

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ANGEL CASTRO

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Nov 26 2019 07:08 p.m.
S.Ct. No. 78643 Elizabeth A. Brown
Clerk of Supreme Court
D.C. No. C-16-314092-1

**APPELLANT'S APPENDIX
Volume II**

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Castro v. State Case No. 78643

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Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

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VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

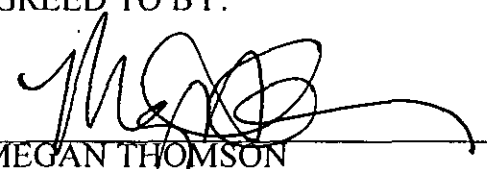
My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 4 day of February, 2019.



LUIS ANGEL CASTRO
Defendant

AGREED TO BY:



MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

1 CERTIFICATE OF COUNSEL:


2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 4 day of February, 2019.

30 
WARREN GELLER, ESQ

31 cc/L4

1 **AINF**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 **LUIS ANGEL CASTRO, #1918366,**
13 **EDWARD HONABACH**
14 **aka Edward Joseph Honabach, #7029816,**
15 **FABIOLA JIMENEZ, #1957068,**
16 **LIONEL KING, #1983132**

17 Defendant.

CASE NO. C-16-314092-1

DEPT NO. XXX

AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss:

18 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
19 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That LUIS ANGEL CASTRO, EDWARD HONABACH aka Edward Joseph
21 Honabach, FABIOLA JIMENEZ, and LIONEL KING, the Defendant(s) above named, having
22 committed the crime of **FIRST DEGREE KIDNAPPING RESULTING IN**
23 **SUBSTANTIAL BODILY HARM (Category A Felony - NRS 200.310, 200.320 - NOC**
24 **50052)**, on or about the 7th day of March, 2016, within the County of Clark, State of Nevada,
25 contrary to the form, force and effect of statutes in such cases made and provided, and against
26 the peace and dignity of the State of Nevada, did willfully, unlawfully, and feloniously, seize,
27 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away JOSE ORTIZ-
28 SALAZAR, a human being, with the intent to hold or detain JOSE ORTIZ-SALAZAR against

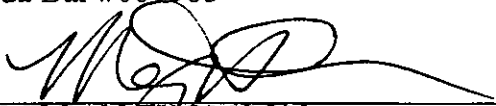
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EXHIBIT "1"

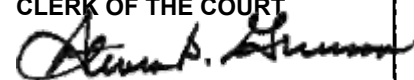
his will, and without his consent, for the purpose of committing murder and/or robbery,
resulting in substantial bodily harm to JOSE ORTIZ-SALAZAR, the Defendants being
criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
Defendants aiding or abetting and/or conspiring, Defendants acting in concert throughout.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY


MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

DA#16F03770X /cc/L4
LVMPD EV#1603072804
(TK)



MEMO
STEVEN B. WOLFSON
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Nevada Bar #001565
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Attorney for Plaintiff

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

SENTENCING MEMORANDUM

DATE OF HEARING: March 26, 2019
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and hereby submits this Memorandum for the Court's consideration.

STATEMENT OF THE CASE

On March 10, 2016 a warrant was issued for Luis Castro (hereinafter the Defendant) for the offenses of Conspiracy to Commit Murder, Attempt Murder with Use of a Deadly Weapon, Mayhem, Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, First Degree Kidnapping with Use of a Deadly Weapon, Extortion with Use of a Deadly Weapon, Robbery with Use of a Deadly Weapon and First Degree Arson. The Defendant was arrested and arraigned on March 14, 2016. At that time a preliminary hearing was set for March 28, 2016, however on that date an Amended Criminal Complaint consolidating this defendant

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1 with Lionel King's case was granted and the preliminary hearing did not proceed. A
2 preliminary hearing was held on April 12, 2016 wherein the victim, Jose Ortiz-Salazar and the
3 lead detective, Detective Auschwitz testified. The Defendant, and his co-conspirators were
4 held to answer to the charges of Conspiracy to Commit Murder, Attempt Murder with Use of
5 a Deadly Weapon, Mayhem with Use of a Deadly Weapon, Battery with use of a Deadly
6 Weapon Resulting in Substantial Bodily Harm, First Degree Kidnapping with Use of a Deadly
7 Weapon Resulting in Substantial Bodily Harm, Extortion with Use of a Deadly Weapon,
8 Robbery with Use of a Deadly Weapon, and First Degree Arson. After arraignment several
9 trial dates were set, with the final setting of February 4, 2019. On the morning of trial the
10 Defendant, along with his co-conspirators, entered a contingent plea to First Degree
11 Kidnapping Resulting in Substantial Bodily Harm, all parties agreeing that the term of years,
12 fifteen (15) to forty (40) years in prison would not be sought, but rather the parties would argue
13 for life with the possibility of parole after fifteen (15) years or life without the possibility of
14 parole. Luis Castro should be sentenced to life without the possibility of parole.

15 STATEMENT OF FACTS

16 On March 7, 2016 Las Vegas Metropolitan Police Department (LVMPD) Dispatch was
17 inundated with calls about the residence at 1901 E. Oakey Boulevard. Initially the calls
18 received were citizens concerned because the house was on fire, however the calls quickly
19 became more urgent as people reported a man emerging from the home tied up, bleeding from
20 several stab wounds and a slit throat. Fire trucks, paramedics and patrol officers rushed to the
21 scene to address the multi-faceted emergency.

22 The fire department was the first to arrive, firefighters jumping to action to attempt to
23 contain the blaze so the destruction would be limited to 1901 E. Oakey, hoping to and
24 successfully protecting the residences feet from the inferno they fought. Exhibit 1. Paramedics
25 with the fire department immediately stepping in where citizens had done their best to perform
26 life-saving measures on Jose Ortiz-Salazar who had escaped from the home and lay in the
27 yard, still bound at the feet and legs bleeding from a deep laceration to his neck. Paramedic
28 Lovette removed the ties that bound Jose at the knees and feet while taking an account of what

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1 wounds were life threatening and which required less immediate attention. Exhibit 2. Just
2 before Jose was transported to the hospital the first patrol officer from LVMPD arrived and
3 attempted to discern what had occurred, protect the scene from the chaos necessary to address
4 the emergency and identify and detain witnesses for Detectives who would soon respond.
5 Although Jose was in extreme pain and suffering from potentially lethal injuries he was able
6 to convey two important pieces of information to the good Samaritans who stopped to help:
7 Angel Castro did this to me and something muffled that was either taxes, or he got tax, or taxi.

8 Through interviews of witnesses on scene detectives learned that citizens observed the
9 fire at approached to ensure that the home was vacant, however in so doing they discovered it
10 was not. Witnesses heard the back sliding glass door shatter at which point Jose was observed
11 coming out with his hands, knees and feet bound, quickly collapsing. The witnesses dragged
12 him to the front yard, began applying pressure to his neck hoping to slow the bleeding and
13 called police. Detectives next began interviews with residents of the surrounding homes
14 hoping to gather more information about what had led up to the inferno. During those
15 interviews witnesses described having seen an older light blue Chevrolet pick-up at the home,
16 one describing it as a 1970's, two tone, light blue pick-up with a classic plate, around the home
17 earlier in the day with rough descriptions of the people associated to the truck.

18 The process of being able to interview the victim, Jose, took longer because his wounds
19 required immediate attention and limited his ability to communicate while they were initially
20 healing. During the first interview with Jose he was not able to speak, but could mouth words
21 and communicate with his hands and nods/shakes of his head. In that first contact Detectives
22 learned his identity and were able to gather enough information from him to locate and contact
23 his girlfriend. He further was able to convey that four people had committed the crimes against
24 him and indicated one of them was Angel Castro.

25 Having limited ability to communicate with Jose, Detectives began the process of
26 contacting his girlfriend, Yoselin. During an interview Detectives were able to begin to
27 develop a picture of what occurred leading up to their arrival at the Oakey address. Yoselin
28 described having had vehicle trouble on March 6. She told Detectives that because of that Jose

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1 had taken her car after driving her to work, however it had broken down shortly thereafter.
2 Jose called a friend of his, Angel Castro and asked for help towing the car back to her
3 residence, agreeing to pay \$50 for the assistance. Yoselin told police that the next day, after
4 attempts to fix the vehicle had been futile Angel Castro arrived at her home in a light blue
5 older model Ford truck, driven by a white male adult with short reddish hair and bad skin. In
6 addition to these two occupants, who she knew to live together, having met them before, the
7 vehicle also contained a short skinny Hispanic male. The Defendant demanded \$50 from Jose
8 and the short skinny Hispanic male mentioned a firearm in the truck. Yoselin observed Jose
9 agree to leave with the three as he got into the truck. Yoselin did not hear from Jose again that
10 day. Yoselin did inform detectives about Jose's family members telling her he had called them
11 from someone else's phone number asking for \$300 on the same day of his disappearance, on
12 describing a female voice in the background coaching him on what to say. Detectives showed
13 photo-line ups to Yoselin and she picked out the Defendant and identified him as Angel Castro.
14 She also selected the photographs of Edward Honabach and Lionel King, each from groups
15 including five similar looking individuals and indicated they were present in the light blue
16 truck that left with Jose that morning.

17 Once he was able to communicate more effectively Detectives conducted a taped
18 statement with Jose. During the statement Jose described what went from a \$50 dollar debt to
19 a near murder. Jose later testified the preliminary hearing, in those two recorded statements he
20 detailed the events of March 7. That day the Defendant, King and Honabach arrived at his
21 home demanding payment for the two they had agreed to perform the day before, when Jose
22 did not have the money they took Yoselin's phone as collateral. Jose demanded that they leave
23 his home but they refused. Jose got into Honabach's light blue truck at the Defendant's
24 command to avoid problems at the home, to avoid exposing his family to any issues. Honabach
25 hit Jose in the head and he became scared, trying to comply with their demands. Jose described
26 from nearly the first moment he entered the deserted house on Oakey the escalation of the
27 torture he endured. Inside the house the Defendant pushed him along and Honabach put a knife
28 to his neck, telling him not to move, that they would kill him. Honabach and King then

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1 followed the Defendant's orders to tie Jose up and Jimenez, who was already in the house
2 when they arrived, brought him a beer, ordering him to hurry up and drink with her. The intent
3 of the group clear as Fabiola Jimenez (hereinafter Jimenez) demanded from him "one reason
4 to leave [him] alive," while the men stood around him. The Defendant then chastised Jose for
5 not responding to Jimenez because it was disrespectful not to answer her question. Jose clearly
6 told detectives, after his conversation with Jimenez it really got serious. At that point,
7 presumably because they did not get the money they wanted, they pushed the chair he was tied
8 to over and began to kick him, telling him that they were not playing, a message which was
9 reinforced with the first stab wound from Honabach in the upper right arm. Exhibit 3. As he
10 begged for an explanation of the abuse they asserted they "want this money right now, or you
11 gunna die."

12 In order to get the money they demanded they allowed him three phone calls to attempt
13 to gather the funds, with the Defendant telling him that if he didn't get enough in three phone
14 calls he was done. They took numbers from his girlfriend's phone for the calls which the
15 Defendant dialed however none of the three recipients of those desperate calls had money to
16 give Jose. When the pleas for money ran out Honabach took his hand and with pinchers cut
17 off Jose's finger, all the while telling him if he screamed the torture would be worse. Exhibit
18 4. Honabach, while mutilating Jose's hand got blood on his boots which upset him and caused
19 him to kick Jose in the head. Jose then began pleading for his life, however the group was
20 unreceptive as King then began stabbing him repeatedly and pulling his nails out. Exhibit 4-
21 7. Then they grabbed his head and pulled it back as he tried to keep his head down to protect
22 his neck while begging promising that he would do whatever the Defendant wanted. Without
23 sympathy the defendant responded that they had already given him a chance, smiling and
24 Jimenez hugged him. Jose recounted the first gash being done by Honabach, followed by
25 Jimenez, after each, the Defendant yelling that the injury was too small. Jose described the
26 terrifying indifference of Jimenez as she stood over him kissing Castro just before taking her
27 turn slashing Jose's throat. The Defendant was the next to slash his throat proclaiming that his
28 cut was enough. King then disagreed, stating it was his turn and took the final pass with the

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1 blade over his throat, cutting the wound larger and opening the injury further. Exhibit 8-9. At
2 this point while Jose lay on the floor playing dead to attempt to avoid any further injury, the
3 Defendant asserted that Jose was in fact dead. At that point Jose quit hearing the voices of the
4 Defendant and Jimenez and presumed they had gone to move the truck. While he lay on the
5 ground he heard and felt the remaining two placing dried grass clippings, books and other
6 flammable items on top of his body before setting the house on fire.

7 After being convinced all of his torturers had left the home, and waiting a prudent
8 period of time to ensure it was correct Jose then was able to stand up and escape from the back
9 door of the home before being engulfed in flames.

10 Jose, on March 7, had known the Defendant for about two months and had even given
11 him all of his personal information because the Defendant had told Jose that he would do his
12 taxes for him. He had previously met Honabach, who lived with the Defendant, but not had
13 any conversations with him. Additionally, he knew Jimenez to be the Defendant's girlfriend.
14 Jose had not met King before the day that all three men showed up to his home in the light
15 blue Ford. Detectives showed Jose photo line-ups, each containing a picture of one of the four
16 Defendants and he positively identified the Defendant, Jimenez, King and Honabach as the
17 four people who had caused his injuries, terror and nearly took is life.

18 After his arrest, detectives spoke with the Defendant. During that ninety-seven page
19 interview he told Detectives that he lived with Edward Honabach and worked at Castro
20 Enterprises, his family's tax preparation business. He further informed detectives that he had
21 been dating Jimenez for two weeks. During the interview the Defendant provided various
22 pieces of corroborative evidence despite refusing to take any responsibility for his role in the
23 crime. For Example, the Defendant confirmed that Honabach owned a black Chevy truck
24 which hand only recently been paind from its former light blue coloring. He further
25 acknowledged knowing the victim, but insisted he knew him as Ismael, going so far as to
26 acknowledge doing the victim's taxes. While minimizing his role, the Defendant told
27 Detectives about the victims broken down car, telling them that the situation caused Honabach
28 and Jimenez to become annoyed.

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1 The Defendants version of the events of March 7 evolved throughout his interview,
2 initially saying he knew nothing about what happened to finally acknowledging being present
3 for nearly everything but insisting still he had nothing to do with it. When distilled to the most
4 basic version the Defendant admitted to going to the victim's house on March 7 with Honabach
5 and King (although he referred to King as Adrian throughout the majority of the interview).
6 He told police they had dropped Jimenez at the Oakey house before picking the victim up to
7 ensure no one else was at the house, stating that the plan was for her to stay with the victim
8 the whole day so he would not contact police.

9 After admitting he knew about the injuries occasioned upon Jose the Defendant initially
10 stated he left to get beer and Visine and when he returned the victim was already on the ground
11 with his neck slit however the later acknowledged that he was present as the torture initiated
12 and evolved. He acknowledged witnessing Jimenez give Jose the beer with the Visine in it and
13 talking to him as they drank. The Defendant told police Jimenez told Jose she would give him
14 one opportunity and that he also witnessed her make Jose call family members to try to get
15 money.

16 Castro described asking the victim how he was going to handle this because the victim
17 owed him money and watching as Honabach stab Jose the first time in the arm. He was clear
18 he only watched, encouraging Jose to man up and say he was sorry but never touching him.
19 The Defendant told police he was outside when Jose's pinky was cut off by Honabach and that
20 when he returned he told Honabach to stop. The Defendant stated that when he said that
21 Honabach did stop but King started stabbing Jose in the leg and back. After that Castro
22 described the series of cuts to Jose's neck telling police that King said it was better to leave
23 Jose dead than injured and Jimenez made the first cut to Jose's neck, King making the second.
24 He said he left after the victim's neck was cut, believing Jose was dead, while Honabach and
25 King were piling papers on the victim's body.

26 Notably, despite his attempts to avoid responsibility the Defendant made to very telling
27 statements about his role in the conspiracy, telling police that they were only at the house to
28

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1 teach Jose a lesson and that the point was to make sure Jose knew the Defendant was not
2 playing.

3 Just days before the incident in our case the Defendant was a participant in another
4 violent incident with Edward Honabach. On March 2, 2016 Robert Gerrard allowed his friend
5 to use his scooter, but when she came back she no longer had the scooter and said her ex-
6 boyfriend had taken it. She showed Robert where the ex-boyfriend, the Defendant, lived and
7 Robert saw his scooter in the driveway so he started to walk it away. When he was just down
8 the street a blue pickup truck with a white male driver and the Defendant as the passenger
9 pulled up and both got out of the vehicle. The white male held a machete to Robert's chest
10 while the Defendant told him that if he followed them as they took his scooter they would hurt
11 him. Robert was shown two photo line-ups one with Castro and one with Honabach and he
12 picked each of the two out with certainty. The Defendant was subsequently charged with
13 Robbery with Use of a Deadly Weapon. That case was dismissed after negotiations were
14 reached in this case.

15 ARGUMENT

16 While the Defendant did not have a significant criminal history at approximately thirty
17 (30) years of age when he committed the instant offense, the combination of the facts of this
18 case and his other contacts with the criminal justice system at that time demonstrate that he is
19 a danger to our community and should not be permitted the opportunity at parole.

20 It is anticipated that the Defendant will argue that he is entitled to the opportunity at
21 parole, citing video that he did in fact go buy beer, that he has a limited criminal history and
22 likely will weave in the criminal convictions sustained by the victim in this case since his
23 nearly lethal torture. It is the State's position that none of this is sufficient to justify the risk of
24 his release back into our community.

25 While the Defendant's counsel was able to locate video which shows the purchase of
26 beer by an individual the Defendant asserts his himself (and which the State has no reason to
27 disbelieve) this does not mitigate his role in the crime. In fact, if one examines the course of
28 events it only serves to strengthen the argument that the Defendant was in control of the

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1 violence that was occasioned upon Jose three years ago in the abandoned house. The
2 Defendant's final version of events in addition to the victim's recitation of what happened all
3 confirm one thing, the violence did not begin until the Defendant returned from the store with
4 the beer. He told Detectives that he got the beer and Jimenez began directing the victim to
5 drink it, laced with Visine, and after that is when the first stabbing occurred. The victim
6 through his statement and testimony asserted that he was tied up and given the beer and only
7 after the beer did they begin to substantially physically harm him. Even the Defendant
8 acknowledged that there was a plan involving harming the victim by detailing the necessity to
9 have Jimenez confirm the house was empty and then stay with the victim for the whole day to
10 ensure he did not report the crime to police. Jose was adamant throughout that the Defendant
11 at no point came to his aid, but rather encouraged the others to harm him further until he finally
12 left the victim, presumed dead, to be incinerated along with the residential home. His purchase
13 of beer relieves him only of knowledge of the non-violent events that occurred in the house
14 while he was gone, not of any culpability in the torture of Jose.

15 The Defendant's criminal history is minimal, consisting of one misdemeanor
16 conviction and the instant conviction, but his conduct in this case demands the most severe
17 punishment. In this case the Defendant was the instigator, the motive and the cause of
18 everything that happened to Jose on March 7, 2016. While each participant acted under their
19 own accord in causing the pain and mutilation attributable to their hands, none of the gruesome
20 facts in this case would have arisen had it not been for the Defendant's outrage that his time
21 was wasted and he felt that he was owed fifty dollars.¹ It is the State's belief that the original
22 agreement between the parties was to kidnap Jose, to harm him and extort the money they felt
23 Castro was owed but when Jose was not able to obtain money from anyone the agreement
24 escalated into a plan to leave Jose dead. Notably, but for the fact that the victim came into
25 contact with good Samaritans outside the house on Oakey who immediately began attempting
26 to preserve his life, it is likely that this would have been a murder rather than simply the
27 attempt at one. Legally, with the torture and mutilation that occurred in addition to the

28 ¹ The State acknowledges that in his statement he asserted a debt of four-thousand however given the amount he and his cohorts attempted to extort from the victim this lacks credibility.

1 subsequent fire set, there would have certainly been sufficient aggravators under statute for
2 the State to seek capital punishment. The Defendant should not receive the benefit of freedom
3 for his luck in not having successfully killed the victim, though despite his own admissions he
4 believed he had succeeded. Furthermore, the fact that his first contacts came at the age of thirty
5 is not a mitigator in terms of the appropriate sentence as it demonstrates a decision to begin to
6 engage in violence and criminal behavior. Often individuals claim criminal conduct is the
7 result of drug use, however the Defendant cannot rely upon such an excuse here because he
8 has engaged in the same narcotics use since the age of eighteen, based upon his statements to
9 the Department of Parole and Probation. He grew up in a good home, with parents who own
10 a business even working at that business for several years before he began his violent behavior
11 in the community. He cites no concerns with mental health or any other factor which might be
12 considered to minimize his responsibility for his abhorrent behavior in this case.

13 The State acknowledges that the victim in this case, after narrowly escaping with his
14 life, began engaging in criminal activity which resulted in more than one felony conviction,
15 however beyond the drug use which was occurring prior to March 7, 2016 nothing about his
16 criminal record should be considered or be thought to mitigate the conduct of this Defendant
17 on March 7 and the punishment he should receive for that conduct. For the Court to consider
18 any of the behaviors of the victim in the intervening time would be to give justification to the
19 Defendant's decision to formulate a plan to force a man who had done little more than become
20 addicted to drugs and owe people money into an abandoned house, tie him up, torture him and
21 ultimately leave him for dead. The community deserves to know that the Defendant will not
22 again be at liberty to engage in violent behavior and the Defendant's conduct in this case merits
23 a sentence of life without the possibility of parole.

24 The Defendant's violence is not limited to just this case. Pursuant to Clark County
25 Detention Center records the Defendant has had various violations of the institution's rules, at
26 least twice engaging in violent behavior. On February 18, 2017, according to CCDC records
27 the Defendant approached another inmate in the corner of the dayroom and began punching
28 him. He then again was involved in a physical altercation on April 7, 2018 the Defendant

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1 approached another inmate and said something that the Officer could not hear, at which point
2 the other inmate threw down his food tray and the two began punching each other. Thereafter,
3 though not violent, the Defendant told Officers that another inmate had brought drugs into the
4 jail, that he had purchased them and had used methamphetamine. A drug test confirmed this
5 to be accurate. Without considering any of the more basic rule violations the defendant has
6 incurred in detention the fact that he from a state of sobriety purchased and used
7 methamphetamine and on at least two occasions sought out fights with other inmates
8 demonstrates to this Court that the Defendant will not be successful on parole, given that he is
9 a danger even when incarcerated there is no viable argument that release into the community
10 is an acceptable risk. The Defendant should not be granted an opportunity at parole.

11 **CONCLUSION**

12 Luis Castro should be precluded from harming the community any further by the
13 imposition of a sentence of life without the possibility of parole.

14 DATED this 22 day of March, 2019.

15 Respectfully submitted,

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565

19 BY

MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002

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1 **CERTIFICATE OF ELECTRONIC FILING**

2
3 I hereby certify that service of Sentencing Memorandum, was made this 22nd day of
4 March, 2019, by Electronic Filing to:

5 WARREN J. GELLER, ESQ.
6 Email: wgeller@defense.vegas

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9 Secretary for the District Attorney's Office

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EXHIBIT “2”

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EXHIBIT “3”

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EXHIBIT “4”

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EXHIBIT “5”

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EXHIBIT “6”

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EXHIBIT “7”

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AA128

EXHIBIT “8”

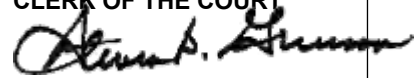
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EXHIBIT “9”

AA131





MEMO

WARREN J. GELLER, ESQ.
Nevada Bar No. 10047
COFER & GELLER, LLC
601 South Tenth Street
Las Vegas, Nevada 89101
P: (702) 777-9999
F: (702) 777-9995
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO,

Defendant.

Case no. C-16-314092-1

Dep't no. XXX

Date of hearing: March 26, 2019

Time of hearing: 8:30 AM

SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT LUIS CASTRO

COMES NOW the Defendant, LUIS CASTRO, by and through WARREN J. GELLER, ESQ. of COFER & GELLER, LLC, and submits the instant sentencing memorandum for this Court's consideration.

DATED this 24th day of March, 2019.

COFER & GELLER, LLC

By: /s/ Warren Geller

WARREN J. GELLER, ESQ.
Nevada Bar No. 10047
Attorney for Defendant

1 **I. PERSONAL HISTORY AND CHARACTERISTICS OF THE DEFENDANT**

2 The defendant, Luis Angel Castro, was born on March 21, 1986 in Celaya, Mexico. As
3 an infant he was brought to the United States by his parents, both of whom raised him,
4 along with his two older brothers, in California until he was 10 years old. Although he en-
5 joyed much of his childhood in California, Luis was repeatedly sexually molested by an un-
6 cle at a very young age. According to clinical neuropsychologist Sharon Jones-Forrester,
7 Ph.D., who examined Luis after his entry of plea, he endured “lasting traumatic stress”
8 which manifested itself in a number of symptoms, such as depression and wetting the bed
9 into his early teenage years. *See* Exhibit A (attached).

10 At age ten, Luis and his immediate family left California to return to Mexico. While
11 in Mexico, Luis assisted his family on a ranch by helping with chores and tending to ani-
12 mals, which he enjoyed immensely. However, at age fifteen, Luis and his family returned to
13 the United States, this time to live in North Las Vegas. Upon arriving in Las Vegas, Luis en-
14 rolled at Rancho High School. Although he was a good student initially, he was commonly
15 bullied for being obese and eventually dropped out and turned to drug use to cope with the
16 stress of both being bullied in school, and then from dropping out.

17 Throughout the remainder of Luis’ teens and early to mid-twenties, aside from peri-
18 odic drug use, he was both productive and law abiding.¹ Luis first worked in a market mak-
19 ing mole sauce in the summers, starting at age fifteen. He then worked for four years as a
20 security guard at Mariana’s market. At age 21, Luis desired higher paying employment and
21 joined the Carpenter’s Union, which helped him obtain employment on projects such as the
22 construction of City Center. By 2009, Luis began working for his family’s business, Castro
23 Enterprises, albeit periodically at times, until the date of his arrest in the instant case. Luis
24 also participated in a leadership program in Las Vegas in an attempt to improve himself.
25 *See* Exhibit B (attached).

26 1 Page two of the PSI erroneously states that the age of Luis’ first arrest was “19 or
27 younger” despite no such arrest appearing in section IV of the PSI. Accordingly, the par-
28 ties have agreed to strike that language from the PSI.

Unfortunately, more recently in Luis' life, his addiction began to get the better of him. As indicated in the attached neuropsychological evaluation, Luis attended several extensive inpatient treatment programs wherein he enjoyed periods of sobriety for many months at a time. However, when he relapsed, he often relapsed with increasing intensity, which sometimes included mixing heroin with methamphetamine. During his more recent relapses, Luis elected to leave his parents' home to avoid using drugs around children in his extended family who were often there. When Luis left the home, he became more regularly exposed to the influences of criminals with whom he used drugs. The undersigned believes that it was these influences, coupled with the mixing of methamphetamine with heroin, that gave rise to the events of March 2016, whereas with Luis' previous drug use up to this point in his life had not resulted in such drastic consequences.

II. THE OFFENSE CONDUCT

On March 7, 2016 Luis was intoxicated and, unfortunately, was in the company of the co-defendants, most of whom, prior to their relationship with Luis, had been long accustomed to committing violent crimes and property crimes.² While Luis and his co-defendants were in their intoxicated state, they conceived of a foolhardy plan to collect a small debt from the victim in this case by scaring him while in an abandoned house. However, Luis is adamant that he never agreed to, nor intended to, inflict any life-threatening or permanent harm to the victim.

Specifically, Luis explained to the undersigned and previously to the police in a recorded and transcribed interview that, on March 7, 2016, while he and the co-defendants were at the vacant home with the victim, when things became particularly violent, he at-

2 The undersigned does not have access to the co-defendants' presentence investigation reports to see their national criminal histories, but can see in Odyssey that Fabiola Jimenez has a lengthy criminal history dating back to 2005 which involves drug crimes, theft crimes, and sex crimes. Additionally, Lionel King has criminal history dating back to 2012 for offenses such as attempted felony child abuse/neglect for abusing a three-year-old child.

1 tempted to persuade the other defendants to stop hurting the victim.³ When his entreaty fell
2 on deaf ears, Luis, who was becoming unnerved at the violent escalation that was taking
3 place, left the vacant house on a pretense. Specifically, co-defendant Jimenez made refer-
4 ence to wanting beer and Luis seized the opportunity to go acquire it. Although, during
5 Luis' interview, the investigating detectives expressed doubt regarding the truth of what
6 Luis explained, the defense investigator was able to acquire video footage confirming his
7 claim. Specifically, on page 43 of his interview with the detectives, Luis explained that he
8 purchased a three pack of Bud Ice. Additionally, before subpoenaing the footage, Luis told
9 the undersigned that he originally had three separate cans of beer, but the clerk assisted
10 him by going back to the cooler and obtaining a three pack because it was on sale. All of this
11 was confirmed on video and the relevant screenshots are attached. *See Exhibits C, D, E, and*
12 *F (attached).*

13 In an effort to expend additional time and compose himself, Luis explained that he
14 stopped by his friend Sheri Aguilar's home. In preparation for trial, the undersigned was
15 able to speak with Aguilar, who confirmed that Luis had visited her shortly after he went to
16 the store. Luis explained to the investigating detectives that, upon returning to the house,
17 the victim was already tied to a chair. Shortly after returning, Luis observed the other co-
18 defendants cutting the victim with knives. Luis adamantly denied ever participating in any
19 cutting or stabbing and, when pressed by detectives regarding whether his DNA or finger-
20 prints would be found on the recovered weapons, he was adamant that they would not.
21 Luis' statement was later confirmed when the forensic report was produced, which also in-
22 dicated that DNA consistent with Edward Honabach was located on one of the recovered
23 knives.

24 Luis left the house with Jimenez shortly after returning to it and becoming aware of
25 what was taking place. To be sure, Luis did not legally abandon the conspiracy by cutting
26 ties with the co-defendants, nor by reporting the incident to law enforcement. However,

27 ³ *See* transcribed statement of Luis Angel Castro at 71, 73, 75, and 91.
28

1 Luis explained to the undersigned that, given the violence demonstrated by the co-defen-
2 dants, coupled with the fact that they were aware of the location of his family's business and
3 that he was, in fact, intentionally involved in the initial portions of the crime, he never truly
4 considered reporting the incident in the days preceding his arrest. In sum, Luis maintains
5 that (1) he certainly broke the law by bringing the victim to the abandoned house to intimi-
6 date him into paying money owed, (2) he never intended for him, or anyone in the group, to
7 inflict life-threatening harm on the victim, (3) when it was apparent that serious harm was
8 likely to occur, Luis seized an opportunity to extricate himself, and (4) Luis never even
9 touched a weapon associated with the victim's torture.

10 Luis was so insistent on proving to the prosecutors that what he described to the po-
11 lice was the truth that he asked the undersigned counsel to arrange a polygraph examina-
12 tion for him. The undersigned explained to Luis that any agreement by the State to have
13 him take a polygraph as part of the negotiation process would likely involve him participat-
14 ing in a polygraph by a police polygrapher as opposed to a privately-retained polygrapher.
15 Luis did not express reservations about that point and still insisted that he wanted to take
16 the examination. To that end, the undersigned emailed the prosecution with a proposal for
17 Luis to submit to a police polygraph examination to buttress his contention that he had
18 never used any weapon on the victim and did not desire for him to be seriously injured. *See*
19 Exhibit G (attached). The State declined his offer, which, of course, is entirely within its dis-
20 cretion. Nonetheless, the undersigned submits that Luis' insistence on taking a polygraph
21 examination conducted by a police polygrapher regarding the points referenced in the at-
22 tached email are highly probative in evaluating Luis' credibility regarding his claims relat-
23 ing to these critical aspects of the case.

24 Although the defense is in no way suggesting that the victim deserved the awful vio-
25 lent acts that were inflicted upon him, the undersigned would be remiss not to point out
26 that, insofar as he claimed that Luis used a weapon on him, the victim's claim may not be
27 the most credible. Not only did Luis attempt to submit to a police polygraph concerning
28

1 that issue, it goes without saying that the victim's bias against Luis would understandably
2 be extreme. Also, given the horrific violent acts that occurred, it would stand to reason that
3 being able to recall specific details of the torture might be difficult, including which defen-
4 dant(s) inflicted the various injuries.

5 Further, the victim is a three-time felon who has a documented history of making
6 false statements to the police. For instance, in his most recent case, after accidentally shoot-
7 ing himself in the leg, he lied and stated that he was robbed by a black male who shot him in
8 the process of the robbery. He evidently was without concern that making such a claim
9 could have resulted in a police dragnet of black males in the area which could have, in turn,
10 resulted in the detention or arrest of an innocent person. *See* Exhibit H (attached). Once
11 again, the victim's criminality and false statements to the police do not justify what oc-
12 curred, but they are relevant when examining Luis' claim that he never used any weapon on
13 the victim, which he sought to corroborate with a police polygraph, versus the victim's
14 claim that he did.

15 III. ARGUMENT

16 At the outset, both the defendant and the undersigned fully acknowledge that the
17 events that took place in this case are horrific and inexcusable and must result in a lengthy
18 period of incarceration. The only issue in debate relating to the sentence between the State
19 and the defense, along with the Division of Parole and Probation, is whether or not Luis
20 should ever have a *chance* at being paroled, even if that does not occur until he is an elderly
21 man. As demonstrated by his biographical history referenced in the presentence investiga-
22 tion report and the neuropsychological examination, Luis is fully capable of being a produc-
23 tive member of society, which he was for much of his early adult life in which he worked in
24 food production, security, as a carpenter, and an assistant in his family's business and
25 which he remained crime-free (other than personal use drug possession). This is apparent
26 from the many letters of support from his friends and family. *See* Exhibit I (attached). Al-
27 though Luis clearly made poor choices and succumbed to drug use and the voluntary asso-
28

1 ciation with other criminal drug users, he is not someone without redeeming qualities, or
2 who is incapable of being productive or law-abiding.⁴

3 As this Court is aware, the Division of Parole and Probation shares the defense's rec-
4 ommendation that the defendant should have the possibility for parole after fifteen years
5 have been served, at the discretion of the parole board.⁵ Perhaps the most important con-
6 sideration regarding this sentencing option, if imposed, is that it in no way means that the
7 Court endorses the idea that the instant offense only merits a 15-year sentence. To the con-
8 trary, it simply means that, should the parole board deem it appropriate at any future point
9 in the defendant's life after at least 15 years have been served, such as when he is an elderly
10 man, it has the option of releasing him into the custody of Immigration and Customs En-
11 forcement for removal from the United States.

12 The undersigned counsel has personally participated in several parole hearings and
13 can attest to the fact that they bear great similarity to a sentencing hearing. For example,
14 the victim can speak to oppose release, the defendant can speak, as well as an advocate on
15 his behalf, and, most notably, the three parole commissioners conducting the hearing rou-
16 tinely ask pointed questions of the defendant. In the case of violent offenses, parole is com-
17 monly denied. *See* Exhibit J (attached). Accordingly, if deemed appropriate by the parole
18 board, it can choose never to release Luis from custody, even if this Court sentences him to
19 fifteen years to life. However, it is conceivable that, when Luis is an elderly inmate, the pa-
20 role board may deem it appropriate to release him to Immigration and Customs Enforce-

22 4 In the State's memorandum, an argument is made that the defendant is violent when
23 sober based on two fights that he was involved in while at the Clark County Detention
24 Center. However, it is important to note that the Clark County District Attorney's Of-
25 fice never filed charges relating to either incident, so the details of the events, including
who was responsible for instigating the altercations, were never subjected to the court
system for consideration of who the responsible party was.

26 5 The Division of Parole and Probation recommends that this Court sentence the defen-
27 dant to a sentence of 15 to 40 years rather than 15 years to life. However, in accordance
28 with the guilty plea agreement, the defense is requesting the 15 years to life sentencing
option.

1 ment for removal from the United States. If that were to happen and Luis were foolish
2 enough to return, he would simply be placed back into State custody for violating parole
3 and, if ever considered for release again, federal custody for committing the offense of ille-
4 gal re-entry.

5 In sum, in light of the recommendation of the PSI, together with the fact that Luis
6 has some redeemable qualities, is adamant that he is not the one who committed the most
7 heinous acts in this case and attempted to prove it via a polygraph examination, and has
8 minimal criminal history, the undersigned respectfully requests that this Court sentence
9 him such that the parole board has the discretion to consider release.

10 **CONCLUSION**

11 For the aforementioned reasons, counsel respectfully requests that this Court sen-
12 tence Mr. Castro to fifteen years to life in prison.

13 DATED this 24th day of March, 2019.

14 COFER & GELLER, LLC

15 By: /s/ Warren Geller

16 WARREN J. GELLER, ESQ.

17 Nevada Bar No. 10047

18 *Attorney for Defendant*

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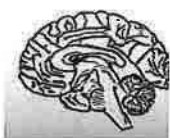
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Exhibit A

AA142



NEUROPSYCHOLOGICAL EVALUATION

Patient Name: Luis Angel Castro (preferred first name Angel will be used throughout remainder of this report).

Dates of Examination: February 21st, March 5th, and March 7th, 2019

Date of Report: March 14th, 2019

Place of Examination: Clark County Detention Center

Examiner: Sharon Jones-Forrester, Ph.D.

Referral Source: Warren Geller, Esq., Appointed Counsel

THE CONTENTS OF THIS REPORT ARE STRICTLY CONFIDENTIAL AND ARE NOT TO BE REPRODUCED OR DISSEMINATED IN WHOLE OR IN PART BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE PATIENT.

Luis Angel Castro is a 32-year-old (DOB: 03/21/86) right-handed man currently incarcerated at Clark County Detention Center awaiting sentencing on charges of conspiracy to commit murder, attempt murder with use of a deadly weapon, mayhem with use of a deadly weapon, battery with use of a deadly weapon resulting in substantial bodily harm, first-degree kidnapping resulting in substantial bodily harm, mayhem, extortion with use of a deadly weapon, robbery with use of a deadly weapon, and first degree arson. A neuropsychological evaluation was requested to assist in understanding his overall neurocognitive functioning, as well as to examine his psychosocial and medical history to assess any clinical factors that may be pertinent to his sentencing. A review of records follows the body of this report.

Informed Consent

I informed Angel that the present evaluation was requested by his defense attorney, Mr. Geller. I explained the limits of confidentiality and importance of effort in this forensic context. He agreed to continue with the interview and evaluation, having had the limitations explained to him and after having an opportunity to discuss concerns, and ask any questions.

Language Concerns:

Angel's first language is Spanish but he demonstrates a high level of English language proficiency. Given that Spanish is his first language, he was encouraged to discuss any concerns he may have about evaluation in his second language before proceeding. Collateral interviews with his parents and brother confirm his high level of English language proficiency since early childhood. He was also advised that the current evaluation could be discontinued and referred out if he had any preference to be evaluated in Spanish. He expressed comfort with proceeding, declined a preference to be evaluated in Spanish, and denied any language-based comprehension difficulties. Once formal testing was started, he was given opportunities to respond to verbally-based test items in either English or Spanish at any time of his choosing, and performed subtly better and more rapidly on his English than his Spanish-language responses on the very rare occasion that he chose to give a verbal response in Spanish. Specifically, he provided a verbal response in Spanish when provided the option to do so on only three occasions throughout testing. This occurred on a verbal fluency task affecting 3 verbal responses given in Spanish as opposed to 69 verbal responses on the same verbal fluency task given in English. On a 60 item confrontation naming task, he gave all responses in English despite being offered the opportunity to respond in either language. He otherwise responded in English to all verbally-based neurocognitive measures. Any potential limitations to interpreting his test results in light of these language concerns will be noted in the testing interpretation section below. With these concerns noted, he appeared to have excellent English language proficiency, and no language-based comprehension difficulties were noted conversationally, either during formal testing or during clinical interviews.

Understanding of Legal Concerns:

Angel demonstrated a good understanding of his charges, potential penalties, court proceedings, and the roles played by various members of the legal community. He expresses some reluctance to admitting when he has not fully understood legal information for fear of "being annoying" and may be reluctant to ask for clarification at times as a result of this. However, he had good insight into the potential consequences of failing to ask for legal clarification, and should be easily able to compensate for this reluctance. While his first language is Spanish, as noted above, he is fluent in English and has been so since childhood. He denied any language barriers that would be expected to impede his ability to understand legal

issues, but continued care to ensure thorough and accurate understanding and prompt attention to any potential emerging language-based comprehension difficulties he may identify in the future is prudent. At present, there do not appear to be any neurocognitive or psychological factors that would be expected to impede his ability to participate in his defense with a reasonable degree of factual and rational understanding.

Behavioral Observations

Angel was polite, cooperative, and socially appropriate. He had subtly hyperactive and distractible, and had rapid and subtly pressured speech consistent with his current bipolar symptoms, but could be quickly and easily redirected. Affect was congruent with context. Hearing and vision were adequate for testing. He was a somewhat disorganized and tangential historian, but willingly elaborated on information when prompted to do so, and responded to all questions posed to him in an appropriate and non-defensive manner. Eye contact was appropriate. He was on task throughout testing, and demonstrated an appropriately attentive, careful, and organized approach to completing all necessary tasks. No overt fatigue, anxiety, frustration, or resistance was evident in his test performance.

TEST RESULTS

Neuropsychological measures possess high reliability and validity in detecting brain dysfunction, but should only be used to suggest the presence or absence of brain injury. Each score is compared to normative data derived from others of similar age, and whenever possible, of similar age, sex, and education. Test performance can be affected by mood, motivation, fatigue, natural variability in performance, and other factors. The neuropsychologist must interpret test results in light of these factors.

* On the tables below, moving from left to right, the term SIG indicates a significantly impaired test score, MOD indicates a moderately impaired score, MILD indicates a mildly impaired score, LOW indicates a low average score, AVE indicates an average score, and HIGH indicates a high average test score.*

INTELLECTUAL FUNCTIONING

Index	Percentile	Measure
86	18	Full Scale IQ – combines skills related to four Indices below
87	19	Verbal Comprehension Index - Factors in only measures that load on verbal skills
88	21	Perceptual Reasoning Index - Factors in only measures that load on perceptual/spatial reasoning
83	13	Attentional buffering and mental tracking control (Working Memory Index) Index that factors in measures that load on attention and mental tracking.
97	42	Processing Speed Index - Factors in two measures that load on perceptual motor speed and dual attentional speed.
PSI > WMI		Discrepancy Significance - Typically discrepancies of more than 12 to 14 points are significant.

ACADEMIC SKILLS

Grade level	Measure
7.7	Reading Comprehension - Ability to understand increasingly complex passages (Woodcock Johnson Third Edition-WCJ-III Passage Comprehension Subtest)

ATTENTION, MENTAL TRACKING, PROCESSING SPEED

SIG	MOD	MILD	LOW	AVE	HIGH	4/4	Digit Span Forward -Attentional Buffer Capacity - repetition of digits (Reliable)
SIG	MOD	MILD	LOW	AVE	HIGH	4/3	Digit Span Reverse - Simple Mental Tracking Capacity - repetition of digits in reverse order. (Reliable)
SIG	MOD	MILD	LOW	AVE	HIGH	13	Working Memory Index - Mental Control – factors two measure of attentional buffering and mental tracking. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	42	Processing Speed Index – (PSI, WAIS III/IV) factors perceptual motor speed and dual attentional speed. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Symbol Search - Timed dual attention task - Subject simultaneously searches for two symbols (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	10	Coding - Perceptual Motor Speed with symbol transcription - rapid transcription of numbers into symbols (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Arithmetic – Moderate Mental Tracking (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Color Naming Condition 1 - Simple Visual Based Processing Speed (DKEFS Color Word) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	11	Color Reading Condition 2 - Simple Lexical Based Processing Speed (DKEFS Color Word) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	55	Trails A - Perceptual Motor Speed with Visual Search - Connect the Dots type task (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	41	CPT-II - Vigilance/Focused Attention - Omissions (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	47	Commissions
SIG	MOD	MILD	LOW	AVE	HIGH	47	Hit Reaction Time
SIG	MOD	MILD	LOW	AVE	HIGH	32	Hit Reaction Time standard error
SIG	MOD	MILD	LOW	AVE	HIGH	32	Variability
SIG	MOD	MILD	LOW	AVE	HIGH	47	Detectability
SIG	MOD	MILD	LOW	AVE	HIGH	42	Response Style (B)
SIG	MOD	MILD	LOW	AVE	HIGH	44	Perseverations

SIG	MOD	MILD	LOW	AVE	HIGH	51	Hit RT Block Change
SIG	MOD	MILD	LOW	AVE	HIGH	52	Hit SE Block Change
SIG	MOD	MILD	LOW	AVE	HIGH	46	Hit RT ISI Change
SIG	MOD	MILD	LOW	AVE	HIGH	51	Hit SE ISI change
ADHD = 40.89%/Neurological = 20.39%							Confidence Index
LANGUAGE SKILLS							
SIG	MOD	MILD	LOW	AVE	HIGH	5	Vocabulary - Vocabulary Knowledge (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	34	Boston Naming Test – Confrontation Naming - Ability to name schematic depictions of objects (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Category Exemplar - Semantic Fluency - Rapidly generating words from specific semantic categories (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Similarities - Abstract Language Proficiency – Similarities - Providing abstract categorizations of two disparate concepts
SIG	MOD	MILD	LOW	AVE	HIGH	7	Proverbs - Abstract Language Proficiency - Proverbs (ss)
SPATIAL PROCESSING AND CONSTRUCTIONAL SKILLS							
SIG	MOD	MILD	LOW	AVE	HIGH	23	Judgment of Line Orientation - Angle Orientation - Estimating angles (raw)
SIG	MOD	MILD	LOW	AVE	HIGH	33	Key Osterrieth Complex Figure - Low Structure Complex Construction – Drawing – Copying a complex geometric figure (raw)
SIG	MOD	MILD	LOW	AVE	HIGH	6	Spatial Reasoning Skills – Matrix Reasoning (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	11	Block Design - High Structure Complex Construction – Blocks - Timed replication of geometric designs using colored cubes (ss)
MEMORY AND NEW LEARNING							
SIG	MOD	MILD	LOW	AVE	HIGH	7	Logical Memory, WMS-II - Immediate memory for highly structure verbal material - Immediate recall of two stories (%)
SIG	MOD	MILD	LOW	AVE	HIGH	21	Logical Memory II, WMS-II - 30 minute delayed recall - Recall of the above story after a 30 minute delay. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	-2.0	Trial 1 - Immediate recall of unstructured verbal material - Immediate recall of a long list of words (CVLT II Trial 1)
SIG	MOD	MILD	LOW	AVE	HIGH	-1.0	Trial 5 - Learning capacity after five trials - Recall on the fifth trial (CVLT II Trial 5)
SIG	MOD	MILD	LOW	AVE	HIGH	42	Total Recall Trial 1-5 - Learning Efficiency - Recall performance over five presentations of the word list (CVLT II Total) (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	-0.5	Delay 1 - Proactive Interference (ability to recall target information after an interfering task) (CVLT II Delay 1)
SIG	MOD	MILD	LOW	AVE	HIGH	-0.5	Delay 2 - Delayed Retrieval of List - Retrieval of target words after a 20 minute activity filled delay (CVLT II Delay 2)
SIG	MOD	MILD	LOW	AVE	HIGH	0.0	Recognition - Simple Recognition - Recognition of the target words from a long list of words (CVLT II Recognition)
SIG	MOD	MILD	LOW	AVE	HIGH	(-1.0)	Recognition Intrusion Errors - subject's ability to differentiate target words from non-target words
SIG	MOD	MILD	LOW	AVE	HIGH	(-0.5)	Intrusion Errors in free recall - Words recalled that were never even on the list presented
SIG	MOD	MILD	LOW	AVE	HIGH	22	Key Osterrieth Delayed Recall - Delayed Retrieval of Spatial Material - 30 minute delayed recall of the Key complex figure (raw)
EXECUTIVE CONTROL SKILLS							
SIG	MOD	MILD	LOW	AVE	HIGH	56	Trails B - Simple Set Shifting Efficiency - Rapid alternation between numbers and letters in order. (Trails B) (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Similarities - Abstract Language Proficiency – Providing abstract categorizations of two disparate concepts (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	47	Commission Errors - Impulsivity - CPT-II Score derived from tendency to impulsively respond to non-target letters (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	5	VERBAL FLUENCY – Letter - internal searches for verbal information- (DKEFS) generating words beginning with a given letter (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	9	Category - generating words belonging to a given category (i.e. Flowers) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	8	Switching Total Correct - switching between two categories (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	10	Switching Accuracy (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	12	Color Word Cond. 3 - Inhibition - ability to inhibit a response when under pressure. Inhibition (DKEFS - Color Word) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	14	Color Reading Cond 4 Inhibition/Switching - switching between word reading and the Stroop effect
SIG	MOD	MILD	LOW	AVE	HIGH	8	CARD SORTING Confirmed Correct – Conceptual shifting/cognitive flexibility (DKEFS Sorting Test) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	8	Free Sort Description – Ability to verbally explain conceptual sorts
SIG	MOD	MILD	LOW	AVE	HIGH	8	Recog. Description – Ability to recognize conceptual sorts when presented by the examiner
SIG	MOD	MILD	LOW	AVE	HIGH	12	TWENTY QUESTIONS Number of Questions Asked - Deductive Reasoning (DKEFS twenty Questions)(ss)
SIG	MOD	MILD	LOW	AVE	HIGH	12	Total Weighted Achievement
SIG	MOD	MILD	LOW	AVE	HIGH	11	Tower – Spatial Conceptual Problem Solving - Tower of Hanoi task - forethought, spatial tracking, and planning. (DKEFS Tower)
SIG	MOD	MILD	LOW	AVE	HIGH	7	PROVERBS Total Achievement – Abstract Reasoning - Proverbs (DKEFS Proverbs)
SIG	MOD	MILD	LOW	AVE	HIGH	100	Multiple Choice (%)

MOTOR SKILLS

SIG	MOD	MILD	LOW	AVE	HIGH	48	Finger Tapping - Motor Speed Dominant Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Finger Tapping - Motor Speed Non-Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Grooved Pegboard - Fine Motor Dexterity Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Grooved Pegboard - Fine Motor Dexterity Non-Dom. Hand (t-score)

SYMPTOM VALIDITY MEASURES

							Available upon request to qualified, formally trained neuropsychologists only.
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INTERPRETATION AND DISCUSSION**Issues Affecting the Validity of Interpretation**

Effort is analyzed in a number of ways, including the administration of measures empirically shown to identify suboptimal effort or purposeful exaggeration. In addition, when possible the overall pattern of performance is analyzed for consistency between measures, consistency with the expected severity of impairment, and the presenting symptoms are compared against base rates of symptoms in other patients with similar problems. Based on the analysis, the neurocognitive data is valid for interpretation and is unlikely the result of suboptimal performance or exaggeration.

NEUROCOGNITIVE PROFILE**Intellectual Capacity**

- Overall intellectual functioning is in the low average range. Verbal and spatial conceptual reasoning, and working memory (attention and mental tracking skills) are in the low average range. Processing speed is in the average range, and is significantly higher than his working memory index on the IQ test. As noted above, while his first language is Spanish, he did not demonstrate any significant difficulties with language-based measures on the WAIS-IV, and there was not statistically significant difference between his performance on verbal and spatial measures on the IQ test. Each of these skills will be discussed in greater detail separately, below.

Reading Comprehension Skills

- Reading comprehension skills are at the 7.7 grade level.

Attention, Speed, Mental Tracking

Areas assessed include: auditory and visual attention span, the ability to continuously track internal and external stimuli without distraction, mental speed, mental tracking skills, and the ability to shift attentional focus.

- Basic attention for short time spans, referred to as attentional buffering, is in the mildly impaired range.
- Sustained attention is within normal limits.
- Processing speed is in the average range across multiple measures.
- Mental tracking skills vary from the average to mildly low range.

Language

- As noted above, Angel's first language is Spanish. He was provided with the opportunity to be assessed in his first language and declined to do so, stating that he was comfortable proceeding in English. He was also provided with opportunities to respond in either English or Spanish as he chose on verbally-based measures, but largely declined to do so with the exception of responding in Spanish on 3 of 72 verbal fluency items.
- Basic language skills related to conversational word finding, comprehension, and repetition, are within normal limits.
- Vocabulary and confrontation naming skills are mildly low. This is likely due both to subtle language differences and low educational achievement.
- Phonemic fluency is in the mildly low range, but semantic fluency is in the average range.
- Abstract language processing skills vary from the mildly low to high average range.

Spatial Processing

- Angle estimation skills are average.
- Drawing of a complex figure was in the average range.
- Construction of three-dimensional geometric designs was average.
- Overall, spatial processing and constructional skills are generally within normal limits, but spatial reasoning skills vary from the average to mildly impaired range.

Memory and New Learning

Memory and new learning involve the orchestration of multiple cognitive skills, including attention, mental tracking, language processing, and executive control. Likewise, depression, psychiatric problems, and motivation/effort play a role in performance.

- Memory for longer prose (stories) is mildly impaired. Recall after a long delay was in the low average range.
- New learning skills were assessed through a list learning task involving the presentation of a long word list over five trials. A mild to moderate level of difficulty was noted during the acquisition phase, but overall performance across trials was in the low average range. The information that was eventually learned appears to be fairly resistant to attempts to throw the recall off-balance, suggesting low average encoding of learned material. Delayed recall was in the low average range, and recognition in the average range. Memory performance is also notable for a relatively slow learning curve, inconsistent organizational strategies, and minimal benefit from cueing.
- Delayed recall for complex spatial information is within normal limits.

Executive Control Skills

Executive control skills relate to self-regulation, abstract and deductive reasoning, verbal fluency, set shifting, response inhibition/impulse control, and problem solving. Each of these skills can be independently impaired.

- Executive skills related to phonemic fluency is in the mildly low range, and this is likely attributable to subtle second language effects. His semantic fluency was otherwise average. Executive skills related to abstract reasoning vary from the mildly impaired to high average range. Response inhibition/impulse control skills are in the average to high average range. Set shifting skills are in the low average to high average range. Deductive reasoning skills are in the high average range. Advance conceptual problem solving skills are in the low average to average range.

Motor Functioning

- Finger tapping speed is average bilaterally.
- Fine motor dexterity is average bilaterally.

PSYCHOSOCIAL HISTORY

SUBJECTIVE COMPLAINTS:

Various areas of day-to-day functioning were specifically addressed during the interview. It should be kept in mind that these are subjective complaints and may not be accurate appraisals or may not even be measurable upon objective testing.

- Angel reports unremitted depression from age 18 on. He had one past suicide attempt at age 27 in which he attempted to climb onto a bridge overpass, and was stopped. He describes occasional subtle passive suicidal thoughts currently, when he is feeling particularly overwhelmed, but denies any current suicidal plan or intent. No other past suicide attempts or psychiatric hospitalizations. He has had unremitted anxiety for the past few years. He has subtle subthreshold PTSD symptoms related to childhood sexual abuse including frequent nightmares, anger, and avoidance, but does not meet full diagnostic criteria for PTSD. He has had significant ongoing bipolar symptoms that have become significantly more pronounced as he has withdrawn from methamphetamine. He currently has mood swings, thought racing, sleep disturbance, and hypomanic-like episodes approximately once per week lasting for most of the day. Approximately one year ago, he had an acute episode of auditory and visual hallucinations and delusional thoughts lasting approximately one week before resolving. He then had an additional acute episode of auditory and visual hallucinations for approximately 2 days before resolving. He has also had auditory and visual hallucinations in the context of methamphetamine intoxication and withdrawal. With a longer period of remission from methamphetamine since his arrest, these have only occurred in the context of extreme stress and untreated bipolar disorder. He also reports frequent stress and worry about his case. He has good social support from his mother, and they speak on the phone daily, but he advised her not to visit because he worries about the impact the stress of his situation was having on her high blood pressure.
- He has poor sleep onset, frequent daytime fatigue, and at other times will sleep excessively. Appetite is intact.
- He reports bilateral arm and hand numbness when sleeping, and tends to be clumsy. No other motor problems noted.
- Driving and directional skills are intact. He has subtly slow processing at times, but reaction time is intact.
- Vision corrected with glasses for distance. Hearing is intact but he has bilateral tinnitus. Olfactory functioning is intact. He had severe nosebleeds on 3 occasions from 08/18-10/18 of unclear etiology, but denies any other sinus problems.
- He reports frequent word finding problems, and struggles with expressing himself in both English and Spanish. He reports occasional comprehension problems in both English and Spanish. He also tends to be self conscious when discussing stressful material in both languages, and tends to laugh to cover his nervousness.
- He is easily distracted, loses his train of thought, is subtly hyperactive and impulsive, and gets off task. He believes that his teachers suspected him of having ADHD in childhood, but he does not currently meet diagnostic criteria for ADHD.
- He denies any memory difficulties.

- Socially, he reports good social support from his mother. He describes a life-long tendency to be too trusting of peers, and has gotten taken advantage of in the past as a result of this.
- He reports brief frontal headaches lasting a few minutes each day that resolved quickly. He has occasional dizziness with headaches. No history of seizures.
- He reports chronic left leg pain with a pain rating of 2/10 and chronic left knee pain that is typically 2/10 that will escalate to 7/10 with exertion.

DETAILED HISTORY:

A psychosocial history was collected during clinical interviews, and is discussed below:

Family and Residential History Summary:

From birth to approximately age 10, Angel lived in CA with his parents, two brothers Jesus and Jose Jr, now ages 35 and 37, and paternal extended family including his paternal aunts Teresa, Rita, and Rebecca, paternal uncles Manchor and Manuel, grandparents, great grandmother, and several cousins. During this period, he had close friends, and enjoyed spending time with his cousins and brothers, and was happy in the neighborhood, but reports early sexual abuse towards him by an uncle, which will be outlined in the childhood abuse history section below. He continued living with his extended family until age 10, when his parents and brothers left with Angel and his brothers to return to Mexico. Angel, his mother, and his brothers remained in Mexico until he was age 15, but his father returned to the US to work shortly after and was separated from the family for this reason only for approximately 2 years. Angel denies any significant stress related to having to spend time apart from his father during this period, and this was confirmed by his family. While in Mexico, the family lived on a ranch in Guanajuato and Angel enjoyed life on the ranch and helping with chores. When he was 15 years old, Angel returned to the US with his family and moved to Las Vegas. They initially lived in North Las Vegas. He identified gang activity in the neighborhood, but denies directly witnessing any violence related to this, or any involvement or affiliation with gang activity himself. From approximately 2002-04 his family lived at the same address, then moved to an apartment for 6 months, before settling into another house in 2005. They remained in this home for 2 years until moving in 2007 to a large home in a quiet, stable, middle-class neighborhood in North Las Vegas where his family continues to live. Angel describes having a stable home in which he was always provided for, felt safe and loved, and did not have any significant family struggles with poverty.

Childhood and Familial Abuse History:

As noted above, Angel reports a history of alleged repeated sexual abuse towards him from ages 3-6. He described this as consisting of his uncle repeatedly touching his buttocks and anal area. He alleges that his uncle would repeatedly enter his bedroom after he had gone in to go to bed in the evening, and Angel eventually began to avoid sleep as a result of this. His mother confirmed that he had repeated bedwetting behaviors from age 6 on, occurring daily until age 13. Angel describes frequently feeling confused, angry, and upset about this, and clearly perceived it as abusive, but did not understand the overtly sexual nature of this abuse until age 9, when he first began to learn about sexuality. He then reports an incident at age 12 when he inappropriately touched a male cousin who was 8 years old on one occasion, and expresses significant guilt and remorse about this. Angel continues to have significant traumatic memories from this childhood abuse, and has anger and avoidance related to this, but does not meet current full diagnostic criteria for PTSD. He denied knowing if any other family members had been sexually abused, but this acting out behavior with his cousin appears to be consistent with behaviors often seen in children who have been sexually abused. He also continues to have anger and avoidance around traumatic triggers that remind him of this sexual abuse in childhood, but notes that therapy he received while in rehabilitation has helped him to cope with this. In a collateral interview with his mother, father, and brother Jose Jr completed through an interpreter and with the assistance of his brother Jose Jr. also interpreting, his brother stated that his family believed that Angel had been sexually abused by two uncles as opposed to the one uncle that Angel identified, but denied any knowledge of other family members having been sexually abused. They note that this history of sexual abuse caused significant stress with extended family members. His family did not take legal action against this uncle, and did not learn about the abuse until after Angel revealed it to them after receiving therapy to cope with this in his rehabilitation program. While they continue to see extended family members at family reunions, his parents described this knowledge of the abuse towards Angel as breaking the trust they had towards their family members. Aside from this history of sexual abuse, Angel reports witnessing domestic violence from his father towards his mother on only 3 occasions. He would get "whoopings" growing up, but these did not leave marks, and he did not perceive the physical discipline he received as abusive or frightening. He reports verbal abuse in childhood only from his

uncles who would call him “fat” and “ugly” and would tell him “no one is going to love you”. He denies any verbal or emotional abuse or neglect from his parents, and always felt loved and supported by them. In terms of familial abuse history and potential intergenerational trauma, Angel's mother reports a history of sexual abuse, and being forcefully drugged and repeatedly forced into prostitution in her own childhood and adolescence, stating “my family sold me”. This is still extremely painful for her to discuss, and she describes continued understandable trauma related to this. His father reports a history of physical abuse from his father who struggled with alcoholism until age 8 when he left the family home. His father reports that he then largely lived on his own doing agricultural work in Mexico from ages 8-14 when he moved in with his uncle in another state.

Children and Relationship History:

Angel reports a current “penpal” relationship with a girlfriend who he describes as very supportive. He had his first serious relationship with his girlfriend Sugeyri from age 16-18, and next dated Isolette from ages 18-20. He then had a serious relationship with Liliana from age 22-24. He dated Adriana, the mother of his son Gabriel, now age 8, on and off for 6 years. He was in a relationship with his girlfriend Suzette for approximately 10 months in 2014, and she is the mother of his son Mario, currently age 4. His family acknowledges Angel's son Gabriel and sees him frequently, but does not acknowledge Mario, and Angel expresses some confusion about this, as he is certain that he is Mario's father but is less certain that he is Gabriel's father. No other children or serious relationships reported.

Educational and Employment History:

Per his family, Angel did well in elementary school, had friends, and was never in special education. He was frequently bullied and teased for his weight, but denies any lasting stress related to this. He reportedly did well early in high school, but then began to lose interest in school, began struggling with substance abuse, started skipping school frequently, and eventually dropped out of school in 10th grade. His family denied that he was in ESL early in school, and described him as having a high level of English which proficiency from childhood on. He received his high school diploma equivalency 06/09/12 from the Capital High School Academic Equivalency program. Employment history is notable for his first job at age 15-16, helping to make mole sauces in a market for 2 consecutive summers. At age 17, he began to work as a supermarket security guard at Mariana's and stayed in this position for 4 years. At age 21, he joined the Carpenter's Union and worked on the City Center project for 2 years. In 2009, he began working in his family business Castro Enterprises doing taxes and financial planning, and continued working with his mother in this business until his arrest on his current charges.

Developmental History:

With regard to developmental history, Angel's mother had a good pregnancy with him. Her labor was induced 2 weeks past her due date. He was healthy at birth and met developmental milestones. No history of prenatal alcohol or drug exposure. His mother described him as a healthy, active, easy to soothe baby and toddler. He had a ruptured appendix at age 3 that was surgically corrected. As noted above, he began to have daily bedwetting behaviors from age 6-13, but did not have any other accompanying sleep disturbance or sleepwalking. No other serious illnesses in early childhood noted.

Medical and Neurological History:

Current medical history notable for high cholesterol and borderline hypertension. He is not currently on any medication. With regard to neurological history, he reports a possible concussion with brief loss of consciousness (LOC) after being hit in the head with a bottle at age 14. He played flag football from ages 15-16, and in this context was hit hard enough to be dazed without LOC on approximately 8 occasions. At age 25, he was allegedly hit in the head with a bat and had a brief LOC and significant concussion. In 2016, he was allegedly assaulted by multiple people and had a right frontal hit to the head sufficient to be dazed and disoriented without LOC. His parents denied any history of concussion in his early childhood and he does not appear to have had medical attention for any of these concussions in adolescence or adulthood. He currently has brief daily frontal headaches, sometimes occurring up to 2-3 times per day that quickly resolve. The precise etiology of these headaches is unclear, but they may be postconcussive/posttraumatic in nature.

Psychological History/Substance Abuse:

With regard to his psychological history, Angel has had unremitted depression since age 18. His family described him as having significantly more depression, anxiety, and bipolar disorder symptoms starting at age 24 and continuing to the present. As noted above, he reports one past suicide attempt at age 27 in which he attempted to climb onto a bridge overpass and was stopped, without receiving treatment. He continues to have occasional subtle passive suicidal thoughts

currently, only when he is particularly overwhelmed. He denies any current suicidal plan or intent. He has not had any past psychiatric or psychotherapeutic treatment other than in the context of rehabilitation for substance abuse. No other past suicide attempts or psychiatric hospitalizations. He has had unremitted anxiety for the past few years. He has subtle subthreshold PTSD symptoms related to sexual abuse in childhood including nightmares, anger, and avoidance, but does not meet full diagnostic criteria for PTSD. He has significant ongoing bipolar disorder symptoms that have become significantly more pronounced as he has withdrawn from methamphetamine. He currently has mood swings, sleep disturbance, thought racing, and hypomanic-like episodes approximately once per week lasting for most of the day. He denies current auditory or visual hallucinations, but approximately one year ago, he had an acute episode of auditory and visual hallucinations and delusional thoughts lasting approximately one week before resolving. He then had an additional recent acute episode of auditory and visual hallucinations within the past month that lasted for approximately 2 days before resolving. He had past auditory and visual hallucinations only in the context of methamphetamine intoxication. Since withdrawing from methamphetamine, these brief episodes of auditory and visual hallucinations have only occurred in the context of extreme stress and ongoing untreated bipolar disorder. He was on Wellbutrin in the past, but was reportedly accused of misusing his medications and was subsequently taken off medication. Since being taken off of Wellbutrin, Angel describes increased depressive symptoms, hyperactivity, and mood swings.

With regard to substance abuse history, Angel began using cocaine on weekends from age 13 to age 18, and began using methamphetamine daily at age 18. He used marijuana intermittently approximately once every two weeks throughout adolescence and adulthood. He began smoking heroin in 2016 approximately once per week, and this escalated to daily use until his current charges. From age 18 on, he had continuous unremitted heavy methamphetamine abuse except during brief periods of drug rehabilitation. Specifically, his family sent him to a 3 month rehabilitation program in Mexico in 2009, and he was able to sustain sobriety for 3 months before relapsing to daily methamphetamine abuse. He next had rehabilitation in Mexico for 8 months in 2010, before relapsing to daily use and beginning to inject methamphetamine in addition to smoking it. He next had rehabilitation treatment in Mexico for one year, after which he quickly relapsed and was injecting methamphetamine in high quantities daily. This continued until 2014 when he began participating in the Leadership Program and received more consistent therapeutic and spiritual support for one year. After this program, he relapsed for 3 months, and was then sober for 6 months before being incarcerated in San Bernardino for 5 months. After his release from San Bernardino, he then relapsed again approximately 12/15 and return to heavy daily methamphetamine abuse until he was arrested on his current charges. During each admission for rehabilitation treatment, he had significant physical withdrawal, would be easily overwhelmed, and had escalated depression and bipolar disorder symptoms. He would also typically have brief auditory and visual hallucinations for the first 6-8 weeks of withdrawal. Angel's longest period of continued wakefulness while on methamphetamine was 18 days, and he had auditory and visual hallucinations during extended methamphetamine related wakefulness. He describes continually using methamphetamine as a means of self-medication and feeling more calm, productive, and focused, but also became increasingly aware that he was unable to stop even with the support of his family and repeated rehabilitation treatment. Since withdrawing from methamphetamine, he is now faced with coping with his long-term untreated and unremitted depression, anxiety, and bipolar disorder symptoms that he had repeatedly attempted to self-medicate with methamphetamine since age 18. His family describes long-term awareness of his addiction, and consistently expressed worry, offers of support, and help him with rehabilitation programming. His parents also described multiple incidences in which they worried for his safety as a result of his methamphetamine addiction. For example, they knew that he would spend extended time with individuals who were homeless, despite having a safe home, and he would then call his parents to pick him up from under a freeway overpass after he had disappeared from their home for a few days. They described another incident when Angel was age 27 or 28 and they rushed to pick him up in CA after he called them to say that he had been kidnapped, appeared confused, and the bottoms of his feet were injured.

Family psychiatric history is notable for a strong paternal family history of depression in multiple aunts and uncles, bipolar disorder in two maternal aunts, one maternal uncle, two cousins per his family. Family history also notable for paternal alcoholism in remission, a paternal grandfather with alcoholism, paternal uncles with alcoholism, a cousin with alcohol and substance abuse, and a maternal grandfather with alcoholism. Angel also reports possible bipolar disorder in his father and uncle, although this was not formally diagnosed.

SUMMARY

Neurocognitive Evaluation:

The present evaluation was found valid for interpretation. Angel did not demonstrate any indications of suboptimal performance or exaggeration. On IQ testing, his full scale IQ was in the low average range. His verbal and spatial conceptual reasoning, and working memory indices were in the low average range, and his processing speed index was in the average range. There were no significant differences between his verbal and spatial conceptual reasoning indices on the IQ test. While his first language is Spanish, he is highly proficient in English, as noted above. He denied any subjective language-based comprehension difficulties, and did not demonstrate any significant second language-based comprehension difficulties throughout testing or on clinical interviews. His reading comprehension skills are at the 7.7 grade level. His neurocognitive data was also consistent with mild, intermittent difficulties with mental tracking. He has a somewhat low vocabulary, will tend to be concrete at times, and will have occasional difficulties with generating rapid verbal responses. He will have mild, intermittent problems with spatial reasoning, in the context of otherwise intact visuoconstructional skills. He will have mild problems with organizing his approach to verbal memory and new learning tasks, and with weeding out unnecessary information, but is able to benefit significantly from repetition and review. In contrast, his memory for spatial information is intact. These difficulties occur in the context of otherwise intact functioning across neurocognitive domains.

Psychosocial History Pertinent Clinical Factors:

There are several clinical factors that are critical to consider in Angel's case. Concisely, these include:

Childhood Developmental Factors:

- Repeated sexual abuse between ages 3-6, and better understanding the specifically sexual nature of this abuse upon learning about sexuality at age 9. Lasting traumatic stress related to this, although he does not currently meet full diagnostic criteria for PTSD. Ongoing daily bedwetting behaviors from age 6-13. Family unknowingly living with his alleged abuser until he was age 10, not providing him with escape from the situation. Continued family contact with his alleged abuser throughout his life. Lack of disclosure the family until adulthood, resulting in lack of opportunity for prevention of further abuse, legal action, intervention, or therapeutic treatment to cope with abuse.
- Potential intergenerational trauma and ongoing physical abuse towards his father by his grandfather in his father's own childhood, suggesting the presence of probable intergenerational trauma in the paternal extended family with whom he lived in early childhood.
- Potential intergenerational trauma and ongoing sexual abuse towards his mother by her extended family in childhood, suggesting the presence of probable intergenerational trauma in his maternal extended family.
- Witnessing three incidents of domestic violence between his father and mother in childhood.
- Bullying towards him in childhood.
- Educational instability related to leaving the US and returning to Mexico at age 10.
- Strong family history of alcoholism and exposure to intoxicated adults in childhood.
- Strong family history of depression and bipolar disorder.
- These all may have had negative impacts on his childhood physical, cognitive, and emotional development.

Adolescence:

- Continued traumatic stress relating to sexual abuse in childhood. Continued lack of disclosure and lack of ongoing psychotherapeutic and psychiatric treatment to address these concerns.
- Onset of cocaine abuse on weekends from age 13-18. Occasional marijuana abuse. Onset of heavy daily methamphetamine abuse from age 18 on. Continued daily heavy methamphetamine abuse, except during periods of inpatient treatment. Lack of sustained remission despite repeated inpatient rehabilitation and substance abuse treatment.
- Onset of unremitted depressive and bipolar symptoms from age 18. Lack of appropriate psychotherapeutic or psychiatric treatment for mental health concerns, exacerbated by ongoing methamphetamine addiction.
- Lack of educational achievement and premature withdrawal from school in 10th grade due to difficulties with substance abuse. Exposure to negative peers and lack of opportunities as a result of this.
- Continued family history of alcohol and substance abuse.
- Continued family history of depression and anxiety.

- Potential concussion with loss of consciousness at age 14. Approximately 8 additional potential concussions without LOC from ages 15-16. Lack of medical intervention or prevention of further concussions. Potential exacerbation of mood symptoms and substance abuse related to repeated concussions.
- Ongoing lack of mature brain development in the context of the above concerns.
- These all likely had negative impacts on his adolescent physical, cognitive, and emotional development.

Adulthood:

- Ongoing unremitted depressive symptoms and bipolar disorder. Exacerbation of bipolar disorder symptoms from his early 20's on. Ongoing traumatic stress related to childhood sexual abuse, although he does not meet current full diagnostic criteria for PTSD. Onset of anxiety symptoms in the past few years. Intermittent brief episodes of delusional thoughts and auditory and visual hallucinations once in 2016 for one week, and once lasting for 2 days within the past 2 months, occurring within the context of untreated bipolar disorder. Ongoing lack of appropriate psychotherapeutic or psychiatric treatment to address mental health concerns.
- Ongoing heavy daily methamphetamine abuse. Ongoing severe difficulties with addiction and multiple relapses despite three inpatient rehabilitation admissions, and one year long placement in a leadership program that provided emotional and spiritual support. Ongoing exposure to negative peers as a result of addiction. Onset of heroin abuse that rapidly escalated to daily use from 01/16 on, occurring in the context of ongoing daily heavy methamphetamine abuse. Continued lack of ongoing appropriate psychiatric and psychotherapeutic treatment to address long-term addiction.
- Two additional concussions, one with LOC at age 25, and one without LOC at age 30. Continued lack of medical treatment to address repeated concussions. Potential exacerbation of mood and substance abuse symptoms due to repeated concussions.
- These all likely had negative impacts on his adult physical, cognitive, and emotional development.

Ongoing and Persistent Developmental Factors:

- Mental Health/Developmental Factors:
 - Ongoing bipolar disorder, anxiety, and subthreshold posttraumatic stress symptoms related to sexual abuse in childhood, although he does not meet current diagnostic criteria for PTSD. Ongoing intermittent brief episodes of psychosis in the context of untreated bipolar disorder. Ongoing passive suicidal ideation, without current plan or intent. Ongoing lack of medication to stabilize mood symptoms. Lack of ongoing psychotherapeutic and psychiatric treatment.
 - Ongoing struggles with maintaining sobriety, other than lack of access to substances in his current housing. Ongoing lack of psychiatric and psychotherapeutic treatment for substance abuse disorder.
 - Ongoing strong family history of depression, bipolar disorder, and alcohol and substance abuse.

Summarily, Angel has several early and ongoing psychosocial factors that should be carefully considered when decisions are being made with regard to his sentencing. It is hoped that the present report will be of assistance to the Court in weighing these concerns.

DIAGNOSTIC IMPRESSION

R41.9 Unspecified Neurocognitive Disorder.

F31.9 Unspecified Bipolar Disorder (with Mixed Features including ongoing depressive symptoms, subthreshold hypomanic episodes of very brief duration, anxious distress, and intermittent very brief duration episodes of auditory and visual hallucinations), all occurring in the context of a strong family history of bipolar disorder.


F15.20 Methamphetamine Use Disorder, Severe, in a controlled environment.

F11.20 Opioid Use Disorder, Severe, in a controlled environment.

G47.00 Insomnia Disorder, with non-sleep disorder mental comorbidity.

Chronic daily headaches, borderline hypertension, and repeated concussions in adolescence and adulthood, per history.

Thank you for this most interesting referral. Respectfully Submitted,


Sharon Jones-Forrester, Ph.D.
Clinical Neuropsychologist

Collateral Interviews and Records Reviewed

Collateral Interviews:

03/12/19 Telephonic collateral interview completed with Angel's mother Angeles, father Jose Sr., and brother Jose Jr. with Spanish language interpreter and with Jose Jr. also assisting his parents with interpretation.

Records Reviewed:

The following records were provided to me by Angel's defense attorney Mr. Warren Geller, Esq. and were reviewed.

- . 711 Video Capture.
- . 911 Calls and CAD.
- . Las Vegas Metropolitan Police Department Body Cam Videos.
- . Las Vegas Fire and Rescue Photos.
- . Las Vegas Fire and Rescue Investigative Report.
- . Las Vegas Fire and Rescue Medical Records.
- . Las Vegas Metropolitan Police Department Reports.
- . Discovery On Base Documents.
- . Photo Lineups.
- . Photos.
- . Search Warrants.
- . Voluntary Statements.
- . SW King DNA.
- . Administrative Subpoena Documents.
- . Print Out re: Chevy.
- . Annotated Statements.
- . Neuropsychologist Expert Witness Request and Related Documents.
- . Intake Documents.
- . News Coverage.
- . Criminal Complaints.
- . Pretrial Services Information Sheet.
- . Photo Lineup Videos.
- . Subpoenas.
- . Witness Video.
- . Records Certifications.
- . Custody Records and Declaration of Arrest.
- . Booking Photos.
- . Jose Ishmael Salazar Ortiz Medical Records.
- . OR Motion.
- . Register of Actions.
- . Substitution of Attorney.
- . Ex Parte Motion for Release of Medical Records.
- . Notice of Motion and Motion to Consolidate Cases.
- . Audio Recording of Interview of Jose Ortiz.
- . Nevada Investigative Group Billing Documents.
- . Information Records.
- . Preliminary Hearing and Unconditional Waivers Transcripts.
- . Media Request and Order.
- . Immigration Letters.
- . Ex Parte Order for an Order Declaring Defendant Indigent and related documents.
- . Notice of Expert Witnesses and Notice of Witnesses and related documents.
- . Investigator Requests, Order, Billing, and Related Documents.
- . Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence and State's Response.
- . Mother Angeles Castro Mitigation Package.
- . Defendant's Motion for Setting of Reasonable Bail and State's Opposition.

- . Biology/DNA Forensic Casework.
- . Amended Bindover and Order to Appear and State's Opposition.
- . Toro Taxes Certification of Completion of 50 hour tax return preparer course.
- . Certificates of Completion from Chemical Dependency and Life Skills Classes.
- . Defendant's Motion to Request a Court Order for Medical Records.
- . Notice of Intent to Use Affidavit of Custodian of Records.
- . Property Transaction Report and Receipts.
- . Las Vegas Metropolitan Police Department Crime Scene Investigation Report.
- . Medical Request for Glasses and Related Motion and Order and State's Opposition.
- . Witness Index.
- . Scooter Bill of Sale and Related Documents.
- . Business Cards.
- . 06/09/12 Capital High School Diploma and Academic Equivalency Transcripts.
- . Letter to E-Bail.
- . Punishment Sheet.
- . Client Fee Agreement.

Exhibit B

AA155

Instituto De Liderazgo: Atrevete a Ser Las Vegas

Presenta este Reconocimiento a:

Luis Angel Castro

Por haber concluido satisfactoriamente el

Liderato # 7

Noviembre 03 2013



INSTITUTO DE LIDERAZGO

Ricardo Gonzalez

Coordinador del Liderato # 7

Jaime Castillo

Jaime Castillo

Director del Instituto Atrevete a Ser las Vegas

AA156



Liderato #7
Instituto Atrevete
a Ser las Vegas



Instituto De Liderazgo

Paraíso
Noviembre 2013

Exhibit C

AA158



3/7/2016 12:39:38 PM



Speed: 1x



AA159

Exhibit D

AA160



Exhibit E

AA162



Exhibit F

AA164



Exhibit G

AA166



Warren Geller <wgeller@defense.vegas>

Luis Castro polygraph offer

5 messages

Warren Geller <wgeller@defense.vegas>

Fri, Jul 13, 2018 at 10:53 AM

To: Megan Thomson <Megan.Thomson@clarkcountyda.com>, jacob.villani@clarkcountyda.com

Megan and Jake,

My client reached out to me to take your temperatures regarding a polygraph with LVMPD. He concedes that he has some criminal liability here, but he is adamant that he never intended to see the victim get killed, cut, stabbed, or mutilated. In fact, he specifically left the house because things were getting excessive. Here are the points that he is adamant about:

- (1) He thought that the plan was that they would scare Ortiz by slapping and punching him only.
- (2) Prior to leaving the abandoned house, he asked Honobach and King to stop what they were doing, but they ignored him.
- (3) He specifically asked Jimenez to let Ortiz go. Jimenez responded by asking Ortiz whether or not he would call the police if they let him go. Ortiz stuttered so Jimenez cut his throat. At that point he freaked out and left.
- (4) He went to 7-Eleven and then Sherri Aguilar's house.
- (5) He then went back to the abandoned house to pick everyone up (he did not want them to perceive him as completely bailing on them because he knew they knew where his family's tax preparation business was and he just got a glimpse of what they were capable of).
- (6) When he walked back into the abandoned house after he left Aguilar's he saw Ortiz tied up and badly injured and he immediately left with Jimenez.
- (7) He did not report anything for the reasons referenced in 5 above, even though he personally could have left for Mexico where he has extended family.

If you were interested in the poly and he were found to be non-deceptive, he would be willing to testify for the State. He does not expect this to result in a dismissal of his case, or even probation. However, he would be looking for a category B felony and a global deal (he has two other cases).

Let me know if you want to set it up,

--

Warren J. Geller
Attorney at Law
Cofer & Geller, LLC
601 S. 10th St.
Las Vegas, NV 89101
702-777-9999 (tel)
702-777-9995 (fax)

Jacob Villani <Jacob.Villani@clarkcountyda.com>

Fri, Jul 13, 2018 at 11:00 AM

To: Warren Geller <wgeller@defense.vegas>, Megan Thomson <Megan.Thomson@clarkcountyda.com>

Here's the problem with a poly -

AA167

Exhibit H

AA168

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF WARRANT/SUMMONS
(N.R.S. 171.106)
(N.R.S. 53 amended 7/13/1993)

Event Number: LLV180925001043

STATE OF NEVADA) Ortiz-Salazar, Jose

) ss: ID#: 7518242

COUNTY OF CLARK) DOB: [REDACTED] SS#: [REDACTED]

G. Valenzuela, being first duly sworn, deposes and says:

That he is a Detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 14 years, assigned to investigate the crime(s) of Possession of Firearm by Prohibited Person committed on or about 9/25/18, which investigation has developed Ortiz-Salazar, Jose as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

On September 25, 2018, at approximately 0958 hours, Officers S. Corey P# 17158 and J. Staton P# 8425 responded to North Vista Hospital, Located at 1409 E. Lake Mead NLV 89030, to a report of a person with a gunshot wound on his leg. Officers made contact with the subject who identified himself as Jose Ortiz-Salazar DOB 12/22/93. Ortiz-Salazar had a gunshot wound on his inner right thigh area.

Ortiz-Salazar informed Officer's that he was in the area of Eastern and Bonanza, in an unknown alley, where a black male attempted to rob him of his belongings. The black male was unable to take any of his items, but prior to the suspect leaving, he shot Ortiz-Salazar on his right leg. Officer Corey notified Downtown Area Command Detectives about the allegations and they responded to the Hospital and conducted a follow-up investigation.

Detective J. Gretka P3 7545 and I, Detective G. Valenzuela P# 8396 arrived at North Vista Hospital and made contact with Officers Corey and Staton in the Trauma area. As Officer Staton began to brief us he advised that the victim recognized me from a previous incident. When I looked to see the victim, I immediately recognized him from a previous case, where he had been the victim of a brutal torture under LVMPD event # 160307-2804.

Officers Corey and Staton advised that Ortiz-Salazar was adamant that a black male attempted to rob him with a firearm in the area of Eastern and Bonanza. I then made contact with Ortiz-Salazar and he agreed to complete an audio recorded statement, in Spanish. The following is a summary of the interview and it is not verbatim. For a full copy of the interview, please see the attached transcribed copy.

AA169

CONTINUATION

Event #: LLV180925001043

Ortiz-Salazar advised me that he had been shot by an unknown black man. Ortiz-Salazar advised that he was walking in an alley on Mesquite and that the black male approached him and took out a firearm. Ortiz-Salazar advised that he closed the distance and grabbed the suspects' hands and a shot let out and struck him on his right leg. The suspect took off running and Ortiz-Salazar fainted. Ortiz-Salazar was unable to describe the suspect any further. Ortiz-Salazar's story was very inconsistent and based on where his wound was located it did not match his story. When confronted with facts about where his wound was located and how he explained that he had been shot, Ortiz-Salazar advised that he did not want to answer any further questions. Based on this information I stopped asking Ortiz-Salazar any questions.

Crime Scene Analyst B. Vaandering P# 13575 arrived and took digital photographs of Ortiz-Salazar and his injuries and of the x-rays taken by medical personnel. Ortiz-Salazar's clothing did not have any blemishes on them and he later admitted he was not wearing these clothes when the incident occurred. Doctor K. Adams who oversaw Ortiz-Salazar's admittance advised that after examining Ortiz-Salazar and his x-rays, he believed the gunshot wound to be self-inflicted.

A short time after Ortiz-Salazar's injuries were photographed he advised that he wanted to speak with me but added that he didn't want our conversation to be recorded. Ortiz-Salazar advised that the incident had not occurred in the area of Eastern and Bonanza. I informed Ortiz-Salazar that I strongly believed that he had shot himself and that based on where the entry wound was on his right leg was and where the bullet was lodged near his right knee, I did not believe his story that he had been shot. Ortiz-Salazar then advised that he was sorry for lying to me and that the incident took place at 1955 N. Nellis, behind the Food 4 Less Marketplace.

Ortiz-Salazar added that he had drank and smoke methamphetamine with his friend all night. He was in his friend's vehicle, a blue colored Honda. Both Ortiz-Salazar and his friend were parked in the rear alley of Food 4 Less and they both fell asleep. At approximately 0400 hours he woke up and started manipulating a firearm he had in his right front pocket. As he was taking out the firearm he accidentally pulled the trigger and struck himself in the right leg. Ortiz-Salazar advised that he had found the firearm a few days earlier and that he had been carrying it on his person since then. Ortiz-Salazar did not know the make and or model of the firearm but he stated it was black in color.

When asked who his friend was, he advised that he did not know his name and or where he lived. Ortiz-Salazar advised that he then called his friend Felix, who picked him up in his truck and drove him to his residence. Ortiz-Salazar added that once at Felix's home he took a shower, changed into clean clothes and after fearing that his wound would get infected, he had Felix drop him off at the Hospital. When asked where Felix lived or what his contact number was, Ortiz-Salazar stated that he didn't want him to be involved. When asked where the firearm was located, Ortiz-Salazar advised that his friend in the blue Honda had taken off with it.

Ortiz-Salazar gave consent for Detectives to obtain a copy of his medical records from North Vista Hospital, by signing the hospital consent form. A records check on Ortiz-Salazar had revealed that he was a convicted person

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: LLV180925001043

for the crimes of Burglary, in 2016, out of the District Court in Nevada (Case # C319244X) and for Possession of Stolen Vehicle (PSV) Attempt, in 2017, out of District Court in Nevada (Case # C321196X). Ortiz-Salazar is currently on Probation for both crimes, in effect until 1/27/22. His probation officer J. Lindsey was attempted to be contacted while Detectives were with Ortiz-Salazar at the Hospital but were unsuccessful. Lindsey was later notified of the incident. Ortiz-Salazar was released from the hospital as Doctors advised that they were not going to remove the bullet from his right leg.

Detectives attempted to obtain video footage of Ortiz-Salazar being dropped off at the hospital but were unsuccessful. The Security Supervisor was not at work the day of the incident and during additional follow-up attempts. The medical records were obtained from North Vista Hospital on October 2, 2018 (attached). Dr. Kenneth Adams wrote on his notes that due to the trajectory of the entrance wound and the positioning of the bullet, it is highly probable that this was a self-inflicted guns hot wound.

Judgment of Convictions were requested and received for Ortiz-Salazar (attached). Based on the facts and circumstances listed above, I believe that a reasonable person would believe that he was in possession of a firearm at the time of the incident. An arrest warrant for Ortiz-Salazar for the crime of Possession of Firearm by a Prohibited Person is being requested.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Ortiz-Salazar, Jose on the charge(s) of Possession of Firearm by Prohibited Person.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 12th day of November, 2018.

DECLARANT:

 8396

WITNESS:

 5207

DATE:

11/12/18

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CRIME SCENE INVESTIGATION REPORT

Incident <div style="text-align: right; padding-right: 50px;">Injured Person</div>		Sector/Beat <div style="text-align: center;">NL</div>	Event Number <div style="text-align: center;">180925-1043</div>
Requesting Officer <div style="text-align: center;">G. Valenzuela PN 8396</div>		Division <div style="text-align: center;">CPD</div>	Date <div style="text-align: center;">9/25/2018</div>
Victim(s) <div style="text-align: center;">Jose Ortiz Salazar 12-22-1993</div>		Location(s) <div style="text-align: center;">North Vista Hospital</div>	

Connecting Reports and Related Event Numbers

☐ Evidence Impound Report
 ☐ Firearms Report
 ☐ Officer's Report
 ☐ _____
☐ Related Event Number(s): _____

DOCUMENTATION

☒ Crime Scene Photography ☐ Comparative Photography
☐ Aerial Photography ☐ Diagram(s)
☐ _____

LATENT PRINT EVIDENCE

☐ Processing Conducted
☐ Lift(s) / Cast(s)
☐ Photograph(s)
☐ Eliminations
☐ Negative Results
☐ _____

FIREARMS EVIDENCE

☐ Bullet(s) / Fragment(s)
☐ Cartridge Case(s)
☐ Cartridge(s)
☐ Weapon(s)
☐ _____

FOOTWEAR AND TIRE EVIDENCE

☐ Footwear ☐ Tire
☐ Lift(s) / Cast(s) ☐ Original Surface(s)
☐ Photograph(s) ☐ Exemplar(s)

BIOLOGICAL EVIDENCE

☐ Apparent Blood ☐ Apparent Semen
☐ Possible DNA ☐ Unknown Substance(s)
☐ Swab(s) ☐ Original Surface(s)
☐ Buccal Swabs ☐ _____

TOOL MARK EVIDENCE

☐ Cast(s) ☐ Original Surface(s)
☐ Photograph(s) ☐ Tool(s)

OTHER

VEHICLE(S):

GENERAL INFORMATION:

At approximately 1137 hours, I arrived at North Vista Hospital ER reference an injured person investigation.

Jose Ortiz Salazar (DOB [REDACTED]) was located in North Vista Hospital ER bed 9. He had an injury to the front of his right upper leg.

Digital photographs were taken of Jose Ortiz Salazar (DOB [REDACTED]) for identification and overall condition as described above. Additional digital photographs were taken of x-rays.

Crime Scene Analyst Supervisor 	P# 5946	Date Approved 10-3-18	Crime Scene Analyst Brenda Vaandering	P# 13575
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Exhibit I

AA173

TORO TAX SERVICES- CORPORATE HEADQUARTERS

1800 E SAHARA AVE #106
LAS VEGAS, NV 90104
Phone: 702-741-4444
Fax: 702-538-7778
Email: SUPPORT@TOROTAXES.COM



April 7, 2015.

OSCAR TORO- COO/ PRESIDENT
Toro Enterprises LLC

To whom it may concern,

I, Oscar Toro, resident of Las Vegas Nevada, president and owner of Toro Enterprises LLC, hereby extend this character letter to Mr. Luis Angel Castro. I met Angel in 2012 as a representative for CASTRO ENTERPRISE, a multiservice company with whom my corporation has engaged in business for individual tax preparations services to the Las Vegas community.

Angel is a soft spoken, articulate gentleman who has actively participated in our training sessions and always has conducted himself in a professional manner, willing to learn and follow instructions. I find him to be a family oriented young man, his entire family has also participated in our tax preparation training programs and come across as a tight knitted family with a vision to be self sufficient thru hard work in their company.

I hope this letter supports others' input about him, feel free to reach me at 702-741-4444 during business hours if I can further elaborate on the contents of this letter and my opinion about Luis Angel.

Respectfully,

Oscar Toro

Oscar Toro- Chief Operations Officer/ President
Toro Tax Services- Corporate Headquarters

cc: Corporate file, CEO, COO, Writer.

AA174



INSTITUTO DE LIDERAZGO

To whom it may concern:

My name is Jaime Castillo I am the director of a leadership institute that has been in success for 5 years. Luis Angel Castro-Morales was a client that came to our institute in 2014 to seek for help and learn leadership skills. Luis Angel had a lot of potential to start a great life with many goals ahead of him. He always took the help that we offered him in order to have the right tools and manage a successful life. By taking this leadership classes which are about half a yearlong to complete his proven himself to be a brave and goal oriented achiever. His made mistakes like any humans has and he will overcome his struggles like he has before and proof to be a great human being. Our doors are always open were he can come and continue receiving help and have many different opportunities in order to have a successful life and best of all continuing learning how to be a leader.

Sincerely, Jaime Castillo

Director of Instituto Atrevete A Ser

4670 E. Sahara Ave

Las Vegas NV 89104

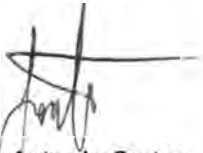
(702) 459-0081

AA175

04/06/2015

To whom it may concern,

My name is Jose Antonio Castro, I have known Luis Angel Castro since 1986, he is my youngest brother. I can proudly say that he is a great example for our family, he has the greatest heart a human can have, he is my sons god father, Luis Angel in our family business is very hard working many clients and friends enjoy speaking to him he will always make you laugh and is always willing to help any one that asks him for it. As my brother he has hard working good moral man. I hope my letter of recommendation helps my brother in resolving his issues.

A handwritten signature in black ink, appearing to read 'Jose Antonio Castro', with a long horizontal stroke extending to the right.

Jose Antonio Castro

3501 Kidd St.
N Las Vegas NV 89032

AA176

04/06/2015

To whom it may concern,

my name is Paola Lissette Fajardo, I have known Luis Angel Castro since 2004 we went to high school together, he is my youngest son god father and I can say that he has always been a cheerful person and has always been a good listener and has always liked to help people in any way he could, if any body was needing a friend Luis Angel would all ways be there. I can say that he is a gentlemen and a good moral man. I hope my letter of recommendation helps him in resolving his issues.

A handwritten signature in black ink, appearing to be 'Paola Lissette Fajardo', written over a horizontal line.

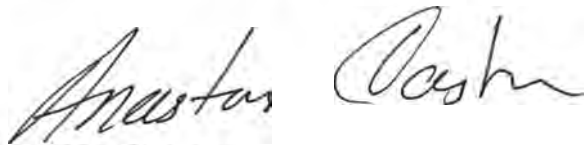
Paola Lissette Fajardo
3501 kidd St.
N Las Vegas NV 89032

AA177

04/06/2015

To whom it may concern,

My name is Anastasia Castro, I have known Luis Angel Castro since 2003, I have known him as a family oriented young man, he has always worked with his family in there own business, he has always been a cheerful person and has always has had a great heart, he has always been a gentlemen and of good moral. I am a tax preparer here in Las Vegas and I have been in tax preparation training session with Luis Angel and he has been a great help in sessions always helping others, he has always been a hard working young man. I hope my letter of recommendation helps him resolve his issues.

A handwritten signature in black ink that reads "Anastasia Castro". The signature is written in a cursive, flowing style.

Anastasia Castro
702-572-7571
201 Hills way Dr.
Las Vegas NV 89110

AA178

04/08/2015

To whom it may concern,

My name is Janet Carbajal, I have known Luis Angel Castro since 2003, we have been friends since we have been kids, he has always been a great friend and he has always been a cheerful person and a great friend always helping others with any resources he can have. He has always been a hard working person, always working in his family business, Luis Angel is a complete gentlemen and of good moral. I hope my letter of recommendation helps him resolve his issue.

Janet Carbajal
Janet Carbajal
702-572-7571
201 Hills Way Dr.
Las Vegas NV 89110

AA179

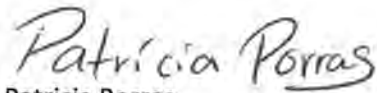
April 7, 2015

To whom it may concern,

I have known Angel Castro for little over 2 years. We met while attending a self development motivation course and learned to respect him.

He is a giving, very energetic and down to earth person who is always willing to help others. Since the time I met him, I noticed that Angel is not emotionally stable. But it does not mean he is a bad person or he has ever been in a gang, he has always been a gentleman and has always had a very good heart for helping. I hope my letter of recommendation can help him resolve his issues.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Porras".

Patricia Porras
702-463-9896

AA180

04/06/2015

To whom it may concern,

My name is Angeles Castro, I Live in Las Vegas NV, I am mother of Luis Angel Castro, we have a family business since 2007 and since then he has worked here and always has been interested in my line of work, as long as I can remember he has always been a great son even with his defects, he has depression and mood swings, after the age of 20 his personality has changed even more, he has been in several institute where he has received psychological help and improvement in his self esteem, he has always has been and acted like a great son with good feelings to others, when being in a good mood he would change his feelings in a second and will fall back into being depressed, I would always support him in all the groups or help he has seeked to better himself. In November 2014 he graduated from personal improvement program and he later became staff in the institute to help others. When he graduated from the institute his final home work was to tell his parents and family what was making him depressed for many years, is when he told us that he was sexually abused by two of his uncles at the age of seven, and by him telling us he fell into further depression, he would start his mornings by coming in to work with a smile and end his day all depressed.

In the month of February 2015 he purchased a scooter for his personal transportation, once he was at home after work he said he would be right back, that he was going to the store and never returned home, he called saying that he was leaving with some friends to California. In the vehicle that he and his friends where traveling in broke down and then called me and his father if we could send him our triple A card so a tow truck could pick him up in Victorville Ca our triple A insurance would not cover so many miles from Las Vegas. He said that he would stay in Victorville until he could find some one to fix the vehicle that he and his friends were traveling in, later he called me saying that he had found more friends that would help him fix the vehicle.

On March 21st 2015 he arrived at my home we celebrated his birthday, then he said the same that he would be right back that he was going to go out with his friends and didn't return that night, two days after his birthday we found out that he was arrested. For us this situation is very devastating since he has never been affiliated with any felons or has been in any situation like this.

Thank you

A handwritten signature in black ink, appearing to read 'Angeles Castro', written over a circular stamp or seal.

Angeles Castro

AA181

04/06/2015

To whom it may concern;

My name is Jesus G. Castro, I have known Luis Angel Castro since 1986.. He is my youngest Brother, what can I say about him, he is the joy of the family, my 4 kids love him to death, sure he sometimes thinks life is a bit easy but he is not in a gang, affiliated in a gang and never have I known him to be in a gang, he just took a wrong turn with people, he has been a business owner and a hard working good moral man, I can write 500 pages of all the good things he has done to people, always thinking for others before thinking for himself but you would not read my words, just know that he is a good man and I hope you understand things can turn ugly but there is always 2 sides of the coin, I hope my letter of recommendation helps correctly judge the type of person my brother is.



Jesus G. Castro

3518 Navajo Way

Las Vegas NV 89108

702-672-1051

AA182

04/06/2015

To whom it may concern;

My name is ERIKA Y MAGANA GONZALEZ, I have known Luis Angel Castro since 1998 he is the youngest brother of my Husband and I have always considered him a good person with an amazing moral character, I have never known him to get into trouble, he is my children favorite Uncle who always talked about never joining a gang and always doing good to the community, they would go to the movies almost every week and he in recent years had been working hard at Castro Enterprise alongside Luis Angel, his Parents and Brothers. I hope my letter of recommendation can help resolve and identify the kind of person he is.

A handwritten signature in black ink, appearing to read 'Erika Y. Magana Gonzalez', with a long horizontal flourish extending to the right.

Erika Y. Magana Gonzalez

4-7-15

3518 Navajo Way

Las Vegas NV 89108

702-635-2579

AA183

04/06/2015

To whom it may concern;

My name is HERIBERTO MAGANA GONZALEZ, I have known Luis Angel Castro since 1998 he is the youngest brother of my Sisters Husband and I have always considered him a good person with an amazing moral character, I have never known him to get into trouble and he in recent years I noticed he had been working hard at Castro Enterprise alongside his Parents and Brothers. I hope my letter of recommendation can help resolve and identify the kind of person he is.

Heriberto Magaña G.

Heriberto Magaña Gonzalez

1407 Sienna Drive

Dalton GA 30721

706-537-3994

AA184

04/06/2015

To whom it may concern;

My name is HERIBERTO MAGANA-DIAZ, I have known Luis Angel Castro since 1998 he is the youngest brother of my Son in Law and I have always considered him a good person with an amazing moral character, I have never known him to get into trouble and he in recent years I noticed he had been working hard at Castro Enterprise alongside his Parents and Brothers. I hope my letter of recommendation can help resolve and identify the kind of person he is.

Heriberto Magaña
Heriberto Magaña

1407 Sienna Drive

Dalton GA 30721

762-209-0092

AA185

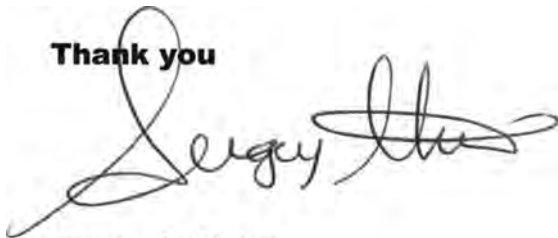
04/06/2015

To whom it may concern,

My name is Sugey G Thom, a resident of Las Vegas NV and I have known Luis Angel Castro since 2005, I work for WellsFargo Bank, I met him when he first opened his bank account, he also has helped me through a very difficult time with my home, he assisted me in filling my paperwork in efforts in obtaining a home loan modification, I can only say that he is an incredible person and Luis Angel Castro has the biggest heart in the world he is a complete gentlemen of good moral character and I hope my letter of recommendation will help him resolve his issue.

If you have any questions please contact me at 702-624-0957

Thank you

A handwritten signature in black ink, appearing to read 'Sugey G Thom', with a large, stylized initial 'S'.

Sugey G Thom

3970 E Twain Ave

Las Vegas NV 89121

AA186

Las Vegas, Nevada, April 6, 2015

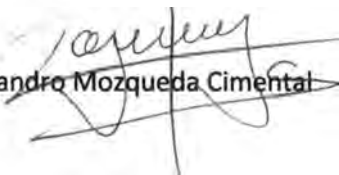
To whom it may concern.

My name is Alejandro Mozqueda, I am 37 years old, married and have one 12 year old son. I have been living in North Las Vegas since 2002, previously I lived in Las Vegas since 1996. I met Luis Angel Castro approximately two years ago. I met him at a place where life coaches impart seminars about personal improvement and self-esteem, let's call it the institute. There, I learned that Luis had a previous problem of drug addiction, but thanks to the program and the help he received in that place, he was clean. As the matter of fact, he was proudly counting the days he was drug free. For the next year or so, I had the fortune to interact with Angel in many occasions. We were part of the staff that helped others during the seminars at the institute. I invited him over to my house several occasions. We shared many experiences in various events at the institute. We planned together a few birthdays, reunions, and celebrations. He became a very dear friend of mine.

He was always happy, his enthusiasm was contagious. He was always ready to help and support anybody in need of help. He participated in various fundraisers. He even let his friends in need use his equipment so they could make some money washing cars. Whenever we had a reunion, he always wanted to pay for everybody's food. Later on, I had to use the services of his family, Castro Enterprises, there I saw another side of Angel, the hard working, impeccable dressed, responsible young paralegal. Angel told me about his dream of finishing law school and become a lawyer. He wanted to fight for those who could not afford an expensive legal team. He had a "good eye" to spot people in need, and was always ready to help, without asking anything back. In Angel, I knew a young man, with potential to do great things, with an enormous heart, and very proud of being drug free. That is why, for me is very hard to understand how, the Angel I know is in trouble. Could it be that he is hanging out with the wrong people, or that he went to a very difficult ordeal? I do not know. But what I am sure of is that the Angel that I know has so much heart and potential that deserves a second chance. I still believe that one day, Angel will be a true guarding Angel for many defenseless people.

I thank you for your attention, please feel free to contact me should you have any questions about my relationship with Luis Angel. My telephone number is (702) 666-2429.

Sincerely


Alejandro Mozqueda Cimental

AA187

04/06/2015

To whom it may concern,

My name is Kristina Talavera Ramirez, a resident of Las Vegas NV, I have known Luis Angel Castro since 2011, I met him in a self-motivation group and how to become a liter, I am the General Director Assistant of the National Coalition of Hispanic Organization, I consider him as my little brother, he has the biggest heart in this world, he likes to always help people with whatever resources he has, Luis Angel Castro is a great example for many young adults, he has a wonderful personality and good moral character and I hope my letter of recommendation will help him resolve his issues.

If you have any questions please contact me at 702-787-8799

Thank you

A handwritten signature in black ink, appearing to read 'Kristina Talavera Ramirez', with a stylized, cursive script.

Kristina Talavera Ramirez
219 N. Lamb Blvd # B
Las Vegas NV 89110

AA188

04/06/2015

TO WHOM IT MAY CONCERN,

MY NAME IS MANUELA S. ALTAMIRANO, A RESIDENT OF LAS VEGAS NV AND I HAVE KNOWN LUIS ANGEL CASTRO SINCE 2007, I MET HIM AS A REPRESENTATIVE OF CASTRO ENTERPRISE IN ASSISTING ME AND MY FAMILY IN FILING OUT MY DOCUMENTS AND TRANSLATING FOR ME AND MY FAMILY, HE IS A GENTLEMEN OF GOOD MORAL CHARACTER AND I HOPE MY LETTER OF RECOMMENDATION WILL HELP HIM RESOLVE HIS ISSUE.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME AT 702-610-7745

THANK YOU

MANUELA S. ALTAMIRANO

MANUELA S. ALTAMIRANO

3926 LONLEY HEART CT

LAS VEGAS NV 89115

AA189

04/06/2015

TO WHOM IT MAY CONCERN,

MY NAME IS JESUS MARTINEZ REYES, A RESIDENT OF LAS VEGAS NV AND I HAVE KNOWN LUIS ANGEL CASTRO SINCE 2007, I MET HIM AS A OWNER OF CASTRO ENTERPRISE A COMPANY THAT HAS HAS HELPED ME IN MY MORTGAGE AND LUIS ANGEL CASTRO HELPED ME IN FILLING OUT MY DOCUMENTS AND ASSISTING ME IN TRANSLATING FOR ME, HE IS A GENTLEMEN OF GOOD MORAL CHARACTER AND I HOPE MY LETTER OF RECOMMENDATION WILL HELP HIM RESOLVE HIS ISSUES.

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME AT 702-610-7745

THANK YOU

Jesus Martinez Reyes

JESUS MARTINEZ REYES

3926 LONLEY HEART CT

LAS VEGAS NV 89115

AA190


04/06/2015

To whom it may concern;

My name is Sandra N Duarte, a resident of Las Vegas NV and I have known Luis Angel Castro since 2010, I met him as a representative of Castro Enterprise, Luis Angel Castro helped me in filling out my documents for my home modification and has taken his time in helping me, he is a gentlemen of good moral character and I hope my letter of recommendation will help him resolve his issues.

If you have any questions or concerns please feel free to contact me at 702-876-9710

Thank you,

A handwritten signature in black ink, appearing to read 'Sandra N Duarte', with a stylized flourish at the end.

Sandra N Duarte

6763 Mataro Dr.

Las Vegas NV 89103

04/06/2015

To whom it may concern;

My name is Miguel Velazquez, a resident of Las Vegas NV and I have known Luis Angel Castro since 2013, I met him as Owner of Castro Enterprise a Company that is helping me keep my home since I fell behind on payments and he has taken the steps to resolve and help me with a loan modification, he is a gentleman of good moral character and I hope my letter of recommendation will help him resolve his issues.

If you have any questions please feel free to contact me at 702-556-1656

Thank you

A handwritten signature in black ink, appearing to read 'Miguel Velazquez', written over a circular stamp or seal.

Miguel Velazquez

2044 E. Hacienda Ave

Las Vegas NV 89119

04/06/2015

To whom it may concern,

My name is Roxana Boidi, a resident of Las Vegas NV, I have known Luis Angel Castro since 2002, I met him through his parents and his family business, we have worked together in several occasions since I my self work in the real estate market, Luis Angel Castro is a great example for many young adults, he is a complete gentlemen of good moral character and I hope my letter of recommendation will help him resolve his issue

If you have any questions please contact me at 702-480-1775

Thank you



Roxana Boidi

AA193

04/10/2015

To whom it may concern,

My name is Myrna Lozano Vielmas, a resident of Las Vegas NV, I have known Luis Angel Castro since 2012, he has always been a hard working young man always willing to help others before himself, he has always had a great heart, he has always been family orientated and a complete gentlemen and of good moral. I hope my letter of recommendation can help him resolve his issues.

Thank you

A handwritten signature in black ink, appearing to read 'Myrna', with a stylized flourish extending from the end.

Myrna Lozano Vielmas
702-788-3405
318 Steelhead Ln Apt # 203
Las Vegas Nv 89110

AA194

Exhibit J

AA195



Nevada Board of Parole Commissioners

Parole Board Report of Actions, Fiscal Year 2016

This report summarizes Quarterly Reports submitted for FY 2016 in an annual format.

It summarizes all parole decisions during the reporting period. Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions.

Parole actions are also summarized by Parole Guideline Recommendation, actions that deviate from the Parole Board's Guideline Recommendation and by Offense Group.

Because the numbers were derived from a number of reports, there may be slight variances in the totals.

Section 1. Summary of all parole decisions during the reporting period

Fiscal Year Totals

Parole actions are categorized by discretionary parole decisions, mandatory parole decisions (MPR), and parole violation decisions. Hearings that resulted in 'No Action' being taken and hearings resulting in the rescission of a parole as a result of ineligibility are also displayed in the following table.

	Male	Female	Total
Discretionary Parole Hearings	4094	623	4717
Discretionary Paroles Granted	1780	433	2213
Discretionary Paroles Denied	2314	190	2504
Mandatory Parole (MPR) Hearings	1948	167	2115
Mandatory Paroles Granted	1020	126	1146
Mandatory Paroles Denied	928	41	969
Discretionary Parole Violations Hearings	640	139	779
Discretionary Paroles Continued (Reinstated)	134	50	166
Discretionary Paroles Revoked	506	80	613
MPR Release Violation Hearings	103	5	109
MPR Violators Continued (Reinstated)	8	1	8
MPR Violators Revoked	95	264	101
Total Decisions	6785	849	7720
Total Grant/Continued	2942	504	3533
Total Denied/Revoked	3843	288	4187
Hearings with No Action	1243	135	1378
Rescissions (not eligible)	54	12	66
Pending PV Hearing	0	0	0
Total Hearings	8,082	1,082	9,164

Percentage of Action by Gender

Percent of Action by Gender	Male	Female	Total
Percent of Discretionary Parole Granted	42.84%	70.04%	46.3%
Percent of Mandatory Parole Granted	51.95%	76.30%	54.1%
Total Discretionary/MPR Grant Rate	45.71%	71.48%	48.7%

Section 2: Statistics of parole actions based on the parole guideline recommendation

The following charts represent discretionary and mandatory parole actions based on the discretionary parole guideline. The MPR actions appear as reference only. The guideline for consideration for release under NRS 213.1215 (Mandatory Parole) is whether there is a reasonable probability that the prisoner would be a danger to public safety. When an inmate being considered for release under Mandatory Parole is denied, the underlying reason is the determination that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.

Discretionary Parole Actions by Guideline Recommendation			
	Granted	Denied	% Granted
Parole at Initial	479	167	74.1%
Parole at 1st or 2 nd Hearing	1023	879	53.8%
Consider Factors	703	1009	41.1%
Deny Parole	8	448	1.8%
Total	2213	2503	46.9%
Mandatory Parole Actions by Guideline Recommendation			
	Granted	Denied	% Granted
Parole at Initial	146	55	72.6%
Parole at 1st or 2 nd Hearing	589	223	72.5%
Consider Factors	400	394	50.4%
Deny Parole	11	293	3.6%
Total	1146	965	54.3%

Section 3: Summary of parole actions that deviated from the discretionary parole guideline

The following represents the number of inmates who were denied parole when the guideline recommended parole should be granted (denials when the guideline recommends parole be granted at 1st or 2nd hearing would become a deviation when parole is denied at the 2nd hearing):

# of Actions to Deny Parole that Deviated:	169
Total Number of Discretionary Denials:	2504
Percent of Deviation:	6.7%

The following represents the number of inmates who were granted parole when the guideline recommended parole should be denied:

# of Actions to Grant Parole that Deviated:	9
Total Number of Discretionary Grants:	2213
Percent of Deviation:	0.4%

Section 4: Summary of parole actions by offense group

The following charts represent parole actions by offense group as defined by the Department of Corrections. Offenses appearing in the "Sex" category include offenses such as "Prostitution with HIV," "Pandering" and "Failure to Register as a Sex Offender." Offenses that involved violence during the commission of the offense, but with an actual conviction title that would not by itself appear to be violent will not appear in the "Violence" offense group (i.e., a Burglary conviction that included striking a resident would appear in the "Property" offense group). Offenses appearing in the "Other" offense group includes offenses that cannot be readily categorized into one of the other offense groups (i.e., Habitual Criminals, gaming related offenses and Victim over 65 Enhancement which could be a property or violent offense).

	Sex	Violence	Drug	Property	DUI	Other	Total
Discretionary Parole Hearings	368	1341	883	1525	125	475	4717
Disc. Parole Hearings Granted	95	487	602	744	61	224	2213
Percent Favorable	26%	36%	68%	49%	49%	47%	47%

MPR Hearings	104	781	288	625	123	194	2115
MPR Hearings Granted	63	344	201	376	78	84	1146
Percent Favorable	61%	44%	70%	60%	63%	43%	54%

Total Parole Hearings	472	2122	1171	2150	248	669	6832
Total Parole Grants	158	831	803	1120	139	308	3359
Percent Favorable	33%	39%	69%	52%	56%	46%	49%

PV Hearings	36	177	208	367	12	88	888
PV's Reinstated	7	41	46	65	2	13	174
Percent Favorable	19%	23%	22%	18%	17%	15%	20%

Total	508	2299	1379	2517	260	757	7720
Total Favorable	165	872	849	1185	141	321	3533
Percent Favorable	32%	38%	62%	47%	54%	42%	46%

Steven D. Grierson

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	

AA201

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

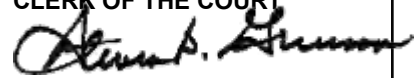
5 DATED: 27 day of March, 2019.

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JERRY A. WIESE
DISTRICT COURT JUDGE

VM



NOASC
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
Phone: (702) 979-9941
Fax: (702) 977-9954
Email: jean.schwartzter@gmail.com
Attorney for Defendant

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

AA203

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:

/s/ Jean J. Schwartzer

20 JEAN J. SCHWARTZER, ESQ.

Nevada Bar No. 11223

21 LAW OFFICE OF JEAN J. SCHWARTZER

10620 Southern Highlands Parkway, Suite 110-473

22 Las Vegas, Nevada 89141

(702) 979-9941

23 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

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)
)
Plaintiff,) CASE NO. C314092
) DEPT. NO. XXX
vs.)
)
)
LUIS ANGEL CASTRO,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ENTRY OF PLEA

BEFORE THE HONORABLE JERRY A. WIESE, II

MONDAY, FEBRUARY 4, 2019

AT 10:20 A.M.

LAS VEGAS, NEVADA

For the State: MEGAN S. THOMSON, ESQ.

For the Defendants: WARREN GELLER, ESQ.

ROBERT BECKETT, ESQ.

MACE YAMPOLSKY, ESQ.

CARL ARNOLD, ESQ.

REPORTED BY: KIMBERLY A. FARKAS, NV CCR No. 741

1 LAS VEGAS, NEVADA, MONDAY, FEBRUARY 4, 2019

2
3 P R O C E E D I N G S

4 * * * * *

5 **THE COURT:** This is Case No. C314092, State
6 of Nevada v. Luis Angel Castro, Edward Honabach,
7 Fabiola Jimenez, and Lionel King. It's on today for
8 jury trial start, but my understanding is the case has
9 pled.

10 Somebody want to put the negotiations on the
11 record?

12 **MS. THOMSON:** My understanding is today that
13 each of these defendants will be entering a guilty plea
14 for first degree kidnapping resulting in substantial
15 bodily harm. The negotiation is contingent upon all
16 four both entering the plea and proceeding through
17 sentencing. The parties agree that no one will argue
18 for the term of years in the 15 to 48-year term. The
19 defense will have the opportunity to argue that the
20 Court should sentence each of these individuals to a
21 term of life with the possibly of parole at 15 years.
22 And the State will have the opportunity to argue that
23 the Court should sentence to a term of life without the
24 possibility of parole. Those are the two statutorily
25 mandated sentencing structures that each of the parties

1 have agreed are appropriate in this case.

2 I believe that is the totality.

3 **MR. GELLER:** On behalf of Defendant Castro,
4 Tom Geller. That's correct.

5 **MR. YAMPOLSKY:** On behalf of Defendant King,
6 Mace Yampolsky. That's accurate.

7 **MR. BECKETT:** On behalf of Defendant
8 Honabach, that's correct.

9 **MR. ARNOLD:** On behalf of Ms. Jimenez, that's
10 correct, Your Honor.

11 **THE COURT:** Okay. I've got to do a plea
12 canvas with each of you individually. I'm just going
13 to do them in the order that they're in the pleadings.
14 So We'll do Luis Angel Castro first. The rest of you
15 can sit down if you want.

16 Mr. Castro, give me your full legal.

17 **THE DEFENDANT:** Luis Angel Castro Morales.

18 **THE COURT:** How old are you, sir?

19 **THE DEFENDANT:** 32.

20 **THE COURT:** How far did you go in school.

21 **THE DEFENDANT:** Tenth grade.

22 **THE COURT:** Do you read, write, and
23 understand the English language?

24 **THE DEFENDANT:** The best I can.

25 **THE COURT:** What does that mean?

1 **THE WITNESS:** Yes.

2 **THE COURT:** Have you seen a copy of the
3 amended information in this case charging you with
4 first degree kidnapping resulting in substantial bodily
5 harm, which is a category A. Have you seen that?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Did you have a chance to read
8 that and discuss it with your attorney?

9 **THE DEFENDANT:** Yes, I have.

10 **THE COURT:** With regard to that charge, first
11 degree kidnapping resulting in substantial bodily harm,
12 how do you plead, guilty or not guilty?

13 **THE DEFENDANT:** Guilty.

14 **THE COURT:** Before I can accept your plea of
15 guilty, I have to be convinced that your plea is freely
16 and voluntarily made. Are you making your plea freely
17 and voluntarily?

18 **THE DEFENDANT:** Yes, I am, sir.

19 **THE COURT:** Has anybody forced you or coerced
20 you to enter that plea?

21 **THE DEFENDANT:** No, sir.

22 **THE COURT:** Are you making that plea because
23 you're, in fact, guilty of that charge?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** Has anybody made any promises or

1 guarantees to you other than what's been stated in open
2 court and what's contained in the guilty plea
3 agreement?

4 **THE DEFENDANT:** No, sir.

5 **THE COURT:** In looking at the guilty plea
6 agreement, it looks like you signed this on page 5.
7 It's dated February 4. Did you read and sign that
8 today?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** Did you understand it before you
11 signed it?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** You had a chance to discuss it
14 with your attorney, and he answered any questions you
15 might have had about it?

16 **THE DEFENDANT:** Yes, I have.

17 **THE COURT:** You understand that by signing
18 it, you're agreeing that you read and understood it;
19 correct?

20 **THE DEFENDANT:** That is correct.

21 **THE COURT:** Also by signing that document,
22 you're agreeing to waive certain important
23 constitutional rights like the right to be able to
24 confront your accuser, go to trial and put on evidence
25 on your own behalf. You understand that?

1 **THE DEFENDANT:** I understand, sir.

2 **THE COURT:** Are you currently suffering from
3 any emotional or physical distress that's caused you to
4 enter this plea?

5 **THE DEFENDANT:** No, sir.

6 **THE COURT:** Are you currently under the
7 influence on any alcohol, medication, narcotics or any
8 substance that might affect your ability to understand
9 these documents or the process that we're going
10 through?

11 **THE DEFENDANT:** No, sir.

12 **THE COURT:** Do you understand that in the
13 guilty plea agreement it says that the possibility of
14 sentence is 15 to 40 years or for minimum of 15 years
15 and a maximum of life or life without parole? Do you
16 understand that those are the options?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Do you understand that sentencing
19 is strictly up to the Court, and nobody can promise you
20 probation, leniency, or any kind of special treatment;
21 correct?

22 **THE DEFENDANT:** That's correct.

23 **THE COURT:** Do you have any questions that
24 you want to ask of myself or the State or your counsel
25 before we proceed?

1 **THE DEFENDANT:** No, sir.

2 **THE COURT:** Has your attorney made any
3 promises to you that are not contained in the guilty
4 plea agreement?

5 **THE DEFENDANT:** No, sir.

6 **THE COURT:** Based on all the facts and
7 circumstances, are you satisfied with the services of
8 your attorney?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** Are you a U.S. citizen?

11 **THE DEFENDANT:** No, sir.

12 **THE COURT:** Do you understand that there are
13 some charges that have adverse immigration consequences
14 and may result in deportation?

15 **THE DEFENDANT:** That is correct.

16 **THE COURT:** Have you had the chance to
17 discuss any immigration issues with your attorney, and
18 he's answered any questions you have?

19 **THE DEFENDANT:** To this point, yes and no,
20 but I'll just say yes.

21 **MR. GELLER:** Judge, I can represent to the
22 Court, I've been in touch with his immigration
23 attorney, and we've been in communication. I did let
24 my client know today, as well as previously, that
25 there's a substantial probability he'll be deported

1 after he serves a period of incarceration.

2 **THE COURT:** Do you understand that?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** You still agree with the terms as
5 set forth in the guilty plea agreement?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** So I have to go through the
8 amended information with you to make sure that there's
9 a factual basis for your plea.

10 According to the information, it says that,
11 "On or about the 7th day of March 2016 in Clark County,
12 Nevada, contrary to the laws of the State of Nevada,
13 you did willfully, unlawfully, feloniously seize,
14 confine, inveigle, entice, decoy, abduct, conceal,
15 kidnap, or carry away Jose Ortiz Salazar, a human
16 being, with the intent to hold or detain Jose Ortiz
17 Salazar against his will and without his consent for
18 the purpose of committing murder and/or robbery with
19 substantial bodily harm. The defendants being
20 criminally liable under one or more of the following
21 principals of criminal liability, to wit: One, by
22 directly committing the crime or by; two, aiding or
23 abetting in the commission of the crime with the intent
24 that the crime be committed by counseling, encouraging,
25 hiring, commanding, inducing or otherwise procuring the

1 other to commit the crime; and/or, three, pursuant to
2 conspiracy to commit the crime with the intent that the
3 crime be committed, the defendants aiding or abetting
4 or conspiring, defendants acting in concert
5 throughout."

6 Is that what you did?

7 **THE DEFENDANT:** According to this, yes.

8 **THE COURT:** The question is, is that what you
9 did?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Okay. Because, I mean, if you
12 don't think that's what you did, then you can't be
13 freely and voluntarily accepting the plea.

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** You agree that's what you did;
16 correct?

17 **THE WITNESS:** Yes.

18 **THE COURT:** All right. The Court hereby
19 finds the defendant's plea of guilty is freely and
20 voluntarily made. He appears to understand the nature
21 of the offense and the consequences of the plea. I'll
22 therefore accept your plea of guilty. We'll refer this
23 to the Division of Parole and Probation for preparation
24 of the PSI. We'll set for sentencing hearing for --

25 **THE CLERK:** March 26th, 8:30.

1 **THE COURT:** Thank you, sir. You can sit.
2 We'll go to Edward Honabach.
3 Mr. Honabach, can you please state your full
4 legal name.

5 **THE DEFENDANT:** Edward Joseph Honabach.

6 **THE COURT:** How old are you, sir?

7 **THE DEFENDANT:** 31.

8 **THE COURT:** How far did you go in school?

9 **THE DEFENDANT:** Eleventh grade.

10 **THE COURT:** Do you read, write, and
11 understand the English language?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** You've received a copy of the
14 amended information in this case; correct?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** You've had a chance to discuss
17 that with your attorney, and he answered any questions
18 you had about it?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** In that amended information it
21 charges you with first degree kidnapping resulting in
22 substantial bodily harm, a category A felony. With
23 regard to that charge, how do you plea, guilty or not
24 guilty?

25 **THE DEFENDANT:** Guilty.

1 **THE COURT:** Before I can accept your plea of
2 guilty, I have to be convinced that your plea is freely
3 and voluntarily made. Are you making your plea freely
4 and voluntarily?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** Has anybody forced you or coerced
7 to accept that plea?

8 **THE DEFENDANT:** No.

9 **THE COURT:** Are you making that plea of
10 guilty because you are, in fact, guilty of that charge?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Has anybody made any promises or
13 guarantees to you other than what's been stated in open
14 court and what's contained in the guilty plea
15 agreement?

16 **THE DEFENDANT:** No.

17 **THE COURT:** In looking the the guilty plea
18 agreement, it looks like you signed this on page 5.
19 It's dated, looks like, the 4th day of February, 2019.
20 Did you read this and sign it today?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Did you have a chance to discuss
23 it with your attorney; he answered any questions you
24 had about it?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** You understood the terms before
2 you signed it?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** You understand that by signing
5 this, you're agreeing that you read it and understood
6 it; correct?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Also by signing it, you're giving
9 up important rights, like the right to confront your
10 accuser, the right to go to trial, and the right to
11 present evidence on your own behalf? You understand
12 that?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Are you currently under the
15 influence of any alcohol, medication, narcotics or
16 substance that might affect your ability to understand
17 these documents or the process that we're going
18 through?

19 **THE DEFENDANT:** No.

20 **THE COURT:** Are you currently suffering from
21 any emotional or physical distress that's caused you to
22 enter this plea?

23 **THE DEFENDANT:** No.

24 **THE COURT:** You understand that the range of
25 punishment for this, according to the law, is 15 to 40

1 years or for a minimum of no less than 15 years and a
2 maximum of life or life without parole? Do you
3 understand those are the options?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** You understand that sentencing is
6 strictly up to the Court. Nobody can promise you any
7 type of leniency or any special treatment? You
8 understand that?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Do you have any questions that
11 you want to ask of myself, your attorney, or the State
12 before we go forward?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Has your attorney made any
15 promises to you that are not contained in the guilty
16 plea agreement?

17 **THE DEFENDANT:** No.

18 **THE COURT:** Based on all the facts and
19 circumstances, are you satisfied with the services of
20 your attorney?

21 **THE DEFENDANT:** Yes

22 **THE COURT:** Are you a U.S. citizen?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** All right. So I'm going to go
25 through the information. This is going to be

1 redundant. You guys are going to hear this four times.
2 I've got to go through it with each of you.

3 Mr. Honabach, according to the amended
4 information charging you with first degree kidnapping
5 resulting in substantial bodily harm, it says that, "On
6 or about March 7th, 2016, in Clark County, Nevada
7 contrary to the laws of the State of Nevada, you did
8 willfully, unlawfully, and feloniously seize, confine,
9 inveigle, entice, decoy, abduct, conceal, kidnap or
10 carry away Jose Ortiz Salazar, a human being, with the
11 intent to hold or detain Jose Ortiz Salazar against his
12 will and without his consent for the purpose of
13 committing murder and/or robbery resulting in
14 substantial bodily harm to Jose Ortiz Salazar. The
15 defendants being criminally liable under one or more of
16 the following principles of criminal liability: By
17 directly committing the crime and/or, two, by aiding or
18 abetting in the commission of the crime with the intent
19 that the crime be committed by counseling, encouraging,
20 hiring, commanding, inducing and/or otherwise procuring
21 the other to commit the crime, and/or, three, pursuant
22 to a conspiracy to commit the crime with the intent
23 that the crime be committed, the defendants aiding or
24 abetting or conspiring, defendants acting in concert
25 throughout."

1 Is that what you did?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** All right. The Court hereby
4 finds the defendant's plea of guilty is freely and
5 voluntarily made. He appears to understand the nature
6 of the offense and the consequences of the plea. I'll
7 therefore accept your plea of guilty, and we'll refer
8 this to the Division of Parole and Probation for
9 preparation of a PSI. And we'll set your sentencing
10 hearing for --

11 **THE CLERK:** March 26th, 8:30.

12 **THE DEFENDANT:** Thank you, Your Honor.

13 **THE COURT:** Thank you. Fabiola Jimenez.
14 Ms. Jimenez, can you give me your full legal?

15 **THE DEFENDANT:** Yes. Fabiola Jimenez.

16 **THE COURT:** How old are you, ma'am?

17 **THE DEFENDANT:** 43.

18 **THE COURT:** How far did you go in school?

19 **THE DEFENDANT:** Eleventh.

20 **THE COURT:** Do you read, write, and
21 understand the English language?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Have you received a copy of the
24 amended information in this case which charges you with
25 first degree kidnapping resulting in substantial bodily

1 harm?

2 **THE DEFENDANT:** Yes, sir.

3 **THE COURT:** You've had a chance to review
4 that with your attorney; he answered any questions you
5 had about it?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** With regard to that charge, how
8 do you plead, guilty or not guilty?

9 **THE DEFENDANT:** Guilty.

10 **THE COURT:** Before I can accept your plea of
11 guilty, I have to be convinced that your plea is freely
12 and voluntarily made. Are you making your plea freely
13 and voluntarily?

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** Has anybody forced you or coerced
16 to accept that plea?

17 **THE DEFENDANT:** No, sir.

18 **THE COURT:** Are you making the plea of guilty
19 because you're, in fact, guilty of that charge.

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** Has anybody made any promises or
22 guarantees to you other than what's been stated in open
23 court and what's contained in the guilty plea
24 agreement?

25 **THE DEFENDANT:** No, sir.

1 **THE COURT:** In looking at the guilty plea
2 agreement, it appears that you signed this on page 5.
3 It's dated February 4th. Did you read it and sign it
4 today?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** Did you understand it before you
7 signed it?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** You had a chance to talk to your
10 attorney about it; he answered any questions you might
11 have had about it?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** You understand that by signing
14 it, you're agreeing that you read it and understood it;
15 correct?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Also by signing that, you're
18 giving up important rights like the right to confront
19 your accuser, the right to go to trial, and the right
20 to present evidence on your own behalf? Do you
21 understand that?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Are you currently under the
24 influence of any alcohol, medication, narcotics, or any
25 substance that might affect your ability to understand

1 these documents or the process that we're going
2 through?

3 **THE DEFENDANT:** No, sir.

4 **THE COURT:** Are you currently suffering from
5 any emotional or physical distress that's caused you to
6 enter the plea?

7 **THE DEFENDANT:** No, sir.

8 **THE COURT:** Do you understand that the range
9 of punishment for this is 15 to 40 years or minimum of
10 no less than 15 years and a maximum of life or life
11 without parole? You understand that those are the
12 options?

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** Do you understand that sentencing
15 is strictly up to the Court. Nobody can promise you
16 probation, leniency or any special treatment; right?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Do you have any questions you
19 want to ask of myself, your attorney, or the State
20 before we go forward?

21 **THE DEFENDANT:** No, sir.

22 **THE COURT:** Did your attorney make any
23 promises to you that are not contained in the guilty
24 plea agreement?

25 **THE DEFENDANT:** No, sir.

1 **THE COURT:** Based on all the facts and
2 circumstances, are you satisfied with the services of
3 your attorney?

4 **THE DEFENDANT:** Yes, sir.

5 **THE COURT:** Are you a U.S. citizen?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** All right. Let me go through the
8 amended information with you and make sure there's a
9 factual basis. According to the information it says,
10 "On or about the 7th day of March 2016, in Clark
11 County, Nevada, contrary to the laws of the State of
12 Nevada, you did willfully, unlawfully, feloniously
13 seize, confine, inveigle, entice, decoy, abduct,
14 conceal, kidnap, or carry away Jose Ortiz Salazar, a
15 human being, with the intent to hold or detain Jose
16 Ortiz Salazar against his will and without his consent
17 for the purpose of committing murder and/or robbery
18 resulting in substantial bodily harm to Jose Ortiz
19 Salazar. The defendants being criminally liable under
20 one or more of the following principles of criminal
21 liability, to wit: one, by directly committing the
22 crime; and/or, two, by aiding or abetting in the
23 commission of the crime with the intent that the crime
24 be committed, by counseling, encouraging, hiring,
25 commanding, inducing, or otherwise procuring the other

1 to the commit the crime; and/or, three, pursuant to a
2 conspiracy to commit the crime with the intent that the
3 crime be committed, defendants aiding or abetting or
4 conspiring, defendants acting in concert throughout."

5 Is that what you did?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** All right. The Court hereby
8 finds the defendant's plea of guilty is freely and
9 voluntarily made. She appears to understand the nature
10 of the offense and the consequences of the plea. I'll,
11 therefore, accept your plea of guilty. We'll refer
12 this matter to the Division of Parole and Probation for
13 preparation of a PSI. We'll set your sentencing
14 hearing date for --

15 **THE CLERK:** March 26th, 8:30.

16 **THE COURT:** All right. Lionel king.

17 Mr. King, can you please give me your full.

18 **THE DEFENDANT:** Lionel Anthony King.

19 **THE COURT:** How old are you, sir?

20 **THE DEFENDANT:** 32.

21 **THE COURT:** How far did you go in school?

22 **THE DEFENDANT:** Tenth grade.

23 **THE COURT:** Do you read, write, and
24 understand the English language?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Have you received a copy of the
2 amended information in this case which charges you with
3 first degree kidnapping resulting in substantial bodily
4 harm?

5 **THE DEFENDANT:** I have.

6 **THE COURT:** You reviewed that with your
7 attorney; he answered any questions you had about it?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** With regard to that charge, how
10 do you plead, guilty or not guilty?

11 **THE DEFENDANT:** Guilty.

12 **THE COURT:** Before I can accept your plea of
13 guilty, I have to be convinced that your plea is freely
14 and voluntarily made. Are you making your plea freely
15 and voluntarily?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Has anybody forced you or coerced
18 you to accept that plea?

19 **THE DEFENDANT:** No, sir.

20 **THE COURT:** Are you making the plea of guilty
21 because you're, in fact, guilty of that charge?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Has anybody made any promises or
24 guarantees to you other than what's been stated in open
25 court?

1 **THE DEFENDANT:** No.

2 **THE COURT:** In looking at the guilty plea
3 agreement, it looks like it's signed on page 5, dated
4 February 4. Did you read and sign this today?

5 **THE DEFENDANT:** I did.

6 **THE COURT:** Did you understand it before you
7 signed it?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** You had a chance to discuss it
10 with your attorney; he answered any questions you might
11 have had about it?

12 **THE DEFENDANT:** Um-hum. Yes.

13 **THE COURT:** You understand that by signing
14 this, you're agreeing that you read and understood it;
15 correct?

16 **THE DEFENDANT:** Correct, sir.

17 **THE COURT:** Also by signing it, you're giving
18 up important constitutional rights, like the right to
19 confront your accuser, the right to go to trial and
20 present evidence on your own behalf? Do you understand
21 that?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Are you currently under the
24 influence of any alcohol, medication, narcotics, or any
25 substance that might affect your ability to understand

1 these documents or the process that we're going
2 through?

3 **THE DEFENDANT:** No, Your Honor.

4 **THE COURT:** Are you currently suffering from
5 any emotional or physical distress that's caused you to
6 enter this plea?

7 **THE DEFENDANT:** No.

8 **THE COURT:** You understand that the range of
9 punishment for this charge is 15 to 40 years or for a
10 minimum of 15 years and a maximum of life or life
11 without parole? Do you understand that those are the
12 options?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** You understand that sentencing is
15 strictly up to the Court. Nobody can promise you any
16 type of leniency or any special treatment?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Do you have any questions that
19 you want to ask of myself, your attorney, or the State
20 before we go forward?

21 **THE DEFENDANT:** I do not, sir.

22 **THE COURT:** Has your attorney made my
23 promises to you that are not contained in the guilty
24 plea agreement?

25 **THE DEFENDANT:** No, sir.

1 **THE COURT:** Based on all the facts and
2 circumstances in the case, are you satisfied with the
3 services of your attorney?

4 **THE DEFENDANT:** Yes, I am, Your Honor.

5 **THE COURT:** Are you a U.S. citizen?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Let me go through the information
8 with you to make sure that there's a factual basis for
9 your plea. It says that, "On or about the 7th day of
10 March 2016, in Clark County, Nevada, contrary to the
11 laws of the state of Nevada, you did willfully,
12 unlawfully, feloniously seize, confine, inveigle,
13 entice, decoy, abduct, conceal, kidnap, or carry way
14 Jose Ortiz Salazar, a human being, with the intent to
15 hold or detain Jose Ortiz Salazar against his will and
16 without his consent for the purpose of committing
17 murder and/or robbery resulting in substantial bodily
18 harm to Jose Ortiz Salazar, the defendant being
19 criminally liable under one or more of the follow
20 principles of criminal liability: One, by directly
21 committing the crime; and/or, two, by aiding or
22 abetting in the commission of the crime with the intent
23 that the crime be committed by counseling, encouraging,
24 hiring, commanding, inducing and/or otherwise procuring
25 the other to commit the crime; and/or, three, pursuant

1 to a conspiracy to commit the crime with the intent
2 that the crime be committed, the defendants aiding or
3 abetting and/or conspiring, defendants acting in
4 concert throughout."

5 Is that what you did?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** All right. Court hereby finds
8 the defendant's plea is freely and voluntarily made.
9 He appears to understand the nature of the offense and
10 the consequences of his plea. I'll, therefore, accept
11 your plea of guilty. We'll refer this to the Division
12 of Parole and Probation for preparation of a PSI, and
13 we'll set your sentencing hearing date for --

14 **THE CLERK:** March 26th, 8:30.

15 **THE COURT:** All right. Thanks, guys.

16 **MS. THOMSON:** Thank you, Your Honor.

17 **THE COURT:** That resolves the case. We will
18 see you at sentencing. We'll excuse your jurors.

19 (Proceedings concluded at 10:39 A.M.)

20 -o0o-

21 ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
22 PROCEEDINGS.

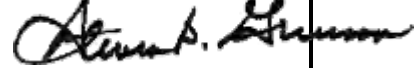
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24 
25 /s/ Kimberly A. Farkas, RPR, CRR

MR. ARNOLD: [1] 3/8 MR. BECKETT: [1] 3/6 MR. GELLER: [2] 3/2 7/20 MR. YAMPOLSKY: [1] 3/4 MS. THOMSON: [2] 2/11 25/15 THE CLERK: [4] 9/24 15/10 20/14 25/13 THE COURT: [115] THE DEFENDANT: [107] THE WITNESS: [2] 3/25 9/16 - -o0o [1] 25/20 / /S [1] 25/24 1 10:20 [1] 1/15 10:39 [1] 25/19 15 [10] 2/18 2/21 6/14 6/14 12/25 13/1 18/9 18/10 23/9 23/10 2 2016 [4] 8/11 14/6 19/10 24/10 2019 [3] 1/14 2/1 11/19 26th [4] 9/25 15/11 20/15 25/14 3 31 [1] 10/7 32 [2] 3/19 20/20 4 40 [4] 6/14 12/25 18/9 23/9 43 [1] 15/17 48-year [1] 2/18 4th [2] 11/19 17/3 7 741 [1] 1/25 7th [4] 8/11 14/6 19/10 24/9 8 8:30 [4] 9/25 15/11 20/15 25/14 A A.M [2] 1/15 25/19 abduct [4] 8/14 14/9 19/13 24/13	abetting [8] 8/23 9/3 14/18 14/24 19/22 20/3 24/22 25/3 ability [4] 6/8 12/16 17/25 22/25 able [1] 5/23 about [12] 5/15 8/11 10/18 11/24 14/6 16/5 17/10 17/11 19/10 21/7 22/11 24/9 accept [11] 4/14 9/22 11/1 11/7 15/7 16/10 16/16 20/11 21/12 21/18 25/10 accepting [1] 9/13 according [5] 8/10 9/7 12/25 14/3 19/9 accurate [2] 3/6 25/21 accuser [4] 5/24 12/10 17/19 22/19 acting [4] 9/4 14/24 20/4 25/3 adverse [1] 7/13 affect [4] 6/8 12/16 17/25 22/25 after [1] 8/1 against [4] 8/17 14/11 19/16 24/15 agree [3] 2/17 8/4 9/15 agreed [1] 3/1 agreeing [5] 5/18 5/22 12/5 17/14 22/14 agreement [13] 5/3 5/6 6/13 7/4 8/5 11/15 11/18 13/16 16/24 17/2 18/24 22/3 23/24 aiding [8] 8/22 9/3 14/17 14/23 19/22 20/3 24/21 25/2 alcohol [4] 6/7 12/15 17/24 22/24 all [13] 2/15 7/6 9/18 13/18 13/24 15/3 19/1 19/7 20/7 20/16 24/1 25/7 25/15 Also [4] 5/21 12/8 17/17 22/17 am [2] 4/18 24/4 amended [8] 4/3 8/8 10/14 10/20 14/3 15/24 19/8 21/2 and/or [14] 8/18 9/1 14/13 14/17 14/20 14/21 19/17 19/22 20/1 24/17 24/21 24/24 24/25 25/3 ANGEL [4] 1/7 2/6 3/14 3/17 answered [8] 5/14 7/18 10/17 11/23 16/4 17/10 21/7 22/10	Anthony [1] 20/18 any [37] anybody [8] 4/19 4/25 11/6 11/12 16/15 16/21 21/17 21/23 appears [5] 9/20 15/5 17/2 20/9 25/9 appropriate [1] 3/1 are [41] argue [3] 2/17 2/19 2/22 ARNOLD [1] 1/23 as [3] 7/24 7/24 8/4 ask [4] 6/24 13/11 18/19 23/19 ATTEST [1] 25/21 attorney [21] 4/8 5/14 7/2 7/8 7/17 7/23 10/17 11/23 13/11 13/14 13/20 16/4 17/10 18/19 18/22 19/3 21/7 22/10 23/19 23/22 24/3 away [3] 8/15 14/10 19/14 B Based [4] 7/6 13/18 19/1 24/1 basis [3] 8/9 19/9 24/8 be [17] 2/13 4/15 5/23 7/25 8/24 9/3 9/12 11/2 13/25 14/19 14/23 16/11 19/24 20/3 21/13 24/23 25/2 because [5] 4/22 9/11 11/10 16/19 21/21 BECKETT [1] 1/21 been [6] 5/1 7/22 7/23 11/13 16/22 21/24 before [13] 1/13 4/14 5/10 6/25 11/1 12/1 13/12 16/10 17/6 18/20 21/12 22/6 23/20 behalf [8] 3/3 3/5 3/7 3/9 5/25 12/11 17/20 22/20 being [8] 8/16 8/19 14/10 14/15 19/15 19/19 24/14 24/18 believe [1] 3/2 best [1] 3/24 bodily [11] 2/15 4/4 4/11 8/19 10/22 14/5 14/14 15/25 19/18 21/3 24/17 both [1] 2/16	C C314092 [2] 1/5 2/5 can [15] 3/15 3/24 4/14 6/19 7/21 10/1 10/3 11/1 13/6 15/14 16/10 18/15 20/17 21/12 23/15 can't [1] 9/12 canvas [1] 3/12 CARL [1] 1/23 carry [4] 8/15 14/10 19/14 24/13 case [10] 1/5 2/5 2/8 3/1 4/3 10/14 15/24 21/2 24/2 25/17 CASTRO [6] 1/7 2/6 3/3 3/14 3/16 3/17 category [2] 4/5 10/22 caused [4] 6/3 12/21 18/5 23/5 CCR [1] 1/25 certain [1] 5/22 chance [8] 4/7 5/13 7/16 10/16 11/22 16/3 17/9 22/9 charge [9] 4/10 4/23 10/23 11/10 16/7 16/19 21/9 21/21 23/9 charges [4] 7/13 10/21 15/24 21/2 charging [2] 4/3 14/4 circumstances [4] 7/7 13/19 19/2 24/2 citizen [4] 7/10 13/22 19/5 24/5 CLARK [5] 1/2 8/11 14/6 19/10 24/10 client [1] 7/24 coerced [4] 4/19 11/6 16/15 21/17 commanding [4] 8/25 14/20 19/25 24/24 commission [4] 8/23 14/18 19/23 24/22 commit [8] 9/1 9/2 14/21 14/22 20/1 20/2 24/25 25/1 committed [8] 8/24 9/3 14/19 14/23 19/24 20/3 24/23 25/2 committing [8] 8/18 8/22 14/13 14/17 19/17 19/21 24/16 24/21 communication [1] 7/23 conceal [4] 8/14 14/9 19/14 24/13 concert [4] 9/4 14/24 20/4 25/4 concluded [1] 25/19	confine [4] 8/14 14/8 19/13 24/12 confront [4] 5/24 12/9 17/18 22/19 consent [4] 8/17 14/12 19/16 24/16 consequences [5] 7/13 9/21 15/6 20/10 25/10 conspiracy [4] 9/2 14/22 20/2 25/1 conspiring [4] 9/4 14/24 20/4 25/3 constitutional [2] 5/23 22/18 contained [7] 5/2 7/3 11/14 13/15 16/23 18/23 23/23 contingent [1] 2/15 contrary [4] 8/12 14/7 19/11 24/10 convinced [4] 4/15 11/2 16/11 21/13 copy [4] 4/2 10/13 15/23 21/1 correct [14] 3/4 3/8 3/10 5/19 5/20 6/21 6/22 7/15 9/16 10/14 12/6 17/15 22/15 22/16 counsel [1] 6/24 counseling [4] 8/24 14/19 19/24 24/23 COUNTY [5] 1/2 8/11 14/6 19/11 24/10 court [16] 1/1 2/20 2/23 5/2 6/19 7/22 9/18 11/14 13/6 15/3 16/23 18/15 20/7 21/25 23/15 25/7 crime [24] 8/22 8/23 8/24 9/1 9/2 9/3 14/17 14/18 14/19 14/21 14/22 14/23 19/22 19/23 19/23 20/1 20/2 20/3 24/21 24/22 24/23 24/25 25/1 25/2 criminal [4] 8/21 14/16 19/20 24/20 criminally [4] 8/20 14/15 19/19 24/19 CRR [1] 25/24 currently [8] 6/2 6/6 12/14 12/20 17/23 18/4 22/23 23/4 D date [2] 20/14 25/13 dated [4] 5/7 11/19 17/3 22/3 day [4] 8/11 11/19 19/10 24/9 decoy [4] 8/14 14/9
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DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)
)
Plaintiff,) CASE NO. C314092
) DEPT. NO. XXX
vs.)
)
)
LUIS ANGEL CASTRO,)
)
Defendant.)
)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SENTENCING

BEFORE THE HONORABLE JERRY A. WIESE, II

TUESDAY, MARCH 26, 2019

AT 9:57 A.M.

LAS VEGAS, NEVADA

For the State: MEGAN THOMSON, ESQ.

For the Defendants: WARREN GELLER, ESQ
ROBERT BECKETT, ESQ.
MACE YAMPOLSKY, ESQ.
CARL ARNOLD, ESQ.

REPORTED BY: KIMBERLY A. FARKAS, NV CCR No. 741

1 LAS VEGAS, NEVADA, TUESDAY, MARCH 26, 2019

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3 P R O C E E D I N G S

4 * * * * *

5
6 **THE MARSHAL:** You may remain seated. Please
7 come to order. Pages 11 12, 13, 14. Page 11, Luis
8 Castro, C314092; page 12, Edward Honabach, C314092;
9 page 13, Fabiola Jimenez, C314092; page 14, Lionel
10 King, Case No. C314092.

11 **MR. GELLER:** Warren Geller on behalf of Luis
12 Castro. He's present in custody this morning.

13 **MR. BECKETT:** Bob Beckett appearing with
14 Mr. Honabach.

15 **MR. ARNOLD:** Good morning, Your Honor. Carl
16 Arnold on behalf of Fabiola Jimenez.

17 **MR. YAMPOLSKY:** Mace Yampolsky on behalf of
18 Lionel King.

19 **MS. THOMSON:** Megan Thomson for the State.

20 **THE COURT:** It's on for sentencing today.
21 Any reason we should not go forward?

22 **MR. GELLER:** On behalf of Defendant Castro,
23 there is one stipulated correction to his PSI. I don't
24 believe there's any reason we wouldn't be able to put
25 that on the record and then proceed.

1 **THE COURT:** Let's do that now. What's the
2 issue?

3 **MR. GELLER:** With respect to page 2, there
4 are three boxes which the PSI author can check in this
5 case with an X, indicating age at first arrest. On
6 Mr. Castro's PSI, it's checked "19 or younger." That's
7 not substantiated by his arrest history later in the
8 report. The parties have agreed to have that removed.
9 And I believe a "24 and older" would be the appropriate
10 box that should have been checked in that instance.

11 **MS. THOMSON:** I agree.

12 **THE COURT:** Okay. That doesn't rise to the
13 level of a Stockmeier issue, I don't believe.

14 **MR. GELLER:** I don't believe either,
15 Your Honor.

16 **THE COURT:** Okay. Mr. Beckett.

17 **MR. BECKETT:** Judge, we're ready to proceed.

18 **THE COURT:** You've reviewed the PSI with your
19 client. Are there any issues.

20 **MR. BECKETT:** No, Judge.

21 **THE COURT:** Mr. Arnold?

22 **MR. ARNOLD:** Yes, Your Honor. We've gone
23 through the PSI, and there's no issues. We're ready
24 for sentencing.

25 **THE COURT:** Mr. Yampolsky?

1 **MR. YAMPOLSKY:** We reviewed the PSI. There's
2 no issues.

3 **THE COURT:** All right. I have received
4 sentencing memos from the State on all four defendants.
5 I did receive a sentencing memo from Mr. Geller with
6 regard to Mr. Castro. And I also received a letter
7 yesterday from Mr. Honabach's parents. So I've
8 reviewed all of that.

9 Let me go through here and as far as the
10 guilty plea agreement is concerned, I'm just going to
11 do it combined. So each of you are -- I'm adjudicating
12 you guilty pursuant to the guilty plea agreement of
13 first degree kidnapping resulting in substantial bodily
14 harm. It's a category A felony. That being said, what
15 does the State want to tell me more?

16 **MS. THOMSON:** Just briefly, Your Honor. I
17 believe that I've outlined it well within each of the
18 sentencing memos, but, ultimately, it's the State's
19 position that each of these individuals, while they may
20 be separately situated in terms of their active
21 participation in the crime, their prior criminal
22 convictions and the other cases that were pending at
23 the time it all balances out that each of them should
24 receive a term of life in prison without the
25 possibility of parole, given the amount of torture, the

1 danger that this crime posed to the community, and the
2 danger that each of these individuals poses to the
3 community in the future.

4 **THE COURT:** Start with Mr. Geller.

5 **MR. GELLER:** Judge, a couple things I'd like
6 to emphasize. I know that the Court doesn't want
7 counsel to reiterate and reread the sentencing
8 memorandum. I do want to sort of hit the high points
9 from that document that I submitted to the Court.

10 As I've indicated with Mr. Castro's
11 biography, the majority of his life up until his late
12 20s was crime free. I do concede in there during his
13 teen years and early 20s he was committing, obviously
14 he wasn't caught for it, but possessory drug crimes. I
15 mentioned in the memorandum that he suffered some
16 trauma as a young man or a young boy. It looks like,
17 at least with respect to the report that was prepared
18 by Dr. Sharon Jones Forester that I attached as an
19 exhibit, that he may have been self-medicating through
20 much of his youth associated with some of that trauma.

21 I'm not going to suggest to the Court that
22 that somehow makes it okay to be involved in the awful
23 things that Your Honor obviously saw in the photographs
24 attached to Ms. Thomson's memorandum. But I do think
25 it's important that I emphasize to the Court a little

1 context.

2 I think it's easy in these circumstances to
3 kind of zero in and laser in on just the awful things
4 that happened. And I think it's important to really
5 look at a human being in the course of their entire
6 life. Obviously, there's a lot of people that love and
7 care for Luis. He's got a large support group here.
8 Pretty much everybody other than the media that's
9 sitting right in this area, there's his brother,
10 mother, father, nieces, nephews, cousins. There's
11 extensive support from them.

12 **THE COURT:** I think I got letters from every
13 one of them.

14 **MR. GELLER:** I think you did, Your Honor. I
15 don't know that I've ever had a case where there were
16 more letters of support. Again, I realize that even if
17 he had a thousand letters and a family of a thousand
18 people, it's not going to undue the horrible things
19 that happened, but I do think it does speak to some
20 degree to his character when he's sober.

21 Now, Ms. Thomson did do an excellent job of
22 pointing out some of the things. Like, there was, I
23 guess, a fight in CCDC. I did point out in the
24 sentencing memorandum the District Attorney's office
25 never charged him for that. When I showed that to my

1 client, he was a little bit frustrated insofar as he
2 never went through the adjudicated process in court
3 where he was able to say who started it. The DA's
4 office, I guess, didn't feel it was appropriate to
5 charge him with that. I did want to mention that as
6 well.

7 With respect to what I believe the PSI is
8 recommending, the PSI is not asking the Court to say he
9 needs to be out, back on the streets or back with his
10 family, whatever the case may be in 15 years. I think
11 what they're suggesting and what the defense is
12 suggesting just give the parole board the option to
13 where he can have parole at some point in his life.

14 As you saw in my sentencing memorandum, when
15 he was an infant, he was brought to the United States.
16 So he is subject to removal. There is an ICE hold.
17 If, let's say, the Court, for instance, granted the
18 defense's request for parole eligibility at 15 years,
19 that doesn't mean he gets out in 15 years less his
20 credit. That means let's say one day he's a
21 70-year-old man in a wheelchair in the Nevada
22 Department of Corrections. The parole board would have
23 the option to say, you know what, federal government,
24 now you can take Mr. Castro and deport him to Mexico.

25 If the Court sentences him to life without,

1 no matter what the circumstances are, we're always
2 going to be paying for his incarceration, even if he's
3 a 70 or 80-year-old man. If he is a model inmate, if
4 there's no incidents, and if at least parole
5 commissioners, after examining the same facts that Your
6 Honor is examining, determine that he is ripe for
7 removal from the United States, they can put that in a
8 motion by having him turned over to federal custody,
9 and he'll be deported to Mexico.

10 I'm not in any way, shape or form suggesting
11 that because he's got the family, because he's got the
12 trauma, and because he had a drug addiction, that means
13 that the crime wasn't awful. I know it's got to be one
14 of the worst ones Your Honor has ever seen. We're just
15 asking the Court to allow the parole board to have the
16 discretion, maybe when he's an elderly man, to consider
17 releasing him in light of the fact that he's not
18 somebody that was out on a criminal rampage his whole
19 life. He's not someone that in my mind and the minds
20 of the family and friends who are here to support him
21 that's completely unredeemable.

22 He did everything he could to try to persuade
23 the Court and to try to persuade the State that he
24 never actually was one of the people that handled the
25 weapon. I completely concede that the victim in this

1 case does say that he handled the weapon and used it on
2 him.

3 His DNA wasn't found on the weapon. He asked
4 to take a polygraph test on that issue. When the
5 police grilled him excessively about that issue, he was
6 adamant that he never touched a weapon or never struck
7 the victim or did any of the things associated with the
8 photographs. He does concede he made bad judgment; he
9 did encourage the victim to go over to the abandoned
10 house. He's guilty of that. He's responsible for
11 that. I know that that's an issue in contention,
12 whether he ever personally used the weapon on the
13 victim, but everything that we tried to gather up and
14 muster up is to demonstrate to the Court that he was
15 trying to prove that he didn't. But it certainly
16 wasn't worth going to trial over on that one issue
17 because he has criminal liability for everything else
18 that happened.

19 Again, with respect to him leaving and going
20 to the convenient store, I know Your Honor has the
21 screenshots that I took from the surveillance video.
22 Again, Ms. Thomson is correct in her memorandum; he did
23 return to the scene of the crime. I'm not suggesting
24 that because he left and went to the 7-11, that means
25 that he had no responsibility or no culpability. What

1 I am suggesting is that he did, in fact, leave because
2 he was feeling very uneasy about things. And he was
3 asking the police to take a polygraph on that issue.
4 Again, State's completely within its rights to say no,
5 but he wanted to take a polygraph even if it was with a
6 Metro polygrapher to prove that he left because he was
7 getting queazy and uncomfortable and that he didn't
8 touch a weapon.

9 So in summation, Judge, really what I'm just
10 asking the Court is, not to endorse the conduct, not to
11 say that the allegations are only worth 15 years in
12 custody, but rather to just say, parole board, maybe
13 one day when he's an old man, you have the authority to
14 consider releasing him for deportation to Mexico. And
15 that's it. We're not asking for the Court to endorse
16 anything that went on here. We're just asking for the
17 parole board to have that option at some point in his
18 life because I do think that, notwithstanding what
19 happened, he is an otherwise redeemable person. I'd
20 submit with that, Your Honor.

21 **THE COURT:** Mr. Castro, anything else you
22 want to tell me?

23 **THE DEFENDANT:** Yeah. First, I'm nervous.
24 Never been in no type of trouble in my life. But, you
25 know, I do want to apologize to the victim. I don't

1 know if he's here or not. I do want it out, to know
2 that I do apologize for putting him in this type of
3 ordeal. It's going to be marked in his life as well.
4 The situation is marked in mine as well because I am
5 paying as well for my consequences.

6 You know, I do apologize to my family, too
7 because -- for the embarrassment for all of this has
8 caused as well. Because they raised me better, to be a
9 better person, better man.

10 Due to the drugs, I got into the situation.
11 I got into this position. You know, whatever your
12 judgment is at the end, I'm gonna, you know, have my
13 head up high and deal with it, go forward. But the
14 only thing I do ask is give me one permission to be
15 back with my family, to my son, to them, you know,
16 because I'm gonna miss a lot of part of their life. At
17 least let me turn into be still some part of it at
18 least at the end. That's what I want to say. Thank
19 you.

20 **THE COURT:** Thank you, sir. Mr. Beckett.

21 **MR. BECKETT:** Yes, Judge. Thank you.

22 Judge, as you read, of course, on page 4 of
23 on Mr. Honabach's PSI, looks like the last time he was
24 in trouble was a while ago, in 2012. The question
25 comes up, Judge, between then and when this crime was

1 committed, what happened. The facts are disturbing and
2 they're ugly. There's no way around that. And they've
3 been set forth in the PSI and set forth in
4 Ms. Thomson's sentencing memorandum. I'm not going to
5 even go to the facts. They are what they are.

6 The question comes up -- sometimes we want
7 answers -- how can something like this happen so we can
8 somehow make sense of it if possible. Well, talking
9 with Edward, what happened was meth happened. That's
10 an old story.

11 He was doing pretty well. He was working as
12 a flagger for a construction company, as Your Honor
13 knows. He was paying his bills. Life was going along.
14 And then he ran into meth.

15 He started doing -- smoking, as he said, an 8
16 ball a day, which I find out now is like 3.5 grams a
17 day. On top of smoking 3.5 grams a day, he was also
18 doing what they call a meth ball. Now, I'm told that
19 you take a gram of meth, put it on a square toilet
20 paper, roll it up, twist it up and wash it down with
21 whatever. I'm surprised that that doesn't kill a
22 person. But he had been doing that for about four days
23 or so prior to this crime.

24 And he said that during that four days, of
25 course, on the influence of meth, which is a very

1 strong type of speed, is what I'm told, he wasn't
2 eating. He wasn't sleeping. He wasn't drinking water.
3 So he was dehydrated. He said he started hearing
4 voices of sorts. He said he started seeing out of the
5 corner of his eye shadow people.

6 I'm surprised he didn't go into some sort of
7 seizure or whatever, but he kept going. So that was
8 what was going on when this occurred.

9 There's no excuse, Judge. It's not an
10 excuse. But sometimes we can say, well, okay, he was
11 under the influence of this horrible drug. Yes, he
12 voluntarily ingested it in different forms. He's
13 responsible for what happened. The law recognizes
14 that. But that's what was going on. I can say that he
15 was basically speeding out of his mind when this
16 happened. No excuse, just facts.

17 Then we get to, okay, where is he at today?
18 He's been in custody about three years. Of course,
19 he's clean. And, of course, he's a different person
20 now when he's not on the drugs. I've seen that since
21 I've picked up the case, that he's been pretty
22 rational -- well, very rational. He's intelligent.
23 He's articulate. His father has, of course, seen the
24 difference in him today than when he was on meth, when
25 he was using meth years ago.

1 What has he done with his time now that he's
2 clean? He's gotten his GED. He's going forward. He's
3 going to get his diploma. That's another step and
4 that's important to him. He's looking forward to
5 someday getting out.

6 I've got to be careful with this, Judge,
7 because there's the old joke. Everybody in jail finds
8 religion; okay. Well, sometimes it's sincere.
9 Sometimes it's not. Sometimes it's just a thing of the
10 moment. He's been reading the bible a lot in addition
11 to doing his studies, and he's finding a lot of comfort
12 in that.

13 He's using that time constructively. What
14 does he want to do? Where does he want to be if he's
15 granted parole? What does he want to do with his life
16 if he's granted parole and if he has a chance of
17 getting out of prison? Well, his plans right now are
18 maybe, because it's going to be limited with his
19 record, because when some potential employer,
20 especially if it's submitted online, there's going to
21 be problems.

22 He does have strong family support. His
23 father is here. His father has always been in contact
24 with me. His father has been at every court
25 appearance. His mother is here. She's had a number of

1 health problems, she's here for him as well. They'll
2 always be here for him, of course, Judge. He has
3 family in different areas that can help him get a job,
4 that can help him get started in some sort of labor
5 job.

6 He'd like some day, Judge, to have a life.
7 What does that mean? Have a job, maybe get a house,
8 maybe get married, might eventually have kids if he's
9 granted possibility of parole in this case. He's gonna
10 be a lot older than he is right now. He's probably
11 going to be a completely different person, of course,
12 than he was when this crime occurred, than he is today,
13 than he will be in 15 or so years when he gets paroled.

14 And when he gets paroled, is it just, have a
15 nice life? No. He'll be on parole. He'll be watched.
16 He'll be monitored. I'm sure with these type of crimes
17 that occurred, that they're going to be extra diligent
18 in supervising him.

19 Judge, I know Mr. Honabach wants to talk to
20 you, wants to express how he feels, the remorse he has,
21 and the disbelief of what actually happened. But he'd
22 like a chance at life, eventually have a chance at some
23 sort of life. And we ask you give him the chance of
24 sentencing him to 15 to 20 with the possibility of
25 parole.

1 **THE COURT:** Life with the possibility of
2 parole.

3 **MR. BECKETT:** Life with the possibility of
4 parole.

5 **THE COURT:** Mr. Honabach, go ahead.

6 **THE DEFENDANT:** Your Honor, I'd first off
7 like to say that I am sorry for what I done. I'm not
8 going to sit here and try to make excuses for it.
9 There is no excuse. There's no way to say it's okay.
10 There's no way to lessen the effect.

11 It's affected my life, the victim's life, his
12 family's, my family's. And it's just such a tremendous
13 and unforgivable way. There's no way I could ever
14 express my remorse. I can't even comprehend that it
15 was me that was involved in something like this. It's
16 just not me.

17 But I am sorry, Your Honor. I do take full
18 responsibility for it. And I am a different person
19 than when I first came in. Like my attorney said,
20 drugs are the devil's playground. And I regret -- they
21 change who you are. They change how you think, how you
22 feel. They make it so you don't even recognize reality
23 anymore. You can't feel -- there's no way to explain
24 it to somebody who hasn't been there.

25 And I'm just, I'm very sorry, Your Honor.

1 And I have taken this to heart. And I do apologize to
2 the victim and to his family, to my family, to three of
3 my co-defendants and their families, to everyone who
4 was affected in this case, Your Honor. There's no
5 excuse. I'm sorry.

6 I have taken this to heart and changed my
7 life around. I changed -- I have found God. And not
8 just the jailhouse religion. I run Bible studies. I
9 really have found God. I've actually gotten several
10 certificates in Bible courses.

11 I'm involved with two missionaries, CNI and
12 ANI, as well as taking courses with Moody Bible College
13 to get degrees so if I am granted the possibility to
14 get out one day, that I can help other people, just not
15 do this. I want to help youth, talk to them. I've
16 been there; I've done that; it ain't worth it; don't
17 throw your life away; don't do it.

18 I'm sorry. But I'm not the same person I was
19 when I got in here. And God's carried me through this
20 far. God will carry me through further. I plan on
21 continuing when I do go to prison to further help
22 people there realize as well, you know, look at where
23 we're at. Look at the lives we've ruined. Look at the
24 hurt we've caused. Change it. Do something better.
25 Find God. Listen to his word. He'll direct you on the

1 right path.

2 And I just ask that I be given the chance to
3 one day show that, not just to the people in jail, but
4 to the world, that, you know, you can change, and I
5 have. And thank you, Your Honor. That's all I have to
6 say.

7 **THE COURT:** Thank you, Mr. Honabach.

8 Mr. Arnold.

9 **MR. ARNOLD:** Your Honor, on behalf of
10 Ms. Jimenez, she's also asking for a sentence of life
11 with the possibility of parole after 15 years. It's
12 been a big difference in her, Your Honor. I mean,
13 she's not the same person that she was when she came
14 in. She was also on meth, as all the co-defendant's in
15 the case. She went through a rash of disciplinary
16 problems in jail. I think those were outlined in the
17 sentencing memorandum, Your Honor.

18 And then there was a point in time -- in
19 honesty, Your Honor, I think she just had given up.
20 She really did not have any hope. And then she made a
21 reconnection with her oldest daughter and started to
22 have some hope, and decided, hey, I really need to get
23 my life together. She started attending classes,
24 Your Honor. And this was while we were still
25 considering going to trial and, you know, trying to

1 offer a defense in this case.

2 She's going to classes. She started anger
3 management counseling, substance abuse counseling. And
4 this is back in October of last year. Then she did
5 successful release counseling, marriage and family
6 counseling, to help with her daughter, parenting
7 counseling, and life skills counseling, Your Honor.
8 She's been taking a class a month trying to better
9 herself.

10 She's going to continue to do this,
11 regardless of what Your Honor offers because -- or what
12 you sentence her to, for the simple reason is she knows
13 that she does have something to live for. Even though
14 right now she can't be with her family, she's asking
15 for that opportunity, one time, you know, if she's ever
16 paroled on this matter, to be out there with her
17 family. I know she wants to say a couple of words to
18 you, Your Honor, but we're requesting just give her
19 that chance.

20 **THE COURT:** Ms. Jimenez.

21 **THE DEFENDANT:** Yes, Your Honor. I would
22 like to say, first of all, I apologize for everything.
23 I take full responsibility for my part. I came in one
24 person. I am now a totally different person. I've
25 been doing a lot of classes, a lot of programming. I

1 want to say I apologize to the families, to my
2 co-defendants also.

3 I don't know what else to say, Your Honor,
4 but that I apologize for my actions and I take full
5 responsibility for what I've done. And I ask you to
6 please give me that opportunity to go back to my
7 daughter that I just got back. And I'm trying to get
8 my son back. And the only way to get them back is to
9 be able to have a second chance to go home so I can be
10 their mother and a grandmother to my kids, my
11 grandkids.

12 Right now nobody is talking to me.
13 Everybody's upset. And I get it, you know. And I'm
14 trying to get my kids back in my life. I got one at a
15 time. And if you please give me that second chance so
16 that I can be that mother to my kids that I have been
17 absent for a very long time due to meth. And, like I
18 said, I'm a different person now, you know.

19 I've also done Bible studies myself. And I
20 just -- I just ask for a second chance, Your Honor.

21 **THE COURT:** Okay. Thank you.

22 Mr. Yampolsky.

23 **MR. YAMPOLSKY:** Thank you, Your Honor. I'll
24 be brief.

25 As my co-counsel have all stated, it's an

1 awful crime, no excuse. According to the terms of the
2 plea agreement, I'm limited, that I can only argue for
3 life. And, obviously, I'm arguing life with the
4 possibility of parole. It's not a murder case. Murder
5 cases are the absolute worst. And even in a murder
6 case you're eligible for a term of years, 20 to 50 or
7 20 to life or, of course, life without. And I'm
8 suggesting that this is not as bad as a murder case.

9 Now, as I said, I'm limited as to what I can
10 argue, but the PSI that sees thousands of people, they
11 recommend 15 to 40. I'm not asking for that, but based
12 on their recommendation, I believe it's appropriate for
13 him to receive life with the possibility of parole.

14 **THE COURT:** Okay. Mr. King, anything you
15 want to tell me?

16 **THE DEFENDANT:** Yes, Your Honor. As all the
17 counsel's and the co-defendants said, it comes down to
18 the facts. The facts is, yes, I did do it. Yes, I am
19 sorry to the victim, to the family. Most important,
20 the victim's family who had to bear witness to what we
21 did, what our -- what we did. And there's no way
22 around that.

23 The only thing I can do is better myself, and
24 that's what I've been doing. It's all in black and
25 white. I'm a model inmate. I got a job, plus six

1 months. You know, you show up. If you don't show up,
2 you get fired. It's very strict.

3 And I'm just doing the best I can. I'm on
4 the waiting list to get my CSN so I can go to college
5 after I do my GED. So in the future, if possible,
6 Your Honor, if granted, you know, I have something with
7 me when I get out and something that help me build
8 myself into a better man that my kids need me to be,
9 that my family knows me to be, raised me to be. And,
10 Your Honor, that's all I ask is for that one chance.
11 Thank you, sir.

12 **THE COURT:** All right. Thank you.

13 So here's the dilemma that I have, folks. I
14 will generally try to be a merciful judge. I know as a
15 Judge my job is to try to apply mercy and justice in a
16 fair way to people. And I think most people would
17 acknowledge that I try to give people probation when I
18 have that opportunity, to give them at least one
19 chance.

20 In this case I understand that drugs is a
21 problem for most, if not all, of you, and that drugs
22 and alcohol may have been the factor that caused some
23 of these actions, but I don't know that I consider that
24 an excuse. I don't know that I consider that a good
25 reason to have committed horrific crimes.

1 I want to be merciful, but at the same time,
2 I know that justice has to be done. And we have a
3 victim who, but for the fact that he lived against what
4 you all thought -- my understanding is not only was he
5 tortured and mutilated in this room for a period of
6 time, for a period of hours, but that everybody thought
7 he was dead, tried to burn the house down around him.
8 And if you had been successful in this, this would have
9 been a capital murder case and you all would be looking
10 at potentially a capital sentence.

11 I have a hard time with the pictures that
12 I've seen and the horrible injuries that were inflicted
13 upon this poor victim. I understand that he is not the
14 pillar of our community either, but that doesn't
15 justify the things that were done to him over \$50. And
16 that almost makes it worse because that was the basis
17 for this, is him not being able to come up with \$50.

18 So each of you are going to be imposed a \$25
19 administrative assessment fee. Each of you has a \$150
20 DNA fee, if that's not been taken. I believe at least
21 with a couple of you it's been taken so it would not
22 apply. But if it hasn't been taken, you'd have that
23 \$150 DNA fee. There's an additional \$3 DNA fee. I'm
24 going to go ahead and sentence each of you to life in
25 the Nevada Department of Corrections without the

1 possibility of parole. I understand that that is a
2 difficult sentence for you to have to deal with. It's
3 a difficult sentence for me to have to give, but I
4 don't see any redeeming qualities. I would like to be
5 merciful, but I don't think that this is a crime
6 that -- I don't think the community wants you back out
7 on the streets. So that will be the sentence. I don't
8 think credit time served matters.

9 Anything else on the record, counsel?

10 **MS. THOMSON:** No, Your Honor.

11 **MR. GELLER:** No.

12 **MR. BECKETT:** No.

13 **THE COURT:** I hope you folks can get
14 programming while you're in prison. May God have mercy
15 on your souls.

16 (Proceedings concluded at 10:27 A.M.)

17 -o0o-

18 ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
19 PROCEEDINGS.

20
21 
22 /S/ Kimberly A. Farkas, RPR, CRR
23
24
25

MR. ARNOLD: [3] 2/14 3/21 18/8	5	22/21 23/4 23/9	attending [1] 18/23	boxes [1] 3/4
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