

CLERK OF THE COURT

Electronically Filed
Jun 08 2010 10:34 a.m.
Tracie K. Lindeman

NOTC

FRANNY A. FORSMAN
Federal Public Defender
Nevada Bar No. 000014
GARY A. TAYLOR
Nevada Bar No. 11031C
NISHA N. BROOKS-WHITTINGTON
Nevada Bar No. 11032C
411 E. Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101
(702) 388-6577
(Fax) 388-5819
Attorneys for Petitioner

CLARK COUNTY

DISTRICT OF NEVADA

WILLIAM CASTILLO,
Petitioner,

Case No. C133336
Dept. No. XVIII

vs.

(Death Penalty Habeas Corpus Case)

E.K. McDANIEL, , Warden and
CATHERINE CORTEZ MASTO,
Attorney General of the State of Nevada,

NOTICE OF APPEAL

Respondents.

NOTICE is hereby given that petitioner, William Castillo appeals to the Nevada Supreme Court from the Findings of Fact and Conclusions of Law and Order denying the Petition for Post-Conviction Relief entered in this action on May 12, 2010. Notice of Entry of Decision and Order of the foregoing order was filed and mailed on May 21, 2010.

Respectfully submitted this 4th day of June, 2010.

FRANNY A. FORSMAN
Federal Public Defender

/s/ Gary A. Taylor
Gary A. Taylor
Assistant Federal Public Defender

/s/ Nisha N. Brooks-Whittington
Nisha N. Brooks-Whittington
Assistant Federal Public Defender

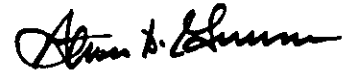
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David Roger
Clark County District Attorney
Steven S. Owens
Chief Deputy District Attorney
Office of the District Attorney
Regional Justice Center, Third Floor
200 Lewis Avenue
Las Vegas, Nevada 89155

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CLERK OF THE COURT

1 **ASTA**
2 **FRANNY A. FORSMAN**
3 **Federal Public Defender**
4 **Bar No. 000014**
5 **GARY A. TAYLOR**
6 **Nevada Bar No. 11024C**
7 **NISHA N. BROOKS-WHITTINGTON**
8 **Nevada Bar No. 11032C**
9 **411 E. Bonneville Avenue, Suite 250**
10 **Las Vegas, Nevada 89101**
11 **(702) 388-6577**
12 **(Fax) 388-5819**

13 **Attorneys for Petitioner**

14 **CLARK COUNTY**
15 **DISTRICT OF NEVADA**

16 **WILLIAM CASTILLO,**
17 **Petitioner,**

Case No. C133336
Dept. No. XVIII

18 **vs.**

CASE APPEAL STATEMENT

19 **E.K. McDANIEL, Warden of Ely**
20 **State Prison, and CATHERINE CORTEZ**
21 **MASTO, Attorney General of the State of**
22 **Nevada,**

23 **Respondents.**

CASE APPEAL STATEMENT

24 **1. Name of petitioner filing this case appeal statement:**

25 **William Castillo**

26 **2. Identify the judge issuing the order appealed from:**

27 **Honorable David Barker**

28 **3. All parties to the proceedings in the district court:**

Same as in caption; State of Nevada is real party in interest.

4. All parties involved in this appeal:

Same as in caption; State of Nevada is real party in interest.

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1 5. **Set forth the name, law firm, address and telephone number of all counsel**
2 **on appeal and party or parties whom they represent:**

3 Franny Forsman
4 Federal Public Defender
5 Gary A. Taylor
6 Assistant Federal Public Defender
7 Nisha N. Brooks-Whittington
8 Assistant Federal Public Defender
9 411 E. Bonneville, Ste. 250
10 Las Vegas, NV 89101
11 (702) 388-6577

12 Counsel for Petitioner, William Castillo

13 David Roger
14 Clark County District Attorney
15 Steven S. Owens
16 Chief Deputy District Attorney
17 Office of the District Attorney
18 Regional Justice Center, Third Floor
19 200 Lewis Avenue
20 Las Vegas, Nevada 89155
21 (702) 671-2750

22 and

23 Catherine Cortez Masto
24 Attorney General of Nevada
25 Victor Hugo Schulze II
26 Deputy Attorney General
27 Criminal Division
28 Attorney General's Office
555 E. Washington Avenue #3900
Las Vegas, Nevada 89101
(702) 486-3110

Counsel for Warden and State of Nevada

20 6. **Whether petitioner/appellant was represented by appointed or retained**
21 **counsel in the district court:**

22 The United States District Court appointed the Federal Public Defender for the
23 District of Nevada on July 7, 2004. See Castillo v. McDaniel, No. 2:04-cv-
24 00868, Docket No. 4. The Federal Public Defender made their first
25 appearance on behalf of Petitioner/Appellant William Castillo in this case on
26 November 9, 2009.

27 7. **Whether petitioner/appellant was granted leave to proceed in forma**
28 **pauperis, and the date of entry of the district court order granting such**
leave:

The United States District Court granted Mr. Castillo leave to proceed in
forma pauperis on July 7, 2004. The Nevada courts previously held Mr.
Castillo was indigent.

1 8. **Date proceedings commenced in the district court (e.g., date complaint,
2 indictment, information or petition was filed):**

3 Petition for writ of habeas corpus was filed on September 18, 2009.

4 Respectfully submitted this 4th day of June, 2010.

5 FRANNY A. FORSMAN
6 Federal Public Defender

7 /s/ Gary A. Taylor
8 GARY A. TAYLOR
9 Nevada Bar No. 11024C
Assistant Federal Public Defender

10 /s/ Nisha N. Brooks-Whittington
11 NISHA N. BROOKS-WHITTINGTON
12 Assistant Federal Public Defender
Nevada Bar No. 11032C

13 Attorneys for Petitioner/Appellant

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David Roger
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Chief Deputy District Attorney
Office of the District Attorney
Regional Justice Center, Third Floor
200 Lewis Avenue
Las Vegas, Nevada 89155

Catherine Cortez Masto
Attorney General
Victor Hugo Schulze II
Deputy Attorney General
Criminal Division
Attorney General's Office
555 E. Washington Avenue #3900
Las Vegas, Nevada 89101

4

DATE: 06/07/10
CASE NO. 96-C-133336-C

I N D E X

TIME 2:48 PM
JUDGE:Barker, David

STATE OF NEVADA

[] vs Castillo, William P

[E]

0001 D1 William P Castillo

Pro Se

0002 D Michelle C Platou
4370 Smiley Rd
Las Vegas, NV 89115

?????? ## UNKNOWN ##

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	01/19/96	IND / (GRAND JURY) INDICTMENT Fee \$0.00				
0002	01/19/96	HEAR/GRAND JURY INDICTMENT	AL		01/19/96	
0003	01/19/96	ARRN/INITIAL ARRAIGNMENT	AL		01/24/96	
0004	01/19/96	BNCH/NO BAIL BENCH WARRANT ISSUED	0002	QU	01/19/96	
0005	01/19/96	ORDR/ORDER OF INTENT TO FORFEIT	0002		01/19/96	
0006	01/19/96	BNCH/NO BAIL BENCH WARRANT ISSUED	0001	QU	01/19/96	
0007	01/19/96	ORDR/ORDER OF INTENT TO FORFEIT	0001		01/19/96	
0008	01/23/96	NOTC/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0009	01/24/96	CALC/CALENDAR CALL	0001		08/21/96	
0010	01/24/96	JURY/TRIAL BY JURY	0001		09/04/96	
0011	01/24/96	CALC/CALENDAR CALL	0002		08/21/96	
0012	01/24/96	JURY/TRIAL BY JURY (VJ 8-21-96)	0002	VC	08/26/96	
0013	01/24/96	OCAL/STATUS CHECK: TRIAL STATUS	AL	OC	07/22/96	
0014	01/24/96	REQT/MEDIA REQUEST				
0015	01/24/96	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0016	02/02/96	REQT/MEDIA REQUEST				
0017	02/02/96	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0018	02/06/96	NOTC/NOTICE OF GRAND JURY EXHIBITS IN THE VAULT			01/19/96	
0019	02/14/96	TRAN/REPORTER'S TRANSCRIPT GRAND JURY 1/11/96 VOLUME I	AL AL		01/11/96	
0020	02/14/96	TRAN/REPORTER'S TRANSCRIPT GRAND JURY 1/18/96 VOLUME II			01/18/96	
0021	02/29/96	MOT /DEFT'S MOTION FOR APPOINTMENT OF CO-COUNSEL	0001 0001	GR	03/13/96	
0022	02/28/96	ORDR/STIPULATION AND ORDER THAT PETITION FOR WRIT OF HABEAS CORPUS MAY BE FILED UP TO AND INCLUDING MARCH 14 1996	AL AL			Y
0023	02/28/96	ORDR/ORDER FOR CONTACT VISIT	0002			
0024	03/01/96	ROC /RECEIPT OF COPY	0001		03/01/96	
0025	03/14/96	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0002 0002	DN	05/29/96	
0026	03/14/96	ORDR/ORDER OF APPOINTMENT OF COUNSEL	0001			
0027	03/20/96	ORDR/STIPULATION AND ORDER	0001			
0028	03/29/96	MOT /STATE'S MOTION TO AMEND INDICTMENT	AL	GR	05/29/96	
0029	03/29/96	WRIT/RETURN TO WRIT OF HABEAS CORPUS	0002			
0030	03/29/96	ORDR/ORDER	0002			
0031	04/01/96	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001 0001	DN	05/29/96	
0032	03/29/96	REQT/NOTICE OF MOTION AND MOTION TO AMEND INDICTMENT	AL AL		04/03/96	
0033	04/01/96	WRIT/WRIT OF HABEAS CORPUS	0002			
0034	03/29/96	OTTE/ORDER TO TRANSPORT	0002		03/29/96	

(Continued to page 2)

96-C-133336-C		(Continuation	Page	2)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0035	04/03/96	MOT /ALL PENDING MOTIONS 4-3-96	AL	04/03/96
0036	04/03/96	WRIT/WRIT OF HABEAS CORPUS	0001	
0037	04/18/96	ORDR/STIPULATION AND ORDER	0001	
0038	04/30/96	RSPN/DEFENDANT PLATOUS RESPONSE TO STATES	0002	Y
		OPPOSITION TO PLATOUS PETITION FOR WRIT	0002	
		OF HABEAS CORPUS		
0039	05/07/96	MOT /ALL PENDING MOTIONS 5-1-96	AL	05/01/96
0040	05/09/96	TRAN/REPORTER'S TRANSCRIPT DEFENDANT'S	AL	05/01/96 Y
		CASTILLO'S PETITION FOR WRIT OF HABEAS	AL	
		CORPUS DEFENDANT'S PLATOU'S PETITION FOR WRIT OF HABEAS CORPUS STATE'S MOTION		
		TO AMEND INDICTMENT		
0041	05/15/96	MOT /ALL PENDING MOTIONS 5-15-96	AL	05/15/96
0042	05/28/96	OTTE/ORDER TO TRANSPORT	0001	05/28/96
0043	05/28/96	EXPT/EX PARTE APPLICATION TO TRANSPORT	0001	
		DEFENDANT	0001	
0044	05/30/96	ORDR/ORDER TO AMEND INDICTMENT	AL	
0045	05/29/96	IND /AMENDED INDICTMENT	AL	05/29/96
0046	06/03/96	SUBP/SUBPOENA DUCES TECUM	0001	SC 06/14/96
			0001	SV 05/01/96
0047	06/05/96	MOT /ALL PENDING MOTIONS 5-29-96	AL	05/29/96
0048	06/05/96	EXPT/EX PARTE APPLICATION FOR EXCESS EXPERT	0001	
		FEES	0001	
0049	06/05/96	ORDR/ORDER FOR EXCESS EXPERT FEES	0001	
0050	06/07/96	SUBP/SUBPOENA DUCES TECUM	0001	SC 06/14/96
			0001	SV 06/06/96
0051	06/12/96	ORDR/ORDER DENYING PETITION FOR WRIT OF	0002	
		HABEAS CORPUS	0002	
0052	06/26/96	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS IN	0001	05/29/96 Y
		RE: DEFENDANT CASTILLO'S	0001	
		PETITION FOR WRIT OF HABEAS CORPUS AQND DEFENDANT PLATOU'S PETITION FOR WRIT		
		OF HABEAS CORPUS		
0053	07/30/96	MOT /DEFT'S MOTION FOR DISCOVERY OF POTENTIAL	0001	GR 08/12/96
		PENALTY HEARING EVIDENCE	0001	
0054	07/30/96	MOT /DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS	0001	GP 08/12/96
		AND IRRELEVANT PRIOR CRIMINAL ACTIVITY	0001	
0055	07/30/96	MOT /DEFT'S MOTION TO EXCLUDE OTHER BAD ACTS/	0001	GP 08/12/96
		PRIOR CRIMINAL ACTIVITY WHERE PREJUDICE	0001	
0056	07/30/96	REQT/NOTICE OF MOTION AND MOTION FOR	0001	08/12/96 Y
		DISCOVERY OF POTENTIAL PENALTY HEARING	0001	
		EVIDENCE		
0057	07/30/96	REQT/MOTION TO EXCLUDE OTEHR BAD ACTS	0001	08/12/96
		AND IRRELEVANT PRIOR CRIMINAL ACTIVITY	0001	
0058	07/30/96	REQT/MOTION TO EXCLUDE OTHER BAD ACTS AND	0001	08/12/96 Y
		IRRELEVANT PRIOR CRIMINAL ACTIVITY AND	0001	
		EVIDENCE WHERE PREJUDICE OUTWEIGHS PROBATIVE VALUE		
0059	08/01/96	ROC /RECEIPT OF COPY	0001	08/01/96
0060	08/06/96	MOT /DEFT'S MOTION TO LIMIT STATE'S PENALTY	0001	DN 08/12/96
		HEARING ARGUMENT	0001	
0061	08/06/96	MOT /DEFT'S MOTION IN LIMINE TO PRECLUDE	0001	GP 08/12/96
		AUTOPSY PHOTOGRAPHS	0001	
0062	08/06/96	MOT /DEFT'S MOTION TO ALLOW JURY	0001	GR 08/12/96
		QUESTIONNAIRE	0001	

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0063	08/12/96	MOT /ALL PENDING MOTIONS 8-12-96	0001		08/12/96	
0064	08/09/96	ANSW/ANSWER TO MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE	0001 0001			
0065	08/09/96	ANSW/ANSWER IN OPPOSITION TO MOTION TO EXCLUDE OTHER BAD ACTS AND IRRELEVANT	0001 0001			Y
PRIOR CRIMINAL ACTIVITY						
0066	08/09/96	ANSW/ANSWER IN OPPOSITION TO MOTION IN LIMINE TO PRECLUDE AUTOPSY PHOTOGRAPHS	0001 0001			
0067	08/09/96	ANSW/ANSWER TO MOTION TO ALLOW JURY QUESTIONNAIRE	0001 0001			
0068	08/09/96	ANSW/ANSWER IN OPPOSITION TO MOTION TO LIMIT STATES PENALTY HEARING ARGUMENT	0001 0001			
0069	08/09/96	ANSW/ANSWER IN OPPOSITION TO MOTION TO EXCLUDE OTHER BAD ACTS AND IRRELEVANT	0001 0001			Y
PRIOR CRIMINAL ACTIVITY AND EVIDENCE WHERE PREJUDICE OUTWEIGHS PROBATIVE VALUE						
0070	08/15/96	MOT /DEFT'S MOTION TO CONTINUE TRIAL	0001	DN	08/21/96	
0071	08/15/96	REQT/MOTION TO CONTINUE TRIAL AND ORDER SHORTENING TIME	0001 0001		08/21/96	
0072	08/16/96	LIST/LIST OF GUILT PHASE WITNESSES	AL			
0073	08/19/96	MOT /DEFT'S MOTION TO VACATE RESET TRIAL DATE	0002	DN	08/21/96	
0074	08/15/96	LIST/LIST OF PENALTY PHASE WITNESSES	0001			
0075	08/15/96	LIST/LIST OF GUILT PHASE WITNESSES	0001			
0076	08/20/96	ANSW/ANSWER IN OPPOSITION TO MOTION TO CONTINUE TRIAL	0001 0001			
0077	08/21/96	TRAN/REPORTER'S TRANSCRIPT PROCEEDINGS	0001		08/12/96	
0078	08/21/96	MOT /ALL PENDING MOTIONS 8-21-96	AL	DN	08/21/96	
0079	08/27/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I - FULL SESSION	0001 0001		08/26/96	
0080	08/26/96	ORDR/ORDER FOR TRANSCRIPT	0001			
0081	08/28/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II - EARLY AFTERNOON	0001 0001		08/27/96	
0082	08/28/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II - LATE AFTERNOON	0001 0001		08/27/96	
0083	08/29/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME III - MORNING SESSION	0001 0001		08/28/96	
0084	08/29/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME III - AFTERNOON SESSION	0001 0001		08/28/96	
0085	08/29/96	LIST/JURY LIST	0001			
0086	08/30/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME IV - MORNING SESSION	0001 0001		08/29/96	
0087	08/30/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME IV - AFTERNOON SESSION	0001 0001		08/29/96	
0088	08/30/96	EXPT/EX PARTE MOTION FOR RELEASE OF EVIDENCE	0001			
0089	08/30/96	ORDR/ORDER RELEASING EVIDENCE	0001			
0090	09/04/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME V - MORNING SESSION	0001 0001		09/03/96	
0091	09/04/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME V - AFTERNOON SESSION	0001 0001		09/03/96	
0092	09/05/96	HEAR/PENALTY HEARING (VK)	0001	VC	09/18/96	
0093	09/05/96	SENT/SENTENCING	0001	GR	11/04/96	
0094	09/05/96	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			08/26/96	

(Continued to page 4)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0095	09/05/96	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL AND VERDICT VOLUME VI	0001		09/04/96	
0096	09/04/96	INST/INSTRUCTIONS TO THE JURY	0001			
0097	09/04/96	VER /VERDICT	0001		09/04/96	
0098	09/04/96	VER /VERDICT	0001		09/04/96	
0099	09/04/96	VER /VERDICT	0001		09/04/96	
0100	09/04/96	VER /VERDICT	0001		09/04/96	
0101	09/04/96	VER /VERDICT	0001		09/04/96	
0102	09/04/96	VER /VERDICT	0001		09/04/96	
0103	09/04/96	VER /VERDICT	0001		09/04/96	
0104	09/10/96	OTTE/ORDER FOR TRANSPORTATION OF INMATE FOR PURPOSES OF HAIR TREATMENT	0002		09/10/96	
0105	09/12/96	REQT/MEDIA REQUEST				
0106	09/12/96	ORDR/ORDER GRANTING PERMISSION OF MEDIA ENTRY				
0107	09/18/96	HEAR/PENALTY HEARING	0001		09/25/96	
0108	09/04/96	TRAN/REPORTER'S TRANSCRIPT	AL		07/22/96	
0109	09/04/96	TRAN/REPORTER'S TRANSCRIPT	AL		04/03/96	
0110	09/04/96	TRAN/REPORTER'S TRANSCRIPT	AL		05/13/96	
0111	09/04/96	TRAN/REPORTER'S TRANSCRIPT	AL		01/24/96	
0112	09/04/96	TRAN/REPORTER'S TRANSCRIPT	AL		08/21/96	
0113	09/20/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME I - MORNING SESSION	0001		09/19/96	
0114	09/23/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME II - MORNING SESSION	0001		09/20/96	
0115	09/23/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME II - AFTERNOON SESSION	0001		09/20/96	
0116	09/20/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME I - AFTERNOON SESSION	0001		09/19/96	
0117	09/24/96	JURY/TRIAL BY JURY	0002		09/25/96	
0118	09/25/96	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0002			
0119	09/25/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME III - MORNING SESSION	0001		09/24/96	
0120	09/26/96	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			09/19/96	
0121	09/26/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME III - AFTERNOON SESSION	0001		09/24/96	
0122	09/26/96	TRAN/REPORTER'S TRANSCRIPT PENALTY HEARING VOLUME IV - VERDICT	0001		09/25/96	
0123	09/25/96	SENT/SENTENCING - COUNTS II, III & IV / DISMISSAL COUNTS - I, V, VI & VII	0002	GR	11/04/96	
0124	09/25/96	INST/INSTRUCTIONS TO THE JURY	0001			
0125	09/25/96	VER /VERDICT	0001		09/25/96	
0126	09/25/96	VER /SPECIAL VERDICT	0001		09/25/96	
0127	09/25/96	VER /SPECIAL VERDICT	0001		09/25/96	
0128	11/04/96	MOT /ALL PENDING MOTIONS 11-4-96	AL		11/04/96	
0129	11/04/96	NOTC/NOTICE OF APPEAL	0001	AP		
0130	11/05/96	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	AL		11/04/96	
0131	11/05/96	EMO /ENTRY OF MINUTE ORDER	0001			
0132	11/04/96	WARR/WARRANT OF EXECUTION	0001			
0133	11/04/96	ORDR/ORDER OF EXECUTION	0001			
0134	11/05/96	ORDR/ORDER OF APPOINTMENT	0001			
0135	11/06/96	EXPT/EX PARTE MOTION FOR STAY OF EXECUTION	0001			
0136	11/08/96	ORDR/ORDER TO STAY EXECUTION	0001			

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0137	11/12/96	JUDG/JUDGMENT OF CONVICTION	0001		11/12/96	
0139	11/12/96	ORDR/STIPULATION AND ORDER FOR PAYMENT OF ATTORNEYS FEES IN EXCESS OF THE STATUTORY ALLOWANCE	0001 0001		11/12/96	Y
0140	11/14/96	CERT/CERTIFICATE OF MAILING	0001		11/13/96	
0141	11/05/96	TRAN/REPORTER'S TRANSCRIPT	*D		11/04/96	
0142	11/26/96	NOTC/NOTICE OF APPEAL	0002	AP		
0143	11/26/96	STAT/CASE APPEAL STATEMENT	0001			
0144	11/26/96	STAT/CASE APPEAL STATEMENT	0002			
0145	12/04/96	NOEV/NOTICE OF TRANSCRIPT ON THE WALL	0001		08/26/96	
0146	12/05/96	MOT /STEVEN G. MCGUIRE'S MOTION TO WITHDRAW AS COUNSEL OF RECORD	0001 0001	GR	12/20/96	
0147	12/06/96	MOT /DEFT'S PRO PER MOTION TO CONTINUE WAIVER OF COSTS & FEES MTN TO APPOINT COUNSEL	0002 0002	DN	12/18/96	
0148	12/05/96	NOAS/DESIGNATION OF RECORD ON APPEAL	0002			
0149	12/05/96	REQT/MOTION TO APPOINT COUNSEL	0002		12/18/96	
0150	12/05/96	REQT/MOTION TO CONTINUE WAIVER OF COSTS AND FEES	0002 0002		12/18/96	
0151	01/03/97	ASSG/Reassign Case From Judge MAUPIN TO Judge GIBBONS				
0152	01/07/97	ORDR/ORDER DENYING DEFENDANTS PROPER PERSON MOTION TO CONTINUE WAIVER OF COSTS AND FEES AND MOTION TO APPOINT COUNSEL	0002 0002			Y
0153	01/21/97	HEAR/STATE'S REQUEST APPOINTMENT OF COUNSEL	0002	MR	02/19/97	
0154	01/28/97	JUDG/JUDGMENT OF CONVICTION - PLEA	0002			
0155	01/28/97	JMNT/ADMINISTRATION/ASSESSMENT FEE	0002		01/31/97	
0156	01/28/97	JMNT/JUDGMENT OF RESTITUTION	0002		01/31/97	
0157	01/17/97	TRAN/REPORTER'S TRANSCRIPT OF MOTION TO WITHDRAW	0001 0001		12/16/96	
0158	03/05/97	NOTC/NOTICE OF APPOINTMENT OF COUNSEL	0002			
0159	03/13/97	TRAN/REPORTER'S TRANSCRIPT	0002		09/25/96	
0160	03/14/97	CRTF/CERTIFICATE ACKNOWLEDGING DELIVERY OF CERTIFIED TRANSCRIPT TO THE CLERK	0002 0002			Y
		OF THE SUPREME COURT AND CERTIFICATE ACKNOWLEDGING DELIVERY OF CERTIFIED COPIES OF TRANSCRIPT TO COUNSEL				
0161	06/28/97	ASSG/Reassign Case From Judge GIBBONS to Judge PAVLIKOWSKI				
0162	04/29/98	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001 0001	GR	04/29/98	
0163	06/10/98	NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED	0002 0002		06/10/98	
0164	11/18/98	CASO/CASE (RE)ACTIVATED ON				
0165	11/18/98	MOT /DEFT'S MTN FOR INTERIM PAYMENT OF ATTY ATTORNEY FEES IN EXCESS OF THE STATUTORY	0001 0001	GR	12/01/98	
0166	11/18/98	REQT/MOTION FOR INTERIM PAYMENT OF ATTORNEY FEES IN EXCESS OF THE STATUTORY LIMIT AND COSTS ON A CAPITAL APPEAL	0001 0001		12/01/98	Y
0167	11/20/98	MOT /PUBLIC DEFENDER'S MOTION TO WITHDRAW AS COUNSEL	0002 0002	GR	12/03/98	
0168	11/19/98	ROC /RECEIPT OF COPY	0001		11/19/98	
0169	12/01/98	ORDR/ORDER GRANTING MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEY FEES AND	0001 0001			Y

(Continued to page 6)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
COSTS ON CAPITAL APPEAL						
0170	04/02/99	PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS MOTION FOR APPOINTMENT OF COUNSEL	0001	GP	04/20/99	
0171	04/05/99	CRTF/CERTIFICATE OF SERVICE BY MAIL	0001		04/05/99	
0172	04/20/99	HEAR/CONFIRMATION OF COUNSEL (BUCKELY J)	0001		04/23/99	
0173	04/23/99	ARGU/ARGUMENT	0001	OC	08/19/99	
0174	04/28/99	ORDR/ORDER APPOINTING COUNSEL	0001			
0175	05/11/99	NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED	0001		05/11/99	
0176	05/18/99	OCAL/STATE'S REQUEST STATUS CHECK PTN FOR WRIT	0002		05/20/99	
0177	05/20/99	ARGU/ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0002	DN	08/26/99	
0178	05/20/99	ROC /RECEIPT OF COPY	0001		04/29/99	
0179	05/20/99	CERT/CERTIFICATE OF MAILING	AL		04/29/99	
0180	05/25/99	ORDR/STIPULATION AND ORDER FOR PAYMENT OF EXCESS ATTORNEYS FEES AND EXPENSES	AL		05/14/99	
0181	06/02/99	NOTC/NOTICE OF DISPOSITION OF FILES	0001			
0182	07/06/99	OPPS/OPPOSITION TO DEFENDANTS PROPER PERSON PETITION FOR WRIT OF HABEAS CORPUS	0002			Y
POST-CONVICTION						
0183	07/20/99	CERT/CERTIFICATE OF MAILING	0001		07/12/99	
0184	08/26/99	CSCL/CASE CLOSED			08/26/99	
0185	09/10/99	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0002	HG	08/26/99	
0186	09/10/99	NOTC/NOTICE OF ENTRY OF ORDER	0002		09/10/99	
0187	11/22/99	CASO/CASE (RE)ACTIVATED ON				
0188	11/22/99	ASSG/REASSIGNMENT OF JUDGE Pavlikowski TO JUDGE Gibbons				
0189	11/22/99	MOT /DEFT'S MOTION FOR APPOINTMENT OF PSYCHIATRIST AND CO-COUNSEL	0001	GR	12/06/99	
0190	11/22/99	ROC /RECEIPT OF COPY	0001		11/22/99	
0191	02/18/00	ORDR/ORDER	0001			
0192	02/28/00	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS MOTION FOR APPOINTMENT OF PSYCHIATRIST	0001		12/06/99	Y
AND CO-COUNSEL						
0193	10/10/00	MOT /STATE'S MOTION TO PLACE ON CALENDAR	0001	GR	10/26/00	
0194	10/12/00	CERT/CERTIFICATE OF MAILING	0001		10/12/00	
0195	10/23/00	HEAR/CONFIRMATION OF COUNSEL	0001	CM	10/26/00	
0196	10/26/00	HEAR/HEARING	0001	OC	09/24/01	
0197	11/01/00	MOT /ALL PENDING MOTIONS 10/26/00	0001		10/26/00	
0198	12/02/00	ASSG/Reassign Case From Judge Gibbons To Judge Saitta				
0199	12/19/00	ORDR/ORDER OF APPOINTMENT	0001			
0200	03/01/01	MOT /DEFT'S MOTION FOR EXTENSION OF TIME TO FILE DEFT'S SUPPLEMENTAL BRIEF IN SUPPOR	0001	GR	03/12/01	
0201	05/09/01	TRAN/REPORTER'S TRANSCRIPT RE:DEFENDANT'S MTN FOR EXTENSION OF TIME TO FILE	0001		03/12/01	Y
DEFENDANT'S SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS						
0202	06/14/01	TRAN/REPORTER'S TRANSCRIPT OF STATE'S MOTION TO PLACE ON CALENDAR	0001		10/23/00	

(Continued to page 7)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0203	06/21/01	ORDR	STIPULATION AND ORDER	0001		06/21/01	
0204	07/23/01	ARGU	ARGUMENT	0001		03/04/02	
0205	07/23/01	ORDR	STIPULATION AND ORDER				
0206	08/01/01	TRAN	REPORTER'S TRANSCRIPT CONFIRMATION OF COUNSEL	0001		10/26/00	
0207	09/10/01	ORDR	STIPULATION AND ORDER	0001		09/05/01	
0208	09/13/01	ORDR	STIPULATION AND ORDER	0001		09/13/01	
0209	10/12/01	BREF	SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	0001			Y
0210	10/17/01	ROC	/RECEIPT OF COPY	0001		11/16/00	
0211	12/12/01	OPPS	OPPOSITION TO DEFENDANTS SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANT PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	0001			Y
0212	01/18/02	ORDR	STIPULATION AND ORDER	0001		01/18/02	
0213	02/19/02	ORDR	STIPULATION AND ORDER	0001		02/19/02	
0214	03/05/02	HEAR	AT THE REQUEST OF THE COURT ARGUMENT	0001		05/08/02	
0215	03/05/02	ORDR	STIPULATION AND ORDER	0001		03/05/02	
0216	03/05/02	RPLY	REPLY TO STATES RESPONSE TO DEFENDANTS SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS	0001			Y
0217	03/07/02	ROC	/RECEIPT OF COPY	0001		03/06/02	
0218	05/08/02	HEAR	EVIDENTIARY HEARING VE 09/16	0001	VC	10/11/02	
0219	06/11/02	TRAN	REPORTER'S TRANSCRIPT RE: REQUEST OF THE COURT: ARGUMENT	0001		05/08/02	
0220	06/11/02	TRAN	REPORTER'S TRANSCRIPT RE: REQUEST OF THE COURT: ARGUMENT	0001		04/10/02	
0221	08/09/02	TRAN	REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		08/02/02	
0222	09/16/02	HEAR	HEARING: ARGUMENT ON WRIT	0001	DN	01/22/03	
0223	09/16/02	ORDR	STIPULATION AND ORDER	0001	SC	12/04/02	
0224	09/27/02	BREF	SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS	0001			Y
0225	10/08/02	ROC	/RECEIPT OF COPY	0001		09/27/02	
0226	11/26/02	RSPN	STATES RESPONSE TO DEFENDANTS SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF DEFENDANTS POST CONVICTION PETITION FOR WRIT OF HABEAS CORPUS	0001			Y
0227	02/19/03	NOAS	NOTICE OF APPEAL	0001	AP	02/19/03	
0228	02/19/03	STAT	CASE APPEAL STATEMENT	0001			
0229	02/24/03	ORDR	ORDER OF APPOINTMENT	0001		02/24/03	
0230	03/17/03	EXPR	EX PARTE ORDER GRANTING EXCESSIVE ATTORNEYS FEES	0001		03/17/03	
0231	04/10/03	TRAN	REPORTER'S TRANSCRIPT RE ARGUMENT	0001		03/04/02	
0232	04/10/03	TRAN	REPORTER'S TRANSCRIPT OF EVIDENTIARY HEARING	0001		01/22/03	
0233	04/11/03	ORDR	ORDER FOR TRANSCRIPT	0001		01/22/03	
0234	05/07/03	CASO	CASE (RE)OPENED			05/07/03	
0235	05/07/03	OCAL	STATUS CHECK: FILING OF JUDGMENT	0001		06/11/03	
0236	06/11/03	JUDG	FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001	HG	01/22/03	
0237	06/11/03	CSCL	CASE CLOSED			06/11/03	

(Continued to page 8)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0238	02/10/04	APCL/APPEAL TO SUPREME COURT: CLOSED 40982			02/05/04	
0239	06/11/04	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		06/14/04	
0240	06/11/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001 0001		06/11/04	
0241	11/01/04	APCL/APPEAL TO SUPREME COURT: CLOSED 40982	0001	GR	10/27/04	
0242	11/01/04	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED	0001 0001		11/01/04	
0243	11/01/04	JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED	0001		11/04/04	
0244	02/01/05	EXPR/EX PARTE ORDER GRANTING EXCESSIVE ATTORNEYS FEES	0001 0001		02/01/05	
0245	02/15/05	CASO/CASE (RE)OPENED			02/15/05	
0246	02/15/05	MOT /STATE'S MOTION COURT TO ISSUE SUPPLE- MENTAL WARRANT OF EXECUTION (VC 2/23/05)	0001 0001	VC	03/02/05	
0247	03/30/05	CCPD/CASE CLOSED PER DEPARTMENT			03/30/05	
0248	08/18/05	MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS AT STATE EXPENSE /58	0002 0002	DN	08/29/05	
0249	08/18/05	CASO/CASE (RE)OPENED			08/18/05	
0250	08/25/05	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR TRANSCRIPTS AT STATE EXPENSE	0002 0002		08/29/05	
0251	09/02/05	ORDR/ORDER DENYING DEFENDANTS MOTION FOR TRANSCRIPTS AT STATE EXPENSE	0002 0002	GR	09/02/05	
0252	08/29/05	CSCL/CASE CLOSED			08/29/05	
0253	12/16/06	ASSG/Reassign Case From Judge Saitta To Judge HALVERSON				
0254	04/29/07	ASSG/Reassign Case From Judge Halverson To Judge Barker				
0255	09/08/07	CASO/CASE (RE)OPENED			09/07/07	
0256	09/08/07	MOT /STATES MTN FOR THE COURT TO ISSUE SUPPLEMENTAL WARRANT OF EXECUTION/59	0001 0001	MH	09/24/07	
0257	09/24/07	WARR/SUPPLEMENTAL WARRANT OF EXECUTION	0001			
0258	09/24/07	ORDR/SUPPLEMENTAL ORDER OF EXECUTION	0001		09/24/07	
0259	09/24/07	FILE/FILING	0001			
0260	11/08/07	CCPD/CASE CLOSED PER DEPARTMENT			11/08/07	
0261	11/21/07	ORDR/ORDER RELEASING EVIDENCE	0001		11/21/07	
0262	11/21/07	PET /PETITION FOR RELEASE OF EVIDENCE	0001			
0263	01/07/08	ROP /RECEIPT OF EXHIBITS	0001		01/02/07	
0264	09/18/09	CASO/CASE (RE)OPENED			09/18/09	
0265	09/18/09	PET /PTN FOR WRIT OF HABEAS CORPUS	0001		04/09/10	
0266	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - DEATH PENALTY HABEAS CORPUS	0001 0001			Y
CASE - VOLUME 15 OF 15						
0267	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 1 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0268	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 14 OF 15	0001 0001			
0269	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 5 OF 15 - DEATH PENALTY	0001 0001			Y
CASE						
0270	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 6 OF 15 - DEATH PENALTY	0001 0001			Y
CASE						

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NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0271	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 11 OF 15 - DEATH PENALTY	0001 0001			Y
CASE						
0272	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT FO HABEAS CORPUS - VOLUME 7 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0273	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 9 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0274	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 13 OF 15 - DEATH PENALTY	0001 0001			Y
CORPUS CASE						
0275	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 10 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0276	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 12 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0277	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 3 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0278	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 4 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0279	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 8 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0280	09/18/09	EXH /EXHIBITS TO PETITION FOR WRIT OF HABEAS CORPUS - VOLUME 2 OF 15 - DEATH PENALTY	0001 0001			Y
HABEAS CORPUS CASE						
0281	09/23/09	CERT/CERTIFICATE OF MAILING - DEATH PENALTY HABEAS CORPUS CASE	0001 0001			
0282	11/04/09	ARGU/ARGUMENT/DECISION	0001		04/09/10	
0283	12/02/09	RSPN/STATES RESPONSE AND MTN TO DISMISS DEFTS SECOND PETITION FOR WRIT OF HABEAS	0001 0001			Y
CORPUS - POST CONVICTION						
0284	12/30/09	MOT /STATE'S MTN TO DISMISS DEFT'S SECOND PET ITION FOR WRIT OF HABEAS CORPUS	0001 0001		04/09/10	
0285	01/04/10	ORDR/STIPULATION AND ORDER TO CONTINUE DATE TO FILE OPPOSITION TO RESPONDENTS	0001 0001		01/22/10	Y
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS AND HEARING						
0286	02/22/10	OPPS/OPPOSITION TO MOTION TO DISMISS	0001			
0287	02/22/10	EXH /EXHIBITS TO OPPOSITION TO MOTION TO DISMISS	0001 0001			
0288	03/18/10	RPLY/STATES REPLY TO DEFTS OPPOSITION TO STATES MOTION TO DISMISS	0001 0001			
0289	04/12/10	MOT /ALL PENDING MOTIONS (4-09-10)	0001		04/09/10	
0290	04/13/10	ORDR/ORDER FOR TRANSCRIPT	0001			
0291	04/21/10	TRAN/RECORDER'S TRANSCRIPT RE PETITION FOR WRIT OF HABEAS CORPUS - STATES MTN	0001 0001			Y
TO DISMISS DEFTS SECOND PETITION FOR WRIT OF HABEAS CORPUS - HEARD 04-09-10						
0292	05/12/10	FFCO/FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	0001 0001		05/12/10	

(Continued to page 10)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0293	05/24/10	EIE /ENTRY IN ERROR				
0294	05/21/10	NOED/NOTICE OF ENTRY OF DECISION AND ORDER				0001
0295	05/28/10	TRAN/REPORTER'S TRANSCRIPT RE PETITION FOR				0001
		WRIT OF HABEAS CORPUS HEARING 11-01-09				0001

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[Signature]
CLERK

ORDR

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILLIAM CASTILLO,
#1153209

Defendant.

CASE NO: C133336

DEPT NO: XVIII

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: 4/9/10
TIME OF HEARING: 10:00 A.M.

THIS CAUSE having come on for hearing before the Honorable DAVID B. BARKER, District Judge, for argument on the 9th day of April, 2010, WILLIAM CASTILLO being present in custody, represented by attorneys NISHA BROOKS and GARY TAYLOR of the Federal Public Defender's Office, the Respondent being represented by DAVID ROGER, District Attorney, by and through STEVEN S. OWENS, Chief Deputy District Attorney, and the Court having considered the matter, including pleadings, transcripts, arguments of counsel, and documents on file herein, this Court now makes the following findings of fact and conclusions of law.

In 1996, Castillo was convicted and sentenced to death for beating an 86-year old woman in the head with a tire iron and then smothering her as she lay sleeping in her bed while Castillo and an accomplice burglarized her home, robbed her of a VCR, money, and

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1 silverware, and then set fire to the house in order to destroy evidence. Castillo v. State, 114
2 Nev. 271, 956 P.2d 103 (1998). The convictions and sentence were affirmed on direct
3 appeal and Remittitur issued on April 28, 1999. Id. Castillo timely filed his first state post-
4 conviction petition on April 2, 1999, which was denied by this court after an evidentiary
5 hearing with written findings filed on February 5, 2004. That decision was affirmed on
6 appeal. (SC #40982). Six years after the findings of fact were filed in the first post-
7 conviction proceeding and five years after issuance of Remittitur in the subsequent appeal,
8 Castillo filed another state post-conviction petition on September 18, 2009, which the state
9 has responded to and moved to dismiss.

10 FINDINGS OF FACT

11 The instant post-conviction petition is filed more than ten (10) years after issuance of
12 Remittitur from direct appeal in violation of the one-year time bar of NRS 34.726.
13 Additionally, the current petition is Castillo's second attempt at state post-conviction relief
14 and is barred as a successive petition per NRS 34.810. The state also affirmatively pleads
15 laches and invokes the five-year time bar of NRS 34.800. This Court finds the allegations of
16 good cause and prejudice are insufficient to overcome each of these bars and orders the
17 petition dismissed.

18 Allegations of ineffective assistance of counsel at trial and on appeal were capable of
19 being raised in the first post-conviction proceedings and do not constitute good cause for
20 filing of a second petition. Likewise, any errors of first post-conviction counsel Chris Oram
21 occurred seven to ten years ago between 2000 and 2003 and do not provide good cause for
22 the entire length of delay. This Court finds that no alleged error of first post-conviction
23 counsel between 2000 and 2003 can account for the subsequent six year delay in filing the
24 instant petition in 2009.

25 After his first state post-conviction proceedings concluded in 2003, Castillo elected to
26 pursue federal relief by filing a pro per federal habeas petition on June 22, 2004, which he
27 could have filed in state court instead. Castillo litigated his federal claims for five years
28 from 2004 to 2009 in Case #2:04-cv-00868-RCJ-GWF. During that time, Castillo

1 affirmatively waived his federal rights, dismissed his federal petition, and agreed to be
2 executed. Although Castillo later changed his mind and reinstituted his federal petition, such
3 federal litigation and waiver of rights do not constitute good cause for the delay in returning
4 to state court.

5 This Court finds that as an intervening change in law, the McConnell decision does
6 not afford Castillo good cause for his delay. McConnell was decided in 2004 and yet
7 Castillo delayed five years before raising the claim in state court. Even once McConnell was
8 held to be retroactive in Bejarano in 2006, Castillo still delayed another three years before
9 raising the claim. Because a McConnell claim is untimely at this point and Castillo has
10 failed to offer a good cause explanation for the entire length of the delay, his claim is
11 procedurally barred.

12 Review of the McConnell claim is not warranted even under the fundamental
13 miscarriage of justice doctrine. McConnell-type error is an instructional error and concerns
14 only alleged legal innocence, not factual innocence. Furthermore, in a McConnell claim
15 there is no allegation of new evidence which is necessary to support a genuine claim of
16 actual innocence or fundamental miscarriage of justice.

17 Even applying McConnell, this Court finds that only the felony-burglary and felony-
18 robbery aggravators would be stricken and that two valid aggravators would remain, namely
19 being convicted of a prior crime of violence, and murder committed to avoid or prevent a
20 lawful arrest. This Court finds the evidence in aggravation to be compelling but the
21 evidence in mitigation to be relatively weak. After reweighing the remaining aggravating
22 and mitigating evidence, this Court concludes beyond a reasonable doubt that the jury still
23 would have imposed death absent the erroneous aggravating circumstances. Accordingly,
24 Castillo has failed to show by clear and convincing evidence that, but for a constitutional
25 error, no reasonable juror would have found petitioner eligible for the death penalty under
26 the applicable statute, and he is not actually innocent of the death penalty.

27 This Court finds that as an intervening change in law, Polk does not constitute good
28 cause for Castillo's second petition because it was published in 2007 and not timely raised

1 two years later in a 2009 petition. Furthermore, Polk did not address retroactivity of Byford
2 and Nika remains the current law that Byford is not retroactive. Castillo's conviction was
3 final upon issuance of Remittitur in 1999, well before the Byford decision. Accordingly,
4 Castillo is not entitled to application of the Byford decision and therefore Polk as intervening
5 case law does not constitute good cause for raising the claim in a second and untimely
6 petition.

7 Even if Baze v. Rees were timely raised as an intervening change in law, which it is
8 not, a challenge to the constitutionality of Nevada's lethal injection protocol is not
9 cognizable in a post-conviction petition for writ of habeas corpus in a death penalty case.
10 This claim is therefore dismissed.

11 Assuming all of Castillo's factual allegations are true, he still would not be entitled to
12 relief on this second petition and thus there is no need for an evidentiary hearing. Castillo
13 has failed to offer good cause explanations which account for the entire length of delay in
14 filing the instant successive petition. Therefore, the State's motion to dismiss the petition is
15 granted.

16 CONCLUSIONS OF LAW

17 NRS 34.726(1) states that "unless there is good cause shown for delay, a petition that
18 challenges the validity of a judgment or sentence *must* be filed within one (1) year after entry
19 of the judgment of conviction or, if an appeal has been taken from the judgment, within one
20 (1) year after the Supreme Court issues its remittitur."

21 NRS 34.800 recognizes that a post-conviction petition should be dismissed when
22 delay in presenting issues would prejudice the State in responding to the petition or in
23 conducting a retrial. NRS 34.800(1)(a) and (b). Furthermore, NRS 34.800(2) creates a
24 rebuttable presumption of prejudice to the State if "[a] period of five years [elapses] between
25 the filing of a judgment of conviction, an order imposing sentence of imprisonment or a
26 decision on direct appeal of a judgment of conviction and the filing of a petition challenging
27 the validity of a judgment of conviction." To invoke the presumption, the statute requires
28 that the State plead laches in its motion to dismiss the petition. NRS 34.800(2).

1 NRS 34.810(1)(b) states that the court *shall* dismiss a petition if the court determines
2 that: "The petitioner's conviction was the result of a trial and the grounds for the petition
3 could have been: (1) Presented to the trial court; (2) Raised in a direct appeal or a prior
4 petition for writ of habeas corpus or postconviction relief; or (3) Raised in any other
5 proceeding that the petitioner has taken to secure relief from his conviction and sentence,
6 unless the court finds both cause for the failure to present the grounds and actual prejudice to
7 the petitioner."

8 NRS 34.810(2) reads: "A second or successive petition *must* be dismissed if the
9 judge or justice determines that it fails to allege new or different grounds for relief and that
10 the prior determination was on the merits or, if new and different grounds are alleged, the
11 judge or justice finds that the failure of the petitioner to assert those grounds in a prior
12 petition constituted an abuse of the writ."

13 To establish good cause, a defendant *must* demonstrate that some impediment
14 external to the defense prevented compliance with the mandated statutory default rules.
15 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003); Lozada v. State, 110 Nev. 349,
16 353, 871 P.2d 944, 946 (1994); *see also* Hathaway 119 Nev. at 252, 71 P.3d at 506 (*citing*
17 Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001)); Passanisi v. Dir. of
18 Prisons, 105 Nev. 63, 769 P.2d 72 (1989); Crump v. Warden, 113 Nev. 293, 295, 934 P.2d
19 247, 252 (1997); Phelps, 104 Nev. at 659, 764 P.2d at 1305. Further, "appellants cannot
20 attempt to manufacture good cause[.]" *Id.* at 621, at 526. Valid impediments external to the
21 defense giving rise to "good cause" could be "that the factual or legal basis for a claim was
22 not reasonably available to counsel, or that 'some interference by officials' made compliance
23 impracticable." Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003) (*quoting*
24 Murray v. Carrier, 477 U.S. 478, 488 (1986)); *see also* Gonzalez, 118 Nev. at 595, 53 P.3d at
25 904, (*citing* Harris v. Warden, 114 Nev. 956, 959-60, 964 P.2d 785, 787 n.4 (1998)).

26 To find good cause there must be a "substantial reason; one that affords a legal
27 excuse." Hathaway, 119 Nev. at 252, 71 P.3d at 506 (*quoting* Colley v. State, 105 Nev. 235,
28 236, 773 p.2d 1229, 1230 (1989)). A defendant can show good cause only in those rare

1 situations where a failure to entertain the issue would result in "a fundamental miscarriage of
2 justice." Hogan v. Warden, 109 Nev. 952, 959, 860 P. 2d 710, 715 (1993), (quoting
3 McClesky v. Zant, 499 U.S. 467 (1991)).

4 The Nevada Supreme Court has held that a claim of ineffective assistance of counsel
5 that is procedurally barred cannot constitute good cause for excusing the procedural bars for
6 itself or any other claim. State v. District Court (Riker), 121 Nev. 225, 112 P.3d 1070
7 (2005). See also Edwards v. Carpenter, 529 U.S. 446, 453 (2000) (procedurally barred
8 ineffective assistance of counsel claim is not good cause).

9 Even where a petitioner may file a successive petition in order to allege the
10 ineffectiveness of first post-conviction counsel, he must still raise these matters in a
11 reasonable time to avoid application of procedural default rules. See Pellegrini v. State, 117
12 Nev. 860, 869-70, 34 P.3d 519, 525-26 (2001) (holding that the time bar in NRS 34.726
13 applies to successive petitions); see generally Hathaway v. State, 119 Nev. 248, 252-53, 71
14 P.3d 503, 506-07 (2003) (stating that a claim reasonably available to the petitioner during the
15 statutory time period did not constitute good cause to excuse a delay in filing). "A claim of
16 ineffective assistance of counsel may also excuse a procedural default if counsel was so
17 ineffective as to violate the Sixth Amendment. However, in order to constitute adequate
18 cause, the ineffective assistance of counsel claim itself must not be procedurally defaulted.
19 In other words, a petitioner must demonstrate cause for raising the ineffective assistance of
20 counsel claim in an untimely fashion." State v. District Court (Riker), 121 Nev. 225, 112
21 P.3d 1070 (2005).

22 Pursuit of federal remedies does not constitute good cause to overcome state
23 procedural bars. Colley v. State, 105 Nev. 235, 773 P.2d 1229 (1989). In Colley, the
24 defendant argued that he appropriately refrained from filing a state habeas petition during the
25 four years he pursued a federal writ of habeas corpus. The Nevada Supreme Court
26 disagreed: "Should we allow Colley's post-conviction relief proceeding to go forward, we
27 would encourage offenders to file groundless petitions for federal habeas corpus relief,
28 secure in the knowledge that a petition for post-conviction relief remained indefinitely

1 available to them. This situation would prejudice both the accused and the State since the
2 interest of both the petitioner and the government are best served if post-conviction claims
3 are raised while the evidence is still fresh.” Id.

4 McConnell was decided in 2004, and yet Castillo delayed five years before raising the
5 claim in state court. McConnell v. State, 120 Nev. 1043, 102 P.3d 606 (2004).
6 Additionally, even once McConnell was held to be retroactive, Castillo still delayed another
7 three years before raising the claim. Bejarano v. State, 122 Nev. 1066, 146 P.3d 265 (2006).

8 This Court “may excuse the failure to show cause where the prejudice from a failure
9 to consider the claim amounts to a ‘fundamental miscarriage of justice.’ ” Pellegrini v. State,
10 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). In this context, the fundamental miscarriage of
11 justice standard is met if Castillo “makes a colorable showing he is ... ineligible for the death
12 penalty.” Pellegrini, 117 Nev. at 887, 34 P.3d at 537. He must show by clear and
13 convincing evidence that, but for a constitutional error, no reasonable juror would have
14 found him death eligible. Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993),
15 citing Sawyer v. Whitely, 505 U.S. 333, 112 S.Ct. 2514 (1992).

16 The reweighing analysis under McConnell is limited to the trial record. See Rippo v.
17 State, 122 Nev. 1086, 1093-94, 146 P.3d 279, 284 (2006); Archanian v. State, 122 Nev.
18 1019, 1040-41, 145 P.3d 1008, 1023 (2006); see also Bridges v. State, 116 Nev. 752, 766, 6
19 P.3d 1000, 1010 (2000) (stating that the court “elected to explicitly reweigh the aggravating
20 and mitigating circumstances based upon our independent review of the trial record”). In
21 Haberstroh v. State, 119 Nev. 173, 184 n.23, 69 P.3d 6767, 683 n.23 (2003), the court
22 emphasized that its reweighing did not involve factual findings “other than those of the jury
23 at the original penalty hearing.” Because the reweighing analysis asks whether it is “clear
24 beyond a reasonable doubt that absent the invalid aggravators the jury still would have
25 imposed a sentence of death,” Bejarano, 122 Nev. at 1081, 146 P.3d at 276, the analysis, by
26 its very nature, addresses only the evidence considered by the jury.

27 The Nevada Supreme Court has held that the change in law announced in Byford is
28 not retroactive to cases that were already final. Nika v. State, 124 Nev. Adv. Op. 103, 198

1 P.3d 839 (Dec. 31, 2008). The Ninth Circuit's case did not discuss state retroactivity rules
2 and did not apply its reasoning to cases that are already final. Polk v. Sandoval, 503 F.3d
3 903 (9th Cir. 2007).

4 A challenge to the constitutionality of Nevada's lethal injection protocol is not
5 cognizable in a post-conviction petition for writ of habeas corpus in a death penalty case.
6 McConnell v. State, 125 Nev.Adv.Op. 24, 212 P.3d 307 (July 23, 2009).

7 A defendant is entitled to an evidentiary hearing if his petition is supported by
8 specific factual allegations, which, if true, would entitle him to relief, unless the factual
9 allegations are belied by the record. Marshall v. State, 110 Nev. 1328, 1331, 885 P.2d 603,
10 605 (1994). "The judge or justice, upon review of the return, answer, and all supporting
11 documents which are filed, shall determine whether an evidentiary hearing is required." NRS
12 34.770(1). However, "[a] defendant seeking post-conviction relief is not entitled to an
13 evidentiary hearing on factual allegations belied or repelled by the record." Hargrove v.
14 State, 100 Nev. 498, 503, 686 P.2d 222, 225 (1984); citing Grondin v. State, 97 Nev. 454,
15 634 P.2d 456 (1981).

16 **ORDER**

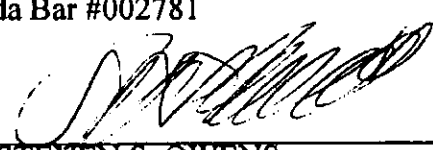
17 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
18 Relief shall be, and it is, hereby denied.

19 DATED this 11th day of May, 2010.

20
21 
22 DISTRICT JUDGE

23 DAVID ROGER
24 DISTRICT ATTORNEY
25 Nevada Bar #002781

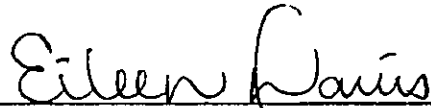
26 BY


27 STEVEN S. OWENS
28 Chief Deputy District Attorney
Nevada Bar #004352

1 **CERTIFICATE OF FACSIMILE TRANSMISSION**

2 I hereby certify that service of the foregoing document, was made this 11th day of
3 May, 2010, by facsimile transmission to:

4
5 GARY TAYLOR
6 NISHA BROOKS
7 FAX #(702) 355-5819

8 
9 _____
10 Employee for the District Attorney's
11 Office

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*** TX REPORT ***

TRANSMISSION OK

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RESULT	OK	



OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

DAVID ROGER*District Attorney***CHRIS OWENS***Assistant District Attorney***TERESA M. LOWRY***Assistant District Attorney***MARY-ANNE MILLER***County Counsel***STEVEN S. OWENS***Chief Deputy District Attorney*

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815

Telephone No. (702) 671-2750

TO: Gary Taylor / Nisha Brooks**FAX#:** (702) 388-5819**FROM:** Steven S. Owens**SUBJECT:** William Castillo, C133336, Findings**DATE:** May 11, 2010

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2252	
CONNECTION TEL		3885819
CONNECTION ID		
ST. TIME	05/04 15:17	
USAGE T	01'28	
PGS. SENT	9	
RESULT	OK	



OFFICE OF THE DISTRICT ATTORNEY
CRIMINAL APPEALS UNIT

DAVID ROGER*District Attorney***CHRIS OWENS***Assistant District Attorney***TERESA M. LOWRY***Assistant District Attorney***MARY-ANNE MILLER***County Counsel*

STEVEN S. OWENS
Chief Deputy District Attorney

FACSIMILE TRANSMISSION

Fax No. (702) 382-5815

Telephone No. (702) 671-2750

TO: Gary Taylor / Nisha Brooks **FAX#:** (702) 388-5819
FROM: Steven S. Owens
SUBJECT: William Castillo, C133336, Findings
DATE: May 4, 2010

Gary & Nisha:

The following Findings will be submitted to the Judge on May 11, 2010.

Sincerely,

Steven S. Owens

ORIGINAL

FILED

MAY 21 2010

Angie Calvillo
CLERK OF COURT

NOED

DISTRICT COURT
CLARK COUNTY, NEVADA

WILLIAM CASTILLO,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: C133336

Dept No: XVIII

NOTICE OF ENTRY OF
DECISION AND ORDER

PLEASE TAKE NOTICE that on May 12th, 2010, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on May 21, 2010.

STEVEN D. GRIERSON, CLERK OF THE COURT

By: *Angie Calvillo*
Angie Calvillo, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 21st day of May 2010, I placed a copy of this Notice of Entry of Decision and Order in:

The bin(s) located in the Office of the District Court Clerk of:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division

☒ The United States mail addressed as follows:

WILLIAM CASTILLO ID#51918
ELY STATE PRISON
P.O. BOX 1989
Ely, Nevada 89301

Attorneys: Nisha Brooks & Gary Taylor
Federal Public Defenders
411 E. Bonneville Ave #250
Las Vegas, Nevada 89101

Angie Calvillo
Angie Calvillo, Deputy Clerk

1 **ORDR**

2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **STEVEN S. OWENS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #004352**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

52
FILED

MAY 12 8 40 AM '10

[Signature]
CLERK COURT

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

8 **THE STATE OF NEVADA,**

9 **Plaintiff,**

10 **-vs-**

11 **WILLIAM CASTILLO,**
12 **#1153209**

13 **Defendant.**

CASE NO: C133336

DEPT NO: XVIII

14 **FINDINGS OF FACT, CONCLUSIONS OF**
15 **LAW AND ORDER**

16 **DATE OF HEARING: 4/9/10**
17 **TIME OF HEARING: 10:00 A.M.**

18 **THIS CAUSE** having come on for hearing before the Honorable **DAVID B.**
19 **BARKER**, District Judge, for argument on the 9th day of April, 2010, **WILLIAM**
20 **CASTILLO** being present in custody, represented by attorneys **NISHA BROOKS** and
21 **GARY TAYLOR** of the Federal Public Defender's Office, the Respondent being represented
22 by **DAVID ROGER**, District Attorney, by and through **STEVEN S. OWENS**, Chief Deputy
23 District Attorney, and the Court having considered the matter, including pleadings,
24 transcripts, arguments of counsel, and documents on file herein, this Court now makes the
25 following findings of fact and conclusions of law.

26 In 1996, Castillo was convicted and sentenced to death for beating an 86-year old
27 woman in the head with a tire iron and then smothering her as she lay sleeping in her bed
28 while Castillo and an accomplice burglarized her home, robbed her of a VCR, money, and

CLERK OF THE COURT

MAY 12 2010

RECEIVED

1 silverware, and then set fire to the house in order to destroy evidence. Castillo v. State, 114
2 Nev. 271, 956 P.2d 103 (1998). The convictions and sentence were affirmed on direct
3 appeal and Remittitur issued on April 28, 1999. Id. Castillo timely filed his first state post-
4 conviction petition on April 2, 1999, which was denied by this court after an evidentiary
5 hearing with written findings filed on February 5, 2004. That decision was affirmed on
6 appeal. (SC #40982). Six years after the findings of fact were filed in the first post-
7 conviction proceeding and five years after issuance of Remittitur in the subsequent appeal,
8 Castillo filed another state post-conviction petition on September 18, 2009, which the state
9 has responded to and moved to dismiss.

10 FINDINGS OF FACT

11 The instant post-conviction petition is filed more than ten (10) years after issuance of
12 Remittitur from direct appeal in violation of the one-year time bar of NRS 34.726.
13 Additionally, the current petition is Castillo's second attempt at state post-conviction relief
14 and is barred as a successive petition per NRS 34.810. The state also affirmatively pleads
15 laches and invokes the five-year time bar of NRS 34.800. This Court finds the allegations of
16 good cause and prejudice are insufficient to overcome each of these bars and orders the
17 petition dismissed.

18 Allegations of ineffective assistance of counsel at trial and on appeal were capable of
19 being raised in the first post-conviction proceedings and do not constitute good cause for
20 filing of a second petition. Likewise, any errors of first post-conviction counsel Chris Oram
21 occurred seven to ten years ago between 2000 and 2003 and do not provide good cause for
22 the entire length of delay. This Court finds that no alleged error of first post-conviction
23 counsel between 2000 and 2003 can account for the subsequent six year delay in filing the
24 instant petition in 2009.

25 After his first state post-conviction proceedings concluded in 2003, Castillo elected to
26 pursue federal relief by filing a pro per federal habeas petition on June 22, 2004, which he
27 could have filed in state court instead. Castillo litigated his federal claims for five years
28 from 2004 to 2009 in Case #2:04-cv-00868-RCJ-GWF. During that time, Castillo

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 016

09/24/96 10:00 AM 02 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000477	Bell, Stewart L.	Y
000862	Harmon, Melvyn T.	Y
0001 D1	Castillo, William P	Y
ST PD	State Public Defender	Y
003754	Laporta, Peter R.	Y
000824	Schieck, David M.	Y

10:26 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Court admonished deft. Castillo as to his right to testify or not testify and as to his right to allocution without being sworn. Court advised allocution must be limited to expressions of remorse, pleas for leniency and plans or hopes for the future. If it goes beyond that, the Court may take action including allowing the State to re-open and cross-exam. Deft. acknowledged. 10:32 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits per worksheets. 10:49 a.m.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Harmon requested the Court direct witness Tammy Jo Bryant to re-appear Thursday morning at 10:00 a.m. to testify in the Platou case. Further, this witness was served with a subpoena a few moments ago as to same and they are requesting she appear in the District Attorney's office at 9:30 a.m. Thursday morning for a pre-trial conference as well. Mr. Harmon advised Ms. Bryant spoke with his secretary last week and advised she would not honor a subpoena as this is too stressful and is going to send her to Charter Hospital, however, Ms. Bryant needs to be made to understand the importance of her appearing and testifying. Colloquy between Court and Ms. Bryant. COURT ORDERED, Ms. Bryant to appear at 10:30 a.m. on Thursday, September 26 to testify in the Michelle Platou matter. Upon Court's inquiry, Ms. Bryant advised she will be here. 10:54 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Unsworn statement in allocution by deft. Castillo. Defense rested. State advised they have no rebuttal. Court advised he and counsel will now retire to settle Instructions. Court admonished the Jury and excused them for lunch at 11:31 a.m. to reconvene at 1:30 p.m. at which time the Jury will be instructed and hear closing arguments. 11:55 a.m.--OUTSIDE THE PRESENCE OF THE JURY, Instructions settled on the record.

1:47 P.M.--Counsel stipulated to the presence of the Jury. Court instructed the Jury. Closing arguments by counsel. COURT ORDERED, with the permission of the parties, the alternates are released so they do not have to remain in the Courthouse during deliberations. Alternates admonished not to discuss the case. Court directed the alternates to leave information on how to contact them with the bailiff and they will be notified when there is a

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 017

verdict. At the hour of 4:23 p.m. this date, Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY, Mr. Schieck clarified his objection to Mr. Harmon's rebuttal argument in which he stated if the Jury did not give the deft. the death penalty they would be sentencing some unknown victim to death. Court acknowledged and advised he believes the language was in compliance with the Supreme Court's decision. Court adjourned at 4:25 p.m.

5:00 P.M.--Jury admonished and excused for the evening at 5:00 p.m. to return at 9:00 a.m. tomorrow morning to continue deliberations.

CUSTODY

CONTINUED TO: 09/25/96 09:00 AM 03

09/25/96 09:00 AM 03 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000477	Bell, Stewart L.	Y
000862	Harmon, Melvyn T.	Y
0001 D1	Castillo, William P	Y
000824	Schieck, David M.	Y

Jury retired to continue deliberations at the hour of 9:00 a.m. this date.

11:09 A.M.--Readback of Dr. Etcoff's testimony as requested by the Jury. Mr. Bell and Mr. Schieck present. Deft. Castillo's presence waived. Readback concluded at 12:19 p.m. Jury retired to continue deliberations.

4:47 P.M.--Counsel stipulated to the presence of the Jury. Deft. Castillo present with Mr. Schieck. Mr. Bell and Mr. Harmon present for the State. At the hour of 4:47 p.m. this date, Jury returned with a VERDICT OF DEATH. Jury polled at request of Mr. Schieck. Court thanked and excused the Jury at 4:54 p.m. COURT ORDERED, the November 4 sentencing date STANDS. Court adjourned at 4:55 p.m.

CUSTODY

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 018

11/04/96 09:00 AM 00 ALL PENDING MOTIONS 11-4-96

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000477	Bell, Stewart L.	Y
0001 D1	Castillo, William P	Y
000824	Schieck, David M.	Y
0002 D	Platou, Michelle C	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y

Richard Nall of the Division of Parole & Probation present.

DEFT. PLATOU ADJUDGED GUILTY OF COUNT II - BURGLARY (F), COUNT III - ROBBERY (F) AND COUNT IV - FIRST DEGREE MURDER (F). Statements in mitigation of sentencing. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, deft. is SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY SIX (26) MONTHS in the Nevada Department of Prisons and PAY \$48,033.96 RESTITUTION jointly and severally with co-deft. for Count II; SENTENCED to a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS in the Nevada Department of Prisons for Count III; SENTENCED to LIFE WITH THE POSSIBILITY OF PAROLE commencing when 20 years have been served in the Nevada Dept. of Prisons for Count IV. All counts to be served CONCURRENTLY with each other, with 320 DAYS Credit for Time Served. REMAINING COUNTS DISMISSED. BOND EXONERATED, if any.

DEFT CASTILLO ADJUGED GUILTY OF COUNT I - CONSPIRACY TO COMMIT BURGLARY AND/OR ROBBERY (F), COUNT II - BURGLARY (F), COUNT III - ROBBERY, VICTIM SIXTY-FIVE YEARS, OR OLDER (F), COUNT IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F), COUNT V - CONSPIRACY TO COMMIT BURGLARY AND ARSON (F), COUNT VI - BURGLARY (F) AND COUNT VII - FIRST DEGREE ARSON (F). Statements in mitigation of sentencing. Statement by the Court. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, deft. is SENTENCED to a MAXIMUM term of SEVENTY TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY EIGHT (28) MONTHS in the Nevada Department of Prisons for Count I; SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY MONTHS (120) MONTHS with a MINIMUM parole eligibility of FORTY EIGHT (48) MONTHS in the Nevada Department of Prisons for Count II; SENTENCED to a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY TWO (72) MONTHS in the Nevada Department of Prisons plus an EQUAL AND CONSECUTIVE MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY TWO (72) MONTHS in the Nevada Department of Prisons for Count III; SENTENCED to DEATH BY LETHAL INJECTION for Count IV;

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 019

SENTENCED to a MAXIMUM term of SEVENTY TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY EIGHT (28) MONTHS in the Nevada Department of Prisons for Count V; SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY EIGHT (48) MONTHS in the Nevada Department of Prisons for Count VI; SENTENCED to a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY TWO (72) MONTHS in the Nevada Department of Prisons for Count VII. All counts to be served CONSECUTIVELY to each other with 320 DAYS Credit for Time Served. BOND EXONERATED, if any. Warrant of Execution and Order of Execution signed and FILED IN OPEN COURT. Mr. Schieck requested he be served with a copy of the Warrant of Execution to prepare the appeal and advised he has spoken with Mr. LaPorta and deft. and requested to be appointed counsel to handle the appeal. No objection by the State. COURT SO ORDERED. Court advised he would like to see counsel in chambers later. Counsel acknowledged.

12/16/96 09:00 AM 00 STEVEN G. MCGUIRE'S MOTION TO WITHDRAW
AS COUNSEL OF RECORD

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: TINA HURD, Court Clerk
MARY BETH COOK, Reporter/Recorder

PARTIES: STATE OF NEVADA
004739 Rutledge, Brian S.

Y
Y

State advised Mr. Bell spoke with him about this case and advised Mr. LaPorta was already allowed to withdraw and Mr. Schieck was appointed. Court advised the minutes show Mr. Schieck has confirmed. State advised he believes the State Public Defender just needs an order. COURT ORDERED, matter CONTINUED to Friday and Mr. Schieck to be present; Clerk to notify Mr. Schieck.

LATER: Matter recalled with all present as before. Nancy Lemcke present for the State Public Defender's office. Court advised, according to the minute order, Mr. Schieck was allowed to substitute in and the Court has continued the matter to Friday to confirm same. Ms. Lemcke acknowledged.

NDP

CLERK'S NOTE: Mr. Schieck's office notified at 3:02 p.m. this date. th

CONTINUED TO: 12/20/96 09:00 AM 01

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 020

12/20/96 09:00 AM 01 STEVEN G. MCGUIRE'S MOTION TO WITHDRAW
AS COUNSEL OF RECORD

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: TINA HURD, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004739	Rutledge, Brian S.	Y
0001 D1	Castillo, William P	N
000824	Schieck, David M.	Y
ST PD	State Public Defender	Y
003754	Laporta, Peter R.	Y

Mr. LaPorta advised he was co-counsel for the trial and Mr. Schieck is going to handle the appeal. Mr. LaPorta advised he thought it best to file a motion. Upon Court's inquiry, Mr. Schieck advised he will be continuing with the appeal and has already been appointed by Judge Maupin. COURT ORDERED, motion GRANTED.

NDP

12/01/98 08:30 AM 00 DEFT'S MTN FOR INTERIM PAYMENT OF ATTY
ATTORNEY FEES IN EXCESS OF THE STATUTORY

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006240	Brown, Philip H.	Y
0001 D1	Castillo, William P	N
000824	Schieck, David M.	Y

There being no objection, COURT ORDERED, Mr. Schieck's Motion is GRANTED.
ORDER SIGNED IN OPEN COURT.

NDP

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 021

04/20/99 08:30 AM 00 DEFT'S PETITION FOR WRIT OF HABEAS
CORPUS MOTION FOR APPOINTMENT OF COUNSEL

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006240 Brown, Philip H.	Y
	0001 D1 Castillo, William P	N
	000824 Schieck, David M.	Y

Court ALLOWED Mr. Schieck to WITHDRAW; APPOINTED Joan Buckley and ORDERED,
matter set for confirmation of counsel.

NDP

4/23/99 8:30 AM CONFIRMATION OF COUNSEL (BUCKLEY J)

04/23/99 08:30 AM 00 CONFIRMATION OF COUNSEL (BUCKELY J)

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LINDA SKINNER, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006432 Nelsen, Kristen	Y
	0001 D1 Castillo, William P	N
	001785 Buckley, Joan D.	Y

Upon Court's inquiry, Ms. Buckley confirmed as counsel. Court directed Ms. Buckley to get the file from Mr. Schieck and set the following briefing schedule: Ms. Buckley will have until 6/11/99 at 5 PM to file any additional briefs and State will have until 7/23/99 at 5 PM to file their answer. COURT ORDERED, matter set for argument.

NDP

8/19/99 8:30 AM ARGUMENT

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P

CONTINUED FROM PAGE: 022

08/19/99 08:30 AM 00 ARGUMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: CAROL GREEN, Relief Clerk
JAMES HELLESO, Reporter/RecorderPARTIES: STATE OF NEVADA
005927 De La Garza, MelisaN
Y

COURT ORDERED, OFF CALENDAR.

NDP

12/06/99 09:00 AM 00 DEFT'S MOTION FOR APPOINTMENT OF
PSYCHIATRIST AND CO-COUNSEL

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: AMBER FARLEY, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.

0001 D1 Castillo, William P
001785 Buckley, Joan D.Y
Y

N
Y

COURT ORDERED, Motion GRANTED; Dr. Franklin Masters appointed as psychiatrist and Lizzie Hatcher appointed as co-counsel. Court noted Defendant has indicated he wants to be executed, necessitating the need for the psychiatrist to be appointed.

NDP

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P
CONTINUED FROM PAGE: 023

10/23/00 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: AMBER FARLEY, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
000411 Simon, H. L. Y

Colloquy regarding counsel for Defendant. COURT ORDERED, matter set for confirmation of counsel, and this matter CONTINUED. Court requested that Mr. Leon contact Mr. Siegal and apprise him of this case and next court date.

NDP

10/26/00 9:00 AM CONFIRMATION OF COUNSEL (J. SIEGAL)

CONTINUED TO: 10/26/00 09:00 AM 01

10/26/00 09:00 AM 00 ALL PENDING MOTIONS 10/26/00

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: AMBER FARLEY, Court Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
000411 Simon, H. L. Y

0001 D1 Castillo, William P N
004349 Oram, Christopher R. Y

CONFIRMATION OF COUNSEL

Mr. Oram CONFIRMED as counsel.

STATE'S MOTION TO PLACE ON CALENDAR

Parties requested a briefing schedule. Schedule set as follows:

3/1/01 Petition
5/25/01 Response
6/22/01 Reply

Matter set for hearing.

NDP

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 024

7/5/01 9:00 AM HEARING: WRIT

03/12/01 09:00 AM 00 DEFT'S MOTION FOR EXTENSION OF TIME TO
FILE DEFT'S SUPPLEMENTAL BRIEF IN SUPPOR

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: AMBER FARLEY, Court Clerk
KRISTINE CORNELIUS, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000411 Simon, H. L.	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

Mr. Oram stated the file is just now ready to be picked up, and requested 90 days to file his opening brief. Mr. Simon stated no objection thereto, and suggested a briefing schedule. Matter set as follows:

6/11/01 Opening brief due
8/6/01 Response due
9/10/01 Reply due
and matter set for hearing.

NDP

9/24/01 9:00 AM HEARING - DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

09/24/01 09:00 AM 01 HEARING

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Denise Husted, Court Clerk

PARTIES: NO PARTIES PRESENT

COURT ORDERED, OFF CALENDAR per stipulation of parties.

NDC

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P

CONTINUED FROM PAGE: 025

03/04/02 09:00 AM 02 ARGUMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Keith Reed, Relief Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006316 Goettsch, Becky S.	Y
	0001 D1 Castillo, William P	Y
	004349 Oram, Christopher R.	Y

Mr. Oram advised the Court Mr. Simon is requesting a continuance, there is a conflict that will require briefing. He requested the matter be taken off calendar. There being no opposition, COURT ORDERED, matter OFF CALENDAR.

NDC

04/10/02 09:00 AM 00 AT THE REQUEST OF THE COURT ARGUMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	002805 Wall, David T.	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

Mr. Oram stated he and Ms. Robinson have agreed to continue this matter and COURT SO ORDERED.

NDC

CONTINUED TO: 05/08/02 09:00 AM 01

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P

CONTINUED FROM PAGE: 026

05/08/02 09:00 AM 01 AT THE REQUEST OF THE COURT ARGUMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

COURT ORDERED, matter set for a brief evidentiary hearing on the issue of ineffective assistance of counsel. Court stated the examination will be limited to one hour.

NDC

7/12/02 10:00 AM EVIDENTIARY HEARING: INEFFECTIVE ASSISTANCE OF COUNSEL

08/02/02 09:00 AM 01 EVIDENTIARY HEARING VE 09/16

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

David Schieck SWORN and TESTIFIED. Pursuant to same, Mr. Oram requested additional time to supplement his briefs with regard to the Evans case and the evidence presented today. There being no opposition, COURT ORDERED, Motion to continue GRANTED. Defendant's supplement due by 9/6/02; State's response due 10/4/02.

NDC

CONTINUED TO: 10/11/02 01:30 AM 02

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 027

12/04/02 09:00 AM 00 HEARING:ARGUMENT ON WRIT

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Amber Farley, Court Clerk
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006088	Peterson, Clark A.	Y
0001 D1	Castillo, William P	N
004349	Oram, Christopher R.	Y

Mr. Oram requested the matter be passed for Judge Saitta to hear argument and COURT SO ORDERED.

NDC

CONTINUED TO: 01/22/03 09:00 AM 01

01/22/03 09:00 AM 01 HEARING:ARGUMENT ON WRIT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006088	Peterson, Clark A.	Y
0001 D1	Castillo, William P	N
004349	Oram, Christopher R.	Y

Court noted the cites of Evans, and that it specifically mandates that Judges are to use it after the ruling, and noted that the instant case precedes Evans.

Mr. Oram argued for a new penalty phase. Argument by Mr. Peterson. Court stated it was clear that Mr. Schieck was troubled by what he may have failed to do on behalf of the Defendant. Court stated the Nevada Supreme Court has become quite specific about what remarks would constitute such a significant error as to warrant a new penalty phase, however, further noted, the high court was also very careful in Evans to be succinct in using "after" and "subsequent" in its language. Court stated concern with regard to a retrospective application of Evans in that it would open a floodgate of cases to reconsider. Based on the law and the Court's findings, COURT ORDERED, Petition is DENIED.

Mr. Peterson is to prepare the Order. COURT ORDERED, Mr. Oram is APPOINTED

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA

vs Castillo, William P

CONTINUED FROM PAGE: 028

to handle the appeal.

NDC

05/12/03 09:00 AM 00 STATUS CHECK: FILING OF JUDGMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
Debbie Vanblaricom, Reporter/Recorder

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.

Y
Y

Mr. Peterson stated Mr. Oram may not know about today's court date. Mr. Peterson stated he will prepare the necessary order pursuant to the order of the Nevada Supreme Court. Status check CONTINUED.

NDC

CLERK'S NOTE: Message regarding above left with Layla at Mr. Oram's office.
/af 5/13/03

CONTINUED TO: 05/28/03 09:00 AM 01

05/28/03 09:00 AM 01 STATUS CHECK: FILING OF JUDGMENT

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Carole D'Aloia, Court Clerk
JoAnn Orduna, Reporter/Recorder

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.

Y
Y

Upon Court's inquiry, Mr. Peterson advised he was unable to have this completed and filed by today and assured Court it would be done by this afternoon or first thing in the morning. COURT ORDERED, matter CONTINUED and instructed Mr. Peterson to notify Mr. Oram.

NDC

CLERK'S NOTE: CLERK CALLED MR. ORAM'S OFFICE AND SPOKE TO HIS SECRETARY, SIMONE, AND GAVE HER THE 6/2/03 CONTINUANCE DATE. CD

CONTINUED TO: 06/02/03 09:00 AM 02

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P

CONTINUED FROM PAGE: 029

06/02/03 09:00 AM 02 STATUS CHECK: FILING OF JUDGMENT

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Amber Farley, Court Clerk
 Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007480 Pate, Susan	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

Court advised it could not hear this matter. Mr. Oram advised he's waiting for the document(s) to be filed. Matter CONTINUED.

NDC

CONTINUED TO: 06/11/03 09:00 AM 03

06/11/03 09:00 AM 03 STATUS CHECK: FILING OF JUDGMENT

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Amber Farley, Court Clerk
 Kristine Cornelius, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006088 Peterson, Clark A.	Y
	0001 D1 Castillo, William P	N
	004349 Oram, Christopher R.	Y

Findings of Fact and Conclusions of Law FILED IN OPEN COURT.

Upon Court's inquiry, Mr. Oram advised this case is now on appeal.

NDC

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P
CONTINUED FROM PAGE: 030

08/29/05 09:00 AM 00 DEFT'S PRO PER MTN FOR TRANSCRIPTS AT
STATE EXPENSE /58

HEARD BY: Nancy M Saitta, Judge; Dept. 18

OFFICERS: Kristen Brown, Court Clerk
Jo Anne Pierpont, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
007295 Saragosa, Melissa A. Y

COURT ORDERED, Motion DENIED.

NDC

09/24/07 09:00 AM 00 STATES MTN FOR THE COURT TO ISSUE
SUPPLEMENTAL WARRANT OF EXECUTION/59

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sandra Anderson, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
004352 Owens, Steven S. Y

0001 D1 Castillo, William P N
002437 Pescetta, Michael L. Y

Gary Taylor also present on behalf of the Deft. Court disclosed pursuant to Cannon 3, eleven years ago Court appeared in this case, parties had no objections. Court signed the Supplemental Warrant of Execution IN OPEN COURT.

NDC

CRIMINAL COURT MINUTES

96-C-133336-C STATE OF NEVADA vs Castillo, William P
CONTINUED FROM PAGE: 031

11/04/09 08:15 AM 00 PTN FOR WRIT OF HABEAS CORPUS

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES:	STATE OF NEVADA	~
	004352 Owens, Steven S.	Y
	0001 D1 Castillo, William P	N
	SPD Special Public Defender	Y

Special Public Defender, Nisha Brooks, present for Deft Castillo. Mr. Sweetin requested thirty days continuance to allow Response to the Petition. COURT ORDERED, briefing schedule set: State to respond by 12/2/09; Defense to Reply by 1/6/10; and matter CONTINUED to 1/22/10 for ARGUMENT/DECISION.

NDC

1/22/09 8:15 AM ARGUMENT/DECISION RE PETITION

CONTINUED TO: 01/22/10 08:15 AM 01

04/09/10 10:00 AM 00 ALL PENDING MOTIONS (4-09-10)

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Phyllis Irby/pi, Relief Clerk
Richard Kangas, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004352 Owens, Steven S.	Y
	0001 D1 Castillo, William P	Y
	SPD Special Public Defender	Y

PETITION FOR WRIT OF HABEAS CORPUS...STATE'S MOTION TO DISMISS DEFENDANT'S SECOND PETITION FOR WRIT OF HABEAS CORPUS...ARGUMENT/DECISION

Deft is not present. Ms. Nisha Brooks, Esq and Mr. Gary Taylor, Esq. present for Deft. Ms. Brooks argued Deft received ineffective assistance of counsel in violation of the 6th and 14th Amendment, Deft is entitled to a new trial and penalty based upon failure of trial counsel to present psychological defense to the trial phase of the case. Following further argument of counsel, COURT ORDERED, DEFT'S PETITION DENIED, STATE'S MOTION GRANTED. Counsel to submit Order to Public Defender's for review.

NDC

06/07/10
CASE NO. 96-C-133336-C

E X H I B I T S

2:50 PM
CASE STATUS: REOPENED

STATE OF NEVADA

[] vs Castillo, William P

[E]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P	/GRAND JURY EXHIBITS	S	/	01/19/96	V
0002	P/	/SEE LIST FILE/VAULT	S	/	08/26/96	V
0003	D	/SEE LIST FILE/VAULT	0001	/	08/26/96	V

Certification of Copy

State of Nevada } **SS:**
County of Clark }

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

VS.

WILLIAM CASTILLO,

Defendant(s),

Case No: C133336

Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 7 day of June 2010.

Steven D. Grierson, Clerk of the Court

Heather Lofquist, Deputy Clerk