

NOASC
JEAN J. SCHWARTZER, ESQ.
Nevada Bar No. 11223
LAW OFFICE OF JEAN J. SCHWARTZER
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Attorney for Defendant

Electronically Filed
Apr 26 2019 08:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA FOR THE COUNTY OF CLARK

THE STATE OF NEVADA)

Plaintiff,)

v.)

LUIS ANGEL CASTRO)
1918366)

Defendant.)
_____)

CASE NO: C314092

DEPT. NO: XXX

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that LUIS ANGEL CASTRO, defendant above named,
hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction entered in this
action on the 28th day of March, 2019.

DATED this 22nd day of April, 2019.

/s/ Jean J. Schwartzter

JEAN J. SCHWARTZER, ESQ.

Nevada Bar No. 11223

LAW OFFICE OF JEAN J. SCHWARTZER

10620 Southern Highlands Parkway, Suite 110-473

Las Vegas, Nevada 89141

(702) 979-9941

Counsel for Appellant

1 **CERTIFICATE OF SERVICE**

2
3 **IT IS HEREBY CERTIFIED** by the undersigned that on 22nd day of
4 April, 2019, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** on the parties
5 listed on the attached service list via one or more of the methods of service described below as
6 indicated next to the name of the served individual or entity by a checked box:

7 **VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon
8 fully prepaid, in the United States mail at Las Vegas, Nevada.

9 **VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the attorney or the party
10 who has filed a written consent for such manner of service.

11 **BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such
12 designated individual whose particular duties include delivery of such on behalf of the firm,
13 addressed to the individual(s) listed, signed by such individual or his/her representative accepting on
14 his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the
15 document will be maintained with the document and is attached.

16 **BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments to the
17 electronic-mail address designated by the attorney or the party who has filed a written consent for
18 such manner of service.

19 By:

20 /s/ Jean J. Schwartzer

21 JEAN J. SCHWARTZER, ESQ.

22 Nevada Bar No. 11223

23 LAW OFFICE OF JEAN J. SCHWARTZER

24 10620 Southern Highlands Parkway, Suite 110-473

25 Las Vegas, Nevada 89141

26 (702) 979-9941

27 Counsel for Appellant

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SERVICE LIST

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
CLARK COUNTY DISTRICT ATTORNEY’S OFFICE 200 E. Lewis Ave Las Vegas, NV 89101 pdmotions@clarkcountyda.com	State of Nevada	<input type="checkbox"/> Personal service <input checked="" type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-16-314092-1**

State of Nevada
vs
LUIS CASTRO

§ Location: **Department 30**
 § Judicial Officer: **Wiese, Jerry A.**
 § Filed on: **04/12/2016**
 § Case Number History:
 § Cross-Reference Case **C314092**
 § Number:
 § Defendant's Scope ID #: **1918366**
 § ITAG Booking Number: **0**
 § ITAG Case ID: **1764987**
 § Lower Court Case # Root: **16F03770**
 § Lower Court Case Number: **16F03770A**
 § Metro Event Number: **1603072804**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court				
1. FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM PCN: 0029824650 ACN: 1603072804 <i>Filed As:</i> CONSPIRACY TO COMMIT MURDER Arrest: 03/10/2016 MET - Metro	F	03/07/2016	Case Status:	03/28/2019 Closed
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	F	03/07/2016		
3. MAYHEM WITH USE OF A DEADLY WEAPON	F	03/07/2016		
4. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	03/07/2016		
5. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	03/07/2016		
6. EXTORTION WITH USE OF A DEADLY WEAPON	F	03/07/2016		
7. ROBBERY WITH USE OF A DEADLY WEAPON	F	03/07/2016		
8. FIRST DEGREE ARSON	F	03/07/2016		

Related Cases

C-16-314092-2 (Multi-Defendant Case)
 C-16-314092-3 (Multi-Defendant Case)
 C-16-314092-4 (Multi-Defendant Case)

Statistical Closures

03/28/2019 Guilty Plea with Sentence (before trial) (CR)

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-16-314092-1
 Court Department 30
 Date Assigned 07/02/2018
 Judicial Officer Wiese, Jerry A.

PARTY INFORMATION

Defendant	CASTRO, LUIS ANGEL	
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

CASE SUMMARY
CASE NO. C-16-314092-1

EVENTS

04/12/2016	 Information <i>Information</i>
04/12/2016	 Criminal Bindover Packet Las Vegas Justice Court
04/21/2016	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings.</i>
05/02/2016	 Substitution of Attorney <i>Substitution of Attorney</i>
05/22/2016	 Ex Parte Application <i>Ex Parte Application for an Order Declaring Defendant Indigent</i>
06/20/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
06/20/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
06/27/2016	 Order <i>Order Defendant Application for an Order Declaring Defendant Indigent</i>
08/16/2016	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearings - Castro and King and Unconditional Waivers - Honabach and Jimenez 4/12/16</i>
08/19/2016	 Motion <i>Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence</i>
08/29/2016	 Response <i>State's Response to Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence</i>
10/02/2016	 Motion <i>Defendant's Motion for Setting of Reasonable Bail</i>
10/06/2016	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/06/2016	 Order to Release Medical Records <i>Order Releasing Medical Records</i>
10/17/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Setting of Reasonable Bail</i>
04/08/2017	 Motion for Order <i>Defendant's Motion to Request a Court Order for Medical Records</i>
06/02/2017	 Notice

CASE SUMMARY

CASE NO. C-16-314092-1

	<p>Filed By: Defendant CASTRO, LUIS ANGEL <i>Notice of Alibi Witness Pursuant to NRS 174.233</i></p>
06/09/2017	<p> Notice Filed By: Defendant CASTRO, LUIS ANGEL <i>Defendant's Notice of Intent to Use Affidavit of Custodian of Records Pursuant to NRS 52.260 (4)</i></p>
06/23/2017	<p> Supplemental Witness List <i>State's Supplemental Notice of Expert Witnesses</i></p>
06/23/2017	<p> Supplemental Witness List <i>State's Supplemental Notice of Witnesses</i></p>
07/02/2018	<p>Case Reassigned to Department 30 <i>Reassigned From Judge Earley - Dept 4</i></p>
11/01/2018	<p> Motion for Order Filed By: Defendant CASTRO, LUIS ANGEL <i>Defendant's Motion to Request a Court Order for an Eye Examination and Eyewear</i></p>
11/05/2018	<p> Opposition Filed By: Plaintiff State of Nevada <i>Specially Appearing Interested Party Sheriff Lombardo's Opposition to Defendant's Motion to Request an Order for an Eye Examination and Eyewear</i></p>
02/04/2019	<p> Amended Information <i>Amended Information</i></p>
02/04/2019	<p> Guilty Plea Agreement</p>
02/27/2019	<p> PSI</p>
03/22/2019	<p> Memorandum Filed By: Plaintiff State of Nevada <i>Sentencing Memorandum</i></p>
03/22/2019	<p> Exhibits Filed By: Attorney Wolfson, Steven B <i>State's Notice of Exhibits for Sentencing Memorandum</i></p>
03/24/2019	<p> Memorandum Filed By: Defendant CASTRO, LUIS ANGEL <i>Sentencing Memorandum on Behalf of Luis Castro</i></p>
03/28/2019	<p> Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i></p>
04/02/2019	<p> Motion to Withdraw As Counsel Filed By: Defendant CASTRO, LUIS ANGEL <i>Motion to Withdraw as Counsel</i></p>
04/03/2019	<p> Clerk's Notice of Hearing</p>

CASE SUMMARY
CASE NO. C-16-314092-1

Notice of Hearing

04/22/2019



Notice of Appeal (criminal)

Party: Defendant CASTRO, LUIS ANGEL

Notice of Appeal

DISPOSITIONS

02/04/2019

Disposition (Judicial Officer: Wiese, Jerry A.)

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

3. MAYHEM WITH USE OF A DEADLY WEAPON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

4. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

5. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

6. EXTORTION WITH USE OF A DEADLY WEAPON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

7. ROBBERY WITH USE OF A DEADLY WEAPON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

8. FIRST DEGREE ARSON

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

HEARINGS

04/14/2016



Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Matter Continued;

Journal Entry Details:

Deputized Law Clerk, Kelsey Einhorn appearing for the State. Mr. Geller stated that he was only retained through Preliminary Hearing and that the Public Defender's office has a conflict. COURT ORDERED, matter CONTINUED for counsel to be appointed. CUSTODY (COC) 4/18/16 10:00 AM ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL (LLA);

04/18/2016

Arraignment Continued (10:00 AM) (Judicial Officer: De La Garza, Melisa)

04/18/2016

Confirmation of Counsel (10:00 AM) (Judicial Officer: De La Garza, Melisa)
CONFIRMATION OF COUNSEL (O. FUMO)

04/18/2016



All Pending Motions (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Matter Heard;

Journal Entry Details:

ARRAIGNMENT CONTINUED ... CONFIRMATION OF COUNSEL (O. FUMO). Kelsea Einhorn Bar #13865 appeared today on behalf of the state. Upon inquiry by the court, Attorney Marcello CONFIRMS AS COUNSEL on behalf of Attorney Fumo. DEFT. CASTRO

CASE SUMMARY

CASE NO. C-16-314092-1

ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs. CUSTODY 7/19/16 9:00 A.M. CALENDAR CALL (DEPT. 4) 7/25/16 10:30 A.M. JURY TRIAL (DEPT. 4);

05/03/2016

Request (9:00 AM) (Judicial Officer: Earley, Kerry)

State's Request: Trial Date Correction

09/01/2016



Motion to Compel (9:00 AM) (Judicial Officer: Earley, Kerry)

Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence
Granted in Part; Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence
Journal Entry Details:

1. Disclosure of any and all compensation, express or implied promises of favorable treatment or leniency: Mr. Geller stated in speaking with the State, counsel is looking for if the alleged victim was requesting money from the State. Ms. Thomson stated he did with the assistance of our office, file a victim's of crime application which was approved with funds being set aside , however, he has not taken advantage of this and will expire by the end of the month. COURT ORDERED, request GRANTED. 2. Any and all body camera videos that may have been produced in connection with this case: Mr. Geller advised he already has several that are listed and the State if the State locates any others, they will be provided. Further, parties believe there are no additional ones. COURT ORDERED, request GRANTED. 3. A summary of complete criminal histories of all State's witnesses: 4. A summary of complete criminal history (NCIC) of Mr. Castro's Co-Defts': Mr. Geller stated he was requesting any prior convictions associated with the alleged victim and the three Co-Defts'. The State is of the opinion if the run it and counsel is of the opinion the State should run it. Ms. Thomson stated she will comply with her obligations. COURT ORDERED, requests DENIED. 5. All results, reports and documentation's pertaining to any and all forensic tests or medical procedures pertaining to this case that are within the State's actual or constructive possession: Mr. Geller stated often times, the State will get a HIPPA waiver from the alleged victim and the State has indicated if that happens she will turn them over. Further, counsel requested to seek a court order and advised he is interested in what he might of said and whether or not if there was a toxicology. Court stated she will look at them in camera if there is not a HIPPA release. If there is a HIPPA release, State can provide. Colloquy. If they are obtained, they will be provide in whole COURT ORDERED, request GRANTED. 6. Disclosures of any and all statements made by any State witness, or any other person, at any time , to the State's knowledge: Mr. Geller stated often times State pre-trial a witness and if during the pre-trial or any other context, they say they remember it differently know or contradict something, request the State advise counsel. COURT ORDERED, request GRANTED. 7. Disclosures of any and all statements, whether oral or written, made by the State's witnesses to any other witness, or to any other person related to this case, including Co-Defts': Mr. Geller stated he has listed out all of the statements he has received and the State provided a disk that appears to have a lot of additional statements. Further, counsel believes there should be statement from Co-Deft. Fabiola Jimenez. Ms. Thomson stated she will provide this. COURT ORDERED, request GRANTED. 8. Photocopies, or other reproductions, of any and all handwritten or otherwise memorialized notes kept by the investigating officers or detectives: Ms. Thomson stated she has confirmed handwritten notes were incorporated. There were a few still within the file which did not make any since to counsel but did copy and provided to defense counsel. COURT ORDERED, request GRANTED. 9. All cell site location information (CSLI), or requests for CSLI, made by government investigators relating to this case: Mr. Geller stated the State has indicated there was a request with respect to one phone, a Crickett wireless phone and by the time law enforcement contacted Crickett and they indicated they no longer have the data. Further, counsel stated he may be independently seeking a court order with an appropriate motion for any other wireless devices that may be associated with the Deft. or Co-Defts'. COURT ORDERED, request GRANTED. 10. All screenshots or photographs taken of computerized communication devices depicting communications between suspects and/or victims and/or witnesses in this case: Mr. Geller stated in the photographs it depicts a cellular telephone that was seized by the police and counsel was concerned the police who has possession of the phone might be going through it taking screenshots and things of messages going on between the Defts'. Ms. Thomson stated she has asked the detective to do a warrant on the two telephones impounded into evidence and ultimately retrieve anything from those telephones. The Court is aware this is a very lengthy process so there is always the potential matter will go to trial before it is completed. If the State receives results from those warrants, it will be provided. However, if it is not done, it is not done. COURT ORDERED, request GRANTED. 11. Surveillance video(s) in the actual or constructive possession of the State in

CASE SUMMARY

CASE NO. C-16-314092-1

this case: Mr. Geller stated the detectives went by at least one of the location and the surveillance by the time they got there, was no longer available. Ms. Thomson stated she spoke to the lead detective who in the State's presence spoke to the detective who did the follow up and the information lead detective received was that when he went out to the market which the State will confirm, had contact with the manager who advised they only keep it for seven days. COURT ORDERED, request GRANTED. CUSTODY (COC);

09/27/2016



Calendar Call (9:00 AM) (Judicial Officer: Earley, Kerry)

Trial Date Set;

Journal Entry Details:

As to Co-Def't Honabach, Mr. Villani advised Mr. Beckett has filed a motion to continue trial. As to Def't. Castro, Mr. Geller submitted. As to Co-Def't. King, Mr. Yampolsky submitted. As to Co-Def't. Jimenez, Mr. Arnold submitted. COURT ORDERED, Def't. Honabach's Motion to Continue Trial GRANTED; trial date VACATED and RESET. CUSTODY (COC) (CASTRO)...CUSTODY (COC)(HONABACH)...CUSTODY (JIMENEZ)...CUSTODY (COC) (KING) 7/11/17 9:00 AM CALENDAR CALL (ALL) 7/17/17 10:30 AM JURY TRIAL (ALL);

10/03/2016

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Earley, Kerry)

Vacated - per Judge

10/18/2016



Motion to Set Bail (9:00 AM) (Judicial Officer: Earley, Kerry)

Defendant's Motion for Setting of Reasonable Bail

Motion Granted; Defendant's Motion for Setting of Reasonable Bail

Journal Entry Details:

Mr. Geller argued in support of motion. Opposition by Ms. Thomson. Additional arguments by counsel. COURT ORDERED, motion GRANTED and bail SET in the TOTAL AMOUNT of \$1,000,000.00. Colloquy regarding surrendering of passport. Def't. advised he does not have a passport. CUSTODY (COC);

04/25/2017



Motion (9:00 AM) (Judicial Officer: Earley, Kerry)

Defendant's Motion to Request a Court Order for Medical Records

Motion Granted; Defendant's Motion to Request a Court Order for Medical Records

Journal Entry Details:

Mr. Turner stated he has no opposition to motion and advised Ms. Thompson already submitted order which was signed by the Court, just have not received them yet. Statement by Mr. Geller. COURT ORDERED, motion GRANTED; records will be reviewed in camera by the Court and once reviewed, the Court will turn over what is appropriate. CUSTODY (COC);

07/11/2017



Calendar Call (9:00 AM) (Judicial Officer: Earley, Kerry)

Matter Heard;

Journal Entry Details:

Mr. Turner advised he is not opposing a continuance, noting the state was recently given an alibi for Defendant Castro. Colloquy between Court and counsel regarding trial dates and availability. COURT ORDERED, trial date VACATED and RESET. CUSTODY (COC) 02/06/18 9:00 AM CALENDAR CALL 02/12/18 10:30 AM JURY TRIAL;

07/17/2017

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Earley, Kerry)

Vacated - per Judge

04/10/2018



Calendar Call (9:00 AM) (Judicial Officer: Earley, Kerry)






Trial Date Set;

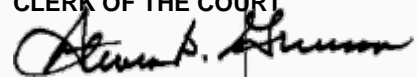
Journal Entry Details:

APPEARANCES CONTINUED: Defendant Luis Angel Castro present in custody represented by Warren Geller, Esq.; Defendant Edward Honabach present in custody represented by Robert Beckett, Esq.; Defendant Fabiola Jimenez present in custody represented by Mr. Geller on behalf of Carl Arnold, Esq.; Defendant Lionel King present in custody represented by Jason Margolis, Esq. Mr. Villani advised State was ready to go and their only request was not to sever. Mr. Geller stated for the record Defendant Castro would have been ready to proceed today. Mr. Beckett announced ready; however, had no problem with a continuance. Mr. Margolis announced ready as well. Parties anticipate 2-3 weeks with 25-30 witnesses. Pursuant to representations, COURT ORDERED, trial date VACATED and RESET.

CASE SUMMARY

CASE NO. C-16-314092-1

	<i>CUSTODY (ALL) 1/29/19 9:00 AM CALENDAR CALL 2/4/19 10:30 AM JURY TRIAL (FIRM) (ALL);</i>
04/16/2018	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Earley, Kerry) <i>Vacated</i>
11/13/2018	 Motion (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Motion to Request an Order for an Eye Examination and Eyewear</i> Motion Denied; Journal Entry Details: <i>Martina Bauhaus, Esq., present on behalf of Sheriff Lombardo. COURT noted it would not impose the State to pay for the eye examination and eyewear, and ORDERED, Motion DENIED. CUSTODY (COC) ;</i>
01/31/2019	 Calendar Call (8:30 AM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>Counsel announced ready to proceed with Trial. Mr. Yampolsky advised there was an offer outstanding which had not been discussed with his client and requested Defendant remain at the Clark County Detention Center until the trial date to discuss the offer, noting, the offer was contingent upon Defendants. COURT SO ORDERED. Upon Court's inquiry, Counsel anticipates 10 days for Trial. COURT ORDERED, Trial date STANDS. CUSTODY (COC) 02/04/19 10:00 AM JURY TRIAL;</i>
02/04/2019	 Jury Trial - FIRM (10:00 AM) (Judicial Officer: Wiese, Jerry A.) Plea Entered; Journal Entry Details: <i>Amended Information FILED IN OPEN COURT. Upon Court's inquiry, Mr. Geller concurred Defendant would be entering a plea. Ms. Thomson placed the negotiations on the record. Mr. Geller further concurred with the negotiations. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. CASTRO ARRAIGNED AND PLED GUILTY TO FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for Sentencing. CUSTODY (COC) 03/26/19 8:30 AM SENTENCING;</i>
03/26/2019	 Sentencing (8:30 AM) (Judicial Officer: Wiese, Jerry A.) Defendant Sentenced; Journal Entry Details: <i>Mr. Geller stated there was one stipulated correction to the Pre- Sentence Investigation (PSI) report, however, did not raise to the level of Stockmeier and could proceed with Sentencing. Ms. Thomson concurred. Court NOTED it received the Sentencing Memorandum from the State, Sentencing Memorandum from Defense Counsel, and Defendant's support letters. DEFENDANT CASTRO ADJUDGED GUILTY of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F). Arguments by Ms. Thomson and Mr. Geller. Statement by Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, if it has not been taken, and \$3.00 DNA Collection fee, Defendant SENTENCED to a MAXIMUM term of LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED. NDC;</i>
04/16/2019	 Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant's Motion to Withdraw as Counsel</i> Motion Granted; Journal Entry Details: <i>Defendant not present. COURT ORDERED, Motion GRANTED, Mr. Geller WITHDRAWN. NDC;</i>



JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LUIS ANGEL CASTRO
#1918366

Defendant.

CASE NO. C-16-314092-1

DEPT. NO. XXX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony) in violation of NRS 200.310, 200.320; thereafter, on the 26th day of March, 2019, the Defendant was present in Court for sentencing with counsel WARREN GELLER, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
2 Defendant is sentenced as follows: LIFE WITHOUT THE POSSIBILITY OF PAROLE
3 in the Nevada Department of Corrections (NDC).
4

5 DATED: 27 day of March, 2019.



JERRY A. WIESE
DISTRICT COURT JUDGE

vm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2016

C-16-314092-1 State of Nevada
 vs
 LUIS CASTRO

April 14, 2016 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: CASTRO, LUIS ANGEL Defendant
 Geller, Warren J.

JOURNAL ENTRIES

- Deputized Law Clerk, Kelsey Einhorn appearing for the State.

Mr. Geller stated that he was only retained through Preliminary Hearing and that the Public Defender's office has a conflict. COURT ORDERED, matter CONTINUED for counsel to be appointed.

CUSTODY (COC)

4/18/16 10:00 AM ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2016

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

April 18, 2016 10:00 AM All Pending Motions

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: CASTRO, LUIS ANGEL Defendant
 Marcello, Dustin R. Attorney

JOURNAL ENTRIES

- ARRAIGNMENT CONTINUED ... CONFIRMATION OF COUNSEL (O. FUMO).

Kelsea Einhorn Bar #13865 appeared today on behalf of the state. Upon inquiry by the court, Attorney Marcello CONFIRMS AS COUNSEL on behalf of Attorney Fumo. DEFT. CASTRO ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs.

CUSTODY

7/19/16 9:00 A.M. CALENDAR CALL (DEPT. 4)

7/25/16 10:30 A.M. JURY TRIAL (DEPT. 4)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 01, 2016**

C-16-314092-1 State of Nevada
 vs
 LUIS CASTRO

September 01, 2016	9:00 AM	Motion to Compel	Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence
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HEARD BY: Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Gina Shrader**PARTIES**

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- 1. Disclosure of any and all compensation, express or implied promises of favorable treatment or leniency:

Mr. Geller stated in speaking with the State, counsel is looking for if the alleged victim was requesting money from the State. Ms. Thomson stated he did with the assistance of our office, file a victim's of crime application which was approved with funds being set aside , however, he has not taken advantage of this and will expire by the end of the month. COURT ORDERED, request GRANTED.

2. Any and all body camera videos that may have been produced in connection with this case:

Mr. Geller advised he already has several that are listed and the State if the State locates any others, they will be provided. Further, parties believe there are no additional ones. COURT ORDERED, request GRANTED.

3. A summary of complete criminal histories of all State's witnesses:
4. A summary of complete criminal history (NCIC) of Mr. Castro's Co-Defts':

Mr. Geller stated he was requesting any prior convictions associated with the alleged victim and the three Co-Defts'. The State is of the opinion if the run it and counsel is of the opinion the State should run it. Ms. Thomson stated she will comply with her obligations. COURT ORDERED, requests DENIED.

5. All results, reports and documentation's pertaining to any and all forensic tests or medical procedures pertaining to this case that are within the State's actual or constructive possession:

Mr. Geller stated often times, the State will get a HIPPA waiver from the alleged victim and the State has indicated if that happens she will turn them over. Further, counsel requested to seek a court order and advised he is interested in what he might of said and whether or not if there was a toxicology. Court stated she will look at them in camera if there is not a HIPPA release. If there is a HIPPA release, State can provide. Colloquy. If they are obtained, they will be provide in whole COURT ORDERED, request GRANTED.

6. Disclosures of any and all statements made by any State witness, or any other person, at any time , to the State's knowledge:

Mr. Geller stated often times State pre-trial a witness and if during the pre-trial or any other context, they say they remember it differently know or contradict something, request the State advise counsel. COURT ORDERED, request GRANTED.

7. Disclosures of any and all statements, whether oral or written, made by the State's witnesses to any other witness, or to any other person related to this case, including Co-Defts':

Mr. Geller stated he has listed out all of the statements he has received and the State provided a disk that appears to have a lot of additional statements. Further, counsel believes there should be statement from Co-Deft. Fabiola Jimenez. Ms. Thomson stated she will provide this. COURT ORDERED, request GRANTED.

8. Photocopies, or other reproductions, of any and all handwritten or otherwise memorialized notes kept by the investigating officers or detectives:

Ms. Thomson stated she has confirmed handwritten notes were incorporated. There were a few still within the file which did not make any since to counsel but did copy and provided to defense counsel. COURT ORDERED, request GRANTED.

9. All cell site location information (CSLI), or requests for CSLI, made by government investigators relating to this case:

Mr. Geller stated the State has indicated there was a request with respect to one phone, a Crickett wireless phone and by the time law enforcement contacted Crickett and they indicated they no longer have the data. Further, counsel stated he may be independently seeking a court order with an appropriate motion for any other wireless devices that may be associated with the Deft. or Co-Defts'. COURT ORDERED, request GRANTED.

10. All screenshots or photographs taken of computerized communication devices depicting communications between suspects and/or victims and/or witnesses in this case:

Mr. Geller stated in the photographs it depicts a cellular telephone that was seized by the police and counsel was concerned the police who has possession of the phone might be going through it taking screenshots and things of messages going on between the Defts'. Ms. Thomson stated she has asked the detective to do a warrant on the two telephones impounded into evidence and ultimately retrieve anything from those telephones. The Court is aware this is a very lengthy process so there is always the potential matter will go to trial before it is completed. If the State receives results from those warrants, it will be provided. However, if it is not done, it is not done. COURT ORDERED, request GRANTED.

11. Surveillance video(s) in the actual or constructive possession of the State in this case:

Mr. Geller stated the detectives went by at least one of the location and the surveillance by the time they got there, was no longer available. Ms. Thomson stated she spoke to the lead detective who in the State's presence spoke to the detective who did the follow up and the information lead detective received was that when he went out to the market which the State will confirm, had contact with the manager who advised they only keep it for seven days. COURT ORDERED, request GRANTED.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2016

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

September 27, 2016 9:00 AM Calendar Call

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Amber McClane

PARTIES

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- As to Co-Defendant Honabach, Mr. Villani advised Mr. Beckett has filed a motion to continue trial. As to Defendant Castro, Mr. Geller submitted. As to Co-Defendant King, Mr. Yampolsky submitted. As to Co-Defendant Jimenez, Mr. Arnold submitted. COURT ORDERED, Defendant Honabach's Motion to Continue Trial GRANTED; trial date VACATED and RESET.

CUSTODY (COC)(CASTRO)...CUSTODY (COC)(HONABACH)...CUSTODY (JIMENEZ)...CUSTODY (COC)(KING)

7/11/17 9:00 AM CALENDAR CALL (ALL)

7/17/17 10:30 AM JURY TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 18, 2016**

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

**October 18, 2016 9:00 AM Motion to Set Bail Defendant's Motion
for Setting of
Reasonable Bail**

HEARD BY: Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Loree Murray**PARTIES**

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Mr. Geller argued in support of motion. Opposition by Ms. Thomson. Additional arguments by counsel. COURT ORDERED, motion GRANTED and bail SET in the TOTAL AMOUNT of \$1,000,000.00. Colloquy regarding surrendering of passport. Deft. advised he does not have a passport.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 25, 2017**

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

April 25, 2017**9:00 AM****Motion**

**Defendant's Motion
to Request a Court
Order for Medical
Records**

HEARD BY: Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Renee Silvaggio**PARTIES**

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney

JOURNAL ENTRIES

- Mr. Turner stated he has no opposition to motion and advised Ms. Thompson already submitted order which was signed by the Court, just have not received them yet. Statement by Mr. Geller. COURT ORDERED, motion GRANTED; records will be reviewed in camera by the Court and once reviewed, the Court will turn over what is appropriate.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 11, 2017

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

July 11, 2017 9:00 AM Calendar Call

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: Denise Duron

RECORDER:

REPORTER: Gina Shrader

PARTIES

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney

JOURNAL ENTRIES

- Mr. Turner advised he is not opposing a continuance, noting the state was recently given an alibi for Defendant Castro. Colloquy between Court and counsel regarding trial dates and availability.
COURT ORDERED, trial date VACATED and RESET.

CUSTODY (COC)

02/06/18 9:00 AM CALENDAR CALL

02/12/18 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2018**

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

April 10, 2018 9:00 AM Calendar Call

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Louisa Garcia

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant Luis Angel Castro present in custody represented by Warren Geller, Esq.; Defendant Edward Honabach present in custody represented by Robert Beckett, Esq.; Defendant Fabiola Jimenez present in custody represented by Mr. Geller on behalf of Carl Arnold, Esq.; Defendant Lionel King present in custody represented by Jason Margolis, Esq.

Mr. Villani advised State was ready to go and their only request was not to sever. Mr. Geller stated for the record Defendant Castro would have been ready to proceed today. Mr. Beckett announced ready; however, had no problem with a continuance. Mr. Margolis announced ready as well. Parties anticipate 2-3 weeks with 25-30 witnesses. Pursuant to representations, COURT ORDERED, trial date VACATED and RESET.

CUSTODY (ALL)

1/29/19 9:00 AM CALENDAR CALL

2/4/19 10:30 AM JURY TRIAL (FIRM) (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2018

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

November 13, 2018 8:30 AM Motion

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: CASTRO, LUIS ANGEL Defendant
Geller, Warren J. Attorney

JOURNAL ENTRIES

- Martina Bauhaus, Esq., present on behalf of Sheriff Lombardo.

COURT noted it would not impose the State to pay for the eye examination and eyewear, and ORDERED, Motion DENIED.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2019

C-16-314092-1 State of Nevada
 vs
 LUIS CASTRO

January 31, 2019 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: CASTRO, LUIS ANGEL Defendant
 Geller, Warren J. Attorney
 State of Nevada Plaintiff
 Thomson, Megan Attorney

JOURNAL ENTRIES

- Counsel announced ready to proceed with Trial. Mr. Yampolsky advised there was an offer outstanding which had not been discussed with his client and requested Defendant remain at the Clark County Detention Center until the trial date to discuss the offer, noting, the offer was contingent upon Defendants. COURT SO ORDERED. Upon Court's inquiry, Counsel anticipates 10 days for Trial. COURT ORDERED, Trial date STANDS.

CUSTODY (COC)

02/04/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2019

C-16-314092-1 State of Nevada
 vs
 LUIS CASTRO

February 04, 2019 10:00 AM Jury Trial - FIRM

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT.

Upon Court's inquiry, Mr. Geller concurred Defendant would be entering a plea. Ms. Thomson placed the negotiations on the record. Mr. Geller further concurred with the negotiations. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. CASTRO ARRAIGNED AND PLED GUILTY TO FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for Sentencing.

CUSTODY (COC)

03/26/19 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 26, 2019**

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

March 26, 2019 8:30 AM Sentencing

HEARD BY: Wiese, Jerry A.**COURTROOM:** RJC Courtroom 14A**COURT CLERK:** Vanessa Medina**RECORDER:****REPORTER:** Kimberly Farkas**PARTIES**

PRESENT:	CASTRO, LUIS ANGEL	Defendant
	Geller, Warren J.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Mr. Geller stated there was one stipulated correction to the Pre- Sentence Investigation (PSI) report, however, did not raise to the level of Stockmeier and could proceed with Sentencing. Ms. Thomson concurred. Court NOTED it received the Sentencing Memorandum from the State, Sentencing Memorandum from Defense Counsel, and Defendant's support letters. DEFENDANT CASTRO ADJUDGED GUILTY of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (F). Arguments by Ms. Thomson and Mr. Geller. Statement by Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, if it has not been taken, and \$3.00 DNA Collection fee, Defendant SENTENCED to a MAXIMUM term of LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2019

C-16-314092-1 State of Nevada
vs
LUIS CASTRO

**April 16, 2019 8:30 AM Motion to Withdraw as
Counsel**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Cole, Madilyn M. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, Motion GRANTED, Mr. Geller WITHDRAWN.

NDC



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

JEAN J. SCHWARTZER, ESQ.
10620 SOUTHERN HIGHLANDS PKWY., STE 110-473
LAS VEGAS, NV 89141

DATE: April 24, 2019
CASE: C-16-314092-1

RE CASE: STATE OF NEVADA vs. LUIS ANGEL CASTRO

NOTICE OF APPEAL FILED: April 22, 2019

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; DISTRICT COURT DOCKET ENTRIES; JUDGMENT
OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

LUIS ANGEL CASTRO,

Defendant(s).

Case No: C-16-314092-1

Dept No: XXX

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 24 day of April 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk