

RE: William Patrick Castillo  
December 11, 2008  
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Thorpe's mother also reported that whenever a disagreement would arise that Ms. Thorpe would take William to his paternal grandmother's house for weeks at a time.

William was placed with the Delbo foster family on 10/30/1974. Catholic Charities records reflected that Mrs. Delbo was overprotective of William and resisted contact between William and his mother. Ms. Thorpe did, however, make regular visits with William and eventually removed William from the Delbo residence on 1/30/1975, one month after William's second birthday. The caseworker noted a concern in regards to the consistency of William's care and encouraged Ms. Thorpe to think of William's welfare.

One month prior to William's third birthday, the caseworker received correspondence from Ms. Gavan who indicated that Ms. Thorpe had moved to Florida with William and that she had asked her mother to care for William when she returned to Missouri. Her mother also reported that Ms. Thorpe was transient and working as a waitress. Shortly after the caseworker learned of this, William was brought back to Missouri to live with his paternal grandmother.

Two months after William's third birthday, Ms. Thorpe again called Catholic Charities looking for William to be placed in foster care. She stated that William's grandparents were unable to care for him. Ms. Thorpe reported at that time that she had received word that Mr. Thorpe was not caring for William properly and at times had been abusive to him. Ms. Thorpe also indicated that William's paternal grandfather cursed and fought in front of William.

Medical Records from 4/7/1976 reported that William had fallen off a roof several months earlier with no reported injuries sustained; however it was questioned why three-year-old William was on the roof by himself.

On 4/14/1976, William was reportedly placed in the foster home of Mr. and Mrs. Knowles. During this time, the foster parents were noted to report that William had a preoccupation with monsters, had imaginary playmates and nightmares. William reportedly missed his paternal grandmother and talked about her affectionately. Ms. Thorpe was noted to make regular contact with William at that time. Additionally, William reportedly had a difficult time adjusting to the Knowles home. It was reported that he would hit and kick other children and that he continued to have nightmares. William lived with Knowles family for approximately one year.

While William lived at the Knowles', his mother's life was noted to be tumultuous; Ms. Thorpe had been in a car accident, overdosed on drugs, and worked as a prostitute. Records indicated that Ms. Thorpe was admitted to the St. Louis State Hospital and released on 8/23/1976. A visit with Ms. Thorpe was reported on 7/23/1976. The Knowles' reported that after this visit, William returned with encopresis and enuresis and complained of nightmares of his mother's house. He also reportedly was noted to state, "I am afraid my daddy might hurt my mommy. I want to see my mommy but without my daddy. Sometimes I like him; sometimes he's mean." According to the caseworker's

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report, William showed his foster parents how his father would pound his fists when he became angry.

The foster parents also reported that when William first came to live with them, whenever he heard an ambulance he would be concerned that his mother was in it. He had said that he needed to take care of his mother because his father was going to hurt her. The foster family again noted that William had mentioned monsters after a visit with his grandparents in 12/1973.

William's nursery school teacher reported that William responded well to structure and consistency and that it appeared that he had a comfortable attachment with his foster family. Ms. Thorpe showed an interest in removing William from his foster care placement, at which time the caseworker attempted to prevent this from happening. Although the caseworker made every effort to protect William from returning to his mother's care, it was noted that the Missouri Juvenile Court Legal Department refused to authorize a petition based on "anticipated neglect or abuse." The records indicated that Ms. Thorpe removed William from his foster home on 4/21/1977.

Catholic Charities records were noted to be sparse for William between the ages of 4 and 6. Ms. Thorpe was noted to have relocated to Colorado Springs. William reportedly attempted to contact his foster parents while there. Ms. Thorpe was noted to have returned to Missouri in the beginning of 1978 but then was once again kicked out of her mother's home in August 1978 when she relocated with William to Lake Tahoe. It was noted that William reportedly had drowned his paternal grandmother's cat and had been setting fires. It was around this time that Mr. Thorpe was reported to have been paralyzed after his father shot him in August 1978.

Records indicated that Ms. Thorpe again requested foster care for William while in Lake Tahoe around 12/1978, right before William's sixth birthday. Catholic Charities records reported that it was not until after Ms. Thorpe left town that the Court granted temporary custody based on "sufficient evidence of neglect." Ms. Thorpe was noted to leave William with his father as of 1/12/1979 at the age of six. Weeks later William was ordered into foster care secondary to abandonment, although this was later dismissed when William was placed in the care of his paternal grandparents. The Missouri Catholic Charities case was noted to have been closed as of 12/29/1980.

It was noted that William had been sent to live with his maternal uncle in Florida for three months around the age of 7 because of his behavioral problems but his behavior did not change.

An Order for Adoption indicated that Ms. Thorpe had remarried Joseph L. Castillo and that Mr. Castillo petitioned the Court to adopt William on 1/6/1982 when William was age nine. Mr. Castillo said that when William would engage in serious bad behavior (e.g., stealing, lying, playing with fire, using foul language), that he would hit William with a belt.

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William was placed in out-of-home treatment with the Oasis Residential Facility in 1981. Note of 7/6/1981 indicated that William had lost control with his mother who reportedly had "screamed she would beat him if he did not tell her the truth." His mother was noted to have become completely incoherent and was shaking and William was removed from her presence. Program notes stated that William would frequently end telephone calls to his mother crying. Mr. Castillo requested that William be discharged from the program mid-September 1981; however three months later, two weeks prior to William's 9<sup>th</sup> birthday, Ms. Castillo contacted the coordinator of the program to request placement.

Psychological Evaluation Report of Dr. Triggs dated 5/24/1982 indicated that William continued to run away from home and displayed inappropriate behaviors (i.e. lying and stealing). William was subsequently referred to counseling by Juvenile Court Services, and Ms. Castillo was noted to indicate that she had William placed in foster homes because of financial problems.

Psychiatric Evaluation Report from the Las Vegas Mental Health Center of 7/7/1982 indicated that William had set fire to the family home and was placed in detention. The report noted that William showed no emotional response when discussing the fire. Mr. Castillo stated that William was involved in cutting the tires of motorcycles in the area.

On 7/29/1982, William was made a ward of the Juvenile Court as a "Neglected Child." The Court Ordered that William again participate in the Oasis Treatment Program. The notes later reported that William may have sustained a concussion in a car accident with a Teaching Parent.

Juvenile Court Transcripts from this time period (7/1982-12/1985) were reviewed and reflected a lack of consistency and effort on the part of William's mother. Ms. Castillo was also noted to have unrealistic expectations of William's progress.

William was subsequently committed to the Youth Hospital on 1/25/1983. By 2/21/1984, William was noted to have run away from the Youth Hospital many times and was reportedly sent to live with his grandparents in Missouri around April 1985 since alternative placements were not secured. William's father, Bill Thorpe, was also reported to pass away on 7/17/1984 secondary to Hodgkin's disease.

William was noted to have been involved in delinquent behavior while in Missouri and was remanded to a Detention Facility on 6/5/1985 and later transferred to the Boys Shelter Care. The St. Louis Juvenile Court then Ordered that William be returned to the care of his mother in Nevada as of 8/15/1985.

By 12/3/1985, William, age 13, was committed to the Third Cottage for treatment. Clinical Psychologist Sandra Rahrer reported that Mr. and Ms. Castillo said that they never wanted William home again, although Mr. Castillo was reportedly not yet willing to terminate his parental rights. Dr. Rahrer noted that William was taking Ritalin and it was helpful.

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Records indicated that William was committed to the Nevada Youth Training Center and committed five times between 1984 and 1991. As of 8/23/1989, William was noted to have described himself as a loner who said that he had never been home long enough to get to know Mr. Castillo.

The above history makes it abundantly clear that Mr. Castillo's early childhood was marked by extreme inconsistency, primarily stemming from his mother's intensely ambivalent, approach-avoidance behavior towards him from when he was an infant onwards. Oftentimes, his mother would ask for William when she felt capable of caring for him; but this feeling would dissipate quickly, resulting in her requesting placement from her mother, her mother-in-law or State agencies, e.g., Catholic Charities. Thus, throughout the course of his lifetime, and as evidenced from the record, William Castillo was consistently abandoned and reaccepted, only to be abandoned again. When with his mother, he was exposed to extremely violent and scary (especially to a toddler) events, including his mother's sexual exploits with men.

Based on the above neuropsychological testing, it is my opinion, as stated within a reasonable degree of neuropsychological certainty, that Mr. Castillo does have definite neuropsychological evidence of a cognitive/sensory-kinesthetic processing disorder involving significant impairment of tactile-motor integration, as assessed by the Tactual Performance Test; visual-motor integration as assessed by the Rey-Osterrieth Complex Figure Test with Recognition and Recall and by his copy of the key on the Aphasia Screening Test; impaired right-left transposition; impaired motor speed; and relative impairment of manual dexterity on the right. Mr. Castillo has bilateral difficulties in sensory processing, right somewhat worse than left. There is evidence that Ritalin helped Mr. Castillo as a child, but there is no adult neuropsychological evidence of an Attention-Deficit/Hyperactivity Disorder at this time, although he may well have met the requirements for an Attention-Deficit/Hyperactivity Disorder, predominantly Hyperactive-Impulsive Type, in childhood and adolescence.

Based on the history, it is clear that Mr. Castillo developed a Reactive Attachment Disorder of Infancy or Early Childhood. There is marked evidence that Mr. Castillo developed a Chronic Posttraumatic Stress Disorder in childhood, which was worsened by additional traumatic experiences as he became older. Dissociative Features of Mr. Castillo's Posttraumatic Stress Disorder include marked emotional numbing and interpersonal disengagement.

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### **FORMULATIONS AND IMPRESSIONS:**

The following DSM-IV-TR diagnostic impressions are rendered in regards to Mr. Castillo, and are stated within a reasonable degree of neuropsychological and psychological certainty, as follows:

<b>Axes</b>		<b>Codes</b>	<b>Descriptions</b>
<b>Axis I</b>	Clinical Disorders	294.9 313.89 309.81 312.81	Cognitive Disorder NOS (includes Sensory-Integration dysfunction) Reactive Attachment Disorder of Early Childhood; Posttraumatic Stress Disorder, Chronic; Conduct Disorder, Childhood-Onset Type
<b>Axis II</b>	Personality Disorders/MR		Antisocial Personality Features
<b>Axis III</b>	Medical Conditions		History of serial concussions; Evidence from testing of sensory-integration difficulties.
<b>Axis IV</b>	Psychosocial Problems		Problems with primary support group; Problems related to the social environment; Problems related to interactions with the legal system.
<b>Axis V</b>	Global Assessment of Functioning		65/100

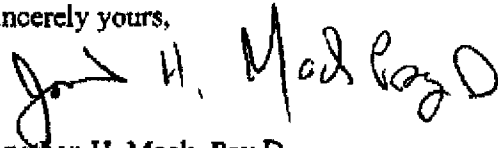
Based on all of the available information, it is my opinion, as stated within a reasonable degree of neuropsychological and psychological certainty, that the above-cited DSM-IV-TR diagnoses were present at the time of the criminal incident on or around 12/20/1995.

The history and test findings suggest, as stated within a reasonable degree of neuropsychological and psychological certainty, that at the time of the criminal events in question, Mr. Castillo was under extreme emotional duress due to activation of his Posttraumatic Stress Disorder by the specific circumstances of the criminal incident as they unfolded. It is my further opinion, as stated within a reasonable degree of psychological and neuropsychological certainty, that Mr. Castillo's Posttraumatic Stress Disorder combined with his organic tendency to be overreactive to environmental inputs as a direct consequence of his Cognitive Disorder NOS and underlying difficulties with sensory integration and sensory modulation to render him incapable of conforming his behavior to the requirements of law.

**RE: William Patrick Castillo**  
**December 11, 2008**  
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Please do not hesitate to contact me if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jonathan H. Mack, Psy.D.", written in a cursive style.

Jonathan H. Mack, Psy.D.  
N.J. Professional Psychology License #SIO2321  
Director, Forensic Psychology and Neuropsychology Services, P.C.  
Diplomate, American Board of Forensic Examiners  
Diplomate, American Academy of Experts in Traumatic Stress  
Diplomate, American Academy of Pain Management  
Diplomate and Senior Analyst, American Academy of Disability Analysts  
Registrant, National Register of Health Service Providers in Psychology

JHM/stb/cai

● ●

# EXHIBIT 39

# EXHIBIT 39

## **CURRICULUM V.**

### **JONATHAN H. MACK**

**Primary Business And Mailing Address:**

**Forensic Psychology and Neuropsychology Services, P.C.**  
The Mercadien Building  
3625 Quakerbridge Road  
Hamilton, NJ 08619

**Telephone:** (609) 890-8844

**Fax:** (609) 890-8817

**E-Mail:** [jhm@drjonathanmack.com](mailto:jhm@drjonathanmack.com)

**Website:** [www.forensicneuropsychologyexpert.com](http://www.forensicneuropsychologyexpert.com)

#### **PROFESSIONAL CERTIFICATIONS:**

Licensed Psychologist, State of New Jersey

License Number: SIO2321, 1987;

Licensed Psychologist, Commonwealth of

Pennsylvania, License Number: PS-0048770-L, 1986;

School Psychologist, Commonwealth of PA, 1985

Registrant, National Register of Health Service Providers in  
Psychology

Diplomate and Senior Analyst, American Board of Disability  
Analysts;

Diplomate, American Academy of Experts in Traumatic

Stress;

Diplomate, American Academy of Pain Management

#### **PROFESSIONAL MEMBERSHIPS:**

The National Academy of Neuropsychology

American Psychological Association, Divisions of

Neuropsychology and Private Practice

Society



**PARTIAL CLIENT LIST:**

**Consulting Neuropsychologist/ Forensic Psychologist**

- Asbury Park, NJ Police Department
- Chesterfield, NJ Police Department
- Ewing, NJ Police Department
- Trenton, NJ Police and Fire Departments
- Hopewell, NJ Police Department
- West Windsor, NJ Police Department
- Federal Defenders Association: Philadelphia Region, Harrisburg - Region
- Office of the Public Defender, State of New Jersey - Hudson County, Essex County, Monmouth County, Mercer County, Middlesex County, Central Office
- Office of the Mental Health Advocate, Office of the Public Defender, Newark, NJ
- Cumberland County, NJ Prosecutor's Office
- Philadelphia, PA District Attorney's Office
- Parental Rights Unit, Office of the Public Defender, Trenton, NJ
- State of New Jersey, Department of Law and Public Safety, Office of the Attorney General
- Coastal Associates
- Department of Physical Medicine and Rehabilitation, Medical Center at Princeton, Princeton, New
- Pennsylvania Office of the Public Defender, PA - Delaware County, Philadelphia County, Luzerne County, Bucks County
- National Healthcare Resources, Inc.
- First Options, Inc.
- Medical Consultants Network)
- Capitol Health Systems/Corporate Health Center, Trenton,

NJ

-Numerous private law firms for plaintiff and defense

**ADMITTED TO TESTIFY (PARTIAL LIST):**

Federal Court: New Jersey

New Jersey Superior Court, Counties: Mercer, Middlesex, Monmouth, Ocean, Gloucester, Burlington, Hunterdon, Somerset, Essex, Hudson, Passaic, Bergen, Union, Cumberland

New Jersey Administrative Law, Workers Comp Court, Family Court: Hunterdon, Somerset, Camden, Mercer, Monmouth, Hudson, Monmouth, Middlesex, Burlington

Pennsylvania Superior Court, Counties: Luzerne, Philadelphia, York, Berks

**FORENSIC TESTIMONY:**

Qualified as an expert in neuropsychology, clinical psychology, forensic psychology and neuropsychology, and in child psychology and neuropsychology in Superior, Federal and Administrative Law Courts in New Jersey and Superior Courts in Pennsylvania. Numerous Depositions. Sample areas of expert testimony include:

- NGRI/Diminished Capacity;
- Competency to Stand Trial;
- Intelligent, Voluntary and Knowing Waiver;
- Death Penalty Mitigation;
- Risk/Dangerousness Assessment;
- Recidivism Risk in Sex Offenders;
- Qualification for Megan's Law Sentencing in Sex Crimes Cases;
- Juvenile Waiver;
- Competence of and treatment needs of developmentally disabled criminal offenders
  
- Fitness For Duty Evaluations, Public Safety Personnel;
- Pre-employment Psychological Evaluations, Public Safety Personnel;
- Psychological Fitness for Employment;
- Psychological Fitness for Medical Procedures, e.g., Bariatric Surgery, -Dorsal Coloumn Stimulator implant, Plastic Surgery
  
- Parental Rights/Fitness Evaluations;
- Child Custody Evaluations;
- Parent-Child Bonding
  
- Social Security Disability Benefit Eligibility;
- Civil Competency
  
- Psychological and Neuropsychological IME's, Defense and Plaintiff, including Workers Compensation, Motor Vehicle, Medical Malpractice, Workplace Stress/Harassment, Toxic Tort,

Age range: 3 years through geriatric for evaluation.

**CURRENT POSITIONS:**

January 1989 -Present:

**President, Forensic Psychology & Neuropsychology Services, P.C.** Lawrenceville, N.J and New Hope, PA.  
(formerly Neuropsychology and Rehabilitation Associates, P.C., Jonathan H. Willard-Mack, Psy.D. and Associates)  
Providing a full range of forensic psychological and neuropsychological services, as well as medical diagnostic evaluations. Providing clinical and administrative supervision, neuropsychological and psychological evaluations and consultation.

**Director, The Mack Psychology Group** (d.b.a Forensic Psychology and Neuropsychology Services, P.C.). providing neuropsychological and psychological evaluation services to adults and children, as well as psychotherapeutic and cognitive remediation services. Providing clinical and administrative supervision, evaluation services, and psychotherapy.

1997-Present  
**Physical  
Rehabilitation Hospital.**

**University Medical Center at Princeton, Department of  
Medicine and Rehabilitation, Merwick**

2004-Present

Consulting Neuropsychologist,  
Neuropsychology Consultant to Stroke Program

**SUPERVISION:**

the State

Supervision of approximately 7 temporary permit holders in

Of New Jersey, providing post-doctoral supervision to meet the criteria for State licensure as a psychologist, 1989 -

Supervising Externs in the MA of Forensic Psychology Program, John Jay College of Criminal Justice (Spring 2005)

**EDUCATION:**

1983 Doctor of Psychology (Psy.D.), Clinical Psychology  
(APA-approved)

**Virginia Consortium for Professional Psychology**  
Norfolk and Williamsburg, Virginia  
Consortial with: The College of William and Mary; Eastern Virginia Medical School; Old Dominion University  
And Norfolk State University  
Fourth Year Specialization: Clinical Neuropsychology

Dissertation: The Evaluation of a Computerized Cognitive Stimulation Program for Older Adults with Dementia.

May 1979

M.S., Psychology  
American International College  
Springfield, Massachusetts

May 1977

B.A., Psychology  
Amherst College, Amherst, Massachusetts

**FELLOWSHIPS:**

Graduate Fellowship  
Eastern Virginia Medical School, Fall 1982

Graduate Fellowship  
Norfolk State University, Fall and Spring,  
1980 - 1981

Graduate Fellowship  
Eastern Virginia Medical School, Fall 1980

**EXTERNSHIPS:**

October 1990 -  
August 1991

**Externship:** Neuropsychological supervision  
With Steven Mattis, Ph.D., A.B.C.N.,  
New York Hospital, Westchester Division  
White Plains, New York

**PRIOR PROFESSIONAL EXPERIENCE:**

1989 - 1994:

Clinical Instructor,  
Department of Neurology,  
Robert Wood Johnson Medical School  
New Brunswick, NJ

1989 -1994:

Research on the Cognitive Effects of Lyme Disease,  
Department of Rheumatology, Robert Wood  
Johnson Medical School, Robert Wood Johnson University

Hospital

New Brunswick, New Jersey

1991 -1994:

Research on the Effects of Different Seizure

Medications on Cognition,  
Department of Neurology,  
Robert Wood Johnson Medical School  
New Brunswick, NJ

1991 - 1993: Consulting Neuropsychologist, Faculty Practice  
Department of Neurology, Robert Wood Johnson  
Medical School, Robert Wood Johnson University Hospital,  
New Brunswick, NJ

1991 - 1992: Clinical Director and Neuropsychologist  
Mentor Clinical Care, Inc. Head Trauma Program  
Edison, New Jersey

December 1986 -  
December 1988: Executive Director,  
Princeton Neuropsychology Center  
Skillman, NJ

Sep. 1985-  
Dec. 1986: Director of Neuropsychology/Neuropsychologist,  
St. Lawrence Rehabilitation Center  
Lawrenceville, NJ

March 1984 -  
September 1985: Clinical Neuropsychologist,  
The Devereux Foundation  
Devon, PA

October 1984 -  
September 1985: Instructor to the Interns and Post-doctoral Fellows  
In clinical neuropsychology  
Institute for Clinical Training and Research  
The Devereux Foundation  
Devon, PA

January 1983-  
June 1983: Practicum in Child and Adolescent Clinical  
Neuropsychology,  
Norfolk Community Mental Health Center and  
Psychiatric Institute  
Norfolk, VA

September 1982-  
December 1982: Practicum in Adult Clinical Neuropsychology,  
Veterans Administration Medical Center

Hampton, VA

September 1981 -  
August 1982:

Predoctoral Internship in Clinical Psychology  
(APA approved),  
The Irving Schwartz Institute for Children and  
Youth/Philadelphia Psychiatric Center  
Philadelphia, PA.  
Provided child and adult psychotherapy, and psychological  
and neuropsychological evaluation of adults and children

**PRESENTATIONS:**

August 2005

**The National Institute for Trial Advocacy**  
**Temple University School of Law**  
Philadelphia, PA  
Served as Expert Witness in Mock Death Penalty Case in  
the Preparation and Direct phase of a capitol murder case.

October 2004

Merwick Unit, University Medical Center at Princeton  
**Title: The Role of the Neuropsychologist in a Stroke**

Program

October 2004

Kats, Jamison, Van der Veen & Associates  
Feasterville, PA  
**Title: The Forensic Neuropsychological Evaluation of  
Traumatic Brain Injury**

September 2004

Inservco Insurance Company, Lawrenceville, NJ Office  
**Title: The Evaluation and Treatment of Work-Related  
Posttraumatic Stress Disorders in Public Safety Personnel**

Fall 2002

Merwick Unit, University Medical Center at Princeton  
**Title: The Treatment of Depression in Geriatric In-patients**

February, 1998

Lupus Foundation  
Lawrenceville, N.J.  
**Title: The Neuropsychology of Lupus**

July 30, 1997

New Jersey State Internship Program  
Princeton, New Jersey  
**Title: Introduction to clinical neuropsychology**

June 1, 1997	<p>Biofeedback Society of New Jersey  <b>Title:</b> The Integration of Neurofeedback &amp;  Cognitive Rehabilitation with  with John Andiorio, M.Ed.,B.C.I.A.c.</p>
July, 1996	<p>New Jersey State Internship Program  Princeton, NJ  <b>Title:</b> Introduction to Clinical Neuropsychology &amp;  Cognitive Rehabilitation  Quarter Day Workshop</p>
February, 1996	<p>Rehabilitation Insurance Nurses Group  Marlton, NJ  <b>Title:</b> Forensic Neuropsychology</p>
January, 1996	<p>New Jersey Neuropsychological Society  Edison, NJ  <b>Title:</b> Forensic Neuropsycholgy, Part II</p>
November, 1995	<p>New Jersey Neuropsychological Society  Edison, NJ  <b>Title:</b> Forensic Neuropsychology,  Part I with Edward Dougherty, Ed.D.</p>

October 11, 1995	Stark & Stark Lawrenceville, NJ <b>Title:</b> Introduction to Forensic Neuropsychology
July, 1994	New Jersey State Internship Program Princeton, NJ <b>Title:</b> Introduction to Clinical Neuropsychology and Cognitive Rehabilitation Half Day Workshop
May 15, 1993	Back Rehabilitation Institute Hamilton, NJ <b>Title:</b> Management of Offensive Behavior
January 22, 1993	Children's Specialized Hospital Mountainside, NJ <b>Title:</b> The Neuropsychology of Lyme Disease
May 20, 1991	CH.A.D.D. of Mercer County Trenton, New Jersey <b>Title:</b> Neuropsychology of ADHD
May 1, 1991	Robert Wood Johnson University Hospital, Department of Psychiatry, Psychiatry Reading Seminar New Brunswick, New Jersey <b>Title:</b> Neuropsychological Effects of Lyme
Neuroborreliosis	
March 20, 1991	Robert Wood Johnson University Hospital, Department of Rheumatology New Brunswick, New Jersey <b>Title:</b> Neurobehavioral Effects of Infectious Diseases
February 27, 1990	Robert Wood Johnson University Hospital, Department of Neurology New Brunswick, New Jersey <b>Title:</b> Neurobehavioral Grand Rounds: Neuropsychology of Minor Head Trauma
December 12, 1990	North Jersey Child Study Team, Association of L.D.T.C.'s <b>Title:</b> Head Trauma in School-aged Populations with Jean McCarthy, MA, CCC-SP





December 19, 1990	New Jersey Lyme Support Group <b>Title:</b> Lyme Disease and Its Psychological and Cognitive Effects
November 9, 1990	New Medico Philadelphia, Pennsylvania <b>Title:</b> Post-traumatic Stress Disorder in Traumatic Brain Injuries
September 29, 1989	CH.A.D.D. of Bucks County <b>Title:</b> A Team Approach to ADHD
April 18, 1989	CH.A.D.D. of Bucks County <b>Title:</b> The Neuropsychology of ADHD
December 12, 1988 Learning	New Jersey Association for Children and Adults with Disabilities Edison, New Jersey <b>Title:</b> Neuropsychological Assessment and IEP Planning for Learning Disabled Children
June 22, 1988	Jersey Association of Rehabilitation Professionals in the Private Sector Forsgate County Club, Jamesburg, NJ <b>Title:</b> Neuropsychological Assessment
February 17, 1988  Trauma	Hunterdon Medical Center, Flemington, NJ Grand Rounds with Charles Kososky, M.D. <b>Title:</b> Neurology and Neuropsychology of Minor Head Trauma
November 18, 1987	Robert Wood Johnson Medical School New Brunswick, NJ Seminar to neurology residents <b>Title:</b> Minor Head Trauma
October 28, 1987  Brain Injury	Conference on Traumatic Brain Injury Rehabilitation, Somerset, NJ Co-Sponsored by the New Jersey Head Injury Association and the Continuing Education Program for Rehabilitation, SUNY, Buffalo <b>Title:</b> Cognitive Rehabilitation of Traumatic Brain Injury; The Psychological Impact of Traumatic
October 5, 1987	Rock Brook School, Rocky Hill, NJ

**Title: Pediatric Neuropsychology Assessment**

July 14, 1987	Princeton Medical Center Emergency Room Princeton, NJ Presentation to Emergency Room Staff <b>Title: Minor Head Injuries</b>
September 15, 1986	St. Lawrence Rehabilitation Center Lawrenceville, NJ Presentation to Stroke Club <b>Title: Psychological Reactions and Adjustment to Stroke</b>
November 15, 1986	St. Lawrence Rehabilitation Center Lawrenceville, NJ Presentation to Mercer Chapter, New Jersey Head Injury Association <b>Title: Cognitive Rehabilitation</b>
February 18, 1986	Central Rehabilitation Association Freehold, NJ Presentation to Rehabilitation Nurses <b>Title: Neuropsychological Assessment and Cognitive</b>
Rehabilitation	
November 13, 1985	Philadelphia Clinical Neuropsychology Group Philadelphia, PA <b>Title: Cognitive Remediation of Geriatric Dementia</b>
Patients	
September 10, 1985	IVth Work Congress of Biological Psychiatry Philadelphia, PA <b>Title: Head trauma: Neuropsychological Assessment and</b> <b>Its Value For Rehabilitation and Treatment (With</b> <b>Solomon C. Litman, M.D.)</b>
October 18, 1984 Braintree Hospital	Fifth Annual Traumatic Head Injury Conference of the Braintree, Massachusetts <b>Title: The Neuropsychological Investigation in the</b> <b>Rehabilitation of Head Injuries; Problems and</b> <b>Solutions (with David W. Ellis, Ph.D.)</b>
March 1984	Moss Rehabilitation Hospital, Philadelphia, PA <b>Title: Current Trends in Cognitive Rehabilitation</b>
March 6, 1984	Child Guidance Clinic, Media, PA <b>Title: Neuropsychological Assessment:</b> <b>Uses, Techniques, and Future Trends</b>

February 14, 1984

Psychology Department, Philadelphia Geriatric Center,  
Philadelphia, PA

**Title:** Current Trends in Cognitive Rehabilitation

February 1, 1984  
Hospital,

Neuropsychology Laboratory, Thomas Jefferson University  
Philadelphia, PA

**Title:** The Evaluation of a Cognitive Stimulation Program  
for Older Adults with Dementia

December 8, 1983

The Beth Shalom Home of Eastern Virginia  
Virginia Beach, VA

**Title:** The Evaluation of a Cognitive Stimulation Program  
for Older Adults with Dementia

1 EXH  
FRANNY A. FORSMAN  
2 Federal Public Defender  
State Bar No. 0014  
3 GARY A. TAYLOR  
Assistant Federal Public Defender  
4 Nevada Bar No. 11031C  
NISHA N. BROOKS  
5 Assistant Federal Public Defender  
Nevada Bar No. 11032C  
6 411 East Bonneville Avenue, Suite 250  
Las Vegas, NV 89101  
7 Phone: (702) 388-6577  
Fax: (702) 388-5819  
8

9 Attorneys for Petitioner

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 WILLIAM P. CASTILLO,

13 Petitioner,

14 vs.

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

18 Respondents.

Case No. C133336  
Dept. No. XVIII

**EXHIBITS TO  
PETITION FOR WRIT  
OF HABEAS CORPUS**

(Death Penalty Habeas Corpus Case)

**FILED**

SEP 18 2003

*Office of the Clerk of Court*  
CLERK OF COURT

19 VOLUME 3 OF 15  
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1 EXH  
FRANNY A. FORSMAN  
2 Federal Public Defender  
State Bar No. 0014  
3 GARY A. TAYLOR  
Assistant Federal Public Defender  
4 Nevada Bar No. 11031C  
NISHA N. BROOKS  
5 Assistant Federal Public Defender  
Nevada Bar No. 11032C  
6 411 East Bonneville Avenue, Suite 250  
Las Vegas, NV 89101  
7 Phone: (702) 388-6577  
Fax: (702) 388-5819  
8

9 Attorneys for Petitioner

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 WILLIAM P. CASTILLO,

13 Petitioner,

14 vs.

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

18 Respondents.

Case No. C133336  
Dept. No. XVIII

**EXHIBITS TO  
PETITION FOR WRIT  
OF HABEAS CORPUS**

(Death Penalty Habeas Corpus Case)

19 **VOLUME 1 OF 15**

20 Exhibit No. Description

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- 23 2. Indictment, State v. Castillo, Clark County, Case No. C133336, January 19,  
24 1996
- 25 3. Order of Appointment of Counsel, State v. Castillo, Clark County, Case No.  
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- 26 4. Amended Indictment, State v. Castillo, Clark County, Case No. C133336, May  
27 29, 1996
- 28 5. Special Verdict, State v. Castillo, Clark County, Case No. C133336,  
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- 1 6. Special Verdict, State v. Castillo, Clark County, Case No. C133336,  
2 September 25, 1996
  - 3 7. Verdict, State v. Castillo, Clark County, Case No. C133336, September 25,  
4 1996
  - 5 8. Guilty Plea Agreement, State v. Michele C. Platou, Clark County, Case No.  
6 C133336, September 26, 1996
  - 7 9. Notice of Appeal, State v. Castillo, Clark County, Case No. C133336,  
8 November 4, 1996
  - 9 10. Appellant's Opening Brief, Castillo v. State, Nevada Supreme Court, Case No.  
10 29512, March 12, 1997
  - 11 11. Appellant's Reply Brief, Castillo v. State, Nevada Supreme Court, Case No.  
12 29512, May 2, 1997
  - 13 12. Petition for Rehearing, Castillo v. State, Nevada Supreme Court, Case No.  
14 29512, August 21, 1998
  - 15 13. Order Denying Rehearing, Castillo v. State, Nevada Supreme Court, Case No.  
16 29512, November 25, 1998
  - 17 14. Petition for Writ of Habeas Corpus, Castillo v. State, Clark County, Case No.  
18 C133336, April 2, 1999
  - 19 15. Opinion, Castillo v. State, Nevada Supreme Court, Case No. 29512, April 2,  
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  - 21 16. Supplemental Brief In Support of Defendant's Petition for Writ of Habeas  
22 Corpus (Post-Conviction), Castillo v. State, Clark County, Case No. C133336,  
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  - 24 17. Notice of Appeal, Castillo v. State, Clark County, Case No. C133336,  
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- 1 23. Instructions to the Jury, State v. Castillo, Clark County, Case No. C133336,  
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- 2 24. Verdict, State v. Castillo, Clark County, Case No. C133336, September 4,  
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- 4 25. Instructions to the Jury, State v. Castillo, Clark County, Case No. C133336,  
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- 27 46. Affidavit of Vital Statistics, Barbara Margaret Thorpe v. William Patrick  
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- 1 47. William P. Thorpe, Sr. Missouri Department of Corrections with Fulton State  
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- 3 48. Catholic Services for Children and Youth, Catholic Charities, Archdiocese of  
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- 6 49. Divorce proceedings, Barbara Castillo v. Joe Castillo, Clark County, Nevada,  
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- 8 50. Charles Sarkison, Attorney at Law, records of representation of Barbara M.  
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- 23 56. St. Louis Post-Dispatch, news article "Police Keeping Their Eyes Peeled At  
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- 10 142-A. Nevada Department of Corrections Confidential Execution Manual, Revised October 2007 with transmittal letter dated June 13, 2008
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- 12 143. Brief of Amici Curiae in Support of Petitioner, United States Supreme Court Case No. 03-6821, David Larry Nelson v. Donal Campbell and Grantt Culliver, October Term, 2003
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- 14 144. Killer makes final requests, LAS VEGAS SUN, March 18, 2004
- 15 145. Leonidas G. Koniaris, Teresa A. Zimmers, David A. Lubarsky, and Jonathan P. Sheldon, Inadequate Anaesthesia in Lethal Injection for Execution, Vol. 365, April 16, 2005, at <http://www.thelancet.com>
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18 178. Reporter's Transcript, Confirmation of Counsel, Castillo v. State, Clark County, Case No. C133336, October 26, 2000  
19 179. Recorder's Transcript, Defendant's Motion for Extension of Time to File Defendant's Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus, Castillo v. State, Clark County, Case No. C133336, March 12, 2001  
20 180. Recorder's Transcript Re: Argument, Castillo v. State, Clark County, Case No. C133336, March 4, 2002  
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- 1 182. Recorder's Transcript Re: request of the Court: Argument, Castillo v. State,  
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3 183. Recorder's Transcript Re: Evidentiary Hearing, Castillo v. State, Clark  
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OFFICE OF THE DISTRICT ATTORNEY

**CERTIFICATE OF MAILING**

Catherine Cortez Masto, Nevada Attorney General  
Heather D. Procter, Deputy Attorney General  
Attorney General's Office  
100 North Carson Street  
Carson City, Nevada 89701-4717

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● ●

# EXHIBIT 40

# EXHIBIT 40

**DECLARATION OF KELLY LYNN LEA**

I, Kelly Lynn Lea, hereby declare as follows:

1. I am a resident of Clark County, Nevada. I make this declaration in connection with the proceeding of *William P. Castillo v. E. K. McDaniel* in the United States District Court, in Las Vegas, Nevada.
2. In 1996, I was a member of the jury for both the guilt and the penalty phases of Mr. Castillo's death penalty trial which was held in state court. At the time of my selection for the jury, I had recently given birth to my son about three or four weeks earlier and I had just returned to work from maternity leave. I recalled that I received my jury duty notice on the same week of my return.
3. Serving on a jury was the last thing I wanted to do at that time, because I did not want to spend extra time away from my baby. I told Judge Maupin at the beginning of voir dire that I did not want to serve. Besides my anxiety over having to spend extra time away from my baby, I also explained to the judge that my baby was keeping me up throughout the night and I wasn't getting enough sleep. I was experiencing sleep deprivation at that time and I told the judge that I was concerned whether I could focus properly on the trial given my condition. Judge Maupin told me that my issues were not of major concern, and he said that it was my civic duty to serve on the jury if I were picked. I recall being sleep deprived throughout the proceedings.
4. During the voir dire, I did everything I could to avoid being selected. I was brutally honest

in my responses and I basically told the judge, prosecutors and defense lawyers that I would vote death if I found Mr. Castillo guilty of the crime. It was clear to me that the prosecutors wanted me to sit on the jury, but I could not understand the defense attorneys' reactions to my answers. Mr. Castillo's attorneys did nothing to challenge the answers that I gave, and did not seem to have any problems with most of the things that I said, despite the fact that I was warning them about what I would do if I found their client guilty.

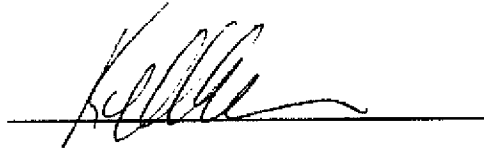
5. I was employed as an office <sup>Paralegal</sup> manager at a civil law firm at the time of the trial. After I was selected to sit on the jury, I was so upset that I spoke with attorneys at my office to see if there was anything that they could do to help get me out of jury duty. I was disappointed when the attorneys told me that there was nothing that they could do to assist me. I desperately wanted to get out of serving on the jury.
6. It was apparent to me, early on in the trial, that Mr. Castillo was guilty of the crimes because his attorneys conceded his guilt by the way that they tried the case. Mr. Castillo's attorneys never made any arguments in regards to his innocence.
7. Since Mr. Castillo's guilt was undisputed, my focus turned towards his demeanor. I wanted to see whether Mr. Castillo showed any visible emotions of guilt or remorse for the crimes, so I looked directly at him almost all the time during each day of the trial. Unfortunately for Mr. Castillo, he never showed any emotions.
8. By the end of the penalty phase of the trial, I heard all that I needed to hear to reach my verdict, and I was ready to impose a death sentence upon Mr. Castillo, as I said I would do during the voir dire. Mr. Castillo was guilty, he didn't seem remorseful, and this was all that

I needed to know.

9. Myself and all, but one of the jurors, felt that deliberating the penalty was a waste of time because Mr. Castillo was guilty. I also wanted to get back to my regular schedule of spending time with my newborn child.
10. The lone hold out was a tall male African-American juror who kept saying that he was on the fence in his decision on whether Mr. Castillo deserved to die or spend the rest of his life in jail. Many of the jurors, including myself, were not all that respectful of the hold out and I recalled asking him what it took for me to help knock him off the fence. I even recall saying, in jest, that if he didn't hurry up and vote for death like he said he would during the voir dire in the beginning, that I may need representation for capital murder myself. I, nor anyone else on the jury, had any intentions of physically harming the juror who was holding out, but we did put a tremendous amount of pressure on him to join our vote.
11. I vaguely recall that we asked to have some portion of the trial read back to us, but this was done only to appease the juror who was holding out. Me and the other jurors had already made up our minds at this point. I don't remember the reasons or issues that were causing the hold out difficulty in joining our death vote, and I don't know what caused him to change his mind in the end.
12. I don't recall ever hearing evidence that Mr. Castillo suffered any brain damage, and I don't recall hearing that he was physically abused by his family members during his childhood. I believe that these items, if validated, could have played a role in how we voted had they been presented.

13. I have never been interviewed by anyone in regards to my jury service on Mr. Castillo's case, until Herbert Duzant, an investigator with the Federal Public Defender office, spoke with me a few weeks ago at my residence.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on <sup>October 24</sup> ~~September 24~~, 2008.

A handwritten signature in black ink, appearing to read "Kelly Lynn Lea", is written over a horizontal line.

Kelly Lynn Lea

# EXHIBIT 41

# EXHIBIT 41



## DECLARATION OF DALE ERIC MURRELL

I, Dale Eric Murrell, hereby declare as follows:

1. I am a resident of Clark County, Nevada. I make this declaration in connection with the proceeding of *William P. Castillo v. E. K. McDaniel* in the United States District Court in Las Vegas, Nevada. In 1996, I was a member of the jury for both the guilt and the penalty phases of Mr. Castillo's death penalty trial. I am an African-American male, and I was the only minority member of the juror panel.

2. During the penalty phase deliberation, it was clear to me that most of the other jurors wanted to vote for death without properly deliberating the facts that were presented. As soon as we entered the deliberating room, ~~a vote was taken and everyone voted for death, except me~~

*everyone on the jury wanted to vote without deliberating the facts*

This was not a straw poll, but the actual vote on the appropriate penalty. I told the other jurors that I didn't feel comfortable with just issuing a death verdict without first discussing the facts of the case. The foreman and others on the jury were upset with me because they did not want to deliberate and thought that I was being difficult and wasting their time. The jury was rushing into judgment and I wanted to slow them down, and make them think about what we were doing.

3. I wanted to discuss Mr. Castillo's experiences and anything that was presented in regards to his background which could explain his actions on the night of the murder. I wanted to know whether Mr. Castillo had any issues in his life that could possibly explain his lack of judgment and functioning.

4. I recalled convincing the jury to have the testimony of Mr. Castillo's psychologist read back to us. However, after going over the psychologist's testimony, I found nothing that could

explain away Mr. Castillo's actions. It seemed like Mr. Castillo was a normal person that had a rough childhood, but this was not enough to overcome the aggravating nature of the crime.

5. Although Mr. Castillo's attorneys seemingly conceded his guilt during the trial and had a hard task to accomplish in attempting to save his life, I believe that they could have probably done more in their representation.
6. I never heard any evidence that Mr. Castillo suffered from brain damage during the trial, and I believe it could have played an important role in the outcome of our verdict, during the penalty phase. If it was shown that Mr. Castillo had brain damage that adversely effected his thinking process and functioning, I am confident that this would have been a significant factor in the deliberation. In fact, I know that I could not have brought myself to vote for death if Mr. Castillo was proven to have brain damage, even if that meant hanging the jury.
7. I was never interviewed by anyone in regards to my jury service on Mr. Castillo's case, until Herbert Duzant, an investigator with the Federal Public Defender office, spoke with me a few weeks ago at my home.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Clark County, Nevada, on ~~September~~ <sup>October 27</sup>, 2008.



Dale Eric Murrell

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# EXHIBIT 42

# EXHIBIT 42

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**DECLARATION OF LEWIS M. ETCOFF, PH.D.**

I, Lewis M. Etcoff, hereby declare as follows:

1. I am a licensed neuro-psychologist in the State of Nevada. I received a Bachelor of Arts degree from Brandeis University and a Master of Arts degree from Brandeis University in 1973 and 1975, respectively. I received a Ph.D. in clinical psychology from the University of Toledo in 1983. I am board certified in neuropsychology from the American Board of Professional Neuropsychology. I am currently in private practice in Las Vegas.

2. In 1996, I was contacted by Peter LaPorta, an attorney in the Clark County Public Defender's Office, who asked me to review a case involving William Castillo, and perform an evaluation. Mr. LaPorta provided me the following records relating to William Castillo: records from the Children's Behavioral Services, records of Dr. Kirby Reed, a psychiatric evaluation, juvenile probation department records, court materials, police record materials, psychological evaluations, disposition reports in the Eighth Judicial District Court, parole violation reports, and social service reports.

3. I reviewed the records provided, conducted a two and half hour basic psychological interview of William Castillo, and administered the Millon Clinical Multiaxial Inventory-II. Based on my review, I concluded that Mr. Castillo suffered from conduct disorder, reactive attachment disorder, physical abuse, neglect, attention deficit hyperactivity disorder, amphetamine abuse, and personality disorder. I memorialized my findings in a written report and later testified at Mr. Castillo's trial.

4. I was recently contacted by Nisha Brooks and Gary Taylor from the Law Offices of the Federal Public Defender. I am aware that Mr. Castillo is currently seeking relief in federal habeas corpus proceedings. I learned that the Federal Public Defender's office obtained a substantial number of records, which document Mr. Castillo's social history including records related to his medical history, family history, and educational history. Although I received some records from Mr. Castillo's trial counsel, I know the records I was provided were not as extensive (my records were perhaps two inches thick). I did not receive Mr. Castillo's medical records from

1 Children's Hospital in St. Louis, foster care placement records from Catholic Charities in Missouri,  
2 or the State of Nevada Department of Human Resources Division of Child and Family Services  
3 Reports of Abuse. I understand that Mr. Castillo's current attorneys have declarations from various  
4 members of Mr. Castillo's family, criminal and medical records of Mr. Castillo's biological father,  
5 medical records of Mr. Castillo's mother, medical records of other family members, foster care  
6 placement records from Catholic Charities regarding his mother's placement in the foster care  
7 system, and criminal records of Mr. Castillo's half-brother. None of these records were made  
8 available to me and I did not interview any members of Mr. Castillo's family (though I suggested  
9 such interviews were warranted).

10 5. Had the above records been provided to me at the time I evaluated Mr.  
11 Castillo, I believe such records <sup>may be</sup> ~~would~~ have affected my opinion. In every case, and especially with  
12 regard to a death penalty case, it is imperative that I review all of the available records surrounding  
13 a client and his family's history. My diagnoses, and opinions, are limited by the information  
14 available for my review. In other words, the conclusions I made with regard to William Castillo, his  
15 childhood and his offense, were based upon, and limited by, the information I was provided.

16 6. Mr. LaPorta did not request a neuro-psychological evaluation in Mr. Castillo's  
17 case. I was not provided any evidence to suggest that Mr. Castillo had brain damage.

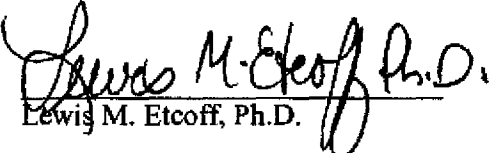
18 7. In my written report, I suggested that William Castillo's mother and step-  
19 father be interviewed in order to substantiate or corroborate the information Mr. Castillo provided  
20 me. I do not know whether this was accomplished, but I never received any information relating to  
21 such interviews. Collateral interviews are important. First, such interviews confirm the information  
22 provided to me--rebutting any biases inherent in self-reports. But, even more important, my  
23 impressions were limited by Mr. Castillo's ability to recall his childhood. I was subsequently  
24 informed by Nisha Brooks and Gary Taylor from the Law Offices of the Federal Public Defender that  
25 a substantial amount of collateral information was obtained in the ensuing years. Such collateral  
26 information may be pertinent to the opinions I rendered in Mr. Castillo's case.

27 8. As a professional, I would like any and all relevant records and information  
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1 regarding a client's background. This information will provide me the clearest and most complete  
2 picture of the client and allows an in-depth psychological evaluation. Interestingly, I currently have  
3 an active forensic practice relating to civil litigation and I find that I am provided much more  
4 information than what I previously received in the death penalty cases in which I consulted. I have  
5 no problem concluding that my evaluation and testimony in Mr. Castillo's case was limited by the  
6 information I was provided. I have no doubt that such greater resources <sup>he</sup> would have had an impact  
7 upon my opinions and testimony. ~~may have~~

8               9.     It is my understanding that Mr. Castillo's attorneys received in-depth reports  
9 from other mental health professionals regarding Mr. Castillo's childhood, and the effect of his  
10 childhood on his mental health and his actions as an adult. I did not have the opportunity to review  
11 the records these professionals relied upon. I believe such records may be pertinent to the opinions  
12 I rendered in Mr. Castillo's case.

13               I declare under penalty of perjury that the foregoing is true and correct to the best of  
14 my knowledge and belief, and that this declaration is executed on the 8th day of December, 2008,  
15 Las Vegas, Nevada.

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17 Lewis M. Etcoff, Ph.D.  
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# EXHIBIT 43

# EXHIBIT 43

DECLARATION  
OF  
MARY KATHLEEN KNOWLES

I, Mary Kathleen Knowles, hereby declare as follows:

1. I currently reside in Rock Falls, Illinois, having moved here 2 years ago from Kirkwood, Missouri, where I had lived since 1968. I am now 62 years of age. My husband, John Knowles, and I were the foster parents of Billy Castillo, known to us then as Billy Thorpe, from the time he was about 3 1/2 years old to about 5 years old. We also have an adopted daughter, Kelly, who is about a year older than Billy. My husband and I both enjoyed children and wanted a big family, but had been told that we would be unable to have biological children. Abortion had been legalized at about that time, and we had been told that it was unlikely that we would be able to adopt another child because there weren't that many available. So, we trained to become foster parents. Before Billy came into our lives, we had already fostered 2 teenagers for periods of about a year each, but were hoping to have a younger child placed with us, possibly one that we could adopt.

2. Kelly was a special-needs child in some ways. She had been born prematurely and had suffered oxygen deprivation at birth. Also, it was likely that her birth mother had exposed her to alcohol and/or drugs before her birth. Despite that, she was at the time a healthy, bright, active child, though she was to develop some learning disabilities and emotional issues as she grew older. I had been a special-needs teacher for several years, so I felt I could handle whatever problems might develop. I stopped working outside the home when we adopted Kelly because I felt strongly that babies should be raised by people who loved them. My husband worked as a carpet installer, and with careful budgeting I was able to be an at-home mom. John continued to work as an installer for over 40 years until he retired. I returned to teaching when Kelly was 9 or 10 years old.

3. John and I were licensed foster parents with both Catholic Charities of St. Louis and Family and Children's Services of St. Louis. Sometime around 1975, we received a call from a caseworker at Catholic Charities that



they had a 3 ½ year-old boy with some special needs who needed a foster family. We decided to meet him and give it a try. The caseworker brought Billy Thorpe (Castillo), his mother, and his grandmother to our house. We loved Billy from the beginning -- such a cute and smart little boy -- and agreed to be his foster parents. He stayed with us from that day. I noted that he didn't cling to his mother or cry at separating from her. She also seemed fairly emotionless about leaving him. The caseworker asked Billy what he would like to call us. He said that he would like to call John "Daddy" because he didn't have a daddy. When asked if he would like to call me "Mommy", he said with his little serious face, "Oh, no, I couldn't do that. I already have a mommy. I'll call you Grandma." For a few weeks, he called us "Daddy" and "Grandma", which was funny when we were out in public. But, he eventually started calling me "Mommy" on his own.

4. What I distinctly remember about those early weeks with Billy is that he was a mess, physically, emotionally, and socially. Billy seemed almost like a child who had been raised by wolves. The few clothes that were sent with him were unwearable, being either torn, stained, or much too small. I remember a few socks without mates and a pair of pants with the entire crotch ripped out. The shirt he wore the day he arrived was a girl's shirt, cut off at mid-chest. The canvas shoes on his feet were so small that his toes were curled under. I had to request our caseworker to give me an emergency clothing allowance for him because he didn't have one outfit that he could wear the next day. He also had no underwear or pajamas.

5. Billy's toenails were unclipped. His hair was long, shaggy, and hanging in his face. He didn't know how to use silverware, and ate with his hands. Though he got along with Kelly pretty quickly, he didn't know how to interact with other children. We always had a lot of neighbor children playing in our yard, and Billy interacted with them at first by biting and throwing rocks.

6. Since we lived in a small, 2-bedroom house, Billy and Kelly shared a room. In the first weeks, Billy often awoke at night screaming and crying. He would say that snakes were crawling on him or that his mommy was hurt. He would be sweating and shaking and really scared. I would sit with him and comfort him. I wondered if the snake nightmares could have been related to some kind of physical or sexual abuse he might have suffered. His caseworker, Mary Louise Anzalone had told us that Billy had been left

in over a dozen different homes during the previous 18 months of his life, sometimes with virtual strangers. These were not foster homes, but just a variety of people his mother left him with. Over time, the nightmares disappeared.

7. As the months went on, Billy made wonderful progress. I enrolled him in preschool 2 half-days a week to help him with his social skills. John and I spent almost all our free time with Billy and Kelly, giving them both as much love and affection as possible. Billy learned to brush his teeth, and loved taking bubble baths. He got used to wearing underwear and clean clothes, and he liked his new haircut, though his mother (Barbara Thorpe, now Wickham) was very unhappy when she found that we had cut his hair. Though he was not originally a physically affectionate child, he began to enjoy snuggling up with Kelly and me for the nightly bedtime stories or when we sang songs together. His favorite was "Billy Boy". We always kissed the children good night when they were in bed for the night, and Billy became a good hugger and good-night cheek kisser.

8. I remember that Billy was an impulsive child, often seeming to act before he thought. As an example, because he was very strong and coordinated, he learned to ride his little bike without training wheels before he turned five years old, but he didn't know how to operate the brakes. He was so exhilarated by being able to ride fast, though, that he wouldn't take the time to practice braking. We rode our bikes at the school playground. He would ride around as fast as he could go, and then run right into the brick wall at full speed when he wanted to stop. Although he took some bad falls, he didn't cry or fuss. In fact, he never seemed to react much to pain or injury.

9. Another time, we had asked some friends to watch Kelly and Billy for a few hours while we ran some errands. When we returned, they told us that Billy, barely 4 years old, had given them quite a scare. They had lost sight of him for a few minutes, and began searching for him. They eventually found him -- swaying happily at the very top of a tall young tree in their front yard. They feared that Billy would fall, and yet the tree wasn't strong enough for an adult to climb very far up and get him. The neighbors gathered, amazed that such a little boy could climb such a tall tree. I don't remember how they eventually got him down safely, but I do remember that our friend's husband said, "I don't want to ever babysit that kid again!"

Although all little children act sometimes without considering consequences, Billy seemed to seek out thrills without inhibition or fear.

10. After Billy was with us for several months, we decided to buy a larger home so that the children could each have their own rooms. Billy really liked cowboys, so John built him a "cowboy bed" for his room out of rustic cedar. Billy really liked that. At first, both children were afraid to sleep in a room alone, so we kept them together for awhile and gradually moved them into adjoining rooms. They seemed to get along fine, with few conflicts. Billy didn't really know how to play when he came to us, but Kelly taught him how. One of their favorite games was superheroes. They would have me pin towels or baby blankets on them for capes, and then Kelly would be Wonder Woman and Billy would be Superboy. I can still remember them running through the house, laughing.

11. We couldn't afford to take real vacations and stay in hotels, but we took Kelly and Billy on lots of camping trips in Missouri. Billy absolutely loved camping. He loved sleeping in the tent, and especially liked doing things outside that are normally done indoors, like brushing teeth and spitting out toothpaste in the woods or urinating in the woods instead of a bathroom. He also loved going to drive-in movies, the zoo, playing in the park, and riding his bicycle. We also made sure that he learned to swim.

12. I always felt that Billy was a very smart little boy, in addition to his exceptional physical coordination. He learned things such as song lyrics and rhymes quickly and remembered them. He made amazing progress in his pre-school class, and his teachers were proud and impressed. Because of his circumstances, his teachers went above-and-beyond to help him in every way they could. He was quite a charmer with adults, I remember, with his sparkling brown eyes and big smile.

13. During the year-and-a-half that Billy was with us, we saw his mother only a few times. She would be gone for months -- no one knew where -- and then she would suddenly pop up and demand to see Billy. She would take him out for the day, usually with a boyfriend, and Billy would come back with gifts, balloons, and candy, looking sad, tired, and confused. Then, she would disappear again and he would be crabby for about a week before we settled back into our normal life. Despite their strange relationship, though, he felt a bond with his mother, and we allowed and

encouraged him to talk about her when he wanted to. On the other hand, I never really felt that Barbara had a true bond with Billy. She showed little interest in his development. I felt that she showed up just often enough so that she would retain custody of him, but that he was more a possession to her than a human being.

14 I must admit that I resented her at times because of the disruption she caused for our whole family and the hurt she did to Billy. It was also hard for Kelly to see Billy coming home with all the gifts, etc., though she understood as well as a 5-year-old can, that I was her real mother, but not Billy's.

15. John and I never met Billy's father, who I believe was named Bill Thorpe. As far as I know, there was no contact with him while Billy lived with us. However, someone from the Thorpe family did take Billy for a visit on a holiday, maybe Christmas or Easter when he was four years old. It may have been the grandfather or an uncle. An older man brought Billy back to our house, and had given him a toy motorcycle, which he loved. I also remember that I was shocked when Billy got back, because he said to me, pointing to the crotch of his pants, "You told me a lie! You said that this is called my penis, but it's not! They said it's called a weenie, and if I do something bad they can cut it off!" I remember how furious I was on the inside at those people as I reassured Billy that no such thing was ever going to happen. I reported the incident to Mrs. Anzalone, the caseworker, who was as appalled as I was.

16. After a year and a half, Barbara Thorpe returned to St. Louis and notified Catholic Charities that she wanted physical custody of Billy. According to our caseworker, she said that she had met a man who wanted a son and they were going to get married. Billy would have an ideal life with her and her new husband, who was willing to adopt Billy, according to Barbara. Catholic Charities rebuffed her request because the social workers were very happy with Billy's progress in our home and felt strongly that removing Billy from our home would prove detrimental to his development. I am not sure if Barbara eventually took Catholic Charities to court to regain custody of Billy, or Catholic Charities took her to court to retain custody. At any rate, there was a court hearing in which Catholic Charities presented substantial evidence regarding Barbara's history of neglecting and endangering Billy, and also presented evidence of his progress since he had

children at times. When she got mad with us for something we had done she would tie us to a post in the basement with no light." Ms. Wickham recalls that her mother would "beat us with an electric cord when she was angry. She also reports "if she wanted Max, Ramona or me to do something, she threw her high-heeled shoes at us or put a hot iron next to our faces or bodies".

64. Per self statements and statements of family members, Mr. Castillo's mother, Barbara Wickham and her sister experienced repeated childhood sexual abuse by her stepfather (Alton Brawley).

65. Per statements of family members, Mr. Castillo's maternal uncle, Max Brawley was physically abused by his mother and his stepfather, Alton Brawley. Barbra Wickham (his sister and Mr. Castillo's mother) reports that these beatings were severe and she could hear them from the basement of the house.

66. Per self report, report of multiple family members, Catholic Charities records, Mr. Castillo's medical records, and Mr. Thorpe's medical records, Mr. Castillo's mother (Barbara Wickham) experienced repeated, severe physical abuse by her husband and Mr. Castillo's father (William Thorpe). These include an incident in which she was "severely beaten" when she was 7 months pregnant with Mr. Castillo; an incident in which William Thorpe locked Ms. Wickham and his mother (Sue Thorpe) in a room, doused it with lighter fluid and set it on fire; and an incident in which William Thorpe hung her off of a highway overpass by her legs and threatened to drop her off of the overpass. She also reports repeated sexual assault and rape by William Thorpe.

67. Mr. Castillo's father, William Thorpe was also physically abusive towards Cecilia Bowles his 2<sup>nd</sup> Wife. She reports that he beat her repeatedly and threatened her life while holding a knife to her throat.

68. Per his Fulton Hospital medical records and report of family members, Mr. Castillo's father (William Thorpe) witnessed violence between his parents when he was a child. Regina Albert (ex-wife of Mr. Castillo's paternal uncle, Michael Thorpe) stated: "beating women was no problem amongst many of the men the Thorpe family and it went back as far as Michael's paternal grandfather's abuse of his wife, Henrietta".

69. Per self statement and statement of his ex-wife, Mr. Castillo's paternal uncle, Michael Thorpe, was physically abusive towards his wife multiple times.

70. Though not biologically related to Mr. Castillo, his adoptive father, Joseph Castillo's childhood experiences appear to have impacted the way he parented Mr. Castillo. He states,

"My role in Billy's outcome was the physical and mental abuse that I put him through at a time when I believe he needed love, compassion and understanding. I had a strict upbringing during my childhood in Mexico and my father did the same things to me that I later did to Billy".

71. Mr. Castillo's family has a multigenerational pattern of criminal behavior, mental illness, and use and abuse of alcohol and drugs in both his maternal and paternal family histories. Understanding this family history is important because having family members with mental illnesses and substance use related problems increases an individual's risk for developing these types of problems. This occurs through increased genetic risk and through increased risk related to being raised by and exposed to family members with

these types of problems. In addition, for similar reasons, children raised in environments in which criminal behavior is common are at higher risk for becoming engaged in criminal behaviors.

- a. Per Catholic Charities Record Mr. Castillo's maternal grandfather (Robert Becker) has a history of unspecified "mental illness" including discharge from Naval service secondary to a suicide attempt and a "split personality".
- b. Per Catholic Charities Records, Mr. Castillo's maternal grandmother, Alegria Thieret had an "anxious personality". In addition, per report of her daughter, Lora Brawley, Mr. Castillo's maternal grandmother, also had an addiction to "nerve pills" which may have been valium. Ms. Brawley also reports that her mother (Mr. Castillo's maternal grandmother) was psychiatrically hospitalized several times when Ms. Brawley was a child.
- c. Per Catholic Charity records, self report and statements by multiple family members, Mr. Castillo's mother, Barbara Wickham, has been treated for multiple mental disorders and has a longstanding history of substance abuse. She has repeatedly attempted suicide and has a related record of multiple psychiatric hospitalizations.
- d. Mr. Castillo's maternal aunt, Yolanda Becker has been diagnosed with and treated for multiple mental disorders including mood disorders (Depression and Bipolar Disorder), symptoms of psychosis, posttraumatic stress disorder (PTSD), other anxiety disorders and borderline personality disorder. She has also had multiple psychiatric hospitalizations and repeated suicide attempts.
- e. Mr. Castillo's biological father, William Patrick Thorpe, has a history of drug abuse of multiple illegal drugs.
- f. Per self statement, Mr. Castillo's paternal uncle (Michael Thorpe) has been diagnosed with PTSD secondary to military service in Vietnam.
- g. Mr. Castillo's Mother, Barbara Wickham, engaged in multiple criminal activities throughout Mr. Castillo's early childhood and adolescence these included prostitution and drug use. She also is reported to have engaged in theft and robbery. Mr. Castillo was present when his mother was using drugs. He reports an early memory of "sitting on the carpet and de-seeding her weed".
- h. Based on statements by family members as well as legal records, Mr. Castillo's biological father, Michael Thorpe, has long history of multiple criminal behaviors including non-violent (e.g. theft) and violent (e.g. physical and sexual assaults) crimes and drug related crimes. This also included involvement in a gang, "The Brotherhood of the Gypsy Outlaw". This gang was not only a locus of criminal activity but also incorporated themes of both race and Satanism. Mr. Castillo's paternal uncle and other relative were also members of this gang. Mr. Castillo's father reportedly had a swastika tattooed on his chest and his paternal uncle, Michael Thorpe had a swastika tattooed on his forearm.

72. Mr. Castillo's childhood and adolescence including repeated incidents of running away from home, as well as later from foster and group homes and other institutional/correctional settings. His running away appears to have begun as part of a

negative pattern of interaction between him and his parents (mother and adoptive father, Joe Castillo). Specifically, he reports that he would run away from home after being punished (which at the time included abusive punishment), once he returned or was returned home he would be punished (which at times included abusive behaviors) in response to his running away and then he would run away again. Describing this cyclical family pattern, Mr. Castillo called it a "vicious cycle...beat me, run away, come home, he'd beat me, run away". Mr. Castillo's adoptive father, Mr. Joseph Castillo also identifies this pattern. He states:

When Billy was 9 or 10 years old he got into trouble at school for talking in class and being disruptive. He ran and stayed away from home for three days in order to avoid being punished by me. During Billy's time away he lived with homeless people around the 'union pacific railroad tracks. Billy also begged for food and money at the Circus-Circus Hotel and Casino.

73. As noted above, during his childhood Mr. Castillo had multiple experiences in which he was unable to protect himself from repeated abandonment by his parents and other caretakers. He was also frequently unable to protect himself from physical and verbal abuse in his household. He reports that when his stepfather physically abused him he felt "helpless, angry, small". It is not uncommon for some children in such an environment to begin patterns of behavior in which they also behave aggressively towards others including sometimes the person who is abusive to them. However, because they cannot directly fight the caretakers who are also the abusers they will sometimes engage other forms of aggressive actions. This pattern began with William Castillo and his stepfather when he was young. Based on statements of his mother, stepfather and other family members and per his report he would engage in acts of "retribution". These would lead to further excessive punishments that were also at times abusive which would lead in turn to further aggressive actions on his part. This cycle of abuse and aggression was established very early in Mr. Castillo's life.

74. The family and later the schools are the environments in which children become socialized and learn what is and what is not appropriate and acceptable behavior. When children such as Mr. Castillo are raised in abusive and violent contexts in the family (and later in juvenile institutions), they learn that violence and aggression are appropriate and effective ways to solve problems and responding to others. In addition, children raised in these abusive and threatening environments learn patterns or "scripts" for interacting socially and develop skewed interpretations of the behaviors and intentions of others. Specifically, there is a tendency to presume that others have hostile intent even when such intent is not present. This makes it difficult to learn to trust others. In response to their inaccurate tendency to interpret the behavior and intentions of others as hostile or threatening, they draw on the hostile and aggressive behaviors they have learned in these environments. Mr. Castillo was raised in an environment which places his early aggressive behaviors into context. For example, it helps to understand the incident in which he drowned his grandmother's dog. Given the family environment, it is likely that he had learned that aggression and violence were appropriate behavior in response to feelings of jealousy or in response to the belief that something which belongs to you has been taken. Mr. Castillo described his relationship with grandmother and his experience of lying on the sofa with his head in her lap when he was a child stating: "that was the best space in the world. Safe. Home. Everything was right when I was laying on the couch. I felt loved, wanted that was the greatest place in the world, grandmother's lap." His memory of the incident in which he drowned the dog is that he did this because he was jealous of the dog, "it took my spot in grandmother's lap."

75. In 1993, the above points were well known to mental health professionals and well documented in available social and behavioral literature including (but not limited to) the below:

Briere, J. & Runtz, M. (1990). Differential adult symptomatology associated with three types of child abuse histories, Child Abuse & Neglect, 14, 3, 357-364.

Briere, J. (1992). Child Abuse Trauma: Theory and Treatment of the Lasting Effects, Sage Publications: New York.

Bryer, J. B., et al. (1987). Childhood sexual and physical abuse as factors in adult psychiatric illness. The American Journal of Psychiatry, 144, 1426-30.

Dodge, K.A., Bates, J.E., Petit, G.S. (1990). Mechanisms in the cycle of violence. Science, 250, 4988, 1678-1683.

Egeland, B., Sroufe, L., & Erickson, M., (1984). The developmental consequences of different patterns of maltreatment, International Journal of Child Abuse, 7, 459-469.

Egeland, B., & Farber, E., (1984). Infant-mother attachment: Factors related to its development and changes over time, Child Development, 55, 753-771.

Farrington, D. (1989). Early predictors of adolescent aggression and adult violence, 4 Violence and Victims, 4, 79-100.

Herman, J. (1992). Trauma and Recovery. New York: Basic Books.

Kashani, J.H., Anasseril, E., Dandoy, A.C., Holcomb, W. R. (1992). Family violence: Impact on children, Journal of the American Academy of Child & Adolescent Psychiatry, 31, 2, 181-189.

Keve, P. (1974). Prison Life and Human Worth. University of Minnesota Press: Minneapolis, MN

Levenson, H. (1975). Multidimensional Locus of Control in Prison Inmates, Journal of Applied Social Psychology, 5, 342.

Malinosky-Rummell, R., and Hansen, D.J. (1993). Long-term consequences of childhood physical abuse. Psychological Bulletin, 114, 1, 68-79.

Masten, A. & Garmezy, N. (1985). Risk, vulnerability and protective factors in developmental psychopathology, in F. Lahey & A. Kazdin (Eds.) Advances in Clinical Child Psychology.

McCorkle, R. (1992). Personal Precautions to Violence in Prison, Criminal Justice and Behavior, 19, 160-173.

McLeod, J.D. (1993). Poverty, parenting, and children's mental health. American Sociological Review 58, 3.



Taylor, A. (1961). Social Isolation and Imprisonment, *Psychiatry*, 24, 373.

Widom, Cathy S. (1989). Child abuse, neglect, and adult behavior: Research design and findings on criminality, violence, and child abuse, *American Journal of Orthopsychiatry*, 59, 3, 355-367.

76. I have gathered and reviewed extensive data on Mr. Castillo's developmental experiences and his bio-psycho-social functioning across his lifespan. These data include: 1) my clinical interview of Mr. Castillo and 2) my review of a) institutional and medical documents/records as noted above b) statements by multiple informants c) video tapes from Mr. Castillo's childhood. Based on this information, it is my opinion that, at the time of the criminal events in question, Mr. Castillo was very likely to have been experiencing extreme emotional duress.

77. To summarize my findings, Mr. Castillo's childhood beginning at a young age was marked by experiencing severe and repeated, physical and emotional abuse by: his biological father, William Thorpe; his adoptive father, Joseph Castillo; his natural mother, Barbara Wickham; his maternal uncle, Max Brawley; and, at least one staff member at a juvenile detention facility. William Castillo also experienced emotional and physical neglect as a child and was repeatedly abandoned by his mother and left in the care of family members or charity foster homes. Several aspects of his experience of abuse and neglect are notable for their likely impact on the bio-psycho-social development of Mr. Castillo: 1) the young age of onset of the abuse and neglect, 2) the repeated occurrence of the abuse and neglect across the course of his development 3) the fact that the abuse occurred at the hands of multiple primary caregivers. In addition, these factors interacted and compounded one another which is likely to have exacerbated the negative impact of this abuse on the Mr. Castillo.

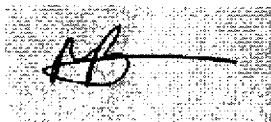
78. William Castillo's mother, Barbara Wickham, led a chaotic and unstable life which included drugs, prostitution and psychiatric hospitalizations. She abandoned William Castillo to the care of relatives whose individual lives were marked by violence, disruption, mental illness and chaos. The only stable home environment William Castillo ever had occurred during his periodic placements into the charity foster care program. However, as the records I reviewed demonstrated, these placements were abruptly terminated and, as a result, insufficient to, in any meaningful way, counter the negative impact of these abandonments on Mr. Castillo's biological and psychological development as a young child.

79. My review of the records provided, and my interview with William Castillo, demonstrated that Mr. Castillo, within a reasonable degree of probability, suffered from Posttraumatic Stress Disorder (PTSD) from a very early age. My data are also consistent with the diagnoses of Dr. Etcoff and Dr. Mack that Mr. Castillo suffered from reactive attachment disorder. Moreover, my assessment indicates that Mr. Castillo exhibited dissociative symptoms beginning in childhood and continued into young adulthood. Assessment and testing by Dr. Mack are consistent with and supportive of my finding that Mr. Castillo experiences dissociative symptoms.

80. In the records from mental treatment and juvenile facilities as well as in his evaluation by Dr. Etcoff, Mr. Castillo is diagnosed conduct disorder and with features of anti-social

personality disorder. It seems likely to me that these diagnoses were made without appropriately taking to account Mr. Castillo's experiences of abuse and neglect, the environments he was exposed to as a child and adolescent and his other psychological disorders. Although Mr. Castillo clearly exhibited behaviors which would consistent with these diagnoses, it is inappropriate to make such diagnoses when the behaviors in question may also be the result of other psychological disorders or responses to the environment to which a person is exposed. As I described above, Mr. Castillo suffered several other psychological disorders and he was also exposed to multiple violent, abusive and chaotic environments over the course of his development (in some cases he was living in these environments at the times the diagnoses were being made). Based on my review of the records, it seems to me that these factors were not taken into account when Mr. Castillo was diagnosed with conduct disorder and features of antisocial personality disorder.

81. Mr. Castillo's criminal actions as an adult, including the commission of this offense, were tragic. It is inappropriate and incorrect to suggest that Mr. Castillo's early circumstances in any way excuse his later actions. However, it is likewise inappropriate and unfair to judge Mr. Castillo's overall character or the crimes he has committed without also taking into account the developmental impact of the environments in which he was raised and his other formative life experiences including his abuse, neglect and repeated institutionalization over the course of his childhood and adolescence.



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Rebekah G. Bradley, PhD.

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12-11-08

Date

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# EXHIBIT 37

# EXHIBIT 37

#### **CURRICULUM VITAE**

#### **REBEKAH G. BRADLEY, Ph.D.**

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#### **EDUCATION**

**University of South Carolina**, Columbia, South Carolina  
Ph.D. in Clinical-Community Psychology, August 2000

**Cambridge Hospital/Harvard Medical School**  
Intern, APA accredited Clinical Psychology Internship  
July 1999-July 2000

**Wesleyan University**, Middletown, Connecticut  
M.A. in General Psychology, May 1994  
B.A. in Psychology, May 1993

#### **CURRENT PROFESSIONAL POSITIONS**

**Assistant Professor, Department of Psychiatry and Behavioral Sciences**  
**Emory University**  
August 2002-Present

#### **PUBLICATIONS**

Russ, E., Shedler, J., Bradley, R., Westen, D., (in press). Refining the Construct of Narcissistic Personality Disorder: Diagnostic Criteria and Subtypes. *American Journal of Psychiatry*.

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**Bradley, R.** & O'Connell, M. (2002). **Race, SES, & Interpersonal Violence: A**



**Critical Review of the Literature.** International Society of Traumatic Stress Studies, New Orleans, LA.

**Bradley, R., Westen, D. & Heim, A. (2002).** Impact of Sexual Abuse on Self and Identity in Adolescents and Adults. International Society of Traumatic Stress Studies. New Orleans, LA.

**Bradley, R. (2002)).** **Integrating Relational and Cognitive Behavioral Perspectives in Therapy with a Survivor of Abuse and Neglect.** Society for Exploration of Psychotherapy Integration, San Francisco, CA.

**Bradley, R., Heilengthal, A. & O'Connell, M. (2002).** **Trauma History, Symptoms and Social Support across Race, Gender, and SES.** International Society of Traumatic Stress Studies, New Orleans, LA.

**Bradley, R., Davino, K. & Linney, J.A. (2001).** **Incarcerated women and interpersonal violence: A resiliency and recovery perspective.** International Conference on Family violence. San Diego, CA.

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# EXHIBIT 38

# EXHIBIT 38



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### **CONFIDENTIAL FORENSIC REPORT**

December 11, 2008

Gary Taylor, Esq.  
Law Offices of the Federal Public Defender  
411 E. Bonneville Avenue, Suite 250  
Las Vegas, NV 89101

**RE:** William Patrick Castillo, Jr.  
**REPORT:** Neuropsychological Evaluation  
**DATE(S) OF EVALUATION:** 11/27/2006; 11/28/2006  
**DATE OF BIRTH:** 12/28/1972  
**AGE:** 34; Age at time of Offense, 22  
**YEARS OF EDUCATION:** 12, Graduated 1990  
**EXAMINERS:** Jonathan H. Mack, Psy.D.,  
Records Summarization Assistance  
provided by Robyn Klim, LCSW  
Scoring provided by Elizabeth M.  
Maurer, M.A., Neuropsychometrician

Dear Mr. Taylor:

The following represents my report of Neuropsychological Evaluation of William Patrick Castillo, Jr. As you know, Mr. Castillo is a 34-year-old, Caucasian, single male on death row at Ely State Prison for crimes committed on or around 12/20/1995. This report is based on an extensive review of medical records, a 1 ½ hour clinical interview with myself of Mr. Castillo and about 10-plus hours of face-to-face testing conducted by myself. My Master's level clinical assistant, Elizabeth M. Maurer, M.A., assisted in records summarization, scoring, and data entry for this report. Robin Klim, LCSW also provided assistant with records summarization for this report. All interpretive conclusions and opinions are solely my own.

#### **TESTS ADMINISTERED:**

Beck Anxiety Inventory  
Beck Depression Inventory-II

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Beck Hopelessness Scale  
 Boston Diagnostic Aphasia Screening Examination, Complex Ideational Material Subtest  
 California Verbal Learning Test-II  
 Controlled Oral Word Association Test/Animal Naming  
 Grooved Pegboard  
 Halstead-Reitan Neuropsychological Test Battery  
 Aphasia Screening Test  
 The Booklet Category Test-II  
 Finger Oscillation Test  
 Grip Strength Test  
 Lateral Dominance Examination with Right/Left Orientation  
 Reitan-Klove Sensory-Perceptual Examination with Visual Field Screening  
 Seashore Rhythm Test  
 Speech Sounds Perception Test  
 Tactual Performance Test  
 Trail Making Tests, A and B  
 Multiscale Dissociation Index  
 Paced Auditory Serial Addition Test  
 Posttraumatic Stress Diagnostic Scale  
 Rey-Osterrieth Complex Figure Test with Recognition and Recall  
 Stroop Color and Word Test  
 Test of Memory Malingering  
 Visual Cancellation Tests, Verbal and Nonverbal  
 Wechsler Adult Intelligence Scale-III  
 Wechsler Memory Scale-III  
 Wide Range Achievement Test - 4  
 Wisconsin Card Sorting Test

#### **RECORDS REVIEWED:**

Copious amounts of records provided by the Office of the Federal Public Defender, Region of Nevada, were reviewed. The majority, but not all, of the records reviewed are summarized in the following table.

DATE	SUMMARY	DOCUMENT
08/01/1958; 08/04/1958; 08/05/1958; 08/11/1958; 08/18/1958; 08/22/1958; 09/15/1958; 11/04/1958; 02/06/1959; 10/06/1959; 06/17/1960; 08/21/1962; 02/21/1963;	Catholic Charities Records were reviewed and summarized as per relevance below.  Family demographic information was included. It noted that Max Allen, (DOB: 12/31/1951, William's maternal uncle) was born in Pennsylvania, Yolanda (DOB: 07/09/1953, William's maternal aunt) was born in Pennsylvania and Barbara (DOB: 10/26/1954, William's biological mother) was born in New York to Robert Becker (DOB: 02/28/1930, William's maternal grandfather) and Allegria Dehry (DOB: 05/05/1936, William's maternal grandmother) who was born in French Morocco and her parents were reportedly Jewish. Mr. Robert Becker and Ms. Allegria Dehry were married on 03/13/1951 and divorced on 07/15/1955. Ms. Allegria Becker was reportedly	Department of Children, Catholic Charities Records- Becker family

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06/03/1963:	<p>awarded custody of three Becker children. Ms. Becker was subsequently remarried to Mr. Clifford Gavan on 07/14/1956 and divorced on 08/13/1958. Ms. Becker was then noted to have been remarried to Mr. Al Brawley on 03/03/1962.</p> <p>Medical Records and Baptism Certificates for the three Becker children were reviewed.</p> <p>08/01/1958: Case note was reviewed and noted that Mr. Becker suffered from mental illness and was discharged from the Navy for a suicide attempt in Iceland. Ms. Becker referred to Mr. Becker as having a "split personality." Mr. and Ms. Becker divorced due to his involvement with another woman whom he reportedly had gotten pregnant. Ms. Becker remarried and had a child with Mr. Clifford Gavan. Marital discord was reported between Ms. Becker and Mr. Gavan which resulted in their separation. The three Becker children were split among aunts.</p> <p>08/04/1958: Case note indicated that Ms. Gavan requested placement for the three Becker children. The Gavan child was reportedly placed with Ms. Gavan's mother-in-law.</p> <p>08/05/1958: Case note indicated that the paternal aunt that was caring for Barbara Becker requested a more permanent plan as her husband no longer wanted to care for Barbara Becker.</p> <p>08/11/1958-08/15/1958: Summary of case notes revealed that Ms. Gavan was not focused on any alternative plans other than the placement of Becker children.</p> <p>08/18/1958-08/21/1958: Summary of case notes indicated that a call was received regarding Ms. Gavan. The caller reportedly stated that Ms. Gavan "does not want the children, runs around with different men every night and often does not even see to the acquiring of a babysitter for the children when she has gone out." It was noted that Mr. Becker asked Ms. Gavan several times to give up the Becker children for adoption. It was reported that Mr. Becker had 2-3 other children from his second marriage and reportedly put the two of them up for adoption.</p> <p>08/22/1958-09/11/1958: The Becker children were returned to Ms. Gavan as of 08/21/1958. Ms. Gavan requested placement of the three children on 08/22/1958.</p> <p>09/15/1958: The Department of Children placed the Becker Children at the German St. Vincent Orphan Association. Summary of the Receiving Committee from the German St. Vincent Orphan Association was reviewed.</p> <p>11/04/1958: Ms. Gavan reportedly selected Barbara to spend Christmas vacation with while her siblings went to stay with relatives. It was noted that Ms. Gavan then changed her mind and spent Christmas with all three children.</p> <p>02/06/1959: The caseworker noted that Barbara and Max had a more</p>
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	<p>difficult time with their separation from their mother than Linda. It was noted that Barbara stopped wetting her bed, but tired easily.</p> <p>10/06/1959: Ms. Gavan reportedly had not missed a visit with the children since they were placed</p> <p>06/17/1960: It was noted by the caseworker that Ms. Gavan broke up with her boyfriend because he did not accept her children.</p> <p>08/21/1962: Case note indicated that the last 8-10 months at the German St. Vincent Orphan Association had been emotional for Max and Barbara. The reported cause was the "prolongation of their institutional placement and the insufficient amount of individual attention which these children are very much in need of." It was noted that Ms. Gavan, now Ms. Brawley, knew her husband one month prior to their marriage. It was reported that Ms. Brawley had an anxious personality, but had planned well for the children since they returned home.</p> <p>06/03/1963: Caseworker noted that Barbara had failed all of her subjects in school and that her conduct was poor. It was also stated that Barbara would have to repeat the third grade.</p> <p>Various letters written between Ms. Brawley and Department of Children Caseworkers were reviewed</p> <p>10/22/1963: It is noted that Ms. Brawley gave birth to a baby. Department of Children case closed 01/30/1964.</p>	
12/20/1973- 12/24/1973	<p>St. Louis Children's Hospital Record indicated that William P. Thorpe, Jr. (DOB: 12/28/72), age 12-months was admitted to the hospital on 12/20/1973 with admitting diagnoses of diarrhea and dehydration. The record reflected four days of hospitalization with a discharge date of 12/24/1973 and discharge diagnoses of gastroenteritis and pneumonia.</p> <p>Radiological report of the Chest and Airway was reviewed. Impression was of croup and pneumonia. Laboratory records were reviewed.</p> <p>Progress Notes for William Thorpe's treatment at St. Louis Hospital were reviewed. Mother Barbara Thorpe reported that she had been beaten by her husband in her 7<sup>th</sup> month of pregnancy and was hospitalized with vaginal bleeding. Family history revealed that Barbara Thorpe, age 19, had a history of shock treatment. Father, William Thorpe, reportedly had contracted Hepatitis 7-months prior from a needle. Mr. and Ms. Thorpe were noted to be divorced and William's grandmother was reported as his primary caregiver.</p> <p>Progress note dated 12/21/73 indicated that a family evaluation had been recommended and William had been referred to social services by Dr. Frank. Somewhat illegible progress note of 12/22/73 indicated that Ms. Thorpe was upset by the social service referral. It was noted that she had previously been working with a social service worker.</p> <p>Progress note of 12/24/73 reported that Ms. Thorpe continued to be</p>	St. Louis Children's Hospital Medical Records

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	<p>upset by the social service referral. She reportedly had a Catholic Charities social worker. Maternal grandmother was interviewed and reportedly stated that William would continue to be in her care as he had been since early infancy. Ms. Thorpe was reported to be unemployed.</p> <p>Medical-Surgical Discharge Summary reported that William was a 1-year-old white male with a temperature of 104° on 12/20. His mother, Barbara Thorpe, was noted to have been ill with a "touch of pneumonia." Ms. Thorpe reportedly noted that William had a fever of 105° the previous day, gave him aspirin and had consulted with Dr. Margolis. No convulsions were reported. The record indicated that Ms. Thorpe's delivery of William was normal and that he had begun sitting at 4-months. Physical examination revealed that William was well-nourished with diaper rash noted. Impression of Dr. Allan Frank was read as follows: "diarrhea; pneumonia; laryngotracheal bronchitis; and poor home situation and tracheal aspiration..."</p>	
06/16/1973- 11/1/1973	Progress notes were reviewed from Dr. Kessler. Progress note dated 02/01/1973 indicated William had a history of a small laceration on the scalp. Progress note dated 4/23/1973 indicated that William fell from car seat to the carpeted floor and reportedly suffered a concussion.	Medical Progress notes from Dr. Kessler
07/14/1973; 03/13/1974	07/17/1973: Petition for Divorce was reviewed.  03/13/1974: Divorce Decree of Mr. and Ms. Thorpe and Attorney Correspondence was reviewed. Ms. Thorpe was awarded sole custody of William and Mr. Thorpe was awarded visitation.	Petition for Divorce, Divorce Decree of Mr. and Ms. Thorpe and Attorney Correspondence
04/10/1974	Ms. Thorpe (19) was seen by Dr. Wohlschlaeger due to a car accident that reportedly occurred in on 04/10/1974. Ms. Thorpe's prognosis stated that she would continue to have cervical discomfort in the future, as evidenced by the marked myospasm that was present.	Medical Examination Report by Dr. George D. Wohlschlaeger and Attorney Correspondence for Medical Claim
12/06/1973; 12/07/1973; 12/11/1973; 12/14/1973; 12/31/1973; 01/03/1974; 01/08/1974; 01/10/1974; 10/17/1974; 10/18/1974; 10/30/1974; 01/20/1975; 01/30/1975; 03/01/1975; 11/19/1975; 11/25/1975; 02/06/1976; 04/06/1976; 04/14/1976; 04/30/1976; 07/23/1976; 0810/1976;	<p>Catholic Charities Records were reviewed and summarized as per relevance below.</p> <p>Demographic information was included. William Patrick Thorpe, Jr. (DOB: 12/28/1972) was reportedly born to William Patrick Thorpe (DOB: 12/30/53) and Barbara M. Becker (DOB: 10/26/54). Mr. and Ms. Thorpe were noted to be married on 12/16/1971, separated and divorced in 3/1974. Mr. Thorpe reportedly remarried to Sissy Taylor in 1/1976. Multiple residences were reported for William between 12/27/1973 and 4/22/1977. Maternal and Paternal relatives were listed.</p> <p>12/6/1973: Ms. Thorpe reportedly contacted Catholic Charities to request placement for William. It was noted that Ms. Thorpe had had a nervous breakdown and that William's grandmother had been caring for him but she had to return to work. William's father was reportedly AWOL from the service and incarcerated. Mr. and Ms. Thorpe were noted to be 19-years-old.</p> <p>12/7/1973: Interview with Ms. Thorpe and her mother, Ms. Rosene was indicated for this date. Caseworker observed Ms. Thorpe's mother to be controlling throughout the interview. Ms. Thorpe was</p>	Department of Children, Catholic Charities Records- Thorpe/Castillo Family

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<p>08/11/1976;          10/04/1976;          11/26/1976;          12/02/1976;          12/07/1976;          12/09/1976;          12/14/1976;          12/23/1976;          01/11/1979;          03/09/1979;          12/29/1980;</p>	<p>noted to be expressionless but she reportedly spoke in animated tones. Ms. Rosene provided many reasons as to why Ms. Thorpe could not appropriately care for William.</p> <p>Ms. Thorpe then mentioned her hospitalization at St. Vincent's after she attempted suicide. Ms. Thorpe reportedly attributed her problems to her bad marriage. Ms. Rosene stated that Ms. Thorpe had done well in high school until she met Mr. Thorpe who was noted to have a "very bad background" and whose mother influenced their marriage. Ms. Thorpe then stated that she had married Mr. Thorpe "out of fear as he threatened to kill himself." Mr. Thorpe was noted to have been placed at Lakeside (residential treatment program) and at the Boonville Treatment Center. Shortly after being married, Mr. and Ms. Thorpe were stationed in Germany. At one point during her pregnancy, Mr. Thorpe had "beat her up so badly the doctor at the post advised her to return to the states." After she returned to Missouri, they separated and he went AWOL from the service after she threatened divorce. In August Mr. Thorpe was noted to "severely beat up his mother and battered Mrs. Thorpe." Mr. Thorpe was then reportedly incarcerated.</p> <p>Ms. Rosene spoke of Barbara's history including placement of Barbara and her two older siblings for "several years" at the German St. Vincent Orphan Association from 1958-1962. Ms. Rosene revealed her history as follows. She stated she was on her fourth marriage. She first married Mr. Becker (Barbara's father) while he was in the service but she eventually divorced him and he reportedly became "mentally ill." Ms. Rosene then married Mr. Gavan who then "turned out to be a gambler." She reported that Barbara and her two older siblings were returned to her after she married Mr. Brawley, but that this marriage also ended. In 1971, she married Alfred Rosene who was noted to not like Barbara and did not want her in the home.</p> <p>Due to Ms. Thorpe's living arrangements, she was not allowed to care for the baby and therefore her mother cared for William. Ms. Thorpe reported that she was not in treatment at the time of the interview as she could not afford to pay for therapy although continued treatment had been encouraged. The caseworker summarized, "She [Ms. Thorpe] is fearful that she may be abusive to William when he gets on her nerves although she had never done more than spank him up to this time. She expressed exasperation over how she is going to handle her situation saying that sometimes she thinks she is just going to take William and 'split.' She has no idea about where she would go or what she would do. Mrs. Rosene said she is concerned that Barbara might do this without thinking of her child's welfare."</p> <p>Ms. Thorpe offered the following information about her husband's family. Mr. Thorpe's half brother Chuck Nottingham was reportedly incarcerated while his other brother Mike Thorpe also had a police record. One brother, Bob Thorpe reportedly suffocated while in the service and another brother, Mark, lived in Mexico City. Mr. Thorpe's father was noted to be an alcoholic. Ms. Thorpe reported that she did not have a relationship with her father since her parents separated.</p>	
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The caseworker's impressions were that Ms. Rosene was a "manipulative woman" who did not want the responsibility of caring for William. The caseworker also noted that Ms. Thorpe was "somewhat immature and dependent." The caseworker reviewed prior Department of Children records of Robert and Allegría Becker. It was noted in the record that Barbara had "showed symptoms of emotional deprivation as a child, she was fearful and inclined to illness and had difficulties achieving at school, although she had adequate ability."

12/14/1973: The caseworker interviewed Mr. Thorpe at County jail and noted that he appeared "rather withdrawn and pensive." Mr. Thorpe reported that the probable outcome of his hearing would be commitment at the State Hospital at Fulton. He reportedly mentioned spending time in institutions such as Lakeside and Boonville, as noted above. Mr. Thorpe was noted to have inquired about the foster home William would be placed in and asked about visitation. He reportedly understood the situation and signed the appropriate consents. The caseworker noted that a transfer of custody may be indicated due to Mr. Thorpe's violent history.

<<William Thorpe, Age 1>>

12/31/1973: Letter addressed to caseworker from Ms. Thorpe's treating Psychiatrist, Dr. John Fischer indicated that Ms. Thorpe displayed "immature behavior" and was "irresponsible" and had been "problemated with a depressive illness and had made some suicide attempts." He reported that while at St. Vincent's Hospital psychotherapy, antidepressant drugs and tranquilizers had not controlled her illness and she subsequently had a course of electroshock therapy with reported improvement. Dr. Fischer commented that he had not seen her for some time in his office.

01/08/1974: Caseworker note indicated that Ms. Thorpe had agreed to allow her mother to care for William and a foster home was no longer required. It was noted that Ms. Thorpe was to complete school and then pursue custody of William from her mother.

01/10/1974: Case was reportedly closed as of this date.

10/17/1974: Ms. Thorpe was noted to contact the caseworker for William's placement because Ms. Rosene reportedly requested she and William leave. It should be noted that her mother-in-law, William's paternal grandmother, had recently attempted suicide and was in the hospital. It was further noted that Ms. Rosene was now divorced and remarried to a Bruno Hensel. Ms. Thorpe and Mr. Thorpe were also noted to be divorced.

10/18/1974: Ms. Thorpe reported that she had been unable to hold down a job because of her "emotional problems." She reported a suicide attempt and hospitalization a week prior at the Normandy Hospital. She also indicated that she had been hospitalized in Rolla, MO after a traumatic incident involving Mr. Thorpe threatening her with a gun. Ms. Thorpe noted that Mr. Thorpe was again incarcerated and that she had filed charges against him for assault. The

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	<p>caseworker stated that a foster care placement would be considered provided that Ms. Thorpe would attempt to better her situation for eventual reunification.</p> <p>10/30/1974: The caseworker indicated a visit at Ms. Thorpe's residence. According to Ms. Thorpe's mother, Ms. Hensel, Ms. Thorpe had begun to use drugs and Mr. Thorpe was reportedly using heroin. Ms. Hensel also reported that Ms. Thorpe had not been able to care for William and had not initiated employment. She was noted to stay out all night and sleep all day and spend little time with William. According to Ms. Hensel, whenever she and Ms. Thorpe would disagree, Ms. Thorpe would take William to his paternal grandmother's home for weeks at a time. William was placed in the foster care of Mr. and Mrs. Delbo on this date. During this process, Ms. Thorpe stated that she had wished that her mother had relinquished her parental rights because of her tumultuous upbringing but that she was not going to relinquish her rights of William because she envisioned creating a life for them.</p> <p>&lt;&lt;William Thorpe, Age 2&gt;&gt;</p> <p>01/20/1975: According to the caseworker, William's foster mother, Mrs. Delbo was overprotective of William and resistant to contact with his biological family. During this time, Ms. Thorpe was noted to make regular visits with William despite making inadequate attempts at rehabilitation. It was also noted that Ms. Thorpe maintained a relationship with Mr. Thorpe during this time period while Mr. Thorpe was incarcerated. The caseworker indicated that Ms. Thorpe finally earned gainful employment at a dress shop and moved out of her mother's house into an apartment with a friend.</p> <p>01/30/1975: On this date, it was indicated that Ms. Thorpe took William from the Delbo's home without incident. The caseworker was reportedly concerned about removing William at this time and recommended that William's care be consistent.</p> <p>03/01/1975: It was noted that Ms. Thorpe's address was unknown despite regular contact with her mother, Ms. Hensel.</p> <p>11/19/1975: The caseworker reported that he had received a call from Ms. Hensel who indicated that Ms. Thorpe had moved to Florida but that she planned on returning in the near future. Ms. Thorpe had asked her mother to care for William when they returned to Missouri. Ms. Hensel was noted to be divorced and living with her ex-husband, Mr. Rosene. Ms. Hensel reported that Ms. Thorpe had been transient and working as a waitress in Florida. Mr. Thorpe was reportedly at Archway House and unemployed. Ms. Hensel stated that Ms. Thorpe was willing to give William to Mr. Thorpe although Ms. Hensel preferred to care for William, although she did want custody. It was also reported that Ms. Thorpe had been impregnated by Mr. Thorpe over the summer and had an abortion.</p> <p>11/25/1975: The caseworker's report indicated that William was brought back to Missouri to live with his paternal grandmother.</p>	
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	<p>&lt;&lt;William Thorpe, Age 3&gt;&gt;</p> <p>02/06/1976: Caseworker reported that Ms. Thorpe called and stated that she was living with her mother. She requested that William be placed in foster care as his paternal grandmother was no longer able to care for him. She reported that her mother had to work and was unable to care for William.</p> <p>04/14/1976: William was placed in the foster home of Mr. and Mrs. Knowles. During placement, Ms. Thorpe commented that William had a pre-occupation with "monsters" and had imaginary playmates. She also stated that he had nightmares. Ms. Thorpe and Ms. Hensel continued to make regular contact with William while in placement.</p> <p>04/30/1976: Ms. Thorpe reportedly called the caseworker on 04/22/1976 and stated that she was in a motor-vehicle accident where she was temporarily paralyzed from a pinched nerve. She reportedly planned to pursue a settlement and arrange for care of William.</p> <p>07/23/1976: Ms. Hensel contacted the caseworker concerned that Ms. Thorpe was "prostituting." She stated she was also concerned that Mr. Thorpe had spent the night with Ms. Thorpe although he was remarried. She commented that Mr. Thorpe was separated from his wife.</p> <p>08/10/1976: Ms. Thorpe reported to the caseworker that she, Mr. Thorpe and her sister Yolanda were together one night. Ms. Thorpe stated that afterwards, her sister and Mr. Thorpe had intercourse in front of her.</p> <p>08/11/1976: Caseworker received a call from Ms. Hensel who indicated that Ms. Thorpe had reportedly overdosed on drugs the previous night and was in the ICU at Missouri Baptist Hospital. She went on to say that this was the sixth time that Ms. Thorpe had overdosed. The caseworker contacted a social worker at Missouri Baptist Hospital and requested that Ms. Thorpe be seen by a psychiatrist.</p> <p>08/12/1976: Ms. Thorpe was reportedly transferred to St. Louis State hospital and released on 8/23/1976. She indicated to the caseworker that she was seeing a psychiatrist and started with vocational rehabilitation as she aspired to become a probation officer or social worker.</p> <p>10/04/1976: Caseworker received a letter from Ms. Thorpe. At the time she was living with her sister, Yolanda and a girlfriend at a hotel in Colorado Springs. In the letter, she wrote, "I am going to go straight- I mean no more hooking." Ms. Thorpe was unemployed at the time of the letter. It should be noted that prior to Ms. Thorpe leaving St. Louis in mid-September, she had given visitation privileges with William to Ms. Hensel only while she was away.</p> <p>11/26/1976: Caseworker received a call from Ms. Hensel who stated that Ms. Thorpe was reportedly taking William out of his foster home placement before Christmas and she concurred with the caseworker</p>	
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that this was not "good planning" for his care. Ms. Hensel indicated that Ms. Thorpe was going to marry a man by the name of David Abramson who was reportedly a karate instructor. The caseworker then received a letter from Ms. Thorpe dated 11/21/1976 who stated that she was going to marry Mr. Abramson sometime in 1977 and that she had a nice home in Colorado Springs where William would reside with his own room, fenced-in yard and a school down the street. She stated her plan was to have William in her care by February of 1977 and she requested that the caseworker inform the foster family of her plans. Caseworker responded to this letter dated 12/01/1976 with concerns of security for William and suggested that William have an opportunity to meet Mr. Abramson prior to a permanent move with him and Ms. Thorpe.

12/02/1976: Ms. Thorpe contacted the caseworker and stated she was going to take William out of foster care placement on 12/22/1976. The caseworker attempted to persuade Ms. Thorpe to take William out of placement following her wedding to Mr. Abramson in March 1977 to allow for time to plan for reunification. Ms. Thorpe disagreed with caseworker's suggestions.

12/07/1976: (Letter reviewed from caseworker to Mr. Kenneth M. Hensiek, Chief Juvenile Officer of the St. Louis County Juvenile Court) requested for the Court's involvement to delay William's return to Ms. Thorpe's care until the Department of Children could assure that Mr. Abramson and Ms. Thorpe would be able to provide stability and security for William.

12/9/1976: (Summary of contacts by caseworker with foster home from 04/29/1976-12/9/1976). Caseworker reported that William, (age 3) initially had difficulty adjusting to the foster home and would kick and hit the other children that resided there. He also continued to have nightmares. Mr. Knowles would let William help him with carpentry projects to spend time with him. Following a visit with Ms. Thorpe on 07/23/1976, William returned to the Knowles home with encopresis and enuresis and continued nightmares of "his mother's house" while he also stated, "I am afraid my daddy might hurt my mommy." The caseworker had received confirmation from Ms. Hensel that Billy's father had spent the weekend with them despite Mr. Thorpe being remarried. Ms. Knowles was able to use positive reinforcement with William to encourage him to use the toilet and his soiling and wetting reportedly ceased. William was reported to be enrolled in nursery school 2-3 mornings a week by Ms. Knowles and tested "average to above average in all areas- personal, social, gross adaptive motor and language" on the Denver Developmental Test administered on 09/09/1976. His teacher commented that William responded well to structure and consistency, that his aggressive behaviors began to diminish, and that he had a comfortable attachment with his foster family.

12/09/1976: Caseworker letter to Ms. Thorpe requested that she reconsider taking William out of foster care placement. The caseworker also sent a letter to the St. Louis Juvenile Court describing William's situation and asked for advice pertaining to any action that could be taken to assure stability and security for William.

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	<p>12/14/1976: Caseworker was advised from Kathy Captain, Deputy Juvenile Officer that a hold could be placed on William's removal until an investigation of Ms. Thorpe's home with Mr. Abramson in Colorado Springs was conducted.</p> <p>12/23/1976: Caseworker received a phone call from Deputy Juvenile Officer Captain stating that the Juvenile Court Legal Department had "refused to authorize filing of a petition on basis of 'anticipated neglect or abuse'." He advised that the temporary hold order was no longer in force.</p> <p>&lt;&lt;William Thorpe, Age 4&gt;&gt;</p> <p>02/02/1977: Letter was reviewed from caseworker to Chief Juvenile Officer, Mr. Kenneth M. Hensiek that requested the Court intervene on William's behalf and award temporary custody to the Department of Children, Catholic Charities.</p> <p>04/21/1977: (Summary of caseworker contacts from 12/23/1976-4/21/1977). Ms. Thorpe reportedly contacted the caseworker over the Christmas holiday and requested a visit with William. She stated that she and Mr. Abramson had "hitchhiked from Colorado." The caseworker learned from Mr. Thorpe and his parents that Ms. Thorpe was reportedly two months pregnant. On 02/01/1977, William's paternal grandmother contacted the caseworker and stated that Ms. Thorpe planned to take William out of his foster home placement on 02/05/1977 and requested that custody be transferred to Ms. Hensel. Mr. Thorpe was concerned about William's stability and contacted the foster home and reported that Ms. Thorpe was wanted on a charge of prostitution. William was removed from his foster home on 04/21/1977 by Ms. Thorpe.</p> <p>&lt;&lt;William Thorpe, Age 4-6&gt;&gt;</p> <p>03/09/1979: (Summary of caseworker contacts from 04/21/1977-03/09/1979). William reportedly contacted his foster parents while in his mother's care in Colorado Springs. In December of 1978, the caseworker received a call from Ms. Hensel that Ms. Thorpe resided in Lake Tahoe, California with William and worked as a waitress. Ms. Thorpe reportedly requested foster care placement as she was having problems with William. Ms. Hensel stated that she returned to St. Louis for the beginning of 1978 (William, age 5) and depended on her mother to care for them. She was then reportedly "kicked out" of Ms. Hensel's home in August of 1978 and then moved to Lake Tahoe. Ms. Thorpe stated that William had "drowned a cat at his paternal grandparent's home, had been setting fires and had been truant from school." The caseworker requested that Ms. Thorpe seek counseling and explained that the Division of Children would need to take custody of William in order to seek another placement as per her request. Mr. Thorpe was in the care of his mother as he was paralyzed from a gunshot wound he received when his father shot him in August, 1978. (Newspaper clipping was reviewed). Several phone calls to the caseworker were noted over this period.</p>	
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	<p>&lt;&lt;William Thorpe, Age 6&gt;&gt;</p> <p>01/11/1979: (Letter reviewed from caseworker to Mr. Kenneth M. Hensiek, Chief Juvenile Officer of the St. Louis County, MO, Juvenile Court). This letter requested the Court grant temporary custody as there was "sufficient evidence of neglect for the Court to take action." This letter also requested that Ms. Thorpe participate in intensive psychotherapy. The Court did not take action as a result of this letter until Ms. Thorpe left town and the paternal grandmother reported Ms. Thorpe's actions to the Court as abandonment.</p> <p>Various Detention Orders and Foster Care Review Reports, Board Payment Agreements, Consents for Medical Treatment, copies of Parental Rights and Duties, and Client Status Update Forms were reviewed.</p> <p>Various Letters from Ms. Thorpe to caseworker were reviewed and consistent with caseworker contact notes.</p> <p>Immunization records for William were reviewed along with William's Baptism Certificate, Marriage License of William's biological parents and Divorce Decree were reviewed.</p> <p>&lt;&lt;William Thorpe, Age 8&gt;&gt;</p> <p>12/29/1980: Department of Children Case closed.</p>	
11/07/1973- 05/01/1974	<p>Various Fulton State Hospital Records were reviewed and summarized as per relevance below.</p> <p>A Staff Note dated 04/29/1974 stated that Mr. Thorpe (age 20) had been ordered to undergo a pre-trial psychiatric examination due to his arrest after reportedly physically abusing his wife and both of his parents. He was charged with Assault with Malice and Forethought, Assault with Intent to do Great Bodily Harm, Flourishing a Deadly Weapon, and Parole Violation. According to reports from his parents, Mr. Thorpe has been observed physically abusing his wife, and has "been observed physically abusing his fifteen month old son, once by flinging the child against the wall."</p> <p>4/29/1974: Mr. Thorpe was admitted to the Fulton State Hospital for a pre-trial Psychiatric evaluation as ordered by the Court to determine competency to stand trial. Record dated 04/29/1974 noted that Mr. Thorpe was in the average range for intellectual functions with no reported signs of organic impairment as per psychological testing. Antisocial traits were noted in the test results. Mr. Thorpe reportedly attempted to escape from the hospital one time. The report noted that Mr. Thorpe lacked guilt or remorse when he discussed his past antisocial behaviors. It was recommended that Mr. Thorpe be returned to Court for disposition of the charges pending against him.</p>	Fulton State Hospital, Mental Health Records
05/02/1971; 12/27/1971; 01/22/1981; 08/15/1981; 11/04/1981; 12/25/1981;	<p>Florissant, Missouri Records were reviewed and summarized as per relevance below.</p> <p>Arrest Record information is summarized as follows:</p> <p>05/02/1971: Mr. Thorpe was reportedly arrested for Peace</p>	Florissant, Missouri Police Records

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	<p>Disturbance and sentenced to 2 days in County Jail.</p> <p>12/27/1971: Mr. Thorpe was reportedly arrested for Tampering with a Motor Vehicle (Misdemeanor) and issued a fine.</p> <p>01/22/1981: Mr. Thorpe was reportedly arrested for Violation of Missouri Substance Law Sale (Felony) and sentenced to one day in County Jail.</p> <p>08/15/1981: Mr. Thorpe was reportedly arrested for Driving while Intoxicated and sentenced to 90 days in County Jail.</p> <p>11/04/1981: Mr. Thorpe was reportedly arrested on an outstanding warrant for Sale of Morphine (Felony) and sentenced to one year in County Jail.</p> <p>12/25/1981: Mr. Thorpe was reportedly arrested for Assault in the First Degree (Felony). He was sentenced to 5 years Probation that was revoked on 03/07/1983. It was reported that Mr. Thorpe was later sentenced to serve 5 years incarcerated.</p>	
02/15/1977	Letter from El Paso County Department of Social Services caseworker Francis D'Annunzio to Ms. Anzalone, Department of Children, Catholic Charities Caseworker was reviewed. The letter was in response to Ms. Anzalone's request for Mr. David Abramson's history and current demographics, Ms. Thorpe's fiancé. Mr. D'Annunzio described his contacts with Ms. Thorpe and Mr. Abramson and stated that he was "disturbed" by Ms. Thorpe's vague answers about William's foster care placement. Mr. D'Annunzio also commented, "Several factors concerned me about Barbara's plan, such as lack of stable employment, and difficulty of follow-up if they move to New York." Mr. D'Annunzio reported that Ms. Thorpe and Mr. Abramson also showed enthusiasm about taking William in their care.	Letter from El Paso County Department of Social Services
10/24/1974-08/05/1977	Medical progress notes reviewed from a Clinic in St. Louis, MO, for Department of Children physical exams. On 04/07/1976, William was seen for a physical exam. It was reported that William had fallen from a roof several months ago. No additional information was provided.	Supplementary Medical Record sheets reviewed from a Clinic in St. Louis, Missouri for Department of Children physical exams
01/12/1979	Handwritten letter from Ms. Thorpe to Mr. Thorpe was reviewed. Ms. Thorpe indicated in her letter that she had to return to Lake Tahoe and that she had left William with Mr. Thorpe. She stated that she promised to return for William in 3-4 months. Ms. Thorpe attached a letter that gave Mr. Thorpe temporary physical custody of William (age 6).	Handwritten letter from Ms. Thorpe to Mr. Thorpe
01/22/1979; 06/28/1979	<p>01/22/1979: Family Court documents were reviewed. Detention Order from 01/22/1979 noted the reason William was Ordered into foster care as Abandonment. William was reportedly left in the care of his paternal grandmother and father, neither of whom were reportedly capable of caring for William.</p> <p>06/28/1979 Court Petition for William (age 6) was documented as dismissed. William was again left in the care of his paternal grandmother and father.</p>	Juvenile Court, St. Louis County, Missouri
01/06/1982	Order for Adoption in the Matter of the Adoptive Petition of Joe L.	Order for Adoption

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	Castillo and Barbara Castillo was reviewed. By Order of District Judge Thomas J. O'Donnell, William Patrick Thorpe, Jr., age 9, was adopted by Joe L. Castillo.	
1980-1984	<p>Several Handwritten notes authored by Mr. Castillo were reviewed. The notes summarized William's behaviors that Mr. Castillo had reportedly witnessed over the years. Mr. Castillo stated that William killed his grandmother's dog for attention at age 5. William (age 6-7) was noted to have burned the backs of the couches in the home and Mr. Castillo reportedly found matches by his toys. Mr. Castillo stated that he had William hold a burning match in his hand until the match went out in his hand. He noted that it hurt, but William learned his lesson. Mr. Castillo documented that William had choked girls at school for no reason at all.</p> <p>Mr. Castillo stated that William (age 7) was sent to live with Ms. Castillo's brother (a religious man) in Florida for approximately three months because of his behavioral problems. Mr. Castillo commented that William had not changed after living with his uncle. During the same year, it was noted that William, while on vacation in CA with Mr. Castillo's parents, broke into a home with another youth and vandalized it. William was reportedly taken into custody.</p> <p>William (age 9) was noted to have been seen by a psychiatrist who recommended a special diet which Mr. and Ms. Castillo reportedly never followed through with. Mr. Castillo reported that at age 11, William was able to complete the wrestling season with no violent behaviors and he played baseball and did well until he ran away again. Mr. Castillo also noted that William had set fires. He stated that fires became William's source of attention. Mr. Castillo wrote that William (age 12) broke into a home construction site and vandalized the premises and stole a calculator and radio. It was noted that William then set a fire using WD-40 and then proceeded to set fires on top of a building. Mr. Castillo stated that William had constant supervision at school but not at home. Mr. Castillo reported that when William did serious things such as stealing, lying, playing with fire and using foul language, he would "get the belt." Mr. Castillo stated in his notes that all he wanted was for William to make an effort and to "just try" in school.</p>	Handwritten notes authored by Joseph L. Castillo
03/25/1981	<p>Intake summary by Mr. Chuck Vernon, MA was reviewed. It stated that William (age 8) had a long history of pre-delinquent behavior and that Ms. Thorpe sought services for William in Louisiana, Florida, Colorado, California, Lake Tahoe and Las Vegas. William was reportedly classified as a juvenile delinquent in Los Angeles and Douglas County. Mr. Vernon reported that William's first run away was at the age of seven.</p> <p>It was noted in this summary that on William's first day at school at age eight, he kicked a girl off the bus and gave her a concussion. Three days prior to this interview, William reportedly broke a car window. At age five, it was stated that William drowned his grandmother's dog to "get even with her" and at age six, "killed several birds by smashing their skulls with rocks." The summary stated, "Natural father is reported to have been institutionalized several times and jailed several times. Child observed and was subject to abuse by his natural father. Mother reports the child has</p>	Intake Summary for Treatment, Oasis Program



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	been moved approximately twenty times since birth with five or six out of state moves."	
06/09/1981; 06/15/1981; 06/22/1981; 06/29/1981; 07/06/1981; 07/13/1981; 07/20/1981; 07/27/1981; 08/24/1981; 09/11/1981; 09/14/1981; 12/15/1981	<p>Various case notes were reviewed from Oasis Residential.</p> <p>06/09/1981: Upon admission, it was reported that William fought at school, did not pay attention to work assigned and "does whatever he wants." William reported he was "immune to punishment." He was noted to be in a regular classroom setting. Teaching Parents note indicated that on this day, "Ms. Castillo has hung up the phone in anger and been extremely rude to both the Teaching Parent and assistant. This lack of self-control and negative attitude concerning the program are of concern to us at this time."</p> <p>06/15/1981: It was noted that William displayed no inappropriate behavior in the home and that he responded well to positive interaction and seemed eager to please.</p> <p>06/22/1981: It was stated that William was "somewhat aggressive with other children in the home." It was documented that William had gone into a depressive state and that his mother "always sends him to foster homes and relatives and doesn't like to have him around." It was noted by the Teaching Parent that Ms. Castillo "shows very little interest" in seeing William.</p> <p>06/29/1981: It was documented that during a family vacation with his Teaching Parents, William had "several problems staying under control. He constantly made sexual remarks to other children in the program and the Teaching Parent's daughter." It was further noted that "lying was a major problem."</p> <p>07/06/1981: It was noted that William had improved with accepting criticism and responded well to positive interactions. It was also reported that William spent a lot of time that week crying. William was picked up by his mother this week and reportedly "lost complete control" when he lied to her. Ms. Castillo reportedly "screamed she would beat him if he did not tell her the truth. She became completely incoherent; we couldn't tell what she was yelling. She was shaking and out of breath." William was reportedly removed from her presence and Ms. Castillo sat with Teaching Parents to discuss alternative disciplinary strategies.</p> <p>07/13/1981: It was noted that William had reduced his aggression and had received good school notes all week. The Teaching Parents during parenting skills training with Mr. and Ms. Castillo noted that they observed that Ms. Castillo interrupted Mr. Castillo and pointed out what he had done wrong in the past. Ms. Castillo apparently avoided being involved in the program and seldom attended sessions. The program noted that when William had telephone conversations with his mother, he ended the call crying and stated that his mother was busy.</p> <p>07/20/1981: It was noted that sexual problems resumed and that William pulled his pants down in front of the Teaching Parents' daughter and asked her to pull other children's pants down. It also stated that this behavior had included the Teaching Parents' young</p>	Case notes from Oasis Residential Facility

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	<p>son.</p> <p>07/27/1981: It was noted that every night of that week there were problems with William and that sexual problems continued with comments directed at the Teaching Parent's daughter. Time Out's and ignoring were reported to have little effect. At school William reportedly had good grades and demonstrated appropriate social skills.</p> <p>08/24/1981: It was noted that Ms. Castillo had trouble with her temper and "has difficulty dealing with Billy's relationship with his stepfather, seeing any improvement as a personal threat to her own parent skills, or what people think of them." Teaching Parent recommended outpatient work with this family and a reconsideration of placement due to Ms. Castillo's lack of involvement in William's treatment.</p> <p>09/11/1981: Mr. Castillo reportedly requested that William be discharged from the Program as he and Ms. Castillo had acquired behavioral management skills and William demonstrated the ability to feel sorry for his misbehaviors.</p> <p>9/14/1981: Ms. Castillo reportedly contacted Oasis and requested that William be discharged as of this day.</p> <p>12/15/1981: Ms. Castillo was noted to have contacted Coordinator of Community Based Group Homes and stated that William had been kicked out of school for kicking a classmate and ran a piece of glass down a youth's back that required three stitches for the injured youth. Ms. Castillo was reportedly pregnant at the time of the call and feared that Mr. Castillo would hurt William in frustration. She requested William be placed back in Oasis. Coordinator suggested immediate outpatient intervention to get through this crisis. Mr. Castillo then reportedly contacted the Coordinator and stated he would hurt William if he was not removed from the home. The stated plan was to take William to detention.</p>	
06/09/1981; 06/14/1982	<p>06/09/1981: Treatment goals were reviewed.</p> <p>06/14/1982: Behavioral report revealed that "William will always profess his innocence. Lying does not seem wrong to him." It was further noted that he did not seem to "believe his actions had any effect on the people around him." It was reported that William was in need of a "very structured" environment.</p>	Behavioral Reports and Clinical Service Agreements from Clark County Juvenile Court Services
05/24/1982	<p>Psychological Evaluation conducted by Dr. Triggs revealed that William was referred on a charge of runaway. William reportedly had run away from the home five times in the previous month. At the time of report, William resided with his mother and adoptive father, Mr. and Ms. Castillo. William reportedly displayed inappropriate behaviors that included lying, stealing and running away. William alleged that Mr. Castillo used excessive physical punishment.</p> <p>The conclusion noted that William was of "average intellectual ability and may also have some behavior problems including poor peer interaction, non-compliance, stealing, lying and runaway behavior." Dr. Triggs recommended the following least restrictive interventions,</p>	Psychological Evaluation by Dr. Triggs

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	"special education programs, social skills training, group/peer counseling, individual counseling, family counseling and parent skills training."	
05/28/1982	William (age 9) was referred to counseling by Juvenile Court Services. Ms. Castillo reportedly stated that she placed William in foster homes due to financial problems. Mr. and Ms. Castillo were noted to be married when William (age 6) was in a foster home. Mr. and Ms. Castillo reportedly used physical punishment in the home by belt or hand, grounded William typically for one day at a time, and took privileges away such as biking and swimming. They also stated they used yelling and lectures to discipline William. They stated that they were "at the end of their rope." Document appears to be missing additional pages.	Intake Summary for Clinical Services
07/07/1982	Psychiatric Evaluation of William Castillo dated 07/07/1982 was reviewed. It was noted that this evaluation followed his stay in Detention after setting fire to the family home. Dr. Hechter stated that William showed no emotional response in discussion of the fire. Mr. Castillo reported that around the time his home was burned William was cutting the tires of motorcycles in the neighborhood. William was diagnosed with Axis I Conduct Disorder, unsocialized, aggressive with a poor prognosis and long term treatment at an educational facility was recommended.	Psychiatric Evaluation from the Las Vegas Mental Health Center
07/23/1982	<p>Dispositional Report written by Deputy Probation Officer, Elizabeth Alvarado was reviewed. On 07/01/1982, William "set fire to the family home which burned to the ground. After setting the fire to the home, Billy ran from the scene without telling his mother, who was inside the house with this infant sister, about the fire." Ms. Castillo (William's mother) was treated for smoke inhalation but no other injuries were reported. When William was picked up by police, Mr. Castillo (adoptive father) reported that William had no remorse for his actions and that William had a knife in his possession.</p> <p>William's history was reviewed and indicated that on 04/15/1981 he was referred to Children's Behavioral Services. William also had reportedly run away four times between 01/20/1982-05/20/1982 and was placed on House Arrest on 06/24/1982. Ms. Thorpe reported that William's biological father, Mr. Thorpe had attempted to shoot her and was subsequently arrested on charges of Possession of a Deadly Weapon with Intent to Kill. Mr. Thorpe's mother (William's paternal grandmother) was reportedly committed to mental health facilities several times for attempted suicide. It was noted that Mr. Thorpe was arrested for an attempt on his mother's life when he held a knife to her throat and was awaiting sentencing where he will be "committed to an institution for the criminally insane."</p> <p>Ms. Alvarado stated that she believed that Mr. Castillo had made an effort to have William socialize with other boys his age. William was recommended to be placed in the custody of the Administrator of the Department of Human Resources for appropriate placement and co-custody was recommended to the Nevada State Welfare Division and the Division of Mental Hygiene and Mental Retardation.</p>	Juvenile Division Court Records, Clark County, Nevada Dispositional Report
08/09/1982; 08/16/1982; 08/30/1982; 09/07/1982;	Weekly Summary dated 08/09/1982-08/15/1982 noted that Psychiatrist, Dr. Hechter, had suggested placement for William out of State in order to deal with his "severe behavioral problems" and to "provide training in occupational skills." The Court instead placed	Intake and Case Notes from Erik and Helen Masager, Teaching Parents

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<p>10/19/1982; 11/06/1982</p>	<p>William in the Oasis Program on 08/09/1982. During the first two weeks, it was documented that William's behaviors were exceptional and he was able to accept criticism and follow instructions. Mr. Castillo reportedly was pleasant and straight forward during discussions with the Teaching Parent. He reportedly brought William toys and clothing upon his admission to the program. It was noted that Ms. Castillo was "less cooperative because she has been repeatedly and seriously the object of his behavior."</p> <p>Weekly Summary dated 08/16/1982-08/22/1982 indicated that Mr. Castillo reportedly took William fishing and observed that William's impulsiveness was quite controlled.</p> <p>Weekly Summary dated 08/30/1982-09/06/1982 documented that Mr. Castillo strongly supported the program and spent time with William working around the house and swimming that week. William reportedly received a package from Mr. Thorpe and Ms. Castillo stated that she did not want William to have contact with his father. It was not clear as to whether or not William was able to view the contents of the package as Mr. and Ms. Castillo were to monitor William's mail while in program.</p> <p>Weekly Summary dated 09/07/1982-09/12/1982 indicated that William did not earn the privilege to go home that weekend and while at the duty home, he "pulmuted a pet turtle with a spit wad and broke a pen that did not belong to him." William also ran away with another youth the night of 09/12/1982 but was located the same night.</p> <p>Case Note dated 10/19/1982 reported that William ran from school in the morning and the Police, Mr. Castillo, and the Teaching Parents searched for him. William reportedly turned himself in on 10/20/1982 and was placed in isolation until his hearing that was scheduled for the following morning. The program was reprimanded in Court on 10/22/1982 for not providing William "enough of what he needed." He was referred to an outpatient therapist to deal with run away behavior on 11/02/1982.</p> <p>Case Note dated 11/06/1982 stated that the Teaching Parent and William were involved in a motor vehicle accident. It was documented that "we both were tossed forward on impact and struck the tips of our heads on the windshield which was undamaged." William was treated at Southern Nevada Hospital approximately two hours after the accident. It was noted that William was checked for a concussion, but no confirmation of this diagnosis was noted. No hospital records were available for review.</p>	
<p>07/29/1982; 09/21/1982; 10/05/1982; 12/07/1982; 01/14/1983; 01/25/1983; 05/24/1983; 07/26/1983; 08/02/1983; 02/21/1984;</p>	<p>07/29/1982: Court Transcript was reviewed from Court date on 07/29/1982 wherein Mr. and Ms. Castillo were noted to be present and the unsuccessful attempts for the Castillo's to obtain treatment for William was discussed. William was made a Ward of the Court under Neglect Adjudication.</p> <p>09/21/1982: Case plan stated the following: William was to remain at the Oasis Residential Program, Mr. and Mrs. Castillo were to continue to participate in said program, while they maintained child support for William. Mr. Castillo was Ordered to maintain stable</p>	<p>Juvenile Court Transcripts, Case Plans, corresponding Orders, Treatment Plan submitted for Case Reviews, Parole Agreement, Nevada</p>

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03/14/1984; 04/23/1984; 08/13/1984; 04/08/1985; 12/02/1985; 12/19/1985;	<p>employment and housing and work towards reunification.</p> <p>Formal Court Review was reviewed. Date was illegible on document.</p> <p>10/05/1982: It was reported that the State Welfare Department was concerned that Ms. Castillo had made no effort to visit William and had "unrealistic expectations of William's progress." Mr. and Ms. Castillo were Ordered to comply with case plan dated 09/21/1982.</p> <p>12/07/1982: Dispositional Report was reviewed. William reportedly ran away from the Oasis Program on 10/19/1982 and turned himself in on 10/20/1982. This was reportedly his first overnight runaway. Prior to this, William had run away approximately seven times with the majority of times being away from school grounds. It was recommended that William remain under Formal Supervision until 05/07/1983. Terms of Supervision were noted on the Order filed on 12/08/1982.</p> <p>Formal Court Review and 90 Day Review by Teaching Parents between the dates 09/14/1982-12/01/1982 was reviewed and was consistent with Dispositional Report from 12/07/1982. Date of report was not included on this document.</p> <p>Transcript of Proceedings from 12/07/1982 was reviewed. Ms. Thome from Nevada State Welfare noted that William did not have problems with running away when he was under constant supervision. Ms. Castillo stated that William ran away because he was not allowed home on the weekends. Ms. Castillo also noted that she had a miscarriage after four-and-a-half months. The Honorable Judge Fisher asked Ms. Castillo to be more optimistic about counseling and explained that reunification with William was the goal. During proceedings, it was noted that the Teaching Family Parents were leaving and William would be placed with a new family.</p> <p>Dispositional Report (01/25/1983), attached Petitions (01/07/1983), Affidavit of Arrest (01/01/1983) and Clark County Fire Department (01/03/1983) records were reviewed for the charges of Arson and Runaway. On 1/1/1983, William (age 10) and another juvenile ran away from Children's Behavioral Services and reportedly set fires in Circus Circus Hotel and Casino and at the Oz Chinese Restaurant. Six fires were documented. The Fire Department reported the seriousness of the fire setting and the preplanning which took place during the incidents. William and another juvenile used a flammable accelerant. William and the other juvenile who set the fire stated their motive was to get back at a woman who had thrown them out of Circus Circus Hotel and Casino the previous evening and that they had planned on burning the whole building to the ground to "get even." The Fire Department noted that "both juveniles are using arson as a vehicle for attention, and a way to strike back at other people."</p> <p>Transcripts of Court proceedings from 01/25/1983 were reviewed along with Terms of Probation.</p> <p>Supplemental Court Report dated 05/24/1983 noted that prior to the</p>	
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	<p>Arson incident on 01/25/1983, William had set a fire in one of the apartments at Children's Behavioral Services and had stuffed papers in a heater vent while away for the weekend with his parents in California. The Court Ordered that Mr. and Ms. Castillo have out of residence visitation with William.</p> <p>Terms of Probation were reviewed from 07/26/1983-01/26/1984.</p> <p>Supplemental Order dated 08/02/1983 was reviewed.</p> <p>Commitment Order and Formal Court Review of Case and Case Plan dated 02/21/1984 was reviewed. It was noted by therapist Dr. Bryan Young that William had a "total lack of cooperation regarding any meaningful therapy." It was noted that his behavior seemed unchanged from date of admission on 01/25/1983. William was reportedly booked on 02/01/1984 on a charge of battery against his teacher and ran away from the Youth Hospital on 02/12/1984. Mr. Castillo reportedly contacted Nevada State Welfare Division caseworker and requested to relinquish his parental rights. It was stated in the Court Report for the 02/21/1984 proceedings that William's actions and psychological test results were consistent in defining his behavior as Conduct Disordered. Ms. Barbara Qualls, ACSW stated that continued placement in the Youth Hospital was unlikely to yield results.</p> <p>Outpatient Consultation Report by Dr. Kirby Reed dated 01/14/1983 stated there was no neurological basis for any of William's behavioral difficulties. It was recommended that William reside in a 24-hour supervised residential placement for the safety of William and the general public. Dr. Reed did not recommend any further neurological testing.</p> <p>Court Petition, State of Nevada was reviewed. William (age 11) had reportedly placed detergent in a large vat of mashed potatoes being prepared for the use of persons at the Clark County Juvenile Court Services.</p> <p>The Nevada Youth Service Treatment Plan dated 04/23/1984 was reviewed. Dr. Sandra Rahrer, Psychologist and Jerry Herring, School Counselor reported that William was "fully aware of what he is doing and wholeheartedly resists any modification of his behavior by others." William was noted to have an Average range of intellectual functioning and low self-esteem. The treatment plan highlighted specific behaviors that required change such as non-conformity and attention seeking.</p> <p>Parole Agreement effective 08/13/1984 was reviewed.</p> <p>Court Petitions (04/08/1985 and 12/02/1985) and Review Court Date document dated 12/19/1985 were reviewed. It was noted that since William was placed on Parole he had three violations. The Petition stated that William was caught with some type of acid and matches at school. William reportedly ran away on two occasions. His current counselor reported that "William feels that the world revolves around him and his needs must be met before anyone else's." Out of State</p>	
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	programs were reportedly sought. Parole Officer, Bruce Kennedy recommended that William's parole be revoked and that he be returned to the Nevada Youth Training Center.	
07/29/1982; 07/26/1983	<p>07/29/1982: As per the Court Order, William was made a ward of the Juvenile Court as a Neglected Child and was to be placed in the co-custody of the Nevada State Welfare and the Department of Mental Hygiene and Mental Retardation for appropriate placement. It was further Ordered that Mr. and Ms. Castillo abide with the treatment plan. Treatment Agreement was signed on 07/29/1982 by Mr. and Ms. Castillo.</p> <p>07/26/1983: Termination Court Report indicated that William was placed at the Oasis Residential Program at Children's Behavioral Services. On 01/25/1983, William was placed on Formal Probation due to charges of First Degree Arson and Runaway. William reportedly had set several fires at the Circus Circus Hotel and Casino on 01/01/1983 with a peer as well as a separate fire at the Oz Chinese Restaurant. William was placed in the Youth Hospital at the Children's Behavioral Services for six months and it was recommended that William remain in a residential placement after discharge from Youth Hospital (Southern Nevada Child and Adolescent Mental Health Services).</p>	Juvenile Court Orders, Nevada
01/07/1982; 03/09/1982; 03/07/1983; 03/9/1983; 06/06/1983; 07/21/1983; 11/18/1983	<p>Department of Corrections, Missouri records for Mr. Thorpe were reviewed and summarized as per relevance below.</p> <p>01/07/1982: Judgment and Sentence was reviewed. Mr. Thorpe was sentenced to one year for the Conspiracy to Attempt Sale of Controlled Substance, Morphine.</p> <p>03/09/1982: Mr. Thorpe was reportedly sentenced to 5-years Probation for Assault in the First Degree with the condition that Mr. Thorpe receive recommended psychiatric treatment and had no contact with his father.</p> <p>03/07/1983: Revocation of Probation and Commitment indicated that Mr. Thorpe violated Probation by assaulting two women and presenting a weapon on 05/01/1982. He was sentenced to 5-years in prison.</p> <p>03/9/1983: Diagnostic Report was reviewed. It noted that Mr. Thorpe, age 29, served time in a Juvenile Facility for 11-12 months around age 15. It also stated that at age 16, Mr. Thorpe was placed at the training center in Boonville, Missouri for approximately 9 months. Mr. Thorpe reported that at age 17 he was charged with Burglary of a business and placed on 3-years probation. The document also stated that Mr. Thorpe had been drinking since age 13. The report indicated that Mr. Thorpe scored in the below average range of intelligence on the Revised Beta Examination and satisfactorily read on the 9<sup>th</sup> grade level.</p> <p>06/06/1983: Work and Training Reports stated that Mr. Thorpe was a good student and worker and his work assignment was Air Conditioner/Refrigeration repair.</p> <p>07/21/1983: Conduct Violation Report stated that Mr. Thorpe had</p>	Missouri Department of Corrections Records, Mr. Thorpe (William's biological father)

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	money in his possession.  11/18/1983: Conduct Violation Report stated that Mr. Thorpe was fighting with another inmate.	
01/03/1983	Runaway Incident Report by Michael Barber, Teaching Parent indicated that William (age 10) and another youth left the home on 12/31/1982 and "were picked up for eight counts of Arson and one count of Attempted Murder." William and the other juvenile had reportedly stolen several cans of lighter fluid and lighters from the shop Circus Circus and had made paper fuses to time delay the fires. They were noted to have made repeated attempts to burn Circus Circus. An Attempted Murder charge was noted to have been filed because of the "sophistication and persistence of the fire setting attempts and the large crowd present at the hotel for the New Year's Holiday." William and the other youth were detained.	Runaway Incident Report by Teaching Parent
01/25/1983	Medical Examination dated 01/25/1983 was reviewed and noted some diminution of pain and tickle sensation in the hands and feet. The sensation was described as a "glove stocking." The report recommended that William's hand and foot sensations be checked once a month.	Medical Examination from Children's Behavioral Services
05/19/1983	Psychiatric Evaluation of William (age 10) was conducted following the incident wherein William and another youth set fires at the Circus Circus Hotel in Las Vegas. It was noted that William was preoccupied with picking his fingernails. Dr. Saranga noted that Mr. Castillo seemed committed to give William a chance to do well. His behavior was reportedly attributed to his inconsistent upbringing. The report noted in the diagnostic conclusions that William lacked a nurturing figure and a consistent, predictable environment during his early childhood.  The possibility of familial genetic inheritance was suggested. The possibility of Hyperactivity and Attention Deficit Syndrome reportedly needed to be ruled out to clarify the course of William's treatment. It was recommended that William receive Psychological testing for Perceptual Disability, formal IQ Testing, Projective Testing and Vision and Hearing testing. The evaluation recommended William for a trial of Ritalin so that he would be amenable to Cognitive Therapy and Psychotherapy.	Psychiatric Evaluation, Southern Nevada Child and Adolescent Mental Health Services by Dr. Saranga, Child Psychologist
Approximate dates for notes, 06/24/1983	Home Notes were reviewed. Mr. Castillo completed three Home Notes while William was home from the Nevada Youth Training Center. Mr. Castillo noted that William must be active all the time and that he continued attention seeking behavior.	Home Notes written by Mr. Castillo while William Resided at the Nevada Youth Training Center
07/15/1983	Assessment Report indicated that the Youth Hospital 6-month observation was not the "optimal" setting for William. He was reportedly admitted on 01/25/1983. Mr. Castillo stated at time of report that he thought William should stay at the Youth Hospital for another 6-12 months until he "shaped up." It was noted in the recommendations that the stay at the Youth Hospital had little effect on William's delinquent behavior. Discharge recommendations stated he "would best be served by discharging him from the Hospital and having him experience the full legal consequences of his actions."	Assessment Report, Southern Nevada Child and Adolescent Mental Health Services by Dr. Brian W. Young, Psychologist
Approximately 12/1983- Date missing on	Social History from Child Behavioral Services was reviewed. It was noted that since William was adjudicated he was a "child in need of supervision" due to increased run away behavior. At the time the	Social History, Child Behavioral Services



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report	<p>social history was taken, it was noted that an out-of-state placement at Boys Town in Nebraska was being sought. Mr. Castillo reportedly stated that giving William his last name may benefit him when he adopted William in 1982.</p> <p>It was documented that William on a recent vacation with the family stuffed papers in the bathroom heater with the intent to start a fire. William reportedly did this to get even with Mr. Castillo who had slapped him for talking back. On 12/19/1983 William reportedly placed a hot pad on the stove heating element and caused damage to the stove. Due to these incidents, it was noted that Mr. and Ms. Castillo did not deem it safe for William to reside with them and their nine-year-old daughter.</p> <p>It was also noted that William's natural father was of German descent, Ms. Castillo was French, Jewish and American Indian and Mr. Castillo was of Mexican descent. Ms. Castillo stated that she had difficulty liking William because he reminded her so much of his biological father, Mr. Thorpe. The social history stated that was easy for William to make friends, however, he enjoyed the attention of his peers from running escapades. He was noted to be in the fourth grade at the time of this report and received failing grades. His teacher noted that his poor grades were not related to any learning disabilities.</p> <p>In the second Social History (date missing on report) completed by Child Behavioral Services, it was noted that his attendance in school had been perfect except for his five runaways from school. The attached recommendations from Dr. Young, Psychologist, suggested that William would maybe respond better in a group home environment. His diagnosis was as follows: Axis I. Conduct Disorder, under-socialized aggressive; Axis II. Childhood Antisocial behavior; Axis III. None; Axis IV. Psychosocial stressors and Axis V. 5-Poor.</p>	
10/26/1983- 12/28/1984	Home videos of Castillo household were reviewed. On 11/05/1983, Mr. Castillo (camera man for all videos), noted that this was William's first visit home in over a year. William stated on camera that he enjoyed baseball. On 12/29/1983, the family celebrated William's 11 <sup>th</sup> birthday and William stated his goals for the year were to stay out of trouble and get back into baseball. The video dated 12/29/1984 was of the family celebrating William's 12 <sup>th</sup> birthday. William stated to the camera that he was not making promises he could not keep this year. Mr. Castillo stated that William was starting wrestling soon.	Home Videos- William Castillo's family
1983-1984	Transcript from Independence High School was reviewed. Date of entrance to the school was reported as 3/9/84 with a withdrawal date of 8/6/84. Only second semester marks was reported with marks ranging from D+ to C+.	Independence High School Record
02/21/1984	Formal Court Review of Case and Case Plan was reviewed. It was noted by former therapist Dr. Bryan Young that William lacked cooperation in regards to any meaningful therapy. It was indicated that William had run away from the Youth Hospital three times since the last review and was booked on a charge of Battery against a teacher.	Formal Court Review of Case and Case Plan, Juvenile Court, Nevada
03/09/1984- 01/10/1991	Records from the Nevada Youth Training Center were reviewed. Identifying information for William Patrick Castillo noted that he was	Nevada Youth Training Center Records

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	received at the Scout Cottage on 3/9/84. According to this document, Mr. Castillo's committing offenses were runaway, parole violations, possession of a dangerous weapon, auto burglary and grand larceny. Dates of parole and return to the facility were reported: Paroled 8/13/84, Returned 5/30/86; Paroled 5/26/87, Returned 7/8/88; Paroled 2/28/89, Returned 7/31/89; Paroled 2/27/90, Returned 4/25/90. William Castillo was reportedly "Certified" on 01/10/91 and dropped from the program.	
03/21/1984- 05-04-1984	Medical records were reviewed.  Mr. Thorpe's admitting diagnosis on 03/21/1984 was Left Supraclavicular Mass, Unknown Etiology and Discharge Diagnosis was Probable Hodgkins Disease with Bilateral Chest Involvement, Stage IV and Superior Vena Cava Syndrome. He was transferred to the University of Missouri Hospital on 05/04/1984.	Missouri State Penitentiary Hospital Records- Mr. Thorpe- (William's Biological Father)
05/04/1984- 07/17/1984	Medical records were reviewed.  The following procedures were performed prior to Mr. Thorpe's death on 07/17/1984: Bronchoscopy on 05/08/1984, Left supraclavicular lymph node biopsy on 05/08/1984, Gastrostomy tube placement and liver biopsy on 06/22/1984, Tracheostomy on 07/14/1984, and Radiation therapy from 05/18/1984 to 06/07/1984 the anterior and posterior lung. Cause of death was reported as respiratory failure.	University of Missouri Hospital Records- Mr. Thorpe- (William's Biological Father)
10/24/1984; 05/27/1986	William's Present Levels of Educational Performance (PLEP) Annual Review dated 10/24/1984 was reviewed. William reportedly had a poor attitude and used negative behavior to cover insecurity and poor self-concept. Learning levels were noted to be at the following grade equivalents: Reading- 8.9, Spelling- 6.2, Math- 5.4 and it was stated that lined paper was needed for Written Expression.  PLEP dated 05/27/1986 was reviewed. William was noted to have "very significant problems in attention, poor impulse control and sense of persecution." Learning levels were noted to be the following grade equivalents: Reading-11.4, Reading comprehension- 10.9, Spelling- 6.0, and Math- approximately at 9 <sup>th</sup> grade level.	Present Levels of Educational Performance (PLEP) for William Castillo
08/22/1985	Violation of Parole Report and Petition for Parole Violation Hearing records were reviewed. William reportedly had resided with his grandparents in St. Louis, Missouri since April, 1985 since attempts to secure placement in Nevada and out of state for William were unsuccessful. William's first charge was on 05/15/1985 where he had broken a glass door at a neighbor's home. It was further noted that on 09/26/1984, William used a lighter to start a fire on a construction site. No property damage was reported. The report stated that on or about 07/24/1985, William became involved in an incident where he was charged with oral sodomy while in the Detention Facility. William met with a potential foster family on or about 08/07/1985 and the foster parents refused to take him into their home. William was then returned to Las Vegas on 08/16/1985 as a result of unsuccessful attempts to secure placement. It was recommended by the Youth Parole Counselor, Bruce Kennedy, that William receive institutionalized care and counseling.	Violation of Parole Report and Petition for Parole Violation Hearing, Clark County, Nevada
06/04/1985- 08/27/1985	Police reports were reviewed from 6/4/1985. William was taken into custody with another juvenile for Burglary and Larceny and detained in Juvenile Detention as his paternal grandmother refused to take him home as she had current custody of him.	Police Department Records from Family Court of St. Louis County on William

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06/05/1985- 08/06/1985; 08/16/1985	<p>Juvenile Court Detention Orders and Juvenile Detention Hearing documents was reviewed. William was detained in the Juvenile Detention Center on 06/05/85 and then transferred to the Boys Shelter Care on 07/30/1985. William ran away from the Boys Shelter Care on 07/31/1985 and was suspected to be involved in a first degree Burglary and Robbery. He was apprehended and detained on 08/06/1985 in the Juvenile Detention Center.</p> <p>8/16/1985: Various Juvenile Court Orders were reviewed. William was ordered by Juvenile Court of St. Louis County to return to the Nevada and Ms. Thorpe would resume custody of William.</p>	Castillo. Juvenile Court and Detention Records, St. Louis County, Missouri.
03/12/1986	Judicial Review indicated that William (age 13) was committed to the Third Cottage on 12/03/1985 and stayed at the facility for three months. He reportedly entered the facility with sixteen prior referrals to the Court. It was noted that William had made progress in the educational area of the program, however made little progress with psychological goals. It was further stated that Mr. Castillo participated in family counseling sessions and was supportive of William. Ms. Castillo had not participated in any sessions, but maintained contact with William via phone. It was recommended that William continue placement at the Third Cottage.	Judicial Review, Juvenile Court, Clark County Nevada
03/17/1986	Clinical summary noted prior Services as: formal psychological testing, psycho-educational assessment (by school district), psychological and psychiatric interviews, observation and token economy programs in the Hospital Unit, observation and token economy programs in the school classroom attached to the hospital unit, home visits, interviews and counseling with William and Mr. and Ms. Castillo. On the Quay-Peterson Behavior Checklist, a Multiple Affect Check list and the California Personality Inventory, William had no signs of a mental disorder or thought disorder. His score on the Delinquency scale was at the maximum level. It was noted that William performed at grade level and had no evidence of learning disabilities. Upon William's entrance to the hospital, Mr. and Ms. Castillo stated they never wanted William home again, although Mr. Castillo was not willing to terminate parental rights. William utilized a day pass with Mr. and Mrs. Castillo on 06/10/1986. His diagnosis at time of report was Axis I Conduct Disorder Undersocialized, aggressive, provisional with Axis II and Axis III Deferred.	Reactivation Summary, Department of Human Resources by Dr. Sandra Rahrer, Clinical Psychologist
05/29/1986; 05/06/1986; 05/07/1986; 05/09/1986; 05/18/1986	Court Order and Supplementary Report dated 05/29/1986 was reviewed. Ms. Castillo reportedly participated in family counseling sessions since the last review on 03/12/1986 which seemed to have had a positive effect on William. Following five weeks of positive behavior at the Third Cottage, William was involved in incidents such as disruptive classroom behavior, destruction of private property, hitting a peer, stealing and writing a note with homosexual connotations to another resident in the program. Clark County Juvenile Court Services Incident Reports dated 05/06/1986, 05/7/1986, 05/9/1986, and 05/18/1986 were reviewed.	Court Order and Supplementary Report, Juvenile Court, Clark County Nevada and Clark County Juvenile Court Services Reports
05/29/1986	Parental Authorization for Placement of William into Specialized Educationally Handicapped Program with Clark County School District was signed by Mr. Castillo.	Parental Authorization for Placement, Clark County School District
06/02/1986	Report on the Jessness Inventory dated 06/02/1986 was reviewed. Report noted that William's scores were not extreme when compared	Report of Jessness Inventory by Dr. Sandra

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	to those of delinquents and that the descriptions given should be viewed as tendencies and not absolutes. Dr. Rahrer stated that William's Asocial Index score of T=70 suggested that the likelihood for him to engage in antisocial behavior was high.	Rahrer, Clinical Psychologist
10/22/1986	Treatment Plan for William Castillo was reviewed. Most recent date of entrance was noted to be 05/30/1986. It is noted that while William attended Independence High School, he was a "C"- "D" student. His favorite subject was math where he earned "A's" and "B's." William's prior record at this time included running away, assault, arson and violation of probation and parole. At this time, William resided in the Third Cottage and the goal was reunification with Mr. and Ms. Castillo. It was noted that William appeared genuine in the interview concerning his desire to make a positive change. William's score on the Wide Range Intelligence and Personality Test indicated his level of intellectual functioning to be in the High Average range.	Nevada Youth Training Center, Treatment Plan
1985-1987	Nevada Youth Training School High School Records were reviewed. Academic achievement was noted to be in the average range with grades ranging from C to B. California Achievement Test results as of 05/1987 were reported as Reading, 12.9, grade equivalent, Language, 11.1 grade equivalent and Math, 10.0 grade equivalent. His withdraw date from school was 05/26/1987.	Nevada Youth Training Center, School Records
05/26/1987	Parole Agreement signed by William on 05/25/1987 and placed into effect on 05/26/1987 was reviewed.	Parole Agreement. Juvenile Court, Clark County, Nevada
06/20/1988	Court Petition noted that on June 20, 1988, William willfully and unlawfully had a concealed weapon in his possession. The weapon was a knife.	Juvenile Court Petition, Clark County, Nevada
08/31/1988	Treatment Plan for William Castillo (age 16) was reviewed. Most recent date of entrance was noted to be 07/8/1988. Treatment plan stated this was William's third admittance to the Training Center. Prior services included mental health counseling, children's Behavioral Services, foster home placement, Spring Mountain Youth Camp and Third Cottage Program. The report described William's adjustment into the community as poor. It also noted that it was realistic for William to graduate High school.	Nevada Youth Training Center, Treatment Plan
04/12/1989; 07/05/1989; 07/07/1989; 10/11/1989	Court Petition dated 4/12/1989 was reviewed and noted that on April 12, 1989, William stole a pack of cigarettes from Albertsons.  Court Petition dated 07/05/1989 indicated that William stole a Smith and Wesson 9mm handgun, a .22 caliber handgun, and a boot knife from Mr. Castillo.  Court Petition from 07/07/1989 was reviewed and noted that William stole a motor vehicle from a dealership in Las Vegas.  Parole Violation Report dated 10/11/1989 was reviewed and was consistent with charges obtained on 07/05/1989 and 07/07/1989. It noted that on 03/30/1989, William was placed on AWOL status after failing to return home after visiting a friend. He was then placed on House Arrest for two weeks ending 05/21/1989.	Juvenile Court Petitions and Parole Violation Report, Clark County, Nevada
8/23/1989	Treatment Plan for William Castillo (age 17) was reviewed. It was noted that this was William's fourth commitment to the Training Center. It stated that William was unable to follow the rules of the Parole Agreement and maintain his behavior according to the laws of	Nevada youth Training Center Treatment Plan

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	<p>society. William stated during the interview that he had never been home long enough to get to know Mr. Castillo and that Mr. Castillo had not taken the time or effort to get to know him. He also stated that he was a "loner." He reported that he wanted to pursue a career in forestry or carpentry. William stated that he aspired to go to college and earn a degree. It was further noted that he was more mature this time and that he still had some problems with depression and feelings of inadequacy. Goals for treatment remained consistent with William's prior three commitments. It was noted that it was realistic for William to continue his efforts to graduate with a High School diploma.</p>	
10/04/1989; 04/08/1990	<p>10/04/1989: Divorce Decree was reviewed. Mr. and Ms. Castillo were awarded joint custody of the three Castillo children, William, Crystal D.O.B. 03/20/1982 and Joseph D.O.B. 09/29/1985.</p> <p>04/08/1990: In Motion to Modify Divorce Decree, Mr. Castillo's affidavit noted that William was sleeping in the same room with Crystal (8) and he stated this was dangerous and inappropriate. Mr. Castillo stated that he wanted sole custody of Crystal and Joseph.</p>	Divorce Decree of Mr. and Ms. Castillo & Motion to modify Divorce Decree
1985-1990	<p>Independence High School Records were reviewed. Academic achievement was noted to be in the average range with grades ranging from C to A. Freshman year was reported to be 1987/1988 with a graduation date of 2/27/90. William was reported to be on the Honor Roll in November 1989 and January 1990. California Achievement Test results as of 7/12/88 were reported as Reading, 12.9 grade equivalent, Language, 12.5 grade equivalent, and Math, 11.9 grade equivalent. It was noted that William was retested for Math on 2/13/89. Nevada Proficiency Results dated 10/89 were reported as follows: Math 477 (pass), Reading 574 (pass) and Writing 6.0 (pass).</p>	Independence High School Records
03/21/1990	<p>Amended Parole Agreement Signed on 03/21/1990 stated that William was to reside with his mother, Ms. Castillo, not leave Clark County without permission from Parole Officer, and maintain full-time employment.</p>	Amended Parole Agreement
04/07/1990; 04/22/1990; 04/23/1990; 12/19/1990;	<p>Petition dated 04/07/1990 was reviewed. William was charged with Grand Larceny (Motor Cycle).</p> <p>Petition dated 04/22/1990 was reviewed. William was charged with Auto Burglary.</p> <p>Parole Violation Report dated 04/23/1990 was consistent with charges filed for incidents on 04/07/1990 and 04/22/1990.</p> <p>On 12/19/1990, three Petitions were filed for Escape and Attempted Burglary. William reportedly escaped from the Nevada Training Center with a 7.65mm handgun in his possession and attempted to commit Larceny when he kicked open the front door of a residence. Police report for this incident was also reviewed.</p>	Juvenile Court Petitions and Parole Violation Hearing Report, Clark County, Nevada
04/23/1990	<p>Parole Violation Hearing Report in the matter of William Castillo, age 17, was reviewed. It was noted that William had been to the Nevada Youth Training Center on four occasions and had also been incarcerated in the Third Cottage Program. Parole violations were reported for Grand Larceny and Auto Burglary. His Parole Officer reportedly recommended that William return to the Nevada Youth Training Center. William was described as "immature, irresponsible, and un-amendable to supervision on parole status." It was further</p>	Parole Violation Hearing Report

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	<p>noted, "William always has an excuse for his actions; the wrongdoing is someone else's fault."</p> <p>It was reported that after William was released on 2/27/90, he was placed in the Chapel Foster Home. At that time he was noted to be employed at Lucky's Supermarket. On 3/21/90, William reportedly went to reside with his natural mother after he reportedly expressed a strong desire to be with her. William was arrested 17 days after he returned to live with his mother for Grand Larceny and then arrested again two days later for Auto Burglary.</p>	
05/02/1990-05/04/1990	Certificate reported that William Castillo had successfully completed the Basic Firefighter and Introduction to Fire Behavior courses.	Nevada Youth Training Center Certificate
05/17/1990	<p>Treatment Plan for William Castillo was reviewed. Most recent date of entrance was noted to be 4/24/90 for the offenses of Auto Burglary and Grand Theft. It was noted that this was William's fifth commitment to the Training Center. Prior services included informal and formal probation, mental health counseling, Children's Behavioral Services, foster home placement, Spring Mountain Youth Camp and Third Cottage.</p> <p>His ex-step-father, Mr. Castillo, reportedly would use his presence as leverage in a custody battle for his other children. William reported that he graduated from high school and planned to work as a bell boy at a casino. He reportedly denied drug use and stated he drank "a little." The following was documented in the treatment plan, "The problem areas of William's personality as reported in various records is that he is unmanageable, impulsive, refuses to face the reality of his situation, has been institutionalized most of the time since he was twelve, steals, has committed arson, has very poor judgment about peer relations and is potentially violent."</p>	Nevada Youth Training Center Treatment Plan
01/23/1991; 01/25/1991	<p>Certification Hearing Report dated 01/23/1991 indicated that at the time of William's last offenses, he was 18-years-old and certification to adult status was being sought by the Parole Officer. This report indicated that William had 27 referrals to Juvenile Court and it was documented that William had exhausted all known alternatives available through the Juvenile Court System.</p> <p>Certification Order dated 01/25/1991 stated that William was certified for criminal proceedings as an adult due to the nature and seriousness of the charged offenses, persistency and seriousness of past adjudicated or admitted criminal offenses, and subjective factors such as turning 18 a month prior to the incident.</p>	Certification Hearing Report and Order
04/01/1991	William wrote a statement as to why he should be granted probation. He stated that the reason for committing the crime was so that his friend could buy his girlfriend a ring. William stated, "I want to redeem myself and to change my life before it's too late."	Handwritten statement from William Castillo
05/4/1991	Handwritten letter from William Castillo (18) while in Indian Springs Penitentiary was reviewed. The letter addressed the juveniles at the Nevada Youth Training Center. William's letter pleaded with the juveniles to pay attention and get help as he was serving two years in jail and did not learn his lesson five times prior when placed in the Nevada Youth Training Center.	Handwritten letter and Poem from William Castillo
12/14/1992	Voluntary statement from robbery victim was reviewed. The victim stated that William yanked her purse from her while she was walking on River Boulevard. He was noted to have been driving in a vehicle	Voluntary Statement, Las Vegas Metropolitan Police Department

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	with another man.	
04/24/1993	Handwritten statement from William addressed why he should be granted probation. He stated that he had only been in trouble one time as an adult. He stated he wanted to go to Idaho with his wife and start over.	Handwritten statement from William Castillo
07/22/1993	Psychological Evaluation dated 07/22/1993 by Gary Copas, Senior Psychologist was reviewed. It stated, "Mr. Castillo presents a relatively normal profile. He is basically pro-social with significant factors being immaturity and poor judgment." It was noted that William had no observable clinical issues. The recommendation was that William be discharged from parole since he had "reasonable plans for his future."	Psychological Evaluation, southern Desert Correctional Center
09/12/1993; 09/15/1993; 11/30/1993; 12/07/1993; 12/15/1993; 01/13/1994; 01/19/1994; 01/20/1994; 02/1994; 08/05/1994; 08/17/1994; 09/27/1994;	<p>09/12/1993 &amp; 09/15/1993, 10/20/1993 &amp; 10/22/1993: "Notice of Charges" and "Summary of Hearing and Officer's Inquiry and Disposition" were reviewed. It noted that tattooing paraphernalia was confiscated from William's cell.</p> <p>11/30/1993: Inmate Program Evaluation was reviewed and noted that William's performance of his Inmate assignment as Truck Unloader was "Acceptable."</p> <p>12/07/1993: "Summary of Hearing and Officer's Inquiry and Disposition" was reviewed. It stated that William was involved in a physical altercation with other inmates. Victim was noted to be "badly beaten" and was admitted to the infirmary.</p> <p>12/15/1993: "Summary of Disciplinary Hearing" was reviewed. Incident was unclear due to blacked out material on document.</p> <p>01/13/1994 &amp; 01/19/1994: "Notice of Charges," "Summary of Hearing and Officer's Inquiry and Disposition," and "Summary of Disciplinary Hearing" were reviewed. It was noted that William and an inmate who shared the cell with him put paper in the locks of the cell to keep them from locking.</p> <p>01/20/1994: Segregation Psychological and Brief Psychiatric Rating scales were reviewed. William was noted to be 21-years-old. The reason for segregation resulted from the Assault and Battery of another inmate. It noted that William cut his wrists two times in the past around 1988, once when his father died and once for attention. The Psychiatric Rating Scale indicated that William was in the "mild" range for Anxiety and Suspiciousness."</p> <p>01/24/1996: Disciplinary History was reviewed.</p> <p>02/1994: Parole Progress Report stated that William had plans to return to Las Vegas to live with Mr. Castillo and work as a landscaper. He had served one year and two months at the time of the report. It stated that William had an above average education level and the following employment skills: welding, mechanics, woodworking and landscaping.</p> <p>08/05/1994, 08/17/1994: "Notice of Charges," "Summary of Disciplinary Hearing" and "Summary of Hearing Officer's Inquiry and Disposition" were reviewed. 09/27/1994: Statutory Time</p>	Northern Nevada Correctional Center, Nevada Department of Prisons Records

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	<p>Forfeiture Referral Report for incident that occurred on 08/05/1994, stated that William was found guilty of all charges by the Disciplinary Committee. William allegedly hit another inmate with a lock in a sock and caused a gash in victim's head. On the day of the incident, it was noted that William refused to submit to a urine test. It was recommended that William lose an appropriate number of statutory good time credits.</p>	
<p>12/19/1995; 12/20/1995</p>	<p>12/19/1995 Recorded police interview by Detective D. Morgan, Homicide Detail of the Las Vegas Police Department of William Castillo was reviewed. William stated that he was under the influence of marijuana and beer in the 48-hours that preceded the crime. William stated that he did not murder Ms. Berndt and ended up with stolen goods in his apartment from another man who allegedly brought them there for William to sell.</p> <p>12/20/1995 Recorded Police Interview by Detective D. Morgan, Homicide Detail of the Las Vegas Police Department of William Castillo was reviewed. Allegedly, Tammy Bryant, William's girlfriend on a taped statement reported that William came home with the victim's property and told her that he hit somebody and that it got out of hand and that the person was dead. Detective Morgan also stated that Kirk Rasmussen, William's friend, reported on a taped statement that the key to Ms. Berndt's house was found when scraping the roof and that William went back to the house on Sunday, heard someone snoring and whacked the person with a tire iron until the victim was no longer breathing. After turning on the light, William allegedly left the house with the stolen property. William then reportedly stated that he did hit the victim whom he believed to be a man snoring because he did not want the victim to see his face. He stated he needed the money to pay his lawyer and for Christmas presents for his siblings as the reason for the burglary. William stated the tire iron came from the back of Michelle Platou's, (William's roommate) car. William stated that he murdered Ms. Berndt and allegedly burned the house down not due to finger prints, but, because he "wanted to hide the ugly facts."</p>	<p>Voluntary Statements by William Castillo, Las Vegas Police Department</p>
<p>07/02/1996; 07/03/1996 07/14/1996</p>	<p>Handwritten notes and Life History Questionnaire from Dr. Lewis M. Etcoff were reviewed and consistent with findings in his typed Forensic Psychological Evaluation. Invoice for billing of this service was also reviewed along with HIPPA Releases signed by William Castillo. On the Social History Questionnaire, there was a handwritten note by "alcohol/drug use" that stated that William used Methamphetamine intravenously for one year around the ages 20-21.</p> <p>Forensic Psychological Evaluation dated 07/14/1996 was reviewed. The test battery for this evaluation included a records review, a 2.5 hour interview with William Castillo and the Millon Clinical Multiaxial Inventory- II (MCMI-II).</p> <p>Dr. Etcoff diagnosed William with the following early childhood diagnoses:</p> <p>Axis I: Reactive Attachment Disorder of Early Infancy and Childhood, Inhibited Type; Neglect of Child; Physical Abuse of Child; Attention Deficit Hyperactivity Disorder, Combined Type</p>	<p>Handwritten notes from interview with William, Life History Questionnaire, Raw Data and Interpretive Report from MCMI II and typed Forensic Psychological Evaluation by Dr. Lewis M. Etcoff, Ph.D., A.B.P.N</p>



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	<p>Conduct Disorder, Childhood Onset, Severe.</p> <p>His Adult diagnoses were noted as:          Axis I: Amphetamine Abuse          Axis II: Personality Disorder, NOS with Narcissistic, Antisocial, Histrionic and Passive/Aggressive Features          Axis III: Per Physicians.</p> <p>Dr. Etcoff noted in his conclusion that William was placed in 20 different homes or facilities as a child with 5-6 stays out of state. He further noted that William's lack of treatment for ADHD and use of amphetamines "produced in him even more energy necessary to engage in criminal acts and less impulse control necessary to refrain from engaging in these criminal acts." He concluded that William was incapable of forming warm attachments to human beings.</p> <p>Millon Clinical Multiaxial Inventory-II (MCMI-II) Raw Data and Interpretive Report dated 07/02/1996 and 07/03/1996 were reviewed and William appeared to be in high clinical range for Histrionic, Narcissistic, Antisocial, Aggressive/Sadistic, Passive Aggressive and Drug Dependence.</p>	
01/02/1996	<p>Handwritten notes of William's life story is summarized per relevance below:</p> <p>William reported that as a baby he fell off the roof of his grandmother's house. He stated that his grandmother loved him but that his grandfather would hit him and that his grandfather was always drunk. William stated that he drowned his grandmother's dog because the dog took William's spot on grandma's lap. William stated that he remembered being at the bar where a fight ensued with his father and another man and he got dropped off by the police at home as his father was taken into custody. He described his father as a "drug user, an alcoholic, the meanest most violent mother fucker that walked the earth and he was crazy."</p> <p>William reported that his mother hated him for the longest time because he was the "spitten image" of his father. He stated that his Aunt Lori would tease him when his Mom was not around. William recounted numerous fights he had been in. William stated, "I never had the security a child needs when growing up. There was no stability in my life." He recounted time he spent with his Uncle Max in Florida as his uncle's "slave" and that he was "whipped" for sins. William noted that Mr. Castillo would beat him with a leather belt. He discussed his fire setting incidents as a child. William stated that all of the attention from Mr. Castillo shifted to Crystal, his sister when she was born.</p> <p>William stated that at one point he was "shooting dope" for 10 months and was involved in a shoot-out during a robbery. William stated that he used to carry guns on him and eventually a knife after he sold the guns to buy dope. He stated that while in prison, he showed another inmate "no leniency" similar to how Mr. Castillo used to punish him. William, at age 22, described his relationship with girlfriend, Tammy, as his teacher. He stated that "after 22 years of being rejected, pushed away, shunned, physically and mentally</p>	Handwritten Life Story by William Castillo

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	abused, I was going to live with my true love." William stated that he burned the murder victim's house because his accomplice, Michelle was not wearing gloves. He stated that his heart hurt severely over it and that he was sorry for what happened.	
01/18/1996	Poem called "A Blur" was reviewed. Poem reportedly recounted William's perception of his life experiences.	Handwritten Poem by William Castillo
09/19/1996	<p>The Jury found William Castillo guilty of First Degree Murder and the penalty phase commenced. Victim impact statements were presented. Mr. Harmon, the State's attorney, indicated that the prosecution alleged six aggravating factors. The first factor being that the murder of Isabella Berndt was committed by a person, William Castillo who was previously convicted of a felony that involved use of a threat of violence to the person of another. The second factor related to the circumstance of the offenses.</p> <p>Mr. Harmon commented that the murder of Mrs. Berndt was committed while William was engaged in the commission of or an attempt to commit or flee after committing a burglary. The prosecution alleged in the third factor that the murder was committed while the defendant was engaged in the commission of or an attempt to commit or flee after committing a Robbery. The fourth factor was that the alleged murder of Mrs. Berndt was committed to avoid or prevent a lawful arrest. Mr. Harmon stated that William had already admitted to girlfriend, Tammy Bryant, that he had killed the victim so that she could not identify his face. The next aggravating circumstance was that the crime was committed by the defendant for himself or another to receive money or any other thing of monetary value.</p> <p>Evidence was reviewed before the Jury that the following property was stolen: VR, a hundred dollars in cash, Christmas booties used to store fifty dollar savings bonds that were taken, six watches and an angel pendant. Mr. Harmon discussed William's pre-delinquent behavior and family history including William's placements and previous charges and commitments to the Nevada Youth Training Center and Nevada State Prison for Felony Convictions. It was stated that William served time at the Nevada State Prison on 04/16/1991 for two years and on 05/20/1993 for approximately two years. He indicated that Mark Berg from the Department of Prisons would refer to the number of infractions that William received while at Nevada State Prison. The two months of William's life prior to the crime committed were reviewed and the State concluded their opening statement.</p> <p>Mr. Schieck for the defense indicated that William did not contest his guilt, but rather requested that the Jury decide on the appropriate punishment. Mr. Schieck reviewed the history of William's dysfunctional family history of mental illness and numerous family moves.</p> <p>Testimony of Bruce Kennedy, Chief of the Nevada Youth Parole Bureau was reviewed. He testified to the availability of services for youth through the juvenile justice system and provided an overview. Mr. Kennedy testified that Mr. Castillo was on his caseload as a parole counselor around 1984 and that he had completed home visits</p>	Nevada Court Documents

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to the Castillo home. He stated that Ms. Castillo never wanted to give William up and always wanted to find something to do to help him. Mr. Kennedy remarked that she delegated a lot of the parenting to Mr. Castillo. He described William's relationship with Mr. Castillo as somewhat strained, however he involved William in wrestling, tennis and baseball. He testified that the Castillo home was appropriately furnished with activities available to William. Mr. Kennedy reviewed William's history of pre-delinquent behaviors as well as all charges incurred and treatment William received while in the Juvenile System. Cross-examination of Mr. Kennedy revealed that he did not directly supervise William while he was at the Nevada Youth Training Center, Elko. Mr. Kennedy testified that at times, Mr. and Ms. Castillo were reluctant to take William back home while he served time at the Nevada Youth Training Center. Mr. Schieck read a document from 12/19/1985 that stated "out of State programs have been looked into but due to their expense and due to the poor prognosis the State has been unwilling to provide specialized care for William."

Ms. Lisa Keimach testified that the victim, Ms. Isabelle Berndt was her grandmother. She stated that her grandmother was active socially and as to how her grandmother's death had affected the family.

Ms. Ronda LaLicata testified that the victim, Ms. Isabelle Berndt was her grandmother. She testified to the memories she and her children had with her grandmother.

Ms. Jean Hosking testified that she Ms. Isabelle Berndt's only daughter. She gave testimony to the memories she and her family had with her mother.

William Castillo waived his right to testify during these proceedings.

The Defense called Lewis M. Etcoff, Ph.D. to testify. He stated that he evaluated William Castillo on July 2, 1996. Dr. Etcoff also testified that there was an enormous amount of family dysfunction when William was growing up. Dr. Etcoff stated that William had suffered from Reactive Attachment Disorder wherein he was unable to form normal human bonds since the age of five. He testified that William was diagnosed as ADHD by Dr. Hechter in 1982 and the records indicated that he was given a trial of Ritalin by Dr. Saranga in January of 1983, but, nothing in the record supported how successful the trial was or how long it was used.

Dr. Etcoff stated that due to the first four to five years of William's life being so chaotic, he would have benefited from a long term residential center that provided a strong behaviorally based household with about 15-20 children and ancillary services. He reported that if a child like William had been given that opportunity, there would be a 50/50 percent chance that he would lead a semi-normal life.

Dr. Etcoff stated that when he interviewed William, it was revealed that Mr. Castillo was physically abusive to William. He cited examples such as making William eat red hot chili peppers until he vomited and hitting him on his hands if caught stealing with an inch-

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thick leather belt six to seven times. He stated that William reported running away from home several times because he was frightened of Mr. Castillo. He stated that William quoted his experience of living with maternal Uncle Max in Florida as follows: "He was an alcoholic and heavily into the bible. I was sent to live with him. He was in recovery. His mind was toast. He drove the church bus. He was strict. He made me wear the same pair of underwear two times and then he'd take a long willow stick and smack me with it."

Dr. Etcoff stated that later on, William was diagnosed with Conduct Disorder. He reported that William did well in a structured environment growing up while in programs, however, facilities were not set up for long-term treatment during William's adolescence and thus Dr. Etcoff reported that William was not able to achieve long term success because he was constantly released back to the care of his parents when he did well.

Dr. Etcoff concluded with his recommendation that William Castillo remain incarcerated. He testified and documented in his report that during his interview with William, he reported that "his life involved shooting up speed, committing robberies eight hours a day, six days a week and that he enjoyed doing this." He stated that William reported having a "God-like complex when he had a gun." Dr. Etcoff testified that William was fearless of punishment as per the results of William's personality test. He also testified that William would readily adapt to the prison lifestyle.

On Redirect Examination by Mr. Schieck, Dr. Etcoff testified that William was consistent in his self-reports from what was documented in the record and that if William was going to function at all, it would need to be a structured setting.

Mr. Jerry Haring, Classification Counselor at the Nevada Youth Training Center testified to being familiar with William's juvenile history while at The Nevada Youth Training Center as William was there four times during Mr. Haring's employment. He read out loud the letter that William had written to Mr. Haring during his first adult incarceration asking the youth to learn from his example and complete the training program. Mr. Haring continued to use this letter to indoctrinate youth as they come into the program. During Cross-Examination, Mr. Haring testified that he was not a psychologist but that he oversaw the treatment at the Nevada Youth Training Center. He stated that he did not meet Mr. and Ms. Castillo in person or have any direct conversations with them.

Sonny Carlman, Corrections Officer at Clark County Detention Center testified to knowing William from the module he was housed and worked in. He stated that William did what was asked of him and was not directly involved in any altercations that occurred in the module.

Tammy Bryant, former girlfriend of William Castillo testified that he lacked in social skills and did not go out often. She testified that they were going to get married and led a comfortable life. Ms. Bryant testified that William smoked pot while they lived together and

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	<p>worked every day from 6am until 2pm.</p> <p>Barbara Sullivan, (William's biological mother) testified to the unstable living environment for the family while William was under four-years-old. She also testified that Mr. Thorpe (William's biological father) threatened that if she did not marry him, he would "cut me up and nobody else would." After being thrown out of the Thorpe residence when William was 4 ½ years old, Ms. Sullivan testified that she turned to prostitution. She testified that William's siblings, Joseph (14) and Crystal (10) had a stable lifestyle during their early years. Ms. Sullivan stated "I did not love him like I should have....didn't have it in me to give it to him." Ms. Sullivan stated that Mr. Thorpe tried to kill her three times and the last time he had put a gun in her mouth which resulted in admission to a mental health facility. She stated that financially, she was not able to obtain "good help" for William's behaviors.</p> <p>William made an unsworn statement to the Jury. He read an apology letter to the Berndt family and stated he would humbly accept the punishment fit for his crime.</p> <p>Closing arguments were reviewed.</p> <p>Jury deliberations were reviewed. The following aggravating circumstances were found: that William was previously convicted of a felony; had reason to know that life would be taken if lethal force used; killed the person murdered; and the murder was committed to avoid or prevent a lawful arrest. The following mitigating circumstances were found: William's age at the time of the crime and the murder was committed while William was under the influence of extreme mental or emotional disturbance. The Jury found that the aggravating circumstances outweighed any mitigating circumstances.</p>	
10/03/1996 - 10/09/1996	<p>William Castillo was interviewed at the Clark County Detention Center two days following his being sentenced to Death. William stated in response to the murder, "This is the only thing I've done that I'm truly sorry for." William commented that Mr. Castillo was abusive to him when he was a child and that his father was in and out of insane asylums and prison during much of his childhood. He stated that he has resigned to his fate, "I'd rather they go in and execute so that the victim's family can get what they feel is full justice for what I've done. Because you know what? They've paid. I'm a firm believer in paying my debts...I believe I did something wrong."</p>	Las Vegas City Life Interview, Article "Dead Man Talking"
10/24/1996	<p>Pre-Sentence Report was reviewed. It was recommended that William be sentenced as follows:</p> <p>Count I: Conspiracy to Commit Burglary and/or Robbery – Maximum term of 72 months with a minimum parole eligibility of 28 months plus restitution jointly and severally with Michelle Platou in the amount of \$48,033.96;</p> <p>Count II and IV: Burglary – Maximum term of 120 months with a minimum parole eligibility of 48 months consecutive to Count I;</p> <p>Count III: Robbery Victim 65 Years of Age or Older – Maximum</p>	Pre-Sentence Report, Nevada Parole and Probation

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	<p>term of 180 months with a minimum parole eligibility of 72 months and a consecutive 180 months with a minimum parole eligibility of 72 months for Robbery Victim 65 Years of Age or Older to be served consecutively with Count II;</p> <p>Count IV: Murder in the First degree with the Use of a Deadly Weapon - The Jury determined the Death Penalty;</p> <p>Count V: Conspiracy to Commit Burglary and Arson - Maximum Term of 72 months with a minimum parole eligibility of 16 months consecutive to Count V and;</p> <p>Count VII: First Degree Arson - Maximum term of 180 months with a minimum parole eligibility of 72 months consecutive to Count IV.</p> <p>It was further recommended that all counts be consecutive to Count IV (Murder in the First Degree With Use of a Deadly Weapon). William was found guilty by Jury verdict on 09/04/1996.</p> <p>The report indicated that William's accomplice, Michelle Platou corroborated William's statements and she stated that she did not strike the victim at any time, but, stood by and did nothing while William did. Ms. Platou stated that she had developed a drug problem after giving her daughter up for adoption. William's mother was noted to have been divorced from Mr. Castillo in 1990 when his parental rights were terminated from William. It was noted that Mr. and Ms. Castillo remarried and then divorced again in 1992. William stated that he had one daughter, 2-years-old who resided with her mother. William reportedly had no contact with them.</p>	
04/02/1998	<p>The Nevada Supreme Court Opinion on Direct Appeal Filed on 04/02/1998 was reviewed. In the document, it noted testimony of Mr. Kennedy that William Castillo used marijuana, speed, cocaine and alcohol by age 15. William alleged that the District Court committed seven reversible errors, three during the guilt phase of the trial.</p> <p>William contended that testimony related to the booties that the victim knitted for her children violated his right to due process and fair trial. The State concluded that the statements were relevant and did not deprive his right to due process or fair trial.</p> <p>William argued that the family photograph and autopsy photographs of the victim amounted to impermissible victim impact evidence. The State argued that the admissibility of photographs was within sound discretion of the District Court.</p> <p>William contended that testimony of Kuma indicated the subject of another case William was involved in and a mistrial on the basis of this admission was refused. The State argued that Kuma did not disclose the nature of the case William was involved in; therefore the prosecutor did not violate the District Court's pre-trial ruling.</p> <p>William argued that the prosecutor's improper argument concerning future victims warranted a new penalty hearing. The State responded that the prosecutor presented the Jury with copious evidence of Williams' dangerous propensities and that it did not unfairly prejudice</p>	Nevada Supreme Court Opinion on Direct Appeal Filed on 04/02/1998

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	<p>William in light of the overwhelming evidence of his guilt.</p> <p>William argued that victim impact evidence was unduly repetitive. The State concluded that the District Court did not abuse their discretion by permitting all three witnesses to testify.</p> <p>William stated that the "anti-sympathy" Jury instruction violated his Eighth Amendment Right. The State responded that the Jury was instructed to consider mitigating factors and concluded that William's argument lacked merit.</p> <p>William also contended that the District Court erred in refusing to instruct the Jury regarding five no statutory mitigating circumstances. The State responded by indicating that the Jury returned a verdict of death after finding four aggravating circumstances and three mitigators.</p>	
<p>07/14/1999;          07/29/1999;          10/28/1999;          11/01/1999;          05/16/2000</p>	<p>Copious amounts of Records were reviewed from Missouri Department of Corrections for Joseph Thorpe (William's half brother) and are summarized below for relevance.</p> <p>Medical Records were reviewed.</p> <p>07/14/1999: During a Psychiatric Referral at Fulton Reception and Diagnostic, Joseph stated that his "nerves are shot." He reported during the evaluation that he "gets pissed off at everyone and is very angry. He has difficulty paying attention or concentrating on things." Joseph was incarcerated on 06/30/1999.</p> <p>07/28/1999: Conduct Violation for Joseph was recorded for Tattooing the upper inside of his right arm for which he received disciplinary segregation.</p> <p>07/29/1999: Psychiatric Evaluation of Joseph Thorpe (20) by Dr. Z. Ajans stated that he was serving a three year sentence on a charge of Second Degree Assault. It reported that Joseph had been in a drug rehabilitation program and had been in trouble since age 14 as he had been in and out of jail and juvenile homes. Doctor Ajans prescribed him on Mellaril, 25 mg.</p> <p>His diagnoses were reported as follows:          Axis I: Polysubstance Dependence,          Axis II: Alcohol Dependence,          Axis III: Anti-Social Personality Disorder.</p> <p>10/25/1999: Pro-Hearing Report stated that Joseph pled guilty on 10/08/1997 to Assault in the 2<sup>nd</sup> Degree and was released on 5-years probation. His probation was revoked on 06/30/1999 for DWI and he reportedly tested positive for marijuana usc. Previous adult convictions were noted for DWI in 12/1998 and Minor in Possession in 02/1999. His Juvenile record reported that when he was 14, Joseph was given probation for Burglary and Stealing and when he was 15 he was convicted of Possession with the Intent to Distribute for which he received one year probation and 6 months in a juvenile facility. The report stated that Joseph completed the 11<sup>th</sup> grade and that his</p>	<p>Missouri Department of Corrections Records- Joseph H. Thorpe II.- (William's half brother)</p>

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	<p>functional grade level was 12. It was noted that he completed two drug rehabilitation programs prior to his conviction and his prior drug use included daily marijuana use and two grams of methamphetamine a week. It was stated that he also experimented with cocaine and LSD several times during his teenage years.</p> <p>10/28/1999 &amp; 11/01/1999: Conduct Violation for Joseph was recorded for receiving a tattoo on his left inner ankle.</p> <p>05/16/2000: Order of Release on Parole stated that Joseph was released on 05/17/2000 on Parole.</p>	
02/15/2000	<p>02/15/2000: Statutory Time Referral Report was reviewed. It noted that William, (age 27) had served approximately 4 yrs., 2 months including 320 days county jail on his Death Sentence as of the date of the report. The report stated that William tested positive for Cannabinoids while being housed in the Segregation Unit. It also stated that this was William's only infraction of the Code of Penal Discipline since he arrived on 11/15/1996.</p>	Nevada Department of Prisons, Ely State Prison Records
03/07/2005; 07/07/2005; 11/21/2005; 01/06/2006;	<p>Medical Records (Dr. Aturo Longrino, Internal Medicine) were reviewed for Yolanda Norris and are summarized as per relevance below.</p> <p>03/07/2005: Doctor note stated that Ms. Norris declined antidepressant medication due to side effects and discontinued Topamax and Morphine. It was also noted that Ms. Norris had genital herpes.</p> <p>07/07/2005: Doctor note indicated that Ms. Norris had Hypothyroidism, chronic constipation and Depression</p> <p>11/21/2005: Doctor note stated that Ms. Norris was taking Morphine for back pain.</p> <p>01/06/2006: Doctor note indicated that Ms. Norris continued to have visual disturbance, difficulty seeing and results of MRI of the brain were normal.</p>	Medical Records for Yolanda Norris-Pembroke Pines, Florida (William's Maternal Aunt)
07/27/2004; 01/19/2006	<p>Mental Health Records (Dr. Richard Douyon, Acadia Neuro-Behavioral Center, P.A.) was reviewed for Yolanda Norris and are summarized as per relevance below:</p> <p>07/27/2004: Psychiatric Evaluation/Consultation by Dr. Douyon was reviewed. Ms. Norris's (51) Chief Complaint was noted as follows: "The patient is suffering from depression and is suicidal." It was stated that Ms. Norris was sexually abused by her step-father at age 3 prior to her stay in an orphanage and that she had a history of depression for the past 7-years with past suicidal attempts. It was noted that her mother (William's maternal grandmother) had a history of shock treatments. The report stated that she was on disability and used to be employed as a real estate agent. She was noted to have two children and one stepdaughter and was reportedly married.</p> <p>Diagnoses was reported as follows: Axis I: Bipolar Disorder, mixed Major Depressive Disorder with Psychotic features Posttraumatic Stress Disorder;</p>	Mental Health Records for Yolanda Norris-Pembroke Pines, Florida (William's Maternal Aunt)



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	<p>Axis II: Unspecified; Axis III: Hypothyroid disease, low blood pressure; Axis IV: Severe and Axis V: GAF- 45.</p> <p>Recommendations were that Ms. Norris start Xanax .5 mg, Geodon 60 mg, Wellbutrin 150 mg, and Synthroid and begin Psychotherapy.</p> <p>08/02/2004: Psychosocial Assessment by Dr. Robin Gipps stated that Ms. Norris (51) thought about dying every day and that she was always paranoid and had anxiety attacks. It was noted that she had four suicide attempts. It was also noted that Ms. Norris's step-father would fondle her above the waist from ages 12-15 and that she was raped two other times in her adulthood years.</p> <p>Her diagnoses were as follows: Axis I: Major Depressive Disorder with Psychotic Features; Social Phobia; Anxiety Disorder, NOS vs. Bipolar Disorder, mixed; Posttraumatic Stress Disorder; Sexual Abuse Axis II: Borderline Personality Disorder; Axis III: Back Spasms; Axis IV: Family, Relational, Sexual Abuse and Axis V: GAF- 40.</p> <p>08/30/2004: Progress note indicated that Ms. Norris's son, Joshua reported that he felt abandoned by his mother and smoked weed "to escape reality." He stated that he mistreated women or would use them.</p> <p>05/04/2005: Progress note indicated that Ms. Norris' son, Jacob (19) was incarcerated for three weeks, had used heroin and broke into the house.</p> <p>05/16/2005: Progress note indicated that Ms. Norris's son, Jacob (19) was in session and discussed how he had been using heroin, cocaine, and alcohol and had been arrested for breaking and entering.</p> <p>07/09/2005: Progress note indicated that Ms. Norris's son, Jacob was arrested and that she refused to bail him out.</p> <p>01/19/2006: Initial Exam/Consult indicated the following Axis I diagnoses for Ms. Norris: Bipolar I Disorder, Mixed; and Major Depressive Disorder. She was also diagnosed with Oculogyric crisis/headaches. Medications prescribed were Wellbutrin SR 150 mg., Trazodone 100 mg., Xanax 0.5 mg., Lamictal 100 mg. and Discontinue Tegretol.</p>	
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**INTERVIEW OF WILLIAM PATRICK CASTILLO, JR.:**

Mr. Castillo presented as a 34-year-old, Caucasian, single male evaluated in the Ely Nevada State Prison in a private room appropriate for neuropsychological evaluation.

**MEDICAL/PSYCHIATRIC HISTORY:**

Mr. Castillo indicated that he has a history of serial concussions. Mr. Castillo said that he was hit in the head and knocked unconscious in a "couple of fights." Mr. Castillo indicated that he was struck on the head with a bottle in one fight. Mr. Castillo said that Uncle Max, his mother's brother, hit him with a scuba tank which led to his losing consciousness. Mr. Castillo said he had been in a "couple of car accidents," one of which he is sure led to loss of consciousness. In one accident, he was riding his bicycle when he crashed and wrecked the bicycle.

Mr. Castillo said that he believes that he was diagnosed with Attention Deficit Hyperactivity Disorder as a child and was placed on Ritalin through Children's Behavioral Services in Las Vegas, Nevada. Mr. Castillo said he did not recall how he felt on the Ritalin.

Mr. Castillo denied headaches and dizziness. He said he has occasional ringing in the ears, every two to three days. Mr. Castillo denied visual or auditory problems and denied needing corrective lenses. He said that twice he saw stars and had blurred vision from head trauma in a car accident and a fight. Photophobia and hyperacusis were denied. Chronic pain was denied. Mr. Castillo denied auditory, visual and olfactory hallucinations. Mr. Castillo denied a history of seizures. Mr. Castillo said that he sleeps well, and sleeps more when he is bored. He said he sleeps from about 9-9:30pm until 5-6am, typically. He said that his sleep is not interrupted. He said his appetite is all right. Mr. Castillo said that he weighs 195 pounds at six feet, two inches tall. He said his energy is all right. Mr. Castillo denied abdominal discomfort.

Mr. Castillo said that his short-term memory is "spotty." Mr. Castillo said that his track of time has become significantly worse in the prison setting. He indicated that he has been at the Ely State Prison for 11-years. Mr. Castillo said his attention span is good if he is motivated. He said that he likes reading. He said that he has occasional word finding difficulty. Mr. Castillo said that he feels that he is well organized. He said that he feels his thinking is not slow.

Mr. Castillo said that he recognizes that he was very impulsive before incarceration. He said that he felt that he had no brakes on his behavior. He said he was unable to stop a thought or an impulse from turning into action.

Mr. Castillo denied suicidal ideation. In regards to whether or not he has flashbacks, Mr. Castillo said, "Not really." He denied nightmares. He said that he is occasionally irritable. He denied rage outbursts. In regards to whether or not he has feelings of depression, Mr. Castillo said, "a little," but that he does not let himself go there. He

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added, "I try not to let my environment dictate my attitude." He said that 95 percent of the time his mood is pleasant.

Mr. Castillo said that his biological father is in a place for the "criminally insane." He said that his mother is "in a nuthouse too." He said that his brother Joe Castillo, age 21, at the time of the interview, has Bipolar Disorder.

Mr. Castillo said that in a County Jail in 1995 he was given 350 mg of Sinequan two to three times a day. Mr. Castillo said that at that time he was, "Soul sick. It was eating me from the inside," referring to the homicide for which he was responsible. He said that in order to stay in a fog and to not feel the pain he used psychotropic medications from other inmates. He said, "It was hard looking at myself in the mirror when the reflection disgusted me, of somebody who disgusted me." He said that he does have a conscience.

#### **DRUG AND ALCOHOL HISTORY:**

In regards to alcohol consumption, Mr. Castillo said that he was never really a big alcohol drinker. Mr. Castillo said that he smoked marijuana "a lot" all through Junior High School. He said that he did not go looking for it but he smoked four times a week. Mr. Castillo said that after he escaped from Elko until the current incident he used marijuana. He said that a couple of times, when out of prison for the first time, he used IV administered methamphetamine, at around age 19-20. He said that he would use methamphetamine for two weeks at a time, then sleep for two weeks and then start again. Mr. Castillo said he did not stop until after he was in prison a second time, when he was out for ten months.

Mr. Castillo said that he smoked one and a half to two packs of cigarettes a day up until one and a half to two years ago. He said that he still uses chewing tobacco.

#### **EDUCATIONAL/VOCATIONAL HISTORY:**

Mr. Castillo said that he graduated High School at age 16. He said that he had good grades. His last job, at which he was employed at the time of the incident in question, was at Dean's roofing for five to six months.

#### **SOCIAL HISTORY:**

Mr. Castillo said that was born in St. Louis, Missouri to his father Bill Thorpe and his mother Barbara Castillo. His mother was 18 at his birth, to his report. Mr. Castillo said that Bill Thorpe died when he was nine. Mr. Castillo said that he was aware that his mother was using amphetamines and other similar drugs during his pregnancy. Mr. Castillo said that his mother married his step-father Joe Castillo and that they moved to Lake Tahoe. He said that before Lake Tahoe he remembers being in an orphanage. He said that his biological father got into a fight at a bar when he was about age 6. He said his maternal grandmother was named Allegría and that he lived with her part of the time, but that he mostly lived with his father's parents. He said that his paternal grandmother

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made him rice with cinnamon sugar and he remembered lying on her lap when he was very young. Mr. Castillo said that he "killed her dog." He said that he killed the dog out of anger. He said, "I drowned it in the pool because it took my spot. I'd lie in my grandmother's lap and the dog took my spot and I got it into my head to kill it and later on I felt bad about it" because his grandmother got upset.

Mr. Castillo said that he remembers the orphanage, sitting across from a girl at a table and she sneezed into her oatmeal. He said he has not been able to eat oatmeal since then.

Mr. Castillo said that he had a lot of foster placements but does not remember them. There was one couple who loved him and wanted to adopt him. Mr. Castillo said that he does remember Sissy who was Bill Thorpe's second wife. She contacted him and she sent him a letter and some pictures of his half-brother Joe. He said he had a flashback from the pictures of her scratching his back. He said that the last time he saw his father, Mr. Thorpe, was when he was nine, before he died. He said that he thinks he never saw Mr. Thorpe again after his mother married Mr. Castillo and moved to Nevada. He said his parents moved to Las Vegas when he was between the ages of six and nine. He said he does not know how long he lived at Lake Tahoe. He said he used to go wandering in the mountains. He said he got into trouble throwing rocks off bridges at cars. Mr. Castillo said that he used to be a "pyro, a fire bug." He said that at age 9 he set fire to a circus at a casino in Las Vegas. Mr. Castillo said that he set the back door on fire to get inside. Mr. Castillo said that he was sent to the Elko, Nevada Youth Training Camp for that at age nine or so.

Mr. Castillo said that he went to school in Las Vegas and then to Argyle Grey Brinley Junior High School and then briefly to Western High School. He said that he graduated from Independence High School at Elko Juvenile Detention Center.

Mr. Castillo said that when he got to Las Vegas he used to play sports with his step-father like football, baseball and basketball. He said that they did a lot of activities. He said that his step-father, Mr. Castillo, worked in casinos as a pit boss or floor man.

Mr. Castillo said that it was difficult for him to recollect the correct time frames of his history.

Mr. Castillo said that at one point he was sent to St. Louis from Las Vegas and went back to Las Vegas and possibly then to Florida to live with his Uncle Max, his mother's brother and then went again to St. Louis. He said that Max's wife called his mother and told her that Max would kill him if she did not come to get him so his mother came and retrieved him.

#### **CRIMINAL HISTORY:**

Mr. Castillo indicated that "I used to be a pyro-bug." He said that at age 9, he set fire to the Circus Circus Casino in Las Vegas as well as a place called The Oz. He said that he

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set the back door on fire to get inside and that he was sent to the Youth Training Camp in Elken, Nevada for that incident.

Mr. Castillo said that he had two counts of assault and battery lodged against him when he "lost his temper." He said that at the time prior to the homicide for which he was convicted, he was living with Tammy and Michelle. He said that Tammy had quit her job as a phone sex operator in order to spend more time with him, however, this reduced their income almost in half. Mr. Castillo said that he was working at the time for Deans Roofing. He said that in regard to the charges of battery, he had hired a lawyer, Karen Wolf, Esquire, who required a \$500.00 retainer and that in order to pay for this, he decided to steal as he did not want to be locked up for Christmas and birthdays. He said that he was doing a side job with his boss Curt and stumbled across a hide-a-key. At that time, he was not using drugs except for occasional marijuana and alcohol use. He said the victim in question was Isabel Bernadette. He said he was "completely and utterly happy" being with Tammy and working at Deans Roofing. He said that he like working with his hands. Mr. Castillo said that Tammy got him kicked out of his apartment because she got into a fight with her ex-boyfriend and the neighbors assumed it was him. Mr. Castillo said that he absolutely had no intention of killing during the course of the robbery. He said that when he got out of the room, Michelle was blocking his exit and startled him and he thought the person sleeping in the bed was a man, not a woman.

**BEHAVIORAL OBSERVATIONS, MENTAL STATUS AND MEASURES OF NEUROPSYCHOLOGICAL EFFORT:**

**Beck Inventories**

Test Type	Raw Score
Beck Depression Inventory-II	10
Beck Anxiety Inventory	0
Beck Hopelessness Scale	9

**Test of Memory Malingering**

Trial	Score	Cutoff
Trial 1	50	
Trial 2	50	<45
Retention Trial	50	<45

Mr. Castillo presented as a 34-year old Caucasian male evaluated on the above-captioned dates. He had numerous tattoos and he stated that he did the ones on his legs himself. The Beck Inventories are face valid measures of depression, anxiety and hopelessness. At the time of the evaluation, Mr. Castillo was in the minimum range of depression on the Beck Depression Inventory-II; within normal limits on the Beck Anxiety Inventory; and in the moderate range of pessimism on the Beck Hopelessness Scale, consistent with his being on death row.

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The Test of Memory Malingering was administered to Mr. Castillo to assess his level of effort on this task, and by inference, on the entire neuropsychological test battery. Mr. Castillo's scores of 50/50 on Trial 2 and the Retention Trial, which are the two counted trials of this instrument, were at ceiling, and indicative of full effort on the neuropsychological test task. Mr. Castillo's score on Trial 1, which was not counted, was 50/50.

#### **NEUROPSYCHOLOGICAL TEST FINDINGS:**

( ) = standard deviation units from the mean in a (+) positive or (-) negative direction  
 SS = standard score (mean of 100, standard deviation of 15)  
 ss = scaled score (mean of 10, standard deviation of 3)  
 wnl = within normal limits  
 T = T-score (mean of 50, standard deviation of 10)  
 " = Seconds  
 PR = Percentile Rank  
 NDS = Neuropsychological Deficit Scale  
 HRB = Henton 2004 Normative Data

#### **INTELLECTUAL FUNCTIONS:**

##### **Wechsler Adult Intelligence Scale-III**

<b>Index</b>	<b>IQ/Index</b>	<b>Percentile Rank</b>
<b>Verbal Score</b>	118	88
<b>Performance Score</b>	111	77
<b>Full Scale Score</b>	116	86
<b>Verbal Comprehension</b>	112	79
<b>Perceptual Organization</b>	116	86
<b>Working Memory</b>	124	95
<b>Processing Speed</b>	108	70

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**Wechsler Adult Intelligence Scale-III, Verbal Subtest Scores**

<b>Verbal Subtests</b>	<b>Raw</b>	<b>ss</b>	<b>Percentile Rank</b>	<b>Strength or Weakness</b>
<b>Vocabulary</b>	59	15	95	Strength
<b>Similarities</b>	27	12	75	
<b>Arithmetic</b>	16	12	75	
<b>Digit Span</b>	26	17	99	Strength
<b>Information</b>	15	10	50	Weakness
<b>Comprehension</b>	24	12	75	
<b>Letter/Number Sequencing</b>	13	13	84	

**Wechsler Adult Intelligence Scale-III, Performance Subtest Scores**

<b>Performance Subtests</b>	<b>Raw</b>	<b>ss</b>	<b>Percentile Rank</b>	<b>Strength or Weakness</b>
<b>Picture Completion</b>	23	14	91	Strength
<b>Digit Symbol-Coding</b>	88	12	75	
<b>Block Design</b>	40	10	50	
<b>Matrix Reasoning</b>	22	14	91	Strength
<b>Picture Arrangement</b>	13	9	37	
<b>Symbol Search</b>	37	11	63	

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**Wechsler Adult Intelligence Scale-III, Discrepancy Comparisons**

Discrepancy Comparisons	Score 1	Score 2	1 <sup>st</sup> - 2 <sup>nd</sup>	Sig.
Verbal IQ-Performance IQ	118	111	7	0.15
Verbal Comprehension-Perceptual Organization	112	116	-4	n.s.
Verbal Comprehension-Working Memory	112	124	-12	0.05
Perceptual Organization-Processing Speed	116	108	8	n.s.
Verbal Comprehension-Processing Speed	112	108	4	n.s.
Perceptual Organization-Working Memory	116	124	-8	0.15
Working Memory-Processing Speed	124	108	16	0.05

The Wechsler Adult Intelligence Scale-III (WAIS-III) is a reliable and valid measure of intellectual functions consisting of seven different index scores. Mr. Castillo's Full Scale intellectual functioning was in the high average range at the 86<sup>th</sup> percentile rank. Mr. Castillo's Verbal intellectual functioning was in the upper end of the high average at the 88<sup>th</sup> percentile rank, whereas his Performance, non-verbal intellectual functioning was at the lower end of the high average range at the 77<sup>th</sup> percentile rank. Mr. Castillo's Verbal Comprehension and Perceptual Organizational Index scores were both in the high average range at the 79<sup>th</sup> and 86<sup>th</sup> percentile ranks, respectively. Mr. Castillo's Working Memory Index on the WAIS-III was in the superior range and an overall strength, at the 95<sup>th</sup> percentile rank. Mr. Castillo's lowest index score was on the Processing Speed Index, which was nonetheless in the upper end of the average range at the 70<sup>th</sup> percentile rank. Mr. Castillo had strengths on the Vocabulary subtest at the 95<sup>th</sup> percentile rank, Digit Span subtest at the 99<sup>th</sup> percentile rank, Picture Completion subtest at the 91<sup>st</sup> percentile rank and the Matrix Reasoning subtest at the 91<sup>st</sup> percentile rank. Mr. Castillo had a weakness in Information at the 50<sup>th</sup> percentile rank.



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**ATTENTION AND CONCENTRATION:**

Wechsler Memory Scale-III	Index Score	Percentile Rank
Working Memory Index	105	63

**Visual Cancellation Test**

	Verbal	Non-Verbal
Left Errors:	0	0
Right Errors:	0	0
Total Errors:	0	0
Total Time:	1'35"	1'00"
Starting Place:	Left	Left
Approach:	Systematic	Systematic

**Speech Sounds Perception Test**

# Errors	T-Score	Percentile Rank	NDS
4	50	50	0

**Seashore Rhythm Test**

# Correct	T-Score	Percentile Rank	NDS
29	58	79-81	0

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**Paced Auditory Serial Addition Test**

<b>Trial</b>	<b>Raw Score</b>	<b>T-Score</b>	<b>Percentile Rank</b>
<b>1 (2.4")</b>	49	55	70
<b>2 (2.0")</b>	53	61	86-87
<b>3 (1.6")</b>	36	52	58
<b>4 (1.2")</b>	27	52	58
<b>Total</b>	165	54	66-68
<b>Total HRB</b>	165	62	88-90

**Conners' Adult ADHD Rating Scales-Long Version Self-Report**

<b>Scale</b>	<b>Raw Score</b>	<b>T-Score</b>	<b>Percentile Rank</b>
<b>A. Inattention/Memory Problems</b>	9	47	39
<b>B. Hyperactivity/Restlessness</b>	16	54	66-68
<b>C. Impulsivity/Emotional Lability</b>	9	48	42-45
<b>D. Problems with Self-Concept</b>	3	44	27
<b>E. DSM-IV Inattentive Symptoms</b>	5	48	42-45
<b>F. DSM-IV Hyperactive-Impulsive Symptoms</b>	6	46	34-37
<b>G. DSM-IV ADHD Symptoms Total</b>	11	47	39
<b>H. ADHD Index</b>	10	49	47

Mr. Castillo's Working Memory Index on the Weschler Memory Scale-III (WMS-III) was in the average range at the 63<sup>rd</sup> percentile rank, and 19 points lower than his score on the Working Memory Index on the WAIS-III. The WMS-III Working Memory Index is based upon Letter/Number Sequencing, at the 84<sup>th</sup> percentile rank and Spatial Span at the 37<sup>th</sup> percentile rank. Whereas on the WAIS-III, the Working Memory Index is based upon his Digit Span score at the 99<sup>th</sup> percentile rank and his Letter/Number Sequencing score at the 84<sup>th</sup> percentile rank. Thus, Mr. Castillo had a weakness in visual spacial attention in comparison to auditory-verbal attention.

Mr. Castillo was administered Verbal and Non-Verbal Cancellation tests. Mr. Castillo made no errors on either of these tasks.

The Speech Sounds Perception Test is a measure of auditory-verbal information processing which was in the average range at the 50<sup>th</sup> percentile rank. On the Seashore

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Rhythm Test, a measure of auditory, non-verbal attention processing, Mr. Castillo's performance was in the above average range at the 79<sup>th</sup> to 81<sup>st</sup> percentile rank.

The Paced Auditory Serial Addition Test is a measure of divided and simultaneous attention. In this task, Mr. Castillo was in the average to above average ranges.

Mr. Castillo was given the Conners' Adult ADHD Rating Scales-Long Version which is a self-report instrument. Mr. Castillo's scores were in the average range for all of the scales except for Problems with Self-Concept which was in the slightly below average range.

#### **MEMORY FUNCTIONS:**

##### **Wechsler Memory Scale-III**

<b>Index/Subtest</b>	<b>Index Score</b>	<b>Percentile Rank</b>
<b>Auditory Immediate</b>	108	70
<b>Visual Immediate</b>	109	73
<b>Immediate Memory</b>	110	75
<b>Auditory Delayed</b>	105	63
<b>Visual Delayed</b>	103	58
<b>Auditory Recognition Delayed</b>	110	75
<b>General Memory</b>	107	68
<b>Working Memory</b>	105	63

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#### Wechsler Memory Scale-III: Primary Index Differences

Indexes	1st Score	2nd Score	1 <sup>st</sup> - 2 <sup>nd</sup>	Sig.
Auditory Immediate-Visual Immediate	108	109	-1	n.s.
Auditory Immediate-Auditory Delayed	108	105	3	n.s.
Visual Immediate-Visual Delayed	109	103	6	n.s.
Auditory Delayed-Auditory Recognition Delayed	105	110	-5	n.s.
Auditory Delayed-Visual Delayed	105	103	2	n.s.
Immediate Memory-General Memory	110	107	3	n.s.
Immediate Memory-Working Memory	110	105	5	n.s.
General Memory-Working Memory	107	105	2	n.s.

#### Ability-Memory Differences

Primary Indexes	WAIS-III FSIQ	WMS-III Index	Predicted	Difference	Sig.
Auditory Immediate	116	108	109	1	n.s.
Visual Immediate	116	109	106	-3	n.s.
Immediate Memory	116	110	109	-1	n.s.
Auditory Delayed	116	105	109	4	n.s.
Visual Delayed	116	103	107	4	n.s.
Auditory Recognition Delayed	116	110	108	-2	n.s.
General Memory	116	107	110	3	n.s.
Working Memory	116	105	111	6	n.s.

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California Verbal Learning Test-II

Trial/Scale	Raw Score	z-Score	T-Score	Percentile Rank	T-Score HRB	Percentile Rank HRB
Trial I	7	0		50	46	34-37
Trial II	9					
Trial III	11					
Trial IV	12					
Trial V	14	0.5		70	53	61-63
Total I-V	53		53	63	45	30-32
Semantic Cluster Ratio	2.1	1		84		
Trial B	6	0		50		
Short Delayed Free Recall	13	0.5		70	56	73
Short Delayed Cued Recall	13	0.5		70		
Long Delayed Free Recall	14	1		84	56	73
Long Delayed Cued Recall	13	0		50		
Recognition Correct	14	-1		16		
Discriminability	3.3	0		50		
Recognition False Positives	0	1		70		
Repetitions	20	-4.5		<0.01		
Intrusions Free Recall	1	0		50		
Intrusions Cued Recall	0	0.5		70		

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**Rey-Osterrieth Complex Figure Test with Recall and Recognition**

<b>Trial</b>	<b>Raw Score</b>	<b>T-Score</b>	<b>Percentile Rank</b>
<b>Immediate Recall</b>	24.5	53	62
<b>Delayed Recall</b>	22.5	48	42
<b>Recognition Trial</b>	24	69	97

**Tactual Performance Test**

<b>Variable</b>	<b>Raw Score</b>	<b>T-Score</b>	<b>Percentile Rank</b>	<b>NDS</b>
<b>Memory</b>	7	43	25	1
<b>Localization</b>	5	50	50	2

Mr. Castillo's General Memory Index on the Wechsler Memory Scale-III (WMS-III) was in the upper end of the average range at the 68<sup>th</sup> percentile rank. Mr. Castillo's Auditory Immediate and Visual Immediate Index scores were also in the upper end of the average ranges at the 70<sup>th</sup> and 73<sup>rd</sup> percentile ranks, respectively. Mr. Castillo's Auditory Delayed and Visual Delayed memory were average at the 63<sup>rd</sup> and 58<sup>th</sup> percentile ranks, respectively. Mr. Castillo's Auditory Recognition Delayed memory was in the high average range at the 75<sup>th</sup> percentile rank.

The California Verbal Learning Test-II is a measure of the ability to learn a sixteen item shopping list across five trials. Mr. Castillo's total recall across the five trials was in the average range at the 61<sup>st</sup> to 63<sup>rd</sup> percentile rank. He demonstrated an adequate learning curve across the five trials. There was no evidence of proactive or retroactive interference. Mr. Castillo's Short-Delayed Free Recall and Long-Delayed Free Recall were both intact. His Recognition Correct score was mildly impaired. However, his overall Discriminability was intact. He made a high number of Repetition errors, indicating that he strained in order to perform well on this measure.

Incidental recall is memory for which the subject is not cued before hand of the need to remember. Mr. Castillo's immediate incidental recall on the Rey-Osterrieth Complex Figure Test with Recall and Recognition was in the average range, as was his Delayed Free Recall of this complex figure. Mr. Castillo's Delayed Recognition trial on this test was a strength in the above average range at the 97<sup>th</sup> percentile rank. Mr. Castillo's incidental memory for the shapes on the Tactual Performance Test was below average at the 25<sup>th</sup> percentile rank. His memory for the localization of shapes was in the average range using normalized T-Scores, but mildly impaired using the Neuropsychological Deficit Scale norms.

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### LANGUAGE FUNCTIONS:

#### Controlled Oral Word Association Test

Total Score	T-Score	Percentile Rank
48	54	66-68

#### Animal Naming

Total Score	T-Score	Percentile Rank
25	57	75-77

#### BDAE Complex Ideational Material Subtest

Raw Score	T-Score	Percentile Rank
12/12	60	84

#### Aphasia Screening Test

Pathognomonic Signs
Constructional Dyspraxia

#### Wide Range Achievement Test-4

Subtest	Standard Score	Percentile Rank	Grade Equivalent
Word Reading	96	39	11.9
Sentence Comprehension	108	70	>12.9
Spelling	102	55	>12.9
Math Computation	103	58	>12.9
Reading Composite	101	53	

Mr. Castillo's phonemic fluency, as measured by how many words he could think of beginning with certain letters in a specific time interval, across three trials, was in the average range at the 66<sup>th</sup> to 68<sup>th</sup> percentile rank. Mr. Castillo's semantic fluency, as defined by how many words he could give in a certain category in 60 seconds, was in the above average range, at the 75<sup>th</sup> to 77<sup>th</sup> percentile rank.

Mr. Castillo's semantic comprehension on the Boston Diagnostic Aphasia Screening Examination Complex Ideational Material Subtest was at ceiling in the above average range at the 84<sup>th</sup> percentile rank. On the Aphasia Screening Test, there was no evidence of aphasia. However, there was evidence of constructional dyspraxia on his copy of the key.

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The Wide Range Achievement Test-4 was administered to Mr. Castillo to assess academic functions. Mr. Castillo was in the average range at the 39<sup>th</sup> percentile rank and the 11.9 grade equivalent on the Word Reading subtest. His Sentence Comprehension was in the above average range at the 70<sup>th</sup> percentile rank. Spelling was average at the 55<sup>th</sup> percentile rank. Math Computation was average at the 58<sup>th</sup> percentile rank. Reading Composite was average at the 53<sup>rd</sup> percentile rank.

#### **MOTOR & PERCEPTUAL-MOTOR FUNCTIONS:**

##### **Lateral Dominance Exam**

	Right	Left	Mixed
Hands	X		
Feet	X		

##### **Right-Left Orientation**

Raw Score	T-Score	Percentile Rank
18/20	39	14

##### **Grip Strength**

Hand	Kilograms	T-Score	Percentile Rank
Right Dominant	55	50	50
Left Non-Dominant	51	50	50

##### **Finger Oscillation Test**

Hand	Raw Score	T-Score	Percentile Rank	NDS
Right Dominant	45.9	38	12-13	2
Left Non-Dominant	46.4	44	27	1

##### **Grooved Pegboard**

Hand	Raw Score	T-Score	Percentile Rank
Right Dominant	66"	48	42-45
Left Non-Dominant	66"	51	53-55



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**Rey-Osterrieth Complex Figure Test with Recognition and Recall – Copy Trial**

	Score	T-Score	Percentile Rank
<b>Copy</b>	34	40	16
<b>Time</b>	170"	52	58

**Trail Making Test A**

Time	Errors	T-Score	Percentile Rank	NDS
24"	0	51	53-55	0

**Tactual Performance Test**

Hand	Time (minutes)	# Blocks Placed	T-Score	Percentile Rank
<b>Dominant</b>	12.0	10	33	4-5
<b>Non-Dominant</b>	9.4	10	32	4
<b>Both</b>	3.6	10	39	14
<b>Total</b>	25.0	30	30	2-3

Mr. Castillo is right-side dominant for both hands and feet. Right-Left Orientation was mildly impaired at the 14<sup>th</sup> percentile rank. He made two confronting person errors, suggesting difficulty transposing the right and left sides of someone facing him. Mr. Castillo's Grip Strength, as assessed by a hand dynamometer, was bilaterally average. Fine motor coordination, as assessed by speed of finger tapping on the Finger Oscillation Test, was mildly impaired on the right, dominant side, and below average on the left side. Mr. Castillo was faster with the left hand than his right hand, which is an atypical finding. Manual dexterity, as assessed by the Grooved Pegboard, was average bilaterally. However, Mr. Castillo's speed to complete this task was the same for the right and left hands, which is an abnormal finding in that there typically is a ten percent superiority of the dominant hand over the non-dominant hand.

Mr. Castillo's copy of the Rey-Osterrieth Complex Figure was a definite relative weakness in the borderline impaired range at the 16<sup>th</sup> percentile rank. Simple sequencing on the Trail Making Test A was average.

Mr. Castillo had significant difficulty on Tactual Performance Test, which is a measure of tactile-kinesthetic integration and problem solving. Mr. Castillo took twelve minutes to complete the ten-block task with his right, dominant hand, placing him at the 4<sup>th</sup> to 5<sup>th</sup> percentile rank, mild to moderate range of impairment on this task. Mr. Castillo's time to complete the task with his left, non-dominant hand was also in the mild to moderate range of impairment at the 4<sup>th</sup> percentile rank. Mr. Castillo's time to completion of the

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task with both hands was somewhat better, but still in the mild range of impairment at the 14<sup>th</sup> percentile rank. Mr. Castillo's total score of 25.0 minutes was in the mild to moderate range of impairment at the 2<sup>nd</sup> to 3<sup>rd</sup> percentile rank.

#### **SENSORY-PERCEPTUAL FUNCTIONS:**

Sensory Impereception			Sensory Suppressions		
Modality	Right	Left	Modality	Right	Left
Tactile	0	0	Tactile	2	1
Auditory	0	0	Auditory	0	0
Visual	0	0	Visual	1	0
Total	0	0	Total	3	1

#### **Finger Agnosia**

Hand	Errors
Right	0
Left	0

#### **Fingertip Number Writing**

Hand	Errors
Right	5
Left	2

#### **Tactile Form Recognition Test**

Hand	Errors	Time	T-Score	Percentile Rank
Right	0	13	47	39
Left	0	12	43	25

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#### Sensory-Perceptual Total Score

Hand	Errors	T-Score	Percentile Rank
Right	9.5	31	3
Left	3.5	36	8
Total	13.0	32	4

Mr. Castillo's visual fields were full to confrontation screening. Extra ocular movements were intact to screening measures, as was his convergence. Mr. Castillo was administered a sensory suppression task in the Tactile, Auditory and Visual modalities. Mr. Castillo made two right-sided and one left-sided sensory suppressions in the Tactile modality and one right-sided sensory suppression in the Visual modality with none on the left. He made no sensory suppression errors in the Auditory modality. Mr. Castillo had a total of three right-sided sensory suppressions and one left-sided sensory suppression.

On a measure of Tactile Finger Recognition, Mr. Castillo made no errors, bilaterally. On a measure of Fingertip Number Writing, Mr. Castillo made five right-sided errors and two left-sided errors. On the Tactile Form Recognition Test, Mr. Castillo made no errors bilaterally. His tactile processing speed was in the average range with the right hand at the 39<sup>th</sup> percentile rank and in the low average range with the left hand at the 25<sup>th</sup> percentile rank. Mr. Castillo's Sensory-Perceptual Total scores were as follows: mild to moderate impairment of the right, dominant hand at the 3<sup>rd</sup> percentile rank; mild impairment of the left hand at the 8<sup>th</sup> percentile rank; and mild to moderate impairment on his Total Score at the 4<sup>th</sup> percentile rank.

The Adolescent/Adult Sensory Profile by Brown and Dunn was administered. Mr. Castillo did not meet the criteria for low registration, sensation seeking, sensory sensitivity or sensation avoiding based on his self-report. Although, item analysis indicated that Mr. Castillo does have some sensation-seeking tendencies, he also had a few sensory avoiding tendencies as well.

#### EXECUTIVE FUNCTIONS, SEQUENCING AND MENTAL FLEXIBILITY:

##### Trail Making Test B

Time	Errors	T-Score	Percentile Rank	NDS
43"	0	63	91	0

##### The Booklet Category Test-II

# Errors	T-Score	Percentile Rank	NDS
22	55	70	0

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#### Stroop Color and Word Test

Subtest	Raw Score	T-Score	Percentile Rank
Word	113	52-54	58-68
Color	83	52-54	58-68
Color-Word	53	58	79-81
Interference	5.2	55	70

#### Wisconsin Card Sorting Test

	Raw Score	T-Score	Percentile Rank
Number of Categories Completed	6		>16
Trials to Complete First Category	11		>16
Failure to Maintain Set	0		>16
Learning to Learn	-1.2%		>16
Total Number of Errors	12	56	73
Perseverative Responses	5	66	95
Perseverative Errors	5	63	91
Percent Perseverative Errors	6.3%	67	96
Nonperseverative Errors	7	52	58
Percent Conceptual Level Responses	83.5%	56	73

Mr. Castillo's performance on a measure of complex sequencing, Trail Making Test B, was in the above average range at the 91<sup>st</sup> percentile rank, and a relative strength when compared to his score on a measure of simple sequencing, Trail Making Test A. The Halstead Category Test is a measure of concept formation and abstract reasoning. Mr. Castillo made 22 errors on this test, placing him in the above average range of the 70<sup>th</sup> percentile rank on this measure. The Stroop Color and Word Test was administered to Mr. Castillo. The Word, Color and Color-Word, and Interference trials were all in the average to above average range. The Wisconsin Card Sorting Test is a measure of mental flexibility and the ability to shift mental set. Mr. Castillo's performance on this measure

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was within normal limits with 6 out of 6 categories completed and 5 perseverative responses.

**GENERAL MEASURES OF NEUROPSYCHOLOGICAL FUNCTIONING:**

**Neuropsychological Deficit Scale (NDS)**

Indicator	Raw Score
General Neuropsychological Deficit Scale score	28
Right Neuropsychological Deficit Scale score	5
Left Neuropsychological Deficit Scale score	7
Halstead Impairment Index	0.3

The General Neuropsychological Deficit Scale score for Mr. Castillo was in the mild range of impairment at 28. Mr. Castillo's Right and Left Neuropsychological Deficit Scale scores were essentially equivalent. The fact that his Halstead Impairment Index was within normal limits is consistent with the fact that his impairments are focalized to the sensory motor processing zones, bilaterally.

**PERSONALITY FUNCTIONS:**

**Multiscale Dissociation Inventory (MDI)**

Scale	Raw Score	T-Score	Percentile Rank
Disengagement (DENG)	15	84	99.94
Depersonalization (DEPR)	6	56	73
Derealization (DERL)	7	57	75-77
Emotional Constriction/Numbing (ECON)	10	67	96
Memory Disturbance (MEMD)	10	77	99.2-99.3
Identity Dissociation (IDDIS)	5	47	39

The Posttraumatic Stress Diagnostic Scale was administered to Mr. Castillo. Mr. Castillo was in the moderate to severe range for Posttraumatic Stress Disorder on this instrument. He met all criteria for Posttraumatic Stress Disorder, including exposure to a traumatic event, re-experiencing symptoms, avoidant symptoms, arousal symptoms, symptom duration of one month or more in distress for impairment in functioning. Mr. Castillo cited numerous different stressors, including a serious accident, nonsexual assault by a family member, nonsexual assault by a stranger, sexual contact under the age of 18, imprisonment, and the murder itself.

The Multiscale Dissociation Inventory was administered to Mr. Castillo. Mr. Castillo was elevated on the Disengagement scale at the 99.94 percentile rank. He was borderline elevated on the Memory Disturbance scale at the 99.2 to 99.3 percentile rank. Mr.

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Castillo was mildly elevated on the Emotional Constriction/Numbing scale at the 96<sup>th</sup> percentile rank. These findings are consistent with his diagnosis of Posttraumatic Stress Disorder.

#### **SUMMARY OF MR. CASTILLO'S CHILDHOOD EXPERIENCES:**

William Castillo's childhood was fraught with instances of abuse and neglect as outlined in the copious amounts of records collected by the Federal Defender.

Before William was even one year old his mother, Barbara Thorpe, had contacted Catholic Charities to request a foster home placement for him because she had had a "nervous breakdown." During an interview with Ms. Thorpe, William's maternal grandmother, Ms. Gavan, was noted to provide many reasons to the caseworker why Ms. Thorpe could not appropriately care for William, including that Ms. Thorpe had attempted suicide and had a history of shock treatments (ECT). Ms. Thorpe also stated that she had so many problems that she could not take care of William by herself. The caseworker noted on 12/7/1973 that Ms. Thorpe was fearful of being abusive to William and reportedly expressed exasperation over her situation and that she thought of just taking William and leaving the area. Ms. Thorpe's mother expressed concern that her daughter may do this without thinking about William's welfare. Ms. Thorpe's mental health was again questioned shortly after William's first birthday in a letter from her treating psychiatrist, Dr. John Fischer. Dr. Fischer noted that Ms. Thorpe was immature and irresponsible and suffered from a depressive illness.

Mr. Thorpe, William's father, was reported to have mental health problems and to have been placed in a residential treatment program. The caseworker also reported interviewing Mr. Thorpe in the County Jail. Mr. Thorpe was noted to have a violent history. The record indicated that William's father had beaten his mother during the seventh month of her pregnancy.

Medical records from when William was only 12-months-old reported that he had been diagnosed with gastroenteritis and pneumonia. The impression of the discharging physician was that William lived in a "poor home situation." At around this time, Ms. Thorpe contacted Catholic Charities to decline placement for William as she had agreed to allow her mother to care for William. Less than ten months later, Ms. Thorpe again contacted Catholic Charities seeking a foster home placement for William. On 10/17/1974, Ms. Thorpe indicated that her mother had requested that she and William leave her home. Ms. Thorpe stated that she was unable to maintain employment because of emotional problems and a recent suicide attempt. She reported that she had functioned well while working and had gotten her own apartment with William. She said that she would arrange for babysitters to watch William. She also stated that Mr. Thorpe had threatened her with a gun. Days later, the caseworker was noted to have visited Ms. Thorpe's residence and her mother stated that Ms. Thorpe had begun using heroin and had not been able to care for William. Ms. Thorpe reportedly stayed out all night and slept all day and spent little time with her son who was not even two-years-old. Ms.

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Tracie K. Lindeman

E.K. McDANIEL, Warden, Ely State  
Prison, CATHERINE CORTEZ MASTO,  
Attorney General for Nevada,

Respondents.

# Appeal from Order Denying Petition for Writ of Habeas Corpus (Post-Conviction)

**VOLUME 4 of 21**

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LORETTA BOWMAN, CLERK

BY [Signature]  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

WILLIAM PATRICK CASTILLO,  
  
Defendant(s).

Case No. C133336  
Dept. No. VII  
Docket P

VERDICT

We, the jury in the above entitled case, find the defendant WILLIAM PATRICK CASTILLO,  
Guilty of COUNT VII - FIRST DEGREE ARSON.

DATED this 4<sup>th</sup> day of September, 1996.

JOHN R. RUTLMANN

[Signature]  
FOREPERSON

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Castillo, William  
Rcv'd 10/20/04 8JDC-558  
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# EXHIBIT 25

# EXHIBIT 25

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DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

WILLIAM PATRICK CASTILLO

Defendant.

Case No. C133336  
Dept. No. VII  
Docket P

INSTRUCTIONS TO THE JURY  
(INSTRUCTION NO. 1)

MEMBERS OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this penalty hearing. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

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INSTRUCTION NO. 3

The trial jury shall fix the punishment for every person convicted of murder of the first degree.

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INSTRUCTION NO. 4

The jury shall fix the punishment at:

- (1) A definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has been served,
- (2) Life imprisonment with the possibility of parole,
- (3) Life imprisonment without the possibility of parole, or
- (4) Death.

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2 Life imprisonment with the possibility of parole is a sentence of life imprisonment which provides  
3 that a defendant would be eligible for parole after a period of twenty years. This does not mean that he  
4 would be paroled after twenty years, but only that he would be eligible after that period of time.

5 Life imprisonment without the possibility of parole means exactly what it says, that a defendant  
6 shall not be eligible for parole.

7 If you sentence a defendant to death, you must assume that the sentence will be carried out.

8 Furthermore, any person who uses a deadly weapon in the commission of a crime shall be  
9 punished by imprisonment in the state prison for a term equal to and in addition to the term of  
10 imprisonment prescribed for the primary offense. The deadly weapon enhancement runs consecutively  
11 with the sentence imposed for the primary offense.

12 Therefore, any punishment the jury imposes will be doubled at the time of formal sentencing  
13 because of the deadly weapon enhancement.

INSTRUCTION NO. 6

In the penalty hearing, evidence may be presented concerning aggravating and mitigating circumstances relative to the offense, and any other evidence that bears on the defendant's character.

Hearsay is admissible in a penalty hearing.

The State has alleged that aggravating circumstances are present in this case.

The defendants have alleged that certain mitigating circumstances are present in this case.

It shall be your duty to determine:

(a) Whether an aggravating circumstance or circumstances are found to exist; and

(b) Whether a mitigating circumstance or circumstances are found to exist; and

(c) Based upon these findings, whether a defendant should be sentenced to a definite term of 50 years imprisonment, life imprisonment or death.

The jury may impose a sentence of death only if (1) the jurors unanimously find at least one aggravating circumstance has been established beyond a reasonable doubt and (2) the jurors unanimously find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

A mitigating circumstance need not be agreed to unanimously; that is, any one juror can find a mitigating circumstance without the agreement of any other juror or jurors. The entire jury must agree unanimously, however, as to whether the aggravating circumstances outweigh the mitigating circumstances or whether the mitigating circumstances outweigh the aggravating circumstances.

Otherwise, the punishment shall be imprisonment in the State Prison for a definite term of 50 years imprisonment, with eligibility for parole beginning when a minimum of 20 years has served or life with or without the possibility of parole.



INSTRUCTION NO. 8

You are instructed that it is not necessary for the Defendant to present any mitigating circumstances. Even if the State establishes one or more aggravating circumstances beyond a reasonable doubt and the Defendant presents no evidence in mitigation you should not automatically sentence the Defendant to death. The law never requires that a sentence of death be imposed; the jury however, may consider the option of sentencing the Defendant to death where the State has established beyond a reasonable doubt that an aggravating circumstance or circumstances exists and the mitigating evidence is not sufficient to outweigh the aggravating circumstance or circumstances.

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2 You are instructed that the following factors are circumstances by which Murder of the First  
3 Degree may be aggravated:

4 1. The murder was committed by a person who was previously convicted of a felony involving  
5 the use or threat of violence to the person of another, to-wit: Attempted Residential Burglary committed  
6 on 12-19-90, victim Marilyn Mills. Judgment of Conviction filed 6-7-91, Case No. C99212X, Clark  
7 County, Nevada.

8 2. The murder was committed by a person who was previously convicted of a felony involving  
9 the use or threat of violence to the person of another, to-wit: Robbery committed on 12-14-92, Victim  
10 Patricia Rizzo. Judgment of Conviction filed 5-28-93, Case No. C111011, Clark County, Nevada.

11 3. The murder was committed by WILLIAM PATRICK CASTILLO while he was engaged,  
12 alone or with another, in the commission of or an attempt to commit or flight after committing or  
13 attempting to commit any Burglary and the Defendant:

14 (a) Killed the person murdered.

15 (b) Knew or had reason to know that life would be taken or lethal force  
16 used.

17 4. The murder was committed by WILLIAM CASTILLO while he was engaged, alone or with  
18 another, in the commission of or an attempt to commit or flight after committing or attempting to commit  
19 any Robbery and the Defendant:

20 (a) Killed the person murdered.

21 (b) Knew or had reason to know that life would be taken or lethal force  
22 used.

23 5. The murder was committed to avoid or prevent a lawful arrest.  
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INSTRUCTION NO. 10

Any person who by day or night, enters any home or building with intent to commit larceny or any felony, is guilty of Burglary.

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INSTRUCTION NO. 11

Larceny is the theft of money or property belonging to another person.

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INSTRUCTION NO. 12

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You are instructed that the offense of Burglary is complete if you find that entry was made into a home or building with the intent to commit Larceny or any felony therein.

An entry is deemed to be complete when any portion of an intruder's body, however slight, penetrates the space within the building.

INSTRUCTION NO. 13

You are further instructed that in order to constitute the crime of burglary, it is not necessary to prove that the defendant actually stole any of the articles, goods or money contained in the home or building. The gist of the crime of burglary is the unlawful entering of a building with the intent to steal something therein.

INSTRUCTION NO. 14

Robbery is the unlawful taking of personal property from the person of another, or in her presence, against her will, by means of force or violence or fear of injury, immediate or future, to her person or property, or the person or property of a member of her family, or of anyone in her company at the time of the robbery. A taking is by means of force or fear if force or fear is used to:

- (a) Obtain or retain possession of the property;
- (b) Prevent or overcome resistance to the taking; or
- (c) Facilitate escape.

The degree of force used is immaterial if it is used to compel acquiescence to the taking of or escaping with the property. A taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

INSTRUCTION NO. 15

The value of property or money taken is not an element of the crime of Robbery, and it is only necessary that the State prove the taking of some property or money.

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INSTRUCTION NO. 16

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2 Murder of the First Degree may be mitigated by any of the  
3 following circumstances, even though the mitigating  
4 circumstance is not sufficient to constitute a defense or  
5 reduce the degree of the crime:

- 6 1. The youth of the Defendant at the time of the crime.  
7 2. The murder was committed while the Defendant was under  
8 the influence of extreme mental or emotional disturbance.  
9 3. Any other mitigating circumstances.
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INSTRUCTION NO. 17

The burden rests upon the prosecution to establish any aggravating circumstance beyond a reasonable doubt and you must be unanimous in your finding as to each aggravating circumstance.

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INSTRUCTION NO. 18

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2 A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a doubt as  
3 would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the  
4 entire comparison and consideration of all the evidence, are in such a condition that they can say they feel  
5 an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable  
6 must be actual, not mere possibility or speculation.  
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INSTRUCTION NO. 19

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The jury is instructed that in determining the appropriate penalty to be imposed in this case that it may consider all evidence introduced and instructions given at both the penalty hearing phase of these proceedings and at the trial of this matter.


INSTRUCTION NO. 20

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Evidence of a defendant's past conduct from which a reasonable inference can be drawn that even incarceration will not deter the defendant from endangering others lives, is a factor you may consider in determining the appropriate penalty.

INSTRUCTION NO. 21

In your deliberation you may not discuss or consider the subject of guilt or innocence of a defendant, as that issue has already been decided. Your duty is confined to a determination of the punishment to be imposed.

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INSTRUCTION NO. 22

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 23

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.



INSTRUCTION NO. 24

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdicts must be unanimous except with regard to any findings you may make as to the existence of individual mitigating circumstances. When you have agreed upon your verdicts, they should be signed and dated by your foreperson.

INSTRUCTION NO. 25

The Court has submitted two sets of verdicts to you. One set of verdicts reflects the four possible punishments which may be imposed. The other verdicts are special verdicts. They are to reflect your findings with respect to the presence or absence and weight to be given any aggravating circumstance or circumstances and any mitigating circumstances.

INSTRUCTION NO. 26

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law was given you in these instructions, and return a verdict which, according to your reason and candid judgment, is just and proper.

Given: *William May*  
9/24/96 IN OPEN COURT

INSTRUCTION NO. A

Murder of the First Degree may be mitigated by any of the following circumstances, even though the mitigating circumstance is not sufficient to constitute a defense or reduce the degree of the crime:

1. The Defendant has admitted his guilt of the offense.
2. The Defendant has demonstrated remorse for the commission of the offense.
3. The youth of the Defendant at the time of the crime.
4. The Defendant cooperated with the police after he was identified as a suspect.
5. The Defendant had not preplanned to commit the murder.
6. The Defendant had a difficult childhood.
7. The murder was committed while the Defendant was under the influence of extreme mental or emotional disturbance.
8. Any other mitigating circumstances.

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# EXHIBIT 26

# EXHIBIT 26

**Lewis M. Etcoff, Ph.D., A.B.P.N.**

*Nevada Licensed Psychologist No. 129*

Diplomate, American Board of Professional Neuropsychology #257  
Diplomate, American Board of Professional Disability  
Consultants, #4-536  
Fellow and Diplomate, American Board of Medical  
Psychotherapists, 1805-1990

**Karen Kampfer, M.A.**  
Associate

**REFERRAL INFORMATION:** William Patrick Castillo, DOB: 12/28/72, is a 23-year-old, single, Caucasian male charged with a capital murder and presently incarcerated at the Clark County Detention Center. His attorney, Deputy Public Defender Peter La Porta, referred Mr. Castillo to me for a psychological evaluation as a result of this being a first degree murder case. Mr. Castillo was seen in a face-to-face clinical interview over a two-and-a-half-hour period on July 2, 1996.

**TEST BATTERY:**

**RECORDS REVIEW**

**TWO-AND-A-HALF-HOUR INTERVIEW WITH MR. CASTILLO  
MILLON CLINICAL MULTIAXIAL INVENTORY - II**

**RECORDS REVIEW:** The earliest available record is a Children's Behavioral Services (CBS) Intake Summary dated March 25, 1981 by Chuck Vernon, Clinician. At the time Mr. Castillo was eight years of age and in second grade, he was referred to CBS from the Juvenile Court System, Case Worker Jeri Moore. This note states that Mr. Castillo had been living with his mother and stepfather over the past two years and was in a regular classroom setting at the time of this note. Mr. Castillo had a long history of pre-delinquent behavior, and parents had sought help for his pre-delinquent behavior in the states of Louisiana, Florida, Colorado, California, and in Lake Tahoe and Las Vegas, Nevada. Los Angeles and Douglas Counties in California had classified Mr. Castillo as a juvenile delinquent at age seven due to the fact that, at age five, he had drowned his grandmother's dog; and at age six, he had killed several birds by smashing their skulls with rocks. Biological mother reported to Mr. Vernon that Mr. Castillo had been moved approximately 20 times since birth, with five or six major out-of-state moves. Parents were already

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"burned out on working with the child on an outpatient basis" as of this report.

Further CBS case notes reveal that Mr. Castillo's natural father was institutionalized and jailed several times in other states, that "Billy is reported to fight a lot at school, not to pay attention to work assigned, and to do whatever he wants." Mr. Castillo, at the time, was placed in the Residential Treatment Program (June 9, 1981), according to Jim Roach, Teaching Parent and according to Doris Dittmer, Teaching Parent. A review of their notes mentions that Mr. Castillo was "into a depressive state, saying his mother always sends him to foster homes and relatives and doesn't like to have him around. Mrs. Castillo made only one phone call to the agency this week. We are beginning to feel that Mrs. Castillo is not interested in Billy going home at all. She shows very little interest in seeing him, and Billy is very aware of this." Further notes in June and July of 1981 suggest that Billy Castillo was making sexual remarks to other children, lying, spending a lot of time crying, and in a conversation to his mother, "She lost complete control and screamed she would beat him if he didn't tell the truth. She became completely incoherent. We couldn't tell what she was yelling. She was shaking and out of breath."

Teaching parents also recognized in July of 1981 that Billy was "responding well to a system of daily earning privileges based upon both in-home behavior and school behavior as reflected in the daily school note. We have seen improvement in his on-task behavior in the home, a reduction in aggression, and thus far no destruction of property..."

By August of 1981, the teaching parent, Mr. Roach, wrote, "In residence, we have not seen the degree of negative behaviors that would have necessitated residential placement. No destruction of property. Aggression with others is not a serious problem. Off-task, however, is... HOME: Billy's mother is seriously lacking in parent skills. When confronting Billy, she has trouble with her temper. She has difficulty dealing with Billy's relationship with his stepfather, seeing any improvement in it as a personal threat to her own parenting skills... Her lack of real cooperation... and Billy's lack of serious difficulty while in residence makes a reconsideration of placement necessary. At this time, our recommendation is that more serious work with this family could take place with Billy at home..."

In a handwritten note dated 12/15/81, the person writing this note (unnamed) states, "Billy has become a major behavioral prob-

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lem [at home, according to his mother]... She further stated that he has been increasingly defiant at home. She is pregnant and has concerns that he may injure her. She also reported a fear that her husband's threshold intolerance is so low at this point she fears Mr. Castillo will hurt Billy in frustration. She said that she wants Billy placed back in Oasis..."

On July 7, 1982, in a Las Vegas Mental Health Center psychiatric evaluation of Billy Castillo, the psychiatrist and medical director, Rebecca Hechter, M.D., noted, "Billy is a very active, verbal, nine-year-old, young male who is presently residing at Detention after setting the family home on fire with mother and baby sister in it. Billy stated he thought he was being seen for 'what is to happen to me.' He then continued with 'I don't care except I don't ever want to go home.'" Billy told Dr. Hechter that he had stolen a knife from home, cut another child with glass, destroyed a house in California, and sometimes hurt animals. He spoke disparagingly about his adoptive father and blamed him for everything, telling Dr. Hechter that if he were to be placed in a foster home, "I would stop doing bad things." Dr. Hechter found no evidence of psychosis or severe emotional disturbance on mental status examination, and gave a diagnosis on the DSM-III Axis I of Conduct Disorder, Unsocialized, Aggressive. She noted a poor prognosis and mentioned, "Unless intervention is immediately implemented, this youngster will continue to have an antisocial approach to life, and I would anticipate more serious behaviors in the future."

In an attachment to this record, it was noted that Mrs. Castillo had been married to Billy's father, William P. Thorpe, from 1970-1973 until Mr. Thorpe had become physically violent and attempted to shoot his wife. He was subsequently arrested on charges of Possession of a Deadly Weapon with Intent to Kill. Jonna Triggs, Ph.D., Associate Psychologist noted in this report, "The Thorpe family appears to be a very troubled family, to say the least. Bill Thorpe's father shot his son when his son was under the influence of drugs and threatened his father's life. Bill Thorpe has been treated for mental illness several times. Bill's mother, Vida, has been committed to mental health facilities several times for attempted suicide. Bill Thorpe was arrested for an attempt on his mother's life when he held a knife to her throat. Bill Thorpe is now awaiting sentencing where he will be committed to an institution for the criminally insane." Dr. Triggs noted that Billy's May 24, 1982 psychological testing, while a third grader at Rose Warren Elementary School, showed that Billy had average intellectual abilities, poor peer rela-

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tionships, and noncompliant behaviors, including stealing, lying, and runaway behaviors.

On September 21, 1982, William Patrick Castillo was made a ward of the Juvenile Court and placed in the custody of Nevada State Welfare Division and resided at the Oasis Residential Program at Children's Behavioral Services.

A neurological examination conducted by R. Kirby Reed, M.D. on January 14, 1983 revealed "no evidence of either upper or lower motor neuron disease. This is a 10-year-old male who has demonstrated normal growth in early development. Present neurological examination reveals neither hard nor soft findings. I do not feel that there is a neurological basis for the patient's ongoing behavioral difficulties. I consider him to have a personality disorder. I feel that he does need to be in at least a 24-hour residential placement for the safety of not only himself but the general public. I feel that further sophisticated neurological testing will be of little avail; therefore, I did not recommend it."

On January 25, 1983, in the Eighth Judicial Court, William Patrick Castillo was admitted to the allegation and charges of First Degree Arson and Runaway. He admitted to setting several fires at Circus Circus Hotel & Casino and a separate fire at The Oz Chinese Restaurant. He seemed nonchalant and uncaring about his detainment or the seriousness of the charges, according to the dispositional report dated 01/25/83.

A child psychiatrist, J.J. Saranga, M.D., evaluated Billy Castillo and noted that Billy did have Attention Deficit Hyperactivity Disorder and would be placed on a trial of Ritalin "to attempt to reduce his hyperactivity and ADD and the anxiety that goes with them so he will be more amenable to both cognitive therapy and psychotherapy."

A formal court review, dated February 21, 1984, when Billy Castillo was 11 years of age, noted that in his time at the Youth Hospital (since January 25, 1983), Billy had undergone psychological testing, psychoeducational assessment, psychological and psychiatric interviews with no evidence of mental disorder or thought disorder detected. He did, however, score high in areas of delinquent behavior and hostility. He was not cooperative in

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his therapy with Dr. Bryan Young and ran away from the Youth Hospital a total of three times, eventually being booked into the Clark County Juvenile Court Services on the charge of Battery Against a Teacher (Mr. Pat Mahoney of CBS), leading to his placement at Spring Mountain Youth Camp.

Billy Castillo was eventually committed to the Nevada Youth Training Center in Elko on March 9, 1984. A report was dictated on 04/23/84 noting, "He appears to have no remorse for the behaviors but seems quite upset over the inconvenience of being locked up and having his freedom curtailed... Billy appears to be a young man with few internal controls. His life is apparently self-centered, and when he cannot obtain immediate gratification for his desires, he becomes rebellious..."

The Juvenile Division of the Eighth Judicial District Court issued a report, dated December 19, 1985, which stated that William Patrick Castillo, then age 12, had been charged with Runaway, Vagrancy, Prowling, and Violation of Parole in October and December 1985. The parole officer, Bruce Kennedy, wrote, "This counselor respectfully recommends that William receive institutionalized care. If William is returned to the Nevada Youth Training Center, he should continue his education. He should receive counseling concerning his family so that he could learn the appropriate ways in dealing properly in this setting."

At age 13, Mr. Castillo was residing in the Third Cottage where he had resided since December 20, 1985 for a period of approximately three months. It was noted in a report which is unsigned but dated March 6, 1986, "During this placement, the subject minor has made limited progress toward his treatment goals of impulse control, accepting responsibility, building friendships, communicating new feelings appropriately, and demonstrating responsibility in performing his cottage jobs. He has, however, demonstrated significant progress in the educational aspect of his treatment program, specifically school grades and classroom behavior..." A supplemental report made at the Third Cottage, dated May 28, 1986, states, "The subject minor was involved in a number of incidents ranging from profanity and disrespect towards staff to hitting a peer and not following directions."

Further reports were reviewed from the Juvenile Division of the Eighth Judicial Court when Billy Castillo was age 13 and at the Nevada Youth Training Center in Elko at age 15. Catherine Atiyeh, Senior Youth Parole Counselor wrote a report when Mr. Castillo was 15 years of age, stating that he had just been arrested for Runaway and Possession of a Deadly Weapon. He is now

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at the Nevada Youth Training Center for a third commitment. This counselor wrote, "Billy's behavior in the home was disruptive which resulted in the frequent runaways. His parents are concerned but seem helpless in coping with Billy's problems. Billy was excluded from school, and there are no other school reports available other than independent high school. There is some indication that Billy has engaged in homosexual behavior. PSYCHOLOGICAL SUMMARY: Intellectual Functioning: High-average range..."

On 07/31/89, Mr. Castillo was committed to a fourth term at the Nevada Youth Training Center in Elko, Nevada when his parole was revoked. He could not live peacefully at home or in the community, according to this report. He ran away from home..." At age 18, Mr. Castillo was seen by the Court to determine whether he should be certified and tried as an adult following his arrest and charge with Attempted Burglary.

A report issued by the Nevada Department of Prisons Parole Progress Report 294 notes that in the year 1993, Mr. Castillo had been disciplined for disobeying orders, tattooing, having a pro-pellant substance, disobeying orders again, assaulting somebody, destruction of property, and tampering with a lock.

Additional records were reviewed but do not add any further to the information already contained in these records.

**FAMILY HISTORY:** (COMMENT: Information in this and all further sections of this report was gathered from Mr. Castillo and are based upon his recollections.) Mr. Castillo's biological father's name was William Thorpe. Apparently he died when Mr. Castillo was nine years of age. Mr. Castillo remembers seeing him only twice at about the time when he was six years of age. On one occasion, he saw his father at a barbecue. On a second occasion, he remembers his father taking him on his father's Harley to a bar where "he gave me darts and told me if I could hit the bull's eye, he'd let me fondle any woman's breasts." Mr. Castillo told me that he attempted to hit the bull's eye with the darts over two hours, finally accomplishing his task. His father reportedly said to him, "Go pick one out." Mr. Castillo apparently touched a woman's breasts which got her boyfriend angry. Mr. Castillo remembers that his father and the woman's boyfriend had a "really bloody fight. I was crying" in the bar. This is the extent of Mr. Castillo's recollection of his biological father. Mr. Castillo told me that his mother, Barbara Castillo (recently married), had always told him throughout his life that

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his biological father was an extremely violent person who beat up Mrs. Castillo but who had never beaten up William Castillo.

Mr. Castillo was raised on and off by his mother, Barbara Castillo, whose last known address is the Riviera Ranch Apartments on Rainbow and Cheyenne Roads in Las Vegas. Mr. Castillo states that his mother has resided here between 16 and 17 years. She is presently 44 years of age. Mr. Castillo's stepfather, Joseph Castillo, may reside at 6621 Rocking Horse Avenue, Las Vegas, Nevada. Mr. Castillo states that his stepfather, approximately 48 years of age, works as the director of Latin American Marketing at Balley's Hotel and Casino. Mr. Castillo has a half-brother, Joey, who lives with his father. Joey is approximately 10 years of age. Mr. Castillo has a half-sister, Crystal, who lives with his mother. Crystal is approximately 14 years of age. Mr. Castillo told me that he last saw his half-brother and sister approximately six months ago. Mr. Castillo believes that his paternal step-grandmother is still alive but doesn't speak English. He doesn't recall her name. His maternal grandmother, Alegria Theiret, is apparently alive and living in St. Louis, Missouri.

**CHILDHOOD HISTORY:** Mr. Castillo has a very vague recollection of his childhood history, and records will have to be relied upon to reconstruct this history. He stated that until he was about six or seven years of age, he lived for short periods of time with his mother and for longer periods of time in orphanages or group homes. He doesn't recall the names of the orphanages or group homes where he lived. He did state that he resided during his first several years of life in St. Louis, Missouri. He told me that he was taken away from his mother "because my mom couldn't take care of me. She was only 18 [when he was born]. Her mom kicked her out. She was broke. She only had money for baby necessities. She put me in an orphanage." Mr. Castillo remembers that eventually he was taken from the orphanage by his mother to Colorado where she was living with her boyfriend, David, with whom she broke up soon thereafter. At that point, Mr. Castillo recalls his mother leaving him in St. Louis with his Uncle Max.

Mr. Castillo doesn't believe that there were any developmental abnormalities during the prenatal, perinatal, and postnatal periods of his birth. He believes that he was born on time without problems breathing, significant jaundice, or any medical abnormality affecting birth.

Prior to age seven, Mr. Castillo describes himself as a very unmanageable youngster who was hyperactive and a fire setter. He tended to be destructive. He set his first fire to a toy chest

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in his grandmother's basement; he doesn't recall when this fire was set. He recalls setting a few desert fires and eventually, around ages eight, nine, or ten, setting a major fire at Circus Circus where he took a cigarette lighter and went from floor to floor setting curtains on fire on 12 different floors of the hotel. On that same day, he recalls going across the street to a place called The Oz and placing it on fire. He also recalls, at about ages 11 or 12, blowing up his parents' house at 401 Red Stone Drive by attaching a rag with a toilet paper fuse to a propane tank connected to his stepfather's motorcycle gas cap. In summary, Mr. Castillo stated that by the time he was seven or eight years of age, he had been placed at Children's Behavioral Services in various group homes where he received counseling, was placed on Ritalin for Attention Deficit Hyperactivity Disorder, and was once hospitalized at the Youth Hospital following an attack he made on a teacher by the name of Mr. Mahoney.

**RELATIONSHIP WITH PARENTS:** Mr. Castillo told me that he had a very poor relationship with his stepfather because his stepfather tended to be significantly physically abusive. Mr. Castillo told me that his stepfather would lock him in his room, place a frying pan in the corner, and expect him to relieve himself in the frying pan. This form of punishment took place frequently due to Mr. Castillo's conduct disorder. Mr. Castillo recalls his stepfather placing a stack of paper in front of him and making him write sentences until the little finger on his writing hand bled. This form of punishment took place between ages 11-14, according to Mr. Castillo's best recollection. Mr. Castillo recalls that his stepfather would force him to eat red hot chili peppers until he vomited. This occurred "quite a few times" between the ages of 6-10. When Mr. Castillo was caught breaking objects or stealing, he states that his stepfather "made me put my hands out in front of me and hit me with an inch-thick leather belt six or seven times." This was called a routine punishment and occurred quite a few times. Mr. Castillo said that his stepfather often "beat my ass with a big leather belt, and it made me cry. I got the shit beat out of me." As he got older and more poorly behaved, Mr. Castillo remembers his stepfather would kick him in the ribs and punish him (at least on one occasion). He recalls his stepfather yelling at Mr. Castillo's mother for allowing him to eat. He recalls his mother saving food for him on her plate. Mr. Castillo told me that he was very frightened of his stepfather and would run away from home constantly. His stepfather would hunt him down after he hid in the desert. He told me that he remembers running away from home better than 20 times during his youth.

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On the positive side, Mr. Castillo recalls his stepfather getting him involved in sports, taking him to the park, playing catch with him, and going hunting in the desert or fishing at the lake or Lorenzi Park. He also fondly remembers his stepfather and he watching cartoons and eating Oreos when they lived in Lake Tahoe. He describes his stepfather as unaffectionate but not someone who used alcohol or drugs. (COMMENT: If Mr. Castillo's stepfather is available, it would be useful to interview him to compare his recollection of Mr. Castillo's childhood experiences with Mr. Castillo's.)

Mr. Castillo told me that he and his mother started off rather poorly because, as he stated, "My mom used to hate me because I looked like my dad-- my movements, speech, attitude." Mr. Castillo denies that his mother ever physically or mentally abused him except for a few slaps here and there. He stated, "My mom was cool. Me and my mom got along. She saved me from ass whippings. She was basically a good mother." Ironically, Mr. Castillo remembered that when he was sent to Elko on several different occasions during his childhood, his mother would not want him to return home and his stepfather would want him to return home despite the fact that Mr. Castillo perceives his relationship with his mother to be a rather positive one and his relationship with his stepfather to be a negative one.

On one occasion, Mr. Castillo recalls his mother stabbing him in the middle of his chest with a stack of butter knives from the kitchen when he insisted on having the last word in a discussion they were having. He remembers that his mother "scared me shitless." He believes that his mother may have been a prostitute in St. Louis because he recalls his paternal grandmother attempting to extricate custody from his mother for this reason. He also recalls that his mother had a nervous breakdown and was significantly mentally ill with depression for which she was institutionalized and treated with electroconvulsive therapy and medication. Mr. Castillo believes this to be a fact because he recalls his mother telling him this. (COMMENT: If Mrs. Castillo is available to be interviewed, it would be possible useful to help determine the veracity of Mr. Castillo's recollection regarding his mother's behavior by questioning her.)

Mr. Castillo also recalls that his biological father was said to be a moody and violent person who may have had a psychiatric history and alcohol abusive. Apparently, his biological father spent much of his life in prison, according to Mr. Castillo's

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recollection of what his mother told him about his biological father.

Mr. Castillo told me that the only person he can ever recall showing him significant affection in his life was his paternal grandmother who he recalls placed him on his lap and ran her fingers through his hair which was something that he really enjoyed. Mr. Castillo then said to me, "But I killed her dog, and that was that. The dog had taken my spot. I got jealous, and I drowned it."

Mr. Castillo wanted to tell me about his Uncle Max, his mother's brother, who lived in Florida and who he described as "an alcoholic and heavily into the Bible. I was sent to live with him [he didn't recall the age]. He was in recovery. His mind was toast. He was into church activities. He drove the church bus. I lived in a trailer with him. He was strict. My clothes, if I wore the same pair of underwear two times, he'd take a long willow stick and smack me with that. My clothes were numbered. For seven days of the week, I had socks, underwear, and T-shirts. He'd make me read the Bible. He'd blow up over something small. He'd beat me up so bad that I'd have to stay home three or four days at a time. Once he almost killed me, and I was home for a week with my face all beat up."

Between the ages of seven and nine, Mr. Castillo recalls spending most of his time in various group homes at Children's behavioral services as a result of his being unmanageable. I asked Mr. Castillo what it was like to be at Children's Behavioral Services; he stated, "They treated me like excess baggage. They didn't really want me. I'd go to school and run away."

Mr. Castillo believes that he was first sent to Elko at about six or seven years of age but certainly after he set the fire at Circus Circus. He stated that after this event, he stayed at Elko a few months. He was then arrested for Grand Larceny involving an auto burglary and was returned to Elko. He was returned to Elko a third time after he had burned down his parents' home. He was returned to Elko a fourth time, according to his best recollection, for a charge of destruction of private property. He stated that he ran away from Elko a few times.

Prior to age 13, when asked to describe his personality, Mr. Castillo said, "I was real high-strung. School was my getaway from my dad -- a blast. If my dad was around, I was nervous. I wasn't a depressed kid. I wasn't angry. I was usually carefree. I was a leader not a follower. Some teachers liked me, some

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didn't. I had decent grades. I graduated with high marks from Independence High School at Elko."

Mr. Castillo told me that his probation officer, Mr. Bruce Kennedy, should be contacted as someone who knows him better than most people in his life.

Mr. Castillo also recalls that he functioned well in Elko in "a structured environment."

**EARLY ADULT YEARS:** Following his turning 18 years of age, Mr. Castillo recalls being charged with attempted burglary and being imprisoned for two years at Indian Springs between his ages 18-20. He stated that he enjoyed his prison time, as he got a job dish washing. Following his prison sentence, he spent 10 months out of prison when he was then arrested for strong armed robbery following a purse snatching episode. Mr. Castillo was very honest in telling me that he met another individual, and the two of them would shoot up methamphetamines on a daily basis and would live by robbing people and stealing purses. He told me that his life involved shooting up speed, committing robberies eight hours a day six days a week, and enjoying himself doing this. He called it a "power trip. I had a gun, a God complex." I asked Mr. Castillo how he thought about this life of crime. He told me that he never thought about breaking the law. "It was the farthest thing from my mind. I did dope. I robbed people at night. I had a girlfriend. I'd drink and party."

Eventually, Mr. Castillo recalls being caught after a robbery and given a three-year sentence at Indian Springs where he was incarcerated but moved to Northern Nevada Correctional Center following his violent behavior at Indian Springs. He told me that he acted out violently against one or more child molesters because he doesn't like child molesters. He recalls staying at the Northern Nevada Correctional Center for seven or eight months when he split open someone's head and was transferred to the Nevada State Prison where he remained for the remainder of his term. He stated that at the Nevada State Prison, he was "perfectly happy. I worked in the kitchen, worked out, had a routine. I'd smoke, listen to the radio, play pinochle." He stated that he left the Nevada State Prison on May 8, 1995.

**CONCERNING THE CRIME OF CAPITAL MURDER:** Mr. Castillo, who has already confessed to the murder, was very open in his discussion with me concerning how the murder took place. Essentially, he told me that he required \$350 to hire an attorney, Catherine Woolf. He didn't have the money and decided to snatch purses.

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He only snatched a purse with a camera in it and felt that he needed to steal sufficient money to be able to pay for his attorney. He recalled hiding a key from the victim's house where he had done roof repairs while she had been on vacation. He stated that he entered the home with Michelle Palet behind him. They had found \$180 in the woman's purse. He heard snoring in a back room. The snoring was so loud that he thought that the person snoring was a large male. He stated that he saw two pairs of shoes in the house and thought that there were two people in the back room. He stated that he went into the back bedroom. The woman awakened when Ms. Palet made a noise. He stated that he had a bumper jack in his back pocket and "whacked her across the head" without realizing that the person in the bed was an old woman. He recalls hearing "a gurgling sound." He stated that he hit her several more times on the head, placed a pillow on her head, and then, when the light was turned on, saw that the person he had been hitting was an old woman. He stated that this bothered him a great deal and that, for the few days following this event, he couldn't eat or sleep. He also told me that he attempted to cover up the crime by burning down her house as a result of the fingerprints that he felt were left at the scene of the crime.

**MR. CASTILLO'S TATTOOS:** Mr. Castillo has an enormous number of tattoos on his body, and I asked him to explain his tattoos and what they meant to him. He told me that the castle on his arm signifies the home he always wanted to have. A road leading from the castle is leading "through life's shit. It stopped at the jail bars. The road is the road of my life." He has a tattoo of "my lady." He states that he is a white supremacist and has tattoos stating "Pure Hate" and "White Power" on his body in addition to 36 swastikas all over his body, with one prominent swastika just beneath his throat. He told me that the swastikas "give me something to hate. In the joint, it's a racial issue. It's a slap in their face." On his lower back is a tattoo that says, "100% Fuckin' Hostile." On his wrists are tattoos of chains signifying his imprisonment. He has a tattoo of a dragon, standing for the darker side of human beings, and a tattoo of an eagle, standing for freedom.

I asked Mr. Castillo why he is so angry. He told me that he wants to write a book with a title Should Have Been Silver. I asked him what the title stands for, and he stated, "Why didn't I get born with a silver spoon in my mouth?"

**PERSONALITY TEST RESULTS:** Mr. Castillo was administered the Million Clinical Multiaxial Inventory - II, which is an objective

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personality test measuring acute psychiatric clinical syndrome and longstanding personality disorders. The Validity Scales were within normal range, and the test results appear valid. Mr. Castillo had very high and significant elevations on the Antisocial, Aggressive/Sadistic, Histrionic, Narcissistic, and Passive/Aggressive Personality Scales. The MCMI-II suggests that Mr. Castillo's behavior tends to be arrogant. He is insecure about himself but has an inflated sense of self-worth. He is interpersonally provocative, indifferent to the welfare of others, disputatious, and easily angered. He exploits others, expects special consideration from friends and relatives, and usually doesn't assume reciprocal responsibility. He has a deficient social conscience. He fears domination and dependence, resists external influence, and justifies his social irresponsibilities and failures with expansive fantasies or excuses. He comes across to others with an image of cool strength, arrogance, and fearlessness. He tends to be self-reliant and unsentimental. He is willing to risk harm and tends to be fearless in the face of threats and punishment. Punishment only reinforces his rebellious and hostile feelings. He tends to feel unfairly treated, envious of others, wary of others' motives, and is easily provoked to being irritable and angry. He enjoys humiliating and dominating others. He is suspicious of authority figures. He lacks deep feelings of loyalty, and a guiding principle for him is that of controlling, exploiting, and outwitting others before he feels they can control and exploit him. He carries a chip on his shoulder and attacks those who he distrusts.

Mr. Castillo's Clinical Syndrome Scales show that he admits to having had a history of drug abuse. His drug use may have been a way for him to moderate his tensions, permit some narcissistic indulgence, and also serve as a statement of resentful independence from the constraints of social convention and expectation. Drugs probably liberated whatever guilt feelings he may have had over discharging hostile impulses in a full and direct manner. He admits to bouts of alcohol abuse, with the Alcohol Abuse Scale suggesting that he is likely stormy and destructive during his times of drinking.

**DIAGNOSTIC IMPRESSION:** (DSM-IV):

**DIAGNOSES OF EARLY CHILDHOOD:**

AXIS	I:	313.89	REACTIVE ATTACHMENT DISORDER OF EARLY
			INFANCY AND CHILDHOOD, INHIBITED TYPE.
		995.5	NEGLECT OF CHILD.

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995.5 PHYSICAL ABUSE OF CHILD.  
314.1 ATTENTION DEFICIT HYPERACTIVITY DISOR-  
DER, COMBINED TYPE.  
312.8 CONDUCT DISORDER, CHILDHOOD ONSET, SE-  
VERE.

**ADULT DIAGNOSES:**

AXIS I: 305.70 AMPHETAMINE ABUSE.  
AXIS II: 301.9 PERSONALITY DISORDER, NOT OTHERWISE  
SPECIFIED WITH NARCISSISTIC, ANTISOCIAL,  
HISTRIONIC, AND PASSIVE/AGGRESSIVE FEA-  
TURES.  
AXIS III: PER PHYSICIANS.

**CONCLUSIONS:** The extensive records which I reviewed from various Social Service agencies and doctor's of medicine and psychology who had worked with Mr. Castillo as a young boy are consistent in showing that his mother appeared to be unable to provide him a normal early childhood experience and eventually gave him up for adoption via her neglect of him. Within the first eight years of his life, according to records from Children's Behavioral Services, Mr. Castillo was placed into 20 different homes or facilities with five or six of these stays out of state. The very fact that as an infant, toddler, and preschool aged child Mr. Castillo could not form a normal attachment to an adult -- either his mother, father, or any other family member -- caused him to have one of the most serious childhood disorders, that being the Reactive Attachment Disorder of Infancy or Early Childhood. DSM-IV identifies this disorder as follows: "The essential feature of Reactive Attachment Disorder is markedly disturbed and developmentally inappropriate social relatedness in most contexts that begins before age five and is associated with grossly pathological care... that may take the form of persistent disregard of a child's basic emotional needs for comfort, stimulation, and affection; persistent disregard of a child's basic physical needs; or repeated changes of primary caregiver that prevent formation of stable attachments (e.g., frequent changes in foster care). The pathological care is presumed to be responsible for the disturbed social relatedness" (underlined for emphasis). When improvement in a Reactive Attachment Disorder does not take place as a result of a young child not having the opportunity to form a normal emotional bond with an adult for a considerable length of

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time during early childhood, then the outcome is very poor and, at the very best, guarded. There is a large psychological and psychiatric literature showing that children who develop a Reactive Attachment Disorder can never lead normal lives and never are capable of forming normal emotional bonds to other human beings as a result of the early neglect, abuse, or constant change in caretaker environment. It can be safely concluded from Social Service records that Mr. Castillo's major problem derived from this diagnosis which derived from his mother's inability to take care of him as well as the absence of his natural father and the incapacity of his stepfather to eventually provide normal and consistent care.

To make a very terrible situation all the worse, Mr. Castillo had as a child and has as an adult a neurologically-based disorder known as Attention Deficit Hyperactivity Disorder, Combined Type which is strongly correlated in adolescent and adult years with greater incidents of substance abuse, criminality, and underachievement. The reason for this association appears to be that children who are untreated or treated unsuccessfully for ADHD, especially when the disorder is severe, cannot control their impulses as a result of a neurological deficiency in Dopamine transmission. In Mr. Castillo's case, his impulses tended to be angry impulses and were acted out at a very early age in two specific types of behavior that research literature in criminal behavior and psychopathology are strongly correlated with later onset sociopathy. Mr. Castillo was killing animals prior to age six, according to Social Service records, and was setting significant fires, including fires to the Circus Circus Hotel & Casino and a restaurant across the street, and possibly a fire that destroyed his mother and stepfather's home (although other substantiated evidence of this occurrence is not yet available).

As is not uncommon in children who have developed a Reactive Attachment Disorder due to the failure of parent figures to provide adequate parenting to the child and especially in children who, on top of this terrible problem, have Attention Deficit Hyperactivity Disorder, Mr. Castillo soon developed a severe Childhood Onset Conduct Disorder which is found to correlate strongly in the research literature with the later development of sociopathic behavior and aggressive sociopathic behavior.

If Mr. Castillo's recollection of his stepfather's physically abusive behavior is accurate and/or his recollection of his Uncle Max's enormously physically abusive behavior is accurate, then these two factors also added to Mr. Castillo's feelings of worth-

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lessness, uncontrolled internal anger, and the ultimate development of a desire to lash out at people as he had been lashed out against in various ways by close relatives in his life.

Furthermore, Mr. Castillo's biological father was eventually placed in an institution for the criminally insane because of uncontrolled violent behavior against Mr. Castillo's mother. Additionally, Mr. Castillo's mother was mentally institutionalized and given electroconvulsive therapy for an apparent severe depressive disorder which may or may not have had an additional psychotic component. Research literature shows that severe mental illness as well as criminality tends to be heritable or genetically transmitted although, at this present time, we do not have enough scientific information to state this with scientific certainty. There seems to be at least a correlation in families that have severe mental illness and criminality that children of parents such as this oftentimes (even when brought up in relatively normal households) develop criminal-like aggressive behaviors and/or mental illness.

It is not uncommon for a child who experienced what Mr. Castillo experienced and who was unsuccessfully treated for ADHD to develop either an alcohol or drug abuse problem during adolescence or early adulthood. In Mr. Castillo's case, he used amphetamines which produced in him even more energy necessary to engage in criminal acts and less impulse control necessary to refrain from engaging in these criminal acts.

On the positive side, Mr. Castillo seemed to do well when he was taken out of his home and placed in the CBS Oasis Program or at Elko (both of which were very structured settings). Although Mr. Castillo did not behave normally in these settings, his behavior in these settings was much improved from his behavior while he lived with his mother and stepfather.

Aggravating factors in Mr. Castillo's case include his very early aggressive behavior in his lying, stealing, running away, fire setting, and killing of animals. These precursors to adult aggressive behavior suggest that Mr. Castillo even today is a very dangerous individual who absolutely must be incarcerated so that society is protected from this basically uncontrolled and very angry man who is incapable of forming warm attachments to human beings.

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*Lewis M. Etcoff Ph.D.*

Lewis M. Etcoff, Ph.D.  
Diplomate, American Board  
Of Professional Neuropsychology  
Fellow, American College  
Of Professional Neuropsychology

LME/jhs  
T: 07/14/96

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# EXHIBIT 27

# EXHIBIT 27

### **DECLARATION OF HERBERT DUZANT**

I, Herbert Duzant, hereby declare as follows:

1. I am employed as an investigator with the Law Offices of the Federal Public Defender. I am assigned to work on the case of William P. Castillo. I have interviewed several individuals who interacted with Mr. Castillo and his family members at various periods during their lifetimes.
2. On February 1, 2007, I interviewed Denean Firle at her place of residence in St. Charles, Missouri. Denean was a paramour of Mr. Castillo's father, William P. Thorpe, Sr. ("William Sr."). She was involved with William Sr. during the last few years of his life. In 1979, when Denean was only 15 years old she first became involved with William Sr. At that time, Denean was a runaway. Denean claims that William Sr. was the first man with whom she had sexual relations.
3. William Sr. was charming and gentle with Denean when they first met. She thought he was a wonderful person. Later, in 1979, when Denean ran away from home she went to live with William Sr. After she moved in with him, his personality quickly changed and he began abusing her. Whatever William Sr. said was the law in his house. Denean was never given the option of saying "no," even if that meant Denean had to engage in sexual intercourse with members of William Sr.'s notorious gang, "the brotherhood of the gypsy outlaws" ("the BGO"). William Sr. forced Denean to have sexual intercourse with members of his gang, on numerous occasions. Denean recalled being forced to have sex with multiple gang



members at the same time and on a single day or evening. William Sr.'s abuse became increasingly brutal, especially when he was intoxicated. Denean said that alcohol and drugs made it easier for William Sr. to fly off the handle and physically abuse her with little or no provocation.

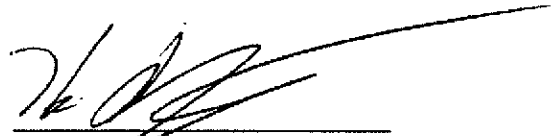
4. William Sr.'s nickname for Denean was "Slave Girl." He reminded her that she was the slave and he was her master. William Sr. frequently threatened to kill Denean if she ever got him into trouble with the authorities or screwed him over. One of his many threats to Denean was that he would put cement boots on her feet and dump her in the Mississippi River. Once, when Denean ran away from William Sr. she stayed with her classmates. In response, William Sr. threatened to blow up her parents' home if she did not return. Denean's classmates were willing to fight William Sr., but Denean willingly returned to him to prevent anyone from being harmed.
5. Denean recalled that William Sr. had a distant look in his eyes that terrified her whenever he became angry. When William Sr. became violent he seemed detached as if he had no control over himself.
6. Denean recalled an incident when William Sr. told her to run to the store-literally run to the store. The problem was that she could not run because she was wearing clog shoes. William Sr. made Denean remove her clogs and he proceeded to beat her about her body and face with the clogs. Denean's eye was injured during this incident. She believes this was the worst beating she ever received from him.

7. When Denean acted in a manner that William Sr. interpreted to be in defiance of his authority, he slapped her in the face or punched her in the stomach. Because Denean was underage, William Sr. was careful not to leave marks on her during beatings because he feared the possibility of being arrested and charged with child abuse and/or statutory rape.
8. Denean learned that William Sr. had done many bad things. She knew he kept a gun on his person. William Sr. was a known drug dealer as well as a pimp. William Sr. was known to rape women. Denean believed this to be true because of the way he treated her. Whenever Denean told William Sr. that she did not want to have sex with him, he beat her and forcibly had sex with her against her will.
9. Denean said that she went through years of therapy to try to get over all of the things that William Sr. put her through, and still has not fully recovered. Although Denean has found it in her heart to forgive William Sr., posthumously, Denean has never been able to forgive herself.
10. On February 2, 2007, I spoke with Gary Peth in his place of residence in Hazelwood, Missouri. Gary Peth was a close friend of William Sr. having spent a lot of time hanging out with the BGO gang, although he denies ever being a member.
11. One of the worst things that Gary saw William Sr. do to a woman was when he hit a girl over the head with a shot gun so hard that the barrel bent over the girl's head. Gary doesn't remember who the girl was and he did not recall the full extent of her injuries, but he knows she survived.

12. Gary recalled Denean Firle and her relationship with William Sr. Gary also confirmed that William Sr. and his entire gang called Denean "slave girl." Gary confirmed that William Sr. forced Denean to have sex with many members of the gang on several occasions. According to Gary, William Sr. considered Denean his "toy." Gary is certain that William Sr. never had any intentions of having a serious relationship with Denean. William Sr. never referred to Denean as his "girlfriend" or "woman."
13. On January 7, 2007, I spoke with Steve Reed at his place of residence in Powder Springs, Georgia. Steve and William Sr. were best friends during their teenage years and into early adulthood. Steve lived across the street from Denean Firle's family-this is how William Sr. came to meet Denean. Denean is also a relative of Steve's wife.
14. Steve knew about William Sr.'s reputation of abusing women. Steve tried to convince Denean to stay away from William Sr., but she did not listen to him. When Denean's father found out that she had been living with William Sr. after she ran away, Mr. Firle told Steve of his intentions to confront William Sr. Steve warned Mr. Firle to stay away from William Sr. because he feared that William Sr. might become upset and kill Mr. Firle for confronting him. After Steve explained William Sr.'s character and reputation to Mr. Firle, Mr. Firle agreed that confronting William Sr. might be hazardous and he made no effort to retrieve his daughter.
15. The worst thing Steve ever saw William Sr. do to Billy (William P. Castillo) was when Steve had Billy in his lap and Billy bit one of Steve's fingers. In response, William Sr. picked Billy

up threw him across a room onto a couch. Steve thought that William Sr.'s actions were uncalled for and told him to relax because he was not injured and Billy was just a kid. Steve believes that Billy was less than two years old at the time of this incident.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed in Clark County, Nevada, on September 3, 2008.

  
Herbert Buzant

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# EXHIBIT 28

# EXHIBIT 28

### **Declaration of Joe Castillo**

I, Joe Castillo, hereby declare as follows:

1. I was married to Billy Castillo's mother, Barbara Wickham, on April 5, 1979 and I adopted Billy during our marriage. I currently reside in Las Vegas, and I am 59 years old.
2. Barbara and I both worked at the "Sahara Tahoe" hotel and casino in Lake Tahoe, Nevada when we met in 1978. I was a Pit Manager and Barbara was a cocktail waitress. We became better acquainted through common friends and our relationship developed. Barbara and I had a whirlwind courtship and were married a few months later.
3. Barbara and I married in 1979, but our relationship was not initially good. Shortly after our wedding I discovered that Barbara had a drinking problem, a gambling problem and, she constantly partied with her friends. After several arguments, I left our home and moved in with a friend. I had no intention to return. A few weeks later, Barbara came to me and threatened to kill herself if I did not come home and live with her as husband and wife. I did not want to return to Barbara, but I would not have been able to live with myself if she committed suicide. I went home and gave our relationship another chance.
4. After I returned to Barbara, I learned she had a son from a previous relationship in St. Louis, Missouri. I was a bit shocked to find out that Barbara would hide something like that from me. However, I began to warm up to the idea of having a son. Eventually, I talked Barbara into sending for Billy because I believed that a child should be with its mother and it was the right thing to do. I made good money at the casino and I did not believe Billy would create a financial burden for us. I came from a large family, had eight siblings, and I could not imagine my mother would have left a child with anyone else. I became excited to be with

Billy as his arrival date drew near, and I made preparations for our meeting like buying toys, setting up a room in the house, arranging for his enrollment into a local school, etc. This was a very happy time for Barbara and me, and I sensed that everything would work out.

5. When Billy came to Lake Tahoe, everything went well at first. Billy and I spent a lot of time with one another playing sports and games. We did almost everything together. Billy seemed to adapt well to his new life, both at home and in school. However, this situation began to change quickly as Billy's behavior became increasingly mischievous after just a few weeks.
6. The first time I remember Billy's changed behavior was when I found the shower curtain broken on the bathroom floor. When I asked Billy what happened, he said he was hanging and swinging on the curtain rod when it fell.
7. Around this same time, I opened my eye contacts container and smelled alcohol. When I asked Billy what he knew about this, he admitted that he poured rubbing alcohol in the container. He could not explain why he did this.
8. On another occasion I discovered that Billy placed glue into a clothes iron, in the slot where water normally goes. As was the case for most other incidents, Billy could not articulate a reason for his actions.
9. Billy's behavior in elementary school became increasingly worse. Billy was constantly reprimanded for his disruptive behavior in class and he fell behind in his studies. School officials noted that Billy was popular with his peers and did things to get attention. The school frequently contacted Barbara and me to inform us of the trouble they experienced with Billy.

10. I remember when Barbara and I took Billy to Magic Mountain Amusement Park in Valencia, California. I had an amazing streak of luck during this trip and won several gifts (stuffed animals, balls, and various toys) for Billy. Although I thought that Billy would be happy to receive all of the gifts that I had won, Billy later destroyed every one of them.
11. Billy began to run away. This behavior began in Lake Tahoe prior to our move to Las Vegas. Billy left the house to visit a friend without our knowledge, and he could not find his way home. Billy was missing for about twelve hours before I found him crying in an open field. During Billy's disappearance, I filed a police report and spent hours driving around town looking for Billy.
12. By the time we moved the family to Las Vegas in 1980, Billy's behavior at home improved, but he still had difficulties at school. I was a strict disciplinarian. I beat and yelled at Billy whenever he did something wrong. I actually believed that I could beat Billy's bad behavior out of him. The more he misbehaved, the more severe my beatings became. I recall a few occasions when I would beat Billy so badly that Barbara intervened out of fear that I might injure Billy. The beatings involved belts and other objects, slapping Billy's face or other parts of his body, and shaking Billy. I now understand that the only reason that Billy's home behavior improved was because he was terrified of me. However, Billy's behavior at school did not improve because I was not there to exert control over Billy.
13. When Billy was about 9 or 10 years old he got into trouble in school for talking in class and being disruptive. He ran and stayed away from home for three days to avoid being punished by me. During Billy's time away, he lived with homeless people around the "Union Pacific" railroad tracks. Billy also begged for money and food at the Circus-Circus Hotel and Casino



with a hobo that he became friendly with. Billy and the hobo had a routine where Billy posed as the hobo's son as they begged for money. I filed a police report and looked for Billy myself during this period. I found Billy, by chance, on Industrial Road behind Circus-Circus. I walked over to Billy and, like other episodes when Billy ran away, Billy immediately submitted to my authority. He did not try to run away. Billy was afraid of me and knew not to run because his punishment would have been more severe. However, I did not beat Billy on this occasion because I was too worried for Billy's safety to be mad at him, and I was glad to know that he was alright. Billy told me he ran away because he did not want to get into trouble for what happened at school. Although I'm not sure, I'm pretty certain Billy was placed in a juvenile detention facility for this incident because I involved the police.

14. Billy's behavior grew increasingly worse throughout elementary school and into Junior High school. In Junior High school Billy constantly got into trouble and went in and out of youth detention facilities. Eventually, Billy became immune to being locked up at youth detention facilities because he had a lot of friends there and made new ones during each stay.
15. I recall an incident where Billy stole candy bars from Albertson's Supermarket. Billy was detained by a store employee. They took Billy's photograph and called Barbara and me. When I went to the store, the manager told me that Billy was banned from returning to the store, but that no criminal complaint was filed with the police department. When I asked Billy why he stole the candy bars, Billy told me that he was hungry. When Billy misbehaved, sometimes I limited his food or sent him to bed with no meal. Billy had a healthy appetite and enjoyed eating, so I disciplined him by taking away something that I knew he enjoyed.

16. On another occasion Billy stole a bicycle from the porch of a neighbor's house. When I saw Billy riding the bike, I made him return it to the house where he took it. I also made Billy apologize to the child and his parents.
17. I once saw Billy with a pair of tennis shoes that neither Barbara or I purchased. Billy told me he took the tennis shoes from a porch in the neighborhood, but he could not recall specifically which house. I took the tennis shoes and placed them in a Salvation Army clothing donation drop box. I would not allow Billy to keep anything that he stole.
18. The worst runaway episode with Billy occurred when Billy claimed he was abducted. Billy was riding his bike on our block when he disappeared. Later that night, I received a call from a couple who found Billy naked and covered by a few pieces of newspaper while they were driving through the desert. Billy told the couple that he was abducted while riding his bike. Barbara and I met the couple and retrieved Billy. Bill told us that some men pulled him and his bike into their car and drove him out into the desert. They made him take off his cloths and left him there. Billy said the men took his clothes but did not molest or sexually abuse him.
19. I did not believe Billy's story and the suspicious look that he gave me did not help. Billy had that, "I wonder if they're really buying this stuff", look on his face. I told Billy that I did not believe him and that I knew he was making it up. I also told Billy that people who make false reports go to jail and that I would personally take Billy to the police station to "book him" if he did not tell the truth. I was a part-time police officer for the Las Vegas Metropolitan Police Department at the time. Billy insisted that he was being honest, so I put him into the car and drove towards the police station. As we got closer to the station Billy

began to cry and Barbara told me to back off and leave Billy alone. Billy confessed that he made the story up to avoid being punished for going to a friend's house and staying out too late. I do not recall the number of times that Billy ran away from home, but it was several times.

20. Billy was sent to the juvenile facility at Elko, Nevada and this was a turning point in my relationship with Billy. I cut all ties with Billy. It was like he was dead to me and I was concerned only with raising my other children, Crystal and Joey. At this point, I felt like I was at the end of my rope with Billy, there was nothing that I could do to help him and I had no interest in continuing to try. Billy spent about three years in Elko before coming home and I made no efforts to write or visit Billy during that entire period of time.
21. When Billy returned from Elko, I still worked as a Metro police officer. One day, after Billy's return, I noticed that my 9mm service weapon was missing and I suspected that Billy took it. I reported the stolen gun to Metro, personally tracked Billy's whereabouts through tips that I gathered from his friends and then I went out to Billy's location in the company of four other officers who surrounded the location. Although this was extremely hard for me to do, I arrested Billy and took him down to the station. Billy admitted taking the gun and said he needed it for protection because he was leaving town on a bus. Billy claimed that he was no longer in possession of the gun because he gave it to someone at the bus station out of fear of being caught with it.
22. In another incident, Billy and a friend stole a car in Las Vegas, but were arrested in Barstow, California. The vehicle was impounded and the authorities called me. I told Barbara and she said to leave Billy where he is. She warned me not to come home if I went out to Barstow

to bail Billy out. I disregarded Barbara because I had a feeling that it was my duty to help Billy, despite everything that he put me and the family through. I didn't want Billy to spend the night in jail. When I reached the police station in Barstow, Billy told me that he and his friend were only "joyriding" and that they had every intention of returning the car to its owner. I slapped Billy in his face very hard many times during the drive back to Las Vegas and lectured him on the stupidity of his actions. I recall that there were discussions of adjudicating this case, but the judge certified him to adult status so there would be no question or doubt about Billy having to serve time.

23. Looking back, I believe that neither I nor Barbara had the capability to deal with Billy's problems or to help him overcome his issues. Barbara came from an unstructured and non-supportive family, and her upbringing prevented her from really loving or caring for Billy. I believe that Barbara loved and cared for Billy, but only to the extent that her own personal experiences allowed. I was aware of the abuse that Barbara suffered from Billy's father, and I believe that Billy's presence was a painful reminder of her past. Barbara never physically abused Billy, as I did. She frequently intervened whenever I excessively beat Billy. In fact, Barbara never laid a hand on Billy and always left any discipline to me. Barbara's role in Billy's outcome was the deprivation of the love that a mother should show her child.
24. My role in Billy's outcome was the physical and mental abuse that I put him through at times when I believe he needed love, compassion and understanding. I had a strict upbringing during my childhood in Mexico and my father did the same things to me that I later did to Billy. I never considered it to be abusive. The only difference between me and Billy was that my behavior improved through my father's discipline, whereas Billy's did not. A

common punishment that I gave to Billy were spankings with belts. I made Billy go into the garage and let his pants down, and then I whipped Billy on his naked buttocks , usually with leather belts. Billy had a strong will and usually did not cry out loud. This frustrated me. As a result of Billy's strong will, I intensified the severity of the beatings in order to get a verbal reaction out of Billy, like crying or yelling. Sometimes Billy would not cry despite the severity of my beatings, but he shed many tears. My goal was to break Billy's will. This never happened.

25. There were many occasions where my abuse of Billy was mental. Besides the food deprivation I described earlier, I used other measures to punish Billy. When Christmas came, I used it as an opportunity to try and reach Billy. I let Billy know that I bought him several gifts and that he would receive these gifts only if he behaved himself for the last two weeks leading up to Christmas. It seemed like Billy just could not help himself and he always got into some kind of trouble. As a result, I called Billy into the livingroom and made him watch as his gifts were given to and opened by his younger sister Crystal. Billy's normal response was to just stand there and cry.
26. In retrospect, I also regret the damage that my actions had on Billy's relationship with his sister. Nevertheless, Billy never held my actions against his sister and he always loved and treated her well. Crystal loves Billy very much and they still communicate regularly .
27. As I stated before, I pretty much washed my hands of Billy, and I did not stay in touch with him that much, especially after my divorce from Barbara in 1987 or 1988. After the divorce, Billy stayed primarily with Barbara during his brief stints of freedom between youth detention facilities and prison, and I rarely saw him. Barbara and I lived together as strangers

during the last two years of our marriage. We lived two separate lives and no longer shared the same bedroom. The marriage was strained by Barbara's partying, drinking, and frequently leaving me to care for our two young children. I even found letters addressed to Barbara from the men that she was seeing, but I could not get upset with her because it was not a real marriage at that point.

28. When Billy was arrested for murder, I stayed totally out of the picture. I did not make an attempt to meet with Billy's attorneys, I did not visit Billy at the county jail as he awaited trial, I did not attend the trial proceedings and I did not extend any kind of help, support or assistance to Billy. I was mad and I was embarrassed by what Billy was accused of doing. I was a member of Las Vegas' law enforcement community, and I had ambitions of running for the Sheriff's office. I feared the bad publicity that Billy's case could reflect negatively on me. Out of my misplaced resentment of Billy, I placed my own concerns ahead of Billy's. My absence from Billy's life during and prior to the time of his murder case must have devastated him because I was the only father that Billy ever knew and I suffer a tremendous amount of guilt over this. I believe that things could have been different for Billy had I hung on, been more supportive and remained in Billy's life.

29. I have no doubt that I went too far in my discipline and treatment of Billy. In the years after Billy's trial, I attended an adoption seminar for perspective adoptive and foster care parents. A section of the seminar dealt with child behavioral issues like fire setting, stealing, attention seeking, etc., and it was pointed out that these issues arise from the child's past neglectful environments and abusive experiences. The seminar also talked about methods of handling these issues, and which not to use in discipline. After attending the seminar, I realized that

I was totally wrong in my handling of Billy's issues, and I understand that I made them worse. My actions had the same effect as throwing gasoline on a fire. My guilt is a motivating factor for my current involvement in Billy's life, and my willingness to be honest about the abuse that I put Billy through.

30. Billy's attorneys made no effort to contact me before or during his trial. Had they contacted me, I would have told them everything that I have stated here about my history and experiences with Billy. Today, if I could, I would take Billy's place on death row. I believe that Billy never had a chance at a normal and healthy life. Barbara and I were ill equipped to deal with the profound issues that tormented Billy from the days of his youth into his early adulthood. Billy's misbehavior was his way of calling out for help, but we did not have the ability to hear him.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 16, 2007 in Las Vegas, Nevada.

  
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JOE CASTILLO

# EXHIBIT 29

# EXHIBIT 29



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Declaration

of

BARBARA WICKHAM

State of Nevada \*

Clark County \*

I, Barbara Wickham, know and believe:

1. I am Billy Castillo's mother; I am fifty-two years old and I live in Las Vegas, Nevada. Billy was born on December 28, 1972. I was 18-years-old at the time, married to Billy's father, William P. Thorpe, and lived in Missouri.
2. My mother is Allegria Thieret. I was born during her marriage to her first husband, Robert Becker. Robert Becker was also the father of my brother, Max Becker, and my sister, Yolanda Becker. I have two more sisters who had different fathers, Ramona Gavan and Lora Brawley. Ramona was born during my mother's marriage to Clifford Gavan—her second husband. Lora was born during my mother's marriage to Alton Brawley—her third husband. All said, I believe my mother married at least six different men: (1) Robert Becker; (2) Clifford Gavan; (3) Alton Brawley; (4) Alfred Rosene; (5) Bruno Hensel; and her current husband (6) Karl Thieret. I never met my father, Robert Becker, until I was sixteen years old.
3. My mother put Max, Yolanda, and me into an orphanage operated by the Catholic Church when I was very young. My earliest childhood memories involve my time at the Catholic Charities orphanage. I still remember the day my mother left us at the orphanage. She told me she had to go to the bathroom and never returned to even say good-bye.
4. I do not have fond memories of my life in the orphanage. I remember the nuns were extremely strict and very harsh. They smacked children with rulers and made us stand on our knees with our hands behind our backs. We were smacked or punished for stupid things like not finishing our powdered milk. I think the nuns had to be a little

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- 1 crazy. They basically tried to beat religion into me and the other children; I never  
2 bought into the whole religion thing.
- 3 5. I remember the nuns' anger and the punishment. I do not remember that the nuns ever  
4 showing us affection or love. I remember that, when they hit or punished us, the nuns  
5 always said something like, "We're doing this because we love you."
- 6 6. There was no love or affection in my life. To me, "love hurt." I do not remember that  
7 anyone ever told me they loved me—just pure love. Instead, when people told me they  
8 loved me, it always came with a beating or abuse. My mother always said, "You  
9 may not love me, but you will respect me." My step-fathers sexually abused me—but  
10 they always said they loved me. Billy's father, William (Bill) Thorpe, beat me  
11 repeatedly and he always told me he loved me. I know that for most of my life I never  
12 really understood what love was—what it meant or what it was supposed to feel like.  
13 It hurts to think about these parts of my life but I know that my inability to understand  
14 love, to give it or receive it, affected everything in my life—my relationship with my  
15 family, my relationship with my son, Billy, and my relationships with men.
- 16 7. I remember that my mother visited us in the orphanage and I would like to recall she  
17 visited every Sunday, but I do know she visited when there was some kind of carnival  
18 at the orphanage. I remember that I cried whenever she left. I also remember that  
19 there were times when mother missed our visits. There was one time I was hurt when  
20 mother did not visit on Easter and I did not get called down like the rest of the kids  
21 to spend time with their families.
- 22 8. I do not remember exactly how old I was when I left the orphanage. I believe we  
23 stayed at the orphanage for around five years and I would have been eight or nine  
24 years old when we returned to live with mother. We moved in with my mother and  
25 her third husband, Alton Brawley.
- 26 9. I remember my mother was really scary and crazy when we lived with Mr. Brawley.  
27 If she wanted Max, Ramona, or me to do something, she threw her high heeled shoes  
28

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2

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- 1 at us or put a hot iron next to our faces or bodies. One time during this time period  
2 mother tied me to the downstairs's bannister with a rope and forced me to spend the  
3 night in the dark. She wanted to prove to me there was no "boogey man." I also  
4 remember that mother beat us with an electric cord when she was angry.
- 5 10. My mother's husband, Mr. Brawley, frequently beat my brother Max. I know the  
6 beatings were severe because I could hear them from up the basement stairs.
- 7 11. Mr. Brawley sexually abused me and sister, Yolanda. When I sat on Mr. Brawley's  
8 lap, his hand was always in my pants. If I did not let him touch me, he threatened to  
9 punish me in some way--like not letting me go out with my friends or to a party, or not  
10 giving me spending money. I let him touch me because I wanted out of the house.
- 11 12. At this time in my life, I had no idea that Mr. Brawley abused Yolanda as well. I  
12 learned about Yolanda's abuse when she, my mother, and I were in the kitchen one  
13 day. I do not remember what exactly happened, but my mother yelled at Yolanda and  
14 Yolanda yelled back, "If I don't let Brawley touch my tits I can't go to the dance."  
15 My mother turned around, started crying, and asked us what happened. We both told  
16 her about Mr. Brawley's sexual abuse. Mother took us to the police station where we  
17 told the police about Mr. Brawley. Later my mother made us tell the police we made  
18 up the entire story. Mother did not want Mr. Brawley to go to jail because she could  
19 not support us. I remember that after we told the police we made up the abuse, they  
20 told Yolanda and me they were disgusted with us. I also remember that Mr. Brawley  
21 continued to sexually abuse me after this.
- 22 13. I began to smoke when I moved in with my mother and Mr. Brawley. I stole  
23 cigarettes from Mr. Brawley. In fact, I stole a hell of a lot of things during this period.  
24 My family did not have a lot of money and I stole things for everyone--makeup, tennis  
25 shoes and clothing. I never stole anything really big, primarily things like clothes.  
26 I became a better thief as I got older. I remember that I once stole an entire tray of  
27 fake diamond rings from a jewelry store-- I took them right out of the store case. It  
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3

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- 1 was my mother's birthday and I wanted her to have a nice gift.
- 2 14. I never stole food because my mother always had food in the house. When she was  
3 married to Mr. Brawley, she bought expensive stuff for him to eat—like steaks and  
4 hams. She bought bologna for my brother, sisters and me. Max, Ramona, and I  
5 always stole Mr. Brawley's food. I remember that my mother made us wait to eat  
6 until after her husband ate; she sent us outside while they ate, and once they finished,  
7 she called us back in to eat. Mother always put whatever man was in her life first.  
8 She always showed them love and affection telling us "I have to show these men great  
9 love and affection, because who's going to marry a woman with 3 children?"
- 10 15. I was punished a lot. I do not remember why. I was not mischievous or a juvenile  
11 delinquent. I know we made my mother mad all the time; it seemed like she yelled  
12 at us for anything, and everything seemed to trigger her anger. Looking back on it,  
13 I think mother was just too young at the time and she had too many children.  
14 Mother's punishment was generally physical or psychological. For instance, when I  
15 stole the tray of fake diamond rings, my mother put the rings on display in the living  
16 room with a sign attached to it that said: "Barbara stole these rings."
- 17 16. Mother always made it a point to express her disappointment with me. I did not, and  
18 still do not, have a healthy, loving relationship with my mother. Although I'm trying  
19 to make amends with her, it's a difficult process.
- 20 17. I met Billy's father, William Thorpe (Bill), when I was fifteen years old and we  
21 married when I was fifteen and a half. Bill was either seventeen or eighteen years old.  
22 I dropped out of school when I married. Bill basically made me marry him—I was  
23 afraid of him. I think I loved him but, at that point in time, I tended to go with  
24 anyone who showed me attention or anything I perceived to be love.
- 25 18. Bill was crazy. He had an explosive personality; he beat the shit out of me on a  
26 regular basis. Why did he beat me? God knows why? Anything triggered a beating  
27 from Bill. The funny thing is that, before we married, Bill never beat or slapped me.
- 28

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- 1 After our marriage Bill started to slap me and the slaps got progressively harder and  
2 more intense until they turned into beatings.
- 3 19. Bill beat me for any reason, or even no reason. I was beaten simply because a man  
4 looked at me in a store. If a man looked at me, Bill would say, "Do you want to fuck  
5 him!?" I can remember one instance when Bill tried to set his mother, Sue Thorpe,  
6 and me on fire. Bill did not have money to buy drugs, so he wanted Sue or me to give  
7 him money. When we both refused, Bill locked us in a bedroom, doused it with  
8 lighter fluid, and set the room on fire. After another argument, Bill hung me over a  
9 highway overpass by my legs and said he was going to drop me. By this time in my  
10 life I really quit caring about anything. I dared Bill to drop me.
- 11 20. My sexual relationship with Bill was as one sided as the rest of my life. Bill  
12 controlled me. If Bill wanted sex, he took it. He raped me under our Christmas tree  
13 one year. Bill controlled what I wore; if he didn't like it, I didn't wear it. Simply put,  
14 Bill controlled every aspect of my life.
- 15 21. Bill's abuse escalated. He was in the Army and we moved to Germany. I became  
16 pregnant with Billy. Bill threw me down the stairs. I do not recall why he threw me  
17 down the stairs, but Bill never needed a reason to hurt me. He told me many times  
18 that he felt better after he beat me; then he told me he loved me. I guess I stayed with  
19 him for as long as I did because he told me he loved me.
- 20 22. After Bill pushed me down the stairs, he took me to the doctors because my ribs were  
21 broken. The doctor recognized that my injuries were caused by Bill's physical abuse  
22 and ordered me to return home. The doctor felt that, if I suffered another beating  
23 from Bill, I would miscarry. I remember that, while Bill and I were at the doctor's  
24 office, Bill looked at the doctor and said, "You get off looking at my wife's pussy?"  
25 The doctor replied, "You're not going to beat her again." Before this, I always told  
26 the doctors that my bruises were accidents.
- 27 23. Bill used a lot of different drugs--like pot and heroin--during this time. Although I  
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- 1 used drugs later in life, I never used drugs when Bill and I were married. I had to stay  
2 on top of things; I did not want to get my ass kicked by Bill. I also did not like how  
3 the drugs affected Bill—they made him even more explosive and crazier.
- 4 24. Bill didn't fall too far from the tree. Bill's father was just as sick and abusive as my  
5 husband. Bill's father physically abused his mother. He tried to get with me sexually;  
6 he always tried to play the touchy-feely games with me, but I said, "you ain't having  
7 none of this; this ain't happening." It was weird because, although I was very afraid  
8 of Bill, his father never scared me. He was just an old drunk. I remember one time  
9 when Bill's father shot Bill with a shotgun because he was tired of Bill beating his  
10 wife. Bill's father shot him right in the stomach. Bill lived, but he had a vegetable  
11 size hole in his stomach.
- 12 25. When Bill hung me over the overpass by my feet, this put me over the top. I was a  
13 wreck, emotionally and mentally. I had to deal with Bill's physical and psychological  
14 abuse and I had to care for Billy—who was an infant. I attempted suicide several  
15 times. My mother admitted me to a mental institution where I stayed for about a year.  
16 This was during the first year of Billy's life. I received electric shock therapy too  
17 many times to remember. The doctors told me the electric shock therapy would erase  
18 all the horrible memories I had of Bill's violent beatings. The shock treatments did  
19 not work--my memories of the beatings never disappeared. After a while, however,  
20 I learned how to play the game at the mental hospital. At my meetings with Dr.  
21 Fisher, I told him the shock treatment worked— I lied. I knew if I told him the truth  
22 they would never let me out of the hospital. They would keep shocking me. If I had  
23 not lied I do not know if I would ever have gotten out of that hospital.
- 24 26. I remember they gave me electric shock therapy three times every week, on Monday,  
25 Wednesday, and Friday. They woke me up at 4:00 in the morning, stripped me down,  
26 took me up a set of elevators, shoved a big ball in my mouth, strapped me down, gave  
27 me Sodium Pentothal, and hit me with the electricity. Once I came around, the  
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- 1 doctors gave me cookies and orange juice.
- 2 27. Even though the shock treatments did not wipe out my bad memories, they did wipe  
3 me out. I could not even remember my favorite color or things like that. The shock  
4 therapy turned me into a completely different person. My mother always told me I  
5 was not the same person when I came out of the institution--she thought I was meaner  
6 and more aggressive.
- 7 28. For a long time, I resented the entire experience and everyone associated with it. I did  
8 not like the way the shock therapy affected me. I was mad at everyone--they took a  
9 lot from me. I lost a year of my life, a year with Billy, and I know the shock therapy  
10 affected my brain. I have since accepted it. It is water under the bridge. God is  
11 helping me come to grips with this and other aspects of my life.
- 12 29. Billy was born in St. Louis, Missouri after my return from Germany. Billy and I lived  
13 with Bill's family. I did not want Billy to spend too much time with my mother  
14 simply because she never showed him love or affection. She treated him a lot like she  
15 treated me as a child. My mother also had too many rules and regulations--she  
16 wanted to control Billy's life. I would not let her because I did not think she loved  
17 Billy. My mother was a mean woman and I did not want Billy subjected to her abuse.  
18 Billy spent a great deal of time with Sue Thorpe (Bill's mother) and; for a while, Billy  
19 was her life.
- 20 30. I divorced Bill after he returned from Germany. I believe this was shortly after Bill  
21 threw Billy across the room. Bill and I were arguing about God knows what, and all  
22 of a sudden he picked up Billy from the bed and threw him across the room. Billy,  
23 thank God, landed on the couch. I told Bill, "You can beat me, but you'll never beat  
24 my son." Billy was about a year or a year and a half years old at the time.
- 25 31. When Billy was around two or three years old, he fell off the roof at my  
26 grandmother's home. Billy managed to crawl up to the top of the roof and fell off;  
27 it was 2 stories high. At the time, we thought he was fine; he didn't break any bones  
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- 1 and it appeared as if he only got the wind knocked out of him. He fell on real soft  
2 grass. I remember he cried a little, but he got over it quickly. We never took him to  
3 the hospital because my grandmother was a nurse and she said he appeared fine.
- 4 32. There was a time, after Billy was born, when I worked as a prostitute with my friend  
5 Jackie Biondo. Jackie taught me how to turn tricks. I met Jackie when I worked at  
6 a pizza place and she knew I needed money to care for Billy. She asked if I wanted  
7 to turn tricks with her.
- 8 33. It was during this period I contemplated placing Billy in foster care. My mother and  
9 I met with someone at Catholic Charities to discuss it. I just wanted some time to get  
10 back on my feet and we thought Billy would be better off in a foster home. I knew  
11 I did not want my mother or Sue Thorpe to get custody of Billy— they always wanted  
12 to have custody of him. They did not want to help me, they just wanted to take Billy  
13 away from me. They did not give a shit about me, they just wanted Billy.
- 14 34. At first I decided against putting Billy into a foster home. I didn't think someone  
15 could care for him and love him. Eventually I put Billy into foster care because I  
16 needed to get back on my feet and I could not do it with him. I know there was a time  
17 when I put Billy in foster care and removed him months later and then I put Billy back  
18 in foster care for about a year. I loved Billy so much. I also hated Billy because I  
19 hated his father. I was mad and I had a lot of anger. I know now that I was not right  
20 and I had no business trying to raise Billy. I believe I should have left him at the  
21 orphanage and he would have been better off. I do not remember how many foster  
22 homes Billy was in.
- 23 35. I prostituted myself to earn money to care for Billy. Once I made enough money, I  
24 left St. Louis and moved to Colorado Springs.
- 25 36. I went to Colorado Springs with a man named David. David dealt drugs and beat the  
26 shit out of me. David and I dated for only a short time period.
- 27 37. After I took Billy out of foster care, I could not care for him myself. I sent Billy to  
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- 1 live with my brother, Max. Max mistreated Billy; he beat the shit out of him. Max  
2 basically tried to beat the Bible into him. I remember things were so bad that Billy  
3 sent me a card which said, "Mommy please come get me." Billy told me Max beat  
4 him. When I went to get Billy back from Max, Billy's legs and back were covered  
5 with purple marks. I remember screaming at Max, "Are you nuts? Are you crazy?"
- 6 38. I moved to Lake Tahoe, Nevada. I saw a game show contestant win a trip to Lake  
7 Tahoe and it sounded like a beautiful place. I remember that both sets of Billy's  
8 grandparents took me to court during this time to get Billy. They said I was a drug  
9 user and terrible mother but I won and Billy came and lived with me.
- 10 39. Contrary to what my mother and Sue Thorpe said about my drug use, I never abused  
11 any type of drug. I smoked pot and used cocaine on a recreational basis, but I never  
12 abused them.
- 13 40. I remember a time when I left Billy with his grandparents, Mark Thorpe and Sue  
14 Thorpe. I left him on their front porch with a note attached to him which said, "I'm  
15 not deserting Billy, I just need to start my life and get a better life." I could not take  
16 care of Billy because I was jobless. I had my hands full with him and I needed help.  
17 I never deserted Billy-- I just needed time and help to get back on my feet. Once I met  
18 Joe Castillo, I got my life together. I got a job and we married. We took custody of  
19 Billy.
- 20 41. I remember that, when Joe Castillo and I were married, I dumped a lot of  
21 responsibility on him. I was just too tired to deal with Billy, so I let Joe handle him.  
22 I did not take a lot of the responsibility; I shrugged it off. I know I was screwed up  
23 and I really had no business caring for Billy.
- 24 42. Joe received a job offer in Las Vegas right after we purchased a home in Lake Tahoe.  
25 The Las Vegas job was too good to pass up so we put the Lake Tahoe house on the  
26 market and moved to Las Vegas.
- 27 43. Caring for Billy during this time was difficult. Billy was always doing something--he  
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1 was very hyperactive. You could not leave him alone—ever. I always thought  
2 something had to be wrong with Billy because he just was not a normal little boy. I  
3 remember that Joe and I repeatedly sought out help for Billy, especially at school, but  
4 no one could understand how bad off he was. The school counselors told us that Billy  
5 was normal, but we always disagreed, “You don’t understand, he’s not normal.” I  
6 believe that everyone just shook their fingers at Billy and labeled him a bad child; no  
7 one ever tried to understand why Billy acted the way he did.

8 44. A lot of the responsibility of disciplining Billy fell to Joe. I could not deal with  
9 Billy’s behavior— I just shut my mind off to it. Joe tried hard to teach Billy  
10 discipline—he signed him up for football and other activities, but Billy always got  
11 himself into trouble. Joe was tough on Billy because he did not understand that Billy  
12 never knew why he did the things he did. Joe tried to reason with him, but that didn’t  
13 work. For instance, when Billy stole a bike, Joe asked him, “Why did you steal the  
14 bike?” Billy replied, “Because I didn’t want to walk.” Joe could not comprehend  
15 how someone could not know why they did something. Joe tried very hard with Billy.  
16 In fact, I believe he tried harder than I did.

17 45. Joe loved Billy more than I loved Billy at the time. I still hated Billy because of his  
18 father. I know it does not make sense. I loved Billy because he was my son, but I still  
19 hated his father, and I held that against Billy for many years. I believe that, if I could  
20 have loved Billy when he was young, the way I love him now, Billy probably would  
21 not be in this whole situation. I was too young, and too stupid.

22 46. I remember that, when Joe or I asked Billy why he did something, many times he  
23 looked at us and said, “I don’t know why I do it, I just do it. I’m sorry mommy, I  
24 didn’t mean to do it.” I remember an instance when one of our neighbors watched  
25 Billy for us. They had a young daughter and Billy stuffed beans up their daughter’s  
26 nose as she slept. When we asked Billy why he did this, he said, “I don’t know, I just  
27 did it.” Billy was remorseful for his actions but he often truly did not understand why  
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BARBARA WICKHAM

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BW

PAGE 10 OF 13 PAGES

- 1 he did certain things.
- 2 47. I knew something was wrong with Billy when he was about four years old and he  
3 drowned his grandmother's dog. Billy hid behind the swimming pool, grabbed the  
4 dog, and drowned the dog. He described how the dog drowned. When I asked Billy  
5 why he drowned the dog, Billy said, "Because the dog sits on grandma's lap more  
6 than me." I took Billy to a psychiatrist and the psychiatrist told me, "Lady, you've got  
7 a problem on your hands; the older he gets the worse he'll get. You've got a  
8 problem." I didn't listen to the psychiatrist because I didn't like the way he insinuated  
9 that Billy was a bad child and that it was somehow my fault.
- 10 48. When Billy did these things, he had a detached look on his face. You could look at  
11 him straight in the eyes and it was as if he was somewhere else. Once the  
12 consequences of his actions sank in, and he realized what he did, Billy was always  
13 remorseful. He often cried, and sometimes he wrote me letters which said, "I love  
14 you mommy, I didn't mean to make you cry." I believe that once Billy understood  
15 what he had done, his remorse was truly genuine. However, when Billy was doing  
16 it, I do not think he could control his behavior. Billy really did not make a decision  
17 to act—he just reacted without contemplating any consequences. I think Billy was just  
18 like his father in this sense—he was like a speeding train that couldn't be stopped.  
19 However, Billy was never violent like his father.
- 20 49. To be honest, I always thought Billy suffered from bi-polar disorder because his  
21 moods changed so quickly. I remember when Joe, the kids, and me went to Magic  
22 Mountain one summer and we bought Billy several stuffed toys. Billy played with the  
23 stuffed toys constantly. However, one minute he might be playing with the stuffed  
24 toys and the next minute he was stomping and beating them. Billy's personality  
25 changed so quickly—just like Bill's personality, or even my mother's personality.
- 26 50. I remember that Billy was always honest with me. If he did something, he always  
27 admitted it.
- 28

DECLARATION BY  
BARBARA WICKHAM

BW

- 1 51. Eventually, Billy became too much for me and Joe to handle. We sent Billy to live  
2 with his Uncle Max in Florida again. Once again, Max tried to beat the Bible into  
3 Billy. Billy told us about the abuse, and Max never denied it. Max said Billy had the  
4 devil in him.
- 5 52. I do not know when Billy began using drugs. When he was older, Billy and I used  
6 drugs together. I remember that we used cocaine together a couple times and I also  
7 partied with him a little bit. I kept in touch with the drug scene as Billy got older, but  
8 never enough to get myself into trouble. I only used drugs recreationally. As Billy  
9 got older, I finally started to connect with him.
- 10 53. Billy loved his family and would do anything for us. Many times Billy stole to help  
11 the family. I can remember when I was unemployed and there was not enough food  
12 for us (Billy, his half-brother, half-sister and me). Billy snatched purses to collect  
13 money to buy food for us. When Billy said he was going to get some money, he went  
14 out and got it—I never asked where the money came from. I pretty much knew though.  
15 I always told Billy to be careful and not get caught. I do not condone what Billy did  
16 but, if it wasn't for Billy, we would have gone hungry. I never told or forced Billy to  
17 steal food or clothing, he did that on his own.
- 18 54. I know that Billy's attorneys never really spoke with me or Joe Castillo. At trial, his  
19 attorneys told me I was going to testify shortly before I got on the witness stand. The  
20 attorneys did not really prepare me for the experience. I do not remember speaking  
21 to an investigator. I do not remember anyone asking much about my life, how I grew  
22 up, or even Billy's early life. We did not discuss Billy's father. Billy's attorneys  
23 basically told me to show up at court and testify—and I really did not know what they  
24 wanted me to testify about.
- 25 55. This is hard. It is very hard for me to talk about the sad parts of my life. I did not  
26 understand that these things could be important to Billy's case. There was so many  
27 times that I was not really "there" for Billy when he was young, but that I really  
28

DECLARATION BY  
BARBARA WICKHAM

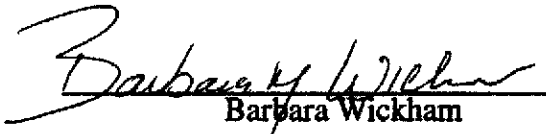
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wanted to be there for him at his trial. I wanted to help Billy and I would have discussed all this information about my life with them. I would not have enjoyed it—I don't like doing it now. But I would have done it if it could have helped Billy. I know what love is now, and I really love Billy.

56. I understand that this declaration is made under the penalty of perjury and all of the information I provided is the truth to the best of my memory.

SIGNED under the penalty of perjury on this the \_\_\_\_ day of May, 2007.

  
Barbara Wickham

# EXHIBIT 30

# EXHIBIT 30

### Declaration of Regina Albert

I, Regina Albert , hereby declare as follows:

1. I am the ex-wife of Billy Castillo's paternal uncle Michael Thorpe. I am fifty-three years old and I currently reside in the of Saint Charles, Missouri area .
2. Michael Thorpe, my ex-husband, is the eldest living of Billy's paternal uncles, and he was conceived during his father Mark Thorpe's prior relationship and marriage to Georgia Rose Whalen-Thorpe-Forrest. Michael did not get along well with his stepfather, Mr. Forrest, and Michael was constantly getting into trouble while living in his stepfather's home. Mark Thorpe allowed Michael to come live with him and his new family after Michael had gotten into some kind of trouble with the law during his early teenage years. Michael's father believed that he would have more success in controlling Michael's behavior than his mother and step-father previously had.
3. I married Michael Thorpe in 1968 shortly after he went into the military and over seas to serve in the Vietnam war. I became pregnant by Michael after he returned home in 1971, and our son, Christopher Thorpe, was born in 1972. I eventually divorced Michael in 1974, due to the physical abuse that I suffered at Michael's hands, as well as his constant drug abuse. Beating women was for problem amongst many of the men in the Thorpe family, and it went back as far as Michael's parental grandfather's abuse of his wife, Henrietta.
4. Mark Thorpe, Michael's dad, did things that seemed bizarre. Mark was sometimes very mean and disrespectful to his own mother, Henrietta Thorpe, and Mark would called his mother and her roommate, Margaret, lesbians during many of his drunken fits. Mark was known to get drunk after he came home from work, and Mark was said to have badly beaten Sue about her private area during one incident. I'm not sure why Mark did it, but his mother Henrietta told me about the incident.
5. Sue Thorpe was the type of person who would support her sons in everything they did, whether they were right or wrong, and she regularly accepted stolen merchandise from them. Sue also spoiled her children by giving them anything they wanted and allowing them to do whatever that they wanted when they were growing up.
6. I did not feel as comfortable around the Thorpe family I was around my ex-husband's maternal family, and I spent far more time with Michael's biological mother Georgia and her family. Georgia and her side of the family all acted like normal people and they were much more functional as a family than was the case with the Thorpe's.

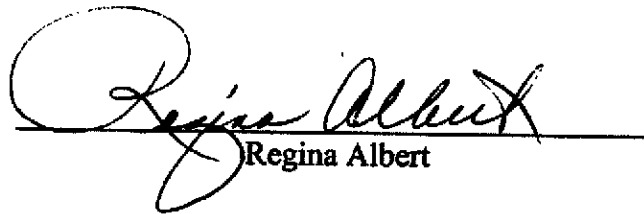
7. Barbara, Billy Castillo's mom, and I went to Junior Highschool together, but did not see each other again until Barbara began dating William Thorpe Sr., Billy's father. I was involved with Michael, William Sr.'s brother, before Barbara became involved with William Sr., and it was a coincidence that both of us met up again in this manner.
8. I was somewhat close to Barbara during our marriages to the two brothers, but I rarely saw William Sr. Because he was in the military. However, Barbara and I became very close to one another after my divorce from Michael in the mid-1970's. We use to hang out at clubs and bars together, and we would sometimes go across the state line into Illinois to dance and hangout with friends because the drinking age was lower. We were 19 and 20 years old at that time, and the drinking age in Missouri was 21.
9. I knew about Barbara's work as a prostitute at massage parlors in the Florissant area, and Barbara even invited me to work with her. I declined Barbara's offer, as I could not even see myself giving someone a legitimate massage much less doing the things that Barbara did for money. Before this time, Barbara was living in an apartment on Natural Bridge around Springdale, and she was hanging around an older man who was supporting her financially. I stopped hanging out with Barbara before she started working in the massage parlors, and before her arrest for prostitution.
10. Barbara left town shortly after the parlor bust, but she continued communicating with me via telephone periodically. Some time around 1983 or 1984, I took my children on a road trip to California and we spent one night at the home of Barbara and her second husband Joe Castillo. I thought that Barbara had a wonderful household and her children all seemed well behaved. However, Barbara informed me about Billy's behavioral issues, including his tendency to set fires. Barbara told me that she had to always keep an eye on Billy because Billy's behavior was unpredictable and Barbara never knew what he was going to do next. Barbara also told me that Billy burnt their house down.
11. Billy was not being treated very well by Barbara and Joe. Billy didn't seem welcomed in the home as he was not treated fairly or loved in the way that he should have been. Billy was also not allowed to do some of the things that his siblings could.
12. I do not remember ever seeing Billy being physically abused during my trip, nor did I observe any bruises on his body. It seemed Billy suffered from a form of abuse that was more of a mental or emotional in nature.
13. I spoke with Barbara about one or two times after the trip to Las Vegas but we have



not spoken in about 20 years now. There was never any animosity between us, we just drifted apart.

14. I was never contacted by Billy's attorneys during the time of his trial nor any of his subsequent appeals. I would have told Billy's previous attorneys everything that I have stated here in this declaration had I been contacted. Herbert Duzant, of the Federal Public Defender office in the district of Nevada, was the first and only person who ever contact me in regards to Billy's case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed in St. Louis County, Missouri on the 4 day of May, 2007.

  
Regina Albert

● ●

# EXHIBIT 31

# EXHIBIT 31

## DECLARATION OF CECILIA BOYLES

I, Cecilia Boyles, hereby declare as follows:

1. I am the mother of Billy Castillo's half-brother, Joey Thorpe. Billy and Joey have the same biological father, William Thorpe.
2. I was working as a waitress in a Florissant, MO restaurant when I met William. He was tall with long hair and absolutely gorgeous. William was a bad boy, renegade type of guy who lived by his own rules. Although William had a distinct street edge to his character, he also had a very charming and endearing side to his personality. William and I had a whirlwind relationship and we got married within months of meeting each other.
3. William was very sweet and kind during the initial stages of our relationship, but things soon changed. The first time I was physically abused by William was in 1975. We were in Texas visiting one of William's best friends, Jeff Waters. We were at a bar with Jeff and his wife. When we came out of the bar, William viciously attacked me without provocation or reason. I still don't know what happened because we were all having a good time and there were no arguments or disagreements. This was the first of several beatings I would endure while I was married to William.
4. There were other times when I was with William that I feared for my life. William would sometimes put a knife to my throat and threaten to slit my neck. The worst part was that William had such a wild look in his eyes that I never knew if he was actually going to kill me or not.
5. William usually apologized to me after abusing me and ask for my forgiveness. William told me that his father was an alcoholic and would come home drunk and beat his mother in front of him and his siblings. William said he did not want to be abusive but it was hard for him to overcome his past.
6. When William's son Billy was about 4-years-old, he used to visit his father and me fairly regularly. Billy even stayed with us for a few months to give William's parents a break. Billy's mom, Barbara, was absent and running in the streets at the time.
7. William showed no interest in Billy and barely spent any time with him. I spent most of my time with Billy when he was with us - feeding him, playing with him and taking him to parks.

8. Whenever William was around Billy he spent most of the time yelling at or beating Billy, and just generally being mean to him. Other times William would simply ignore Billy. William would get extremely bent out of shape and angry with Billy for the smallest and most insignificant reasons.
9. One time, when Billy was staying with us, I caught Billy playing with a lighter. Apparently, Billy lit the flame and burned the hair around one of his ears. I managed to stop him while he was still in the act.
10. I remember another time Billy did something really minor - I don't even remember what it was. William got very upset with Billy and picked him up and threw him across the room. I stepped in and stopped William from brutalizing Billy any further. That was not the first time that I had to intervene to protect Billy from his father. I ended up making arrangements for Billy to go back to his grandparents' house.
11. Billy didn't come around much after that incident, and William wasn't interested in pursuing a relationship with his son.
12. When I became pregnant with William's child, I knew that I could never allow him to have a relationship with our child. I was afraid that he would abuse our child like he abused Billy. That's when I decided to leave William and never allowed William to have anything to do with our son Joey after he was born.
13. I took Joey on a couple of visits to see William's parents, but that was the extent of Joey's relationship with his paternal family. I have one picture of Billy, who was 6-years-old at the time, holding his baby brother. Billy left Florissant shortly afterwards, and the two brothers never communicated again.
14. Joey was 6-years-old when his father died. I didn't know that William spent the last few years of his life in and out of prison, although I am not surprised.
15. Joey has experienced difficulties of his own throughout his life. Like Billy, Joey developed behavioral problems at an early age and began getting into trouble at school. In time, Joey's problems progressed and he was in and out of juvenile detention facilities.
16. In 1999, Joey was charged and convicted for his first felony, an assault case, after he and some friends attacked a man and struck him in the head with a golf club. Joey was accused of being the one who actually swung the golf club, and he received a three year prison sentence for his alleged role in the crime. Joey was sent to the Fulton Reception & Diagnostic Center in Fulton, MO, where he underwent a psychological evaluation. After the evaluation, Joey was sent to

Algoa Correctional Center in Jefferson City, MO, where he served the remainder of his sentence.

17. Bobby Thorpe, William's brother, committed suicide. Mark Allen Thorpe, William's other brother, is a member of "The Children of God" cult.
18. I was never contacted by anyone from Billy's defense team for his trial or subsequent appeals. Had I been contacted, I would have stated all of the information in this declaration. The first time I was contacted was when I recently spoke with Herbert Duzant of the Federal Public Defender's Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in St. Louis County, Missouri on October 22, 2005.

Cecelia Louise Brayles  
Name

Herbert S. Duzant  
WITNESS

● ●

# EXHIBIT 32

# EXHIBIT 32

<sup>Gavan</sup>  
**DECLARATION OF RAMONA GAVIN-KENNEDY**

I, Ramona <sup>Gavan</sup>~~Gavin~~-Kennedy, hereby declare as follows:

1. My name is Ramona Gavin-Kennedy. I am Billy Castillo's aunt. Billy's mother, Barbara, is my older sister. (RK)
2. My siblings and I grew up in a very unstable environment. ~~We were poor so my mother, Allegria, spent a great deal of time in and out of relationships with different men in hopes of finding someone to take care of her and her children.~~ (RK)  
*my mother was married several times probably for the pretense of security.*
3. My mother was a factory worker who worked long hours when we were growing up. We were either left alone or in the care of whoever my mother was married to at the time. My older sister Yolanda pretty much raised my youngest sister, Laura, and we all had to fend for ourselves. *at times.* (RK)
4. My mother was also abusive to her children. When she got mad with us for something we had done, she would tie us to a post in the basement with no light. One time, when Barbara and I were tied to the post in the basement, we kept running around the post until we eventually collided and one of us, I don't remember who, ended up with a black eye. When Barbara discussed these events with a psychologist, my mother got very upset and asked Barbara why she would make up such a story. My mother denied ever tying any of the kids up. My mother has a tendency to block out painful memories as if they never occurred.
5. The longest relationship that my mother was involved in while we were growing up was her marriage to Al Brawley, who is the father of my youngest sister, Laura. Al Brawley showed absolutely no love or affection towards any of us except Laura.
6. Al Brawley was extremely verbally and physically abusive to my brother Max. The abuse that Max endured at the hands of his stepfather ultimately caused him to leave home when he was 16 or 17-years-old.
7. Al Brawley also sexually abused my sisters Yolanda and Barbara on a regular basis. My mother was hardly home, and Yolanda and Barbara were too afraid to tell on Al. Nothing was ever done to stop the abuse. Yolanda and Barbara also left home early and did not mention the abuse until they were adults.
8. Max was closest with Yolanda, and the two joined "The Children of God" cult during the late '60s or early '70s. Max and Yolanda traveled with the cult to South America and lived there for a short time period. When Max moved to

Florida, Yolanda quickly followed him out there. I know that Billy lived with Max for several months and I heard that Max was very abusive to Billy.

9. After Yolanda divorced her first husband, she was very depressed, and attempted suicide. She was admitted to a mental hospital where she met her second husband. I know that Yolanda suffers from some kind of mental condition.
10. When I was a teenager I constantly got into trouble at school. I also experienced several fainting episodes to the point that it became a health concern. After the doctors could find no physiological problems, my mother checked me into "St. Vincent's Mental Hospital" (the same place where Barbara would receive shock treatments years later) for an evaluation. After three <sup>normal</sup> days of observation, the attending physician determined that I had been faking and that there was nothing wrong with me. He called me a "spoiled brat." That's when mother enrolled me in the "Marygrove Girls Home," which is located in Florissant, MO. After finishing school I went out on my own and never returned home. (RR)
11. I was away at the Marygrove Girls Home when Barbara returned from Germany and when Billy was born. When I came home on weekends, I remembered seeing Billy's baby crib and Barbara's belongings, but I don't recall seeing much of them. It was my impression that Barbara was generally mean to Billy and had a negative attitude toward him.
12. By the time Billy was between five and eight-years-old, I had married my current husband and my life had stabilized. I knew about Barbara putting Billy in foster homes. I thought it was ridiculous for Billy to be placed in a foster home when he had other relatives, so I volunteered to take custody of Billy and provide him with a stable environment. For some reason, Barbara refused my offer and I was never able to obtain custody of Billy.
13. When Billy was a little older, I asked my fellow church members to pray for Billy during prayer meetings. A certain couple, Steve & Susan Slocum, took an interest in Billy's story and offered to adopt him. I remember that the preliminary paperwork for the adoption began, but it was never finalized. I don't think the Slocums ever had a chance to even meet Billy because Barbara intervened. Once again, Barbara prevented Billy from the opportunity to have a somewhat normal life.
14. I do not have personal knowledge of Billy's father, William, Sr.'s violent behavior towards Barbara or Billy, but I remember hearing the stories of the abuse.



15. My mother had a brief affair with William, Sr.'s older brother Chuck Nottingham. At the time, my mother was between husbands and Chuck was between incarcerations. Barbara also had a brief relationship with Chuck around that same time which led to a lot of strife between her and our mom. My sister and mother ended up having a "Jerry Springer" type fight or argument about that situation.

RK

16. After Billy left Florissant, MO to join his mother and stepfather, Joe Castillo, in Lake Tahoe, I no longer saw Billy or maintained a relationship with him. I had a telephone conversation with Billy several years ago while he was in prison, and he did not remember me. When I got on the phone (Billy was speaking to my mother at the time), Billy tried to "rap" to me, not knowing I was his aunt. When I told Billy who I was, he had no memory of me.

RK

17. I cannot understand why Barbara is not being more cooperative and active in Billy's case. ~~I believe that Barbara was a destructive force in Billy's life and for reasons unknown to me, she sabotaged every situation that could have improved Billy's life.~~

RK

*I was not aware of Barbara that much and I cannot speak for all of her actions or decisions she made concerning Billy.*

18. I was never contacted by anyone from Billy's defense team for his trial or subsequent appeals. Had I been contacted, I would have stated all of the information in this declaration. The first time I was contacted was when I recently spoke with Herbert Duzant of the Federal Public Defender's Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in St. Louis County, Missouri on October 23, 2005.

Ramona Kennedy  
Name

Herbert Duzant  
WITNESS

# EXHIBIT 33

# EXHIBIT 33

### Declaration of Michael Thorpe

I, **Michael Thorpe**, hereby declare as follows:

1. I am the paternal uncle of Billy Castillo, as he is the son of my late brother Bill P. Thorpe Sr. I am fifty-six years old and I currently reside in the Saint Louis, Missouri area.
2. I am the second eldest of my siblings, and my birth was the product of my father Mark Thorpe's previous marriage to my mother, Georgia Whalen. When I was born my father was serving in the US Navy during the Korean war. My parent's relationship ended abruptly when my mother caught my father in the arms of another woman during a surprise visit to his base in San Diego, CA. My mother was a decent woman and had no tolerance for my father's infidelity.
3. My mother maintained custody of me, she remarried and went on to have other children with her new husband, Lloyd Forrest. I never got along with my stepdad, Lloyd Forrest, and I constantly got into trouble while I was living with him and my mother. When I was about 12 or 13 years old, I was arrested for stealing cars and assaulting a guy by beating him about his head with a stick. After my arrest, I was sent to the Clayton County Juvenile Detention facility while the case was pending. I was scheduled to be sent to the Booneville Reformatory when my father became involved in the case by hiring an attorney, and assuming custody of me. My mother willingly allowed my father to assume custody of me because she feared for the safety for her husband after I attacked him with a Sickle during a disagreement. My stepfather was not seriously injured during this incident.
4. When I went to live with my father I settled down a bit and was not arrested again for several years. Although I did my share of bad deeds while I was a teenager, I was considered to be the white sheep in the family, because I never went as far as my other brothers would go, except for my younger brother Mark. In 1968 I joined the military and volunteered to go on a tour of Vietnam.
5. I served in Vietnam from December 1968 until December 1969. My rank was an E-5, which is equivalent to a 3 stripe Sargent. I worked as a driver and earned a ~~Brown~~ Star for my service. I was responsible for driving supplies and troops into hostile areas, and I suffered several traumatic experiences during the missions. I saw men, women and children burned alive when US troops dropping barrels of Napalm on villages. I was shot at many times during missions and even witnessed a superior officer and three other soldiers die when I was driving a vehicle that took on a mortar attack. I was attacked by a black panther while smoking a cigarette in the jungle and I believe that God spared my life during this

event because the panther got to me before I had a chance to raise my weapon and it could have easily killed me.

6. I returned to the US in December 1969 or January 1970, and was stationed at Fort Knox, Kentucky for the balance of my time in the service. I received an honorable discharge in 1971 and returned to Florissant to be with my first wife, Regina. My father and I were the only people in the family to receive honorable discharges. Bill Sr., Billy Castillo's father, was dishonorably discharged for some reason; my brother Chuck Nottingham was dishonorably discharged for willfully bayoneting his drill Sgt. during a training exercise; and my youngest brother, Bobby, died from sniffing glue or bactine in a bathroom with another soldier during basic training at a military chemical school in Leonardwood, MO.
7. My experiences in the military left me disabled. I suffer from Post Traumatic Stress Disorder (PTSD) and have been on disability for the past several years for this reason.
8. I began using drugs heavily when I returned from Vietnam, and my behaviors grew increasingly violent as time went on. It was not uncommon for me to drink or get high, then savagely beat someone for little or no reason. It also was common for me to black out during these violent episodes and forget what I had done. I also brutalized women in various ways, and I believe that this behavior was a result of my drug abuse as well as my upbringing, as I personally witnessed my dad beat my stepmother, Vida Sue Thorpe, on many occasions.
9. I extended my violence behavior to my ex-wife, Regina, on several occasions. Once I rammed Regina's head through a wall and broke her jaw. Violence, on my part, was a major contributing factor in the break up of our marriage.
10. Besides being physically abusive with his wife Regina, I was not a good father to our son Christopher. After our marriage ended, I never made any efforts to see our son and I would only see him by chance if he happened to be at my grandmother Henrietta Thorpe's house when I was visiting. I also never made child support payments to Regina for the care of our son.
11. I met Barbara, Billy Castillo's mother, and her sister Yolanda before the time that Barbara became involved with Bill Sr.. My buddy and I went out on a double date with the two sisters. I never thought that Barbara and her sister would have turned out to be so scandalous & promiscuous by the way that they carried themselves in those days. The two sisters acted very proper and they played hard

2 Michael Thorpe

to get. I would have never thought that they'd eventually end up working as prostitutes.

12. When I came home from the military I was shocked to find both Barbara and Yolanda working as prostitutes. Barbara was a free agent working in massage parlors, and Bill Sr. was Yolanda's pimp at the time. I remember negotiating, with my brother Bill, a price for an arrangement to have sex with Yolanda but I could not go through with it in the end because I cherished the friendship that I previously had with Yolanda and did not want to tarnish it. Barbara stayed in touch with my stepmother, Sue, after moving to Nevada with Billy, and Barbara told my step-mom that she was prostituting herself in Nevada to make ends meet. Barbara also said that taking care of Billy was a burden to her personally, as well as for her business.
13. After I returned home from the service, I also started hanging out with my brother Bill Sr., and other guys that we grew up with in the neighborhood. Bill Sr. and many of our neighborhood friends had become involved in a notorious gang called "The Brotherhood of the Gypsy Outlaw", aka the "BGO" and "the Brotherhood". I soon became a member of the Brotherhood as well. I believe that the poor social conditions in the Florissant, Missouri helped to foster an environment where gangs could develop and thrive. Many of the young men within the gang were unhappy with the Vietnam war, many were unemployed which was a major problem in Florissant and the greater St. Louis area as a whole, everyone used drugs as a means to escape their problems and most of the guys came from broken families. I had the swastika tattooed on my left forearm, and the gang did have some racist characteristics. Bill Sr. had a very large swastika tattooed on his chest with a large American eagle over it. However, The Brotherhood were not just against non-whites people, they were generally against the world. Many members had "FTW" or "Fuck The World" tattooed on various parts of their bodies. The gang operated with impunity for years because most of their victims were too afraid to report them to the authorities.
14. The Brotherhood was also against organized religion and routinely held bible burning ceremonies out in the woods. The gang also held seances in the woods where we would communicate with Satan and his demons. My younger brother, Mark Allen, was a member of this gang as well, and he broke down and cried after participating in his first bible burning ceremony.
15. The Brotherhood was a very large and feared gang during much of the 1970's, and they engaged in various criminal acts that included murder, contract killings, rapes, robberies, extortions, assaults, and sale of narcotics. Most of the robbery victims were local drug dealers, but the group also liked robbing pharmacies

because they could get prescription drugs along with the cash. Most of the rape victims were the girlfriends of the drug dealers who they robbed. Other women were raped as well, and it was not unusual for as many as 30 gang members to run trains on some of their victims.

- outside of her job* (m7)
16. I recall one incident where a girl working at a local McDonald's was kidnapped and taken out in to the woods after she had been flirting with Bill Sr. and other members of the gang outside. When I met up with the group in the woods, Bill Sr. was in the middle of rapping the girl with 5 or 6 other members lined up and waiting for their turn. The girl knew me and asked for help, but I told her, "you got yourself into this situation and there's nothing that I can do for you now." According to the unwritten gang rules, if a woman flirted with any of the members, it was seen as a green light to victimize her. One of the gang members was admiring the girl's breast while my brother Bill Sr. was raping her and told Bill to cut one of them off so they could hang it on the front of a vehicle or on the clubhouse wall. Without thinking twice, Bill Sr. pulled out a large knife, lifted one of the girls breasts and was preparing to cut it off when I yelled out for him to stop. I told the gang to think about what they were about to do because the girl would bleed to death and they'd have an unnecessary murder case on their hands. Bill Sr. thought about it for a moment and then agreed that it was not necessary. The girl was not released until Bill Sr. and the others finished raping her.
  17. The gang members referred to Bill Sr. as "Animal" because he was a wild person who was capable of doing anything. I personally witnessed Bill Sr. shoot people for no reason on at least three or four occasions. I would always yell at Bill Sr. and ask him what was wrong with him afterwards, but Bill Sr. would usually not respond or he'd just laugh. One time, Bill Sr. pulled out a gun and began shooting at a family, a couple and their young daughter, while they were standing on a corner and waiting at a stop light. The father and mother definitely were struck with bullets because they bent over and appeared to have fell down, but the daughter looked unharmed. I am not certain of the outcome of the victim's injuries because Bill Sr. took off immediately afterwards.
  18. Bill Sr. also had the reputation of being a contract killer. He usually charged people a flat rate of \$5,000 to kill anyone. I never went along with Bill on these contract killing missions, nor did I personally witness any of them, but I know they occurred.
  19. On one occasion, Bill Sr. was accidentally run off the road by an elderly man, while riding his motorcycle. When Bill saw the elderly man at a local store later on, while Bill was driving in our father's car, Bill rammed the car into the elderly

man and crushed his legs against another vehicle. Bill was arrested and sent to Fulton Correction's mental ward for an evaluation, but he beat the case somehow.

20. Bill Sr. killed an undercover narcotics agent who was apparently hired to work in a the welding shop where Bill Sr. was employed. The agent befriended Bill Sr. and won Bill's trust by using drugs with him. Bill told the agent about his illegal activities and introduced the agent to some of his partners in crime before finding out that he was working with the narcotics squad in St. Louis. Bill Sr. shot the agent 11 times in the head, drove the body to Miami and dumped it, and then returned to Florissant. Bill was arrested by the St. Louis PD because they figured he had something to do with the agent's murder, and the police department even threatened to frame Bill Sr. if they had to. Nevertheless, there was not enough evidence to hold Bill Sr. on the charges and he was released. Nevertheless, I am certain that Bill was guilty of killing the agent because he made an admission in front of me and other family members during a meeting with his attorney.
21. Bill Sr. once tied his mother to a bed, poured gasoline on top of the mattress, lit it on fire and then left. Sue, Bill Sr.'s mother, told me that she asked Bill Sr. why he was doing this to her and Bill Sr. said that he was doing it because of the way that she raised him. I don't think that Bill Sr. really wanted to kill his mother because he did not tie the rope tight enough to hold her.
22. My father, Mark Thorpe, shot Bill Sr. in self-defense during an incident where Bill Sr. was terrorizing our parents while he was high and intoxicated on drugs. Bill Sr. did not press charges against our dad, but he continued terrorized our father in an even worse manner afterwards. My father and Sue trembled under Bill Sr.'s constant threats of violence. Bill Sr. frequently told his father that ~~he~~ would murder him at some point without any warning. On one occasion, Bill and I were watching television in the family home when we heard Mark, our dad, pulling into the drive-way. Bill pulled out a gun, shot the TV and ordered Mark to immediately go out and buy a better one to replace it. Mark got back into his car, went to a local department store and purchased a TV that was bigger than the one Bill shot.
23. Bill Sr.'s mom, Sue, supported anything that her sons did and had no problems with their criminal behavior. It was not uncommon for my brother Chuck or Bill Sr. to discuss their capers in front of Sue and to hear her laughing and complimenting them on their successes. Sue also regularly received stolen items for gifts and never questioned their origins.

24. Sue's son Chuck Nottingham, my stepbrother, was a habitual offender and he spent most of his life going in and out of correctional institutions, mostly for robberies and violent acts. Chuck once broke out of a juvenile detention facility when he was a teenager because he wanted to see his grandmother, Pauline, who was sick and he thought she was going to die. On his way up to Wisconsin from Missouri, Chuck pulled off a string of 13 robberies along the way until he was busted in Wisconsin.
25. Chuck was also charged with kidnapping his 13 year old girlfriend, Laura, and taking her on the trip to Wisconsin. Laura was the love of Chuck's life and he often sang a song titled "Tell Laura I Love Her" and then he would cry, even years later when he was an adult and we were incarcerated together at Moberly state prison in Missouri. Chuck was an extremely sentimental person, and had a large picture of the devil tattooed on his chest with the words "Mi Vida Loca" written across it, which means 'my crazy life' in Spanish.
26. Chuck later broke out of prison on two different occasions when he was older. One jail break incident involved Chuck's wife, Brenda, coming to visit Chuck with a concealed gun and then forcing a cop to change clothes with Chuck at gunpoint. Chuck and Brenda then tied the guard up and walked out of the facility together. They both were soon captured, but Brenda was never charged for some reason.
27. Chuck and Bill Sr. collaborated on several robberies together. They robbed various types of establishments, but their favorite targets were pharmacies because they could be money as well as prescription drugs. Their favorite drug was a synthetic morphine called Dilaudid. Chuck and Bill were heavy users of Dilaudid, and they would sometimes steal blank prescription forms and forge the signatures of physicians in order to obtain the drug. The drug was also known as "Pink Tablet #4" and "Shake-N-Bake" on the streets because of the way it looked and how it was processed by users before consumption. Synthetic Morphine is a pain medication for terminally ill patients and it was never prescribed to non-terminal patients because it causes cancer. I believe that Dilaudid was the cause of Bill Sr. death from throat cancer later on, as well as our cousin Ruth Thorpe.
28. Chuck and Bill Sr. robbed a jewelry store in Ferguson, MO in 1973. Bill Sr. was living in an apartment building located next door and came up with a plan to gain access to the store via the roof. After the robbery, Chuck and Bill Sr. came to our house with bags of jewelry. I remember seeing a picture of Barbara, Billy Castillo mom, adorned with several diamond necklaces, and rings on all of her fingers and toes, all which were retrieved from this robbery. Bill Sr.'s mom, Sue, was also given several items of jewelry and she was well aware of their origin.



29. Chuck and Bill Sr.'s last caper occurred when the two decided to rob the South St. Louis Savings Bank on Gravois Street. The plan was for Chuck to go into the bank and steal money at gun point while Bill Sr. waited for him in the getaway car outside. However, the plans did not turn out as they had plan because Bill Sr. caught a case of cold feet and left the scene while his brother was still inside of the bank making the illegal withdrawal. When Chuck exited the bank he had a shot gun, a few sacks of money, but no means of escape. Chuck then stole a car in the drive thru section by forcing an elderly man out of his car at gun point. He then attempted to jump a lane divider or a side walk and crashed into a light post. Chuck then opened the driver's side door and passed out on the ground with the lower half of his body still inside of the car with the money sprawled across the ground and blowing in the wind. The whole scene made for a pretty dramatic front page photograph. Chuck never ratted Bill out, but he harbored a lot of animosity for Bill afterwards and Chuck never spoke to Bill again. Chuck was sentenced to 15 years in prison and spent the final years of his life at the correctional facility in Moberly, MO.
30. Chuck ran the various illegal activities in the Moberly facility, and I witnessed this first hand when I was sent to Moberly after I was convicted of robbery in 1974. Chuck was well known in the prison system, had many friends who were locked up and he was also respected by many correction officers.
31. Chuck died in prison around 1978 when his steel heart valve failed. The steel valve was inserted 10 years earlier, after Chuck was diagnosed with "Cardio-Inditus." I was out of prison by the time of Chuck's death.
32. My 1974 conviction involved allegations that I robbed a local drug dealer and raped the women in his apartment, along with other members of my gang, the Brotherhood. The prosecutors initially did not have enough evidence because the victims couldn't identify me. However, this case came back after some of the gang members took deals and informed on me. As a result I worked out a plea arrangement.
33. In October 1973, I robbed a store and then got high using "Angel Dust" and "LSD". While still high, I was driving down a road and came across two women stranded on the shoulder with a flat tire. I pulled over, took off my pants, and then walked over to the women and changed their tire. I did not harm the women in any way, but they were visibly disturbed by my nudity. A motorist sighted me during this incident and called the authorities out of fear that he might harm the women, and I was arrested. During the arrest it was discovered that I had been

involved in the robbery of a nearby store shortly before the naked tire changing incident and I was charged with that crime as well.

34. There was an article in papers about the case where the reporter asserted that I was possibly a member of Charles Manson's group because of the medallion I was wearing at the time of my arrest. It had an image of a man standing with his pants down and the word "Streaker" written across it. However, I was never a member of Charles Manson's group and found the assertion to be ridiculous.

35. I was sent to Fulton Correctional mental evaluation center for the criminally insane, and it was determined that I had a mental problem. I was offered a deal to avoid conviction if I would agree to being admitted into a mental hospital facility. I denied the offer and the case lingered in the courts for several months.

36. I was sentenced to 8 years in prison in 1974, and I did most of his time at Moberly with my brother Chuck. I was eventually paroled in August of 1976. My parole period lasted for three and a half years, and I spent the first parole year in a half-way house, and the rest of the time on my own. I haven't committed another felony since my release from prison, but I've been arrested for shop-lifting and possession of narcotics. I have been on Methadone for seven years now, and I'm been receiving treatment at the St. Louis VA Medical Center. In 1992, I was admitted into St. Louis Medical Center's Jefferson Barracks Division for three months.

37. It was only through the grace of God that I did not end up on death row myself. Bill Sr. and several other my relatives could have went to prison for life, or given the death penalty for the things that they've done in the past. My nephew, Billy Castillo, never had a chance to have a normal life from the day that he was born. I believe young Billy was heavily effected by the negative influences of his family's lifestyle, on both sides, as well as his genetic predispositions.

38. I was never contacted by anyone who represented Billy previously, and Herbert Duzant, of the Federal Public Defender office in Las Vegas, Nevada, was the first person who ever discussed Billy's case and our family's background with me. Had I been questioned by Billy's trial attorneys or his state appellate lawyers, I would have said everything that I have stated here, and I would have been willing to testify to the same. I also would have asked the jury to share my nephew's life.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration is executed in Saint Louis County, Missouri on the 31<sup>st</sup> day of January, 2007.

x Michael Thorpe  
Michael Thorpe



# EXHIBIT 34

# EXHIBIT 34

### Declaration of Yolanda Norris

I, Yolanda Norris, hereby declares as follows:

1. I am the maternal Aunt of Billy Castillo, as he is the son of my sister Barbara Wickham. I am fifty-three years old and I currently reside in the Pembroke Pines, Florida. I've known Billy since he was a small child and I saw him regularly during much of his childhood in Florissant, Missouri. Billy's mother, Barbara Wickham, and I were always very close to one another since childhood and we stayed in touch with one another even after we both moved away from Florissant.
2. I don't know much about Barbara's relationship with William Sr, Billy's father, nor specifically what was going on at the time of Billy's birth because I was living abroad. I joined the "Children Of God" (COG) church a few years prior to Billy's birth, which required me to leave home and work as a missionary. I knew of William Sr and his brothers, but I was not around for Barbara's courtship with William nor their marriage. However, the family kept me updated about the abuse Barbara suffered at the hands of William, and Barbara later provided me with firsthand details.
3. The COG is a religious organization that's based upon concepts found within the book of "Acts" in the new testament. The concept of communal living is stressed above anything else, and initiates are required to turn over all worldly possessions to the organization and live within communes. Initiates are also immediately relocated to communes outside of their home states to eliminate all contact from family members, because such contact could interrupt their fledgling relationship with God and their fellow COG members.
4. Originally, the COG was based solely in the United States, but as the membership grew they began branching out into other nations worldwide. Besides religious teaching and proselytizing, the COG also engaged in humanitarian relief efforts to feed, cloth and house many destitute people in impoverished countries.
5. My brother, Max, and I joined the COG together around 1970. I was sent to a commune in Kentucky and Max was sent elsewhere. Max left the COG after a few months because of philosophical and ideological differences of opinions that he had with various members at his commune. Max is a difficult person to have a discussion with because he believes that he has a direct connection to God and therefore knows more than everyone else. Although Max left the COG he has continued to live a strict religious lifestyles until this very day.
6. I stayed with the COG for about four years, and during that time period I left the states and lived in several COG communes in Puerto Rico, other Carribean islands and South America. I spent more time living in ~~British Guyana~~ *Puerto Rico* than any other location.
7. While staying in *Puerto Rico* I befriended a young prostitute who had a child, and the prostitute

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wanted me to take custody of her child to give it a better life. I took pity on the young prostitute's situation and agreed to adopt her child. However, this idea was rejected by the elders of the commune for some reason and I had a falling out with them. I left the commune and ended my membership with the COG. I continued to live in South America for a couple more years before returning home to Florissant. During these years I studied and practiced Eastern religions & philosophies.

8. Billy's paternal uncle, Mark Allen Thorpe, was also a member of the COG, but I never lived in the same commune as he and our paths never cross during my travels in S.A.
9. When I returned to Florissant, Billy was about 3 years old and living between the homes of his two sets of grandparents ~~and his father~~. Barbara was running the streets and partying at this time. 977
10. I witnessed Barbara's neglect of Billy during his early years. Barbara would leave Billy with the family members and not check on him for days at a time. Barbara often commented that she never wanted Billy and hated the fact that he reminded her of his father, William Sr., but her pride would not allow her to relinquish her parental rights. There were a few occasions where Billy was in the process of being adopted by different families, and Barbara would pull out of the process at the last minute preventing Billy from having the opportunity to experience some normalcy. Barbara also frequently placed Billy in the foster care system and then she'd jerk him back out for no reason, even when he appeared to be doing well within certain settings.
11. I recall a particular couple, whose names I can't remember, who were interested in adopting Billy. This couple were professionals, had a very nice home which was filled with expensive furniture and they were well off financially. At first Barbara was participating in the adoption process, but eventually, Barbara changed her mind and the couple were not able to obtain custody of young Billy. Barbara told me that she did not want to raise Billy herself, but she also did not want to terminate her parental rights.
12. I believe that Barbara was never a real mother to Billy and showed him very little compassion. Barbara seemed to be a lot more concerned about herself than she was for Billy's well being. Barbara liked the finer things in life, and she always wore designer clothes, expensive jewelry, a lot of make up and she partied heavily. Taking care of Billy always seemed to be the least of Barbara's concern. Barbara acted like she couldn't care less if Billy was with her parents or in a foster home, as long as she did not have to take care of him herself.
13. Barbara began prostituting herself in massage parlors before Billy was born and throughout most of Billy's adolescence. I'm not sure whether Barbara took a break from her illegal activities during her relationship with Billy's father, William Sr., because I was not around at that time.

14. I remember taking a trip with Barbara, and ~~a couple~~ <sup>one</sup> of Barbara's friends to the Florida Keys to visit our brother Max. Barbara and her friends prostituted themselves almost the entire time of the trip, and they also tried to pressure me into prostitute myself during this trip by threatening to stop paying my way. Barbara and her friends would hitch hike all over the Keys, and sometimes even when young Billy was tagging along. The Keys were much safer back then, but I did not think it was safe enough for a Barbara & her child to be hitching rides with strangers.
15. At one point Barbara worked her way up in the prostitution business to the point where she was managing ~~several~~ <sup>one of the severals</sup> massage parlors and call girl services around the Florissant area. Some of Barbara's friends who also worked with her were Jackie Viendo, Jackie's sister "Toni", Cindy Chisum, and a big blonde woman, <sup>the one who accompanied her to the Florida Keys</sup>
16. Eventually Barbara was arrested and charged with being a Madame of a prostitution ring. Barbara's case made the local news paper and caused quite a stir in the Florissant community. The publicity of Barbara's case was a tremendous embarrassment for Barbara, so she decided to leave Florissant permanently.
17. Still suffering the effects of the notoriety of her case, Barbara left Florissant in the late 1970's and I went with her. Neither one of us had any money and we traveled in Barbara's car. I believe Billy was staying in a foster home at the time when Barbara left Florissant.
18. Although Barbara was changing her settings, she was not changing her ways as she traveled to Lake Tahoe, Nevada with the intention of continuing her massage-brothel business. Barbara believed that Lake Tahoe was ripe with opportunities for her illegal activities. ~~Soon after Barbara's arrival to Lake Tahoe she was join by her friends/fellow prostitute coworkers and they all resumed their illicit activities.~~
19. Besides being a prostitute, Barbara also worked as a card dealer at a casino. This is how she met Joe Castillo, who was working there as a pit boss. Barbara and Joe sent for Billy after they were married. I left Lake Tahoe and moved to the FL Keys where I lived in the vicinity of my brother Max, <sup>some time before Barbara married Joe.</sup>
20. When I was pregnant with my son, who is now 22 yrs old, I came to Nevada with the intention of staying with Barbara and her family for a month. I ended up staying only about one week after a falling out with Barbara over her and Joe's mistreatment of Billy. I witnessed Billy receiving severe beatings at the hands of Joe. Joe would often fly off the handle over the slightest issues and beat Billy very badly.
21. Billy was severely abused emotionally by his mother because she did not provide Billy with the same love, affection and tenderness that she gave her other two children. Barbara would prepare elaborate meals where all in the house would eat well, including myself as a visitor. However, Billy was only allowed to eat bologna, bread and water all the time, while the rest

of us feasted.

22. Billy's siblings had their own bedrooms and the full run of the house, while Billy was made to sleep in the garage and he was confined to stay there most of the time. The garage was set up like a small livingroom and may have been partially or fully finished, but Billy had to sleep on the coach because there was no bed there. The garage had no heating system so Billy had only blankets to warm him on cold nights. *There may have been 2 stove in the garage to help keep Billy warm. - gmn*
23. During my one week stay with Barbara's family we had several arguments about their treatment of Billy. I told Barbara that the stress of seeing Billy abused and the arguing was causing me to fear for complications with my pregnancy. I changed my return ticket and went home to Florida much earlier than I expected. I was so disgusted with Joe and Barbara that I never stayed with them again. *gmn when Billy was a toddler -*
24. Barbara brought Billy to Florida to stay with Max for a while after Billy was experiencing behavior problems. Max was a strict disciplinarian and was supposed to straighten Billy out during Billy's stay there. However, this situation quickly spiraled into Max beating Billy frequently and severely. Max was and still is a religious zealot and when I'd talk to him about his mistreatment of Billy, Max would simply respond by saying, 'spare not the rod, and spoil not the child'. I called Barbara and told her to come and retrieve Billy before Max injured him seriously, and Barbara did so.
25. Max was a single man with no children at the time when Billy lived with him. Today Max is married, he has two children and he's a great father. I was surprised at how tenderly he treated his own kids and how loving he was with them. *gmn* ~~Nevertheless, Max still cannot see good in anyone else's kids in the family.~~ *gmn*
26. I was never contacted by Billy's attorneys during the time of his trial nor any of his subsequent appeals. I would have told Billy's previous attorneys everything that I have stated here in this declaration had I been contacted, and I would have also been willing to testify at Billy's trial or any subsequent proceedings. Herbert Duzant, of the federal public defender office in the district of Nevada, was the first person to ever contact me on Billy's behalf.

I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Pembroke Pines, Florida on January 12 2007.

*Yolanda Norris*  
Yolanda Norris

# EXHIBIT 35

# EXHIBIT 35



### **Declaration of Lora Brawley**

I, Lora Brawley, hereby declare as follows:

1. I am the maternal Aunt of Billy Castillo, as he is the son of my sister Barbara Wickham. I am forty-three years old and I currently reside in the Bethesda, Maryland area. I regularly saw Billy in and around my family's home from the time of his birth until the time that he moved away to Nevada with his mother, Barbara, when Billy was about 8 years old.
2. My siblings and I all grew up in a very unstable and emotionally traumatic environment, mostly because of the poor choices and abusive nature of our mother, Allegría Thieret. My mother was always more interested in herself than she was in the welfare of her children and she failed to provide us with a safe and loving home environment.
3. Allegría was married at least 12 or 13 times, and some of her marriages only lasted for months. My mother even went as far as remarrying one gentleman, Al Rosene, 2 or 3 times. Allegría lived with my father, Al Brawley, on one or two occasions after their marriage ended but they never remarried. I sometimes felt like there was a new man in the house every time I woke up in the morning.
4. My mother was briefly married to a man named Bruno who was a foreigner. About 2 weeks into the marriage, Bruno came upon a situation where my sister Yolanda attempted suicide by slitting her wrists in the bathroom. Bruno was horrified and decided that he would contact Allegría before calling the authorities. My siblings and I warned Bruno not to call our mother because it would just piss her off, but he did so anyway. When Bruno finally reached Allegría and described what had taken place, she told Bruno not to bother her with these kinds of things when she's at work and then she hung up the phone. Bruno was shocked by Allegría's lack of concern and he began to hyperventilate, but he managed to call for an ambulance and Yolanda was taken to the hospital. When the paramedics responded to the call they had to treat Bruno as well for hyperventilation. I can still remember the image of Bruno sitting in the family livingroom with Yolanda's blood all over his clothes as he was breathing through an oxygen mask. The first thing Allegría told Yolanda when she came home was 'you couldn't even do that right', meaning that Yolanda couldn't do anything right, not even killing herself. Bruno left our home within weeks of this incident, as the circumstances of living with our mother was too much for him to deal with.
5. Allegría saw men as nothing more than a means of financial support, and she taught her daughters to do the same. Mom use to tell me and my sisters that sex was a tool to get what you needed, and that men are stupid and that we could get anything we wanted from them if we knew how to stroke their egos. Mom was always very detached from the men she married or dated, and she would have no problem leaving them at the drop of a dime.

Although I never listened to my mother's advice on men, my older sisters were not as strong as I was. Both Barbara and Yolanda use to hitchhike across the country and they would use sex to get what they needed on during these trips. I am convinced that Yolanda and Barbara were both deeply effected by our mother's philosophy on the use of men.

6. Looking back, I believe that Allegria jeopardized my welfare on several occasions by placing me in unsafe environments when I was a child. My mom use to take me bar hopping when I was a teenager and sometimes the men in these bars attempted to come onto me. On one occasion my mother's friend, a guy named Cliff, chased me around a bar and then cornered me, and I had to struggle to get away from him. I also remember a man named Jim who tried to sexually abuse me while we were on a camping trip with the family. I was only 12 years old at the time. There were other men who tried to abuse me as well, but I never allowed myself to become a victim because I was a fighter. I was also fortunate to have a protective father with a reputation of being a tough guy in the community, and I sometimes threatened these men, like Billy's paternal grandfather Mark Thorpe when he tried to molest me, with telling my father and they would back off. Although I was able to fight back, I don't believe that Barbara and Yolanda had the same capacity to do so. I'm not sure if they were ever abused by any of my mother's friends, but it would not surprise me.
7. Allegria use to say that she never wanted to have any children, and that she only became pregnant by first husband, Robert Becker, to escape her impoverished living conditions in Morocco and move to the United States. Allegria also felt that she was forced into the role of motherhood by the cultural expectations of her Sephardic background. I believe that Allegria's attitude towards parenthood made it possible for Allegria to place her three eldest children into the Catholic Charities Children's Home while she partied and lived the life of a single woman.
8. Besides the instability in our mother's relationships, she also suffered from an addiction to prescription medication. I observed Allegria frequently taking nerve pills. I am not certain what the pills were specifically, but I think they may have been Valium. Our mother also had a few nervous breakdowns that required hospitalizations throughout my childhood.
9. I don't have one single good memory of my mother. My father's ex-wife has been more of a mother to me than my biological mother. I had to cut all ties with my mother in order to heal and move on with my life. Although I am in contact with my siblings, I am not very close to any of them as well for the same reasons.
10. I consider myself to be the most rebellious out of my siblings because I decided at an early age that my mother would not get the best of me. As a result my assertiveness, Allegria began periodically kicking me out of the family home starting at the age of 9. My father would keep me during these times and Allegria would take me back only after he threatened to cut off child support payments. Although my father was very protective of me, he did not

take over custody because he did not want to deal with the full responsibility of raising me. However, once the issues between my mother and I started effecting my health he took full custody.

11. I began experiencing frequent fainting incidents when I was about 9-10 years old. I was fainting at home, in school, on the streets, etc. The fainting episodes would usually follow an argument that I'd have with Allegría. I was ultimately admitted to a hospital and placed under observation and testing. After two weeks of examinations it was determined that the fainting had been caused by excessive stress and counseling was recommended.
12. When I was about 14 years old I developed bleeding ulcers. The doctors determined that the ulcers had formed as a result of excessive stress. This is when my dad took permanent custody of me. I had little contact with my mother after leaving her home.
13. I believe my father's support helped me overcome the insanity of Allegría's mistreatment my siblings and I. Wherever my father lived he always made certain to have an extra room available for me to stay whenever I needed to. Once he even had an extra room constructed onto a home that he bought which did not have enough bedrooms to accommodate me.
14. Although I loved my father very much he had his shortcomings. He was a heavy drinker of alcohol and I'm aware of the allegations that he sexually abused Yolanda and Barbara. I don't know the details or the veracity of these allegations. When I confronted my dad about the allegations he never denied them nor did he ever explain them. However, I was never abused by my father in any way, and neither was my sister Ramona.
15. My brother Max had a stormy relationship with my father, and Max ultimately left the house because of this situation. I was very young when Max left home and I do not remember many details of his problems with my father.
16. Yolanda attempted suicide a few years ago by ingesting a bottle of pills and then she drove out to the middle of a desolated area in her home state of Florida. As Yolanda's last act in life, she called our mother from her cell phone and told Allegría that she has in the process of committing suicide and that it was Allegría's fault because she had failed Yolanda as a mother. Fortunately, Allegría called Yolanda's ex-husband, who is a Florida State Trooper, and he was able to find Yolanda and rushed her to an emergency room. I tried to get Yolanda to recognize that her longing of acceptance from our mother was destroying Yolanda, and encouraged Yolanda to overcome this issue by staying away from Allegría. Nevertheless, Yolanda still visits and calls Allegría constantly out of, what seems like, a childlike need to be around Allegría despite all that she's put Yolanda through.
17. Barbara and Yolanda attempted to kill themselves on several occasions since the time they were teenagers. On one occasion I overheard Barbara and Yolanda discussing the best methods of committing suicide in the livingroom of our home. They discussed taking pills,

slitting their wrists and someone brought up shooting one's self but the other thought it would be too painful and they both agreed not to try that. Shortly after the conversation ended, Barbara attempted suicide by overdosing on Allegría's nerve medication. None of my other siblings attempted suicide, as far as I know.

18. Allegría's relationship with my sister Ramona isn't much healthier as well. Ramona's oldest daughter has a white father, but the rest of Ramona's kids were fathered by her African-American husband. Allegría never accepted her half-black grandchildren and blamed her lack of a relationship with them on the prejudice attitudes of Allegría's current husband, Karl Theiret. Allegría claims that Karl would not allow any of the half-black kids into their home, but Ramona's oldest daughter was always welcome. In fact, Allegría and Karl never failed to send the eldest daughter birthday or Christmas cards and gifts each year, while sending nothing to her other siblings. I have asked Ramona on several occasions why she feels the need to continue to have a relationship with our mother considering the harm that she's doing to her own grandchildren. Ramona usually responds by saying that Allegría is my mother and I have to accept it.
19. Barbara has been unstable and weak in character as long as I can remember. Barbara could never stand up to our mother, or anyone else for the matter. Barbara, like my other sisters, was always seeking the approval of Allegría and others. Barbara made the mistake of taking parental advice from Allegría despite personally witnessing Allegría failures in motherhood. As a result, Barbara became the exact replica of our mother.
20. From the time that Billy was born, Barbara frequently left him with friends and family while she'd disappear, sometimes for weeks. When people started complaining about Barbara's habits Allegría was the one to suggest to Barbara that Billy be placed in the Catholic Charities. Allegría explained to Barbara that with Billy's placement in the children's home she would be free to party and live the life she wanted to, while at the same time avoiding scrutiny from the authorities because she would not have direct custody. Our mother had no interest in caring for her own children, much less Billy or any other grandchildren.
21. After Barbara returned from Germany she moved into the family home and had Billy. Even though our mother wanted for nothing, she constantly harassed Barbara about finding a job and demanded that Barbara pay rent for use of space in the house. Without a highschool diploma or any skills Barbara turned to prostitution as a means to earn income after a failed effort to find legal employment. When Barbara gave Allegría rent money for the first time Barbara told Allegría what she had to do to earn it and then asked Allegría if she was happy. Allegría simply took the money and told Barbara that she did not care how she earned it but she had better pay each month. Billy was still just a young baby when Barbara entered the world of prostitution.
22. There was one time when Billy stayed with an outside family, I cannot recall their name, for about a year when he was a toddler and he was doing very well with them. I remember that

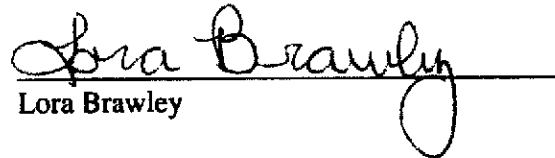
*in first grade or so,*  
*BB* *Q*

Billy called my mother, Allegría, one day and begged to speak with Barbara about allowing him to be adopted by the family because they loved him and he was happy. Allegría then called Barbara in response to Billy's call, but instead of conveying Billy's wishes to Barbara, Allegría told her to get back into town and get Billy back before she loses custody, and Barbara did so. There were several other families and friends who expressed an interest in adopting Billy, but Barbara, with our mother's encouragement, never allowed this to happen. Barbara was more concerned with appearances than with being responsive to Billy's needs.

23. I saw Billy pretty regularly from the time that he was born until the time he left Florissant for Nevada when he was about 8 years old. Both Barbara and William Thorpe treated Billy very badly. I witnessed Barbara slap, punch and brutally beat Billy with a belt all on several occasions. Although I did not personally witness William Thorpe's abuse of Billy, I heard that he was extremely abusive towards Billy as well. I frequently observed bruises all over Billy's body. Besides being physically abused, young Billy was often exposed to narcotics and alcohol. Barbara and William both drank and did drugs in front of Billy all of the time.
24. As Billy was growing up, Barbara frequently told him things like he was not worth anything and that he was just like his father. Barbara continued this verbal abuse of Billy even after he was adopted by her second husband Joe Castillo. Barbara would tell Billy that he still had his father's blood and the adoption made no difference because he would still amount to nothing. Barbara constantly engaged in the degradation of Billy's character. Billy was always trying to become better in hopes of gaining his mother's acceptance and love. Billy was like a sad puppy dog looking up and reaching out for love but never receiving it. The only periods that Billy experienced some measure of normalcy were the times when he was in the foster care system.
25. Despite Billy's negative circumstances he was always well behaved and respectful of adults. Billy always seemed like he was trying to become better despite all the negativity that was going on all around him and I was very impressed by this. Billy did not bully other kids and was never physically or verbally aggressive with anyone.
26. I thought that Sue Thorpe, Billy's paternal grandmother, was a nice woman, but her family was very dysfunctional. I remember a time, when my mother was single and down on her luck, that the Thorpe's allowed our family to move into their home for a short period of time. During this stay in the Thorpe home, Mark Thorpe climbed into my bed and attempted to sexually abuse me. I fought back and told Mark that I would have my dad kill him if he ever tried that again, and he never did. When I told my mom about what Mark attempted to do, she told me not to make a fuss because we needed a place to stay. I never told my dad about this incident because I know that my father would probably have tried to kill Mark Thorpe had he found out.
27. I was never contacted by Billy's attorneys during the time of his trial nor any of his subsequent appeals. I would have told Billy's previous attorneys everything that I have

stated here in this declaration had I been contacted, and I would have also been willing to testify at Billy's trial or any subsequent proceedings. Herbert Duzant, of the federal public defender office in the district of Nevada, was the first person to ever contact me on Billy's behalf.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed in Bethesda, Maryland on the 8<sup>th</sup> day of January 2007.

  
Lora Brawley

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# EXHIBIT 36

# EXHIBIT 36

**REBEKAH G. BRADLEY, PH.D.**

1. My name is Rebekah G. Bradley, Ph.D. I am an Assistant Professor in the Department of Psychiatry and Behavior Science at Emory University, where I conduct research on the impact of exposure to childhood abuse and other early adverse life events, the impact of trauma exposure across the life span and genetic and environmental predictors of posttraumatic stress disorder, depression and other mental and physical outcomes of trauma exposure. I am also the director of a Veteran's Administration, multidisciplinary, outpatient, posttraumatic stress disorder (PTSD) treatment team. This treatment team is responsible for providing assessment and treatment to veterans exposed to traumatic events while in military service. I graduated with a doctorate in Clinical-Community Psychology from the University of South Carolina and completed an internship in Clinical Psychology at Cambridge Hospital which is affiliated with Harvard Medical School. My curriculum vita is attached.

**Referral Question**

2. I was contacted by attorneys for William Castillo and asked to evaluate Mr. Castillo with respect to his family, developmental and social history with a particular focus on his history of exposure to traumatic and other adverse and stressful life events across his lifespan and their potential impact on Mr. Castillo.

**Assessments Conducted and Materials Reviewed.**

3. William Castillo (D.O.B. 12/28/1972) is a 35 year-old Caucasian male under sentence of death for first degree murder. I conducted a clinical interview with him on September 2<sup>nd</sup> 2008 at Ely Nevada State Prison

4. I have also reviewed the following materials provided to me by Mr. Castillo's Defense Team

A. Sworn declarations of:

- 1) Barbara Wickham (mother)
- 2) Joseph Castillo (adoptive father)
- 3) Lora Brawley (maternal aunt)
- 4) Yolanda Norris (maternal aunt)
- 5) Ramona Gavin Kennedy (maternal aunt)
- 6) Michael Thorpe (paternal uncle)
- 7) Regina Albert (ex-wife of Michael Thorpe)
- 8) Cecilia Broyles (second wife of biological father)
- 9) Mary Kathleen Knowles (foster parent)

B. Department of Catholic Charities records for Becker and Thorpe/Castillo Family

- C. Mr. Castillo's medical records from Children's Hospital in St. Louis
- D. Records from the Family Court of St. Louis County
- E. Juvenile Justice Records from State of Nevada (Clark County)
- F. State of Nevada Children's Behavioral Health Services Records



- G. Nevada Youth Training Center Records
- H. State of Nevada Department of Human Resources Division of Child and Family Services Reports of Abuse
- I. Psychological Evaluation of Mr. William Castillo conducted by Dr. Lewis M. Etcoff
- J. Psychological and Neuropsychological Evaluation of Mr. William Castillo conducted by Dr. Jonathon Mack
- F. Video from Mr. Castillo's childhood

5. At the time of the clinical interview, Mr. Castillo was dressed in prison issued attire. He was alert and fully oriented and cooperative with the interview. He made good eye contact with this clinician. He appeared to understand all questions posed to him.

6. Over the course of his childhood, adolescence and young adulthood, Mr. Castillo was exposed to a number of adverse events that are likely to have had a significant impact on him.

7. Mr. Castillo reports multiple incidents of witnessing violence between others over the course of his childhood, adolescence and young adulthood.

8. As a very young child, Mr. William Castillo witnessed physical violence between his biological father, William Thorpe, and his mother Barbara Wickham. Based on both Catholic Charities Records and a sworn statement by a foster mother, Ms. Mary Knowles, when William Castillo was age 4 (1976) he expressed fear that his biological father would hurt his mother stating, "I'm afraid my daddy might hurt my mommy". It was also reported that he demonstrated for his foster mother how his biological father hit his mother. Per report of Catholic Charities and his foster mother, Ms. Knowles, when William heard the sound of an ambulance he was concerned that his mother might be in it.

9. Mr. William Castillo reported that as a young child "age 5 or 6" he was taken by his biological father to a bar. He reports witnessing a fight between his father and another man outside of this bar. Specifically he reports that his father "stomped" the other man and he recalls seeing blood.

10. Mr. Castillo was placed in multiple juvenile treatment and correctional facilities beginning at age 8 and continuing throughout his adolescence. He reports that during this time he observed multiple incidents of violence including violence between other children in these institutions as well as violence from institutional staff towards the children in the institutions. In his interview with this clinician he also reported one instance of observing a sexual assault between an older and younger child.

11. Over the course of his childhood beginning at a young age, Mr. William Castillo experienced repeated and severe physical and emotional abuse. This abuse was compounded by both emotional and physical neglect that also began at a young age. Several aspects of this abuse and neglect are notable for their likely impact on the bio-psycho-social development of Mr. Castillo: 1) the young age of onset of the abuse and neglect, 2) the repeated occurrence of the abuse and neglect across the course of his development 3) the fact that the abuse occurred at the hands of multiple primary caregivers. In addition, as is described in detail below, these factors interacted and compounded to significantly increase the likely negative impact of the abuse. It is also notable that this abuse is documented by multiple sources other than self-report of Mr. Castillo including declarations by multiple family members and records of the State of

Nevada Department of Human Resources Division of Child and Family Services.

12. Mr. Castillo was physically abused by his biological father, William Thorpe. This occurred when he was cared for by his father at a very young age ( prior to age 6). According to the declaration of M s. Cecilia Bowles, second wife of William Thorpe:

"Whenever, William was around Billy he spent most of the time yelling at or beating Billy and just generally being mean to him...I remember one time Billy did something really minor...William was upset with Billy and picked him up and threw him across the room"

13. In addition, Catholic Charities records from 1976 (when Mr. Castillo was between ages 3 and 4) note that M r. Castillo's mother reported that she had left hi m with his father temporarily and that during this time his father was abusive towards him.

14. A psychological evaluation of Mr. Castillo's father, conducted by Fulton State Hospital in 1984, also indicated that he had difficulty controlling his anger and would become physically violent, including violence towards his son. The report notes an incident i n which he became angry with his son, then 15 months old, and harmed him by "flinging the child against the wall."

15. Mr. Castillo was physically abused by his adoptive father, Mr. Joseph Castillo. This abuse included slapping his face, hitting with his hands or a belt or other objects, and shaking him. This abuse is self reported by Mr. Castillo and is reported in declarations by family members including a declaration by his stepfather stating:

"The more he misbehaved, the more severe my beatings became. I recall a few occasions when I would beat Billy so badly that Barbara [William Castillo's mother] intervened out of fear that I might injure Billy."

Related, in 1985 the state of Nevada Child Welfare Services found an allegation of "minor physical abuse" against Mr. Castillo's adoptive father, Joseph Castillo, to be substantiated.

16. Per Mr. Castillo's self report as well as the statements of several family members, Mr. Castillo's adoptive father and mother also punished him in other harsh ways and treated him differently and often less well than his sibling. Some of these punishments included food deprivation and requiring M r. Castillo to eat hot peppers and soap. Per Mr. Castillo's report this was not simply washing his mouth with soap by requiring hi m to eat the bar of soap until he became sick. Mr. Castillo would also be restricted to his bedroom for extended time periods during which he was provided with a cast iron skillet for urination/defecation. Statements by family members indicate that his mother and stepfather treated Billy more harshly than his other siblings and other family members. This includes having him sleep in the garage which was not heated in winters and also having him eat different foods than everyone else in the family.

17. Mr. Castillo was physically and verbally/emotionally abused by his mother. His maternal aunt, Ms. Lora Brawley states, "I witnessed Barbara slap, punch, and brutally beat Billy with a belt on several occasions". In addition his mother was also verbally abusive towards Mr. Castillo. She would communicate to him that she saw him as without value, and she would compare him to his biological father in a negative manner. Per statement of his maternal aunt, Ms. Lora Brawley, his mother "frequently told him things

like he was not worth anything and that he was just like his father." According to 1981 notes from Mr. Castillo's treatment at the Oasis treatment program, during one of his mother's visits, she became angry with him for lying and "screamed she would beat him if he did not tell the truth. She became incoherent and couldn't tell what she was yelling. She was shaking and out of breath".

18. Mr. Castillo was physically abused by his maternal uncle, Max Brawley. This abuse was described by multiple family members as well as by Mr. Castillo. Mr. Castillo reported that his uncle would beat him with sticks on his legs, back and arms and that these beatings would leave marks. He reported that these punishments occurred often, sometimes on a daily basis. He also reports that at times he would be bleeding after these punishments and that when this happened his uncle would contact "a lady" who would "come and put spray on it". He described being scared of his uncle and reported that one time in order to avoid these punishments he hid from his uncle in an unused freezer that was in his uncle's yard.

19. Mr. Castillo experienced physical abuse while in juvenile corrections settings. He recalls one specific incident in which a woodshop counselor at the Nevada Youth Training Center at Elko beat him. He states that after he was caught stealing a pack of cigarettes this counselor "beat me with a metal clamp". He reports being beaten in his face, head, back and chest. He also reports that after the counselor was finished beating him "he put wood putty in my hair". Related to Mr. Castillo's self report of this incident, in 1987 the state of Nevada Child Welfare Services found an allegation of "minor physical abuse" against John Moncrief, an instructor at the Nevada Youth Training Center, to be substantiated.

20. Based on statements of family members as well as the records of Catholic Charities and family court records, over the course of his early childhood and beginning at a very young age, Mr. Castillo was neglected and repeatedly abandoned by his mother.

a. Per Catholic Charities records, in December of 1973, Mr. Castillo's mother had been psychiatrically hospitalized twice in the prior six months. In addition, at this time his father Mr. William Thorpe was incarcerated on charges related to physical violence against both Mr. Thorpe's mother and Mr. Castillo's mother. A foster placement effort was terminated because Mr. Castillo's paternal grandmother agreed to take temporary custody of him.

b. In October 1974, Catholic Charities was contacted for a second time with regard to a placement for Mr. Castillo. At this time it was noted that his mother and his father were using illegal drugs and were both unable to care for Mr. Castillo adequately. The records of Catholic Charities at the time note that his mother was "sleeping all day and then staying out all night". At this time Mr. Castillo was placed in a foster home.

c. In January of 1975, Mr. Castillo's mother removed him from this foster home. She was working at the time in a "massage parlor" and stated that she would have babysitters for Mr. Castillo. She moved several times, and Mr. Castillo appears to have lived during this time with his father and his maternal and paternal grandmothers.

d. In February 1976, Catholic Charities was again contacted by his mother who was requesting that he be placed in foster care. In April 1976, his mother agreed

to place Billy in foster care for a period of 1 year.

e. From April of 1976 to April of 1977, Mr. Castillo was placed in a foster home where he appeared to be doing well.

f. In April, 1977, Mr. Castillo was removed from this foster home by his mother. Catholic Charities had requested that the St. Louis Juvenile Courts prevent her from removing Mr. Castillo from foster care at this time on the basis of "anticipated neglect or abuse" but this request was denied.

g. In December of 1978, Catholic Charities was again contacted regarding placing Mr. Castillo into foster care. However, Catholic charities denied this request stating that the division of Children would need to take custody of Mr. Castillo for such a placement to occur.

21. Over the course of his early childhood, Mr. Castillo's mother's life was chaotic and unstable marked by multiple relocations, drug use, repeated psychiatric hospitalizations and unstable employment which included at least several timeframes in which she worked as a prostitute. As a summary of this lack of stability, an intake summary written by the Oasis treatment program in 1981 notes that "mother reports that (the child) has been moved approximately twenty times since birth with 5 or 6 out of state moves".

22. Over the course of his early childhood, when Mr. Castillo was not in foster care he moved from caregiver to caregiver living at various times with his father and both his maternal and paternal grandparents. This is of relevance not only for the frequent relocations and lack of stability marking his care, but also because these family members with whom Mr. Castillo resided lived lives marked by violence, disruption and chaos similar to that of his mother (see below on family mental health history and intergenerational patterns of abuse and violence).

23. Related to this instability and the inability of his multiple caregivers to provide stable/appropriate care for Mr. Castillo, on 01/22/1979 Mr. Castillo was ordered to be placed into foster care as a result of abandonment. Reportedly, Mr. Castillo had been placed into the care of his paternal grandparents who were not considered to be capable of providing care to him. However on 06/28/1979 this court petition was dismissed and Mr. Castillo was again placed with his paternal grandparents.

24. It appears that these problems also led to intermittent physical neglect of Mr. Castillo. Mrs. Mary Knowles, foster mother of Mr. Castillo, describes his situation when he arrived in her care:

"Billy seemed almost like a child who had been raised by wolves. The few clothes that were sent with him were unwearable, being torn, stained or much too small. I remember a few socks without mates and a pair of pants with the entire crotch ripped out. The shirt he wore the day he arrived was a girl's shirt, cut off at mid chest. The canvas shoes on his feet were so small that his toes were curled under...Billy's toenails were unclipped; his hair was long, shaggy and hanging in his face. He didn't know how to use silverware and ate with his hands."

25. Mr. Castillo has a long, well documented history of conduct problems in childhood and adolescence. These behaviors began at a young age and continued through his

childhood and adolescence. In order to understand these behaviors, they need to be placed in the context of Mr. Castillo's developmental experiences and family background. Specifically, the above described developmental experiences and environment of Mr. Castillo are all associated with increased risk for many of these behaviors.

26. Mr. Castillo's records indicate that at an early age he was identified as having "conduct disorder" and as displaying features of "antisocial personality". The Diagnostic and Statistical Manual of Mental Disorders (DSM; the guidelines for psychiatric diagnosis most commonly used in the United States of America) caution against using these diagnostic categories without taking into account the extent to which the behaviors constituting these disorders may reflect predictable responses to environments to which the person has been exposed. In addition, it is not appropriate to diagnose these disorders without taking into account other possible psychiatric diagnoses or symptoms.

27. The adverse life events during his childhood are likely to have impacted Mr. Castillo in a number of ways, one of which is that he appears to have developed beginning at a young age significant symptoms of Posttraumatic Stress Disorder (PTSD).

28. The development of Posttraumatic Stress Disorder (PTSD) requires exposure to a traumatic/stressful event often involving threat to the life or physical integrity of oneself or of others. As noted above, Mr. Castillo was exposed to multiple events of this type beginning in early childhood and persisting across the course of his childhood.

29. Self report, records of treatment, and reviewed declarations indicate that Mr. Castillo, experienced symptoms consistent with Posttraumatic Stress Disorder (PTSD) beginning at a young age.

a. When Mr. Castillo was 4 years old he was placed with a foster family. The statements of his foster mother indicate that he was experiencing nightmares and also reported a fear of "monsters". Although nightmares and fears such as this are reported by many children, they are also symptoms of PTSD in children and adolescents. Mr. Castillo also reports nightmares that occurred throughout his childhood and adolescence. Nightmares are symptoms of PTSD in children/adolescents as well as in adults, but in young children the nightmares may be less specific to a prior traumatic experience and may instead be "bad dreams" about threat and danger. In addition, young children with PTSD also often report fears not directly related to a traumatic event (one example would be the fear of monsters reported by Mr. Castillo's foster mother).

b. PTSD in children and adolescents may also present itself in the form of externalizing or "acting out" behaviors including impulsivity, irritability/anger and inattentiveness. Beginning in early childhood and persisting throughout adolescence, Mr. Castillo displayed high levels of impulsivity as well as problems with anger. Mr. Castillo appears to have also had problems related to inattentiveness as a child. He reports that he believes he was diagnosed as having attention deficit/hyperactivity (ADHD) as a child and that he was given Ritalin as a medication to treat this problem. In addition, his records suggest that he may have been responsive to Ritalin in childhood/adolescence (though this not in and of itself diagnostic of ADHD).

c. PTSD in children and adults often presents itself in the form of becoming emotionally "numb" and having difficulty feeling a full range of emotions, including the ability to feel connected to or have positive and loving feelings towards others. Mr.

Castillo described these emotions during my assessment of him. He reported that by an early age he experienced restriction related to both positive (e.g., happiness, loving feelings) and negative emotions, stating that he often did not feel fear in situations where such feelings might have been indicated.

d. Another feature of PTSD in children is that they may at times re-enact behaviors (e.g., aggression, sexualized behaviors, need to control others). Such behaviors may emerge in an automatic manner in response to reminders of their traumatic experiences. They may also represent an effort to obtain "mastery" or control over the traumatic experiences. Given that many of Mr. Castillo's early traumatic events involved witnessing or being the victim of violence and aggression, it is possible that some of his early childhood aggressive/violent behaviors may have been related to his symptoms of PTSD.

e. Mr. Castillo reports that from an early age both at home and in institutional environments, he was extremely vigilant or watchful of his environment. This is also a symptom of PTSD.

30. My assessment of Mr. Castillo did not include an assessment of PTSD symptoms in adulthood. However, exposure to traumatic events in childhood and the development of symptoms of PTSD as child/adolescent are related to significantly increased risk for PTSD as an adult. In his evaluation of Mr. Castillo, Dr. Jonathon Mack notes significant adult symptoms of PTSD. Dr. Mack also diagnosed Mr. Castillo with chronic PTSD.

31. In addition to PTSD, one response to trauma is a constellation of symptoms referred to as "dissociation" which is a breakdown or disruption in the ability to integrate information and/or experiences in a normally expectable fashion. When dissociation occurs, psychological processes and behaviors that would normally be connected are disconnected. This can include a disruption of memory or dissociative amnesia which involves an inability to remember past experiences. Dissociative amnesia often develops in the context of traumatic or very stressful experiences, and it can include amnesia for extreme behaviors such as suicidal behavior or violent outbursts.

32. In describing his life experiences Mr. Castillo also displays and reports a significant level of this type of dissociation. When I told him at the beginning of our interview that I was going to talk with him about experiences from across his life, he responded, "I don't have a good memory". More specifically, he reports that some experiences are absent from his memory and that, "I can't remember the years or the order of things".

33. Dissociation can also involve an alteration in perception of oneself or one's environment which often involves feeling detached and like an outside observer of one's own body or thoughts. This may also include sensory anesthesia, a lack of emotional response and a sense of lacking control of one's actions. Similar to dissociative amnesia this type of dissociation also often occurs in response to actual or perceived stress or threat.

34. Mr. Castillo also reports these types of dissociative symptoms beginning in early childhood. These dissociative episodes appear to occur in response to threat and to be related to aggressive behaviors on Mr. Castillo's part. He describes these dissociative incidents as "battletime". He states that they began when he was a child and that they involve a narrowing of focus or attention, a lack of awareness of himself or his surroundings, a lack of response to physical pain, and inability to remember what occurs

during these incidents. Describing what would happen when he was "beat" as child he said,

"As soon as it came my mind would shut down and I would take the ass whooping. That was a fight I was going to lose. No pain and not really there during but afterwards, after the beating, it hurt."

He reports that this continued across his childhood and adolescence and into his adulthood. He describes an incident in which he was placed into a bathroom with another resident at Elko so that they could fight. He reports "when it was done I was the one bleeding. I don't remember the event. When the first punch is thrown, I just react. Don't remember or pay attention to anything else." He also describes several times when this occurred during fights he has been in while incarcerated. He stated, "when a situation like that comes up when I'm going into battle I run on autopilot...I just kind of run on instinct....I don't remember events." Further, describing his lack of memory for these events he states that this begins after "I see it coming" and that usually "after I see it coming I don't remember anything." He reports that something external to him will bring him back into the "here and now."

35. Mr. Castillo reports that he experienced one of these dissociative episodes on the night at the time of the criminal events in question. He reports that when the robbery was not proceeding according to his plan and he thought that the person in the house was not a woman as he had believed but a man who was about to wake up, he entered this type of dissociative state. "I made my aggressive move; I went into penitentiary battle mode. Michelle's screams brought me back to reality."

36. In addition to Mr. Castillo's description of dissociative episodes during my interview with him, the presence of dissociative symptoms was also identified by Dr. Mack who administered a normed measure of dissociative symptoms, the Multiscale Dissociation Inventory.

37. Mr. Castillo reports use of both alcohol and marijuana beginning at an early age. He reports that by the time he was in junior high school he was using marijuana often (sometimes as often as 4 times a week). He continued his marijuana use throughout adolescence and young adulthood. He also reports that around age 19 or 20 he began using "speed" (most likely methamphetamines). A history of childhood abuse and trauma exposure, as well as the other early adverse life events to which Mr. Castillo was exposed, are related to a significantly higher level of risk for excessive use of alcohol and use of illegal drugs, including substance abuse and dependence. In addition, the PTSD and alcohol and substance abuse related problems have high rates of co-occurrence. Alcohol and drugs are often used to avoid thoughts, memories and awareness of traumatic and painful life events and to self-medicate the symptoms of PTSD and other trauma related disorders. Mr. Castillo reports that when he started using marijuana in late childhood/early adolescence "all the edge was taken off. All the edges of everyday reality softened." He also reports that after he returned to his apartment during the night of the criminal events in question, after he realized that the person he had attacked and killed was not a man but an old lady "my mind snapped". He states that he was "drinking and smoking to do what I could to make the feeling go away."

38. Complex trauma refers to exposure to multiple, repeated and prolonged traumatic events. In particular, complex trauma is thought to be problematic when this trauma exposure occurs beginning in early childhood. Childhood abuse and neglect as well as witnessing violence in the household are common in cases of complex trauma exposure.

As described above, the experiences and events of Mr. Castillo's childhood represent prototypical examples of complex trauma exposure. In addition to symptoms of PTSD during childhood, Mr. Castillo also reports behaviors and psychological symptoms that are often associated with exposure to complex trauma in childhood. These complex trauma exposure related impairments manifest across multiple domains in childhood and adolescence and often continue into adulthood.

39. One reason that complex trauma occurring in childhood is thought to be associated with such a wide range of problems is because it is associated with problems in attachment. Specifically, relationships with caregivers in early childhood provide the environment in which children develop beliefs about themselves, beliefs about others, and beliefs about their relationships with others. This relationship with a primary caregiver is referred to as the attachment relationship. This attachment relationship is central to young children's ability to appropriately develop important cognitive, emotional and behavioral skills. In particular, the attachment relationship is the source of the developing child's ability to effectively respond to and become resilient to stressful and even traumatic experiences.

40. It is abundantly clear that Mr. Castillo's childhood did not provide him the appropriate environment for the development of a secure attachment. Attachment related problems often become particularly severe when caregivers are not only unavailable or absent but are also threatening or abusive as was the case for Mr. Castillo.

41. My evaluation of Mr. Castillo as having attachment related problems is consistent with the diagnoses of two other evaluators, Dr. Lewis M. Etcoff and Dr. Jonathon Mack, both of whom diagnosed Mr. Castillo with reactive attachment disorder.

a. Complex trauma exposure in childhood is associated with increased risk for disruption of key biological and psychological developmental processes including cognitive development and emotional development. These include decreased ability to regulate emotional responses. This may be associated with an inappropriate level of emotional response (either too much emotion or not enough emotion) and by developmentally inappropriate ways of managing emotions.

b. Difficulties in managing or regulating behaviors. This may be manifested in under-controlled or impulsive behaviors. These problems may be related to deficits in executive functioning (the mental abilities to be organized and planful and when needed delaying response to one's environment).

c. Problems related to appropriate and effective integration of information. This includes the ability to filter incoming information and ignore some sources of information while attending more closely to those that are most important. This also includes the ability to coordinate sources of information and form and appropriate response to the incoming information. This also includes the ability to consolidate new learning and to form appropriate responses in new situations based on what has been learned in past situations. A number of data sources suggest that Mr. Castillo may have problems in this domain. First, assessment reports and treatment/juvenile corrections records repeatedly indicated that he seemed to display a decreased ability to learn from his experiences. In addition, the neuropsychological evaluation conducted by Dr. Jonathon Mack indicated that Mr. Castillo has deficits in cognitive/sensory-kinesthetic processing including problems in tactile-motor integration as well as in visual-motor integration.



42. The psychiatric diagnostic system does not have a single diagnostic category that accounts for the symptoms associated with this complex trauma exposure and related developmental disruption. Some psychiatric diagnoses, however, are significantly more common among children who have been exposed to complex trauma. These include a number of disorders with which Mr. Castillo has been diagnosed: Attention Deficit Hyperactivity Disorder (ADHD); Oppositional Defiant Disorder (ODD); Conduct Disorder; and Reactive Attachment Disorder.

43. Many of the complex trauma related symptoms displayed by Mr. Castillo reflect a constellation of symptoms that has a foundation in psychiatric research and which are referred to as Disorders of Extreme Stress Not Otherwise Specified or Complex PTSD.

44. In addition to these experiences of abuse and neglect, Mr. Castillo's childhood was marked by repeated institutionalization via placement in juvenile rehabilitative/correctional facilities.

45. Mr. Castillo was placed in juvenile detention and correctional facilities over 20 times as a child and adolescent starting at age 8. Over the course of time between age 8 and age 16, Mr. Castillo appears to have lived in court ordered treatment and corrections settings for a minimum of 100 months. This experience colors his memory of his childhood. At time of the clinical interview Mr. Castillo stated, "I've been incarcerated pretty much my whole life."

46. As with his early childhood, when Mr. Castillo was repeatedly placed into and then removed by his mother from foster care, Mr. Castillo's middle childhood and adolescence were marked by his repeated placement in juvenile treatment/correctional programs by his mother and his adoptive father.

47. It seems that while his adoptive father, Mr. Joseph Castillo, made efforts to work with Mr. Castillo while he was in these treatment programs his mother was less engaged with him. Notes from the Oasis treatment program in on 07-13-1981 state,

"we feel that Mrs. Castillo is not interested in our programs but would have Billy in long term residential treatment program out of the home. Another reason for this feeling is that the phone calls which Billy makes home are often short (less than one minute) and end with Billy crying and stating that his mother is busy".

48. Per treatment records, in September of 1981, Mr. Castillo's mother and adoptive father removed him from the Oasis treatment program against recommendations. At this time Mr. Castillo had been showing some improvements in the program including an ability "to feel sorry for his misbehaviors." The discharge summary by the Oasis program notes "...we tried to impress Mr. Castillo with the fact that Bill's improvements have only been noted recent and he would need more time in the program in order to internalize these improvements".

49. In December of 1981, the program notes indicated that they were again contacted by Mrs. Castillo who was upset because Mr. Castillo had been kicked out of school for harming a classmate. It was noted that Ms. Castillo expressed concern that Mr. Joseph Castillo would harm her son. It is also noted that Mr. Castillo contacted the program also expressing concern that he was "going to hurt Billy" and Billy needed to get out of the home "immediately".

50. In January of 1983, following multiple placements in group homes and other court ordered placements and interventions; Mr. Castillo was placed in a child/adolescent inpatient psychiatric unit for assessment and treatment. Following this hospitalization he was placed in the Nevada Youth Training Center in Elko Nevada. Following this placement he returned home to live with his mother and adopted father. However, after multiple incidents of running away and other problematic behaviors it was decided that he should be placed in the care of his grandparents in St. Louis.

51. In April 1985, at the age of 13, Mr. Castillo was placed in the care of his grandparents in St. Louis. During the time he was staying with them, he became involved with the court system and was ultimately removed from his grandparents care and placed in a detention center in St. Louis. Neither the State of Missouri nor the state of Nevada were able to find an appropriate foster care, group home or other placement for William, and he was returned to Nevada and placed in detention. He was ultimately placed again in the Nevada Youth Training Center. At that time he was the youngest resident of the "third cottage" program into which he was placed. He was ultimately removed from this program.

52. Between ages 13 and 17, Mr. Castillo followed a pattern in which he was into the Nevada Youth Training Center with intermittent release to the custody of his mother and adoptive father, or his mother only following her separation and divorce from Joseph Castillo. He would only remain home a short period of time before running away or getting into legal trouble, and he would be placed into Juvenile Detention and returned to the Nevada Youth Training Center. In 1991, he was certified as an adult and placed in the Clark County Detention Center.

53. In addition to the impact of exposure to childhood maltreatment / complex trauma exposure, the extensive amount of time Mr. Castillo spent in institutional settings including juvenile correctional settings is likely to have had a significant impact on Mr. Castillo's development.

54. It has been noted that juvenile justice institutions are often violent and dangerous environments for children and adolescents. This appears to have been the case for Mr. Castillo. In addition to the above noted violence experienced by Mr. Castillo while in juvenile correctional facilities, he reports that the staff at the Elko facility would encourage fighting between youths. He described this as "gladiator school". He has two memories of being encouraged to fight stating, "I won one, I lost one".

55. Exposure to the danger and violence in these institutions can lead to an increased level of hyper-vigilance to perceived threat as well as increased distrust and suspicion of others. As noted in the above section on PTSD symptoms, Mr. Castillo developed a distrustful stance towards others at an early age.

56. One response to managing this environment of threat is the establishment of an aggressive stance towards others and related aggressive behaviors. This is consistent with the behavior and report of Mr. Castillo. Of note research suggests that younger age is associated with developing a self-protective aggressive stance in correctional environments.

57. The mental stance and behavioral patterns developed as a response to correctional environments may be difficult to change even outside of these environments. This can lead to problems in developing appropriate ways of thinking and acting after being discharged

from these environments. Because younger children and adolescents are less psychologically mature, have a less well developed identity and have less well developed abilities to exercise independent judgment, the younger a person is when institutionalized in a correctional setting and the more time that is spent in these settings, the less well they tend to adapt when institutional structure is removed. Specifically, they are more likely even when not institutionalized to display the thought, emotional and behavioral patterns established in correctional settings. This is of note in the case of Mr. Castillo because of his repeated difficulties in successfully adapting to non corrective/restrictive environments over the course of his childhood, adolescence and young adulthood.

58. Because strong and constant external controls on behavior (e.g., monitoring of behavior and punishment for infractions) are often present in correctional institutions including juvenile institutions, another important aspect of the impact of early and extended exposure to correctional environments is a decreased capacity to draw on internal resources and a less well developed ability to be self-directed and engage in self guided control of behaviors. The younger a person is when first institutionalized the more likely this is to take place. This makes it much more difficult to adapt and maintain appropriate and self-disciplined behavior when not in these controlled settings. This is of note in the case of Mr. Castillo because of his repeated difficulties in successfully adapting to non corrective/restrictive environments over the course of his childhood, adolescence and young adulthood.

59. Given his early exposure to abandonment and to abusive and neglectful environments, his exposure to the harsh, threatening, punitive and at times violent environments in juvenile correctional facilities would have been a "re-traumatizing" environment for Mr. Castillo making him more vulnerable to symptoms of PTSD and associated psychological and behavioral problems.

60. These impacts of early and repeated placements in juvenile correctional facilities would have led to Mr. Castillo having an overall impaired ability to respond to complicated unexpected/ unplanned situations when not in institutional environments.

61. The exposure to trauma and other adverse life events experienced by Mr. Castillo occurred in the context of multi-generational trauma exposure, abuse and interpersonal violence on both sides of his family. Understanding this context is important because children of parents who are exposed to abuse and trauma or of parents with symptoms of posttraumatic stress disorder secondary to this abuse, violence and trauma are at greater risk for the development of PTSD than children who, although exposed to abuse, violence or trauma themselves, do not have parents with these types of experiences.

62. A multigenerational pattern (across three generations) of mothers placing their children in institutional/state care is present on the maternal side of Mr. Castillo's family.

- a. Per Catholic Charities records, William Castillo's maternal grandfather, (Robert Becker) along with his siblings were placed in foster homes for 10 years in his childhood.
- b. Per Catholic Charities records Mr. Castillo's mother, Barbara Wickham along with two siblings (Max and Yolanda) was placed at age 4 into an orphanage by her mother (William Castillo's grandmother) for 4 years (09/15/1958 – 06/10/62).

63. Mr. Castillo's mother, Barbara Wickham, experienced emotional and physical abuse by her mother (Alegría Thieret). Per report of Ramona Gavan-Kennedy (Mr. Castillo's maternal aunt and Barbara Wickham's sister): "My mother was also abusive to her