

5 A. Yes.

6 Q. Not just the bedroom?

7 A. I was the one taking photos.

8 Q. Okay. Did you take photos of evidence
9 found in the living room?

10 A. Yes, I did.

11 Q. Okay. Where did you take that?

12 A. Some inside the trailer and some at our
13 evidence building.

14 Q. Okay. So some of the evidence was not
15 photographed on scene.

16 A. Correct.

17 Q. What specifically was not photographed on
18 scene?

19 A. There was a Rigid tool set that was
20 photographed at the evidence booking.

21 Q. Is there a reason it was not photographed
22 on scene?

23 A. No. I don't know why.

24 Q. And so every other piece of evidence was

1 photographed on scene to your knowledge.

2 A. I'd have to look at everything that was
3 taken as evidence. I don't remember off the top of
4 my head without my report.

5 Q. Do you remember taking a photograph of a
6 gray or black Ryobi drill in the living room of the
7 trailer?

8 A. No.

9 Q. Okay. So, there is other evidence that was
10 not photographed inside the trailer, correct?

11 A. I'd have to look at my report, but there
12 might be.

13 Q. So, was a gray or black Ryobi drill
14 evidence in this case?

15 A. Yes.

16 Q. And it was not photographed in the trailer?

17 A. Correct.

18 Q. Have you been involved in other searches
19 before?

20 A. Yes.

21 Q. And how many would you say?

22 A. That would just be speculation. I don't
23 know.

24 Q. Numerous?

1 A. Yes.

2 Q. And have you been responsible for taking
3 photographs before?

4 A. Yes.

5 Q. And isn't it true that it's important to
6 take photographs of things as they appear?

7 A. Yes.

8 Q. In this case that didn't happen, correct?

9 A. I did not -- from the photos that I've
10 seen, I did not take a photo of a Ryobi tool set.

11 Q. Did you take the photos of the Ryobi tool
12 set after it was removed from the trailer?

13 A. Yes.

14 Q. And did you recall anything specific or any
15 names or notations on the outside of the box?

16 A. Of the Ryobi box?

17 Q. Correct.

18 A. I don't remember.

19 Q. And you did locate some guns in the
20 bedroom?

21 A. Yes.

22 Q. And some of the guns were specifically
23 inscribed, correct?

24 A. Correct.

1 Q. With someone's name?
2 A. Yes.
3 Q. And you were able to connect that to a
4 specific person?
5 A. Yes.
6 Q. Because of the name and serial numbers?
7 A. Yes.
8 Q. Do you recall seeing any similar markings
9 on the Ryobi drill set?
10 A. I do not.
11 Q. So, there was nothing identifiable about
12 that drill set.
13 A. That wouldn't be for me to determine.
14 Q. But there was no name inscribed on it,
15 correct?
16 A. Correct, yes.
17 Q. Or no serial number that you found.
18 A. Correct.
19 Q. So, anything that would identify the Ryobi
20 drill set would have to be something else.
21 A. Correct.
22 Q. And do you recall -- so, when evidence is
23 taken, you say you book it, correct?
24 A. Yes.

1 Q. And do you book all evidence?

2 A. So, we book for evidence and some we keep
3 for safekeeping depending on if it's going to be
4 used for the trial or where it's going.

5 Q. So, it's normally booked for evidence if
6 it's important to be used at a future date, correct?

7 A. Or we'll take a photo and fill out a photo
8 release form and release the property to the owners.

9 Q. Okay. But sometimes evidence is kept.

10 A. Yes.

11 Q. And it's kept because it's important that
12 it would come up again.

13 A. Sure.

14 Q. And in this case the drill was returned.

15 A. Yes.

16 Q. And were you involved in that return.

17 A. No, I was not.

18 Q. And when you say "a photo release," is that
19 a report that's generated?

20 A. So, it's not necessarily a report, but it's
21 just a form that we would fill out documenting what
22 the item is or the property is, and we would take
23 photos of it like the one I took for this case and
24 then we would have the owners sign that.

1 So, for like the rifles that I returned, I
2 filled out a photo release and had the owner go over
3 the items I was returning. We both agree I was
4 returning the property and I sign and he signs it.

5 Q. Is that photo release normally something
6 that's provided in a case?

7 A. Yes.

8 Q. And is there a specific -- specifics of the
9 items listed on that photo release?

10 A. In my instance there was. It would have
11 been the serial numbers that would have been on the
12 firearms.

13 Q. Okay. So, were you involved in the photo
14 release for the drill?

15 A. No.

16 Q. So, you don't know what was on it?

17 A. On?

18 Q. On the photo release.

19 A. Correct.

20 Q. But in your case you released the rifles?

21 A. Yes.

22 Q. The ones that had names written on them or
23 serial numbers?

24 A. Yes.

1 Q. And it's important to put those on there.

2 A. Yes.

3 Q. So you know specifically what was returned.

4 A. Yes.

5 Q. Were there any other items of evidence that
6 were released in this case outside of the guns and
7 the Ryobi drill set?

8 A. Not to my knowledge. I just know that I
9 released the guns.

10 MS. ROSENTHAL: Pass this witness.

11 THE COURT: To the state.

12 CROSS-EXAMINATION

13 BY MR. DeLONG:

14 Q. When you were -- so you watched Annabelle
15 Bush go into the trailer?

16 A. Yes.

17 Q. Did you say anything to her?

18 A. Basically it was just for her to get her
19 property.

20 Q. You told her to get her property?

21 A. Yeah, basic -- the direction that I was
22 told when she was dropped off by Detective Fye was
23 that she was going to go in and get her property.

24 Q. Did you tell her to go get stolen property?

1 A. No.

2 Q. Did you tell her to search for --

3 A. To search?

4 Q. I'm sorry. I choked on that a little bit.

5 Did you tell her to sort stolen property?

6 A. No.

7 Q. Did you hear anyone else give her these

8 directions?

9 A. No.

10 Q. So, it was yours understanding she was

11 going in to get her personal property, correct?

12 A. Correct.

13 MR. DeLONG: No further questions at this

14 time, your Honor.

15 THE COURT: All right. Thank you. You're

16 free to step down and leave.

17 Counsel, give me a minute to make notes

18 here.

19 Department 15 we typically break about

20 every hour and a half. Reporters don't like when we

21 refer to them, and among all of us we're entitled to

22 a break. So, I'd like to give you a few minutes to

23 organize your thoughts and we'll be in recess for

24 ten minutes.

1 (Recess taken.)

2 THE COURT: To the defense.

3 MS. ROSENTHAL: Would your Honor like us to
4 argue one at a time?

5 THE COURT: Altogether.

6 MS. ROSENTHAL: I'll start with the motion
7 to suppress related to Franks v. Delaware. In order
8 to prevail, the defendant must make a substantial
9 showing of a deliberate falsehood or reckless
10 disregard for the truth and establish that, but for
11 the dishonesty, the challenge action would not have
12 occurred. I believe we've done that here today.

13 Detective Fye made a direct falsehood --
14 deliberate falsehood or reckless disregard for the
15 truth when he applied for that search warrant
16 specifically related to his statement about the
17 admissions on -- I'll say "plural" because he used
18 it as admissions by Mr. Held and Ms. Bush. He
19 specifically interviewed Ms. Bush and knew that that
20 was not true when he made that statement.

21 Additionally, your Honor, he twisted the
22 words that were given to him to say that the U-Haul
23 was parked in the driveway rather than in front of
24 the house. And I believe that is significant, your

1 Honor, because streets are public streets. They are
2 not private. Someone's driveway is their property.
3 The street in front of it is not necessarily their
4 property, and I do believe that that is significant.

5 Additionally, your Honor, Detective Fye
6 knew at the time that he applied for the search
7 warrant that the Ms. Bush had previously gone into
8 that residence and he failed or omitted that
9 information to the justice of the peace when he
10 applied for the search warrant. Your Honor, I
11 believe that we have shown that there's enough for
12 this Court to grant our motion to suppress.

13 Additionally, your Honor, I note, if the
14 question is close, the motion to suppress must be
15 granted. If there even is a doubt or marginal case,
16 it should be resolved in the defendant's favor. I
17 believe we've shown here today, based off the
18 testimony specifically of Detective Fye regarding
19 what he knew at the time when he made that search
20 warrant application, that he twisted words, made
21 false statements, or he omitted significant
22 information. And if that was properly relayed to
23 the justice of the peace, probable cause would not
24 have existed with the information provided for the

1 search warrant to be granted.

2 Additionally, your Honor, in regards to the
3 motion to suppress under the Best Evidence related
4 specifically to the Ryobi drill, I would ask your
5 Honor to look at the exhibits admitted in this
6 hearing related to the drill and how it appeared and
7 how Mr. McCulloch was able to identify that as his
8 drill.

9 The only evidence we have is these photos
10 that were taken outside of the trailer at some
11 location. We have no chain of custody provided of
12 that other than them saying it's the same drill.
13 And the drill bit that is identified is a generic
14 drill bit and there was no other indicia, as noted
15 by the officers, on the outside or inside of that
16 Ryobi drill case to say that it is Mr. McCulloch's.
17 The drill bit is not unique. It's simply an
18 attachment that goes on any drill that a Phillip's
19 head screw would use.

20 Your Honor, I understand there's a need to
21 return stolen property to the victims and that's, I
22 think, more relevant to the guns that were found
23 that had specific serial numbers or engraving where
24 you could be sure that that was the exact person's

1 thing. I don't think that exists in this case.

2 Additionally, this is the one piece of
3 evidence from the trailer that linked Mr. Held to
4 Whisper Rock physically, the physical evidence. I'm
5 not talking about a supposed admission, but physical
6 evidence. This is the one piece of evidence that
7 linked Mr. Held, and the officers knew that when it
8 was returned. This is not something that is of a
9 significant medical need or something that
10 Mr. McCulloch would have needed urgently. He's
11 retired. There's nothing he needed for his job.

12 There's no urgency in returning this item
13 prior to it being examined by the defense. Officers
14 often keep evidence, like they said, things to be
15 used in trial. We didn't have the opportunity to
16 view this evidence at any time. All we have are
17 four photos. Specifically the drill bit is only
18 shown in one of the photos. I think that's
19 significant.

20 For those reasons, your Honor, we would ask
21 that the Court suppress the Ryobi drill for the two
22 reasons, the search warrant and the Best Evidence
23 rule, and that the Court suppress all of the
24 evidence found in the trailer as it was obtained

1 through misrepresented telephonic search warrant
2 application.

3 THE COURT: Stand there for a moment as I
4 think. I want to focus for a moment on Ms. Bush's
5 entry to the home. You have argued that the
6 detectives' failure to disclose Ms. Bush's entry in
7 the home is a material omission.

8 As I understand the evidence and the
9 arguments, there was nothing gained from her entry
10 into the home. There was no fruit downstream of
11 this poisonous omission or entry. She came out with
12 no -- without any property. She didn't come out
13 with any information -- other than guns, which is
14 something I'll talk about next.

15 And so I'm having a hard time understanding
16 how the inclusion of the fact that Ms. Bush was in
17 the home for a couple minutes. And if your request
18 is there be strict disclosure and honesty, the
19 application would have read, She went to the home
20 that she occupied to retrieve her personal property
21 and came out without her personal property.

22 How would that have changed the justice of
23 peace's probable cause finding?

24 MS. ROSENTHAL: For a couple reasons, your

1 Honor. I think significantly she was a suspect and
2 that was not mentioned. There was not proof that
3 she was a resident of the home. They didn't have
4 that and they didn't say that they had that at the
5 time. All they said was that Mr. Held's mother was
6 the owner and he was on the lease, and they said
7 that she wobbled on whether she lived there or not.
8 Mr. Held denied consent to search, and I think it's
9 important that he denied consent to search prior to
10 her entering.

11 THE COURT: Is it your position Ms. Bush's
12 temporary brief entry to the home to retrieve
13 personal property was a state search through the
14 state's agent?

15 MS. ROSENTHAL: Yes.

16 THE COURT: And then what is the result of
17 that search?

18 MS. ROSENTHAL: She confirmed the presence
19 of weapons to -- for the officers to go in. And I
20 think additionally, your Honor, it's important to
21 note that she -- her testimony was that she was
22 asked to go retrieve or separate stolen property and
23 her property.

24 And I think that that's important as to why

1 she believed she was returning to that. She
2 testified that that is why.

3 THE COURT: Let's focus on the guns for a
4 moment. I have a note in yellow here. There's been
5 a lot of references to guns. I'm uncertain of how
6 those references to guns will be presented to the
7 jury.

8 I don't have a prior bad act motion from
9 either side seeking to limit evidence, but as I
10 understand it, guns were not used in the commission
11 of the crime. Guns were not collected in the
12 commission of the crime and it appears prejudicial
13 to Mr. Held to let this jury know that there were
14 guns found in his home. Do you agree with that?

15 MS. ROSENTHAL: Yes, your Honor. Any crime
16 that is alleged to have occurred with the guns is
17 not presented to this court -- jury and it was not
18 alleged on the preliminary hearing or in the
19 information. It's specifically a possession in the
20 form of an ex-felon in possession.

21 THE COURT: Right. Which is separate from
22 this trial. In fact, the mere reference to guns
23 does not seem to meet the standard of 48.015. It
24 has no tendency to make a material fact of

1 consequence more or less a problem. And so if I
2 remove guns from the jury -- I'll hear from the
3 state -- but if I remove guns from the presence of
4 the jury, this whole gun component of the search,
5 she went into the home, came out of the home,
6 disclosed there were guns, I'm not sure how that
7 affects evidence presentable to the jury.

8 MS. ROSENTHAL: So, your Honor, I think,
9 one, they're all charged on the same information so
10 the motions come for the entirety of the case.

11 As far as Ms. Bush goes, my understanding
12 is that -- I guess it wasn't elicited today but she
13 may have presented a piece of evidence related to
14 Rocco to the officers, and then as she testified,
15 they said, Are there guns? Mr. Held said there are
16 guns, can you tell us. She testified to that today.
17 And she said, Yes, there are guns.

18 So, I think it could be separated in that
19 regard by not going that further step.

20 THE COURT: All right. Thank you.

21 To the state.

22 MR. DeLONG: One moment, your Honor.
23 Sorry.

24 Thank you. So, a couple initial matters,

1 your Honor. The Court did tee into the fact that
2 coins were discussed with respect to the search and
3 the return of evidence, and that's in the motion to
4 suppress for the preservation of evidence.

5 Well, the coins that were returned we had
6 discussed and I said I thought they were returned
7 because there's a photo of coins from the trailer
8 that's in our evidence, not that's been submitted to
9 the court in any way.

10 It turns out after she filed her motion and
11 I talked to officers, it turns out that wasn't lined
12 up with the victim and so they weren't returned.
13 Those weren't his coins. Very different coins. And
14 that was actually indicated in my opposition to the
15 motion to suppress regarding preservation of
16 evidence.

17 Now, with respect to -- I do want to back
18 up one second because of what I just heard.
19 Annabelle Bush never testified that she gave
20 anything when she said she came out of the trailer.
21 I don't think she was very convincing when she
22 talked about what occurred at the trailer, that she
23 went back for guns.

24 THE COURT: She may have given information.

1 MR. DeLONG: Potentially, your Honor,
2 absolutely, but that's not what I heard from
3 counsel. That was my concern. What we heard
4 testimony-wise is she came out, had nothing, and
5 they said, Go back and get guns. I don't think
6 that's what happened or what the other officers
7 testified to, but that's what I heard.

8 And I just wanted to clarify for the court
9 that really is the focus of the motion to bifurcate.
10 We recognize this issue and we realize that the law
11 says we can't bring this in. It's -- most
12 situations the guns are used in the commission of
13 the charged crimes. This situation they're not so
14 the state doesn't have any intention, unless defense
15 opens the door, to discuss guns during its case in
16 chief, your Honor.

17 THE COURT: I want to invite you to pause
18 for just a moment. Each attorney has an obligation
19 to manage the witnesses to the extent possible.
20 Sometimes it's more or less possible depending on
21 which side of the courtroom you're sitting in. And
22 then when there are spontaneous utterings in
23 violation of what the court expects, I get motions.
24 I don't want that in this trial.

1 I don't believe there should be any
2 references to guns in this case. I think it creates
3 a question of prejudice that the jury might consider
4 Mr. Held to have bad character if he possesses guns,
5 and they're not, again, relevant to a factor
6 consequence. Please interact with your witnesses in
7 advance of trial so there's not some spontaneous
8 reference to guns.

9 MR. DeLONG: Your Honor, I would like to
10 put on the record we have had those conversations
11 with our witnesses. And we noted the uniqueness of
12 doing this hearing this morning and then going to
13 trial, because it's two different testimonies.

14 It's really going to be very, very
15 different testimony because Rocco is not part of the
16 charges alleged in the information along with the
17 guns are not. So we've done our best to work with
18 our witnesses to make sure they understand these are
19 two very different pieces of testimony and we don't
20 expect them to testify the same way in front of the
21 jury. That's how we've approached these motions,
22 your Honor.

23 Now, getting back to the motions at hand, I
24 will -- at least for the purpose of my argument --

1 discuss them separately because there's different
2 standards. And when we're looking at the motion to
3 suppress that was initially filed regarding the
4 warrant, there was three specific issues that were
5 addressed within that motion that were being
6 complained about by the defendant. First, it was
7 about the location of the U-Haul truck as described
8 to the magistrate in the warrant.

9 The second issue was the statement
10 regarding the admissions. They admitted to
11 committing all the burglaries.

12 And then the third issue, your Honor, is
13 permitting Annabelle Bush to enter the trailer and
14 not telling the magistrate about that entry into the
15 trailer. I planned to discuss those each
16 individually but I would note that for the purposes
17 of this motion we're talking about, the initial
18 motion regarding the warrant, not only do they have
19 to demonstrate -- the defense has to demonstrate a
20 deliberate or reckless disregard for the truth, but
21 they also have to establish but for that disregard
22 this warrant would not have issued, probable cause
23 would not have existed for the magistrate to issue
24 this warrant.

1 And I would submit to the Court, your
2 Honor -- and I'll start with the U-Haul truck
3 issue -- that this wasn't a blatant or reckless,
4 deliberate disregard of the truth. Officer Fye
5 testified that he -- it was his understanding that
6 the vehicle was in front of the house, directly in
7 front of the house. He put it in his report and he
8 put it in the application for the search warrant
9 that the vehicle was in the driveway. It was his
10 sincere understanding. It was not being reckless to
11 try to trick the magistrate.

12 There's a million other places in that
13 warrant application he could have tried to trick the
14 magistrate, if that was the plan. But to simply
15 have a misstatement is not the same as a reckless
16 disregard of the truth.

17 And then when we consider the but-for
18 standard that in addition has to be met, if it's
19 taken out that the truck was in the driveway, we
20 still have within the warrant application an
21 individual indicating that the truck was there,
22 taking a photo of the license plate and then the
23 officer contacting you U-Haul and determining that
24 the U-Haul was registered, or at least rented, by

1 Ian Held.

2 That connects them and that dovetails right
3 into the next issue, which is the admissions,
4 because the warrant application can't be considered
5 in its individual sections. It's not appropriate to
6 lose the trees for this forest, if you will. What
7 is appropriate is to consider all of it, and when
8 it's considered that a statement was made that he
9 made admissions and that he indicated what was taken
10 from the home, he indicated also to officers that he
11 was there, so that's -- the admission that
12 everyone -- or that they admitted to all the
13 burglaries -- I should slow down a second and make
14 sure I'm being distinct.

15 When he said they both admitted to
16 committing all the burglaries, it was a misstatement
17 that Ms. Bush admitted that, and I think that's
18 clear to the Court and everyone here. Once again,
19 his statements were sincere that her statements
20 corroborated that comment. She corroborated the
21 admissions that were made by Ian Held. That's why
22 that statement was made. But if we look at the
23 warrant application, we know that we have an
24 individual who had items taken from him and that's

1 what he's asking for back, which it wasn't drones at
2 all.

3 He was saying he wanted -- and the warrant
4 application indicates that they were searching for
5 RC drones, laptop computer, safe box, console,
6 jewelry, bottle of wine, Ryobi tools and DVDs.
7 That's what they were asking to look for. Notably,
8 no guns.

9 Now, in the warrant application regarding
10 Whisper Rock, the suspects stole power tools, wine,
11 DVDs, and some other personal belongings from this
12 homeowner, so it's not a direct lineup. But once we
13 know that they were looking for those specific items
14 that were being searched for and we consider his
15 admissions to being there and saying he took tools,
16 we can then line up that this warrant would have
17 issued, even if he hadn't said that the truck was in
18 the driveway.

19 Similarly, the statement regarding they
20 admitted to all the burglaries, it's a shorthand.
21 It's a shorthand for all the specifics that were
22 given to the officers before they applied for the
23 search warrant, the specifics being that he admitted
24 to being at University Park Loop, he admitted to

1 talking with the homeowner, he gave his alibi, he
2 admitted to being at Whisper Rock with the truck and
3 then he used a tool from the truck, either a tire
4 iron or a jack to try to pry his way into the house,
5 and then he admitted to what he stole.

6 So, that is why the application is granted,
7 and the application was also granted because we have
8 a description of the Whisper Rock Way incident and
9 tying the U-Haul truck back to the renter, Ian Held.
10 We have a description of the 920 University Park
11 Loop burglary, or attempted burglary, where he broke
12 the window. It's known that he talked to the
13 residents and he was seen driving away by the
14 officers.

15 Then with respect to Rocco, we know that he
16 indicated that he talked to Mr. Rocco in jail, the
17 officers did, and discovered he didn't -- Ian Held
18 didn't have permission to have that vehicle. And
19 then it was determined that -- from Ian Held's
20 statements he said, Well, I figured I could have it.
21 That's another admission that he wasn't supposed to
22 have that vehicle. So, the bases for the three
23 different burglaries, the Rocco Jeep, which is not
24 part of the information but matters for this

1 information, University Park Loop and Whisper Rock
2 were actually admitted by Held. That's why these
3 misstatements are not deliberate or reckless in
4 nature.

5 And then the last issue with respect to the
6 initial motion is permitting Annabelle Bush to enter
7 the trailer. We heard her testimony and she said
8 that Tindell told her, You're gonna go get stolen
9 property. Tindell very -- I would argue
10 convincingly -- stated that, Look, I didn't tell her
11 anything at all. I didn't speak with her at all
12 until I got back on scene. And Detective Fye
13 indicated that was not their comments to her.

14 In fact, in the interview with Ian Held he
15 was asked about guns and he said he didn't have any
16 guns. Officers weren't looking for guns. They
17 didn't know they were in there. That's why this gun
18 issue is so important for this motion to suppress.
19 They didn't ask to look for guns in the warrant when
20 they contacted the magistrate. It wasn't on their
21 radar. They were literally letting her back into
22 the trailer to get her personal property.

23 When that plan was determined, when
24 Detective Fye was driving her back, the intention

1 was to freeze that trailer, seal it and move it, so
2 of course she wouldn't be able to get her personal
3 property immediately. So, then -- and her brother
4 was going to pick her up. So, that's why they let
5 her back into the trailer to get her personal
6 property. And then when she mentioned something
7 about guns, now it's a safety issue. You can't let
8 her go rummage around in there. That's why she was
9 only in there for three minutes. They said, Get
10 out. We have to seal it now.

11 She changed the circumstances but it didn't
12 change the warrant application, because in the
13 warrant application they didn't ask for the guns.
14 They didn't say they were seeking guns. They
15 weren't using her information at that moment to
16 obtain a warrant. It was not a basis or predicate
17 for the motion, so it doesn't meet the but-for test.
18 None of her actions inside the trailer justifies a
19 suppression of evidence, because but for those
20 actions, nothing occurred. They weren't presented
21 to the magistrate.

22 The last issue is with respect to the drill
23 and the return of the drill and the saw. This
24 standard is different. This standard the defense

1 would have to establish that that return of the
2 items was done in bad faith or that the items
3 themselves possessed exculpatory value that would
4 unduly prejudice the defendant's case if he didn't
5 have them.

6 Well, I think, your Honor, it's the
7 absolute absence of bad faith to take pictures of
8 the drills and the saw, put them in the reports, put
9 them in the warrant return, include them all over
10 the case. They weren't hiding the drill and the saw
11 and they took pictures to preserve the evidence so
12 that cross-examination could occur. There's been no
13 allegation that some scientific test should have
14 been run on those or even that there was any
15 exculpatory value whatsoever.

16 In fact, all of the argument and testimony
17 has been it's entirely inculpatory. It's the main
18 piece of physical evidence that ties the contents of
19 the trailer to Mr. Held and Whisper Rock Way. But
20 there's no indication of how that helps the defense
21 in any way, shape, or form, and I'd submit it
22 doesn't. That's why it can't be an exculpatory
23 value and it can't be bad faith because the officers
24 testified they do this in all of their cases

1 regarding stolen property.

2 They documented the evidence in the form of
3 pictures and they also documented it in the warrant
4 return and in the reports. No one's hiding anything
5 here. And the defendant can still cross-examine the
6 victim, Mr. McCulloch, that received the items as to
7 was this a unique drill bit? Did you really have
8 these? How long did you have them? All that
9 cross-examination can occur and it can occur for the
10 detectives that seized the evidence. All of that
11 has been preserved. There's absolutely no basis to
12 suppress that evidence based on the standards given
13 by the court and the law, your Honor.

14 Based on this, your Honor, we submit both
15 motions should be denied.

16 THE COURT: Thank you.

17 MS. ROSENTHAL: I'd like to respond,
18 please.

19 Regarding the Frank motion, your Honor
20 needs to look at the totality of the statements or
21 falsehoods. Mr. DeLong broke them down separately
22 but it's the totality. There were numerous things
23 that were incorrect. Mrs. Bush's statements were
24 clear to us here. That's what Mr. DeLong said. Her

1 statements were clear to us here that they were
2 statements and not admissions, but that was not
3 provided to the justice of the peace. The justice
4 of the peace was told they were admissions. That is
5 significant.

6 . Officer Fye did not need to shorthand
7 anything. He was the officer that interviewed her.
8 He knew what was and wasn't said. Yet, he said that
9 she admitted to things that she did not. The U-Haul
10 that's subject to all this was legally rented. They
11 obtained the lease agreement. Mr. Held was not
12 trying to hide anything in that regard.

13 Mr. Held did not admit to burglarizing
14 anything at University Park Loop. He did admit to
15 being there and he did provide an explanation to the
16 officer, and that's been clear that he provided an
17 explanation on why he was there, but it was not an
18 admission of any sort of burglarizing of that
19 residence.

20 And I think it's significant that the
21 officers did not ask for the guns because they knew
22 they could not explain how they obtained the
23 information that the guns were there. Even though
24 they had the information that there were guns in

1 there, they did not ask for those in the search
2 warrant and didn't mention them because they did not
3 want to say that they allowed Ms. Bush to enter that
4 trailer after consent was denied and before they
5 requested that the search warrant be granted.

6 In regards to the drill and Best Evidence
7 rule, the officers knew from the beginning that this
8 drill was important. Mr. DeLong touched on this.
9 This drill is a piece of evidence that's important
10 to this case. They released it prior to the defense
11 having any opportunity to look at it. It's not like
12 it was released after prelim or at some other time.
13 It was released almost immediately. So, Mr. DeLong
14 cannot say whether tests could or couldn't have been
15 performed on it. We were never provided that
16 opportunity.

17 Mr. Held has not been allowed the
18 opportunity to quest to examine evidence against
19 him. All we have are photos when the best evidence
20 is the drill itself. I would ask the Court to
21 consider another case where a gun is involved and
22 the jury can see the gun. The evidence against the
23 person, the evidence -- or the weapon used.

24 In this case the jury cannot look at that

1 drill, cannot say that this drill bit is unique.
2 All they have is a photo, when the best evidence is
3 the drill itself, and the state through officers
4 have deprived Mr. Held the opportunity to present
5 that to the jury.

6 THE COURT: Thank you. I need a moment.
7 The legal question before this court is not whether
8 Mr. Held is guilty or not guilty, which is a fact
9 question to be determined by the jury.

10 The legal question before this court is
11 whether there's been a violation of his rights such
12 that this prosecution would be constitutionally
13 infirmed.

14 The United States Supreme Court, and
15 adopted by the Nevada Supreme Court, it has adopted
16 the statement which has become a maxim in our law
17 that no defendant is entitled to a perfect trial
18 but, instead, is entitled to a fair trial.

19 I think the spirit underlying that maxim is
20 that each of us, each participant in our community
21 and in our criminal justice system has an
22 opportunity to reflect after the fact to consider
23 how things could have been done, should have been
24 said. In fact, I say this for context and not for

1 spotlight. My very best courtroom statements, my
2 very best courtroom conduct all occur in my car
3 while I'm driving home from the courthouse.
4 Retrospective analysis is healthy and helpful as we
5 strive to improve, but should not be a tool to
6 weaponize the events as they unfold.

7 As to the motion to suppress relating to
8 Franks, I have reviewed the Franks chism and
9 decisions, I've reviewed the Nevada statute and
10 Nevada decisional authority cited by the state.
11 You've each recited the standard. Among the
12 summaries of the Franks statement is a quotation
13 directly from Franks that I find helpful.

14 Were there deliberately falsified
15 allegations, deliberately falsified allegations,
16 and, if so, were they material to the finding of
17 probable cause?

18 There are imperfect inconsistencies between
19 the information being delivered in realtime to law
20 enforcement officers and the information presented
21 to the magistrate. I could use the word "imprecise"
22 or "inartful" or "general." Even Officer Fye used
23 "slight overstatement." Each of those words
24 describe what happened. There is some inconsistency

1 between the location of the U-Haul truck. Was it in
2 front of the house? Was it on the street? Was it
3 in the driveway?

4 There's some general statement regarding
5 who admitted to what specifically. The question as
6 to Franks, was there a deliberate, deliberate
7 falsification of allegations to support a warrant
8 that would have otherwise not have been issued.
9 Thematically, what the officer learned during the
10 investigation, Officer Fye, and what he represented
11 to the justice of the peace, thematically is
12 similar. Each of Ms. Bush and Mr. Held made --
13 provided information about all the crimes.

14 Would he describe -- would he use different
15 words in an application with more reflection knowing
16 that the day would arise? Probably. Because was it
17 an imprecise application made in good faith or was
18 it deliberately falsified?

19 And this Court concludes that this was not
20 deliberately falsified for purposes of obtaining a
21 warrant that would not otherwise issue. There was
22 not intentional judicial deception and, therefore,
23 don't need to go to the but-for proximate finding,
24 but even if I did, I cannot conclude that the

1 imprecise language altered the justice of the
2 peace's conclusion. I cannot conclude that, if the
3 justice of the peace learned the U-Haul was in the
4 street as opposed to the driveway, the warrant would
5 not issue. I cannot conclude that, if the justice
6 of the peace knew that Ms. Bush went into the home
7 for a few moments to retrieve personal property, the
8 warrant would not issue. My analysis does reflect a
9 totality of the circumstances presented.

10 I make a quick finding about Ms. Bush. I'm
11 not sure why it's necessary, but it appears to be
12 necessary as the court's decision will be analyzed.
13 I found her to be less credible than the law
14 enforcement officers, not in the way she spoke and
15 carried herself, but she admitted that at the moment
16 of investigation and police intervention she was
17 under the influence, which renders her recollection
18 to be suspicious in the first instance.

19 She also had a motivation grounded in her
20 relationship with Mr. Held that might inspire her
21 testimony. I'm not sure how it's legally
22 dispositive that she went into the home after
23 Mr. Held, because I make the finding that she was a
24 resident of that home based upon the testimony

1 presented and she had the ability to access the home
2 to acquire her own property, and it was there
3 because of her residency. The motion to suppress
4 based upon Franks is denied.

5 There's now a motion to suppress based upon
6 the Ryobi drill set. The standard is, Was the
7 release of evidence or loss of evidence made in bad
8 faith? Here it was not. There was a purpose-driven
9 policy underlying that release of the drill. It
10 was -- the release of the drill in this case was
11 consistent with that purpose-driven policy. There
12 may be cause to revisit that policy in a different
13 setting by other policymakers, but I cannot conclude
14 that the release or loss was in bad faith. In fact,
15 the decision to return the drill to the homeowner
16 was grounded in good faith to return property that
17 he owned.

18 But disjunctively I can also suppress if
19 there is undue prejudice and the evidence would have
20 been exculpatory. Focus on each of those sections.
21 It's not just prejudice. It's prejudice modified by
22 the word "undue." What is the undue prejudice to
23 Mr. Held for not having the actual Ryobi drill to
24 inspect pretrial and present to the jury? Many of

1 the arguments presented relate to the fact question
2 of whether that Ryobi tool was -- whether the Ryobi
3 equipment located in Mr. Held's residence, whether
4 it is traceable to the property stolen on Whisper
5 Rock.

6 The state has the burden to prove that the
7 tool in Mr. Held's residence was the property stolen
8 from Whisper Rock. That's a fact question. It will
9 meet its burden or it'll not, but as the defense
10 illustrated, this tool is generic and could be part
11 of any set purchased at Lowe's or Home Depot.
12 There's nothing specifically identifiable about it
13 beyond the recollections of the homeowners. And
14 that fact, the generic nature of this tool, endures
15 regardless of whether the property was returned to
16 the homeowner or not.

17 The state has to overcome the question, Is
18 this tool so generic that the one Mr. Held possessed
19 is not the one that came out of Whisper Rock? I
20 have no idea what the jury will conclude, but it's
21 not a matter of suppression. It's not undue
22 prejudice. Some of it a proof of purchase that is
23 absent goes to the connection between property
24 seized and property stolen.

1 Then I focus on what is exculpatory about
2 the Ryobi tool that is lost? What exculpatory
3 feature of the tool is lost? And by "exculpatory,"
4 grafting specifically from the law that the Ryobi
5 must, quote, play a significant role in the
6 suspect's defense, closed quote. I don't see an
7 exculpatory possibility that is lost because the
8 photographic evidence is available and an actual
9 tool is not.

10 There is no suggestion of specific
11 scientific or other analyses that have been
12 presented. I think there must be more than a mere
13 suggestion that they'll have an opportunity to do
14 something undisclosed. For that reason, the motion
15 to suppress the Ryobi drill is denied.

16 Anything else, Counsel, before I recess in
17 advance of the jury?

18 MR. DeLONG: I have one brief housekeeping
19 matter. It's my understanding that the defense has
20 stipulated that the second nature of the charges in
21 the information, that it's a burglary second and
22 it's -- attempted burglary second are appropriate
23 for sentencing purposes and are not an element
24 that's necessary to be proven before the jury in the

1 initial part of Phase 1 of this trial.

2 THE COURT: Do you agree?

3 MR. DeLONG: I absolutely agree.

4 THE COURT: So, we redact it and we're
5 good.

6 MR. DeLONG: Thank you very much, your
7 Honor.

8 THE COURT: The second defense language
9 will not be read to the jury.

10 MS. ROSENTHAL: At this time Mr. Held would
11 ask that the trial be continued to allow us to writ
12 the Court's decision and the motions to suppress.
13 And I think it's important that the Court write a
14 formal order denying so we can have a basis to
15 appeal and we ask that the trial be continued to
16 allow us to do that.

17 Mr. Held has indicated that he's willing to
18 waive his right to a speedy trial at this time to
19 allow us to do that.

20 THE COURT: What legal authorities do you
21 present in support of your argument that I should
22 suspend trial for you to do a writ?

23 MS. ROSENTHAL: Your Honor --

24 THE COURT: Are you aware of any decision

1 from the Nevada Supreme Court that says under this
2 fact pattern, denial of the motion to suppress,
3 should stay the trial so the defendant has the right
4 to petition?

5 MS. ROSENTHAL: I don't believe it's
6 required but I believe it's discretionary. And I
7 believe that the motions could be dispositive of
8 some, if not all, of the counts that are alleged
9 against Mr. Held. And given he's willing to waive
10 his right to a speedy trial to allow for us to
11 pursue that, we would ask that the Court allow us to
12 do that.

13 I think this is a unique situation where
14 we're having the hearing on the morning of trial,
15 given the circumstances, and if this had happened
16 prior, we could have pursued that avenue sooner.
17 But this is where we're at with that. So, given
18 that, your Honor, I would ask that we be allowed
19 that opportunity to pursue that.

20 THE COURT: Are you aware of any Nevada
21 Supreme Court decision that examines the denial of a
22 motion to suppress pretrial through a writ
23 proceeding?

24 MR. SILVERBERG: If I may, your Honor. I

1 believe Schuster v. District Court, 123 Nevada 187,
2 and Davis v. District Court, where the supreme court
3 did decide to exercise original jurisdiction finding
4 that the circumstances established urgency or a
5 strong necessity or important issue of law that
6 required clarification --

7 THE COURT: Citing from Davis or Schuster?

8 MR. SILVERBERG: Schuster. Davis is 129
9 Nevada 116.

10 THE COURT: Okay. I'd like to read this.

11 MR. SILVERBERG: If I could give your Honor
12 one more, the Gonzales v. District Court, 129 Nevada
13 215.

14 THE COURT: Thank you. To the state?

15 MR. DeLONG: Your Honor, what I just heard
16 was urgency is required and, admittedly, I haven't
17 read these prior to this moment, but I don't see any
18 urgency here. The defendant has appellate rights.

19 What just occurred is an appropriate motion
20 to suppress. He hasn't demonstrated a strong
21 likelihood of success in his writ that it's really
22 appropriate or that also he would be in any way
23 harmed if we proceeded. Because if the
24 determination on the motion to suppress was in any

1 way deemed improper by another court in the future,
2 he has the appellate rights and those rights would
3 be retained.

4 There's been no urgency or special unique
5 circumstances here that would change the situation
6 moving forward. Those rights stay with him long
7 after this trial here is done and his sentencing is
8 done. And he has the right to submit that writ at
9 any time, and without demonstrating some urgency or
10 some strong need for what would be changed that had
11 to be changed before we can move forward, and that's
12 not demonstrated whatsoever.

13 MS. ROSENTHAL: Your Honor, I believe for
14 efficiency not having a jury called when there might
15 be an issue that could be over -- an issue that
16 could come back, I think it's important not to call
17 a jury if we're asking for the opportunity to pursue
18 that.

19 THE COURT: Well, in our work we perceive
20 events differently through our professional lens.
21 Hopefully, never personal.

22 But I must confront a fact that exists in
23 our record and ask the defense to respond. You have
24 suggested that the delays in this motion to suppress

1 are such that there has not been time to seek relief
2 or to have a written order, but the motion to
3 suppress regarding the Ryobi drill was not filed
4 until June 16th. After briefing it could not have
5 been heard at any time prior to today.

6 The opposition to that second motion to
7 dismiss suggests you had the information underlying
8 that motion to suppress for months and chose not to
9 file the motion until June 16th. And this case
10 began by information several months ago on
11 March 18th. So how can you ascribe fault to the
12 court for its schedule when the motion was not even
13 filed until June 16th?

14 MR. SILVERBERG: I don't think we're
15 ascribing fault, per se, as the difficult times --

16 THE COURT: To the calendar. I don't take
17 it as personal fault to the judge.

18 MR. SILVERBERG: I think what we've dealt
19 with throughout COVID and the resumption of jury
20 trials is a great deal of uncertainty about when
21 cases were going to go to trial and, frankly, I
22 don't know that we anticipated this would be up so
23 quickly. And shame on us if that's what we did, but
24 I think there's been a lot of uncertainty in this

1 time as far as when cases are going to go forward.

2 The issue arose when we recognized it as an
3 issue. Again, in retrospect it would always be nice
4 to identify every issue early on and have the time
5 to do that on every case. But, your Honor, it's
6 just the nature of our business and taken in
7 conjunction with COVID and the resumption of trials,
8 and I just don't think we thought it would happen
9 this quickly and that we would have the time to do
10 that.

11 THE COURT: And your explanation is made in
12 good faith. I appreciate the tone of your
13 explanation. It just is what it is.

14 Let me push it a little farther, though,
15 because despite our long acquaintance here and, I
16 hope, certainly, our unilateral respect for the
17 bench and the two of you --

18 MR. SILVERBERG: Mutual, Judge.

19 THE COURT: I appeared in court on
20 June 9th -- excuse me -- yeah, June 9th, having
21 read everything, with inclinations I announced based
22 upon my review ready to hear the first witness. As
23 I recollect June 9th the defense argued, We cannot
24 do this unless it's in person. And I said, I don't

1 have the authority to conduct an in-person hearing
2 right now, but I can. I wasn't able to schedule it
3 until today, but the defense had an opportunity to
4 pursue this hearing through means that have been
5 approved by the state supreme court and our chief
6 judge, so to that there are prejudicial delays is a
7 suggestion with context.

8 MS. ROSENTHAL: I think, your Honor, the
9 whole -- your Honor granted us the opportunity to
10 have this in person because of argument by counsel.
11 We did not have the opportunity to have this in
12 person before today and so, although the motion was
13 ripe and ready to be heard on June 9th --

14 THE COURT: The first motion.

15 MS. ROSENTHAL: Correct.

16 -- the first motion was able to be heard
17 and ripe on June 9th, there was not an opportunity
18 for us to have that in person prior to the
19 scheduling of today. And the Court through argument
20 of counsel determined it was appropriate to have it
21 in person, and so based off the opportunity to have
22 it in person today, that is why we're unable to
23 present a writ prior to today, specifically towards
24 the Frank's motion.

1 In regards to the Ryobi motion, it was --
2 it's accurate that it was written in the report that
3 it was returned to Mr. McCulloch at some point. I
4 did not learn of the specifics of what was and
5 wasn't available until I asked for an
6 evidence-viewing in preparation for trial, and
7 that's when I was informed that it was nothing --
8 limited items were available.

9 THE COURT: So much of what we say is about
10 explaining our internal thoughts and judicial
11 discretion but also preserving allegations are
12 there. I'm just creating a balance here on the
13 record.

14 If on June 9th I was presented with a
15 question, Judge, in-person hearing and then request
16 for writ relief, that would have continued trial.
17 Or, electronic hearing on June 9th, which gives us
18 time to file, I would have just preserved the
19 June 9th hearing date.

20 I know I granted the request but I did so
21 attempting to create every opportunity for Mr. Held.
22 I heard from counsel that it was critical the
23 hearing to be in person. Under the authority I
24 have, I could have easily denied that request, but I

1 made the decision to do it in person, again to
2 accommodate every defense possibility Mr. Held has.

3 Now I'm being told because I accommodated
4 every defense opportunity, I'm somehow wrong for
5 postponing it to the eve of trial. I guess I want
6 the reviewing court to know we're all doing our best
7 during COVID and I would have denied the in-person
8 if I knew at this moment I was faced with a request
9 to stay -- continue trial for extraordinary relief.

10 Final words before I go read Davis and
11 Schuster.

12 MR. SILVERBERG: I think the importance of
13 your Honor's decision to allow this to be held in
14 person was crucial and was critical and we're
15 appreciative of the Court's understanding that
16 certain hearings are best held in person. After
17 over a year of doing hearings in Zoom and via Zoom,
18 that there's just certain things that are lost.

19 So, it was a good-faith argument to request
20 that it be held in person because of the serious
21 nature of the allegations and the very -- what your
22 Honor was able to observe on the stand that might
23 have been lost, frankly, via Zoom and electronic
24 means. We're thankful to the Court for that and

1 we're not ascribing blame to anybody.

2 But in the vein of affording Mr. Held every
3 defense possible, which I know your Honor does in
4 every case, the circumstances have arisen where we
5 certainly would have sought writ relief had there
6 been time to do it. That's it.

7 THE COURT: I appreciate it. I want to
8 read the three decisions. We'll be in recess for
9 between seven and ten minutes.

10 (Recess taken.)

11 THE COURT: Back on the record in the Held
12 matter.

13 I have read the Schuster, Davis, and
14 Gonzales decisions. Schuster and Davis both refer
15 -- both involve the trial court's denial of the
16 motions to dismiss that were purported to be
17 defective.

18 Gonzales involved the denial of a motion to
19 dismiss post-jury trial on double jeopardy. These
20 three decisions do not replicate the fact pattern
21 before the court, which is the denial of the motion
22 to suppress. It is for the appellate court to
23 determine if there is a plain, speedy and adequate
24 remedy of law but it is for this court to determine

1 if there is some probability of showing such stay is
2 warranted. There is, from this court's perspective,
3 a plain, speedy and adequate remedy, should the
4 court be wrong.

5 And, again, to emphasize, I believe this
6 court's decision on the in-person proceeding
7 deepened this court's inclinations after review of
8 the moving papers. The real benefit this court
9 experienced from the in-person was not from the
10 officers' testimony. The real takeaway was the
11 owner liability of Ms. Bush's recollection. I
12 believe I was able to make credibility findings of
13 Ms. Bush in person that I would have been unable to
14 make through electronic means.

15 So, while I welcome Mr. Held's vigorous
16 defense exploring every part of the state's case,
17 this was not a close call that required the court to
18 tilt into the defense arguments in light of the
19 constitutional standards that I've identified.
20 Those standards are clear and clearly felt in the
21 state's position.

22 The request to continue trial so that Mr.
23 Held can seek discretionary, extraordinary review of
24 the court's discretionary review is denied.

1 Is my clock right? I think we've adjusted
2 batteries twice.

3 THE BAILIFF: It's correct.

4 THE COURT: See you in about ten minutes
5 for the jury.

6 (Recess taken.)

7 (Jury selection followed.)

1 STATE OF NEVADA)
2 COUNTY OF WASHOE) SS.

3 I, CHRISTINA MARIE AMUNDSON, official reporter
4 of the Second Judicial District Court of the State
5 of Nevada, in and for the County of Washoe, do
6 hereby certify:

7 That as such reporter, I was present via Zoom
8 audio-visual in Department No. 15 of the above court
9 on June 29, 2021, at the hour of 8:59 a.m. of said
10 day, and I then and there took verbatim stenotype
11 notes of the proceedings had and testimony given
12 therein in the case of State v. Held, Case No.
13 CR20-3104.

14 That the foregoing transcript is a true and
15 correct transcript of my said stenotype notes so
16 taken as aforesaid, and is a true and correct
17 statement of the proceedings had and testimony given
18 in the above-entitled action to the best of my
19 knowledge, skill and ability.

20 DATED: At Reno, Nevada, on 28th day of October
21 2021.

22
23 /S/ Christina Marie Amundson, CCR #641

24 -----
 Christina Marie Amundson, CCR #641

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 VII to the following:

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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