

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

STATE OF NEVADA)
_____))
_____))
Plaintiff,)
_____))
vs. AUSTIN RUSSELL)
_____))
_____))
Defendant(s).)
_____))

Case No. 16F03718X
Dept. No. 2

**MOTION FOR DISCLOSURE OF
NON-PUBLIC INFORMATION**

DECLARATION

(1) PLEASE CHECK ONE OF THE FOLLOWING OPTIONS:

This Motion is being brought by:

- ☒ A member of the following media organization: KNV
- ☐ The following criminal Defendant: _____
- ☐ An attorney for the following client: _____
- ☐ OTHER: _____

(2) PLEASE COMPLETE THE LINE BELOW:

Court staff has indicated that the following document(s) currently in the file are deemed to be presumptively non-public and confidential:

ARREST REPORT

(3) PLEASE EXPLAIN WHY THE COURT SHOULD ALLOW ACCESS TO THE DOCUMENT(S) LISTED ABOVE :

(NOTE: If you need more space, please attach additional pages.)

WS REQUIRES THESE DOCUMENTS IN ORDER TO RELATE
THE FACTS OF THE CASE ACCURATELY AND
COMPLETELY.

(4) PLEASE SIGN BELOW:

Under the penalty of perjury under the law of the State of Nevada, I swear or affirm that the above information is true and correct, and that the Court should allow access to the requested document(s).

Signature: Jerry D Date: 3/10/16
Phone Number: (702) 871-3345

ORDER

[] This matter will be set for hearing, and all parties will be notified. The hearing date will be at _____ M on the _____ day of _____, 20____.

[] The motion is denied as to the following documents _____
for the following reason(s):

[] The motion is granted as to the following documents _____
You may bring a copy of this order to the front counter to obtain the requested information.

[] OTHER: _____

DATED THIS 14 DAY OF March, 20 16

[Signature]
JUSTICE OF THE PEACE

RT-LT 1:1-5



PCAP
P018F02718X
8251836
Probable Cause Arrest Documents

Page 1 of 1
DATE OF ARREST: 3/9/16
TIME OF ARREST: 1330
INTAKE NAME (AKA, ALIAS, ETC.): RUSSELL, Austin Lee "Chamee"
LAST: RUSSELL, FIRST: AUSTIN, MIDDLE: LEE
TRUE NAME: RUSSELL, AUSTIN, LEE
PLACE OF BIRTH: PAWN STARS
SPEAK ENGLISH? YES
MAY CINO
Sector/Beat: 55
WARR/INIC NUMBER: --
EVENT NUMBER: --
ARR TYPE: PC
M GM F: --
ORD/NRS #: --
CODE: 5146D
PROB. CAUSE: POSS. PEAS. FLA. / 202.310.1 \$5000
51127 PCS MATH / 453.336 1st \$3000
51127 PCS MATH. OREC 102 / 453.336 \$3000
51127 PCS SCA 14 PRONTO (17 CRT) / 453.336 \$3000
ARREST TYPE: PC - PROBABLE CAUSE, BS - BONDSMAN SURRENDER, BW - BENCH WARRANT, WA - WARRANT, RM - REMAND, GJ - GRAND JURY IND.

Time Stamp at BOOKING: 03-09-16 14:58 DSD RECORDS
P #: 2016 MAR 10 A 5:36
TYPE OF ID FOR VERIFICATION: REAL
CONFIDENTIAL
FOR PROBABLE CAUSE/INIC HIT ARREST SEE PAGE TWO FOR DETAILS.
BENCH WARRANT SERVED ON: []
WARRANT SERVED ON: []
GRAND JURY INDICTMENT SERVED ON: []
FIRST APPEARANCE: DATE: [] TIME: []
COURT: []
STANDARD BAIL: []
JUSTICE: []
O.R. RELEASE: []
MUNICIPAL: []
PROBABLE CAUSE: []
JUVENILE: []
I.A.D.: []
JUDGE: []
APPROVAL CONTROL # FOR ADDITIONAL CHARGES: []
OTHER COURT: []

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST

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I.D. #: 1630891

True Name: Austin Lee Russell Date of Arrest: 3-9-16 Time of Arrest: 1330

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVMED (Department), Clark County, Nevada, being so employed for a period of 17 years (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense of PCS-mem, PCS-murder, PHS-team Pld, PU-shake at the location of [REDACTED] and that the offense occurred at approximately 1330 hours on the 09 day of march, 2016, in the county of ☐ Clark or ☐ City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

* SEE A/R. *

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant must sign second page with original signature.

Declarant's Signature

Steven J. Hendricks
Print Declarant's Name

P #

ARREST REPORT

16F03718 X/02

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat S5

ID/EVENT# 1630891	ARRESTEE'S NAME (Last) (First) (Middle) Russell Austin Lee			S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number) [REDACTED] [REDACTED]				
CHARGES Prohibited Person Possession of Firearm / Possession of Methamphetamine / Possession of Marijuana over 1 oz. / Possession of Schedule I - IV Controlled Substance				
OCCURRED	DATE 3/9/16	DAY OF WEEK Wednesday	TIME 830	LOCATION OF ARREST (Number, Street, City, State, Zip Code) [REDACTED]
RACE [REDACTED]	SEX [REDACTED]	DOB [REDACTED]	HT 5'10"	WT 250
			Brown	Brown
Westminster, CA				

ARRESTING OFFICER #1: J. Hendricks	P#: 6091	ARRESTING OFFICER #2: K. McCaffery	P#: 8731
CONNECTING REPORTS (Type or Event Number) Temporary Custody Record, Declaration of Arrest, Request for Prosecution, Witness List, Property Report, Narcotic Test Sheets (7), Event 160309-0652, Event 160303-2212			

APPROVED BY (PRINTED NAME): Sergeant S. Comiskey, P# 6532

CIRCUMSTANCES OF ARREST:

Under Las Vegas Metropolitan Police Department (LVMPD) Event 160303-2212 an adult female reported to police that she was sexually assaulted by "Chumlee." Sexual Assault Detectives K. McCaffery, P# 8731, and J. Hendricks conducted interviews with the victim and a possible witness. "Chumlee" was identified as Austin Lee Russell, DOB [REDACTED]. Based on the information learned in the early stages of the investigation, it appeared evidence may be present at Austin's residence, [REDACTED].

Detective McCaffery authored a Search Warrant for Austin's residence seeking to recover evidence related to the sexual assault investigation. Items sought to be seized were identified, in part, as: bedding; trace evidence; buccal swabs from Austin; photographs of Austin; overall interior and exterior photographs of the residence, [REDACTED]; clothing; narcotics and narcotics paraphernalia; and home surveillance from the residence, [REDACTED].

Clark County Deputy District Attorney Ravi Bawa was notified and approved the probable cause provided by Detective McCaffery. Detectives McCaffery and Hendricks contacted Las Vegas Township Justice Court Judge Bitu Yeager who authorized the Search Warrant for the residence at [REDACTED], [REDACTED] and for the person of Austin Russell.

On March 9, 2016 at approximately 0835 hours, Sexual Assault Detectives made contact with Austin at his residence, [REDACTED]. Detective McCaffery and Sexual Assault Sergeant S. Comiskey, P# 6532, advised Austin that allegations of an assault had been made and police had a Search Warrant for him and his residence. Austin indicated to Detective McCaffery that he would like to have an attorney present before speaking any further with police. Austin cooperated with detectives and remained at the residence in the front yard while detectives searched the residence.

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CONTINUATION REPORT

ID/EVENT #: 1630891

Crime Scene Analyst (CSA) H. Ubbens, P# 14792, and Crime Scene Supervisor (CSS) S. Joseph, P# 8178, responded to assist detectives with documenting and recording evidence recovered during service of the Search Warrant.

During a preliminary search of the residence, detectives located a small floor safe in Austin's upstairs Master Bedroom and a large vault on the ground level. Both the safe and the vault were closed and locked. Sergeant Comiskey spoke with Austin regarding opening the floor safe and vault. Austin indicated he did not know the combination to the floor safe, but his assistant did. Austin verbally directed his assistant, Nick, to open the floor safe and Nick did so. Austin did not want police to enter the vault because he had "private things" in there. Sergeant Comiskey explained to Austin that having a Search Warrant for the residence authorized police to search inside the vault; Sergeant Comiskey further gave Austin the opportunity to open the vault or police would call a lock smith to gain entry. Austin was reluctant to cooperate, explaining he had marijuana and guns in the vault and he smoked "a lot of weed." Austin indicated, however, that he knew police were not at his residence out of concern for narcotics. Austin told Sergeant Comiskey that he preferred not to share the combination to the vault, but he eventually agreed to open it for detectives. As Sergeant Comiskey escorted Austin into the residence to open the vault, Austin indicated the marijuana in the vault was for his "personal use" and he again declared he smoked a lot of marijuana. Austin said there would be four ounces of marijuana in the vault and that he was not a drug dealer. Austin indicated he would typically buy large amounts of marijuana so he would not have to buy it frequently or one ounce at a time. Austin asked Sergeant Comiskey for leniency due to his cooperation. In the presence of Sergeant Comiskey, Austin pressed in the code to the vault door's locking mechanism and pulled down the handle. By this means, Austin opened the vault door. Austin was then escorted outside.

Given the information volunteered by Austin, it became apparent he was in violation of NRS 202.360, Ownership or Possession of Firearm by Certain Persons Prohibited, which states, in part, a person shall not own or have in his possession or under his custody or control, any firearm if the person is an unlawful user of, or addicted to, any controlled substance.

Detective McCaffery contacted District Attorney Bawa and reviewed the information provided by Austin. District Attorney Bawa approved the additional probable cause for guns to be sought and seized. Detective McCaffery contacted Judge Yeager who authorized the piggy-back Search Warrant.

Sergeant Comiskey along with Detectives Hendricks, Cody, and Tooley, conducted a search of Austin's residence. The search turned up the following items which were seized:

Item Description	Recovery Location	Located By
Black shirt with hour glass design	Laundry Room	Sergeant Comiskey
Digital scales (2)	Kitchen Cabinet Drawers	Detective Cody
Multiple clear plastic baggies	Kitchen Cabinet Drawers	Detective Cody
Clear plastic baggie with white residue	"Chum Chum" Room with Dance Pole	Detective Cody
\$1.00 bill rolled up with white powdery residue	"Chum Chum" Room with Dance Pole	Detective Cody
Camo baggie containing 6.9 gross grams ODV+ marijuana	Southeast Downstairs Family Room on the coffee table	Detective Hendricks
Brown bedspread	Master Bedroom bed	Detective Hendricks
Magazine containing .45 caliber ammo	Master Bedroom in top right dresser drawer	Detective Hendricks

CONTINUATION REPORT

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Springfield XDS .45 caliber handgun, SN 53242632, fully loaded magazine, no round chambered	Master Bedroom in south nightstand drawer	Detective Hendricks
Orange marijuana smoking pipe	Master Bedroom in make-up dresser drawer	Detective Hendricks
THC oil residue in glass container	Master Bedroom in make-up dresser drawer	Detective Hendricks
Blue THC oil pipe	Master Bedroom in make-up dresser drawer	Detective Hendricks
Narcotics Kit	Master Bedroom in make-up dresser drawer	Detective Hendricks
.4 net grams ODV+ marijuana	Master Bedroom on top of make-up dresser	Detective Hendricks
Tin paper containing brown oily substance/residue	Master Bedroom on top of north nightstand	Detective Hendricks
Clear plastic baggie with white residue	Master Bedroom in north nightstand drawer	Detective Hendricks
Rolling papers	Master Bedroom in north nightstand drawer	Detective Hendricks
Clear jar containing 8.2 net grams ODV+ marijuana	Northwest corner bedroom under bathroom sink	Detective Hendricks
Clear jar containing 2.8 net grams ODV+ marijuana	Northwest corner bedroom vault	Sergeant Comiskey
Gallon Ziploc containing 116 gross grams ODV+ marijuana	Northwest corner bedroom vault	Sergeant Comiskey
Sandwich Ziploc containing 4.4 gross grams ODV+ marijuana	Northwest corner bedroom vault	Sergeant Comiskey
7 clear capsules containing a total of 1.7 gross grams of ODV+ methamphetamine	Northwest corner bedroom vault	Sergeant Comiskey
7 white Xanax "Zanie" bars	Northwest corner bedroom vault	Sergeant Comiskey
10 yellow Xanax "Zanie" bars	Northwest corner bedroom vault	Sergeant Comiskey
1 hit snorting device	Northwest corner bedroom vault	Detective Hendricks
12 clear plastic baggies	Northwest corner bedroom vault	Detective Hendricks
Bushmaster Carbon 15 .223 caliber rifle with a scope, SN CRB019947	Northwest corner bedroom vault	Detective Hendricks
Fabrique Nationale Herstal 5.7X28 caliber rifle, SN FN061841	Northwest corner bedroom vault	Detective Hendricks
Benelli 12 gauge shotgun, SN Y043379V	Northwest corner bedroom vault	Detective Hendricks
HK MP5-N 9mm rifle, SN 62-000001	Northwest corner bedroom vault	Detective Hendricks
DPMS A-15 .223 caliber rifle with a scope, SN F051581K	Northwest corner bedroom vault	Detective Hendricks
High Point .45 caliber rifle, SN R02741	Northwest corner bedroom vault	Detective Hendricks
Kimber .45 caliber handgun, SN KR132954	Northwest corner bedroom vault	Detective Hendricks
Ruger .357 revolver, SN 573-34341	Northwest corner bedroom vault	Detective Hendricks
Walther P22 .22 caliber handgun, SN Z016592	Northwest corner bedroom vault	Detective Hendricks
Sig Sauer P6 9mm handgun, SN	Northwest corner bedroom vault	Detective Hendricks

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M446139		
FNH USA 5.7X28 caliber handgun, SN 286182529	Northwest corner bedroom vault	Detective Hendricks

Detective Hendricks, Detective Fernandez, and Sergeant Comiskey conducted field narcotics tests (AKA – ODV Test) on narcotics located within Austin's residence. All of these tests returned positive results. Detective Hendricks was certified to perform said tests in November 2000, Detective Fernandez was certified to perform said tests in June 2007, and Sergeant Comiskey was certified to perform said tests in January 2000.

Detective Hendricks and CSA Ubbens impounded all of the above described seized items as evidence.

The 12 firearms seized from Austin's residence were run through records. Four of the firearms were registered to Austin:

- Sig Sauer P6 9mm handgun, SN M446139
- Kimber .45 caliber handgun, SN KR132954
- Walther P22 .22 caliber handgun, SN Z016592
- Ruger .357 revolver, SN 573-34341

Based on the above facts and circumstances, and statements made by Austin, including references to smoking "a lot of weed," a reasonable person would believe Austin unlawfully violated NRS 202.360, Ownership or Possession of Firearm by Certain Persons Prohibited, which states, in part, a person shall not own or have in his possession or under his custody or control, any firearm if the person is an unlawful user of, or addicted to, any controlled substance. Austin in fact owns several firearms and is an unlawful user of a controlled substance.

Austin did have methamphetamine and marijuana in his residence. These controlled substances were mostly contained within his bedroom, which is the Master Bedroom in his residence, and within his vault. Both the Master Bedroom and the vault contained items of personal property identifying Austin and showing his ownership and predominant interest in these areas of the residence which is shared by other residents and is frequented by many friends and acquaintances.

Austin was booked into the Clark County Detention Center and charged with Prohibited Person Possession of Firearm, Possession of Methamphetamine, Possession of Marijuana over 1 oz., and Possession of Schedule I - IV Controlled Substance (17 counts – one count for each Xanax bar).

It should also be noted that the amount of narcotics, narcotics paraphernalia, and narcotics related items found throughout the residence suggests Austin openly allows and participates in the unlawful use and possession of narcotics. Many of these items are commonly found with persons who package and sell controlled substances, i.e. plastic baggies and digital scales.

Detective McCaffery contacted District Attorney Bawa and explained the findings of the investigation and charges Austin was arrested for. District Attorney Bawa agreed probable cause existed to seek a search warrant to draw Austin's blood for the purpose of laboratory testing to establish if he was under the influence of

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a controlled substance at the time of his arrest. Detective Hendricks authored a Search Warrant. Detective Hendricks contacted Judge Yeager who authorized the Search Warrant.

Detective Hendricks, Detective McCaffery, and Sergeant Comiskey went to the Clark County Detention Center where Austin's blood was drawn pursuant to the Search Warrant to obtain a blood sample.

LAS VEGAS JUSTICE COURT
CLARK COUNTY, NEVADA

PROBABLE CAUSE REVIEW FORM

(for out-of-custody defendants who were originally arrested for a felony and without a warrant)

DATE: 03/09/2016

DEPT #: JC Dept. 02

JUDGE: Sciscento

CASE #: PC16F03718X

CLERK: Kimberly O'Neal

DEFENDANTS NAME: Austin Lee Russell

DEFENDANT'S ID#: 1630891

The defendant is out of custody because,
prior to the Court's probable-cause review, the following occurred:

- ☐ The DA denied prosecution.
- ☐ The DA issued a "DARF" form to CCDC (DA returning for further investigation).
- ☐ The PreTrial Services Division released the defendant on his or her own recognizance.
- ☒ The defendant posted bail to secure his or her release.
- ☐ Metro filed a notice of "NCF" ("No Charges Filed").
- ☐ The jail released the defendant on his or her own recognizance.
- ☐ OTHER: _____

For the purpose of NRS 176.09123, the result of this Court's probable-cause review is as follows:

- ☒ **Probable cause existed** for the defendant's arrest. Therefore, the defendant's biological specimen shall be submitted to the appropriate forensic laboratory for genetic-marker analysis.
- ☐ **Probable cause did NOT exist** for the defendant's arrest. Therefore, the defendant's biological specimen shall be destroyed within 5 business days after the jail's receipt of this determination.
- ☐ **OTHER:** _____

Date: 3-11-16

Judicial Signature: _____

NEXT COURT DATE: 05/23/16

TIME: 0800AM

LOCATION: JC 02