

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IAN CHRISTOPHER HELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83549-COA

FILED

AUG 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ian Christopher Held appeals from a judgment of conviction, entered pursuant to a jury verdict, of residential burglary, second or subsequent offense; attempted residential burglary, second or subsequent offense; and being a felon in possession of a firearm. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Held contends the district court erred by denying his pretrial motion to suppress evidence obtained during the execution of a search warrant that Held claims was unlawfully acquired. Specifically, Held argues that Detective Fye falsely claimed in his telephonic affidavit for a search warrant that a U-Haul pickup rented by Held was seen in the victim's driveway when it was actually observed by a neighbor parked on a public street. Held also asserts that Detective Fye falsely claimed in the affidavit that Held and A. Bush "admitted to doing all the burglaries" but Detective Fye testified at the suppression hearing that Bush did not admit to committing a crime. Finally, Held asserts that Detective Fye omitted a material fact from his affidavit by failing to disclose that officers allowed Bush to enter Held's trailer after Held declined consent for the officers to search it.

“A defendant is not entitled to suppression of the fruits of a search warrant, even based on intentional falsehoods or omissions, unless probable cause is lacking once the false information is purged and any omitted information is considered.” *Doyle v. State*, 116 Nev. 148, 159, 995 P.2d 465, 472 (2000). “Suppression issues present mixed questions of law and fact. This court reviews findings of fact for clear error, but the legal consequences of those facts involve questions of law that we review de novo.” *State v. Beckman*, 129 Nev. 481, 485-86, 305 P.3d 912, 916 (2013) (internal quotation marks and citations omitted).

Purging the allegedly false information, the telephonic search warrant affidavit contained the following information. Law enforcement began surveilling Held after a U-Haul pickup rented to him was observed near the site of a residential burglary that occurred on Whisper Rock Way. Held was then observed driving a vehicle later determined to be owned by Held’s neighbor. Held’s neighbor told law enforcement that he did not give Held permission to use the vehicle, and law enforcement determined Held stole the vehicle. After his arrest, Held told law enforcement that he burglarized the Whisper Rock Way residence and that property belonging to his neighbor was located inside his trailer. The search warrant sought to recover property taken from the Whisper Rock Way residence and from Held’s neighbor.

Even without the allegedly false information, and considering the omitted information, the affidavit sufficiently demonstrates probable cause to search Held’s trailer. *See Illinois v. Gates*, 462 U.S. 213, 238 (1983) (“The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, . . . there is a fair probability that contraband or evidence of a

crime will be found in a particular place.”). Therefore, we conclude the district court did not err by denying Held’s pretrial motion to suppress evidence, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. David A. Hardy, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk