

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Nov 23 2021 03:22 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

LUIS ANGEL CASTRO,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Case No: C-16-314092-1  
*Related Case A-21-835827-W*  
Docket No: 83680

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
LUIS CASTRO # 1214547,  
PROPER PERSON  
P.O. BOX 1989  
ELY, NV 89301

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

**I N D E X**

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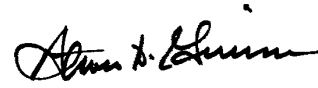
C-16-314092-1

State of Nevada  
vs  
LUIS CASTRO

I N D E X

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THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
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WILL FOLLOW VIA  
U.S. MAIL



CLERK OF THE COURT

1 **INFM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JACOB J. VILLANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #011732  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 I.A. 4/14/16  
10:00 AM  
8 W. GELLER, ESQ.

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-16-314092 – 1-2-3-4

11 -vs-

DEPT NO: IV

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

INFORMATION

Defendant.

16 STATE OF NEVADA }  
17 } ss.  
18 COUNTY OF CLARK }

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 crimes of CONSPIRACY TO COMMIT MURDER (Category B Felony - NRS  
23 200.010, 200.030, 199.480 - NOC 50038); ATTEMPT MURDER WITH USE OF A  
24 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC  
25 50031); MAYHEM WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
26 200.280, 193.165 - NOC 50045); BATTERY WITH USE OF A DEADLY WEAPON  
27 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 -  
28



1 NOC 50226); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
2 RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony - NRS 200.310,  
3 200.320, 193.165 - NOC 50056); EXTORTION WITH USE OF A DEADLY WEAPON  
4 (Category B Felony - NRS 205.320, 193.165 - NOC 50620); ROBBERY WITH USE OF A  
5 DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and FIRST  
6 DEGREE ARSON (Category B Felony - NRS 205.010 - NOC 50414), on or about the 7th day  
7 of March, 2016, within the County of Clark, State of Nevada, contrary to the form, force and  
8 effect of statutes in such cases made and provided, and against the peace and dignity of the  
9 State of Nevada,

10 COUNT 1 - CONSPIRACY TO COMMIT MURDER

11 did willfully, unlawfully, and feloniously conspire with each other to commit murder,  
12 by the Defendants committing the acts as set forth in Count 2, said acts being incorporated by  
13 this reference as though fully set forth herein.

14 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

15 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
16 JOSE ORTIZ-SALAZAR, a human being, with use of a deadly weapon, to-wit: a machete  
17 and/or knife, by stabbing the said JOSE ORTIZ-SALAZAR about the body and/or by cutting  
18 the said JOSE ORTIZ-SALAZAR's throat with said a machete and/or knife, the Defendant(s)  
19 being criminally liable under one or more of the following principles of criminal liability, to-  
20 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission  
21 of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
22 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
23 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
24 Defendants aiding or abetting and/or conspiring to murder JOSE ORTIZ-SALAZAR,  
25 Defendants acting in concert throughout.

26 COUNT 3 - MAYHEM WITH USE OF A DEADLY WEAPON

27 did willfully, maliciously, and feloniously deprive a person, to-wit: JOSE ORTIZ-  
28 SALAZAR, of a body member and/or did disfigure or render a body member useless, to-wit:

1 a finger and/or fingernails, with use of a deadly weapon, to-wit: a machete and/or knife and/or  
2 wire cutters, by severing the said JOSE ORTIZ-SALAZAR'S finger and/or removing his  
3 fingernails, the Defendants being criminally liable under one or more of the following  
4 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
5 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
6 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
7 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
8 intent that this crime be committed, Defendants aiding or abetting and/or conspiring,  
9 Defendants acting in concert throughout.

10 COUNT 4 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
11 SUBSTANTIAL BODILY HARM

12 did willfully, unlawfully, and feloniously use force or violence upon the person of  
13 another, to-wit: JOSE ORTIZ-SALAZAR, with use of a deadly weapon, to-wit: a machete  
14 and/or knife, by stabbing the said JOSE ORTIZ-SALAZAR about the body with said a  
15 machete and/or knife, resulting in substantial bodily harm to JOSE ORTIZ-SALAZAR, the  
16 Defendants being criminally liable under one or more of the following principles of criminal  
17 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
18 commission of this crime, with the intent that this crime be committed, by counseling,  
19 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit  
20 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this  
21 crime be committed, Defendants aiding or abetting and/or conspiring, Defendants acting in  
22 concert throughout.

23 COUNT 5 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
24 RESULTING IN SUBSTANTIAL BODILY HARM

25 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,  
26 abduct, conceal, kidnap, or carry away JOSE ORTIZ-SALAZAR, a human being, with the  
27 intent to hold or detain the said JOSE ORTIZ-SALAZAR against his will, and without his  
28 consent, for the purpose of committing murder and/or robbery, with use of a deadly weapon,

to-wit: a machete and/or knife and/or wire cutters, 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.

COUNT 6 - EXTORTION WITH USE OF A DEADLY WEAPON

did then and there willfully, feloniously and unlawfully make a verbal demand directed to one JOSE ORTIZ-SALAZAR, for payment to Defendants of the sum of \$300.00 lawful money of the United States, which demand was accompanied by threats to do injury to the person or property of JOSE ORTIZ-SALAZAR, and said threats being made with the intent to extort and gain the above mentioned sum of money, with use of a deadly weapon, to-wit: a machete and/or knife and/or wire cutters, 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.

COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously take personal property, to-wit: cigarettes, from the person of JOSE ORTIZ-SALAZAR, or in his presence, by means of force or violence, or fear of injury to, and without the consent and against the will of JOSE ORTIZ-SALAZAR, with use of a deadly weapon, to-wit: a machete and/or knife, 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

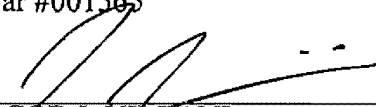
1 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
2 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
3 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
4 aiding or abetting and/or conspiring, Defendants acting in concert throughout.

5 COUNT 8 - FIRST DEGREE ARSON

6 did willfully, unlawfully, maliciously, and feloniously set fire to, burn, and/or cause to  
7 be burned, a certain residence, located at 1901 East Oakey Boulevard, Las Vegas, Clark  
8 County, Nevada, by use of open flame and flammable and/or combustible materials, and/or by  
9 manner and means unknown, the Defendants being criminally liable under one or more of the  
10 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
11 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
12 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
13 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
14 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
15 conspiring, Defendants acting in concert throughout.

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

18 BY

19   
20 JACOB J. VILLANI  
Chief Deputy District Attorney  
Nevada Bar #011732

1 Names of witnesses known to the District Attorney's Office at the time of filing this  
2 Information are as follows:

3	<u>NAME</u>	<u>ADDRESS</u>
4	CUSTODIAN OF RECORDS	Clark County Detention Center,
5	OR DESIGNEE	330 S. Casino Center Blvd., Las Vegas, NV
6	CUSTODIAN OF RECORDS	LVMPD Communications
7	OR DESIGNEE	
8	CUSTODIAN OF RECORDS	LVMPD Dispatch
9	OR DESIGNEE	
10	CUSTODIAN OF RECORDS	LVMPD Records, 400 S. Martin Luther King Blvd.,
11	OR DESIGNEE	Las Vegas, NV
12	CUSTODIAN OF RECORDS	LVMPD Project Management & Video Bureau
13	OR DESIGNEE	
14	CUSTODIAN OF RECORDS	Las Vegas Fire Department
15	OR DESIGNEE	
16	CUSTODIAN OF RECORDS	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
17	OR DESIGNEE	
18	CUSTODIAN OF RECORDS	Clark County School District
19	OR DESIGNEE	
20	ALEXANDER, M.	LVMPD P#15223
21	ALLEN, Z.	Las Vegas Fire Department #204
22	AUSCHWITZ, J.	LVMPD P#5932
23	CHOCK, STEFAN M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
24	COURT INTERPRETER	200 Lewis Ave., Las Vegas, NV
25	DEVITO, A.	LVMPD P#15274
26	FASULO, T.	LVMPD P#13459
27	GRIFFIN, TIM	C/O Clark County District Attorney's Office
28	GUTIERREZ, AMADA	C/O Clark County District Attorney's Office

1	HALL, D.	Clark County School District Police #256
2	HERRING, N.	LVMPD P#9725
3	HEVEL, R.	Las Vegas Fire Department/Arson Investigation
4	KELVINGTON, A.	LVMPD P#8878
5	KING, C.	LVMPD P#14372
6	KWIATKOWSKI, TERRANCE M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
7	LACAZE, WILLIAM	C/O Clark County District Attorney's Office
8	LANDING, KHALIAH	C/O Clark County District Attorney's Office
9	LARINGTON, D.	LVMPD P#7858
10	LOVEETTE, J.	Las Vegas Fire Department #204
11	MAIORANA, DAVID	C/O Clark County District Attorney's Office
12	MARTINEZ, FRANCISCO	C/O Clark County District Attorney's Office
13	MARTINEZ, ROSIO	C/O Clark County District Attorney's Office
14	MENDEZ, ANTONIO	C/O Clark County District Attorney's Office
15	MENDOZA, A.	LVMPD P#15245
16	MURRAY, T.	LVMPD P#13458
17	NOGLE, K.	LVMPD P#8051
18	ORTEGA, MARCELO	C/O Clark County District Attorney's Office
19	ORTIZ-SALAZAR, JOSE	C/O Clark County District Attorney's Office
20	REZENDIS, YOSELIN	C/O Clark County District Attorney's Office
21	ROSARIO, NELSON	C/O Clark County District Attorney's Office
22	SALAZAR, GUADALUPE	C/O Clark County District Attorney's Office
23	SCHREIBER, P.	LVMPD P#13986
24	SCLIMENTI, M.	LVMPD P#6239
25	SHEPARD, DAVID	C/O Clark County District Attorney's Office
26	SPARKMAN, CHARLES	C/O Clark County District Attorney's Office
27	THEOBALD, R.	LVMPD P#6468
28	TOMASO, B.	LVMPD P#9488

1 VALENZUELA, G. LVMPD P#8396  
2 WATTS, JOSEPH OR DESIGNEE Clark County District Attorney's Office-Investigator  
3  
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APR 18 2016

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

DISTRICT COURT ADMIN

State of Nevada

PLAINTIFF

-VS-

Luis CASTRO

DEFENDANT

C-16-314092-1

CASE NO: C-16-314092-1

DEPT. NO: 4

MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS

\* Please fax to (702) 671-4548 to ensure that  
the request will be processed as quickly as possible.

CLERK OF THE COURT

Jordan Gantner (name), of KVVU FOX 3 (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 4, the Honorable Judge Early Presiding, on the 19 day of

July, 2016

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 17th day of April, 2016

SIGNATURE:

PHONE: 702.476.8256

IT IS HEREBY ORDERED THAT:

[ ] The media request is denied because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is denied for the following reasons:

X The media request is granted. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the Judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[ ] OTHER:

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 19 day of April, 2016

DISTRICT COURT JUDGE



**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

State of Nevada

**PLAINTIFF**

-VS-

Luis Castro

**DEFENDANT**

CASE NO: C-16-314092-1

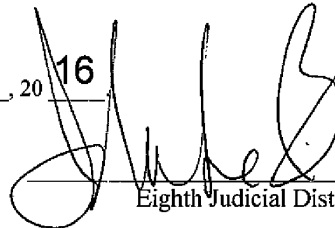
DEPT. NO: 4

**NOTIFICATION OF  
MEDIA REQUEST**

**TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:**

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from KVVU have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 19 day of April, 2016

  
Eighth Judicial District Court

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

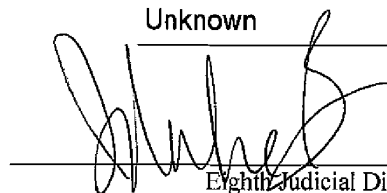
I hereby certify that on the 19 day of April, 2016, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff  
District Attorney

(702) 455-2294

Defendant  
Unknown

Unknown

  
Eighth Judicial District Court

  
CLERK OF THE COURT

1 **SUBT**  
2 WARREN J. GELLER, ESQ.  
3 Nevada Bar No. 10047  
4 **COFER & GELLER, LLC**  
5 601 South Tenth Street  
6 Las Vegas, Nevada 89101  
7 P: (702) 777-9999  
8 F: (702) 777-9995  
9 *Attorney for Defendant*

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 *Plaintiff,*

12 *vs.*

13 LUIS ANGEL CASTRO, #1918366,

14 *Defendant.*

Case no. C-16-314092-1

Dep't no. 4

**SUBSTITUTION OF ATTORNEY**

15 COMES NOW the Defendant, LUIS ANGEL CASTRO, and hereby substitutes WARREN J.  
16 GELLER, ESQ., of COFER & GELLER, LLC, as Defendant's attorney of record in the above-  
17 entitled action, in place and stead of OSVALDO E. FUMO, ESQ., on this 29 day of April,  
18 2016.

19  
20 By: 

21 LUIS ANGEL CASTRO  
22  
23  
24  
25  
26  
27  
28

1 WARREN J. GELLER, ESQ., of COFER & GELLER, LLC, hereby accepts and consents to  
2 the above and foregoing substitution as attorney of record for Defendant LUIS ANGEL  
3 CASTRO in the above-entitled action, in place and stead of OSVALDO E. FUMO, ESQ., on this  
4 27th day of April, 2016.

5 COFER & GELLER, LLC

6 By: /s/ Warren Geller

7 WARREN J. GELLER, ESQ.  
8 Nevada Bar No. 10047

9 OSVALDO E. FUMO, ESQ. hereby consents to the above and foregoing substitution of  
10 WARREN J. GELLER, ESQ., of COFER & GELLER, LLC, as attorney of record for Defendant LUIS  
11 ANGEL CASTRO in the above-entitled matter.

12 DATED this 2 day of May, 2016.

13  
14 By: 

15 OSVALDO E. FUMO, ESQ.  
16 Nevada Bar No. 5956  
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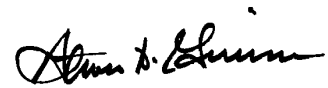
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**CERTIFICATE OF SERVICE**

I certify that all parties to this action are registered members of the Eighth Judicial District Court's efilng system, and that service was accomplished via filing this pleading with the efilng system on the 2 day of May, 2016.

COFER & GELLER, LLC

By: /s/ Warren Geller  
WARREN J. GELLER, ESQ.  
Nevada Bar No. 10047  
*Attorney for Defendant*



CLERK OF THE COURT

**EPAP**

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, #1918366,

*Defendant.*

Dep't no. IV

Case no. C-16-314092-1

**EX PARTE APPLICATION FOR AN ORDER DECLARING DEFENDANT INDIGENT**

COMES NOW the Defendant, LUIS CASTRO, by and through his attorneys, and makes application to this Honorable Court for an order declaring Defendant LUIS CASTRO indigent and entitled to "reasonable defense services" under *Widdis v. District Ct.*, 114 Nev. 1224 (1998).

This Ex Parte Application is made and based upon all the papers and pleadings on file herein, the Declaration of Counsel and Application for Court-Appointed Counsel or Widdis Fees attached hereto, and the Memorandum of Points and Authorities filed herewith.

DATED this 22nd day of May, 2016.

COFER & GELLER, LLC

By:                     /s/ Warren Geller                    

WARREN J. GELLER, ESQ., #10047  
*Attorney for Defendant*

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1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   I. AN INDIGENT DEFENDANT WHO HAS RETAINED PRIVATE DEFENSE COUNSEL IS ENTITLED  
3                                   TO REASONABLE DEFENSE SERVICES AT PUBLIC EXPENSE

4           The Nevada Supreme Court has clearly held that “a criminal defendant who has  
5 retained private counsel is nonetheless entitled to reasonable defense services at public  
6 expense based on the defendant’s showing of indigency and need for the services.” *Widdis*  
7 *v. District Ct.*, 114 Nev. 1224, 1229 (1998).

8           In this case, Defendant Luis Castro has retained COFER & GELLER, LLC as private  
9 counsel. Luis Castro is without funds and is being held in custody with no means of raising  
10 money. To ensure a fair trial and an effective defense, Luis Castro requires “reasonable  
11 defense services” in this case. Accordingly, the defendant respectfully requests that this  
12 Court sign an order declaring him indigent which counsel will forward to the Office of  
13 Appointed Counsel for the purpose of applying for the services of an investigator and expert  
14 witnesses as needed.

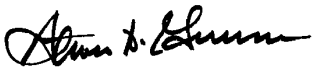
15                                   II. CONCLUSION

16           WHEREFORE, for all of the foregoing reasons, Defendant LUIS CASTRO prays that this  
17 Honorable Court approve his Application and order that Defendant be declared indigent  
18 and entitled to reasonable defense services.

19           RESPECTFULLY SUBMITTED this 22nd day of May, 2016.

20                                   COFER & GELLER, LLC

21                                   By:           /s/ Warren Geller            
22   WARREN J. GELLER, ESQ., #10047  
23   Attorney for Defendant



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JACOB J. VILLANI  
Chief Deputy District Attorney  
Nevada Bar #011732  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
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: IV

NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: LUIS ANGEL CASTRO, Defendant; and

TO: WARREN GELLER, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Dispatch

///



1	CUSTODIAN OF RECORDS	LVMPD Records, 400 S. Martin Luther King Blvd.,
2	OR DESIGNEE	Las Vegas, NV
3	CUSTODIAN OF RECORDS	LVMPD Project Management & Video Bureau
4	OR DESIGNEE	
5	CUSTODIAN OF RECORDS	Las Vegas Fire Department
6	OR DESIGNEE	
7	CUSTODIAN OF RECORDS	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
8	OR DESIGNEE	
9	CUSTODIAN OF RECORDS	Clark County School District
10	OR DESIGNEE	
11	CUSTODIAN OF RECORDS	Nevada DMV
12	OR DESIGNEE	
13	ALEXANDER, M.	LVMPD P#15223
14	ALLEN, Z.	Las Vegas Fire Department #204
15	AUSCHWITZ, J.	LVMPD P#5932
16	CHOCK, STEFAN M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
17	COOK, D.	LVMPD P#5730
18	COURT INTERPRETER	200 Lewis Ave., Las Vegas, NV
19	CRUNDEN, D.	LVMPD P#7727
20	DEVITO, A.	LVMPD P#15274
21	EMBRY, B.	LVMPD P#8644
22	FASULO, T.	LVMPD P#13459
23	FERNANDEZ, M.	LVMPD P#13997
24	GOODWIN, J.	LVMPD P#5599
25	GRIFFIN, TIM	C/O Clark County District Attorney's Office
26	GUTIERREZ, AMADA	C/O Clark County District Attorney's Office
27	HALL, D.	Clark County School District Police #256
28	HAMM, M.	LVMPD P#6675

1	HERRING, N.	LVMPD P#9725
2	HEVEL, R.	Las Vegas Fire Department/Arson Investigation
3	JEFFERSON, E.	LVMPD P#9385
4	KEISER, S.	LVMPD P#6392
5	KELVINGTON, A.	LVMPD P#8878
6	KING, C.	LVMPD P#14372
7	KOLKOLSKI, K.	LVMPD P#10002
8	KWIATKOWSKI, TERRANCE M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
9	LACAZE, WILLIAM	C/O Clark County District Attorney's Office
10	LANDING, KHALIAH	C/O Clark County District Attorney's Office
11	LARINGTON, D.	LVMPD P#7858
12	LONG, D.	LVMPD P#3969
13	LOVETTE, J.	Las Vegas Fire Department #204
14	LOY, B.	LVMPD P#10020
15	MAILLOUX, B.	LVMPD P#12843
16	MAIORANA, DAVID	C/O Clark County District Attorney's Office
17	MARTINEZ, FRANCISCO	C/O Clark County District Attorney's Office
18	MARTINEZ, ROSIO	C/O Clark County District Attorney's Office
19	MCGRATH, D.	LVMPD P#4349
20	MENDEZ, ANTONIO	C/O Clark County District Attorney's Office
21	MENDOZA, A.	LVMPD P#15245
22	MIKALONIS, C.	LVMPD P#9497
23	MILLER, T.	LVMPD P#5113
24	MOGG, C.	LVMPD P#5096
25	MORENO, R.	LVMPD P#4992
26	MURRAY, T.	LVMPD P#13458
27	NELTON, NATE	EMS
28	NOGLE, K.	LVMPD P#8051

1	CONNOR, M.	LVMPD P#12890
2	ORTEGA, MARCELO	C/O Clark County District Attorney's Office
3	ORTIZ-SALAZAR, JOSE	C/O Clark County District Attorney's Office
4	PASTUNA, C.	LVMPD P#10040
5	PESHLAKAI, M.	LVMPD P#13644
6	PIERCE, K.	LVMPD P#9009
7	POLLOCK, C.	LVMPD P#13508
8	PRAGER, D.	LVMPD P#9380
9	PRICE, S.	LVMPD P#7207
10	REZENDIS, YOSLIN	C/O Clark County District Attorney's Office
11	RICHARD, JOE	EMS
12	ROSARIO, NELSON	C/O Clark County District Attorney's Office
13	RUDE, J.	LVMPD P#13916
14	SALAZAR, GUADALUPE	C/O Clark County District Attorney's Office
15	SANFORD, M.	LVMPD P#5293
16	SCHOFIELD, G.	LVMPD P#2930
17	SCHREIBER, P.	LVMPD P#13986
18	SCLIMENTI, M.	LVMPD P#6239
19	SHEPARD, DAVID	C/O Clark County District Attorney's Office
20	SKENANDORE, S.	LVMPD P#13341
21	SMINK, J.	LVMPD P#6566
22	SMITH, M.	LVMPD P#13507
23	SMITH, S.	LVMPD P#6424
24	SPARKMAN, CHARLES	C/O Clark County District Attorney's Office
25	STARKS, R.	LVMPD P#15210
26	THEOBALD, R.	LVMPD P#6468
27	TOMASO, B.	LVMPD P#9488
28	VALENZUELA, G.	LVMPD P#8396

1 WATTS, JOSEPH OR DESIGNEE Clark County District Attorney's Office-Investigator

2 WILSON, R. LVMPD P#3836

3 WILSON, W. LVMPD P#5424


4 WINN, J. LVMPD P#8376

5 ZINGELMAN, M. LVMPD P#14791

6 These witnesses are in addition to those witnesses endorsed on the Information or  
7 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
8 Witnesses has been filed.

9 STEVEN B. WOLFSON  
10 DISTRICT ATTORNEY  
Nevada Bar #001565

11 BY


  
12 JACOB J. VILLANI  
13 Chief Deputy District Attorney  
Nevada Bar #011732

14  
15  
16  
17 CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

18 I hereby certify that service of Notice Of Witnesses, was made this 20<sup>th</sup> day of June,  
19 2016, by electronic filing to:

20 WARREN GELLER, ESQ.  
21 TO: wgeller@defense.vegas

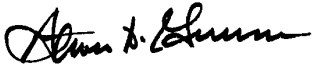
22  
23 BY:

  
24 C. Cintola  
25 Employee of the District Attorney's Office

26  
27  
28 cc/L3

1 NNEW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JACOB J. VILLANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #011732  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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CLERK OF THE COURT

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 LUIS ANGEL CASTRO,  
13 #1918366  
14 Defendant.

CASE NO: C-16-314092-1

DEPT NO: IV

15 NOTICE OF EXPERT WITNESSES  
16 [NRS 174.234(2)]

17 TO: LUIS ANGEL CASTRO, Defendant; and

18 TO: WARREN GELLER, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
20 NEVADA intends to call the following expert witnesses in its case in chief:

21 CHOCK, STEFAN M.D. - A medical doctor employed by Sunrise Hospital. He is an  
22 expert in the area of general treatment of trauma victims and will give medical opinions as to  
23 his diagnosis and treatment of Jose Ortiz Salazar and any long term effects.

24 HERRING, NOELLE, P#9725 - Crime Scene Analyst or Designee - Las Vegas  
25 Metropolitan Police Department. She is an expert in the area of the identification,  
26 documentation, collection and preservation of evidence and will give opinions related thereto.  
27 She is expected to testify regarding the identification, documentation, collection and  
28 preservation of evidence in this case.

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1 HEVEL, ROBERT – Arson Investigation – Las Vegas Fire Department. He is an expert  
2 in the field of Fire Investigation; methods of arson, profiling of arsonists; cause and origin of  
3 fires; identification, documentation, collection and preservation of evidence and will give  
4 related opinions thereto. He will testify as to the findings of this case.

5 KING, CAITLIN, P#14372 - Crime Scene Analyst or Designee - Las Vegas  
6 Metropolitan Police Department. She is an expert in the area of the identification,  
7 documentation, collection and preservation of evidence and will give opinions related thereto.  
8 She is expected to testify regarding the identification, documentation, collection and  
9 preservation of evidence in this case.

10 KWIATKOWSKI, TERRANCE M.D. - A medical doctor employed by Sunrise  
11 Hospital. He is an expert in the area of general treatment of trauma victims and will give  
12 medical opinions as to his diagnosis and treatment of Jose Ortiz Salazar and any long term  
13 effects.

14 ZINGELMAN, MEG, P#14791 - Crime Scene Analyst or Designee - Las Vegas  
15 Metropolitan Police Department. She is an expert in the area of the identification,  
16 documentation, collection and preservation of evidence and will give opinions related thereto.  
17 She is expected to testify regarding the identification, documentation, collection and  
18 preservation of evidence in this case.

19 These witnesses are in addition to those witnesses endorsed on the Information or  
20 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
21 Witnesses has been filed

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1 The substance of each expert witness' testimony and a copy of all reports made by or  
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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


7 BY

  
8 JACOB J. VILLANI  
9 Chief Deputy District Attorney  
10 Nevada Bar #011732

11 CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

12 I hereby certify that service of Notice Of Expert Witnesses, was made this 20<sup>th</sup> day  
13 of June, 2016, by electronic filing to:

14 WARREN GELLER, ESQ.  
15 TO: wgeller@defense.vegas

16   
17 C. Cintola  
18 Employee of the District Attorney's Office

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**Stefan N. Chock, M.D.**  
668 Oakmont Avenue Apt 1703  
Las Vegas, Nevada 89109  
702-699-0309  
Email: [stefanchock72@hotmail.com](mailto:stefanchock72@hotmail.com)

**Fellowship Training**

July, 2004 – March 2005  
Trauma/Surgical Critical Care Fellow  
University of Maryland, Baltimore  
R. Adams Cowley shock Trauma Center  
Baltimore, MD  
Steven B. Johnson, M.D.

**Residency Training**

July, 1999 – June, 2004  
General Surgery Resident – Categorical  
Chief Resident – 7/2003-6/2004  
Pinnacle Health System  
Harrisburg, PA  
Michael J. Holman, M.D.

External rotations  
8/2000, 9/2000 – Trauma  
The University of Pennsylvania  
Director: C.W. Schwab M.D.

Elective rotations  
9/2002 – Trauma  
The University of Pennsylvania  
Director: C.W. Schwab M.D.

2/26/2003-3/13/2003 – 3<sup>rd</sup> World Surgery  
Phrae, Thailand  
Team Leader: Domingo Alvear M.D.

**Education**

June, 1999  
Doctor of Medicine  
Finch University of Health Sciences,  
The Chicago Medical School  
North Chicago, IL

June, 1995  
Master of Science ~ applied Physiology  
Finch University of Health Sciences,  
The Chicago Medical School  
North Chicago, IL

June, 1994  
Bachelor of Science – Psychobiology, Minor – Religious Studies  
University of California, Riverside  
Riverside, CA



**Honors and Awards**      April, 1992/April, 1993  
Academic Achievement Award  
Phi Kappa Sigma Fraternity.  
University of California, Riverside  
Riverside, CA

**Activites/Work Experience**

1995 Physicians for Social Responsibility  
Computer and Communications  
Advisor

1994/1995  
Finch University of Health Sciences,  
The Chicago Medical School  
Computer and Communications  
Advisor

1995/1996  
Finch University of Health Sciences,  
The Chicago Medical School  
Computer Class Teaching Assistant

1990 -1992  
Oak Valley Hospital District Emergency Room  
Summer Employment – Emergency Room Aid

1992  
Phi Kappa Sigma Fraternity  
Assistant Philanthropy Chair

**Professional /Organizations**

The Society of Critical Care Medicine  
American Medical Association  
Physicians for Social Responsibility

**Scholarly Activity**

“Urachal Adenocarcinoma: A Rare but Aggressive Bladder Tumor”  
Principle Author  
-Submitted American College of Surgeons 88<sup>th</sup> Clinical Congress 2002

“Emergency Department Thoracotomy: Indications and Review of Literature”  
Principle Author  
-Poster Presentation – Department of Surgery  
Pinnacle Health system Medical Education Day 2/2003  
“The Use of Computed Tomography in the management of Penetrating Zone II Neck Injuries”  
Co-Author  
-Poster Presentation – Department of Surgery  
Keystone Chapter American College of Surgeons  
1<sup>st</sup> Scientific Meeting

“Severe Barotrauma Secondary to the Use of Bag-Valve

Devices: A Case Report”  
Co-Author  
-Poster Presentation – Department of Surgery  
Pinnacle Health System Medical Education Day 2/2003

## References

Michael J. Holman, M.D.  
General Surgery Residency Program Director  
Pinnacle Health Hospitals Program  
Department of Surgery Brady Hall 9<sup>th</sup> Floor  
205 S. Front Street  
Harrisburg, PA. 17104  
Tel:(717)231-8755

Paul J. Creary M.D.  
Capital Area Surgical Associates  
Surgical Faculty, Pinnacle Health System  
2626 N 3<sup>rd</sup> St.  
Harrisburg, PA 17110  
Tel:(717)232- 4112

Thomas Scale, M.D.  
Director, Program in Trauma  
Section Chief, Trauma Surgery  
Professor of Surgery  
R. Adams Cowley Shock Trauma Center  
University of Maryland Medical Center  
22 S. Green Street  
Baltimore, MD 21201  
Tel: (410)328-8976

Steven B. Johnson, M.D.  
Director, Surgical Critical Care  
Section Chief, Trauma Critical Care  
Surgical Critical Care Fellowship Program Director  
Professor of Surgery  
R. Adams Cowley Shock Trauma Center  
University of Maryland Medical Center  
22 S. Green Street  
Baltimore, MD. 21201  
Tel: (410)328-5830

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Noelle Herring

P#9725

Date: 01-24-2011

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of Nevada, at Las Vegas	Criminal Justice	Masters - December 2008
University of Nevada, at Las Vegas	Criminal Justice	Bachelors - May 2006
<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	02-05-11 - Present
LVMPD	LEST	12-04-06 - 02-04-11
MGM Mirage	Show / Restaurant Reservation Agent	09-2004 - 12-2006
The Artful Potter	Store Manager / C.S. Specialist	01-2001 - 09-2004

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Caitlin Toeppen

P# 14372

Date: 01/11/11

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
George Washington University	Forensic Science w/ Crime Scene Concentration	Master's Degree 05/2009
University of Colorado, at Colorado Springs	Health Care Science w/ Forensic Science Concentration	Bachelors of Science 12/2006
<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	
<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
City of Mesa	Crime Scene Specialist	03/2010 to 12/2010

--	--	--

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
<b>2006</b>			
<u>12-2006</u>	<u>Health Care Science with Forensic Science Concentration</u>	<u>University of Colorado, at Colorado Springs</u>	<u>B.S.</u>
<b>2009</b>			
<u>05-2009</u>	<u>Forensic Science with Crime Scene Concentration</u>	<u>George Washington University</u>	<u>M.S.</u>
<b>2011</b>			
03-31-11	Crime Scene Academy	LVMPD	320
10-14-11	State of Nevada Terrorism Liaison Officer Basic Course	SNCTC	5
12-23-11	Forensic Science 101	AIAS	260
<b>2012</b>			
02-20-12	IS-00100.LEb Introduction to the Incident Command System (ICS 100) for Law Enforcement	FEMA	.5
02-28-12	IS-00200.b ICS for Single Resources and Initial Action Incident, ICS-200	FEMA	.5
02-29-12	Basic Shooting Reconstruction	LVMPD - Criminalistics	2
03-19-12	IS-00700.a National Incident Management System (NIMS) An Introduction	FEMA	.5


**ASCLD/LAB-International**

**STATEMENT OF QUALIFICATIONS**

<b>Name</b>	Meg Zingelman	<b>Date</b>	05/06/2015
-------------	---------------	-------------	------------

<b>Laboratory</b>	Las Vegas Metropolitan Police Department - Crime Scene Investigations Section
-------------------	---

<b>Job Title</b>	Crime Scene Analyst I
------------------	-----------------------

Indicate all disciplines in which you do casework:

<input type="checkbox"/> Drug Chemistry	<input type="checkbox"/> Toxicology
<input type="checkbox"/> Firearms/Toolmarks	<input type="checkbox"/> Biology
<input type="checkbox"/> Trace Evidence	<input type="checkbox"/> Questioned Documents
<input type="checkbox"/> Latent Prints	<input checked="" type="checkbox"/> Crime Scene
<input type="checkbox"/> Digital & Multimedia Evidence	

List all category(ies) of testing in which you do casework:

Crime Scene Investigation; Body Fluid Identification
--

Breath Alcohol Calibration Categories

<input type="checkbox"/> Toxicology - Breath Alcohol Measuring Instruments (The work of the laboratory MUST include calibration certificates- do not check the box if work is limited to breath/alcohol testing)
<input type="checkbox"/> Toxicology - Breath Alcohol Calibration Reference Material

Education: List all higher academic institutions attended (list high school only if no college degree has been attained)

Institution	Dates Attended	Major	Degree Completed
University of Phoenix	08/2007 to 11/2009	Human Services Management	Bachelor of Science
National University	05/2010 to 07/2012	Forensic Science Investigation	Master's

Other Training: List continuing education, workshops, in-service and other formal training received. Please include the course title, source and date of the training.

12-15-10 ICS 100 FEMA Las Vegas, NV.  
 12-16-10 ICS 200 FEMA Las Vegas, NV.  
 12-17-10 ICS G191 NLVPD North Las Vegas, NV.  
 01-30-14 Emergency Preparedness LVMPD Las Vegas, NV.  
 01-30-14 Major Evidence Recovery Vehicle Operations LVMPD Las Vegas, NV.  
 02-10-14 SB1305 OSHA 2012 Revised HazCom Standard and GHS LVMPD Las Vegas, NV.  
 02-10-14 PT 14061 Reporting Child Abuse and Neglect LVMPD Las Vegas, NV.  
 02-11-14 ICS 700 FEMA Las Vegas, NV.  
 02-11-14 Hazard Communications & Chemical Hygiene LVMPD Las Vegas, NV.  
 04-25-14 Crime Scene Analyst Academy LVMPD - Criminalistics Las Vegas, NV.  
 07-02-14 Latent Print Suitability for Crime Scene Analysts LVMPD - Criminalistics Las Vegas, NV.  
 09-12-14 Basic Bloodstain Pattern Recognition Course Seemore Forensics Las Vegas, NV.  
 09-14-14 Death Investigation Texas A&M Engineering Extension Las Vegas, NV.  
 10-01-14 Shotgun Familiarization and Pattern Documentation LVMPD - Criminalistics Las Vegas, NV.  
 11-11-14 Understanding & Documenting Strangulation LVMPD-Criminalistics Las Vegas, NV.

ASCLD/LAB-International Statement of Qualifications

Approval Date: August 3, 2012

Approved By: Executive Director

Page 1 of 2

Effective Date: August 3, 2012

AL-PD-3018-Ver 3.0

**Courtroom Experience:** List the discipline/category(ies) of testing in which you have qualified to testify as an expert witness and indicate over what period of time and approximately how many times you have testified in each.

Testified in court from 01/24/2014 to present:

Crime Scene Investigation - 0

Body Fluid Identification - 0

**Professional Affiliations:** List any professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. List current position first. Be sure to indicate employer and give a brief summary of principal duties and tenure in each position.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	01/24/2014 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagraming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

<b>Job Title</b>	<b>Tenure</b>
<b>Employer</b>	
Provide a brief description of principal duties:	

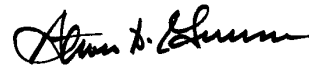
<b>Job Title</b>	<b>Tenure</b>
<b>Employer</b>	
Provide a brief description of principal duties:	

<b>Job Title</b>	<b>Tenure</b>
<b>Employer</b>	
Provide a brief description of principal duties:	

<b>Job Title</b>	<b>Tenure</b>
<b>Employer</b>	
Provide a brief description of principal duties:	

**Other Qualifications:** List below any scientific publication and/or presentation you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualification as a forensic scientist.  
(Use additional sheets if necessary.)





CLERK OF THE COURT

**EXPR**

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, #1918366,

*Defendant.*

Dep't no. IV

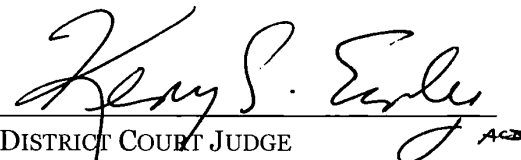
Case no. C-16-314092-1

**ORDER**

Upon the Ex Parte Application and declaration of indigence of the Defendant, LUIS CASTRO, the Court finds that the Defendant is indigent for the purpose of payment of ancillary services.

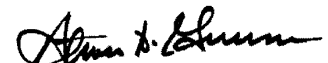
THIS MATTER is hereby referred to the Office of Appointed Counsel for determination of services required and a limitation on the amount of funds to be expended.

DATED AND DONE this 3<sup>rd</sup> day of June, 2016.

By:   
DISTRICT COURT JUDGE

Submitted by  
COFER & GE

  
WARREN J. GELLER, ESQ., #10047  
*Attorney for Defendant*



CLERK OF THE COURT

**EPAP**

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, #1918366,

*Defendant.*

Dep't no. IV

Case no. C-16-314092-1

**EX PARTE APPLICATION FOR AN ORDER DECLARING DEFENDANT INDIGENT**

COMES NOW the Defendant, LUIS CASTRO, by and through his attorneys, and makes application to this Honorable Court for an order declaring Defendant LUIS CASTRO indigent and entitled to "reasonable defense services" under *Widdis v. District Ct.*, 114 Nev. 1224 (1998).

This Ex Parte Application is made and based upon all the papers and pleadings on file herein, the Declaration of Counsel and Application for Court-Appointed Counsel or Widdis Fees attached hereto, and the Memorandum of Points and Authorities filed herewith.

DATED this 22nd day of May, 2016.

COFER & GELLER, LLC

By:                     /s/ Warren Geller                    

WARREN J. GELLER, ESQ., #10047  
*Attorney for Defendant*

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**DECLARATION OF COUNSEL**

WARREN J. GELLER, ESQ. makes the following declaration:

1. That the Defendant, Luis Castro, has retained the law firm of COFER & GELLER, LLC to represent him in this matter; that I am an attorney with said firm, duly licensed and admitted to practice law before this Court; that I am familiar with the facts and circumstances relevant to the instant Ex Parte Motion; and that I am informed, and I believe, that the facts stated below are true and correct.

2. The Defendant is being held in custody at the Clark County Detention Center and as a result of such incarceration, cannot seek employment.

3. The Defendant has no savings and no other means to raise money for defense services.

4. The defense is in need of the services of an investigator and, possibly, expert witnesses to properly mount an effective defense.

5. Accordingly, defense counsel respectfully requests that this Court make an order declaring Luis Castro indigent and entitled to reasonable defense services, and refer the matter to the Office of Appointed Counsel in Clark County regarding the approval of specific funds for the requested defense services and experts.

EXECUTED this 22nd day of May, 2016, in Las Vegas, Nevada.

By:                     /s/ Warren Geller                    

WARREN J. GELLER, ESQ., #10047  
*Attorney for Defendant*

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   I. AN INDIGENT DEFENDANT WHO HAS RETAINED PRIVATE DEFENSE COUNSEL IS ENTITLED  
3                   TO REASONABLE DEFENSE SERVICES AT PUBLIC EXPENSE

4           The Nevada Supreme Court has clearly held that “a criminal defendant who has  
5           retained private counsel is nonetheless entitled to reasonable defense services at public  
6           expense based on the defendant’s showing of indigency and need for the services.” *Widdis*  
7           *v. District Ct.*, 114 Nev. 1224, 1229 (1998).

8           In this case, Defendant Luis Castro has retained COFER & GELLER, LLC as private  
9           counsel. Luis Castro is without funds and is being held in custody with no means of raising  
10          money. To ensure a fair trial and an effective defense, Luis Castro requires “reasonable  
11          defense services” in this case. Accordingly, the defendant respectfully requests that this  
12          Court sign an order declaring him indigent which counsel will forward to the Office of  
13          Appointed Counsel for the purpose of applying for the services of an investigator and expert  
14          witnesses as needed.

15                                   II. CONCLUSION

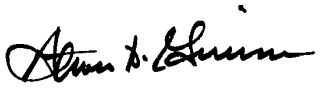
16          WHEREFORE, for all of the foregoing reasons, Defendant LUIS CASTRO prays that this  
17          Honorable Court approve his Application and order that Defendant be declared indigent  
18          and entitled to reasonable defense services.

19          RESPECTFULLY SUBMITTED this 22nd day of May, 2016.

20                                   COFER & GELLER, LLC

21                                   By:           /s/ Warren Geller          

22                                   WARREN J. GELLER, ESQ., #10047  
23                                   Attorney for Defendant



CLERK OF THE COURT

1 CASE NO. C314092-1 C314092-2  
2 C314092-3 C314092-4

3 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
4 CLARK COUNTY, STATE OF NEVADA

5	STATE OF NEVADA,	)	
		)	
6	PLAINTIFF,	)	
		)	CASE NO. 16F03770A
7	VS.	)	16F03770B
		)	16F03770C
8	LUIS ANGEL CASTRO,	)	16F03770D
	EDWARD HONABACH,	)	
9	FABIOLA JIMENEZ,	)	
	LIONEL KING,	)	
10		)	
	DEFENDANTS.	)	
11		)	

12 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - CASTRO AND KING

13 AND

14 UNCONDITIONAL WAIVERS - HONABACH AND JIMENEZ

15 BEFORE THE HONORABLE MELISSA SARAGOSA, JUSTICE OF THE PEACE

16 TUESDAY, APRIL 12, 2016

17 10:39 O'CLOCK A.M.

18	FOR THE STATE:	AGNES LEXIS,
		JACOB VILLANI
19		DEPUTY DISTRICT ATTORNEYS

20	FOR DEFENDANT CASTRO:	WARREN J. GELLER, ESQ.
----	-----------------------	------------------------

21	FOR DEFENDANT HONABACH:	JOSE PALLARES, ESQ.
----	-------------------------	---------------------

22	FOR DEFENDANT JIMENEZ:	CARL E. ARNOLD, ESQ.
----	------------------------	----------------------

23	FOR DEFENDANT KING:	MACE J. YAMPOLSKY, ESQ.
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24 REPORTED BY: KIT MACDONALD, C.C.R.  
25 CERTIFICATE NO. 65

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I N D E X

<u>WITNESS FOR THE STATE:</u>	<u>PAGE</u>
<u>JOSE ISMAEL ORTIZ-SALAZAR</u>	
DIRECT EXAMINATION BY MS. LEXIS	11
CROSS-EXAMINATION BY MR. GELLER	43
CROSS-EXAMINATION BY MR. YAMPOLSKY	57
<u>WITNESS FOR THE DEFENSE:</u>	
<u>JASON AUSCHWITZ</u>	
DIRECT EXAMINATION BY MR. GELLER	64
CROSS-EXAMINATION BY MR. YAMPOLSKY	70

E X H I B I T S

STATE'S EXHIBITS:	MARKED	ADMITTED
EXHIBIT NO. 1 THROUGH 4	9	16
EXHIBIT NO. 5	9	20
EXHIBIT NO. 6 THROUGH 11	9	33
EXHIBIT NO. 12 THROUGH 13	9	40

\* \* \* \*

1 LAS VEGAS, CLARK COUNTY, NEVADA, TUESDAY, APRIL 12, 2016

2

3 10:39 O'CLOCK A.M.

4

5 \* \* \* \* \*

6

7 **THE COURT:** ALL RIGHT. LUIS CASTRO, EDWARD HONABACH,  
8 FABIOLA JIMENEZ AND LIONEL KING, 16F03770A, B, C AND D.

9 I KNOW MR. PALLARES STEPPED OUT ON MR. HONABACH'S CASE.

10 **MR. GELLER:** GOOD MORNING, YOUR HONOR, WARREN GELLER ON  
11 BEHALF OF MR. CASTRO, WHO'S PRESENT IN CUSTODY.

12 **MR. ARNOLD:** GOOD MORNING, YOUR HONOR, CARL ARNOLD ON  
13 BEHALF OF MISS JIMENEZ.

14 **THE COURT:** OKAY. MR. PALLARES IS HERE ON MR. HONABACH'S  
15 CASE, AND MR. YAMPOLSKY STEPPED OUT.

16 **CORRECTION OFFICER:** HE'S ACTUALLY UP AT J.C. 8.

17 **THE COURT:** OKAY. SO MR. KING?

18 **CORRECTION OFFICER:** HE'S UP IN J.C. 8.

19 **THE COURT:** HE'S IN EIGHT WITH HIM, OKAY.

20 SO WE HAVE A, B AND C HERE. DO WE NEED MR. YAMPOLSKY AND  
21 MR. KING HERE TO MOVE FORWARD ON THE OTHER THREE?

22 **MR. PALLARES:** NOT AT THIS TIME, YOUR HONOR.

23 **THE COURT:** OKAY.

24 **MR. PALLARES:** ON BEHALF OF MR. HONABACH, I'VE HAD THE  
25 OPPORTUNITY TO DISCUSS THE MATTER WITH HIM. HE UNDERSTANDS HE

1 HAS THE RIGHT TODAY TO A PRELIMINARY HEARING. HE'S GOING TO  
2 GO AHEAD AND UNCONDITIONALLY WAIVE THAT RIGHT, AND BE BOUND  
3 OVER TO DISTRICT COURT WITHOUT ANY NEGOTIATIONS.

4 **THE COURT:** OKAY.

5 **MR. VILLANI:** AND, YOUR HONOR, I HAVE -- JAKE VILLANI ON  
6 BEHALF OF THE STATE, ALONG WITH AGNES LEXIS.

7 WE HAVE SPOKE WITH THE DEFENSE PREVIOUSLY ABOUT THIS.  
8 BEFORE THAT WAIVER, I PUT THEM ON NOTICE, WE WILL BE ADDING TO  
9 COUNT 3, USE OF A DEADLY WEAPON, TO WIT: A MACHETE OR A  
10 KNIFE, AND ADDING TO COUNT 5, SUBSTANTIAL BODILY HARM.

11 **THE COURT:** DO YOU HAVE AN AMENDED COMPLAINT TO FILE  
12 TODAY?

13 **MR. VILLANI:** I DO NOT. WE'RE MOVING TO ORALLY AMEND.  
14 SHOULD ANY OF THEM CHOOSE TO GO FORWARD WE WILL ORALLY AMEND  
15 AT THAT TIME. BUT JUST IF THEY'RE GOING TO WAIVE UP ON IT, WE  
16 PUT THEM ON NOTICE. IF THEY'D LIKE TO CHALLENGE THOSE CHARGES  
17 THEY CAN STILL GO FORWARD ON THOSE CHARGES TODAY.

18 **MR. PALLARES:** THAT'S CORRECT, YOUR HONOR.

19 **THE COURT:** OKAY.

20 **MR. PALLARES:** AND I DID SPEAK TO MR. HONABACH ABOUT THAT  
21 AND HE IS AWARE OF IT.

22 **THE COURT:** ALL RIGHT.

23 AS TO MR. CASTRO?

24 **MR. GELLER:** YES, YOUR HONOR. WE'D LIKE TO PROCEED WITH  
25 THE PRELIMINARY HEARING TODAY.



1           **THE COURT:**   OKAY.   AS TO MS. JIMENEZ?

2           **MR. ARNOLD:**   SHE'S GOING TO UNCONDITIONALLY WAIVE ALSO,  
3   YOUR HONOR.

4           **THE COURT:**   WITH NO NEGOTIATION IN PLACE WITH THE  
5   UNDERSTANDING THAT THE STATE HAS AMENDED THOSE TWO COUNTS AS  
6   MR. VILLANI STATED A MOMENT AGO?

7           **MR. ARNOLD:**   THAT'S CORRECT, YOUR HONOR.

8           **THE COURT:**   OKAY.   MR. HONABACH, DO YOU UNDERSTAND THAT  
9   YOU HAVE A RIGHT TO HAVE A PRELIMINARY HEARING ON THE CHARGES  
10  IN THE AMENDED CRIMINAL COMPLAINT?

11          **DEFENDANT HONABACH:**   YES, YOUR HONOR.

12          **THE COURT:**   DO YOU WANT TO WAIVE YOUR PRELIMINARY HEARING  
13  TODAY SO THAT YOUR MATTER CAN PROCEED TO THE DISTRICT COURT  
14  AND BE SET FOR A JURY TRIAL?

15          **DEFENDANT HONABACH:**   YES.

16          **THE COURT:**   AND YOU UNDERSTAND THAT THE STATE HAS AMENDED  
17  THE CRIMINAL COMPLAINT ORALLY TODAY TO ADD ENHANCEMENTS TO  
18  SOME OFFENSES?

19          **DEFENDANT HONABACH:**   YES, I DO.

20          **THE COURT:**   ALL RIGHT.   AND YOU UNDERSTAND THIS IS A  
21  PERMANENT WAIVER OF YOUR PRELIMINARY HEARING, SO NO MATTER  
22  WHAT HAPPENS AFTER THIS IN THE DISTRICT COURT YOUR CASE WILL  
23  NOT COME BACK HERE FOR A PRELIMINARY HEARING?

24          **DEFENDANT HONABACH:**   YES.

25          **THE COURT:**   MS. JIMENEZ, DO YOU UNDERSTAND YOU HAVE A

1 RIGHT TO HAVE A PRELIMINARY HEARING ON THE CHARGES IN THE  
2 AMENDED CRIMINAL COMPLAINT, AS AMENDED FOR A SECOND TIME HERE  
3 TODAY IN OPEN COURT?

4 **DEFENDANT JIMENEZ:** YES.

5 **THE COURT:** DO YOU WANT TO WAIVE YOUR PRELIMINARY HEARING  
6 TO THOSE CHARGES IN ORDER TO HAVE YOUR CASE PROCEED TO THE  
7 DISTRICT COURT AND BE SET FOR A JURY TRIAL?

8 **DEFENDANT JIMENEZ:** YES.

9 **THE COURT:** I DIDN'T HEAR YOU, MA'AM.

10 **DEFENDANT JIMENEZ:** YES.

11 **THE COURT:** DO YOU UNDERSTAND THIS IS A PERMANENT WAIVER  
12 OF YOUR PRELIMINARY HEARING, SO NO MATTER WHAT HAPPENS AFTER  
13 THIS IN THE DISTRICT COURT YOUR CASE WILL NOT COME BACK HERE?

14 **DEFENDANT JIMENEZ:** YES.

15 **THE COURT:** ALL RIGHT. APPEARING TO ME FROM THE -- OKAY,  
16 MR. VILLANI, ONE MORE TIME, BECAUSE I DIDN'T TAKE SUFFICIENT  
17 NOTES OF THE AMENDMENTS --

18 **MR. VILLANI:** SURE.

19 **THE COURT:** -- THAT YOU WERE MAKING TODAY, SO I DO THE  
20 BINDOVER PROPERLY.

21 **MR. VILLANI:** SURE. COUNT 3, YOUR HONOR, IT WILL BE  
22 MAYHEM WITH A DEADLY WEAPON. THE DEADLY WEAPON BEING, TO WIT:  
23 A -- A MACHETE --

24 **THE COURT:** MACHETE.

25 **MR. VILLANI:** -- OR A KNIFE -- AND/OR A KNIFE.

1       **MS. LEXIS:**   AND/OR WIRE CUTTERS.

2       **MR. VILLANI:**   CORRECT, AND/OR WIRE CUTTERS, SORRY.

3       **THE COURT:**   ON -- ALL ON THAT COUNT 3?

4       **MR. VILLANI:**   ALL ON THAT COUNT 3.

5       **THE COURT:**   AND/OR.

6       **MR. VILLANI:**   AND ON COUNT 5, YOUR HONOR, FIRST DEGREE

7 KIDNAPPING WITH USE OF A DEADLY WEAPON WILL BE AMENDED TO

8 INCLUDE WITH SUBSTANTIAL BODILY HARM -- RESULTING IN

9 SUBSTANTIAL BODILY HARM.

10       **THE COURT:**   OKAY.

11       APPEARING TO ME FROM THE AMENDED CRIMINAL COMPLAINT, AS

12 AMENDED ORALLY HERE IN OPEN COURT, THE CRIMES FOR WHICH

13 MR. HONABACH HAS ADMITTED AND WILL BE HELD TO ANSWER, INCLUDE

14 CONSPIRACY TO COMMIT MURDER, ATTEMPT MURDER WITH USE OF A

15 DEADLY WEAPON, COUNT 3, MAYHEM WITH DEADLY WEAPON, AS AMENDED

16 TO REFLECT WITH MACHETE AND/OR KNIFE AND/OR WIRE CUTTERS.

17 COUNT 4, BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN

18 SUBSTANTIAL BODILY HARM.   COUNT 5, FIRST DEGREE KIDNAPPING,

19 WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY

20 HARM.   COUNT 6, EXTORTION WITH USE OF A DEADLY WEAPON.   COUNT

21 7, ROBBERY WITH USE OF A DEADLY WEAPON.   COUNT 8, FIRST DEGREE

22 ARSON.

23       AND AS TO MISS JIMENEZ, APPEARING TO ME FROM THE AMENDED

24 CRIMINAL COMPLAINT ON FILE, AS WELL AS THE AMENDMENTS HERE IN

25 OPEN COURT, I HEREBY ORDER HER TO BE HELD TO ANSWER TO THE

1 CHARGES, COUNT 1, CONSPIRACY TO COMMIT MURDER. COUNT 2,  
2 ATTEMPT MURDER WITH USE OF A DEADLY WEAPON. COUNT 3, MAYHEM,  
3 WITH USE OF A DEADLY WEAPON, TO WIT: MACHETE AND/OR KNIFE  
4 AND/OR WIRE CUTTERS. COUNT 4, BATTERY WITH USE OF A DEADLY  
5 WEAPON RESULTING IN SUBSTANTIAL BODILY HARM. COUNT 5, FIRST  
6 DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN  
7 SUBSTANTIAL BODILY HARM. COUNT 6, EXTORTION WITH USE OF A  
8 DEADLY WEAPON. COUNT 7, ROBBERY WITH USE OF A DEADLY WEAPON.  
9 COUNT 8, FIRST DEGREE ARSON.

10 AND THAT BINDOVER DATE IN THE -- IN THE EIGHTH JUDICIAL  
11 DISTRICT COURT WILL BE?

12 **THE CLERK:** APRIL THE 14TH AT 10 O'CLOCK A.M., DISTRICT  
13 COURT, LOWER LEVEL COURTROOM A.

14 **THE COURT:** ALL RIGHT. AND MR. CASTRO, YOU MAY HAVE A  
15 SEAT FOR JUST A MOMENT.

16 MR. YAMPOLSKY ON LIONEL KING, 16F03770D.

17 **MR. YAMPOLSKY:** WELL, WE'RE READY --

18 **THE COURT:** OKAY.

19 **MR. YAMPOLSKY:** -- TO GO WHEN MR. KING ARRIVES, HE'S UP  
20 IN JUSTICE COURT --

21 **THE COURT:** I THINK THEY JUST BROUGHT HIM IN.

22 **MR. YAMPOLSKY:** WE'RE READY.

23 **THE COURT:** OKAY. SO AS TO MR. CASTRO AND MR. KING THE  
24 PRELIMINARY HEARING WILL BE GOING FORWARD, AND I THINK THAT IS  
25 IT.

1           OKAY, I CAN GO AHEAD AND WE CAN START NOW. I HAVE CALLED  
2 EVERYTHING ELSE EXCEPT FOR ONE THAT WE'RE WAITING FOR MR.  
3 MOMOT FROM GOODSPRINGS.

4           **MR. YAMPOLSKY:** YOUR HONOR, CAN WE BRING A COUPLE OF  
5 CHAIRS?

6           **THE COURT:** YES.

7           **MS. LEXIS:** MAY I APPROACH YOUR CLERK WITH SOME EXHIBITS,  
8 YOUR HONOR?

9           **THE COURT:** YOU MAY.

10          (WHEREUPON STATE'S PROPOSED EXHIBIT NOS. 1 THROUGH 13,  
11 WERE MARKED FOR IDENTIFICATION.)

12          **THE COURT:** ARE THERE ANY MATTERS THAT WE NEED TO TAKE UP  
13 BEFORE WE BEGIN THE PRELIMINARY HEARING?

14          **MS. LEXIS:** NOT FROM THE STATE, YOUR HONOR.

15          **THE COURT:** MR. GELLER, MR. YAMPOLSKY, ANYTHING WE NEED  
16 TO TAKE UP BEFORE WE BEGIN THE PRELIMINARY HEARING?

17          **MR. GELLER:** OTHER THAN THE EXCLUSIONARY RULE, NO, YOUR  
18 HONOR.

19          **THE COURT:** OKAY. ALL WITNESSES THAT HAVE BEEN  
20 SUBPOENAED IN THE CASE OF STATE OF NEVADA VERSUS LUIS CASTRO  
21 OR LIONEL KING, YOU NEED TO STEP INTO THE HALLWAY. MY MARSHAL  
22 WILL INFORM YOU WHEN IT IS YOUR TURN TO TESTIFY.

23          STATE, YOU MAY PROCEED.

24          **MS. LEXIS:** YOUR HONOR, THE STATE CALLS JOSE  
25 ORTIZ-SALAZAR.

1       **THE COURT:**   ALL RIGHT.

2       **THE MARSHAL:**   REMAIN STANDING, RAISE YOUR RIGHT HAND.

3       OKAY, I'LL GET YOU ONE.

4       **THE COURT:**   RECORD WILL REFLECT THE WITNESS IS BEING

5   ASSISTED BY THE COURT INTERPRETER.

6       I NEED YOU TO REMAIN STANDING FOR A MOMENT, PLEASE,

7   MR. SALAZAR.   GO -- RAISE YOUR RIGHT HAND TO BE SWORN IN BY MY

8   CLERK.

9

10                           **JOSE ISMAEL SALAZAR-ORTIZ,**

11   CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY

12   SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING

13   BUT THE TRUTH, TESTIFIED AS FOLLOWS:

14

15       **THE WITNESS:**   YES.

16       **THE CLERK:**   PLEASE BE SEATED.

17       STATE AND SPELL YOUR NAME FOR THE RECORD.

18       **THE WITNESS:**   JOSE ISMAEL SALAZAR-ORTIZ, J-O-S-E

19   I-S-M-A-E-L, S-A-L-A-Z-A-R, O-R-T-I-Z.

20       **THE COURT:**   MISS LEXIS.

21       **MS. LEXIS:**   MAY I, YOUR HONOR?

22       **THE COURT:**   YES.

23       **MS. LEXIS:**   MAY I APPROACH THE WITNESS, YOUR HONOR?

24       **THE COURT:**   YOU MAY.

25       **MS. LEXIS:**   MR. SALAZAR, PLEASE SPIT OUT YOUR GUM.   THANK

1 YOU.

2 JUDGE SARAGOSA, WOULD NOT LIKE THAT.

3 **THE COURT:** WAIT JUST A SECOND SO WE CAN GET A CHAIR UP  
4 FOR OUR INTERPRETER, PLEASE.

5 **MS. LEXIS:** THANK YOU, YOUR HONOR.

6

7 **DIRECT EXAMINATION**

8 **BY MS. LEXIS:**

9 **Q** MAY I CALL YOU JOSE?

10 **A** YES.

11 **Q** JOSE, YOU HAVE TO ANSWER OUT LOUD BECAUSE THE COURT  
12 REPORTER IS GOING TO BE TAKING DOWN EVERYTHING THAT'S SAID IN  
13 COURT TODAY, OKAY?

14 **A** OKAY.

15 **THE WITNESS SALAZAR:** OKAY.

16 **MS. LEXIS:** SPEAK UP INTO THE MICROPHONE.

17 **Q** OKAY. JOSE, YOU SPEAK ENGLISH, CORRECT?

18 **A** YES, BUT I HAVE PROBLEMS.

19 **Q** OKAY. DO YOU PREFER TO BE QUESTIONED IN SPANISH AND  
20 TO TESTIFY IN SPANISH?

21 **A** YES, PLEASE.

22 **Q** OKAY. THAT'S WHY WE HAVE THE INTERPRETER.

23 **A** THANK YOU.

24 **Q** JOSE, I WANT TO TURN YOUR ATTENTION TO THE BEGINNING  
25 PART OF MARCH OF 2016.

1           **A**     OKAY.

2           **Q**     WERE YOU LIVING IN LAS VEGAS, CLARK COUNTY, NEVADA

3 AT THAT TIME?

4           **A**     WHEN ALL THIS TOOK PLACE?

5           **Q**     YES, THE FIRST WEEK OF MARCH 2016?

6           **A**     YES, I WAS LIVING HERE.

7           **Q**     OKAY. AND HAD YOU MOVED HERE FROM A DIFFERENT

8 STATE?

9           **A**     YES.

10          **Q**     HOW LONG HAD YOU BEEN LIVING IN LAS VEGAS?

11          **A**     LESS THAN A YEAR.

12          **Q**     OKAY. DURING THE TIME THAT YOU LIVED IN LAS VEGAS,

13 DID YOU COME TO KNOW SOMEONE NAMED ANGEL -- LUIS ANGEL CASTRO?

14          **A**     YES.

15          **Q**     OKAY. DO YOU SEE THAT PERSON HERE IN COURT TODAY?

16          **A**     YES.

17          **Q**     COULD YOU PLEASE POINT TO HIM AND DESCRIBE SOMETHING

18 HE'S WEARING?

19          **A**     HE IS WEARING SOMETHING BLUE WITH SOME BROWN

20 FLIP-FLOPS WITH SOME ORANGE SOCKS.

21          **Q**     OKAY. AND IS HE SEATED TO THE -- TO YOUR FAR RIGHT

22 OF THE DEFENSE COUNSEL TABLE?

23          **A**     YES.

24          **MS. LEXIS:**   THANK YOU.

25          LET -- YOUR HONOR, PLEASE LET THE RECORD REFLECT



1 IDENTIFICATION OF THE DEFENDANT LUIS ANGEL CASTRO.

2       **THE COURT:** IT WILL.

3 **BY MS. LEXIS:**

4       **Q**     OKAY. SO PRIOR TO THE EVENT THAT YOU'RE GOING TO  
5 TESTIFY ABOUT, JOSE, YOU KNEW ANGEL; IS THAT RIGHT?

6       **A**     YES.

7       **Q**     HOW DID YOU KNOW HIM?

8       **A**     THROUGH A FRIEND.

9       **Q**     OKAY. AND DID YOU SPEND TIME WITH HIM?

10      **A**     THE TRUTH IS ONLY A FEW.

11      **Q**     OKAY. AND DURING THE FEW TIMES THAT YOU SPENT TIME  
12 WITH HIM, WHAT IS IT THAT THE TWO OF YOU DID?

13      **A**     THE TRUTH IS WE DID DRUGS.

14      **Q**     OKAY. AND WHAT KIND OF DRUGS?

15      **A**     METHAMPHETAMINE.

16      **Q**     OKAY. APPROXIMATELY HOW MANY TIMES WAS IT THAT YOU  
17 SPENT TIME WITH MR. CASTRO TO DO DRUGS?

18      **A**     IT WAS ROUND -- IT WAS ONE OR TWO TIMES.

19      **Q**     OKAY. DURING THE ONE OR TWO TIMES THAT YOU WERE  
20 WITH MR. CASTRO, OR ANGEL, WERE THERE OTHER PEOPLE THERE WITH  
21 YOU?

22      **A**     YES. ALL THE PEOPLE WHO DID THIS TO ME, THEY WERE  
23 THERE.

24      **Q**     OKAY. AT THE TIME, MARCH OF 2016, DID YOU KNOW  
25 SOMEONE BY THE NAME OF EDWARD HONABACH?

1       **A**     WHO'S THAT?

2       **Q**     OKAY. DID YOU KNOW SOMEONE NAMED EDWARD?

3       **A**     THE TRUTH IS I KNOW A WHITE GUY.

4       **MS. LEXIS:** OKAY. YOUR HONOR, MAY I APPROACH WITH WHAT'S

5 BEEN PREVIOUSLY MARKED AS STATE'S PROPOSED EXHIBITS 1, 2, 3

6 AND 4?

7       **THE COURT:** YOU MAY.

8       **MS. LEXIS:** FOR THE RECORD, DEFENSE COUNSEL HAS HAD AN

9 OPPORTUNITY TO LOOK.

10      **Q**     SIR, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS

11 STATE'S PROPOSED EXHIBIT NO. 1. DO YOU RECOGNIZE THIS PERSON?

12      **A**     YEAH. SURE.

13      **Q**     OKAY. WHO DO YOU RECOGNIZE THIS PERSON TO BE?

14      **A**     ANGEL CASTRO.

15      **Q**     OKAY. YOU INDICATED BEFORE I APPROACHED YOU WITH

16 SOME EXHIBITS THAT YOU KNOW A WHITE GUY WHO HELPED ANGEL DO

17 THIS TO YOU.

18      **THE WITNESS SALAZAR:** SI.

19 **BY MS. LEXIS:**

20      **Q**     OKAY. I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY

21 MARKED AS STATE'S PROPOSED EXHIBIT NO. 2. DO YOU RECOGNIZE

22 THE PERSON SHOWN IN THIS PHOTOGRAPH?

23      **A**     YEAH. SURE.

24      **Q**     WHO DO YOU RECOGNIZE THIS PERSON TO BE?

25      **A**     WELL I CALL HIM REDHEAD.

1           **Q**     OKAY.  IS HE SOMEONE YOU KNEW, ALONG WITH ANGEL  
2 CASTRO, AT THE BEGINNING OF MARCH 2016?  
3           **A**     YES.  
4           **Q**     I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY MARKED  
5 AS STATE'S PROPOSED EXHIBIT NO. 3.  DO YOU RECOGNIZE THE  
6 PERSON SHOWN IN THIS PHOTO?  
7           **A**     YES.  
8           **Q**     WHO'S THIS PERSON?  
9           **A**     IT'S ANGEL'S GIRLFRIEND.  
10          **Q**     OKAY.  I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY  
11 MARKED AS STATE'S PROPOSED EXHIBIT 4.  DO YOU RECOGNIZE THIS  
12 PERSON?  
13          **A**     YES, HE'S THERE.  
14          **Q**     OKAY.  AND YOU POINTED TO SOMEONE AT DEFENSE TABLE;  
15 IS THAT RIGHT?  
16          **A**     YES.  
17          **Q**     AS YOU SIT HERE TODAY DO YOU KNOW THAT PERSON'S  
18 NAME?  
19          **A**     LIONEL KING OR SOMETHING LIKE THAT.  
20          **Q**     OKAY.  AND FOR THE RECORD, YOU WERE POINTING AT THE  
21 PERSON TO YOUR FAR LEFT; IS THAT CORRECT?  
22          **A**     YES, THAT'S CORRECT.  
23          **MS. LEXIS:**  YOUR HONOR, PLEASE LET THE RECORD REFLECT  
24 IDENTIFICATION OF THE DEFENDANT LIONEL KING.  
25          **THE COURT:**  IT WILL.

1 **BY MS. LEXIS:**

2 **Q** PRIOR TO ME COMING UP TO YOU WITH THESE PHOTOS,  
3 JOSE, YOU TOLD THE JUDGE THAT ALL OF THE FOUR PEOPLE WHO DID  
4 THIS TO YOU, OR WHO HURT YOU ON MARCH 7TH, 2016, YOU KNEW THEM  
5 AT THAT TIME THROUGH ANGEL?

6 **A** I DON'T UNDERSTAND.

7 **Q** OKAY. YOU TOLD JUDGE SARAGOSA, BEFORE I SHOWED YOU  
8 THESE PHOTOS, THAT THE TWO TIMES -- THE ONE OR TWO TIMES THAT  
9 YOU WERE WITH ANGEL TO DO DRUGS, OTHER PEOPLE WERE THERE.

10 **A** YES.

11 **Q** OKAY. WERE THE PEOPLE SHOWN IN STATE'S EXHIBITS 2,  
12 3 AND 4, WITH ANGEL WHEN YOU DID DRUGS WITH HIM?

13 **A** YES. YES, BUT THEY WOULD COME AND GO.

14 **Q** OKAY. IS THAT HOW YOU KNEW THE PEOPLE IN STATE'S 2,  
15 3 AND 4, THROUGH ANGEL?

16 **A** YES, THAT'S CORRECT.

17 **MS. LEXIS:** YOUR HONOR, I MOVE TO ADMIT STATE'S PROPOSED  
18 EXHIBITS 1, 2, 3 AND 4.

19 **MR. GELLER:** NO OBJECTION FROM LUIS CASTRO.

20 **MR. YAMPOLSKY:** NO OBJECTION.

21 **THE COURT:** THEY'RE ADMITTED.  
22 (WHEREUPON STATE'S EXHIBIT NOS. 1, 2, 3 AND 4 WERE  
23 ADMITTED INTO EVIDENCE.)

24 **BY MS. LEXIS:**

25 **Q** SO, JOSE, SOMETHING HAPPENED TO YOU ON MARCH 7TH,

1 2016, IS THAT RIGHT?

2       **A**     YES.

3       **Q**     OKAY. WELL, A FEW DAYS BEFORE MARCH 7TH, 2016, DID

4 YOU SEE ANGEL AND THE REDHEAD, THAT YOU TOLD JUDGE SARAGOSA

5 ABOUT JUST A LITTLE WHILE AGO?

6       **A**     YES, THAT'S CORRECT.

7       **Q**     OKAY. DID SOMETHING HAPPEN TO YOUR GIRLFRIEND'S

8 CAR?

9       **A**     YES, IT GOT BROKEN.

10      **Q**     OKAY. AND SO BECAUSE IT WAS BROKEN WHAT DID YOU DO?

11      **A**     I WAS WALKING TOWARDS ANGEL'S HOUSE OR REDHEAD'S

12 HOUSE AND I -- I -- I ENCOUNTERED REDHEAD.

13      **Q**     OKAY. AND FOR THE RECORD, WHEN YOU SAY REDHEAD,

14 YOU'RE REFERRING TO THE PERSON IN STATE'S EXHIBIT 2?

15      **A**     YES.

16      **Q**     OKAY. SO WHAT HAPPENS WHEN YOU SEE REDHEAD?

17      **A**     HE DIALED ANGEL'S HOME.

18      **Q**     AND THEN WHAT HAPPENS?

19      **A**     ANGEL TOLD THE REDHEAD THAT THEY WERE GOING TO

20 CHARGE ME SEVEN DOLLARS. OH, SEVEN DOLLARS A MILE.

21      **THE INTERPRETER:** I'M SORRY, A MILE.

22 **BY MS. LEXIS:**

23      **Q**     TO DO WHAT?

24      **A**     TO BRING THE CAR TO MY GIRLFRIEND'S HOUSE.

25      **Q**     OKAY. AND SO DID YOU -- DID YOU ASK THEM FOR HELP

1 TO DO THAT?

2       **A**     YES.

3       **Q**     OKAY.  AND DID THEY -- DID THEY SHOW UP?

4       **A**     YES.

5       **Q**     OKAY.  SO WHAT HAPPENED?

6       **A**     SO I TOLD THEM THAT THAT WAS IT.

7       **Q**     OKAY.  DID YOU ASK THEM TO COME AND HELP AND -- AND

8 TOW YOUR GIRLFRIEND'S CAR AT THAT TIME?

9       **A**     YES, BUT I WAS WITH REDHEAD.  HOW CAN I -- CAN I ASK

10 THE QUESTION AGAIN?

11       **Q**     OKAY.  DID YOU -- YOU JUST TESTIFIED THAT YOU TALKED

12 TO REDHEAD AND HE CALLED ANGEL ON THE PHONE.  YOU WANTED THEM

13 TO HELP YOU TOW YOUR GIRLFRIEND'S CAR, THEY WANTED TO CHARGE

14 YOU \$7 PER MILE.

15       **A**     SO I TOLD THEM NO --

16       **Q**     OKAY.

17       **A**     -- THAT'S OKAY.

18       **Q**     OKAY.

19       **A**     AND THEY TOLD ME -- THEY TOLD ME THAT I HAD TO GIVE

20 THEM \$50 BECAUSE I WASTED THEIR TIME.

21       **Q**     OKAY.  BUT THEY DIDN'T HELP YOU TOW YOUR

22 GIRLFRIEND'S CAR AT THAT TIME?

23       **A**     NOT AT ALL.

24       **Q**     BUT THEY SAID YOU OWED THEM \$50 ANYWAY?

25       **A**     YES.

1           **Q**     OKAY.  SO DID YOU LEAVE WHERE REDHEAD WAS AT THAT  
2  TIME?  
3           **THE INTERPRETER:**  I'M SORRY?  
4  **BY MS. LEXIS:**  
5           **Q**     DID YOU -- DID YOU LEAVE THE AREA WHERE REDHEAD WAS  
6  WHERE YOU WERE TALKING TO HIM?  
7           **A**     YES, I WENT TO MY HOUSE.  
8           **Q**     OKAY.  I'M GOING TO TURN YOUR ATTENTION NOW TO MARCH  
9  7TH, 2016.  
10                  OKAY.  AT ABOUT 11 A.M. WERE YOU AT YOUR  
11 GIRLFRIEND'S HOUSE?  
12           **A**     YES.  
13           **Q**     OKAY.  AND WHAT ARE THE CROSS STREETS OF WHERE YOUR  
14 GIRLFRIEND LIVES?  
15           **A**     IT'S 20TH STREET AND RYAN STREET.  
16           **Q**     AND THAT'S HERE IN LAS VEGAS, CLARK COUNTY, NEVADA?  
17           **A**     YES, THAT'S CORRECT.  
18           **Q**     DID ONE OF THE FOUR PEOPLE OR MORE THAN ONE OF THE  
19 FOUR PEOPLE, THAT YOU IDENTIFIED IN STATE'S EXHIBIT 1, 2, 3  
20 AND 4, SHOW UP AT YOUR GIRLFRIEND'S HOUSE?  
21           **A**     NUMBER 1, NO. 2 AND NO. 4 SHOWED UP.  
22           **Q**     OKAY.  SO NO. 1, ANGEL CASTRO, NO. 2, THE PERSON YOU  
23 CALL REDHEAD, AND NO. 4, THE PERSON YOU IDENTIFIED AS LIONEL  
24 KING; IS THAT CORRECT?  
25           **A**     THAT'S CORRECT.

1           **Q**     OKAY.  HOW DID THEY GET TO YOUR HOUSE -- OR YOUR  
2 GIRLFRIEND'S HOUSE?

3           **A**     THEY ARRIVED IN A TRUCK.  THE REDHEAD'S TRUCK.

4           **Q**     OKAY.  I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY  
5 MARKED AS STATE'S PROPOSED EXHIBIT NO. 5.  DO YOU RECOGNIZE  
6 THE PHOTOGRAPH OR THE THING THAT'S SHOWN IN THIS PHOTOGRAPH?

7           **A**     YES, I RECOGNIZE IT, ONLY THAT IT'S BEEN PAINTED  
8 BLACK.

9           **Q**     OKAY.  BUT YOU REMEMBERED IT BEING --

10          **A**     BLUE.

11          **Q**     -- BLUE?

12          **A**     YES.

13          **Q**     OTHER THAN THE CHANGE IN THE PAINT COLOR, DO YOU  
14 RECOGNIZE THIS TRUCK TO BE THE TRUCK THAT THE DEFENDANTS  
15 ARRIVED AT YOUR GIRLFRIEND'S HOUSE WITH?

16          **A**     YES, THAT'S CORRECT.

17          **Q**     AND THIS WAS RED'S TRUCK?

18          **A**     YES.

19          **MS. LEXIS:**  I MOVE TO ADMIT STATE'S PROPOSED EXHIBIT 5  
20 INTO EVIDENCE, YOUR HONOR.

21          **MR. GELLER:**  NO OBJECTION.

22          **MR. YAMPOLSKY:**  NO.

23          **THE COURT:**  IT'S ADMITTED.

24          (WHEREUPON STATE'S EXHIBIT NO. 5 WAS ADMITTED INTO  
25 EVIDENCE.)



1       **MS. LEXIS:**   THANK YOU.

2       **Q**       OKAY.   SO ONCE THEY ARRIVE AT YOUR GIRLFRIEND'S

3   HOUSE, WHAT HAPPENS?

4       **A**       THEY ARRIVED AND STARTED ASKING FOR MONEY.

5       **Q**       OKAY.   WHERE WERE YOU WHEN THEY WERE ASKING FOR

6   MONEY, WERE YOU OUTSIDE THE HOUSE, INSIDE THE HOUSE?

7       **A**       I WAS, HOW DO YOU SAY, INSIDE THE HOUSE WHERE --

8   INSIDE THE HOUSE, BUT WHERE THE CARS ARE IN THE PORCH.

9       **Q**       LIKE A DRIVEWAY?

10      **A**       YES, THAT -- THAT'S IT.

11      **Q**       OKAY.   WAS YOUR GIRLFRIEND OUT THERE WITH YOU?

12      **A**       YES.

13      **Q**       OKAY.   AND WHEN THE -- WHO -- WHO ACTUALLY STARTS

14   ASKING YOU FOR -- FOR THE MONEY?

15      **A**       ANGEL CASTRO.

16      **Q**       OKAY.   AND WHAT WERE THE OTHER TWO MEN WITH ANGEL

17   DOING WHEN ANGEL WAS ASKING YOU FOR THE MONEY?

18      **A**       THEY WERE SURROUNDING ME.

19      **Q**       OKAY.   AND WHEN ANGEL ASKED YOU FOR MONEY, WHAT DID

20   YOU SAY?

21      **A**       I TOLD THEM TO LEAVE, THAT THEY WERE WRONG.

22      **Q**       OKAY.   WHAT DO YOU MEAN BY "THEY WERE WRONG"?

23      **A**       WELL, THAT -- THAT I DIDN'T OWE THEM ANY MONEY OR

24   ANYTHING.

25      **Q**       OKAY.   AND DID THEY LEAVE?

1           **A**     NO, THEY WANTED -- NO.   THEY KEPT ON ASKING ME FOR  
2 MONEY.  
3           **Q**     OKAY.   AND SO WHAT HAPPENED NEXT?  
4           **A**     THEY WANTED MY GIRLFRIEND'S PHONE.  
5           **Q**     LIKE HER CELL PHONE?  
6           **A**     YES.  
7           **Q**     OKAY.   AND SO WHAT HAPPENED, DID YOU GIVE THAT TO  
8 THEM?  
9           **A**     YES, BECAUSE I FELT THREATENED.  
10          **Q**     OKAY.   AND SO DID YOU GET THE CELL PHONE FROM YOUR  
11 GIRLFRIEND?  
12          **A**     YES.  
13          **Q**     AND TO -- WHO DID YOU GIVE THE CELL PHONE TO?  
14          **A**     I GAVE THE CELL PHONE TO ANGEL CASTRO.  
15          **Q**     OKAY.   AND WHO WAS IT THAT ASKED FOR THE CELL PHONE?  
16          **A**     ANGEL CASTRO.  
17          **Q**     OKAY.   ONCE YOU GAVE YOUR GIRLFRIEND'S CELL PHONE TO  
18 ANGEL, WHAT HAPPENED NEXT?  
19          **A**     WELL, THEY WERE TO LEAVE.   THEY STARTED TALKING TO  
20 EACH OTHER, AND THEN ANGEL CASTRO TELLS ME THAT I SHOULD GO  
21 WITH THEM.  
22          **Q**     OKAY.  
23          **A**     AND I -- I TOLD THEM NO, YOU MUST LEAVE.  
24          **Q**     OKAY.   AND DID THEY LEAVE?  
25          **A**     NO, THEY CAME HERE WITH ME.

1       **Q**     OKAY.  THEY WENT TO YOU WHERE YOU WERE STANDING?  
2       **A**     YES.  
3       **Q**     OKAY.  AND WHAT HAPPENED?  
4       **A**     WELL, THEY DRAGGED ME INTO THE CAR.  
5       **Q**     WHOSE CAR?  
6       **A**     THE REDHEAD'S CAR.  
7       **Q**     AND WHAT HAPPENED?  
8       **A**     WELL, I LEFT WITH THEM.  
9       **Q**     WHY DID YOU DO THAT?  
10      **A**     BECAUSE I THOUGHT THEY WERE ARMED, THAT THEY WOULD  
11     HAVE A KNIFE OR FIREARM OR SOMETHING, I DIDN'T KNOW WHAT THEY  
12     WOULD BE BEARING.  
13      **Q**     OKAY.  UP UNTIL -- BEFORE YOU WENT INTO THE CAR WITH  
14     THEM, INTO THE TRUCK WITH THEM, HAD ANY OF THE MEN HIT YOU OR  
15     HARMED YOU?  
16      **A**     YES, REDHEAD DID.  
17      **Q**     OKAY.  AND WHAT DID THE REDHEAD DO?  
18      **A**     HE HIT ME IN THE HEAD.  
19      **Q**     AND WHEN WAS IT THAT HE HIT YOU IN THE HEAD?  
20      **A**     AND THIS WAS WHEN I DIDN'T WANT THAT -- TO GIVE HIM  
21     THE PHONE.  
22      **Q**     OKAY.  AND SO YOU GO INTO THE -- THEY DRAG YOU TO  
23     THE TRUCK.  DO THEY MAKE YOU GET IN THE TRUCK?  
24      **A**     THEY DIDN'T PUSH ME OR FORCE ME INTO IT, BUT I  
25     DIDN'T KNOW IF THEY WERE BEARING ARMS.

1       **Q**     SO YOU WENT INTO THE TRUCK?

2       **A**     YES.

3       **Q**     OKAY.  WHERE DID THEY MAKE YOU SIT IN THE TRUCK?

4       **A**     IN THE MIDDLE.

5       **Q**     OKAY.  WHO WAS DRIVING?

6       **A**     REDHEAD.

7       **Q**     AND THEN YOU'RE IN THE MIDDLE.  WHO'S SITTING TO

8 YOUR RIGHT IN THE PASSENGER SEAT?

9       **A**     ANGEL CASTRO.

10      **Q**     OKAY.  AND WHERE DID THE THIRD PERSON, LIONEL KING,

11 SIT?

12      **A**     HE WAS IN THE BACK.

13      **THE INTERPRETER:**  CLARIFICATION, YOUR HONOR.

14      (DISCUSSION BETWEEN THE INTERPRETER AND THE WITNESS.)

15      **THE WITNESS:**  IN THE BED OF THE TRUCK.

16 **BY MS. LEXIS:**

17      **Q**     OKAY.  ONCE YOU'RE IN THE TRUCK, DID ANY OF THE

18 THREE MEN SAY ANYTHING TO YOU?

19      **A**     HE -- I REMEMBER I LEANED TOWARDS REDHEAD AND HE

20 TOLD ME TO STAY OUT OF HIM AND -- AND HE TOLD ME BAD WORDS

21 LIKE FUCKING.

22      **THE WITNESS SALAZAR:**  YEAH.

23 **BY MS. LEXIS:**

24      **Q**     OKAY.  AND ANYTHING ELSE?

25      **A**     AND THAT'S ALL, AND THEN THEY TOOK ME TO THE HOUSE.

1           **Q**     OKAY.  SPEAKING OF THAT HOUSE, DO YOU REMEMBER THE  
2 MEN TAKING YOU TO 1901 EAST OAKLEY HERE IN LAS VEGAS, CLARK  
3 COUNTY, NEVADA?

4           **A**     YES.  I WILL NEVER FORGET THAT.

5           **Q**     OKAY.  HAD YOU BEEN TO THIS -- WAS THAT A HOUSE?

6           **A**     NO.  IT WAS ONE OF THOSE FACILITIES WHERE NO PEOPLE  
7 LIVE.

8           **Q**     ABANDONED?  WAS IT AN ABANDONED HOUSE?

9           **A**     YES.

10          **Q**     OKAY.  AND WERE YOU BROUGHT THERE IN THE TRUCK?

11          **A**     YES.

12          **Q**     OKAY.  SO ONCE YOU GET TO THIS HOUSE, ARE YOU ASKED  
13 TO GET OUT OF THE TRUCK?

14          **A**     YES.

15          **Q**     WERE YOU SCARED AT THAT TIME?

16          **A**     THE TRUTH SAYS THAT I WAS.

17          **Q**     WHY DIDN'T YOU RUN?

18          **A**     AS I TOLD YOU -- AS I JUST TOLD YOU, I DIDN'T KNOW  
19 IF THEY -- THEY WOULD CARRY A GUN OR SOMETHING.

20          **Q**     OKAY.  DID THE THREE MEN WHO DROVE YOU TO THIS  
21 HOUSE, WERE THEY STILL AROUND YOU WHEN YOU WERE WALKING IN  
22 TOWARDS THE HOUSE?

23          **A**     YES.

24          **Q**     DO YOU ACTUALLY MAKE IT INTO THE HOUSE AT SOME  
25 POINT?

1           **A**     YES, THEY GOT ME IN.

2           **Q**     OKAY. DID SOMEONE OPEN THE DOOR TO THE HOUSE?

3           **A**     YES, A LADY.

4           **Q**     OKAY. DID YOU -- DID YOU KNOW THAT LADY OR HAD YOU

5 SEEN HER BEFORE THAT -- THAT DAY?

6           **A**     YES.

7           **Q**     OKAY. AND WAS SHE THE PERSON SHOWN IN STATE'S

8 EXHIBIT NO. 3?

9           **A**     YES.

10          **Q**     OKAY. THAT WAS -- YOU IDENTIFIED HER AS ANGEL'S

11 GIRLFRIEND, IS THAT RIGHT?

12          **A**     YES, THAT'S CORRECT.

13          **Q**     OKAY. SO SHE WAS ALREADY IN THE HOUSE WHEN YOU GOT

14 THERE?

15          **A**     YES.

16          **Q**     WHAT'S THE VERY FIRST THING THAT YOU REMEMBER

17 HAPPENING WHEN THEY'RE BRINGING YOU INTO THE HOUSE?

18          **A**     WELL, WHO. I REMEMBER REDHEAD PUT A KNIFE AGAINST

19 MY THROAT, TOLD ME TO NOT MOVE BECAUSE HE WAS GOING TO KILL

20 ME.

21          **Q**     OKAY. WHERE WAS ANGEL AND LIONEL AT THAT TIME?

22          **A**     THEY WERE SEARCHING -- THEY WERE SEARCHING FOR

23 TRASH. I DON'T KNOW WHAT THEY WERE SEARCHING FOR. THEY WERE

24 REALLY WEIRD THAT DAY.

25          **Q**     OKAY. AND WHERE WAS THE GIRL, ANGEL'S GIRLFRIEND?

1           **A**     SHE WAS FACING ME, JUST STARING AT ME.

2           **Q**     OKAY.  WHAT HAPPENS AFTER THE REDHEAD PUTS THE KNIFE

3 TO YOUR THROAT?

4           **A**     THEY PUT A CHAIR AND STARTED TYING ME UP.

5           **Q**     OKAY.  THIS CHAIR, WAS IT FROM INSIDE THE HOUSE?

6           **A**     YES, IT WAS INSIDE THE HOUSE.

7           **Q**     AND WHAT PART OF THE HOUSE DID THEY PUT THE CHAIR

8 DOWN AND START TYING YOU UP?

9           **A**     I BELIEVE IT'S THE LIVING ROOM.

10          **Q**     OKAY.  AND SO DID THEY MAKE YOU SIT ON THE CHAIR?

11          **A**     YES.

12          **Q**     AND WHEN YOU SAY THEY TIED YOU UP, WHAT DID THEY TIE

13 YOU UP WITH?

14          **A**     THEY TIED ME UP WITH A -- SOME SORT OF A BLUE

15 STRING.

16          **Q**     OKAY.  AND WHEN YOU SAY THEY, JOSE, DO YOU REMEMBER

17 WHO TIED YOU UP?

18          **A**     IT WAS REDHEAD AND LIONEL KING.

19          **Q**     OKAY.  AND WHERE -- DID YOU HEAR ANGEL SAY ANYTHING

20 TO THEM BEFORE LIONEL KING AND THE REDHEAD TIED YOU UP?

21          **A**     HE WAS THE ONE ORDERING THINGS, GIVING COMMANDS.  HE

22 WAS THE ONE WHO ORDERED THE OTHER TWO TO TIE ME UP.

23          **Q**     OKAY.  AND HOW WERE YOU TIED UP?

24          **A**     THEY TIED ME TO THE CHAIR, MY ARMS, MY HANDS AND MY

25 LEGS.

1           **Q**     OKAY.  WERE YOUR ARMS TIED TO THE BACK OR TO THE  
2 FRONT OF YOU?  
3           **A**     IN -- IN FRONT OF ME.  
4           **Q**     OKAY.  SO THEY TIED YOUR ARMS UP, YOUR HANDS AND  
5 YOUR LEGS BY YOUR FEET?  
6           **A**     YES.  
7           **Q**     BUT ALSO TIED YOU TO THE CHAIR?  
8           **A**     YES, I WAS TIED TO THE CHAIR.  THAT'S WHY THEY TIED  
9 MY ARMS, THEY TIED ME TO THE CHAIR.  
10          **Q**     OKAY.  ONCE YOU'RE TIED UP ON THE CHAIR, WHAT  
11 HAPPENS?  
12          **A**     ANGEL'S GIRLFRIEND GOT TO WHERE I WAS, GAVE ME A  
13 BEER, STARTED ASKING ME -- STARTED ASKING ME, TELL ME -- TELL  
14 ME ONE REASON TO -- TO KEEP YOU ALIVE.  
15          **Q**     AND WHERE WAS ANGEL AND THE OTHER TWO MEN AT THAT  
16 TIME?  
17          **A**     THEY WERE SURROUNDING ME.  
18          **Q**     OKAY.  AND DID YOU -- DID YOU ANSWER OR DID YOU  
19 SPEAK WITH -- WITH ANGEL'S GIRLFRIEND?  
20          **A**     I TOLD HER THAT I DIDN'T KNOW WHAT TO SAY TO HER,  
21 AND ANGEL TOLD ME TO NOT DISRESPECT HER -- HIS GIRLFRIEND.  
22          **Q**     OKAY.  WHAT HAPPENS NEXT?  
23          **A**     WELL, I REMEMBER THEY KICKED ME.  I -- I FELL TO THE  
24 GROUND.  
25          **Q**     OKAY.



1           **A**     AND THEN WHEN I WAS THERE THEY STARTED ASKING ME FOR  
2 MONEY, AND THEN IT WAS WHEN I MADE THE CALL THEY TOLD ME THAT  
3 THEY WERE GIVING ME THREE CALLS TO MAKE.

4           **Q**     THREE CALLS TO DO WHAT, TO GET MONEY?

5           **A**     YES.

6           **Q**     AND YOU'RE TIED UP TO A CHAIR; IS THAT RIGHT?  
7                   HOW IS IT THAT YOU WERE ABLE TO MAKE CALLS?

8           **A**     ANGEL WAS SEARCHING FOR MY CONTACTS AND THE  
9 GIRLFRIEND WOULD PUT THE SPEAKER ON ME.

10          **Q**     OKAY. AND DID YOU MAKE THREE CALLS?

11          **A**     YES.

12          **Q**     WERE YOU ABLE TO GET ANY OF THOSE PEOPLE TO -- TO  
13 AGREE TO GIVE YOU MONEY TO GIVE TO THE PEOPLE?

14          **A**     NO.

15          **Q**     OKAY. WHILE YOU'RE MAKING THE PHONE CALLS, WHAT WAS  
16 REDHEAD DOING?

17          **A**     HE WAS GRABBING MY -- HE WAS GRABBING MY FINGER WITH  
18 SOME PLIERS.

19          **Q**     OKAY. AND YOU GRABBED A CERTAIN FINGER. CAN YOU  
20 SHOW JUDGE SARAGOSA WHICH FINGER IT WAS THAT REDHEAD GRABBED  
21 WITH THE PLIERS?

22          **THE COURT:** RECORD WILL REFLECT HE'S SHOWING HIS PINKY  
23 FINGER ON HIS RIGHT HAND.

24          **BY MS. LEXIS:**

25          **Q**     SO -- SO REDHEAD HAD YOUR PINKY FINGER ON YOUR RIGHT

1 HAND IN BETWEEN THE PLIERS? YES?

2 **A** YES.

3 **Q** WHAT WAS LIONEL DOING?

4 **THE INTERPRETER:** CLARIFICATION.

5 (DISCUSSION BETWEEN THE INTERPRETER AND THE WITNESS.)

6 **THE WITNESS:** HE WAS STABBING MY RIGHT ARM AND MY RIBS,

7 AND THAT'S IT.

8 **BY MS. LEXIS:**

9 **Q** OKAY. WHAT HAPPENS NEXT?

10 **A** SO I FINISHED MY THIRD CALL, I COULDN'T GET THE

11 MONEY. SO THEY GOT TOUGH ON ME. SO REDHEAD CUT MY FINGER AND

12 RIPPED OFF MY FINGERNAILS, AND LIONEL KING WOULD KEEP ON

13 STABBING ME.

14 **Q** OKAY. WHAT WAS ANGEL DOING?

15 **A** HE WAS JUST STARING AT ME.

16 **Q** AND WHAT WAS ANGEL'S GIRLFRIEND DOING?

17 **A** THE TWO OF THEM WERE MAKING OUT, KISSING EACH OTHER.

18 **Q** OKAY. AND WERE YOU SCREAMING OR TRYING TO MAKE

19 NOISE OR GET HELP?

20 **A** I COULDN'T WHILE THEY WERE TORTURING ME, BECAUSE

21 THEY TOLD ME TO KEEP QUIET, SO I -- I HELD MY -- MY PAIN AND I

22 KEPT QUIET.

23 **Q** OKAY. AFTER RED CUTS YOUR -- WHICH FINGER DID HE

24 CUT?

25 **A** PINKY.

1       **Q**     CAN YOU --

2       **A**     THE PINKY FINGER.

3       **Q**     -- SHOW JUDGE SARAGOSA?   THE FINGER --

4       **THE INTERPRETER:**   SAY AGAIN?

5       **MS. LEXIS:**   CAN YOU SHOW JUDGE SARAGOSA THE CUT FINGER?

6       OKAY.   AND THE FINGERNAILS THAT WERE PULLED OFF, CAN YOU

7   SHOW JUDGE SARAGOSA WHICH FINGER -- WHICH FINGERNAILS WERE

8   PULLED OFF?

9       **THE COURT:**   RECORD WILL REFLECT HE'S SHOWING ME HIS RIGHT

10   HAND AND INJURIES TO HIS LITTLE FINGER AND POINTER FINGER ON

11   THE RIGHT HAND.

12   **BY MS. LEXIS:**

13       **Q**     DID THEY DO ANYTHING ELSE TO YOU TO HARM YOU?

14       **A**     YES, REDHEAD STARTED CUTTING MY THROAT.

15       **Q**     OKAY.   DID YOU SEE WHAT HE USED TO CUT YOUR THROAT?

16       **A**     I -- I'M -- I'M NOT REALLY SURE, BUT IT WAS A KNIFE.

17       **Q**     OKAY.   AND AFTER REDHEAD CUT YOUR THROAT, DID ANYONE

18   ELSE HARM -- HARM YOU AGAIN?

19       **A**     YES.   ANGEL CASTRO WAS TELLING THAT THE CUT WAS TOO

20   SMALL.   SO LATER ON HE -- SO ANGEL CASTRO'S GIRLFRIEND ALSO

21   CUT MY THROAT, AND THE THIRD ONE WAS ANGEL CASTRO, BECAUSE HE

22   WOULD KEEP ON SAYING THAT IT WAS STILL TOO SMALL.

23       **Q**     THE CUT ON YOUR THROAT WAS TOO SMALL?

24       **A**     YES.

25       **Q**     OKAY.   SO AFTER ANGEL CUT YOUR THROAT, DID ANYONE

1 ELSE TRY TO CUT YOUR THROAT?

2       **A**     AND -- LIONEL KING, AND HE WENT REALLY DEEP --

3       **Q**     OKAY.

4       **A**     -- INTO IT.

5       **MS. LEXIS:**  OKAY.  YOUR HONOR, MAY I APPROACH WITH WHAT'S

6 BEEN PREVIOUSLY MARKED AS STATE'S PROPOSED EXHIBITS 6 THROUGH

7 11?

8       **THE COURT:**  YOU MAY.

9       **MS. LEXIS:**  MAY I APPROACH?

10      **THE COURT:**  YOU MAY.

11      **MS. LEXIS:**  THANK YOU, YOUR HONOR.

12      **Q**     JOSE, I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY

13 MARKED AS STATE'S EXHIBITS 6, 7, 8, 9, 10 AND 11.  DO YOU

14 RECOGNIZE WHAT'S SHOWN IN THESE EXHIBITS?

15      **A**     YES.

16      **Q**     OKAY.  I'M GOING TO SHOW YOU FIRST STATE'S EXHIBIT

17 NO. 6.  WHAT DOES THIS PICTURE SHOW?

18      **A**     WELL, MY -- MY -- MY THROAT IS OPEN.

19      **Q**     SHOW YOU STATE'S EXHIBIT NO. 7, WHAT DOES THAT SHOW?

20      **A**     I'M STABBED IN MY BELLY.

21      **Q**     STATE'S EXHIBIT NO. 8, WHAT DOES THAT SHOW?

22      **A**     ALL MY THROAT IS WIDE OPEN, IT'S -- I'M BREATHING.

23      **Q**     STATE'S EXHIBIT NO. 9?

24      **A**     I'M STABBED TO THE LEG.

25      **Q**     STATE'S EXHIBIT NO. 10?

1           **A**     I'M BURNED IN MY ARMS, IN MY -- IN MY HANDS.

2           **Q**     SHOW YOU STATE'S EXHIBIT NO. 11, WHAT DOES THAT

3 SHOW?

4           **A**     THEY CHOPPED MY FINGER AND I DON'T HAVE ANY

5 FINGERNAILS.

6           **MS. LEXIS:** I MOVE TO ADMIT STATE'S PROPOSED EXHIBITS 6

7 THROUGH 11 IN EVIDENCE, YOUR HONOR.

8           **MR. GELLER:** NO OBJECTION FROM LUIS CASTRO.

9           **MR. YAMPOLSKY:** NO OBJECTION.

10          **THE COURT:** THEY ARE ADMITTED.

11          (WHEREUPON STATE'S EXHIBIT NOS. 6 THROUGH 11 WERE

12 ADMITTED INTO EVIDENCE.)

13 **BY MS. LEXIS:**

14          **Q**     OKAY. SO, NOW YOUR THROAT IS CUT OPEN, WHAT HAPPENS

15 NEXT?

16          **A**     WELL, I PRETENDED I WAS DEAD.

17          **Q**     WHY DID YOU DO THAT?

18          **A**     BECAUSE I DIDN'T WANT THEM TO KEEP ON CUTTING ME.

19          **Q**     ARE YOU ON THE -- ON THE GROUND AT THIS POINT, JOSE?

20          **A**     YES.

21          **Q**     ARE YOU STILL TIED UP?

22          **A**     YES.

23          **Q**     DO YOU HEAR ANGEL SAY ANYTHING AFTER YOU STARTED

24 PLAYING DEAD?

25          **A**     THAT I WAS DEAD, THAT I WAS GOING TO DIE.

1           **Q**     WHAT HAPPENS NEXT?

2           **A**     THEY STARTED BURNING THE HOUSE DOWN.

3           **Q**     OKAY.  HOW DO YOU KNOW THAT?

4           **A**     BECAUSE I -- I WOULD HEAR THE LIGHTERS.

5           **Q**     OKAY.  YOU WOULD LIKE HEAR THE CLICK OF A LIGHTER?

6           **A**     YEAH.  THEY WERE STARTING TO -- TO LIT SOMETHING UP.

7           **Q**     OKAY.  AT SOME POINT DO YOU REMEMBER ANY OF THE

8 DEFENDANTS PUTTING ITEMS ON YOUR BODY?

9           **A**     YEAH, THEY PUT GARBAGE ON ME.

10          **Q**     OKAY.  AND COULD YOU HEAR ANY OF THEM TALKING ABOUT

11 SETTING THE PLACE ON FIRE?

12          **A**     NO, I DIDN'T HEAR ANYTHING, I JUST HEAR THE --

13 THE -- WHERE THEY -- THEY WERE DOING IT, THEY WERE SETTING THE

14 HOUSE ON FIRE.

15          **Q**     OKAY.  WHAT'S THE NEXT THING THAT YOU REMEMBER?

16          **A**     WELL, THEY LEFT AND IT'S WHEN I -- I STOOD UP.

17          **Q**     HOW WERE YOU ABLE TO STAND UP?  YOU WERE TIED TO A

18 CHAIR, IS THAT RIGHT?

19          **A**     THE -- THE -- THE CHAIR WAS SORT OF BRITTLE, SO IT

20 STARTED BREAKING, FALLING APART.

21          **Q**     OKAY.  WHEN YOU STOOD UP, DID YOU HAVE A CHANCE TO

22 LOOK AROUND THE LIVING ROOM AREA OF THAT HOUSE?

23          **A**     NO, IT WAS ALL ON FIRE BY THEN.

24          **Q**     SO YOU SAW THE FIRE?

25          **THE WITNESS SALAZAR:**  SI.

1 **BY MS. LEXIS:**

2 **Q** WAS THERE SMOKE?

3 **A** YES.

4 **Q** OKAY. AND SO YOU WERE ABLE TO STAND UP?

5 **A** YES, I STOOD UP AND I WAS IN THE FIRE TRYING TO BURN

6 THE -- THAT STRING THAT I WAS TIED WITH -- TIED UP WITH, TO

7 UN -- UN -- UN -- UNTIE, TO GET UNTIED OF THOSE STRINGS THAT

8 THEY WERE TYING ME IN THE -- IN MY LEGS --

9 **Q** OKAY.

10 **A** -- TO BE ABLE TO GO OUTSIDE AND -- AND -- AND -- AND

11 LOOK FOR HELP.

12 **Q** WHEN YOU WERE DOING THAT, WHEN YOU WERE TRYING TO

13 BURN THE ROPE OR THE STRING THAT THEY USED TO -- TO TIE YOUR

14 HANDS, HOW MUCH OF THE HOUSE WAS ON FIRE?

15 **A** I -- I COULD ONLY SEE MYSELF AND THE REST OF

16 EVERYTHING WAS ON FIRE.

17 **Q** OKAY. WERE YOU ABLE TO BURN OFF THE ROPE OR THE

18 STRING THAT WAS TYING YOUR HANDS TOGETHER?

19 **A** NO.

20 **Q** SO WHAT DID YOU DO?

21 **A** SO I -- I STARTED LOOKING FOR A WAY OUT, AND I

22 FOUND -- AND I FOUND A GLASS SLIDING DOOR.

23 **Q** OKAY. WERE YOUR LEGS AND YOUR ARMS AND YOUR HANDS

24 STILL TIED AT THAT POINT?

25 **A** YES.

1           **Q**     SO HOW DID YOU GET TO THE SLIDING GLASS DOOR?  
2           **A**     JUST JUMPING.  
3           **Q**     ONCE YOU GET THERE, ARE YOU ABLE TO OPEN THE SLIDING  
4 GLASS DOOR?  
5           **A**     YES.  THERE WAS A -- A -- A PIECE OF WOOD JUST  
6 BLOCKING IT, SO I -- I TOOK THE WOOD OUT AND -- AND WAS ABLE  
7 TO OPEN THE DOOR.  
8           **Q**     AND ONCE YOU OPENED THE DOOR, WHAT DID YOU DO?  
9           **A**     I TRYING TO -- TO -- TO YELL FOR HELP, BUT MY VOICE  
10 WAS TOO LOW.  
11          **Q**     SO WHAT DID YOU DO?  
12          **A**     I JUST LIKE LAY ON THE FLOOR, BECAUSE I WAS FEELING  
13 REALLY WEAK.  
14          **Q**     AND WHEN YOU SAY YOU LAID ON THE FLOOR, WERE YOU  
15 STILL BY THE HOUSE OR IN A YARD, WHERE WERE YOU?  
16          **A**     I -- I WAS AROUND A YARD AWAY FROM THE SLIDING GLASS  
17 DOOR, THAT, BY THE WAY, IT GET LIKE IN SHREDS DUE TO THE FIRE.  
18          **Q**     OKAY.  SO DID THE GLASS BREAK?  
19          **A**     SO I STOOD UP AGAIN AND TRIED TO JUST GOT AWAY --  
20 TRY TO GET AWAY FROM -- FROM THE -- THE SLIDING GLASS DOOR.  
21          **Q**     AND WERE YOUR LEGS STILL BOUND TOGETHER?  
22          **A**     YES.  
23          **Q**     AND YOUR ARMS AND YOUR -- AND YOUR HANDS?  
24          **A**     YES.  
25          **Q**     OKAY.  WHAT'S THE LAST THING YOU REMEMBER HAPPENING?



1           **A**     A GIRL -- THE GIRL WHO SAVED MY LIFE.  
2           **Q**     OKAY. DO YOU REMEMBER ANYTHING ELSE?  
3           **A**     SHE WAS ASKING ME WHO DID THIS TO ME, AND I WOULD  
4 ANSWER ANGEL CASTRO.  
5           **Q**     OKAY. AT THE TIME THAT THIS HAPPENED TO YOU, MARCH  
6 7TH, 2016, YOU ONLY KNEW ANGEL CASTRO'S NAME; IS THAT CORRECT?  
7           **A**     YES.  
8           **Q**     DID YOU KNOW THE NAMES OF THE OTHER THREE PEOPLE WHO  
9 DID THIS TO YOU?  
10          **A**     NO.  
11          **Q**     OKAY. I'M GOING TO BACK UP A LITTLE BIT, OKAY,  
12 JOSE?  
13          **A**     OKAY.  
14          **Q**     WHEN YOU WENT INTO THE HOUSE WITH REDHEAD, ANGEL,  
15 LIONEL KING AND ANGEL'S GIRLFRIEND, DID YOU HAVE A WALLET WITH  
16 YOU?  
17          **A**     YES.  
18          **Q**     OKAY. DID SOMETHING HAPPEN TO THAT WALLET?  
19          **THE INTERPRETER:** AND A PACK OF CIGARETTES, I'M SORRY.  
20          **MS. LEXIS:** OKAY.  
21          **THE INTERPRETER:** A PACK OF CIGARETTES.  
22          **THE COURT:** I'M SORRY TO PAUSE FOR A MOMENT --  
23          **MS. LEXIS:** SURE.  
24          **THE COURT:** -- BUT ARE YOU TAKING PICTURES ON YOUR CELL  
25 PHONE? WHAT'S GOING ON BACK THERE?

1           **UNIDENTIFIED PERSON:**  SORRY.

2           **THE COURT:**  OKAY.  ANY -- ANY LIKE PHOTOGRAPHS AND

3 PICTURES NEED TO COME THROUGH THE COURT WITH A MEDIA REQUEST

4 FIRST, SO I WASN'T SURE WHETHER YOU WERE WITH THE MEDIA OR

5 SOMEONE ELSE, BUT I WOULD PREFER IF YOU NOT TAKE PHOTOGRAPHS

6 UNLESS YOU SUBMIT THE REQUEST AHEAD OF TIME TO THE COURT.

7           AND IT'S A LITTLE DISTRACTING WHEN I'M TRYING TO LISTEN

8 TO A WITNESS TESTIFY WHEN YOU BROUGHT YOUR CELL PHONE UP,

9 SO...

10          THANK YOU.

11 **BY MS. LEXIS:**

12          **Q**     OKAY.  SO DID YOU HAVE ANYTHING IN YOUR POCKETS WHEN

13 YOU WENT INTO THE HOUSE?

14          **THE COURT:**  CAN YOU BACK UP TO THE QUESTION ABOUT THE

15 WALLET --

16          **MS. LEXIS:**  SURE.

17          **THE COURT:**  -- BECAUSE I GOT DISTRACTED AND I DIDN'T HEAR

18 WHAT HE SAID IN RESPONSE.

19          **MS. LEXIS:**  YES, YOUR HONOR.

20          **Q**     AT THE TIME THAT YOU WERE BROUGHT INTO THE HOUSE,

21 ABANDONED HOUSE, BY ANGEL, REDHEAD, LIONEL KING AND ANGEL'S

22 GIRLFRIEND, DO YOU REMEMBER HAVING A WALLET WITH YOU?

23          **A**     YES.

24          **Q**     WHERE WAS THE WALLET?

25          **A**     IN MY PANTS.

1           **Q**     IN A POCKET?

2           **A**     YES.

3           **Q**     WAS THERE ANYTHING ELSE IN THAT PANTS POCKET WITH

4 YOUR WALLET?

5           **A**     A PACK OF CIGARETTES AND A LIGHTER.

6           **Q**     OKAY. DID SOMETHING HAPPEN TO THOSE ITEMS WHEN

7 YOU -- DID SOMEBODY TAKE THOSE ITEMS WHEN YOU GOT TO THE

8 HOUSE?

9           **A**     YES. RED TOOK MY BELONGINGS AWAY FROM ME.

10          **Q**     OKAY. WAS THAT BEFORE OR AFTER HE PUT THE KNIFE TO

11 YOUR THROAT?

12          **A**     HE PUT THE KNIFE AGAINST MY THROAT AND THEN HE

13 STARTED TAKING MY THINGS AWAY FROM ME.

14          **MS. LEXIS:** OKAY. YOUR HONOR, MAY I APPROACH WITH WHAT'S

15 BEEN PREVIOUSLY MARKED AS STATE'S PROPOSED EXHIBITS 12 AND 13?

16          **THE COURT:** YOU MAY.

17 **BY MS. LEXIS:**

18          **Q**     JOSE, I'M GOING TO SHOW YOU STATE'S PROPOSED

19 EXHIBITS 12 AND 13. DO YOU RECOGNIZE WHAT'S SHOWN IN STATE'S

20 PROPOSED EXHIBITS 12 AND 13?

21          **A**     YES.

22          **Q**     WHAT DO YOU RECOGNIZE THOSE ITEMS TO BE?

23          **A**     IT'S WHAT I WAS TIED WITH.

24          **MS. LEXIS:** YOUR HONOR, I MOVE TO ADMIT STATE'S PROPOSED

25 EXHIBITS 12 AND 13 INTO EVIDENCE.

1       **MR. GELLER:** NO OBJECTION.

2       **MR. YAMPOLSKY:** NO OBJECTION.

3       **THE COURT:** BE ADMITTED.

4       (WHEREUPON STATE'S EXHIBITS NO. 12 AND NO. 13 WERE

5       ADMITTED INTO EVIDENCE.)

6   **BY MS. LEXIS:** COURT'S BRIEF INDULGENCE, YOUR HONOR.

7       **Q**     JOSE, YOU TOLD JUDGE SARAGOSA ABOUT A KNIFE BEING

8     PUT TO YOUR THROAT BY REDHEAD AND ALL FOUR DEFENDANTS CUTTING

9     YOUR THROAT WITH A KNIFE. DO YOU REMEMBER ANYTHING ABOUT THE

10    KNIFE THAT WAS USED ON YOU?

11      **A**     THE TRUTH IS I DON'T REMEMBER. I DON'T REMEMBER.

12      **Q**     OKAY. LET ME ASK YOU THIS. DO YOU REMEMBER WHETHER

13    IT WAS A SMALL KNIFE OR A BIG KNIFE?

14      **A**     THEY WERE BIG KNIVES, SMALL KNIFE, THEY WERE ABOUT

15    EVERYTHING.

16      **Q**     WERE THERE -- WAS THERE MORE THAN ONE KNIFE?

17      **A**     YES.

18      **Q**     OKAY. THE BIG KNIFE THAT YOU -- THAT YOU REMEMBER,

19    HOW BIG WAS IT? IF YOU COULD SHOW US WITH YOUR HANDS, HOW BIG

20    DO YOU REMEMBER IT BEING?

21      **A**     I WOULD SAY THAT -- LIKE THIS.

22      **Q**     COULD YOU HOLD THAT UP FOR THE RECORD.

23      **MR. VILLANI:** SIXTEEN TO EIGHTEEN INCHES.

24      **MS. LEXIS:** SIX TO EIGHT INCHES, ABOUT?

25      **MR. VILLANI:** NO, SIXTEEN.

1           **MS. LEXIS:**   SIXTEEN?

2           **THE WITNESS:**   I GUESS.

3   **BY MS. LEXIS:**

4           **Q**       OKAY.

5                   AND WHAT ABOUT THE SMALLER KNIVES -- KNIFE?

6           **A**       THE -- THE -- THE TRUTH IS I -- I DON'T REMEMBER.   I

7   DON'T REMEMBER THAT.

8           **Q**       OKAY.   BUT YOU JUST REMEMBER THERE WAS MORE THAN ONE

9   KNIFE?

10          **A**       YES.

11          **Q**       AND ONE OF THEM WAS A LARGE KNIFE?

12          **A**       YES, IT'S THE ONE THEY USE TO CUT MY THROAT.

13          **Q**       OKAY.   JOSE, LET ME JUST HAVE YOU HOLD UP AGAIN HOW

14   BIG THE LARGE KNIFE WAS THAT THEY USED TO CUT YOUR THROAT.

15          **THE COURT:**   CAN YOU CLARIFY IF YOU'RE TALKING HANDLE TO

16   TIP OR JUST THE BLADE?

17          **MS. LEXIS:**   YES, YOUR HONOR.

18          **Q**       THE TOTAL -- THE TOTAL, HOW BIG, THE TOTAL.

19          **A**       JUST LIKE THIS.

20          **Q**       EIGHTEEN TO TWENTY INCHES?

21          **A**       I WOULD SAY SO.

22          **Q**       OKAY.   AND HOW ABOUT JUST THE -- THE BLADE?

23          **A**       THE METAL PART I SAID.

24                   THE TRUTH IS I DON'T REMEMBER.

25          **MS. LEXIS:**   OKAY.   COURT'S JUST BRIEF INDULGENCE.

1           YOUR HONOR, I PASS THE WITNESS.

2           **MR. GELLER:**   THANK YOU.

3           **THE COURT:**   DO EITHER OF YOU HAVE A PREFERENCE AS TO  
4 WHICH ONE GOES FIRST, AND DO YOU MIND IF I TAKE THE OTHER  
5 CASES WHERE THE ATTORNEYS ARE WAITING IN BETWEEN?

6           **MR. GELLER:**   NO PROBLEM, YOUR HONOR.

7           **THE COURT:**   OKAY.

8           **MR. GELLER:**   SINCE I HAVE THE A-DEFENDANT, IT SOUNDS LIKE  
9 I'LL PROBABLY GO FIRST, I TALKED TO MR. YAMPOLSKY.

10          **THE COURT:**   OKAY, THAT'S FINE.

11          LET ME CALL --

12          **MR. YAMPOLSKY:**   ABOUT A FIVE MINUTE BREAK, YOUR HONOR,  
13 TWO MINUTE BREAK?

14          **THE COURT:**   YEAH, IF YOU WANT TO USE THE RESTROOM OR  
15 SOMETHING, THAT'S FINE, I WILL -- I JUST HAVE TWO CASES TO  
16 CALL.

17          (WHEREUPON DISCUSSIONS WERE HELD ON OTHER CASES.)

18          **THE COURT:**   FOR SCHEDULING PURPOSES, DO YOU ANTICIPATE  
19 ANY OTHER WITNESSES?

20          **MS. LEXIS:**   SUBJECT TO A STIPULATION BY THE DEFENSE.

21          **THE COURT:**   OKAY.

22          ALL RIGHT.   BACK ON THE RECORD ON LUIS CASTRO AND LIONEL  
23 KING, 16F0377A AND B -- A AND D, EXCUSE ME.

24          MR. ORTIZ-SALAZAR IS ON THE WITNESS STAND.

25          AND I WOULD JUST REMIND YOU THAT YOU CONTINUE TO REMAIN

1 UNDER OATH IN THE CASE.

2 MR. GELLER.

3 MR. GELLER: THANK YOU, YOUR HONOR.

4

5

**CROSS-EXAMINATION**

6 BY MR. GELLER:

7 Q JOSE, I'M GOING TO ASK YOU A COUPLE QUESTIONS,  
8 FOLLOWING UP ON WHAT MISS LEXIS ASKED YOU.

9 I WANT TO DIRECT YOUR ATTENTION BACK TO THE MORNING  
10 OF MARCH THE 7TH OF 2016, DO YOU RECALL AROUND WHAT TIME THE  
11 BLUE TRUCK ARRIVED IN THE DRIVEWAY OR ON THE STREET IN FRONT  
12 OF YOUR GIRLFRIEND'S HOUSE?

13 A AROUND 11 A.M.

14 Q SO THE SUN WOULD HAVE BEEN UP AT THAT TIME OF DAY;  
15 IS THAT CORRECT?

16 A YES.

17 Q AND DOES YOUR GIRLFRIEND LIVE IN A NEIGHBORHOOD?

18 A I DON'T UNDERSTAND WHAT YOU MEAN BY THAT.

19 Q IS YOUR GIRLFRIEND'S HOUSE NEXT TO OTHER HOUSES OR  
20 IS IT ON A STREET ALONE?

21 A THERE ARE OTHER HOUSES.

22 Q AND WHEN THE BLUE TRUCK ARRIVED, WHERE WAS IT  
23 PARKED?

24 A HERE IS MY HOUSE. RIGHT NEXT TO MY HOUSE.

25 Q AND JUST FOR CLARIFICATION, BECAUSE WE HAVE A COURT

1 REPORTER AND SHE CAN'T TYPE DOWN YOUR HAND MO -- MANNERISMS.  
2 COULD YOU DESCRIBE WHETHER THE TRUCK WAS IN THE STREET OR  
3 WHETHER IT WAS IN THE DRIVEWAY.  
4       **A**     IT WAS RIGHT NEXT TO THE HOUSE. IT'S -- I CAN'T  
5 MAKE IT MORE CLEAR THAN THAT.  
6       **Q**     OKAY. SO IT WAS IN THE STREET PARKED PERPENDICULAR  
7 TO THE DIRECTION OF THE DRIVEWAY, IS THAT FAIR TO SAY?  
8       **A**     YES. WHAT -- WHAT -- WHAT WAS THAT AGAIN?  
9       **Q**     WAS THE TRUCK PARKED IN THE STREET PERPENDICULAR TO  
10 THE DIRECTION OF THE DRIVEWAY TO YOUR GIRLFRIEND'S HOUSE?  
11       **A**     IT WAS LIKE THIS, IT WAS PARKED THERE.  
12       **Q**     OKAY. IN FRONT OF YOUR GIRLFRIEND'S HOUSE, RIGHT?  
13       **A**     RIGHT NEXT TO IT.  
14       **Q**     OKAY. AND THE THREE MEN WHO YOU PREVIOUSLY  
15 IDENTIFIED AS THREE OF THE DEFENDANTS WHO EXITED THE TRUCK,  
16 WERE THEY WEARING MASKS OR ANYTHING TO CONCEAL THEIR IDENTITY?  
17       **A**     NO.  
18       **Q**     AND DID ALL THREE OF THEM WALK INTO THE DRIVEWAY  
19 WHERE THEY ULTIMATELY STARTED TALKING TO YOU?  
20       **A**     THE THREE OF THEM CAME TO WHERE I WAS, BUT THE ONLY  
21 ONE THAT STARTED TALKING TO ME WAS ANGEL CASTRO.  
22       **Q**     SO ALL THREE OF THEM ENTERED THE DRIVEWAY; IS THAT  
23 CORRECT?  
24       **A**     YES, THAT'S CORRECT.  
25       **Q**     AND IS THE DRIVEWAY IN DIRECT VIEW OF THE OTHER



1 HOUSES ON THE STREET THAT YOUR GIRLFRIEND LIVES ON?

2       **A**     YES.

3       **Q**     AND YOU MENTIONED AT SOME POINT IN TIME ONE OF THE

4 DEFENDANTS TAKES YOUR GIRLFRIEND'S PHONE WHILE IN THE

5 DRIVEWAY; IS THAT CORRECT?

6       **A**     I NEVER SAID THAT, THAT'S NOT CORRECT.

7       **Q**     AT SOME POINT IN TIME DID ONE OF THE DEFENDANTS COME

8 INTO POSSESSION OF YOUR GIRLFRIEND'S PHONE?

9       **A**     MY GIRLFRIEND GAVE THE CELL PHONE TO ME AND I GAVE

10 IT TO THE DEFENDANTS.

11       **Q**     THE CELLULAR PHONE THAT YOUR GIRLFRIEND GAVE TO YOU,

12 A CELLULAR PHONE THAT BELONGED TO YOU OR DID IT BELONG TO YOUR

13 GIRLFRIEND?

14       **A**     IT BELONGED TO HER.

15       **Q**     OKAY. AFTER THE DEFENDANTS TOOK THE CELLULAR PHONE

16 THAT BELONGED TO YOUR GIRLFRIEND, I BELIEVE YOU TESTIFIED,

17 WHEN MISS LEXIS ASKED YOU, THAT THE THREE MEN DRAGGED YOU INTO

18 THE TRUCK.

19       **A**     YES.

20       **Q**     WAS YOUR GIRLFRIEND STILL IN THE DRIVEWAY WHILE YOU

21 WERE BEING DRAGGED BY THE THREE MEN INTO THE TRUCK?

22       **A**     SHE GOT INTO HER HOUSE. AND WHEN I WAS ALREADY

23 INSIDE THE TRUCK IS WHEN SHE GOT OUT OF THE HOUSE.

24       **Q**     OKAY. SO JUST TO CLARIFY. AT THE POINT WHEN THE

25 THREE MEN START DRAGGING YOU FROM THE DRIVEWAY TO THE TRUCK,

1 WHERE WAS YOUR GIRLFRIEND STANDING?

2       **A**       I DON'T REMEMBER.

3       **Q**       DO YOU BELIEVE THAT SHE WAS OUTDOORS AT THE TIME THE

4 THREE MEN GRABBED YOU AND DRUG YOU FROM THE DRIVEWAY INTO THE

5 TRUCK?

6       **A**       NO, I DON'T THINK SO, I THINK SHE WENT INSIDE TO

7 CALL THE COPS.

8       **THE WITNESS SALAZAR:** NO.

9       **THE INTERPRETER:** NO.

10 **BY MR. GELLER:**

11       **Q**       DID YOU WANT TO CORRECT THAT?

12       **A**       YES.

13       **Q**       PLEASE GO AHEAD.

14       **THE INTERPRETER:** I'M SORRY CLARIFICATION.

15       (DISCUSSION BETWEEN THE INTERPRETER AND THE WITNESS.)

16       **THE WITNESS:** OKAY. NO, BECAUSE IF SHE -- HAD SHE SEEN

17 THAT THEY WERE DRAGGING ME INTO THE -- THE TRUCK, SHE WOULD

18 HAVE CALLED THE COPS.

19 **BY MR. GELLER:**

20       **Q**       OKAY. SO YOU, IT SOUNDS LIKE, ARE ASSUMING THAT SHE

21 WASN'T THERE, BUT YOU JUST DON'T KNOW FOR SURE; IS THAT FAIR

22 TO SAY?

23       **A**       YES.

24       **Q**       NOW, DID YOU NOTICE AT THE TIME THE MEN WERE IN YOUR

25 GIRLFRIEND'S DRIVEWAY, WHETHER ANY NEIGHBORS WERE OUTSIDE OF

1 THEIR HOUSES OR WHETHER ANYONE WAS WALKING UP AND DOWN THE  
2 STREET?

3       **A**     NO, THERE WAS NOBODY AROUND. IT WAS WORKING HOURS.

4       **Q**     OKAY. WHAT DAY OF THE WEEK WAS THIS?

5       **A**     I DON'T REMEMBER, BUT I REMEMBER IT WAS A WEEKDAY.

6       **Q**     AND YOU MENTIONED ONCE THE DEFENDANTS GOT TO THE  
7 TRUCK WITH YOU, THAT ONE OF THEM GOT IN THE BED OF THE TRUCK;  
8 IS THAT CORRECT?

9       **A**     THE ONE IN THE BACK WAS LIONEL KING.

10       **Q**    SO HE WAS NOT SITTING INSIDE THE CAB OF THE TRUCK,  
11 IF I UNDERSTAND YOU CORRECTLY?

12       **A**     HE WAS NOT INSIDE WHERE THE OTHER ONES AND MYSELF  
13 WERE, HE WAS IN THE BACK.

14       **Q**     UNDERSTOOD.

15               I WANT TO ASK YOU A QUESTION ABOUT SOMETHING MISS  
16 LEXIS ASKED YOU ABOUT, DRUG USE. PRIOR TO MARCH 7TH, 2016, AT  
17 11 A.M. WHEN THE DEFENDANTS ARRIVED AT YOUR GIRLFRIEND'S  
18 DRIVEWAY, WHAT WAS THE MOST RECENT TIME YOU HAD USED DRUGS OR  
19 ALCOHOL PRIOR TO THAT?

20       **A**     TWO DAYS BEFORE.

21       **Q**     AND WHAT DRUG OR ALCOHOL DID YOU CONSUME?

22       **A**     METHAMPHETAMINE. AND I DON'T DRINK ALCOHOL.

23       **Q**     DID YOU INJECT OR SMOKE METHAMPHETAMINE TWO DAYS  
24 PRIOR?

25       **A**     NEITHER ONE.

1           **Q**       HOW DID YOU CONSUME THE METHAMPHETAMINE THAT YOU  
2 CONSUMED TWO DAYS PRIOR TO MARCH 7TH, 2016?  
3           **A**       DO I HAVE TO ANSWER TO THAT KIND OF QUESTION?  
4           **THE COURT:**   YES, YOU NEED TO ANSWER THE QUESTIONS,  
5 BARRING ANY OBJECTION AND RULING ON MY PART.  
6           **THE WITNESS:**   SO I WOULD INHALE IT.  
7           **THE WITNESS SALAZAR:**   SNORT IT.  
8           **THE INTERPRETER:**   SNORT IT.  
9 **BY MR. GELLER:**  
10          **Q**       HOW MUCH DID YOU SNORT OR INHALE TWO DAYS PRIOR?  
11          **MS. LEXIS:**   YOUR HONOR, AT THIS POINT I WOULD OBJECT TO  
12 RELEVANCE.  
13          **THE COURT:**   WHAT IS THE RELEVANCE OF THE AMOUNT TWO DAYS  
14 PRIOR TO THE INCIDENT?  
15          **MR. GELLER:**   DEPENDING ON THE QUANTITY, IT WOULD EFFECT  
16 THE WITNESS'S PERCEPTION, SO...  
17          **THE COURT:**   YEAH, BUT --  
18          **MR. GELLER:**   I DON'T WANT --  
19          **THE COURT:**   ANY BASIS FOR THAT POSITION, OTHER THAN IT  
20 MIGHT STILL BE A METABOLITE IN HIS URINE, BUT HOW WOULD THAT  
21 STILL EFFECT HIS THOUGHT PROCESS TWO DAYS LATER?  
22          **MR. GELLER:**   MY POSITION IS, THAT DEPENDING ON THE  
23 QUANTITY OF A NARCOTIC CONSUMED, IT EFFECTS THE RATE AT WHICH  
24 IT'S METABOLIZED.   SO IF SOMEONE CONSUMED A LARGE QUANTITY, IT  
25 TAKES LONGER FOR IT TO REACH IT'S HALF-LIFE AND ULTIMATELY

1 GETS TO ZERO IN THE BLOODSTREAM.

2       **THE COURT:** YOU CAN ADDRESS THAT WITH AN EXPERT WITNESS  
3 AT THE DISTRICT COURT LEVEL, BUT HERE IT'S GOING TO BE A  
4 SUSTAINED OBJECTION.

5       **MR. GELLER:** SURE.

6       **Q** I WANT TO DIRECT YOUR ATTENTION NOW TO AFTER YOU  
7 ARRIVED AT THE HOUSE, AND I'M REFERRING TO THE ABANDONED  
8 HOUSE. ONCE YOU ARRIVE AT THE ABANDONED HOUSE, I BELIEVE YOU  
9 TESTIFIED IN RESPONSE TO ONE OF MISS LEXIS'S QUESTIONS, THAT  
10 YOU CONSUMED A BEER; IS THAT CORRECT?

11       **A** YES.

12       **Q** OKAY. AND I BELIEVE YOU SAID THAT --

13       **A** I DIDN'T DRINK THAT.

14       **Q** YOU DID NOT DRINK THE BEER?

15       **A** I -- I HAD A SIP ONLY, BECAUSE THEY MAKE -- THEY  
16 MADE ME.

17       **Q** DO YOU RECALL WHAT TYPE OF BEER THAT WAS?

18       **A** YES, IT WAS A BUD LIGHT.

19       **Q** OKAY. AND DO YOU RECALL WHO PROVIDED THAT TO YOU?

20       **A** ANGEL CASTRO'S GIRLFRIEND.

21       **Q** AND WAS THAT A BOTTLE OR A CAN?

22       **A** IT WAS A CAN.

23       **Q** AT THE POINT IN TIME WHEN MR. CASTRO LEAVES THE  
24 RESIDENCE, WHAT WAS GOING ON WITH RESPECT TO YOUR TORTURE AT  
25 THAT TIME? WHAT'S THE LAST THING YOU RECALL ANGEL CASTRO

1 DOING AT THE RESIDENCE?

2 **A** SAY AGAIN, PLEASE.

3 **Q** WHAT IS THE LAST THING YOU RECALL ANGEL CASTRO DOING  
4 BEFORE HE LEFT THE ABANDONED HOUSE WHERE YOU WERE TORTURED?

5 **A** THE LAST THING I REMEMBER IS THAT HE SLIT MY THROAT.

6 **Q** AT ANY POINT IN TIME BETWEEN WHEN MR. CASTRO ARRIVED  
7 AT THE RESIDENCE WITH YOU, WHEN YOU ENTERED THE FRONT DOOR,  
8 AND THE TIME YOU SAID THAT MR. CASTRO SLIT YOUR THROAT, DID  
9 YOU EVER SEE HIM WALK OUT OF THE ROOM WHERE YOU WERE TIED UP?

10 **A** NO. I WAS ALMOST DEAD, I DON'T REMEMBER.

11 **Q** IS IT POSSIBLE THAT DURING THE TIME YOU WERE BEING  
12 TORTURED INSIDE THE ABANDONED HOUSE, MR. CASTRO LEFT IT FOR A  
13 PERIOD OF TIME?

14 **MS. LEXIS:** YOUR HONOR, I'M SORRY, I OBJECT. THIS ASKS  
15 FOR SPECULATION. I MEAN ANYTHING IS POSSIBLE.

16 **THE COURT:** JUST A MOMENT. DON'T ANSWER THE QUESTION  
17 YET.

18 MR. GELLER?

19 **MR. GELLER:** YOUR HONOR, A LAY WITNESS IS ALLOWED TO  
20 OPINE ABOUT THINGS THAT ARE WITHIN A LAY WITNESS'S KNOWLEDGE.  
21 SO, FOR EXAMPLE, A LAY WITNESS COULD SAY, IT LOOKED LIKE THE  
22 CAR WAS GOING 50 MILES AN HOUR DOWN THE STREET. WHAT A LAY  
23 WITNESS CANNOT DO IS SPECULATE ABOUT THINGS THAT ARE WITHIN  
24 THE PROVINCE OF EXPERT TESTIMONY.

25 SO I'M JUST ASKING HIM, AT ANY POINT IN TIME, SINCE HE

1 WAS IN THE ROOM, IF HE HAD EVER OBSERVED OR BELIEVED THAT  
2 CASTRO MAY HAVE HAD AN OPPORTUNITY TO LEAVE, CAN HE SAY FOR  
3 CERTAIN WHETHER OR NOT HE LEFT.

4 **MS. LEXIS:** I DON'T BELIEVE THAT'S -- THAT WAS HOW THE  
5 QUESTION WAS PHRASED. HE ASKED WHETHER HE HAD SEEN MR. CASTRO  
6 LEAVE. THE -- THE VICTIM TESTIFIED THAT HE DID NOT, BECAUSE  
7 HE WAS ALMOST DEAD.

8 AND THE NEXT QUESTION, THE ONE THAT I ACTUALLY OBJECTED  
9 TO, WAS WHETHER OR NOT IT WAS POSSIBLE THAT MR. CASTRO WOULD  
10 HAVE LEFT, AND THAT'S WHAT I THINK IS SPECULATIVE.

11 **THE COURT:** OKAY. AS TO THE FORM OF THE QUESTION AS TO  
12 WHAT'S POSSIBLE, I'M GOING TO SUSTAIN THE OBJECTION.

13 IF YOU WANT TO ASK HIM IF IN HIS PERCEPTION HE HAD THE  
14 OPPORTUNITY TO, YOU CAN ASK THAT QUESTION.

15 **MR. GELLER:** THANK YOU, JUDGE.

16 **Q** DID YOU MAINTAIN CONSTANT VISUAL EYE CONTACT ON  
17 MR. CASTRO FROM THE TIME THAT YOU ENTERED THE ABANDONED HOUSE  
18 TO THE TIME WHEN YOU HAD YOUR LAST MEMORY WHERE YOU TESTIFIED  
19 THAT HE CUT YOUR THROAT?

20 **A** YES. YES. BUT AFTER HE SLIT MY THROAT I DIDN'T  
21 HAVE ANY MORE CONTACT WITH HIM.

22 **Q** SO PRIOR TO MR. CASTRO SLITTING YOUR THROAT, AND YOU  
23 RECALL SEEING HIM IN THE ROOM WHERE YOU WERE TIED UP, ENTIRELY  
24 FROM THAT POINT IN TIME, GOING BACK TO THE POINT IN TIME WHEN  
25 HE ENTERED THE RESIDENCE WITH YOU?

1           **A**     YES.

2           **Q**     AT SOME POINT IN TIME I BELIEVE YOU TESTIFIED THAT  
3   FABIOLA JIMENEZ, MR. CASTRO'S GIRLFRIEND, CAUSED YOU TO SEND A  
4   TEXT MESSAGE TO YOUR GIRLFRIEND; IS THAT CORRECT?

5           **A**     YES.

6           **Q**     TO WHAT PHONE DID YOU TEXT YOUR GIRLFRIEND?

7           **A**     SO WHAT YOU MEAN WHAT PHONE?

8           **Q**     DID YOUR GIRLFRIEND HAVE A PARTICULAR PHONE NUMBER,  
9   I DON'T NEED YOU TO REPEAT IT IN OPEN COURT, THAT YOU TEXTED  
10  HER AT FABIOLA JIMENEZ'S REQUEST?

11          **A**     NO.  HE SEND IT -- SHE SEND IT THROUGH FACEBOOK.  
12  SHE USED MY FACEBOOK TO MESSAGE HER.

13          **Q**     UNDERSTOOD.

14                   DID YOU HAVE OCCASION TO GIVE AN INTERVIEW TO TWO  
15  DETECTIVES WITHIN THE LAST FEW WEEKS?

16          **A**     THE TRUTH IS I DON'T -- I DON'T REMEMBER.  I HAD SO  
17  MANY INTERVIEWS WITH SO MANY PEOPLE THAT I -- I DON'T  
18  REMEMBER.

19          **Q**     IF IT HELPS YOU REMEMBER, DO YOU RECALL GIVING AN  
20  INTERVIEW TO TWO DETECTIVES AFTER YOU GOT OUT OF THE HOSPITAL?

21          **A**     SO IT WAS A DAY BEFORE, BUT I THINK I DON'T  
22  UNDERSTAND THE QUESTION.

23          **Q**     SURE.  DID YOU HAPPEN TO GET A VISIT FROM TWO  
24  DETECTIVES WHO INTERVIEWED YOU, SAY THE LAST 10 DAYS, AND  
25  RECORDED THAT INTERVIEW?



1           **A**     YES.

2           **Q**     AND IN THAT INTERVIEW WERE YOU GIVING DESCRIPTIONS  
3 OF WHAT HAPPENED AS HONESTLY AND ACCURATELY AS POSSIBLE?

4           **A**     I -- I'M JUST SAYING WHAT HAD HAPPENED TO ME.

5           **Q**     YES. AND DID YOU SAY WHAT HAPPENED TO YOU AS  
6 ACCURATELY AND HONESTLY AS YOU COULD RECALL?

7           **A**     I BELIEVE SO.

8           **Q**     YOU DON'T HAVE ANY REASON TO SAY SOMETHING THAT'S  
9 NOT TRUE TO THE DETECTIVES, CORRECT?

10          **A**     NO, THERE'S NO REASON FOR IT.

11          **Q**     OKAY. GOOD.

12                 DID YOU TELL THE DETECTIVES IN YOUR INTERVIEW, THAT  
13 BEFORE TWO OF THE DEFENDANTS STARTED LIGHTING THE HOUSE ON  
14 FIRE, YOU SAW ANGEL AND FABIOLA LEAVE THE HOUSE?

15          **A**     NO, I NEVER SAID THAT. WHAT I -- WHAT I SAID WAS,  
16 THAT I -- I STOPPED HEARING THEIR VOICES.

17          **Q**     SO IF I UNDERSTAND YOU CORRECTLY, ARE YOU SAYING  
18 YOU'RE 100 PERCENT CERTAIN THAT YOU DID NOT TELL EITHER OF  
19 THOSE TWO DETECTIVES THAT YOU SAW ANGEL AND FABIOLA LEAVE THE  
20 HOUSE BEFORE TWO OTHER DEFENDANTS STARTED BURNING IT?

21          **A**     I'M 100 PERCENT CERTAIN THAT THAT WASN'T WHAT I SAY.  
22 WHAT I SAID WAS, THAT I STOPPED HEARING THEIR VOICES, AND ALSO  
23 THAT I -- I SUPPOSED THAT THEY TOOK THEIR TRUCK AND LEFT WHILE  
24 THE HOUSE WAS BURNING.

25          **Q**     HOW LONG BEFORE TWO CODEFENDANTS STARTED PUTTING

1 PAPER AND THINGS ON YOU TO LIGHT THE HOUSE ON FIRE, WAS IT  
2 THAT YOU STOPPED HEARING ANGEL CASTRO AND HIS GIRLFRIEND  
3 TALKING?

4       **A**     NO, THE -- THE TRUTH IS I -- I DON'T REMEMBER, AND  
5 I'M -- I'M SORT OF ENTANGLED HERE.

6       **Q**     OKAY. BUT YOU WERE CONFIDENT WHEN YOU TOLD THE  
7 POLICE THAT YOU NO LONGER BELIEVE THAT ANGEL AND FABIOLA WERE  
8 IN THE RESIDENCE WHEN THE OTHER TWO DEFENDANTS STARTED BURNING  
9 IT?

10       **MS. LEXIS:** OBJECTION, YOUR HONOR, IT MISSTATES HIS  
11 TESTIMONY.

12       **THE COURT:** I THINK THE WITNESS CAN ANSWER WHETHER THAT'S  
13 ACCURATE OR NOT.

14       **THE INTERPRETER:** I'M SORRY, MAY -- CAN YOU ASK THE  
15 QUESTION AGAIN?

16       **MR. GELLER:** SURE.

17       **Q**     WHEN YOU TALKED TO THE DETECTIVES, YOU TOLD THEM  
18 THAT YOU BELIEVED THE DEFENDANT AND ANGEL -- OR EXCUSE ME --  
19 THE DEFENDANT AND MISS FIGUEROA -- SCRATCH THAT -- FABIOLA --  
20 THE DEFENDANT AND FABIOLA LEFT THE ABANDONED HOUSE PRIOR TO  
21 THE OTHER TWO DEFENDANTS STARTING TO BURN IT?

22       **MS. LEXIS:** YOUR HONOR, AGAIN, IT MISSTATES -- THE  
23 QUESTION MISSTATES THE DEFEN -- THE VICTIM'S TESTIMONY. HE  
24 SAID HE WAS 100 PERCENT SURE THAT HE JUST STOPPED HEARING  
25 THEIR VOICES, NOT THAT HE SAW THEM LEAVE.

1           **THE COURT:** HE'S ASKING HIM ABOUT WHAT HE SAID TO THE  
2 DETECTIVE IN THE INTERVIEW, NOT WHAT HE SAID HERE TODAY.

3           **MS. LEXIS:** I THINK IT MISSTATES HIS TESTIMONY CURRENTLY.  
4 I --

5           **THE COURT:** I UNDERSTAND THAT, BUT THAT'S -- THAT'S, I  
6 GUESS, HIS POINT IN CROSS-EXAMINATION IS IT'S A CONTRADICTORY  
7 STATEMENT THAT HE'S ASKING HIM IF HE MADE THAT STATEMENT TO  
8 THE DETECTIVES.

9           **MS. LEXIS:** OKAY.

10          **THE COURT:** SO I THINK HE'S ALLOWED TO CONFRONT HIM WITH  
11 THE STATEMENT AND ASK HIM WHETHER THAT IS OR IS NOT WHAT HE  
12 SAID TO THE DETECTIVES.

13          **MS. LEXIS:** OKAY.

14          **THE COURT:** IF HE REMEMBERS.

15 **BY MR. GELLER:**

16          **Q**     SO DO YOU REMEMBER COMMUNICATING TO THE DETECTIVES  
17 THAT YOU BELIEVED THAT MR. CASTRO AND MISS FABIOLA JIMENEZ  
18 LEFT THE ABANDONED HOUSE BEFORE THE OTHER TWO DEFENDANTS  
19 STARTED BURNING IT?

20          **A**     OH, YOU GUYS ARE CONFUSING ME.

21          **THE COURT:** HE'S ASKING YOU SPECIFICALLY ABOUT WHAT YOU  
22 TOLD THE DETECTIVES IN THE RECORDED INTERVIEW APPROXIMATELY 10  
23 DAYS AGO. IN THAT INTERVIEW DO YOU REMEMBER TELLING THE  
24 DETECTIVES THAT MR. CASTRO AND MS. FABIOLA LEFT THE RESIDENCE  
25 BEFORE THE FIRE WAS STARTED?

1           **THE WITNESS:** I -- WHAT I SAID TO THE DETECTIVES WAS THAT  
2 I DIDN'T HEAR THEIR VOICES ANYMORE, AND THAT I SUPPOSED OR  
3 CONSTRUED THAT THEY WENT TO PARK THE TRUCK SOMEWHERE ELSE,  
4 BECAUSE IT'S WHAT THEY DO.

5 **BY MR. GELLER:**

6           **Q**     AND YOU TOLD THE DETECTIVES THAT YOU ONLY SAW THE  
7 REDHEAD AND THE OTHER GUY BURNING THE HOUSE, CORRECT?

8           **A**     YES, THAT'S CORRECT. I SAW THEM WITH MY OWN EYES, I  
9 DIDN'T SEE THE OTHER ONES.

10          **Q**     I WANT TO DRAW YOUR ATTENTION BACK TO THE BEER,  
11 BRIEFLY. HOW WAS THAT HANDED TO YOU?

12          **A**     HOW THEY HANDED THE BEER? WITH --

13          **Q**     YEAH, WHO HAND --

14          **A**     -- WITH THEIR HANDS.

15          **Q**     YEAH, WHO HANDED IT TO YOU?

16          **A**     I DON'T REMEMBER.

17          **Q**     OKAY. AND HOW WERE YOU DRINKING IT, SEEING THAT YOU  
18 WERE TIED UP?

19          **A**     THEY -- THEY LOOSENEED UP A LITTLE BIT THE -- THE  
20 RESTRAINTS AND I WAS DRINKING LIKE THIS.

21          **Q**     AND FOR THE RECORD, IT LOOKS LIKE THE INTERPRETER IS  
22 USING TWO HANDS IN A MOTION TOWARDS HER MOUTH.

23          **A**     YES, IT'S LIKE THIS.

24          **MR. GELLER:** OKAY. THANK YOU, GOT NO FURTHER QUESTIONS.

25          **THE COURT:** MR. YAMPOLSKY.

**CROSS-EXAMINATION**

1

2 **BY MR. YAMPOLSKY:**

3       **Q**     MR. ORTIZ-SALAZAR?   OKAY.

4               YOU SAID YOU DIDN'T SEE THE OTHER ONES BURNING THE  
5 HOUSE, CORRECT?

6       **A**     CORRECT.

7       **Q**     OKAY.   WHEN YOU SAID YOU DIDN'T SEE THE OTHER ONES,  
8 TO WHOM WERE YOU REFERRING?

9       **A**     TO CASTRO AND CASTRO'S GIRLFRIEND.

10       **Q**     OKAY.   SO YOU -- YOU SAW MR. KING BURNING THE HOUSE?

11       **A**     YES.

12       **Q**     OKAY.   AND I'D LIKE TO BACK UP, DIRECT YOUR  
13 ATTENTION.   EVERYONE'S TALKING ABOUT THE MONEY THAT YOU OWED.  
14 YOU OWED THE MONEY TO ANGEL CASTRO?

15       **A**     WELL, YOU -- YOU WOULD SAY.

16       **Q**     WELL, I'M ASKING YOU, DID -- DID YOU OWE -- DID  
17 YOU -- DID YOU THINK YOU OWED ANY MONEY TO ANGEL CASTRO?

18       **A**     WELL, TO BE HONEST, IF -- IF I OWE \$100 THAT WOULD  
19 BE IT.

20       **Q**     OKAY.   BUT WHAT I'M TRYING TO FIGURE OUT IS, IF YOU  
21 OWED, LET'S SAY THE \$100, OKAY, WOULD THAT MONEY BE OWED TO  
22 ANGEL CASTRO?

23       **A**     YES.

24       **Q**     OKAY.   AND YOU DIDN'T OWE ANY MONEY TO LIONEL KING?

25       **A**     NO.

1           **Q**     AND YOU OWED THE MONEY BECAUSE YOU HAD BOUGHT DRUGS  
2 FROM ANGEL CASTRO?  
3           **A**     NO.  
4           **Q**     OKAY. THEN WHY DID YOU OWE THE MONEY TO ANGEL  
5 CASTRO?  
6           **A**     BECAUSE HE WOULD LEND ME MONEY FOR FUEL.  
7           **Q**     OKAY. SO HE LENT YOU ABOUT \$100 FOR GAS?  
8           **A**     HE WOULD -- HE WOULD LEND ME MONEY EVERY NOW AND  
9 THEN, NOT ALL TOGETHER.  
10          **Q**     BUT HE SAID FOR -- YOU SAID FOR FUEL, CORRECT?  
11          **A**     YES.  
12          **Q**     AND THAT MEANS GAS FOR YOUR CAR?  
13          **A**     YES.  
14          **Q**     OKAY. COURT'S INDULGENCE.  
15                 YOU SAID YOU HAD A PACK OF CIGARETTES AND A LIGHTER  
16 IN YOUR POCKET WITH YOUR WALLET, CORRECT?  
17          **A**     YES. CORRECT.  
18          **Q**     NOW, WHO TOOK THE LIGHTER AND THE WALLET?  
19          **A**     REDHEAD.  
20          **Q**     OKAY. NOW, DIRECTING YOUR ATTENTION, WHEN YOU GOT  
21 INTO THE TRUCK, THE REDHEAD WAS DRIVING, CORRECT?  
22          **A**     YES.  
23          **Q**     AND YOU WERE SITTING NEXT TO THE REDHEAD IN THE  
24 MIDDLE?  
25          **A**     YES, THAT'S CORRECT.

1       **Q**     AND ON YOUR RIGHT-HAND SIDE WAS ANGEL CASTRO?  
2       **A**     THAT'S CORRECT.  
3       **Q**     AND LIONEL KING WAS IN THE BED OF THE TRUCK?  
4       **A**     YES, THAT'S CORRECT.  
5       **Q**     NOW, YOU WERE PULLED INTO THE TRUCK?  
6       **A**     YES, PRETTY MUCH.  
7       **Q**     OKAY.  
8       **A**     BECAUSE THEY WERE LIKE PUSHING ME AROUND.  
9       **Q**     OKAY.   AND DID THE REDHEAD PUSH YOU?  
10      **A**     THAT HIT ME.   THAT ONE HIT ME.  
11      **Q**     OKAY.   AND WHO PUSHED YOU?  
12      **A**     ANGEL CASTRO.  
13      **Q**     OKAY.   AND WAS HE THE ONLY ONE THAT PUSHED YOU?  
14      **A**     YES.  
15      **MR. YAMPOLSKY:**   OKAY.   COURT'S INDULGENCE.  
16      (DISCUSSION BETWEEN MR. YAMPOLSKY AND DEFENDANT KING.)  
17      **MR. YAMPOLSKY:**   NO FURTHER QUESTIONS.  
18      **THE COURT:**   ANY REDIRECT?  
19      **MS. LEXIS:**   NO REDIRECT, THANK YOU.  
20      **THE COURT:**   ALL RIGHT.   THANK YOU FOR YOUR TESTIMONY,  
21   YOU'RE FREE TO STEP DOWN.  
22      STATE.  
23      **MS. LEXIS:**   COURT'S BRIEF INDULGENCE.  
24      (DISCUSSION BETWEEN MS. LEXIS AND DEFENSE COUNSEL.)  
25      **MS. LEXIS:**   DEFENSE COUNSEL IS ALSO STIPULATING THAT THE

1 INDIVIDUAL IN STATE'S EXHIBIT NUMBER, I BELIEVE IT'S 2,  
2 REDHEAD, IS EDWARD HONABACH, I.D. NO. 7029816, YOUR HONOR.  
3 **THE COURT:** OKAY.  
4 **MS. LEXIS:** WITH THAT WE HAVE NO FURTHER WITNESSES.  
5 **THE COURT:** IS THAT CORRECT, MR. GELLER?  
6 **MR. GELLER:** THAT'S CORRECT WITH RESPECT TO THE  
7 STIPULATION, YOUR HONOR.  
8 **THE COURT:** MR. YAMPOLSKY, IS THAT CORRECT WITH THE  
9 STIPULATION, SIR?  
10 **MR. YAMPOLSKY:** YES, YOUR HONOR.  
11 **THE COURT:** OKAY.  
12 **MR. VILLANI:** AND, YOUR HONOR, BEFORE WE CLOSE EVIDENCE,  
13 AGAIN WE HAVE THE SAME AMENDMENTS AS WE DID TO THE OTHER TWO  
14 DEFENDANTS. COUNT 3, WE ARE ADDING MAYHEM WITH A DEADLY  
15 WEAPON, TO WIT: A KNIFE AND/OR A MACHETE AND/OR PLIERS.  
16 **THE COURT:** AND WERE WIRE CUTTERS IS WHAT YOU --  
17 **MR. VILLANI:** WIRE CUTTERS, SORRY.  
18 **THE COURT:** -- ON THE LAST AMENDMENT, JUST TO BE --  
19 **MR. VILLANI:** TO BE CONSISTENT --  
20 **THE COURT:** -- BE CONSISTENT --  
21 **MR. VILLANI:** -- LET'S KEEP IT AT WHERE IT IS.  
22 **THE COURT:** -- WITH THE LANGUAGE.  
23 **MR. VILLANI:** THANK YOU.  
24 COUNT 5 WE WILL BE ADDING FIRST DEGREE KIDNAPPING WITH  
25 USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM



1 TO THAT CHARGE.

2 **THE COURT:** OKAY.

3 **MR. VILLANI:** AND WITH THAT, YOUR HONOR, THE STATE WOULD  
4 REST.

5 **THE COURT:** ALL RIGHT. MR. GELLER, START WITH YOU.

6 **MR. GELLER:** YES, JUDGE.

7 THE DEFENSE WOULD CALL DETECTIVE AUSCHWITZ.

8 **THE COURT:** OKAY. SO EARLIER WHEN I ASKED THE QUESTION  
9 IF THERE WERE ANY OTHER WITNESSES, NO ONE -- NO ONE SAID  
10 ANYTHING. I HAVE -- SMALL CLAIMS HAS OUR COURTROOM AT 1  
11 O'CLOCK TODAY.

12 **MR. GELLER:** OKAY.

13 **THE COURT:** SO I MIGHT NEED TO EITHER MOVE US OR MOVE  
14 THEM, BUT JUST GIVE ME ONE MINUTE.

15 **MR. GELLER:** CERTAINLY.

16 **THE COURT:** I DID NOT ANTICIPATE ANY OTHER WITNESSES.

17 **MR. GELLER:** I'M SORRY, I MISUNDERSTOOD YOUR HONOR'S --

18 **THE COURT:** I HAD ASKED EARLIER.

19 **MR. GELLER:** -- QUESTION EARLIER.

20 AND I'LL BE VERY BRIEF, I JUST HAVE A FEW TOPICS FOR  
21 DETECTIVE AUSCHWITZ.

22 **THE COURT:** WELL, HOW LONG DO YOU THINK, I JUST --

23 **MR. GELLER:** TEN MINUTES MAX I WOULD THINK, YOUR HONOR.

24 **THE COURT:** FOR EVERYTHING? I MEAN FOR BOTH SIDES?

25 **MR. GELLER:** FOR MY QUESTIONS, YEAH.

1           **THE COURT:** OR JUST YOUR QUESTIONS?

2           **MR. GELLER:** RIGHT, FOR MY QUESTIONS. I CAN'T SPEAK FOR

3 THE OTHER PARTIES.

4           **THE COURT:** OKAY. WELL, LET ME SEE WHAT I CAN

5 COORDINATE.

6           **THE MARSHAL:** WE ARE TRYING TO FIND SMALL CLAIMS ANOTHER

7 ROOM, JUDGE.

8           **THE COURT:** OKAY. WELL, CAN YOU COORDINATE THAT WITH

9 MAUREEN?

10          **THE MARSHAL:** YES, MA'AM.

11          **THE COURT:** I MEAN, I THINK IT WOULD BE EASIER TO DIRECT

12 THEM SOMEWHERE ELSE OVER THE NEXT 30 MINUTES THAN IT WOULD BE

13 FOR US TO PICK EVERYBODY UP AND MOVE US.

14          **THE MARSHAL:** I AGREE.

15          **THE COURT:** SO THANK YOU, I APPRECIATE YOU --

16          **THE MARSHAL:** YES, MA'AM.

17          **THE COURT:** -- COORDINATING THAT.

18 OKAY, MR. GELLER GO AHEAD. SORRY.

19          **MR. GELLER:** THANK YOU.

20          **THE COURT:** JUST WANTED TO TAKE CARE OF THAT LOGISTICS.

21          **MR. GELLER:** I APOLOGIZE FOR MISUNDERSTANDING YOUR

22 HONOR'S -- WHEN I REALLY WANTED TO INVOKE THE EXCLUSIONARY

23 RULE, I WAS ASKING --

24          **THE COURT:** NO. NO, IN THE BREAK --

25          **MR. GELLER:** OH.

1           **THE COURT:** -- I HAD ASKED IF THERE WERE ANY OTHER  
2 WITNESSES FROM ANYONE, SO --  
3           **MR. GELLER:** OH.  
4           **THE COURT:** -- I JUST WAS TRYING TO DO TIMING --  
5           **MR. GELLER:** SORRY ABOUT THAT.  
6           **THE COURT:** -- BECAUSE I KNEW THE COURTROOM WAS  
7 OTHERWISE -- THAT'S OKAY, LET'S CALL HIM.  
8           **MR. GELLER:** DEFENSE WOULD CALL DETECTIVE AUSCHWITZ.  
9           **THE MARSHAL:** I BELIEVE THEY'LL BEEN IN 7B, JUDGE.  
10          **THE COURT:** COME ON UP TO THE WITNESS STAND FOR ME,  
11 PLEASE.  
12  
13                                   **JASON AUSCHWITZ.**  
14 CALLED AS A WITNESS BY THE DEFENSE, AND HAVING BEEN FIRST DULY  
15 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING  
16 BUT THE TRUTH, TESTIFIED AS FOLLOWS:  
17  
18          **THE WITNESS:** YES, MA'AM.  
19          **THE CLERK:** PLEASE BE SEATED.  
20 STATE AND SPELL YOUR NAME FOR THE RECORD.  
21          **THE WITNESS:** MY NAME IS JASON AUSCHWITZ. JASON IS,  
22 J-A-S-O-N. AUSCHWITZ, A-U-S-C-H-W-I-T-Z.  
23          **THE COURT:** MR. GELLER.  
24 ///  
25 ///

**DIRECT EXAMINATION**

1  
2 **BY MR. GELLER:**

3       **Q**     DETECTIVE, HOW ARE YOU EMPLOYED?

4       **A**     I'M EMPLOYED WITH THE LAS VEGAS METROPOLITAN POLICE  
5 DEPARTMENT.

6       **Q**     AND WERE YOU EMPLOYED IN THAT CAPACITY ON MARCH THE  
7 7TH OF 2016?

8       **A**     YES, SIR.

9       **Q**     DID YOU HAVE OCCASION TO INVESTIGATE A CASE  
10 SPECIFICALLY WITH THE DEFENDANTS LUIS ANGEL CASTRO, EDWARD  
11 HONABACH, FABIOLA JIMENEZ AND LIONEL KING ON THAT DATE?

12      **A**     YES, SIR.

13      **Q**     AND WHEN DID YOU INITIALLY BECOME AWARE OF THE  
14 ALLEGATIONS INVOLVED AND RESPOND TO THE SCENE? ROUGHLY. I  
15 REALIZE YOU MAY NOT HAVE A CAD REPORT FROM --

16      **A**     I BELIEVE IT WAS APRIL 3RD.

17      **Q**     OKAY. SO PRIOR TO APRIL 3RD OF 2016, DID YOU HAVE  
18 ANY INVESTIGATIVE INVOLVEMENT IN THE CASE THAT I JUST  
19 REFERENCED?

20      **A**     IF THAT DATE'S CORRECT, I -- I DID.

21      **Q**     OKAY. AND WHAT, BRIEFLY, WAS THE INVESTIGATIVE  
22 INVOLVEMENT PRIOR TO APRIL 3RD, 2016?

23      **A**     IT WAS -- I BELIEVE THE CALL INITIALLY CAME OUT AS A  
24 FIRE AT 1901 EAST OAKLEY, AND WE -- WE HAD SOMEONE WITH THEIR  
25 THROAT SLIT.

1           **Q**     WITH THEIR WHAT, I'M SORRY?

2           **A**     THEIR THROAT SLIT.

3           **Q**     UNDERSTOOD.

4                   AND YOU BECAME AWARE OF THAT PRIOR TO APRIL OF 2016;

5 IS THAT CORRECT?

6           **A**     I GOT -- I WAS AWARE OF THE -- PRIOR TO THE CALL

7 COMING OUT AROUND -- ROUGHLY AFTER 3 O'CLOCK. I BELIEVE

8 THAT'S THE CORRECT DATE.

9           **Q**     OKAY. SO IF I UNDERSTAND YOUR TESTIMONY, AND PLEASE

10 DON'T LET ME MISSTATE IT, YOU DIDN'T BECOME AWARE OF THE

11 ALLEGATIONS INVOLVING THE FOUR AFOREMENTIONED DEFENDANTS ON

12 MARCH 7TH, 2016; IS THAT CORRECT?

13           **A**     I DON'T UNDERSTAND YOUR QUESTION.

14           **Q**     WHEN DID YOU FIRST BECOME AWARE OF THE ALLEGATIONS

15 THAT THE FOUR DEFENDANTS WERE FACING PERTAINING TO THE HOUSE

16 THAT WAS ON FIRE ON OAKLEY ON MARCH 7TH?

17           **A**     WHEN THEY BECAME SUSPECTS, IS THAT -- IS THAT WHAT

18 YOU MEAN?

19           **Q**     WHEN DID YOU BECOME INVOLVED IN THE INVESTIGATION?

20           **A**     I BECAME INVOLVED RIGHT WHEN THE CALL CAME OUT.

21           **Q**     UNDERSTOOD. THANK YOU.

22                   DID YOU HAVE OCCASION, WITHOUT REPEATING WHAT ANYONE

23 SAID, TO CONDUCT INTERVIEWS WITH ANY OF THE SUSPECTS IN THIS

24 CASE?

25           **A**     I DID.

1           **Q**     DID YOU HAVE OCCASION, AGAIN WITHOUT REPEATING  
2 ANYTHING THAT HE MAY HAVE SAID, TO INTERVIEW THE DEFENDANT  
3 ANGEL CASTRO?

4           **A**     I -- YOU KNOW WHAT, I DON'T RECALL -- THERE WERE A  
5 LOT OF INTERVIEWS, AND I -- I DON'T HAVE MY NOTES WITH ME, BUT  
6 I DON'T -- I DON'T RECALL INTERVIEWING MR. CASTRO OFF THE TOP  
7 OF MY HEAD. ONE OF MY PARTNERS I BELIEVE DID, BUT I DON'T  
8 THINK I DID.

9           **Q**     OKAY. SO YOU DIDN'T PERSONALLY INTERVIEW THE  
10 DEFENDANT SEATED TO MY LEFT, AS FAR AS YOU RECALL?

11          **A**     I DON'T RECALL. I DON'T THINK I DID.

12          **Q**     DID YOU HAVE OCCASION TO REPORT TO THE SCENE OF THE  
13 BURNED HOUSE ON MARCH 7TH, 2016, OR ANYTIME SHORTLY  
14 THEREAFTER?

15          **A**     AGAIN, I -- I APOLOGIZE, I'M -- I'M -- LACK OF  
16 SLEEP. WAS IT THE 7TH THAT THIS OCCURRED ON, THE ACTUAL DATE?

17          **Q**     ACCORDING TO THE CRIMINAL COMPLAINT FILED BY THE  
18 STATE IT WOULD BE THE 7TH, YES.

19          **A**     AGAIN, WHAT'S YOUR QUESTION?

20          **Q**     MY QUESTION IS, DID YOU EVER HAVE OCCASION ON MARCH  
21 7TH, 2016, OR SHORTLY THEREAFTER, TO REPORT TO THE SCENE OF  
22 THE FIRE ON OAKLEY?

23          **A**     I DID. I WENT TO THE FIRE ON OAKLEY. I'VE BEEN --  
24 I'VE BEEN TO THAT HOUSE A FEW TIMES.

25          **Q**     NOW DID YOU --

1           **A**     AND, AGAIN, I DON'T RECALL THE DATES SPECIFICALLY,  
2   AND I APOLOGIZE ABOUT THAT.

3           **Q**     NO APOLOGY NECESSARY, JUST THE BEST OF YOUR  
4   RECOLLECTION.

5           **A**     ALL RIGHT.

6           **Q**     DID YOU HAVE OCCASION TO LOOK THROUGH THE HOUSE FOR  
7   PIECES OF EVIDENCE THAT MIGHT BE RELEVANT TO YOUR  
8   INVESTIGATION?

9           **A**     YES, SIR, I DID.

10          **Q**     AT ANY POINT IN TIME, WHILE YOU WERE REVIEWING THE  
11   ITEMS IN THE HOUSE, DID YOU HAVE OCCASION TO OBSERVE ANY BEER  
12   CANS?

13          **A**     YOU KNOW WHAT, I DON'T -- I DON'T RECALL COLLECTING  
14   A BEER CAN.

15          **Q**     DO YOU RECALL OBSERVING ONE?

16          **A**     I DO NOT RECALL.  THERE WAS A LOT OF CLUTTER IN THAT  
17   HOUSE.

18          **Q**     AT ANY POINT IN TIME, IN YOUR INVESTIGATION, EITHER  
19   BEFORE OR AFTER INTERVIEWING SUSPECTS, DID YOU HAVE OCCASION  
20   TO REQUEST CELL SITE LOCATION INFORMATION FOR ANY OF THE  
21   SUSPECTS?

22          **A**     I -- I BELIEVE WE'RE ATTEMPTING THAT.  I DON'T -- I  
23   DON'T RECALL WHAT -- WHAT EXACTLY WENT FORWARD WITH THAT.

24          **Q**     SO AS OF YOUR TESTIMONY TODAY, TO THE BEST OF YOUR  
25   KNOWLEDGE, NOBODY UNDER YOUR COMMAND ASSOCIATED WITH THIS

1 INVESTIGATION IS IN POSSESSION OF CELL SITE LOCATION?

2       **A**     THAT'S CORRECT.

3       **Q**     BUT THAT'S SOMETHING THAT MAY VERY WELL HAVE BEEN

4 REQUESTED?

5       **A**     IT MAY WELL, AND IT MAY BE IN THE PROCESS.

6       **Q**     AND WHAT WOULD HAVE BEEN THE INVESTIGATIVE PURPOSE

7 IN REQUESTING CELL SITE LOCATION INFORMATION WITH RESPECT TO

8 THE SUSPECTS IN THE CASE?

9       **A**     THAT WOULD JUST BE JUST TO PUT THEM AT THE SCENE OF

10 THE CRIME.

11       **Q**     DID YOU HAVE OCCASION TO OBSERVE ANY SCREEN SHOTS OF

12 TEXT MESSAGES, PURSUANT TO YOUR INVESTIGATION?

13       **A**     I -- I RECALL A -- A PHONE NUMBER THAT WAS POSSIBLY

14 USED THAT WE -- WE RETRIEVED FROM ONE OF THE -- MY VICTIM HAD

15 MADE SOME PHONE CALLS TO FAMILY MEMBERS, AND WE BELIEVE THAT

16 ONE OF THE PHONE NUMBERS USED WAS FROM ONE OF YOUR CLIENT'S

17 THAT WAS AT THE SCENE.

18       **Q**     OKAY. NOW, YOU REFERRED TO ONE OF MY CLIENTS. YOU

19 MEAN ONE OF THE FOUR DEFENDANTS?

20       **A**     ONE OF THE FOUR, RIGHT.

21       **Q**     ACTUALLY YOU DON'T KNOW WHO I REPRESENT, BUT --

22       **A**     I DON'T. YOU'RE ABSOLUTELY RIGHT, SIR.

23       **Q**     ALL RIGHT. JUST A FEW MORE QUESTIONS.

24               PURSUANT TO ANY OF THE INVESTIGATIONS WHEREIN YOU OR

25 SOMEONE IN YOUR CONTROL OR UNDER YOUR LEAD, I SHOULD SAY,



1 MIGHT HAVE HAD A QUESTION AND ANSWER SESSION WITH ONE OF THE  
2 SUSPECTS, DID YOU OR ANYONE AT YOUR DIRECTION FOLLOW UP AND  
3 TRY TO CONFIRM OR DISCONFIRM ANY ALIBIS THEY MAY HAVE  
4 PROVIDED?

5       **A**     AS -- AS FAR AS PHONE CALLS OR WHO -- WHO CALLED  
6 WHO?

7       **Q**     I'LL REVISE.

8               IF ANYONE, WITHOUT REPEATING WHAT ANYONE MAY HAVE  
9 SAID TO YOU, IF ANY OF THE SUSPECTS SAID I WAS AT ANOTHER  
10 LOCATION AT SUCH AND SUCH TIME, DID YOU OR ANYONE AT YOUR  
11 COMMAND INVESTIGATE THE ALIBI?

12       **A**     YEAH, I BELIEVE DETECTIVE VALENZUELA.

13       **Q**     OKAY. WITHOUT REPEATING WHAT THE ALIBI MIGHT HAVE  
14 BEEN, DO YOU RECALL WHO'S ALIBI DETECTIVE VALENZUELA WAS  
15 INVESTIGATING?

16       **A**     I BELIEVE THAT WAS LIONEL KING'S.

17       **Q**     OTHER THAN MR. KING, DO YOU KNOW IF METRO  
18 DETECTIVES, PURSUANT TO THIS INVESTIGATION, INVESTIGATED  
19 ANYONE ELSE'S ALIBI?

20       **A**     YOU KNOW WHAT, I BELIEVE WE DID, I JUST DON'T KNOW  
21 WHAT ALIBIS YOU'RE REFERRING TO. IF YOU COULD BE MORE  
22 SPECIFIC I CAN PROBABLY --

23       **Q**     MAY I SAY THIS, WERE ANY SURVEILLANCE VIDEOS  
24 REQUESTED OR PRESERVED PURSUANT TO YOUR INVESTIGATION INTO  
25 THESE ALLEGATIONS?

1           **A**       THERE -- THERE WAS A MARKET THAT ONE OF YOUR -- OR  
2 ONE OF THE FOUR CLAIMED TO HAVE BEEN AT, THAT THERE WAS NO  
3 VIDEO, I BELIEVE, WE DID NOT FIND ANY VIDEO OF YOUR CLIENT  
4 BEING AT THE -- THAT MARKET AT THE TIME OF -- THE INCIDENT  
5 OCCURRED.

6           **Q**       DO YOU RECALL WHICH MARKET YOU'RE REFERRING TO?

7           **A**       NO, NOT -- NOT 100 PERCENT.

8           **MR. GELLER:**   OKAY.   PASS THE WITNESS.

9           **THE COURT:**   ANY --

10          **MR. YAMPOLSKY:**   EXCUSE ME, YOUR HONOR.

11          **THE COURT:**   I'M NOT SURE HOW -- DO YOU WANT TO...

12          **MR. VILLANI:**   EITHER WAY, WE HAVE NO QUESTIONS, WE'LL  
13 JUST --

14          **THE COURT:**   IT'S NOT YOUR WITNESS, I DON'T KNOW IF YOU  
15 WANT TO DO YOUR CROSS OR YOUR CROSS, OR WHAT YOURS WOULD BE  
16 CALLED.

17          **MR. YAMPOLSKY:**   I'LL BE -- I'LL BE REALLY BRIEF.

18          **THE COURT:**   OKAY.   GO AHEAD MR. YAMPOLSKY.

19

20   **CROSS-EXAMINATION**

21   **BY MR. YAMPOLSKY:**

22           **Q**       DETECTIVE, YOU SAID THAT DETECTIVE VALENZUELA WAS  
23 INVESTIGATING LIONEL KING'S ALIBI?

24           **A**       THAT'S CORRECT.   I BELIEVE --

25           **Q**       SO YOU DID NOT INVESTIGATE?

1       **A**       NO, SIR, I DID NOT.

2       **MR. YAMPOLSKY:**   I HAVE NOTHING FURTHER.

3       **THE COURT:**   ALL RIGHT.

4       **MR. VILLANI:**   NOTHING FROM THE STATE, YOUR HONOR.

5       **THE COURT:**   ANY CROSS?

6       **MR. VILLANI:**   NO.

7       **THE COURT:**   THANK YOU FOR YOUR TESTIMONY, YOU'RE FREE TO

8 STEP DOWN.

9       **THE WITNESS:**   THANK YOU, JUDGE.   HAVE A GOOD DAY.

10      **THE COURT:**   THANKS.

11      ANYTHING ELSE FROM MR. GELLER ON BEHALF OF MR. CASTRO?

12      **MR. GELLER:**   NO THANK YOU, YOUR HONOR.

13      I JUST SPOKE TO MR. CASTRO, THAT HE HAS A RIGHT TO

14 TESTIFY AT A PRELIMINARY HEARING.   I ADVISED HIM NOT TO, AND

15 HE'S GOING TO TAKE MY ADVICE TODAY.

16      **THE COURT:**   OKAY.

17      **MR. GELLER:**   SO WE WOULD REST WITH RESPECT TO THE

18 PRELIMINARY HEARING.

19      **THE COURT:**   ALL RIGHT.   MR. YAMPOLSKY, HOW ABOUT YOU?

20      **MR. YAMPOLSKY:**   WE HAVE NO WITNESSES, YOUR HONOR.

21      AND, SIMILARLY, I SPOKE TO MR. KING, INFORMED HIM HE DOES

22 HAVE A RIGHT TO TESTIFY.   IT'S MY ADVICE THAT HE DOES NOT, AND

23 HE IS GOING TO TAKE MY ADVICE.

24      **THE COURT:**   OKAY.   ARGUMENT.

25      **MR. VILLANI:**   YOUR HONOR, THE STATE WILL WAIVE AND

1 RESERVE.

2 **THE COURT:** MR. GELLER YOU WANT TO --

3 **MR. GELLER:** THANK YOU, JUDGE.

4 **THE COURT:** -- GO FIRST?

5 **MR. GELLER:** YOUR HONOR, I'D JUST ASK THE COURT NOT TO  
6 BIND OVER THE DEFENDANT ON COUNT 8, THAT'S A FIRST DEGREE  
7 ARSON. WE HEARD TESTIMONY FROM THE ALLEGED VICTIM IN THE  
8 CASE, AND HE TESTIFIED THAT HE BELIEVED HE TOLD THE OFFICERS  
9 THAT HE NO LONGER COULD HEAR THE DEFENDANT OR THE OTHER  
10 DEFENDANT, WHICH IS FABIOLA JIMENEZ, WHO'S NAME I APOLOGIZE I  
11 BUTCHERED A FEW TIMES DURING MY CROSS-EXAMINATION. BUT HE NO  
12 LONGER WAS ABLE TO HEAR THEM IN THE HOUSE. HE DIDN'T SEE THEM  
13 IN THE RESIDENCE ANYMORE AT THAT POINT IN TIME. AND IT  
14 DOESN'T SOUND LIKE AT ANY POINT IN TIME HE MENTIONED THAT  
15 THERE WAS A STATEMENT THAT MIGHT HAVE BEEN ADMISSIBLE PURSUANT  
16 TO THE COCONSPIRATOR HEARSAY EXCEPTION, WHEREIN THE DEFENDANT  
17 CASTRO SAID BURN HIM OR ANYTHING LIKE THAT. TO THE CONTRARY,  
18 THE ONE STATEMENT THAT HE DID GET INTO EVIDENCE, OR I SHOULD  
19 SAY THE STATE GOT INTO EVIDENCE THROUGH THAT WITNESS, THAT WAS  
20 ATTRIBUTED TO MR. CASTRO, WAS SOMETHING TO THE FACT THAT HE'S  
21 DONE OR HE'S DEAD, AND THEN AFTER THAT THEY DON'T HEAR HIM  
22 ANYMORE. SO I'M ASKING THE COURT NOT TO BIND OVER COUNT 8  
23 WITH RESPECT TO THE ARSON, BECAUSE I DON'T BELIEVE THE STATE'S  
24 DEMONSTRATED ANY EVIDENCE THAT PUTS THE DEFENDANTS,  
25 SPECIFICALLY MR. CASTRO, WITH A LIGHTER IN HIS HAND COMMANDING

1 ANYONE TO BURN ANYTHING. TO THE CONTRARY, HE'S LEAVING THE  
2 RESIDENCE PRIOR TO THE FIRE BEING STARTED.

3 I'D SUBMIT IT WITH THAT.

4 **THE COURT:** ALL RIGHT. MR. YAMPOLSKY.

5 **MR. YAMPOLSKY:** AND, YOUR HONOR, ON THE FIRST DEGREE  
6 KIDNAPPING, MR. ORTIZ-SALAZAR STATED THAT MR -- AND THE  
7 REDHEAD, WHAT IS THAT, HORN --

8 **MS. LEXIS:** HONABACH.

9 **MR. YAMPOLSKY:** WHAT?

10 **MS. LEXIS:** HONABACH.

11 **MR. VILLANI:** HONABACH.

12 **MR. YAMPOLSKY:** MR. HONABACH WAS IN THE CAR, AND I  
13 BELIEVE SAID HE WAS PULLING HIM, AND HE ALSO SAID THAT  
14 MR. CASTRO WAS PUSHING HIM AND -- EITHER HE DIDN'T MENTION  
15 MR. KING OR MAYBE I ASKED HIM, BUT THERE WAS NO -- NO  
16 TESTIMONY THAT MR. KING WAS ACTUALLY PUSHING HIM IN THE TRUCK.  
17 HE SAID MR. KING WAS IN THE BACK OF THE TRUCK, SO HE WAS IN  
18 THE BED.

19 I DON'T BELIEVE WE CAN INFER THAT THERE WAS -- HE WAS  
20 EXHIBITING ANY TYPE OF DOMINION OR CONTROL OR SCARING HIM THAT  
21 HE SHOULD GO INTO THE TRUCK. BASED ON THAT, I WOULD REQUEST  
22 THAT THE COURT NOT BIND OVER ON THAT PARTICULAR COUNT.

23 ON THE REST I'LL SUBMIT.

24 **THE COURT:** ALL RIGHT. STATE, ANY ARGUMENT?

25 **MR. VILLANI:** YOUR HONOR, WITH REGARD TO THE FIRST DEGREE

1 ARSON, NOT ONLY IS THAT BARREN PLEAD, BUT WE ARE AT A SLIGHT  
2 OR MARGINAL EVIDENCE HEARING HERE. GIVEN THAT, ALL FOUR WERE  
3 PRESENT DURING THE STABBING. IT'S NOT BEYOND BELIEF THAT THE  
4 TWO WOULD HAVE BEEN PRESENT WHEN THAT FIRE WAS BEING SET, OR  
5 WHEN THE MATERIALS WERE BEING GRABBED, JUST BECAUSE THE VICTIM  
6 WAS JUST ABOUT DEAD AT THE TIME THE FIRE WAS -- WAS SET, AND  
7 UNABLE TO ACTUALLY REMEMBER SEEING THEM.

8 HE -- WHAT HE TESTIFIED TO IS, HE PHYSICALLY SAW THE  
9 OTHER TWO. HE DID NOT SEE THEM, HE JUST STOPPED HEARING THEIR  
10 VOICES. HE DID NOT SEE THEM. BY THEM I MEAN DEFENDANT 1,  
11 MR. CASTRO AND HIS GIRLFRIEND MISS JIMENEZ.

12 SO GIVEN THAT, YOUR HONOR, I'D ASK YOU TO BINDOVER ON A  
13 FIRST DEGREE ARSON.

14 REGARDING THE FIRST DEGREE KIDNAPPING WITH USE OF A  
15 DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM. MR.  
16 YAMPOLSKY'S ARGUMENT PRESUMES THAT THE KIDNAP TOOK PLACE WHEN  
17 HE WAS PLACED IN THE TRUCK AND DRIVEN TO THE RESIDENCE. OUR  
18 THEORY ALSO INCLUDES THE SEIZING, THE CONFINING, THE ABDUCTING  
19 AND THE CONCEALING OF JOSE, WHICH CERTAINLY UNDER THE  
20 TESTIMONY HEARD TODAY, MR. KING IS LIABLE FOR, AS MR. JOSE WAS  
21 TIED TO A CHAIR AS MR. KING WAS REPEATEDLY STABBING HIM.

22 GIVEN THAT, YOUR HONOR, I'D ASK YOU TO BIND OVER FIRST  
23 DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN  
24 SUBSTANTIAL BODILY HARM AS WELL, AND THE STATE WILL SUBMIT  
25 WITH THAT.

1       **THE COURT:** MR. CASTRO AND MR. KING, PLEASE STAND.

2 APPEARING TO ME FROM THE AMENDED CRIMINAL COMPLAINT ON  
3 FILE, AS ORALLY AMENDED HERE IN OPEN COURT, AND THE TESTIMONY  
4 PRESENTED AT THIS PRELIMINARY HEARING, THERE'S SUFFICIENT  
5 EVIDENCE TO BELIEVE THAT THE CRIMES OF CONSPIRACY TO COMMIT  
6 MURDER, COUNT 2, ATTEMPT MURDER WITH USE OF A DEADLY WEAPON,  
7 COUNT 3, MAYHEM WITH USE OF A DEADLY WEAPON, TO WIT: A  
8 MACHETE AND/OR KNIFE AND/OR WIRE CUTTERS, COUNT 4, BATTERY  
9 WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY  
10 HARM, COUNT 5, FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY  
11 WEAPON RESULTING IN SUBSTANTIAL BODILY HARM, COUNT 6,  
12 EXTORTION WITH USE OF A DEADLY WEAPON, COUNT 7, ROBBERY WITH  
13 USE OF A DEADLY WEAPON, COUNT 8, FIRST DEGREE ARSON, HAVE BEEN  
14 COMMITTED, AND THAT YOU EACH COMMITTED SAID CRIMES. I HEREBY  
15 ORDER THAT EACH OF YOU BE HELD TO ANSWER IN THE EIGHTH  
16 JUDICIAL DISTRICT COURT ON THE FOLLOWING DATE AND TIME.

17           **THE CLERK:**   ON APRIL THE 14TH AT 10 O'CLOCK A.M.,  
18 DISTRICT COURT, LOWER LEVEL COURTROOM A.

19

20 (AT 12:43 A.M. THE PROCEEDINGS WERE RECESSED.)

21

\* \* \* \*

22 ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

23

/S/KIT MACDONALD  
KIT MACDONALD, C.C.R.  
COURT REPORTER  
C.C.R. NO. 65

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REPORTER'S DECLARATION

STATE OF NEVADA)  
COUNTY OF CLARK)

I, KIT MACDONALD, A CERTIFIED COURT REPORTER IN AND  
FOR THE STATE OF NEVADA, HEREBY DECLARE THAT PURSUANT TO NRS  
239B.030 I HAVE NOT INCLUDED THE SOCIAL SECURITY NUMBER OF ANY  
PERSON WITHIN THIS DOCUMENT.

I FURTHER DECLARE THAT I AM NOT A RELATIVE OR  
EMPLOYEE OF ANY PARTY INVOLVED IN SAID ACTION, NOR A PERSON  
FINANCIALLY INTERESTED IN THE ACTION.

/S/KIT MACDONALD  
KIT MACDONALD, C.C.R.  
C.C.R. NO. 65



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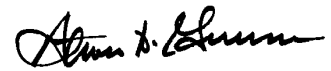
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CLERK OF THE COURT

**MOT**

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DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
*Plaintiff,*

vs.

LUIS CASTRO, #1918366  
*Defendant.*

Case no. C-16-314092-1

Dep't no. IV

Date of hearing: 09/01/16

Time of hearing: 9:00 am

**DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF EXCULPATORY AND OTHER  
REQUESTED EVIDENCE**

COMES NOW the defendant, LUIS CASTRO, by and through WARREN J. GELLER, of COFER & GELLER, LLC, and hereby moves this Honorable Court for an Order compelling the State to produce any and all exculpatory evidence, as well as other requested evidence, in its actual or constructive possession.

This Motion is made and based upon all the papers and pleadings on file herein, the Points and Authorities attached hereto, and the oral argument of counsel at the time set for hearing of this matter, if desired by the Court.

DATED this 19th day of August, 2016.

COFER & GELLER, LLC

By: Warren Geller /s/

WARREN J. GELLER, #10047  
*Attorney for the Defendant*

1 **POINTS AND AUTHORITIES**

2 Prior to trial, the State must provide to the defense any and all  
3 exculpatory evidence in its actual or constructive possession. Failure to do so  
4 violates the Due Process Clauses of the Fifth and Fourteenth Amendments to  
5 the United States Constitution. *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194  
6 (1963); *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995). Hereinafter, this  
7 type of exculpatory evidence will be referred to as “*Brady* material.” The  
8 State’s duty to provide *Brady* material to the defense applies regardless of how  
9 the State has chosen to structure its overall discovery process. *Strickler v.*  
10 *Greene*, 527 U.S. 263, 119 S.Ct. 1936 (1999).

11 *Brady* material is evidence which is (1) material, (2) relevant to guilt or  
12 punishment, (3) favorable to the accused, and (4) within the actual or  
13 constructive possession of anyone acting on behalf of the State. *Brady*, supra.

14 **I. Materiality**

15 When the defense makes a specific request for *Brady* material and the  
16 prosecution does not provide such material, the Nevada Supreme Court has  
17 held that there are grounds for reversal of a conviction “[...] if there exists a  
18 reasonable possibility that the claimed evidence would have affected the  
19 judgment of the trier of fact.” *Roberts v. State*, 110 Nev. 1121 (1994); *Jiminez*  
20 *v. State*, 112 Nev. 610 (1996); *State v. Bennett*, 119 Nev. 589 (2003).

21 Even if a specific request has not been made, reversal is warranted “[...]”  
22 if there exists a reasonable probability that, had the evidence been disclosed,  
23 the result of the proceeding would have been different.” *U.S. v. Bagley*, 473  
24 U.S. 667 (1985), *Pennsylvania v. Ritchie*, 480 U.S. 39 (1986). A “reasonable  
25 probability” is a probability sufficient to undermine confidence in the outcome  
26 of the proceeding. *Bagley* at 682.

27 Therefore, where, as here, a specific request for certain evidence is  
28

1 made, the evidence is considered “material” if there is a reasonable possibility  
2 that it could affect the factfinder’s judgment.

## 3 4 **II. Relevancy to guilt or punishment**

5 *Brady* material encompasses not only evidence which might affect the  
6 defendant’s guilt, but also includes evidence which could serve to mitigate a  
7 defendant’s sentence upon conviction. *Jimenez v. State*, 112 Nev. 610 (1996).

8 An example of this kind of evidence might be where the victim of a  
9 robbery who identified the defendant as one of two people who robbed him,  
10 also indicated that the defendant tried to keep the co-defendant from further  
11 injuring him. Although the victim’s statements would actually help establish  
12 the defendant’s guilt for the charged offense, they would also be *Brady*  
13 material, since they could help mitigate the defendant’s sentence. Essentially,  
14 anything which could convince the Court to impose something less than a  
15 maximum sentence, or rebut alleged aggravating circumstances, would be  
16 relevant to punishment, and must be provided to the defense pursuant to  
17 *Brady v. Maryland*.

### 18 **A. Favorability to the accused**

19 The Nevada Supreme Court has defined what evidence is considered  
20 “favorable to the accused” and therefore proper *Brady* material. In *Mazzan v.*  
*Warden*, 116 Nev. 48 (2000), the Court stated:

21 Due process does not require simply the disclosure of  
22 “exculpatory” evidence. Evidence also must be disclosed if it  
23 provides grounds for the defense to attack the reliability,  
24 thoroughness, and good faith of the police investigation, to  
25 impeach the credibility of the state’s witnesses, or to bolster the  
26 defense case against prosecutorial attacks. Furthermore,  
“discovery in a criminal case is not limited to investigative leads or  
reports that are admissible in evidence.” Evidence “need not have  
been independently admissible to have been material.”

27 *Mazzan* at 67 (internal quotations and citations omitted).  
28

1       Therefore, *Brady* material under this standard, would include, but not be  
2 limited to, the following examples: forensic testing which was ordered, but not  
3 done, or which was completed but did not inculcate the defendant; criminal  
4 records or other evidence concerning the State's witnesses which might show  
5 their bias (*e.g.*, civil litigation), or otherwise impeach their credibility; evidence  
6 that the alleged victim has been the alleged victim of an unusual number of  
7 crimes; investigative leads or ordinarily appropriate investigation which were  
8 not followed-up on or completed by law enforcement; and, of course, anything  
9 which is inconsistent with any prior or present statements of the State's  
10 witness, including the failure to previously make a statement which is later  
11 made or testified to. Of course, traditionally exculpatory evidence such as that  
12 which could show that someone else committed the charged crime or that no  
13 crime occurred would also be included as *Brady* material.

14                   **B.     Relevance of personnel files of law enforcement officers**

15       In *Milke v. Ryan*, the Ninth Circuit ruled that "[i]nformation in the  
16 [officer's] personnel file fit[s] within the broad sweep of *Giglio*, and it [is] the  
17 prosecutor's 'duty to learn of any favorable evidence known to the others  
18 acting on the government's behalf in the case, including the police.'" 711 F.3d  
19 998, 1006 (9th Cir. 2013) (quoting *Kyles v. Whitley*, 514 U.S. 419, 437-38, 115  
20 S.Ct. 1555, 131 L.Ed.2d 490 (1995)). Specifically, the prosecution "has a duty  
21 to examine personnel files upon a defendant's request for their production."  
22 *Id.* at 1016 (citing *United States v. Henthorn*, 931 F.2d 29, 31 (9th Cir.1991)). If  
23 the State believes that the information in an officer's file is not *Brady* material,  
24 "it may submit the information to the trial court for an *in camera* inspection."  
25 *Id.* (citing *United States v. Cadet*, 727 F.2d 1453, 1467-68 (9th Cir. 1984)).

26       The State may argue that providing personnel files to the defense would  
27 raise privacy concerns sufficient to overcome a defendant's due process right  
28

1 to potentially exculpatory information. Such an argument has been anticipated  
2 and addressed by the *Milke* court, which outlined the proper procedure for  
3 disclosure of such information:

4  
5 [T]he district court shall order the state to provide [defense]  
6 counsel with [the officer's] police personnel records  
7 covering all of his years of service, including records  
8 pertaining to any disciplinary or Internal Affairs  
9 investigations and records pertaining to performance  
10 evaluations. If the state believes that any of the materials it  
11 is ordered to provide are not relevant to *Brady* or *Giglio*, it  
12 may present them to the district court in camera, and the  
13 district court shall review them to determine whether they  
14 are relevant to *Brady* or *Giglio*, as explicated in our opinion.  
15 Defense counsel shall be allowed to see the documents and  
16 to argue why each might be *Brady* or *Giglio* material. The  
17 district court may, in its discretion, enter a protective order  
18 requiring all contested documents to be filed under seal and  
19 to be designated "For Attorneys' Eyes Only," and setting  
20 such other conditions as the district court finds necessary  
21 and proper, while the district court decides whether the  
22 contested materials are relevant to *Brady* or *Giglio*.

23  
24 *Milke* at 1019.

### 25 **III. Actual or constructive possession of the State**

26 It is anticipated that the State may assert that it has an "open file" policy,  
27 and that if the requested material is not available in its file, the State is under  
28 no obligation to produce it. This argument is unavailing. In *Strickler v. Greene*,  
527 U.S. 263, 119 S.Ct. 1936 (1999), the United States Supreme Court  
explicitly held that a prosecutor's open file policy does not in any way  
substitute for or diminish the prosecutor's obligation to turn over *Brady*  
material. The Nevada Supreme Court is in accord. "It is a violation of due  
process for the prosecutor to withhold exculpatory evidence, and his motive for  
doing so is immaterial." *Jimenez v. State*, 112 Nev. 610, 618 (1996).

1 Furthermore, “[...] even if the detectives, or CPS investigators, withheld  
2 their reports without the prosecutor’s knowledge, ‘the state attorney *is*  
3 *charged with constructive knowledge and possession of evidence withheld by*  
4 *other state agents*, such as law enforcement officers.’” *Id.*, 112 Nev. at 620  
5 (citation omitted) (emphasis added). Defendant would submit that other state  
6 agents, such as probation and parole officers, welfare workers, employees of  
7 Child Protective Services, jail personnel, and similar agents of the State are  
8 also State agents from whom the prosecution must affirmatively collect *Brady*  
9 material.

10 In *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995), the United  
11 States Supreme Court made it clear that the prosecutor has an affirmative  
12 obligation to obtain *Brady* material and provide it to the defense, even if the  
13 prosecutor is initially unaware of its existence. In so finding, the Supreme  
14 Court noted that “[t]he prosecution’s affirmative duty to disclose evidence  
15 favorable to a defendant can trace its origins to early 20th century strictures  
16 against misrepresentation and is of course most prominently associated with  
17 this Court’s decision in *Brady v. Maryland* [...]” *Id.* at 432. The *Kyles* Court also  
18 made clear that this obligation exists even where the defense does not make a  
19 request for such evidence. *Id.*

20 The *Kyles* Court additionally made the following observations in finding  
21 that the State had breached its duty to *Kyles* and discussing the prosecutor’s  
22 obligations:

23 This in turn means that the individual prosecutor has a duty to  
24 learn of any favorable evidence known to the others acting on the  
25 government’s behalf in the case, including the police. But whether  
26 the prosecutor succeeds or fails in meeting this obligation  
27 (whether, that is, a failure to disclose is in good faith or bad faith),  
the prosecution’s responsibility for failing to disclose known,  
favorable evidence rising to a material level of importance is  
inescapable.

28 The State of Louisiana would prefer an even more lenient rule. It



1 pleads that some of the favorable evidence in issue here was not  
2 disclosed even to the prosecutor until after trial, and it suggested  
3 below that it should not be held accountable under *Bagley* and  
4 *Brady* for evidence known only to police investigators and not to  
5 the prosecutor. To accommodate the State in this manner would,  
6 however, amount to a serious change of course from the *Brady* line  
7 of cases. In the State's favor it may be said that no one doubts that  
8 police investigators some times fail to inform a prosecutor of all  
9 they know. But neither is there any serious doubt that "procedures  
10 and regulations can be established to carry [the prosecutor's]  
11 burden and to insure communication of all relevant information on  
12 each case to every lawyer who deals with it." Since then, the  
13 prosecutor has the means to discharge the government's *Brady*  
14 responsibility if he will, any argument for excusing a prosecutor  
15 from disclosing what he does not happen to know about boils down  
16 to a plea to substitute the police for the prosecutor, and even for  
17 the courts themselves, as the final arbiter's of the government's  
18 obligation to ensure fair trials.

19 *Kyles* at 437-438 (citations omitted).

20 There can be little question, therefore, that despite an "open file policy,"  
21 the prosecution has an affirmative duty to seek out the previously discussed  
22 *Brady* material, regardless of whether such material is in the hands of the  
23 prosecutor or in the hands of some other entity acting on behalf of the State.

#### 24 **IV. List of *Brady* material requested by the defense**

25 Based on the foregoing law and analysis, the Defendant requests that the  
26 following *Brady* material be produced by the State:

27 1. Disclosures of any and all compensation, express or implied  
28 promises of favorable treatment or leniency, or any other benefit that any of  
the State's witnesses received in exchange for their cooperation with this  
prosecution. This request includes any funds or items of monetary value  
provided to the named victim, Jose Ismael Ortiz-Salazar, through the State of  
Nevada's Victims of Crime program, a program authorized pursuant to NRS  
chapter 217, or another program promulgated or supervised by the State of  
Nevada, or ones of its political subdivisions, including the Clark County

1 District Attorney's Office.

2 2. Any and all body camera videos that may have been produced in  
3 connection with this case. Presently, the defense is in possession of four body  
4 camera videos from cameras worn by LVMPD Officer Mendoza and LVMPD  
5 Officer Schreiber.

6 3. A summary of complete criminal histories of all State's witnesses,  
7 (NCIC), including, but not limited to, out-of-state arrests and convictions,  
8 outstanding arrest warrants or bench warrants, and cases which were  
9 dismissed or not pursued by the prosecuting agency.<sup>1</sup>

10 4. A summary of complete criminal history (NCIC) of Mr. Castro's co-  
11 defendants, including, but not limited to, out-of-state arrests and convictions,  
12 outstanding arrest warrants or bench warrants, and cases which were  
13 dismissed or not pursued by the prosecuting agency.

14 5. All results, reports, and documentations pertaining to any and all  
15 forensic tests or medical procedures pertaining to this case that are within the  
16 State's actual or constructive possession. This request includes any toxicology  
17 reports relating to the named victim that the State may be in possession of.

18 6. Disclosures of any and all statements made by any State witness, or  
19 any other person, at any time that, to the State's knowledge, or in the State's  
20 constructive or actual possession, which are in any manner inconsistent with  
21 the written and/or recorded statements previously provided to the defense.

22 7. Disclosures of any and all statements, whether oral or written,  
23 made by the State's witnesses to any other witness, or to any other person,  
24 relating to the instant case, including the co-defendants. Presently, the defense  
25

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26 1 This request is not being made pursuant to the Freedom of Information Act,  
27 which was the subject of *United States Department of Justice v. The*  
28 *Reporters Committee for Freedom of the Press*, 109 S.Ct. 1468 (1989).  
Rather, this request is made pursuant *Brady v. Maryland*, 373 U.S. 83 (1963)  
and its progeny.

1 is in possession of statements from Antonio del Toro Mendez, David Shepard,  
2 William LaCoze, Timothy Griffin, Khalilah Landing, Mrcelo Ortega, Deric Hall,  
3 and co-defendant Edward Honabach.<sup>2</sup> However, the defense is aware that co-  
4 defendant Jimenez was interviewed by LVMPD Detectives Mendoza and  
5 Scilimenti on March 10th, 2016 and, as of yet, has not received a copy of the  
6 audio file or any transcription of it that may have been created. Additionally,  
7 the defense has not received any statement(s) from co-defendant Lionel King,  
8 though it believes that one exists because, on page 69 of the preliminary  
9 hearing transcript, LMVPD Detective Auschwitz testified that LVMPD Detective  
10 Valenzuela was investigating King's alibi. Finally, the defense has not received  
11 any recorded statement(s) from the defendant, Luis Castro.

12 8. Photocopies, or other reproductions, of any and all handwritten or  
13 otherwise memorialized notes kept by the investigating officers or detectives  
14 including, but not limited to, notes maintained in the Law Records  
15 Management System (LRMS) database.

16 9. All cell site location information (CSLI), or requests for CSLI, made  
17 by government investigators relating to this case. It should be noted that, on  
18 page 67 and 68 of the preliminary hearing transcript, LVMPD Detective Jason  
19 Auschwitz indicated that he believes that LVMPD was attempting to acquire  
20 CSLI pertaining to this case in order to "[...] put them [the defendants] at  
21 scene of the crime."

22 10. All screenshots or photographs taken of computerized  
23 communication devices (i.e. cellular phones, tablets, laptop computers,  
24 desktop computers, etc.) depicting communications between suspects and/or  
25 victims and/or witnesses in this case. This request includes, but is not limited  
26

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27 2 Some of these statements appear to have been audio recorded and the  
28 defense requests the audio files even if the transcribed versions have been  
provided.

1 to, Facebook messages, text (SMS) messages, and messages through any  
2 messenger applications, voice over IP applications, or social media websites.  
3 Additionally, if the State does not have constructive or actual possession of  
4 screenshots or photographs depicting the aforementioned communications, but  
5 is in possession of devices on which communications are suspected to have  
6 taken place and/or are stored (i.e. cellular phones, tablets, etc.), the defense  
7 requests that an inventory of those item(s) be provided.

8 11. Surveillance video(s) in the actual or constructive possession of the  
9 State in this case. This request is made, in part, because LVMPD Detective  
10 Auschwitz testified, on page 70 of the preliminary hearing transcript, that  
11 LVMPD looked into the existence of a video at a market where one of the  
12 suspects claimed to be located at the time of the alleged kidnapping.  
13

#### 14 CONCLUSION

15 Wherefore, for all of the foregoing reasons, the defendant prays that this  
16 Honorable Court order that the aforementioned items be produced by the  
17 State.

18 RESPECTFULLY SUBMITTED this 19th day of August, 2016.

19 COFER & GELLER, LLC

20 By: /s/ Warren Geller

21 WARREN J. GELLER, #10047  
22 *Attorney for the Defendant*  
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**NOTICE OF HEARING**

To: CLARK COUNTY DISTRICT ATTORNEY

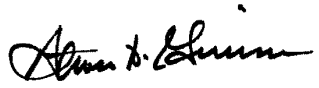
YOU WILL PLEASE TAKE NOTICE that the above and foregoing motion will be brought on for hearing before Department IV of the Clark County District Court on 09/01/16 at the hour of 9:00, <sup>am</sup> as soon thereafter as counsel may be heard.

**CERTIFICATE OF ELECTRONIC SERVICE**

A COPY of the above and foregoing motion was automatically served on the State at the same time that the document was filed via filing this document with the county-wide electronic filing service.

COFER & GELLER, LLC

By: /s/ Warren Geller  
WARREN J. GELLER, #10047  
*Attorney for Defendant*



CLERK OF THE COURT

1 RSPN  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #11002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 LUIS ANGEL CASTRO,  
13 #1918366

14 Defendant.

CASE NO: C-16-314092-1

DEPT NO: IV

15 **STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCLOSURE**  
16 **OF EXCULPATORY AND OTHER REQUESTED EVIDENCE**

17 DATE OF HEARING: 9/1/2016  
18 TIME OF HEARING: 9:00 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
19 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and hereby  
20 submits the attached Points and Authorities in Response to Defendant's Motion To Compel  
21 Disclosure Of Exculpatory And Other Requested Evidence.

22 This Response is made and based upon all the papers and pleadings on file herein, the  
23 attached points and authorities in support hereof, and oral argument at the time of hearing, if  
24 deemed necessary by this Honorable Court.

25 //

26 //

27 //

28 //

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**