

*Steven D. Grierson*

LUIS CASTRO 1214597  
HDSP  
POST OFFICE BOX 650  
INDIAN SPRINGS, NV, 89070

PETITIONER/APPELLANT

Electronically Filed  
May 02 2019 10:38 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

THE STATE OF NEVADA,

PLAINTIFF,

VS.

LUIS CASTRO,

DEFENDANT.

CASE NO.

C-16-314092-1

DEPT NO. 14-A

NOTICE OF APPEAL

PETITIONER LUIS CASTRO HEREBY APPEALS  
THE COURT'S MARCH 26, 2019, JUDGMENT OF CONVICTION.  
PETITIONER SEEKS THAT HIS ONE FREE COPY OF  
THE RECORD BE TRANSMITTED AND PROVIDED FORTHWITH  
AND FURTHER SEEKS THAT APPELLATE COUNSEL BE  
APPOINTED ON ACCOUNT OF HIS INDIGENCY.

RESPECTFULLY SUBMITTED,

DATED: APRIL 23, 2019

BY: /s/

(LUIS CASTRO)

PETITIONER/APPELLANT  
IN PRO SE

RECEIVED  
APR 26 2019  
CLERK OF THE COURT

Jairo A. Castro  
 1214547-1-A-12  
 HQSQ  
 P.O. Box 650  
 Indian Spring, Wv. 89070

**INTAKE**  
**NSF 3763**

STEVEN D. GRIERSON  
CLERK OF THE COURT  
200 LEWIS AVENUE, 3RD FLOOR  
LAS VEGAS, NV, 89155-1160

SECRET

[illegible]

HIGH DESERT STATE PRISON

APR 23 2019

UNIT 1 A/B



1 ASTA

2  
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4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 LUIS ANGEL CASTRO,

13 Defendant(s),

Case No: C-16-314092-1

Dept No: XXX

14  
15  
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Luis Castro

18 2. Judge: Jerry A. Wiese

19 3. Appellant(s): Luis Castro

20 Counsel:

21 Luis Castro #1214547  
22 P.O. Box 650  
23 Indian Springs, NV 89070

24 4. Respondent: The State of Nevada

25 Counsel:

26 Steven B. Wolfson, District Attorney  
27 200 Lewis Ave.  
28 Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: April 12, 2016

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 78643

12. Child Custody or Visitation: N/A

Dated This 30 day of April 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Luis Castro

## 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: <b>District Court</b>				
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:	<b>03/28/2019 Closed</b>
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**

<b>Defendant</b>	<b>CASTRO, LUIS ANGEL</b>	
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</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*

04/26/2019



Notice of Appeal (criminal)

Party: Defendant CASTRO, LUIS ANGEL

*Notice of Appeal*

04/30/2019



Case Appeal Statement

Filed By: Defendant CASTRO, LUIS ANGEL

*Case Appeal Statement*

**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)

# CASE SUMMARY

CASE NO. C-16-314092-1

04/18/2016	<b>Confirmation of Counsel</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa) <i>CONFIRMATION OF COUNSEL (O. FUMO)</i>
04/18/2016	 <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa) Matter Heard; Journal Entry Details: <i>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);</i>
05/03/2016	<b>Request</b> (9:00 AM) (Judicial Officer: Earley, Kerry) <i>State's Request: Trial Date Correction</i>
09/01/2016	 <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Earley, Kerry) <i>Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence</i> Granted in Part; Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence Journal Entry Details: <p>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</p>

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

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);**

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;

# CASE SUMMARY

CASE NO. C-16-314092-1

	<p>Journal Entry Details:</p> <p><i>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);</i></p>
04/16/2018	<p><b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Earley, Kerry)</p> <p><i>Vacated</i></p>
11/13/2018	<p> <b>Motion</b> (8:30 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p><i>Defendant's Motion to Request an Order for an Eye Examination and Eyewear</i></p> <p>Motion Denied;</p> <p>Journal Entry Details:</p> <p><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></p>
01/31/2019	<p> <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><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></p>
02/04/2019	<p> <b>Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Plea Entered;</p> <p>Journal Entry Details:</p> <p><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 &amp; P) and SET for Sentencing. CUSTODY (COC) 03/26/19 8:30 AM SENTENCING;</i></p>
03/26/2019	<p> <b>Sentencing</b> (8:30 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Defendant Sentenced;</p> <p>Journal Entry Details:</p> <p><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></p>

**CASE SUMMARY**

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

04/16/2019



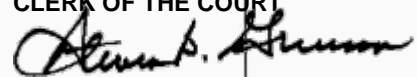
**Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Wiese, Jerry A.)**

*Defendant's Motion to Withdraw as Counsel*

Motion Granted;

Journal Entry Details:

*Defendant not present. COURT ORDERED, Motion GRANTED, Mr. Geller WITHDRAWN.  
NDC;*



1 JOCP

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5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7  
8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11  
12 LUIS ANGEL CASTRO  
13 #1918366

14 Defendant.

CASE NO. C-16-314092-1

DEPT. NO. XXX

15  
16 JUDGMENT OF CONVICTION

17 (PLEA OF GUILTY)

18  
19 The Defendant previously appeared before the Court with counsel and entered  
20 a plea of guilty to the crime of FIRST DEGREE KIDNAPPING RESULTING IN  
21 SUBSTANTIAL BODILY HARM (Category A Felony) in violation of NRS 200.310,  
22 200.320; thereafter, on the 26<sup>th</sup> day of March, 2019, the Defendant was present in  
23 Court for sentencing with counsel WARREN GELLER, ESQ., and good cause  
24 appearing,  
25

26 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in  
27 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee  
28

<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.



6  
7 JERRY A. WIESE  
8 DISTRICT COURT JUDGE  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 14, 2016**

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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**

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

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**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

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

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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

<b>October 18, 2016</b>	<b>9:00 AM</b>	<b>Motion to Set Bail</b>	<b>Defendant's Motion for Setting of Reasonable Bail</b>
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**HEARD BY:** Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Loree Murray**PARTIES**

<b>PRESENT:</b>	CASTRO, LUIS ANGEL      Defendant Geller, Warren J.      Attorney State of Nevada      Plaintiff Thomson, Megan      Attorney
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**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

<b>April 25, 2017</b>	<b>9:00 AM</b>	<b>Motion</b>	<b>Defendant's Motion to Request a Court Order for Medical Records</b>
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**HEARD BY:** Earley, Kerry**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** April Watkins**RECORDER:****REPORTER:** Renee Silvaggio**PARTIES**

<b>PRESENT:</b>	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)

**July 11, 2017**

April 14, 2016



**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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

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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

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

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 30 day of April 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk