
CLERK OF THE COURT

1 NOASC
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

Electronically Filed
Dec 02 2013 03:27 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8)
9 Plaintiff,) CASE NO. C-11-272657-1
10)
11 v.) DEPT. NO. V
12 ANTHONY CASTANEDA,)
13)
14 Defendant.)
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NOTICE OF APPEAL

TO: THE STATE OF NEVADA

DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
DEPARTMENT NO. V OF THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Anthony Castaneda, presently incarcerated in the Nevada State Prison, appeals to the Supreme Court of the State of Nevada from the judgment against said Defendant heard on the 30th day of October, 2013, whereby he was found guilty of CT'S 1 THROUGH 15 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) and sentenced to, in addition to the \$25.00 Administrative Assessment fee, \$760.00 Psycho-sexual Assessment fee, \$150.00 to Civil Indigent Defense Fund, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to: CT 1 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC); CT 2 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 1; CT 3 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 2; CT 4 - a

1 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
2 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 3; CT 5 - a
3 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
4 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 4; CT 6 - a
5 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
6 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 5; CT 7 - a
7 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
8 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 6; CT 8 - a
9 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
10 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 7; CT 9 - a
11 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) M
12 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 8; CT 10 - a
13 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
14 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 9; CT 11 - a
15 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
16 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 10; CT 12 - a
17 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
18 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 11; CT 13 - a
19 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
20 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 12; CT 14 - a
21 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
22 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 13; CT 15 -a
23 MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)
24 MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 14 with 160
25 DAYS credit for time served. SENTENCE SUSPENDED; placed on probation for a FIXED FIVE
26 (5) YEARS under the following SPECIAL CONDITIONS: 1. Pursuant to NRS 176A.410, the
27 following terms are imposed: (a) Submit to a search and seizure of his person, residence or vehicle
28 or any property under his control, at any time of the day or night, without a warrant, by any parole

1 and probation officer or any peace officer, for the purpose of determining whether the defendant
2 has violated any condition of probation or suspension of sentence or committed any crime; (b)
3 Reside at a location only if: (1) The residence has been approved by the parole and probation
4 officer assigned to the defendant. (2) If the residence is a facility that houses more than three
5 persons who have been released from prison, the facility is a facility for transitional living for
6 released offenders that is license pursuant to Chapter 449 of NRS. (3) The defendant keeps the
7 parole and probation officer assigned to the defendant informed of the defendant's current address.
8 (c) Accept a position of employment or a position as a volunteer only if it has been approved by
9 the parole and probation officer assigned to the defendant and keep the parole and probation
10 officer informed of the location of his position of employment or position as a volunteer. (d) Abide
11 by any curfew imposed by the parole and probation officer assigned to the defendant. (e)
12 Participate in and complete a program of professional counseling approved by the Division of
13 Parole and Probation. (f) Submit to periodic tests, as requested by the parole and probation officer
14 assigned to the defendant, to determine whether the defendant is using a controlled substance. (g)
15 Submit to periodic polygraph examinations, as requested by the parole and probation officer
16 assigned to the defendant. (h) Abstain from consuming, possessing or having under his control any
17 alcohol. (i) Not have contact or communicate with a victim of the sexual offense or a witness who
18 testified against the defendant or solicit another person to engage in such contact or
19 communication on behalf of the defendant, unless approved by the Chief Parole and Probation
20 Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered
21 into and signed in the manner set forth in NRS 176A.410(5). (j) Not use aliases or fictitious names.
22 (k) Not obtain a post office box unless the defendant receives permission from the parole and
23 probation officer assigned to the defendant. (l) Not have contact with a person less than 18 years of
24 age in a secluded environment unless another adult who has never been convicted of a sexual
25 offense is present and permission has been obtained from the parole and probation officer assigned
26 to the defendant in advance of each such contact. (m) Comply with any protocol concerning the
27 use of prescription medication prescribed by a treating physician, including, without limitation,
28 any protocol concerning the use of psychotropic medication. (n) Not possess any sexually explicit

1 material that is deemed inappropriate by the parole and probation officer assigned to the defendant.
2 (o) Not patronize a business which offers a sexually related form of entertainment and which is
3 deemed inappropriate by the parole and probation officer assigned to the defendant. (p) Not
4 possess any electronic device capable of accessing the Internet and not access the Internet through
5 any such device or any other means, unless possession of such a device or such access is approved
6 by the parole and probation officer assigned to the defendant. (q) Inform the parole and probation
7 officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at
8 an institution of higher education or changes the date of commencement or termination of his
9 enrollment at an institution of higher education. As used in this paragraph, institution of higher
10 education has the meaning ascribed to it in NRS 179D.045. 2. Register as a sex offender within the
11 first 48 hours of leaving courthouse. 3. If P&P is approached that Deft. has found a job that
12 requires internet usage, issue must be brought back before the Court to determine remedy. 4. Abide
13 by any curfew imposed by P&P. 5. Attend counseling to address issues related to this charge. 6.
14 Pay fees including the indigent defense fee. Pursuant to statute a special SENTENCE OF
15 LIFETIME SUPERVISION is imposed to commence upon release from any term of probation,
16 parole or imprisonment and register as a sex offender in accordance with NRS 179D.460 within 48
17 hours after sentencing. NIC, See Exhibit A attached hereto (no judgment of conviction filed to
18 date).

19 DATED this 25th day of November, 2013.

20 PHILIP J. KOHN
21 CLARK COUNTY PUBLIC DEFENDER

22
23 By: /s/ Howard S. Brooks
24 HOWARD S. BROOKS, #3374
25 Deputy Public Defender
26 309 S. Third Street, Ste. 226
27 Las Vegas, Nevada 89155
28 (702) 455-4685

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Anthony Castaneda
370 E. Harmon #H-305,
Las Vegas, NV 89169.

FURTHERMORE, I declare under penalty of perjury that the foregoing is true and correct.

By: /s/ Joel Rivas
Employee of the Public Defender's Office

District Attorneys Office
E-Mail Address:
PDMotions@ccdany.com

Jennifer.Garcia@ccdany.com

Eileen.Davis@ccdany.com

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EXHIBIT A

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 30, 2013

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

October 30, 2013 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATE'S MOTION TO STRIKE OFF OF PROOF REGARDING DEFT'S MOTION TO CALL A COMPUTER EXPERT TO REBUT DETECTIVE ELHER'S SURPRISE TRIAL TESTIMONY AS DEFT'S OFFER OF PROOF IMPROPERLY SUPPLEMENTS THE RECORD

Deft. present in custody. Court noted this appears to be a counter-motion and stated it listened to JAVS and advised what happened during trial in regards to Court's decision regarding their rebuttal expert. Further, can't come in after trial and file these types of motions, they may be put in a post conviction relief petition. Arguments by counsel. Court advised these motions can be filed, but they are not part of the trial record as they were filed after verdict was reached. Further arguments by counsel. COURT ORDERED, Motion DENIED. Mr. Westbrook corrected a mistake he made for the record.

DEFT CASTANADA ADJUDGED GUILTY of CT'S 1 THROUGH 15 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F). Statements by Deft. and counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$760 Psycho-sexual Assessment fee, \$150.00 to Civil Indigent Defense Fund, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to:

CT 1 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC);

CT 2 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)

PRINT DATE: 11/14/2013

Page 1 of 4

Minutes Date:

October 30, 2013

MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 1;
CT 3 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 2;
CT 4 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 3;
CT 5 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 4;
CT 6 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 5;
CT 7 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 6;
CT 8 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 7;
CT 9 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 8;
CT 10 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 9;
CT 11 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 10;
CT 12 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 11;
CT 13 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 12;
CT 14 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 13;
CT 15 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 14 with 160 DAYS credit for time served. SENTENCE SUSPENDED; placed on probation for a FIXED FIVE (5) YEARS under the following SPECIAL CONDITIONS:

1. Pursuant to NRS 176A.410, the following terms are imposed:
 - (a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;
 - (b) Reside at a location only if:
 - (1) The residence has been approved by the parole and probation officer assigned to the defendant.
 - (2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is license pursuant to Chapter 449 of NRS.
 - (3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant s current address.
 - (c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer

informed of the location of his position of employment or position as a volunteer.

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.

(e) Participate in and complete a program of professional counseling approved by the Division of Parole and Probation.

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under his control any alcohol.

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer of the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in NRS 176A.410(5).

(j) Not use aliases or fictitious names.

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.

(q) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, institution of higher education has the meaning ascribed to it in NRS 179D.045.

2. Register as a sex offender within the first 48 hours of leaving courthouse.

3. If P&P is approached that Deft. has found a job that requires internet usage, issue must be brought back before the Court to determine remedy.

4. Abide by any curfew imposed by P&P.

5. Attend counseling to address issues related to this charge.

6. Pay fees including the indigent defense fee.

Pursuant to statute a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation,

- parole or imprisonment and register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing.

NIC


CLERK OF THE COURT

ASTA
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR No. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-11-272657-1
)	
v.)	DEPT. NO. V
)	
ANTHONY CASTANEDA,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. **Appellant filing this case appeal statement:** Anthony Castaneda.
2. **Judge issuing the decision, judgment, or order appealed from:** Carolyn Ellsworth
3. **All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited):** The State of Nevada, Plaintiff; Anthony Castaneda, Defendant.
4. **All parties involved in this appeal (the use of et. al. to denote parties is prohibited):** Anthony Castaneda, Appellant; The State of Nevada, Respondent.
5. **Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:**

PHILIP J. KOHN
Clark County Public Defender
309 South Third Street, #226
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101

CATHERINE CORTEZ-MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

6. Whether appellant was represented by appointed or retained counsel in the district court: Appointed.

7. Whether appellant is represented by appointed or retained counsel on appeal: Appointed.

8. Whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A.

9. Date proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): April 20, 2011.

DATED this 25th day of November, 2013.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

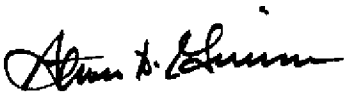
By: /s/ Howard S. Brooks
HOWARD S. BROOKS, #3374
Deputy Public Defender
309 S. Third Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the foregoing, was made this 25th day of November, 2013 to:

District Attorneys Office
E-Mail Address:
PDmotions@ccdanv.com
Jennifer.Garcia@ccdanv.com
Eileen.Davis@ccdanv.com

By: /s/ Joel Rivas
Employee of the Public Defender's Office


CLERK OF THE COURT

1 **REQT**
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,)
11)
12) Plaintiff,) CASE NO. C-11-272657-1
13)
14 v.) DEPT. NO. V
15)
16 ANTHONY CASTANEDA,)
17)
18) Defendant.)
19 _____)

20 **REQUEST FOR ROUGH DRAFT TRANSCRIPT**

21 TO: Kiara Schmidt, Court Reporter/Recorder
22 District Court, Department No. LLA
23
24 Lara Corcoran, Court Reporter/Recorder
25 District Court, Department No. V
26
27 Patti Slattery, Court Reporter/Recorder

28 ANTHONY CASTANEDA, Defendant named above, requests a preparation of a rough
draft transcript of certain portions of the proceedings before the District Court, as follows:

Dates or dates of proceedings: April 21, 2011; July 8, 2013; July 9, 2013; July 10, 2013;
July 11, 2013; July 12, 2013; July 15, 2013; July 16, 2013; October 14, 2013; October 28, 2013,
and October 30, 2013.

Portion of the transcript requested: Court Reporter/Recorder Kiara Schmidt, hearing
date: April 21, 2011 any and all transcripts, include word index - Any and all proceedings and/or
opening statements; Court Reporter/Recorder Lara Corcoran, hearing dates: July 8, 2013; July
9, 2013; July 10, 2013; July 11, 2013; July 12, 2013; July 15, 2013; July 16, 2013; October 14,

1 2013 any and all transcripts, include word index - Any and all proceedings and/or opening
2 statements; Trial transcripts - Any and all proceedings, Jury Voir Dire, opening statements,
3 testimony, matters heard outside the presence of the jury, settling of instructions, closing
4 arguments and verdict and any and all bench conferences; and **Court Reporter/Recorder Patti**
5 **Slattery**, any and all transcripts, include word index - Any and all proceedings and/or opening
6 statements.

7
8 This Notice requests a transcript of only those portions of the District Court proceedings
9 which counsel reasonably and in good faith believes are necessary to determine whether appellate
10 issues are present. Voir dire examination of jurors, opening statements and closing arguments of
11 trial counsel and the reading of jury instructions shall not be transcribed unless specifically
12 requested above.

13 I recognize that I must personally serve a copy of this form on the above-named court
14 reporter and opposing counsel.

15
16 That the above-named court reporter shall have twenty (20) days from the date of service
17 of this document to prepare an original plus two copies at State expense and file with the District
18 Court Clerk the original rough draft transcript(s) requested herein.

19 Further, pursuant to NRAP 3C(d)(3)(iii), **the court reporter shall also deliver copies of**
20 **the rough draft transcript to appellant's counsel and respondent counsel** no more than twenty
21 (20) days after the date of the appellant's request.

22
23 DATED this 25th day of November, 2013.

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By: /s/ Howard S. Brooks
27 HOWARD S. BROOKS #3374
28 Deputy Public Defender
309 S. Third Street, Ste. #226
Las Vegas, Nevada 89155
(702) 455-4685

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that service of the foregoing, was made this 25th day of November, 2013

3 to:

4 District Attorneys Office

5 E-Mail Address:

6 PDMotions@ccdany.com

7 Jennifer.Garcia@ccdany.com

8 Eileen.Davis@ccdany.com

9 Kiara Schmidt, Court Reporter

10 schmidt_k@clarkcountycourts.us

11 Lara Corcoran, Court Reporter

12 corcoranl@clarkcountycourts.us

13 Patti Slattery, Court Reporter

14 slatteryp@clarkcountycourts.us

15 By: /s/ Joel Rivas

16 Employee of the Public Defender's Office

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

State of Nevada
vs
Anthony Castaneda

§
§
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§
§
§

Location: **Department 5**
Judicial Officer: **Ellsworth, Carolyn**
Filed on: **04/18/2011**
Case Number History:
Cross-Reference Case **C272657**
Number:
Defendant's Scope ID #: **2799593**
Lower Court Case Number: **11F03995**

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	Case Flags: Appealed to Supreme Court Charge Description Updated
2. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
3. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
4. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
5. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
6. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
7. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
8. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
9. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	
10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD <i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F F	11/25/2008 04/20/2011	

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

11.	POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	F	11/25/2008
	<i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F	04/20/2011
12.	POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	F	11/25/2008
	<i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F	04/20/2011
13.	POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	F	11/25/2008
	<i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F	04/20/2011
14.	POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	F	11/25/2008
	<i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F	04/20/2011
15.	POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	F	11/25/2008
	<i>Filed As:</i> POSSESSION OF CHILD PORNOGRAPHY-1ST OFFENSE	F	04/20/2011

Warrants

Bench Warrant - Castaneda, Anthony (Judicial Officer: Ellsworth, Carolyn)
04/22/2013 2:47 PM Returned - Served
Hold without bail or bond

DATE	CASE ASSIGNMENT
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Current Case Assignment

Case Number	C-11-272657-1
Court	Department 5
Date Assigned	10/15/2011
Judicial Officer	Ellsworth, Carolyn













PARTY INFORMATION

		<i>Lead Attorneys</i>
Defendant	Castaneda, Anthony	Public Defender <i>Public Defender</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)













DATE	EVENTS & ORDERS OF THE COURT	INDEX
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04/15/2011	Bail Set \$100,000.00
04/18/2011	 Criminal Bindover
04/20/2011	 Information <i>Information</i>






DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

04/21/2011	 Initial Arraignment (9:00 AM) (Judicial Officer: De La Garza, Melisa) Events: 04/18/2011 Criminal Bindover
04/21/2011	 Motion for Own Recognizance Release/Setting Reasonable Bail Filed By: Defendant Castaneda, Anthony
05/02/2011	 Motion for Own Recognizance Release/Setting Reasonable Bail (9:00 AM) (Judicial Officer: Cory, Kenneth) Events: 04/21/2011 Motion for Own Recognizance Release/Setting Reasonable Bail <i>Motion for Own Recognizance Release, Or, In the Alternative, For Setting of Reasonable Bail</i>
05/03/2011	 Reporters Transcript <i>Reporter's Transcript Continuation of Preliminary Hearing - April 14, 2011</i>
05/03/2011	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing - April 11, 2011</i>
06/24/2011	Case Reassigned to Department 5 <i>Case reassigned from Judge Kenneth Cory</i>
06/29/2011	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Cory, Kenneth) <i>Vacated - per Judge</i> <i>Reset</i>
07/05/2011	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated - per Judge</i> <i>Reset</i>
11/03/2011	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
11/21/2011	 Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
11/23/2011	 Status Check (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Def't's Presence</i>
11/28/2011	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cory, Kenneth) <i>Vacated</i>
01/25/2012	 Status Check (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) 01/25/2012, 02/01/2012 <i>Discovery/Reset trial</i>
11/02/2012	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
11/19/2012	 Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
11/26/2012	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
01/28/2013	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>














DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

01/28/2013	 Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
01/28/2013	 Motion <i>Motion To Continue Firm Trial Date</i>
01/31/2013	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
01/31/2013	 Stipulation and Order <i>Stipulation and Order Regarding Discovery of Child Pornographic Materials</i>
02/04/2013	CANCELED Jury Trial - FIRM (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
02/05/2013	 Jury Trial - FIRM (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
02/05/2013	 Amended Information Filed By: Plaintiff State of Nevada
02/05/2013	 Motion for Discovery <i>Motion for Discovery</i>
02/06/2013	 Status Check: Reset Trial Date (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Trial Setting</i>
02/08/2013	 Opposition <i>State's Opposition to Defendant's Discovery Motion</i>
02/11/2013	 Motion for Discovery (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Def't's</i>
02/20/2013	 Order Filed By: Defendant Castaneda, Anthony
04/19/2013	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Supplemental Notice of Witnesses, Pursuant to NRS 174.234</i>
04/21/2013	Plea (Judicial Officer: Ellsworth, Carolyn) 1. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Not Guilty 2. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Not Guilty 3. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Not Guilty 4. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Not Guilty 5. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Not Guilty 6. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

	Not Guilty 7. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 8. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 9. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty 15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD
	Not Guilty
04/22/2013	 Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
04/29/2013	CANCELED Jury Trial - FIRM (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated - per Judge</i>
05/01/2013	 Request (9:00 AM) (Judicial Officer: Hardcastle, Kathy) <i>REQUEST: QUASHING OUTSTANDING BENCH WARRANT</i>
05/01/2013	Bench Warrant Return <i>quashed</i>
05/06/2013	 Notice of Hearing <i>State's Notice of Hearing Motion and Motion to Move the Trial Date</i>
05/20/2013	 Motion to Continue Trial (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>State's Notice of Hearing Motion and Motion to Move the Trial Date</i>
06/17/2013	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
06/24/2013	CANCELED Jury Trial - FIRM (1:00 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i> <i>3-4 days</i>
06/24/2013	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
06/28/2013	 Supplemental <i>Third Supplemental Notice of Witnesses</i>

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

07/01/2013	 Calendar Call (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
07/08/2013	 Jury Trial (1:00 PM) (Judicial Officer: Ellsworth, Carolyn) 07/08/2013-07/12/2013, 07/15/2013-07/16/2013
07/08/2013	 Amended Information <i>2nd Amended Information</i>
07/08/2013	 Stipulation and Order <i>Regarding Composition and Dissemination of Child Pornographic Materials</i>
07/08/2013	 Stipulation and Order <i>Regarding Reference to Bestiality</i>
07/10/2013	 Jury List
07/10/2013	 Stipulation and Order
07/11/2013	 Amended Jury List
07/12/2013	 Motion to Dismiss <i>Motion To Dismiss</i>
07/16/2013	 Instructions to the Jury
07/16/2013	 Proposed Jury Instructions Not Used At Trial <i>Defendant's</i>
07/16/2013	 Verdict
07/16/2013	 Proposed Jury Instructions Not Used At Trial <i>Plaintiff's (State's)</i>
07/16/2013	Disposition (Judicial Officer: Ellsworth, Carolyn) <ol style="list-style-type: none">1. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty2. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty3. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty4. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty5. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty6. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty7. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Guilty

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

8. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

9. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

Guilty

09/26/2013



PSI

09/26/2013



PSI - Psychosexual Evaluation

10/02/2013



Motion

Motion To Vacate Counts Two Through Fifteen Facts

10/07/2013



Notice

Offer of Proof Regarding Defendant's Motion to Call a Computer Expert to Rebut Detective Ehlers' Surprise Trial Testimony

10/11/2013



Motion

Motion To Reconsider Defendant's Motion For Mistrial Due to Prosecutorial Misconduct

10/14/2013

Sentencing (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

10/14/2013, 10/28/2013, 10/30/2013

10/14/2013

Motion to Vacate (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

10/14/2013, 10/28/2013

Defendant's Motion To Vacate Counts Two Through Fifteen Facts

10/14/2013



All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

All Pending Motions 10/14/13

10/14/2013



Motion

Motion to Reconsider Defendant's Motion for Mistrial Due to Prosecutorial Misconduct

10/16/2013



Opposition

State's Opposition to Defendant's Motion to Vacate Counts Two Through Fifteen

10/18/2013








Opposition

State's Opposition to Defendant's Motion to Reconsider Defendant's Motion for Mistrial Due

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1




to Prosecutorial Misconduct

10/18/2013	 Motion <i>Motion to Strike Offer of Proof Regarding Defendant's Motion to Call a Computer Expert to Rebut Detective Elhers' Surprise Trial Testimony as Defendant's Offer of Proof Improperly Supplements the Record</i>
10/21/2013	 Memorandum <i>Memorandum Concerning Previously Filed Offer of Proof and Motion to Reconsider Defendant's Motion to Call an Expert Witness In Rebuttal</i>
10/21/2013	 Memorandum <i>Memorandum Concerning Previously Filed Offer Of Proof And Motion To Reconsider Defendant's Motion To Call An Expert Witness In Rebuttal</i>
10/28/2013	Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Deft's Motion to Reconsider Deft's Motion for Mistrial Due to Prosecutorial Misconduct</i>
10/28/2013	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>All Pending Motions: 10/28/13</i>
10/28/2013	CANCELED All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated - On in Error</i>
10/30/2013	Motion to Strike (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>State's Motion to Strike Offer of Proof Regarding Defendant's Motion to Call a Computer Expert to Rebut Detective Elhers' Surprise Trial Testimony as Defendant's Offer of Proof Improperly Supplements the Record</i>
10/30/2013	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>All Pending Motions: 10/30/13</i>
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 1. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Suspended-Period of Probation: Fixed: 5 Years
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 2. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 3. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 4. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

	Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 5. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 6. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 7. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 8. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 9. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Case Number (All counts)
10/30/2013	Sentence (Judicial Officer: Ellsworth, Carolyn) 12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1

	<p>Adult Adjudication Sented to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)</p>
10/30/2013	<p>Sentence (Judicial Officer: Ellsworth, Carolyn) 13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sented to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)</p>
10/30/2013	<p>Sentence (Judicial Officer: Ellsworth, Carolyn) 14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sented to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts)</p>
10/30/2013	<p>Sentence (Judicial Officer: Ellsworth, Carolyn) 15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD Adult Adjudication Sented to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Charge (All counts) Suspended-Period of Probation: Fixed: 5 Years Condition 1. Sex Offender Conditions - (See Minutes) 2. Register As A Sex Offender 3. Additional Condition, If P&P is approached that Deft. has found a job that requires internet usage, issue must be brought back before the Court to determine remedy. 4. Comply With Curfew Imposed By Probation Officer 5. Counseling Program, Attend counseling to address issues related to this charge. 6. Pay All Fines, Fees, & Costs, including indigent defense fee 7. Lifetime Supervision Other Fees 1. , \$760.00 Fee Totals: ADMINISTRATIV ASSESSMENT FEE --- Crim fee sch DNA ANALYSIS FEE --- Crim fee sch - \$150 Indigent Defense Civil Assessment Fee --- Crim fee sch - ASK Fee Totals \$</p>
11/25/2013	<p> Notice of Appeal (criminal) <i>Notice Of Appeal</i></p>
11/25/2013	<p> Case Appeal Statement <i>Case Appeal Statement</i></p>
11/25/2013	<p> Request <i>Request For Rough Draft Transcripts</i></p>

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-272657-1
FINANCIAL INFORMATION

DATE

Defendant Castaneda, Anthony	
Total Charges	325.00
Total Payments and Credits	0.00
Balance Due as of 11/26/2013	325.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 21, 2011

C-11-272657-1 State of Nevada
vs
Anthony Castaneda

April 21, 2011 9:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Phyllis Irby

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Castaneda, Anthony	Defendant
	Geller, Warren, ESQ	Attorney
	Mitchell, Scott Steven	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. CASTANEDA ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

6-29-11 9:00 AM CALENDAR CALL (DEPT. D)

7-05-11 1:30 PM JURY TRIAL (DEPT. D)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2011

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

**May 02, 2011 9:00 AM Motion for Own
 Recognizance
 Release/Setting Reasonable
 Bail**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:	Castaneda, Anthony	Defendant
	Geller, Warren, ESQ	Attorney
	Monroe, Vicki Jean	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant present in custody. Arguments by Mr. Geller. Ms. Monroe argued regarding photographs on computer. Statement by Defendant. Statements by the Court. COURT ORDERED, Motion GRANTED with the following CONDITIONS:

1. Any law enforcement agencies may make unannounced visits to the Defendant's residence and search any computer on the premises.
2. Defendant is restricted from using any computer which connects to the internet.

COURT FURTHER ORDERED, trial date VACATED and RESET.

O.R.

C-11-272657-1

11/21/11 9:00 AM CALENDAR CALL

11/28/11 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2011

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

November 21, 2011 9:00 AM Calendar Call

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Geller, Warren, ESQ	Attorney
	State of Nevada	Plaintiff
	Villegas, Victoria A.	Attorney

JOURNAL ENTRIES

- CALENDAR CALL

Mr. Geller advised Deft. is not present, but believes he thinks it is Wednesday which is usual calendar call dates. Further, advised he is not ready for trial based on discovery issues. Warren Geller, sworn and testified regarding motion to continue. State concurred with discovery issues. Good cause showing, COURT ORDERED, trial date VACATED and matter CONTINUED for Deft. to be present, and later for status check on discovery and to reset trial.

O.R.

11/23/11 9:00 AM STATUS CHECK: DEFT'S PRESENCE

1/25/12 9:00 AM STATUS CHECK: DISCOVERY/RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2011

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

November 23, 2011 9:00 AM Status Check

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Castaneda, Anthony	Defendant
	Geller, Warren, ESQ	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: DEFT'S PRESENCE

Deft. present, out of custody. COURT directed Deft. to stay in contact with his counsel.

O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 25, 2012

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

January 25, 2012

9:00 AM

Status Check

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Rue, Jeffrey T.

Attorney

State of Nevada

Plaintiff

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: DISCOVERY/RESET TRIAL

Deft. not present. Mr. Rue advised Deft. has been snowed in out of state and requested matter be CONTINUED. There being no opposition, COURT SO ORDERED.

O.R.

CONTINUED TO: 2/1/12 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2012

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

February 01, 2012

9:00 AM

Status Check

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

State of Nevada

Plaintiff

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: DISCOVERY/RESET TRIAL

Deft. present at liberty. At request of Ms. Ballou, COURT ORDERED, matter SET for trial.

O.R.

11/19/12 9 AM CALENDAR CALL

11/26/12 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2012

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

November 19, 2012 9:00 AM Calendar Call

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Kristen Brown

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D	Attorney
	Castaneda, Anthony	Defendant
	State of Nevada	Plaintiff
	Sweetin, James R.	Attorney

JOURNAL ENTRIES

- CALENDAR CALL

Deft. present at liberty. Erika Ballou sworn and testified as to why she is not prepared for trial. State announced ready but has no opposition to continuance. COURT ORDERED, trial date VACATED and trial SET for a FIRM SETTING. COURT ADMONISHED Deft. to stay in contact with his attorney and provide proof he was in the hospital.

O.R.

1/28/13 9 AM CALENDAR CALL

2/4/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

January 28, 2013

9:00 AM

Calendar Call

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Andrea Davis

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

State of Nevada

Plaintiff

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- Deft present at liberty. Motion to Continue Firm Trial Date FILED IN OPEN COURT. Ms. Ballou announced not ready; requested Trial date be continued. Court noted the Deft was instructed to provide proof he was in the hospital and admonished to stay in contact with counsel. State announced ready. Statements by Ms. Ballou regarding forensic report; requested if court will not continued trial that matter be set on a Tuesday. Court noted Deft cannot claim counsel is ineffective if the Deft is not staying in contact with counsel. Matter RECALLED. Mr. Piro present for Ms. Ballou on behalf of Deft and requested Trial date be set for Tuesday. COURT ORDERED, Trial date SET on Tuesday.

O.R.

2/5/13 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 05, 2013**

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

February 05, 2013 9:00 AM Jury Trial - FIRM

HEARD BY: Ellsworth, Carolyn**COURTROOM:****COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Ballou, Erika D	Attorney
	Castaneda, Anthony	Defendant
	State of Nevada	Plaintiff
	Thomas, Michelle L.	Attorney

JOURNAL ENTRIES

- JURY TRIAL

IN THE ABSENCE OF THE JURY PANEL. In the absence of the Deft. Ms. Ballou FILED Motion for Discovery IN OPEN COURT and advised they just received some pertinent discovery on Thursday and renewed motion for continuance or a motion to suppress. Deft. present. Arguments by counsel regarding discovery. Upon Court's inquiry, Mr. Rue advised of the information they would be able to obtain if trial is continued. CONFERENCE AT THE BENCH. MATTER RECALLED. State advised they are now offering Deft. opportunity to plead to 4 counts, but will not allow an Alford plea. Deft. refused negotiations and advised he understood the consequences if found guilty. State advised they are not going to renew the their offer after today. COURT ORDERED, matter CONTINUED for discovery, but advised counsel this is going to be a very short setting. Mr. Rue advised there is still an outstanding issue with reports from 2 detectives. Court reiterated that discovery has to be done expediently. At request of State, Amended Information FILED IN OPEN COURT. Exhibits RETURNED to the State. State requested time to respond to discovery motion. COURT ORDERED,

C-11-272657-1

matter SET TOMORROW for trial setting and 2/11/3 for Discovery Motion.

BOND

2/6/13 9 AM STATUS CHECK: TRIAL SETTING

2/11/13 9 AM DEFT'S MOTION FOR DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

February 06, 2013

9:00 AM

**Status Check: Reset Trial
Date**

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Rue, Jeffrey T.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: RESET TRIAL DATE

Deft. present at liberty. Counsel advised they can not go to trial the week of 2/19/13. Colloquy between Court and counsel regarding trial setting. COURT ORDERED, matter SET trial on a FIRM setting.

O.R.

4/22/13 9 AM CALENDAR CALL

4/29/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2013

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

February 11, 2013 9:00 AM Motion for Discovery

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Andrea Davis

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D	Attorney
	State of Nevada	Plaintiff
	Thomas, Michelle L.	Attorney

JOURNAL ENTRIES

- Deft not present. Ms. Ballou requested Deft's presence be waived as the Deft lives out of state. There being no objection by the State, COURT ORDERED, Deft's presence WAIVED. As to Defendant's Motion for Discovery:

1. Any and all 911 calls relating to LVMPD Event # 100208-1406. Statements by Counsel. State advised it is unaware if this exists and noted it will turn over if discovered. There being no objection by State, COURT ORDERED, Motion GRANTED.
2. Any and all 311 calls relating to LVMPD Event # 100208-1406. There being no objection by State, COURT ORDERED, Motion GRANTED.
3. Any and all CAD logs relating to LVMPD Event # 100208-1406. There being no objection by State, COURT ORDERED, Motion GRANTED.
4. Any and all radio traffic relating to LVMPD Event # 100208-1406. Colloquy between Court and Counsel regarding radio traffic. Ms. Ballou advised she will withdraw this request. Mr. Rue noted they were unable to determine if the radio traffic was relevant under Brady without this request being made; noted there was a statement by the Defendant that was not provided to them. COURT

ORDERED, Motion DENIED.

5. Any and all information relating to other suspects in LVMPD Event # 100208-1406. COURT ORDERED, Motion GRANTED and noted if the State has this information they are obligated to turn it over to the Defense.
6. Any and all statements made by Anthony Castaneda, taped or otherwise. Statements by Ms. Ballou. COURT ORDERED, Motion GRANTED as unopposed.
7. Any and all statements made by Tami Hines, taped or otherwise. State advised they only know of statements made by Ms. Hines to the police. Statements by Ms. Ballou. COURT ORDERED, Motion GRANTED and noted if the State has any written, audio recordings, or oral statements containing any exculpatory or Brady material the State is obligated to turn it over to the Defense.
8. Any and all statements made by any other witness, taped or otherwise. COURT ORDERED, Motion GRANTED and noted if the State has any written, audio recordings, or oral statements containing any exculpatory or Brady material the State is obligated to turn it over to the Defense.
9. Any and all criminal history relating to Anthony Castaneda. COURT ORDERED, Motion DENIED as Deft can obtain his own criminal history.
10. Any and all relevant criminal history relating to Tami Hines. There being no objection by the State, COURT ORDERED, Motion GRANTED.
11. Any and all relevant criminal history relating to any other witness. There being no objection by the State, COURT ORDERED, Motion GRANTED of any known witnesses.
12. Any and all photographs relating to LVMPD Event # 100208-1406 (for the child pornographic images this is limited as outlined in the Stipulation and Order). There being no objection by the State, COURT ORDERED, Motion GRANTED as State has indicated it has already provided this material.
13. Any and all video surveillance relating to LVMPD Event # 100208-1406. COURT ORDERED, Motion pursuant to Brady and if the State does not have any material it doesn't have to produce.
14. Any and all officer and/or detective reports for LVMPD Event # 100208-1406. There being no objection by the State, COURT ORDERED, Motion GRANTED
15. Any and all officer and/or detective notes for LVMPD Event # 100208-1406. State noted there are notes but they are not privileged. COURT ORDERED, Motion GRANTED in that if the notes are a work product done in preparation for this matter it is excluded and if the notes contain any exculpatory or Brady material the State is obligated to turn it over to the Defense. State is to make an affirmative inquiry as to the existence of notes.
16. Any and all exculpatory evidence in the possession or constructive possession of the state. There being no objection by the State, COURT ORDERED, Motion GRANTED
17. Any and all information regarding any benefits afforded to any of the state's witnesses in exchange for their assured cooperation in the prosecution of the instant case. State advised there are no promises made to any witnesses except witness fees. There being no Objection by the State, COURT ORDERED, Motion GRANTED.
18. Any and all curriculum vitae of any experts the state intends to call at trial. There being no Objection by the State, COURT ORDERED, Motion GRANTED.
19. Any and all information regarding the compensation of any of the state's expert witness(es). State advised it does not believe any expert witnesses are being paid but noted it will look into the matter. COURT ORDERED, Motion GRANTED if State determines witnesses are being compensated.

20. any other reports, witness statements, affidavits, declarations, video, or other material the state is relying on in its case in chief. There being no Objection by the State, COURT ORDERED, Motion GRANTED. FURTHER, Court instructed Ms. Ballou to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 22, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

April 22, 2013

9:00 AM

Calendar Call

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Dania Batiste; Athena Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Marc Schifalacqua, Deputy District Attorney, present for the State of Nevada.

Erika Ballou and John Piro, Deputy Public Defenders, present on behalf of Defendant Castaneda.

Defendant Castaneda not present.

COURT ORDERED, No Bail Bench Warrant to ISSUE. COURT FURTHER ORDERED, trial date VACATED.

B. W. (O. R.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

May 01, 2013

9:00 AM

Request

HEARD BY: Hardcastle, Kathy

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Dania Batiste

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Fattig, John T

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- REQUEST: QUASHING OUTSTANDING BENCH WARRANT

Deft. present at liberty. Arguments by counsel. State opposed defense's request. COURT ORDERED, bench warrant QUASHED and FIRM TRIAL DATE set. Court noted this is the last continuance, as this matter has been continued several times.

O.R.

6/17/13 9:00 AM CALENDAR CALL

6/24/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 20, 2013

C-11-272657-1 State of Nevada
vs
Anthony Castaneda

May 20, 2013 9:00 AM Motion to Continue Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Ballou, Erika D Attorney
Castaneda, Anthony Defendant
Fattig, John T Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- STATE'S NOTICE OF HEARING MOTION AND MOTION TO MOVE TRIAL DATE

Deft. present at liberty. Colloquy between Court and counsel regarding trial setting. COURT ORDERED, matter SET for trial, firm setting.

O.R.

7/1/13 9 AM CALENDAR CALL

7/8/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 01, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 01, 2013

9:00 AM

Calendar Call

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Andrea Davis

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P D.

Attorney

JOURNAL ENTRIES

- CALENDAR CALL

Deft. present at liberty. Counsel announced ready. Mr. Westbrook advised he just got into this case, but noted Deft. stated he has some technical evidence that has not been turned over to the State. Further, he is going to sit down with him, and will provide anything necessary to the state as soon as possible so they can retain expert if needed. Counsel advised trial should take approximately 4 -5 days, 9 witnesses. State advised they have some scheduling issues and will be flying in some out of state witnesses on Wednesday. Counsel agreed that the "Hernandez" can be held prior to trial. COURT ORDERED, matter SET for trial.

O.R.

7/8/13 1:00 PM JURY TRIAL

C-11-272657-1

M. ANTHONY / BALLOU & WESTBROOK
4-5 DAYS
2 OUT-OF-STATE WITNESSES
9 WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 2013**

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 08, 2013**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES**- TRIAL BY JURY**

IN THE ABSENCE OF THE JURY PANEL. Stipulation and Order FILED in OPEN COURT regarding evidence being admitted and sent back to the jury room, but not being shown during trial. Second Amended Information FILED in OPEN COURT to reflect the current District Attorney. State left courtroom. Hernandez hearing/canvass held. State present and stipulation put on record regarding not mentioning bestiality unless door is opened by Deft's. Mr. Westbrook moved for oral Motion in Limine regarding restricting State from mentioning the 400 images found on computer that were not charged. Arguments by counsel. Court believes it is important for State to show how photo's were found. Further arguments by counsel. Court doesn't know what witnesses are going to say but they will not be able to talk about prior bad acts. Mr. Westbrook objected to exhibit 71. State withdrew that exhibit and it will not be used or admitted during trial. IN THE PRESENCE OF THE JURY

C-11-272657-1

PANEL. Voir dire oath given and jury selection commenced.

EVENING RECESS

CONTINUED TO: 7/9/13 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 09, 2013**

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 09, 2013**9:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES**- JURY TRIAL**

IN THE PRESENCE OF THE JURY PANEL. Jury selection continued. Twelve jurors and two alternates selected and sworn. Clerk read information and advised of Deft's pleas of NOT GUILTY. Court instructed jury as to trial procedure. Opening statements by counsel. IN THE ABSENCE OF THE JURY. Mr. Westbrook moved to suppress which may lead to miss-trial based on witness stating she lied and therefore committed perjury. Further believes State should prosecute witness and case dismissed. COURT doesn't find witness committed perjury. Further statements by Mr. Westbrook. COURT directed defense counsel to put in writing and submit by noon, and State can respond orally. FURTHER, Court advised counsel can NOT refer to witness as a "Perjurer".

EVENING RECESS

PRINT DATE: 11/26/2013

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Minutes Date:

April 21, 2011

C-11-272657-1

CONTINUED TO: 7/9/132 1 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 10, 2013

1:00 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES

- JURY TRIAL

IN THE ABSENCE OF THE JURY. Counsel filed stipulation in open court. Exclusionary rule invoked. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheet. IN THE ABSENCE OF THE JURY. Mr. Chen requested clarification regarding other images found on computer. Arguments by counsel. Deft. will stipulate there was child pornography on his computer, just not how or who placed it there. COURT ORDERED, State will not mention amount of images found on computer. IN THE PRESENCE OF THE JURY Testimony resumed.

EVENING RECESS

CONTINUED: 7/10/13 9 AM

PRINT DATE: 11/26/2013

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Minutes Date:

April 21, 2011

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 11, 2013**

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 11, 2013**9:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES**- JURY TRIAL**

IN THE PRESENCE OF THE JURY. COURT read stipulation by counsel regarding exhibits 1 -15 to the jury. IN THE ABSENCE OF THE JURY. Mr. Westbrook advised he is concerned with testimony on analysis as the analysis was not done in this case and noted witness is guessing to the benefit of the State. Arguments by counsel. Mr. Westbrook requested he be allowed to call an expert as this is new information. Arguments by counsel. COURT advised they had the opportunity to notice experts. IN THE PRESENCE OF THE JURY. Testimony resumed. IN THE ABSENCE OF THE JURY. Jury instructions settled. Mr. Westbrook objected for record on not being allowed to call expert. Arguments by counsel regarding Mr. Westbrook's motion to dismiss. IN THE PRESENCE OF THE JURY. State rested. IN THE ABSENCE OF THE JURY. Deft. advised of his right to testify. IN THE PRESENCE OF THE JURY. Defense rested. IN THE ABSENCE OF THE JURY. Mr. Westbrook

moved for miss-trial based on burden shifting. Arguments by counsel. COURT stated findings and ORDERED, Motion DENIED, as Court does not find this to be burden shifting.

12:00 PM: Andrea Davis, Court Clerk present.

IN THE PRESENCE OF THE JURY. Continued testimony and exhibits (See worksheets).

IN THE ABSENCE OF THE JURY. Mr. Westbrook moved to extend the subpoena as to Witness Paul Ehlers as he may need to call him for his case in chief. Following further arguments by Counsel, COURT ORDERED, Witness Subpoena to be EXTENDED until tomorrow at noon; Mr. Ehlers to provide Ms. Anthony with his phone number for the State to notify him if he is going to be recalled to testify. Court advised Counsel Juror No. 2 was observed sleeping on numerous occasions throughout the trial. Arguments by counsel regarding whether Juror No. 2 should be dismissed and questioned by Court. Arguments by Mr. Westbrook regarding dismissing Juror No. 6 noting there was a language barrier. Upon inquiry from the Court as to proof of a language barrier, Mr. Westbrook stated Juror No. 6 did not seem to be paying attention during testimony. Further arguments by Counsel regarding Juror No. 4. and Juror No. 2. COURT advised counsel Juror No. 6 would not be questioned and would remain on the Jury panel and, ORDERED, Juror No. 2 brought into the courtroom for questioning. Juror No. 2 responded to questioned propounded by the Court regarding the number of times he had fallen asleep during the trial and if he had missed parts of witness testimony. CONFERENCE AT BENCH. Juror No. 2 is advised to wait outside of the courtroom. COURT advised it was inclined to replace Juror No. 2. State had no objection. Mr. Westbrook objected to dismissing the Juror. Further Arguments by Counsel. COURT ORDERED, Juror No. 2 REPLACED with Alternate Juror No. 1. Amended Jury List FILED IN OPEN COURT. Arguments by Counsel as to Motion to Dismiss regarding whether the witness perjured herself and whether the charges should be dismissed against the Defendant. COURT finds there was sufficient evidence to meet the bindover standards of evidence and there was no evidence of perjury and, ORDERED, motion DENIED. Colloquy regarding calendar, motions in limine, jury instructions, and Court schedule.

IN THE PRESENCE OF THE JURY. COURT advised Alternate Juror No. 1 to take the seat of Juror No. 6 and Juror is sworn. Continued testimony and exhibits (See worksheets).

IN THE ABSENCE OF THE JURY: Mr. Westbrook objected to the contents of the audio recording that were played for the jury; noted he had previously objected to mentioning the number of pictures the detective claimed were found on Defts. computer; stated there were stipulations in place that had been violated. Further, Mr. Westbrook moved for a Mistrial noting the jury has been misled by the contents of audio recording. State argued in opposition of Mr. Westbrook's motion noting there was no stipulation in place with respect to mentioning the number of pictures found; summarized which redactions were agreed upon by the parties. COURT stated FINDINGS and, ORDERED, Motion for Mistrial DENIED. Further arguments by counsel.

IN THE PRESENCE OF THE JURY. Continued testimony and exhibits (See worksheets).

CONFERENCE AT BENCH. Court ADMONISHED the Jury and ORDERED them to return the following day at the time given and, ORDERED, Jury Trial CONTINUED.

CONTINUED TO: 7/12/13 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 12, 2013**

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

July 12, 2013 10:30 AM Jury Trial

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Ballou, Erika D	Attorney
	Castaneda, Anthony	Defendant
	Chen, Alexander G.	Attorney
	State of Nevada	Plaintiff
	Thomas, Michelle L.	Attorney
	Westbrook, P. David	Attorney

JOURNAL ENTRIES

- JURY TRIAL

IN THE PRESENCE OF THE JURY. Testimony resumed. IN THE ABSENCE OF THE JURY. Mr. Westbrook submitted additional instructions based on testimony. Arguments by counsel. Court agrees with this except for the one line. Jury instructions settled, and Deft's and State's proposed instruction not given will be filed. IN THE PRESENCE OF THE JURY. COURT instructed jury. Closing statements by State. Upon Court's inquiry, jury advised they did not want to stay late for continued closing as they have other plans. COURT ORDERED, matter CONTINUED for continuing closing arguments.

EVENING RECESS

C-11-272657-1

CONTINUED TO: 7/12/13 1 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 15, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 15, 2013

1:00 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- JURY TRIAL

IN THE ABSENCE OF THE JURY. Mr. Chen advised upon statement by Mr. Westbrook, he determined there was a small error on his power point regarding the date. Mr. Westbrook advised he tried to get a copy of the power point used by the State. Court advised he can not use their power point as it is not evidence but Court can advised jury of the error. Colloquy between Court and counsel regarding thumb drive and evidence. COURT advised counsel they need to confine their closing to the evidence. IN THE PRESENCE OF THE JURY. Court advised jury of error in the power point. Closing arguments continued. At 3:30 PM this date, jury retired to begin deliberations. Mr. Westbrook objected to State's closing as prosecutorial misconduct and moved to dismiss the case with prejudice. Arguments by counsel. COURT does not find there was prosecutorial misconduct and ORDERED, Motion DENIED.

EVENING RECESS

CONTINUED DELIBERATIONS: 7/16/13 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 16, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

July 16, 2013

9:00 AM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Andrea Davis

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES

- JURY TRIAL

Jury deliberations continued.

IN THE ABSENCE OF THE JURY. COURT noted the PowerPoint presentation used during the Defense closing argument had a Tagalog phrase indicated which caused concern for the court and was translated to say that the Deft. was innocent. COURT advised counsel it did not warrant a mistrial and ADMONISHED Defense Counsel from directing arguments at a particular juror.

At 12:39 PM, jury returned to Court and clerk read verdict as follows:

As to CT 1 POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) - GUILTY

PRINT DATE: 11/26/2013

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Minutes Date:

April 21, 2011

As to CT 2 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F)- GUILTY

As to CT 3 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 4 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 5 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 6 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 7 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 8 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 9 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 10 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 11 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 12 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 13 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 14 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

As to CT 15 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F) GUILTY

Jury Polled at the request of Mr. Westbrook; unanimous decision. Court thanked and excused the Jury. Arguments by counsel regarding whether Deft. should be remanded, whether bail should be modified, whether Deft. was a flight risk, and whether Deft. should have restrictions to internet access. COURT ORDERED, Deft. REMANDED; Bail MODIFIED to \$50,000.00 cash or surety, and matter referred to Division of Parole and Probation (P&P) for Presentence Investigation Report (PSI) with Psycho Sexual Report, and SET for Sentencing. Following further Arguments by Counsel, COURT FURTHER ORDERED, if Deft. posts Bond, Deft. is not to access the outside internet; however, closed system lines would be allowed through his employer. Statement by Deft regarding internet access and regarding whether he worked on site or from home. COURT FURTHER ORDERED, Deft. to turn over all computer equipment to his attorney pending the sentencing date; Deft. is to work from his employer's locations and an officer would be allowed to verify if the Deft. had removed all computer equipment from his house.

CUSTODY

C-11-272657-1

10/14/2013 9:00 AM - SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 2013**

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

October 14, 2013 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Ballou, Erika D	Attorney
	Castaneda, Anthony	Defendant
	State of Nevada	Plaintiff
	Thomas, Michelle L.	Attorney
	Westbrook, P. David	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO VACATE COUNTS TWO THROUGH FIFTEEN...SENTENCING

Deft. present in custody. Court noted it did not sign an order shortening time, and it will hear arguments by will continue sentencing. State advised they did not receive motion and requested opportunity to reply in writing. COURT advised as response was due today, it can give State 2 days to respond. Mr. Westbrook requested O.R. release pending next hearing. COURT ORDERED, Motion DENIED. Mr. Westbrook FILED Motion to Reconsider Deft's Motion for Mistrial Due to Prosecutorial Misconduct in OPEN COURT. Colloquy between Court and counsel regarding "declaration" State advised they need a few weeks to reply to that motion. Mr. Westbrook stated he has no opposition to setting everything at the same time. COURT ORDERED, ALL MOTIONS CONTINUED, and upon Mr. Westbrooks inquiry, advised sentencing will happen after hearing of motions.

C-11-272657-1

CUSTODY

CONTINUED TO: 10/28/13 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2013

C-11-272657-1

State of Nevada

vs

Anthony Castaneda

October 28, 2013

9:00 AM

All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo; Teresa Slade

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

Ballou, Erika D

Attorney

Castaneda, Anthony

Defendant

Chen, Alexander G.

Attorney

State of Nevada

Plaintiff

Thomas, Michelle L.

Attorney

Westbrook, P. David

Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO VACATE COUNTS TWO THROUGH FIFTEEN
FACTS.....DEFENDANT S MOTION TO RECONSIDER DEFENDANT'S MOTION FOR MISTRIAL
DUE TO PROSECUTORIAL MISCONDUCT.....SENTENCING

Colloquy regarding State's motion to strike which was vacated in error. COURT ORDERED Motion
to Strike RESET. Court noted it wants to rule on motions, then proceed with sentencing.

As to Defendant's Motion to Reconsider Motion for Mistrial, arguments by Counsel. COURT stated
findings and ORDERED, Motion to Reconsider Motion for Mistrial DENIED, as there was sufficient
evidence for a jury to come back with a verdict.

As to Defendant's Motion to Vacate Counts Two through Fifteen Facts, colloquy between Court and

Counsel regarding whether or not there is one unit of production, the creation date of the images, and the State's request to strike Mr. Westbrook's statement regarding an expert. Court stated, it is making its rulings based on the evidence heard at trial and not from Mr. Westbrook's testimony. Further arguments by Counsel. COURT stated findings, as the legislative intent is to protect the victims and ORDERED Motion to Vacate Counts DENIED.

Pursuant to State's request, and the fact that Court has not seen or ruled on the motion to strike, COURT ORDERED Sentencing CONTINUED.

CUSTODY

10/30/13 9:00 AM STATE'S MOTION TO STRIKE....SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 30, 2013**

C-11-272657-1 State of Nevada
 vs
 Anthony Castaneda

October 30, 2013 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATE'S MOTION TO STRIKE OFF OF PROOF REGARDING DEFT'S MOTION TO CALL A COMPUTER EXPERT TO REBUT DETECTIVE ELHER'S SURPRISE TRIAL TESTIMONY AS DEFT'S OFFER OF PROOF IMPROPERLY SUPPLEMENTS THE RECORD

Deft. present in custody. Court noted this appears to be a counter-motion and stated it listened to JAVS and advised what happened during trial in regards to Court's decision regarding their rebuttal expert. Further, can't come in after trial and file these types of motions, they may be put in a post conviction relief petition. Arguments by counsel. Court advised these motions can be filed, but they are not part of the trial record as they were filed after verdict was reached. Further arguments by counsel. COURT ORDERED, Motion DENIED. Mr. Westbrook corrected a mistake he made for the record.

DEFT CASTANADA ADJUDGED GUILTY of CT'S 1 THROUGH 15 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD (F). Statements by Deft. and counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$760 Psycho-sexual Assessment fee, \$150.00 to Civil Indigent Defense Fund, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to:

CT 1 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28)

MONTHS in the Nevada Department of Corrections (NDC);

CT 2 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 1;

CT 3 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 2;

CT 4 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 3;

CT 5 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 4;

CT 6 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 5;

CT 7 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 6;

CT 8 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 7;

CT 9 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 8;

CT 10 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 9;

CT 11 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 10;

CT 12 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 11;

CT 13 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 12;

CT 14 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 13;

CT 15 - a MAXIMUM of SEVENTY TWO (72) MONTHS and MINIMUM of TWENTY EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT TO 14 with 160 DAYS credit for time served. SENTENCE SUSPENDED; placed on probation for a FIXED FIVE (5) YEARS under the following SPECIAL CONDITIONS:

1. Pursuant to NRS 176A.410, the following terms are imposed:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if:

(1) The residence has been approved by the parole and probation officer assigned to the defendant.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is license pursuant to Chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's current address.

- (c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer.
 - (d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.
 - (e) Participate in and complete a program of professional counseling approved by the Division of Parole and Probation.
 - (f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.
 - (g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.
 - (h) Abstain from consuming, possessing or having under his control any alcohol.
 - (i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer of the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in NRS 176A.410(5).
 - (j) Not use aliases or fictitious names.
 - (k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.
 - (l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.
 - (m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.
 - (n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.
 - (o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.
 - (p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.
 - (q) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, institution of higher education has the meaning ascribed to it in NRS 179D.045.
2. Register as a sex offender within the first 48 hours of leaving courthouse.
 3. If P&P is approached that Deft. has found a job that requires internet usage, issue must be brought back before the Court to determine remedy.
 4. Abide by any curfew imposed by P&P.
 5. Attend counseling to address issues related to this charge.
 6. Pay fees including the indigent defense fee.

Pursuant to statute a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence

upon release from any term of probation,

- parole or imprisonment and register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing.

NIC

Exhibit List

Case: C-11-272657-1 Party: Sort Order: **Status** Defendant Name: **Castaneda, Anthony** DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
JC	Plaintiff	Admitted 04/18/2011	Destroy 04/18/2015	Document JC proceedings and Documents		Roger, David J.		
1	Plaintiff	Admitted 07/10/2013	Destroy 07/17/2015	Photograph Photo		Wolfson, Steven B		

Comment: for complete list see events exhibit list

STATE'S EXHIBIT LIST

TRIAL OR HEARING DATE

7/8/13

Case No.	C272657	Clerk:	Troyillo
Dept.	V	Judge:	CAROLYN ELLSWORTH
Pltf(s):	State	Recorder:	Catcaran
		Pltf's Counsel:	Anthony / Chen
Def't(s):	Anthony Castaneda	Def't's Counsel:	Westbrook / Zalloa

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	PHOTO- 2 girls	7/10	NO		7/10/13
2	PHOTO- 1 girl	↓	↓		↓
3	PHOTO- 1 girl	↓	↓		↓
4	PHOTO- vagina	7/10	NO		7/10/13
5	PHOTO- 2 kids	↓	↓	↓	↓
6	PHOTO- 6 pictures of little girl (block)	7/10	NO		7/10/13
7	PHOTO- little girls (block)	"	"		"
8	PHOTO- little girl	7/10	NO		7/10/13
9	PHOTO- girl/man	"	"		"
10	PHOTO- girl	7/10	NO		7/10/13
11	PHOTO- girl	"	"		"
12	PHOTO- Block of photos	7/10	NO		7/10/13
13	PHOTO- 2 girls	↓	↓		↓
14	PHOTO- girl	7/10	NO		7/10
15	PHOTO- girl	7/9	Obj		7/9
16	PHOTO- USB	7/10	NO		7/10
17	PHOTO- US Army Diploma Radiology	"	"		"
18	PHOTO- US Army Diploma Basic health Services Course	"	"		"
19	PHOTO-NetWare Certificate	"	"		"

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc

STATE'S EXHIBIT LIST

CASE NO. _____

TRIAL OR HEARING DATE 02/26/07

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
20	PHOTO- Introduction to Data Communications Certificate	7/10	NO		7/10
21	PHOTO- Microsoft letter	↓			↓
22	PHOTO- Educational Services Certificate	↓			↓
23	PHOTO- New Horizons Certificate	↓			↓
24	PHOTO- New Horizons Certificate	↓			↓
25	PHOTO- New Horizons Certificate	↓			↓
26	PHOTO- New Horizons Certificate	↓			↓
27	PHOTO- CSUF Diploma	7/10	NO		7/10
28	PHOTO- DL, UNLV Rebel Card, SS Card	7/9	NO		7/9
29	PHOTO- Army Discharge	7/10	"		7/10
30	PHOTO- Birth Certificate	7/9	NO		7/9
31	PHOTO- American Registry of Radiologic Technologists	7/10	"		7/10
32	House Diagram	7/9	NO		7/9
33	PHOTO- front door	7/9	NO		7/9
34	PHOTO- Room A	↓	↓		↓
35	PHOTO- Room B	↓	↓		↓
36	PHOTO- Room C	7/9	NO		7/9
37	PHOTO- close up of Desk in Room C	↓	↓		↓
38	PHOTO- Shuttle computer	↓	↓		↓
39	PHOTO- Back of Shuttle computer	↓	↓		↓
40	PHOTO- Room D	7/9	NO		7/9
41	PHOTO- Room D close up	↓			↓
42	PHOTO- Room J	↓			↓
43	PHOTO- Room J Door	↓			↓
44	PHOTO- Room E	↓			↓
45	PHOTO- Hitachi hard drive	↓			↓
46	PHOTO- Room F	7/9	NO		7/9/13

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STATE'S EXHIBIT LIST

CASE NO. _____

TRIAL OR HEARING DATE 7/22/13

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
47	PHOTO- Dell laptop	7/9	NO		7/9/13
48	PHOTO- Room G				
49	PHOTO- Room H				
50	PHOTO- Desk in Room H				
51	PHOTO- HP laptop in Room H				
52	PHOTO- Room I				
53	PHOTO- Room M				
54	PHOTO- Room N				
55	PHOTO- Room K				
56	PHOTO- Room L				
57	PHOTO- Bed w/ stripes				
58	PHOTO- Acer Monitor				
59	PHOTO- Room O				
60	PHOTO- Room Q				
61	PHOTO- Room P				
62	PHOTO- Room w/ fan and tote				
63	PHOTO- Upside down laptop on ground				
64	PHOTO- Vaio laptop on ground				
65	PHOTO- Room D with bookshelves				
66	PHOTO- Phone on shelf				
67	PHOTO- hand holding phone				
68	PHOTO- phone w/ battery out				
69	PHOTO- hard drive				
70	PHOTO- Fujitsu hard drive	7/9		NO	7/9/13
71	PHOTO- Rolls of film				
72	PHOTO- Room Q	7/9		NO	7/9/13
73	PHOTO- Cox Bill	"		"	"

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc

STATE'S EXHIBITS

CASE NO. 1272657

[illegible]

DEFT'S EXHIBITS

CASE NO. C272657

[illegible]

Court's EXHIBITS

CASE NO. C272657-1

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

PHILIP J. KOHN, PUBLIC DEFENDER
309 S. THIRD ST., SUITE 226
LAS VEGAS, NV 89155

DATE: November 26, 2013
CASE: C272657

RE CASE: STATE OF NEVADA vs. ANTHONY CASTANEDA

NOTICE OF APPEAL FILED: November 25, 2013

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT
MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

ANTHONY CASTANEDA,

Defendant(s).

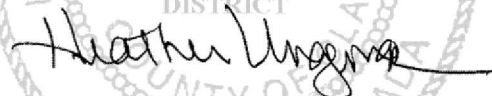
Case No: C272657

Dept No: V

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 26 day of November 2013.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk