

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
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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 3

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C-16-314092-1

State of Nevada
vs
LUIS CASTRO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 after he serves a period of incarceration.

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

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

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

6 **THE DEFENDANT:** Yes.

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

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

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

6 Is that what you did?

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

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

10 **THE DEFENDANT:** Yes.

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

14 **THE DEFENDANT:** Yes.

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

17 **THE WITNESS:** Yes.

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

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

1 **THE COURT:** Thank you, sir. You can sit.
2 We'll go to Edward Honabach.
3 Mr. Honabach, can you please state your full
4 legal name.
5 **THE DEFENDANT:** Edward Joseph Honabach.
6 **THE COURT:** How old are you, sir?
7 **THE DEFENDANT:** 31.
8 **THE COURT:** How far did you go in school?
9 **THE DEFENDANT:** Eleventh grade.
10 **THE COURT:** Do you read, write, and
11 understand the English language?
12 **THE DEFENDANT:** Yes.
13 **THE COURT:** You've received a copy of the
14 amended information in this case; correct?
15 **THE DEFENDANT:** Yes, Your Honor.
16 **THE COURT:** You've had a chance to discuss
17 that with your attorney, and he answered any questions
18 you had about it?
19 **THE DEFENDANT:** Yes.
20 **THE COURT:** In that amended information it
21 charges you with first degree kidnapping resulting in
22 substantial bodily harm, a category A felony. With
23 regard to that charge, how do you plea, guilty or not
24 guilty?
25 **THE DEFENDANT:** Guilty.

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

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

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

8 **THE DEFENDANT:** No.

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

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

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

16 **THE DEFENDANT:** No.

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

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

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

25 **THE DEFENDANT:** Yes.

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

3 **THE DEFENDANT:** Yes.

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

7 **THE DEFENDANT:** Yes.

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

13 **THE DEFENDANT:** Yes.

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

19 **THE DEFENDANT:** No.

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

23 **THE DEFENDANT:** No.

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

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

4 **THE DEFENDANT:** Yes.

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

9 **THE DEFENDANT:** Yes.

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

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

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

17 **THE DEFENDANT:** No.

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

21 **THE DEFENDANT:** Yes

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

23 **THE DEFENDANT:** Yes.

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

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

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

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1 Is that what you did?

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

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

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

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

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

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

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

17 **THE DEFENDANT:** 43.

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

19 **THE DEFENDANT:** Eleventh.

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

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

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

1 harm?

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

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

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

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

9 **THE DEFENDANT:** Guilty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Is that what you did?

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

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

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

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

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

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

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

20 **THE DEFENDANT:** 32.

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

22 **THE DEFENDANT:** Tenth grade.

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

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

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

5 **THE DEFENDANT:** I have.

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

8 **THE DEFENDANT:** Yes.

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

11 **THE DEFENDANT:** Guilty.

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

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

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

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

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

22 **THE DEFENDANT:** Yes.

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

1 **THE DEFENDANT:** No.

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

5 **THE DEFENDANT:** I did.

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

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

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

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

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

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

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

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

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

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

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

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

7 **THE DEFENDANT:** No.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Is that what you did?

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

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

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

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

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

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

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

20 -o0o-

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

23
24 
25 7S/ Kimberly A. Farkas, RPR, CRR

MR. ARNOLD: [1] 3/8	abetting [8] 8/23 9/3 14/18 14/24 19/22 20/3 24/22 25/3	Anthony [1] 20/18	C	confine [4] 8/14 14/8 19/13 24/12
MR. BECKETT: [1] 3/6	ability [4] 6/8 12/16 17/25 22/25	anybody [8] 4/19 4/25 11/6 11/12 16/15 16/21 21/17 21/23	C314092 [2] 1/5 2/5	confront [4] 5/24 12/9 17/18 22/19
MR. GELLER: [2] 3/2 7/20	able [1] 5/23	appears [5] 9/20 15/5 17/2 20/9 25/9	can [15] 3/15 3/24 4/14 6/19 7/21 10/1 10/3 11/1 13/6 15/14 16/10 18/15 20/17 21/12 23/15	consent [4] 8/17 14/12 19/16 24/16
MR. YAMPOLSKY: [1] 3/4	about [12] 5/15 8/11 10/18 11/24 14/6 16/5 17/10 17/11 19/10 21/7 22/11 24/9	appropriate [1] 3/1	can't [1] 9/12	consequences [5] 7/13 9/21 15/6 20/10 25/10
MS. THOMSON: [2] 2/11 25/15	accept [11] 4/14 9/22 11/1 11/7 15/7 16/10 16/16 20/11 21/12 21/18 25/10	are [41]	canvas [1] 3/12	conspiracy [4] 9/2 14/22 20/2 25/1
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-	acting [4] 9/4 14/24 20/4 25/3	ATTEST [1] 25/21	category [2] 4/5 10/22	contrary [4] 8/12 14/7 19/11 24/10
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7			concert [4] 9/4 14/24 20/4 25/4	
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DISTRICT COURT
CLARK COUNTY, NEVADA

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS
SENTENCING
BEFORE THE HONORABLE JERRY A. WIESE, II
TUESDAY, MARCH 26, 2019
AT 9:57 A.M.
LAS VEGAS, NEVADA

For the State: MEGAN THOMSON, ESQ.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 context.

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

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

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

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

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

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

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

25 If the Court sentences him to life without,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 right path.

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

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

8 Mr. Arnold.

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

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

1 offer a defense in this case.

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

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

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

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

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

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

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

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

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

22 Mr. Yampolsky.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Anything else on the record, counsel?

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

11 **MR. GELLER:** No.

12 **MR. BECKETT:** No.

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

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

17 -o0o-

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

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22 /s/ Kimberly A. Farkas, RPR, CRR
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MR. ARNOLD: [3] 2/14 3/21 18/8 MR. BECKETT: [6] 2/12 3/16 3/19 11/20 16/2 24/11 MR. GELLER: [7] 2/10 2/21 3/2 3/13 5/4 6/13 24/10 MR. YAMPOLSKY: [3] 2/16 3/25 20/22 MS. THOMSON: [4] 2/18 3/10 4/15 24/9 THE COURT: [20] 2/19 2/25 3/11 3/15 3/17 3/20 3/24 4/2 5/3 6/11 10/20 11/19 15/25 16/4 18/6 19/19 20/20 21/13 22/11 24/12 THE DEFENDANT: [4] 10/22 16/5 19/20 21/15 THE MARSHAL: [1] 2/3 \$ \$150 [2] 23/19 23/23 \$25 [1] 23/18 \$3 [1] 23/23 \$50 [2] 23/15 23/17 - -oOo [1] 24/17 / /S [1] 24/21 1 10:27 [1] 24/16 11 [3] 2/7 2/7 9/24 12 [2] 2/7 2/8 13 [2] 2/7 2/9 14 [2] 2/7 2/9 15 [8] 7/10 7/18 7/19 10/11 15/13 15/24 18/11 21/11 19 [1] 3/6 2 20 [3] 15/24 21/6 21/7 2012 [1] 11/24 2019 [2] 1/14 2/1 20s [2] 5/12 5/13 24 [1] 3/9 26 [2] 1/14 2/1 3 3.5 [2] 12/16 12/17 4 40 [1] 21/11	5 50 [1] 21/6 7 7-11 [1] 9/24 70 [1] 8/3 70-year-old [1] 7/21 741 [1] 1/25 8 80-year-old [1] 8/3 9 9:57 [1] 1/15 A A.M [2] 1/15 24/16 abandoned [1] 9/9 able [4] 2/24 7/3 20/9 23/17 about [4] 9/5 10/2 12/22 13/18 absent [1] 20/17 absolute [1] 21/5 abuse [1] 19/3 According [1] 21/1 ACCURATE [1] 24/18 acknowledge [1] 22/17 actions [2] 20/4 22/23 active [1] 4/20 actually [3] 8/24 15/21 17/9 adamant [1] 9/6 addiction [1] 8/12 addition [1] 14/10 additional [1] 23/23 adjudicated [1] 7/2 adjudicating [1] 4/11 administrative [1] 23/19 affected [2] 16/11 17/4 after [3] 8/5 18/11 22/5 Again [4] 6/16 9/19 9/22 10/4 against [1] 23/3 age [1] 3/5 ago [2] 11/24 13/25 agree [1] 3/11 agreed [1] 3/8 agreement [3] 4/10 4/12 21/2 ahead [2] 16/5 23/24 ain't [1] 17/16 alcohol [1] 22/22 all [16] 4/3 4/4 4/8 4/23 11/7 18/5 18/14 19/22 20/25 21/16 21/24 22/10 22/12	22/21 23/4 23/9 allegations [1] 10/11 allow [1] 8/15 almost [1] 23/16 along [1] 12/13 also [6] 4/6 12/17 18/10 18/14 20/2 20/19 always [3] 8/1 14/23 15/2 am [8] 10/1 11/4 16/7 16/17 16/18 17/13 19/24 21/18 amount [1] 4/25 ANGEL [1] 1/7 anger [1] 19/2 ANI [1] 17/12 another [1] 14/3 answers [1] 12/7 any [7] 2/21 2/24 3/19 8/10 9/7 18/20 24/4 anymore [1] 16/23 anything [4] 10/16 10/21 21/14 24/9 apologize [7] 10/25 11/2 11/6 17/1 19/22 20/1 20/4 appearance [1] 14/25 appearing [1] 2/13 apply [2] 22/15 23/22 appropriate [3] 3/9 7/4 21/12 are [14] 3/4 3/19 4/11 8/1 8/20 10/11 12/1 12/5 12/5 14/17 16/20 16/21 21/5 23/18 area [1] 6/9 areas [1] 15/3 argue [2] 21/2 21/10 arguing [1] 21/3 ARNOLD [4] 1/23 2/16 3/21 18/8 around [4] 12/2 17/7 21/22 23/7 arrest [2] 3/5 3/7 articulate [1] 13/23 as [28] ask [6] 11/14 15/23 18/2 20/5 20/20 22/10 asked [1] 9/3 asking [9] 7/8 8/15 10/3 10/10 10/15 10/16 18/10 19/14 21/11 assessment [1] 23/19 associated [2] 5/20 9/7 attached [2] 5/18 5/24	attending [1] 18/23 ATTEST [1] 24/18 attorney [1] 16/19 Attorney's [1] 6/24 author [1] 3/4 authority [1] 10/13 away [1] 17/17 awful [4] 5/22 6/3 8/13 21/1 B back [10] 7/9 7/9 11/15 19/4 20/6 20/7 20/8 20/8 20/14 24/6 bad [2] 9/8 21/8 balances [1] 4/23 ball [2] 12/16 12/18 based [1] 21/11 basically [1] 13/15 basis [1] 23/16 be [42] bear [1] 21/20 because [17] 8/11 8/11 8/12 9/17 9/24 10/1 10/6 10/18 11/4 11/7 11/8 11/16 14/7 14/18 14/19 19/11 23/16 BECKETT [4] 1/21 2/13 3/16 11/20 been [23] 3/10 5/19 10/24 12/3 12/22 13/18 13/21 14/10 14/23 14/24 16/24 17/16 18/12 19/8 19/25 20/16 21/24 22/22 23/8 23/9 23/20 23/21 23/22 BEFORE [1] 1/13 behalf [5] 2/11 2/16 2/17 2/22 18/9 being [3] 4/14 6/5 23/17 believe [8] 2/24 3/9 3/13 3/14 4/17 7/7 21/12 23/20 best [1] 22/3 better [7] 11/8 11/9 11/9 17/24 19/8 21/23 22/8 between [1] 11/25 bible [5] 14/10 17/8 17/10 17/12 20/19 big [1] 18/12 bills [1] 12/13 biography [1] 5/11 bit [1] 7/1 black [1] 21/24 board [5] 7/12 7/22 8/15 10/12 10/17 Bob [1] 2/13 bodily [1] 4/13 box [1] 3/10	boxes [1] 3/4 boy [1] 5/16 brief [1] 20/24 briefly [1] 4/16 brother [1] 6/9 brought [1] 7/15 build [1] 22/7 burn [1] 23/7 C C314092 [5] 1/5 2/8 2/8 2/9 2/10 call [1] 12/18 came [3] 16/19 18/13 19/23 can [20] 3/4 7/13 7/24 8/7 12/7 12/7 13/10 13/14 15/3 15/4 17/14 18/4 20/9 20/16 21/2 21/9 21/23 22/3 22/4 24/13 can't [3] 16/14 16/23 19/14 capital [2] 23/9 23/10 care [1] 6/7 careful [1] 14/6 CARL [2] 1/23 2/15 carried [1] 17/19 carry [1] 17/20 case [16] 1/5 2/10 3/5 6/15 7/10 9/1 13/21 15/9 17/4 18/15 19/1 21/4 21/6 21/8 22/20 23/9 cases [2] 4/22 21/5 CASTRO [7] 1/7 2/8 2/12 2/22 4/6 7/24 10/21 Castro's [2] 3/6 5/10 category [1] 4/14 caught [1] 5/14 caused [3] 11/8 17/24 22/22 CCDC [1] 6/23 CCR [1] 1/25 certainly [1] 9/15 certificates [1] 17/10 chance [11] 14/16 15/22 15/22 15/23 18/2 19/19 20/9 20/15 20/20 22/10 22/19 change [4] 16/21 16/21 17/24 18/4 changed [2] 17/6 17/7 character [1] 6/20 charge [1] 7/5 charged [1] 6/25 check [1] 3/4 checked [2] 3/6 3/10 circumstances [2] 6/2 8/1
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<p>V</p> <p>VEGAS [2] 1/16 2/1 very [6] 10/2 12/25 13/22 16/25 20/17 22/2 victim [9] 8/25 9/7 9/9 9/13 10/25 17/2 21/19 23/3 23/13 victim's [2] 16/11 21/20 video [1] 9/21 voices [1] 13/4 voluntarily [1] 13/12</p> <hr/> <p>W</p> <p>waiting [1] 22/4 want [16] 4/15 5/6 5/8 7/5 10/22 10/25 11/1 11/18 12/6 14/14 14/14 14/15 17/15 20/1 21/15 23/1 wanted [1] 10/5 wants [4] 15/19 15/20 19/17 24/6 WARREN [2] 1/20 2/11 was [46] wash [1] 12/20 wasn't [7] 5/14 8/13 9/3 9/16 13/1 13/2 13/2 watched [1] 15/15 water [1] 13/2 way [10] 8/10 12/2 16/9 16/10 16/13 16/13 16/23 20/8 21/21 22/16 we [13] 2/21 2/24 4/1 9/13 12/6 12/7 13/10 13/17 15/23 18/24 21/20 21/21 23/2 we're [8] 3/17 3/23 8/1 8/14 10/15 10/16 17/23 19/18 we've [3] 3/22 17/23 17/24 weapon [6] 8/25 9/1 9/3 9/6 9/12 10/8 well [15] 4/17 7/6 11/3 11/4 11/5 11/8 12/8 12/11 13/10 13/22 14/8 14/17 15/1 17/12 17/22 went [4] 7/2 9/24 10/16 18/15 were [6] 4/22 6/15 18/16 18/24 23/12 23/15 what [34] What's [1] 3/1 whatever [4] 7/10 11/11 12/21 13/7</p>	<p>wheelchair [1] 7/21 when [22] 6/20 6/25 7/14 8/16 9/4 10/13 11/25 13/8 13/15 13/20 13/24 13/24 14/19 15/12 15/13 15/14 16/19 17/19 17/21 18/13 22/7 22/17 where [6] 6/15 7/3 7/13 13/17 14/14 17/22 whether [1] 9/12 which [3] 3/4 12/16 12/25 while [4] 4/19 11/24 18/24 24/14 white [1] 21/25 who [7] 7/3 8/20 16/21 16/24 17/3 21/20 23/3 whole [1] 8/18 WIESE [1] 1/13 will [4] 15/13 17/20 22/14 24/7 within [2] 4/17 10/4 without [4] 4/24 7/25 21/7 23/25 witness [1] 21/20 word [1] 17/25 words [1] 19/17 working [1] 12/11 world [1] 18/4 worse [1] 23/16 worst [2] 8/14 21/5 worth [3] 9/16 10/11 17/16 would [8] 3/9 7/22 19/21 22/16 23/8 23/9 23/21 24/4 wouldn't [1] 2/24</p> <hr/> <p>X</p> <p>xxx [1] 1/5</p> <hr/> <p>Y</p> <p>YAMPOLSKY [4] 1/22 2/17 3/25 20/22 Yeah [1] 10/23 year [3] 7/21 8/3 19/4 years [10] 5/13 7/10 7/18 7/19 10/11 13/18 13/25 15/13 18/11 21/6 yes [7] 3/22 11/21 13/11 19/21 21/16 21/18 21/18 yesterday [1] 4/7 you [61] you'd [1] 23/22 you're [2] 21/6 24/14 You've [1] 3/18</p>	<p>young [2] 5/16 5/16 younger [1] 3/6 your [36] Your Honor [30] youth [2] 5/20 17/15</p> <hr/> <p>Z</p> <p>zero [1] 6/3</p>		
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1 **REQT**
2 JEAN J. SCHWARTZER, ESQ.
3 Nevada Bar No. 11223
4 LAW OFFICE OF JEAN J. SCHWARTZER
5 10620 Southern Highlands Parkway, Suite 110-473
6 Las Vegas, Nevada 89141
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9 Attorney for Defendant

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DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA)

10 Plaintiff,)

11 v.)

12 LUIS ANGEL CASTRO)
13 # 1918366)

14 Defendant.)

CASE NO: C314092

DEPT. NO: XXX

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REQUEST FOR TRANSCRIPTS

17 TO: GIND SHRADER

18 LUIS ANGEL CASTRO, defendant above named, requests preparation of a transcript
19 of certain portions of the proceedings before the District Court, as follows:
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1. September 1, 2016: Motion to Compel

23 Please note that this transcript, along with two others, was requested on May 20, 2019
24 by the filing of a Request for Transcript with the District Court. The Request was then filed
25 with this Supreme Court of Nevada on May 22, 2019 after the Supreme Court granted
26 appellant's Motion to Enlargement of Time to File Request for Transcript. However, counsel
27 for Appellant did not see that Kimberly Farkas, who was named as the Reporter on the first
28

1 Request, was only responsible for two of the transcripts. Those transcripts have been
2 provided. Gina Shrader was the Reporter for the September 1, 2016 hearing on the Motion to
3 Compel. Therefore, Appellant files this second Request for Transcript so that Ms. Shrader is
4 ordered to and will be paid for the transcript of the September 1, 2016 hearing and also to
5 prevent Ms. Farkas from being admonished by the Supreme Court for not providing said
6 transcript.

7 This notice requests a transcript of only those portions of the District Court
8 proceedings which counsel reasonably and in good faith believes are necessary to determine
9 whether appellate issues are present.

10 I recognize that I must serve a copy of this form on the above-named court reporter
11 and that the above-named reporter shall have thirty (30) days from receipt of this notice to
12 prepare and submit to the district court the transcript requested herein.

13 DATED this 27th day of June, 2019.

14
15 By: /s/ Jean Schwartzer

16 JEAN J. SCHWARTZER
17 Nevada Bar #11223
18 LAW OFFICE OF JEAN J. SCHWARTZER
19 10620 Southern Highlands Parkway
20 Suite 110-473
21 Las Vegas, NV 89141
22 Phone: 702-979-9941
23 jeanjnash@gmail.com
24 Attorney for Defendant
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 **IT IS HEREBY CERTIFIED** by the undersigned that on 27th day of June, 2019, I served a true
3
4 and correct copy of the foregoing **REQUEST FOR TRANSCRIPTS** on the parties listed on the
5 attached service list via one or more of the methods of service described below as indicated
6 next to the name of the served individual or entity by a checked box:

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

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

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

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

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22
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28
BY: /s/ Jean Schwartzer
JEAN SCHWARTZER
Law Office of Jean J. Schwartzer

SERVICE LIST

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

ADDITIONAL INDIVIDUALS	PARTIES REPRESENTED	METHOD OF SERVICE
GINA SHRADER Dept04cr@gmail.com	N/A	<input type="checkbox"/> Personal service <input checked="" type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service

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Steven D. Grierson
CLERK OF THE COURT



Case # C-19-345730-1 - State of Nevada vs Damarion Turner

Envelope Information

Envelope Id 5407304	Submitted Date 12/29/2019 10:24 AM PST	Submitted User Name Dept04cr@gmail.com
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Case Information

Location Department 29	Category Criminal	Case Type Felony/Gross Misdemeanor
Case Initiation Date 12/26/2019	Case # C-19-345730-1	
Assigned to Judge Jones, David M		

Party Information

Party Type	Party Name	Lead Attorney
Defendant	Damarion Montrell Turner	Leslie Park
Plaintiff	State of Nevada	Steven Wolfson

Filings

Filing Code	Client Ref #	Filing Description
Reporters Transcript - TRAN ...		Reporter's Transcript of Prelimi...

Filing Details

Filing Type EFile	Filing Code Reporters Transcript - TRAN (CRM)
Filing Description Reporter's Transcript of Preliminary Hearing	

Courtesy Copies

Lmccr426@gmail.com,
Bryan.Schwartz@Clarkcounty...
Les_Law60@hotmail.com

Filing Status

Accepted

Accepted Date

12/29/2019 10:25 AM PST

Accept Comments

Auto Review Accepted

Stamped Documents

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Lead Document

File Name	Description	Security	Download
STATEVTURNERDAMARIO... merged.pdf 2.93 MB	Reporters Transcript - TRAN (CRM)		Original Fil Court Copy

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Description	Amount
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Filing Total:	\$0.00

Total Filing Fee	\$0.00
Envelope Total:	\$0.00
	<i>Waiver selected</i>

Party Responsible for Fees	State of Nevada
Payment Account	MR

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

LUIS ANGEL CASTRO
#1918366

Defendant.

ORIGINAL

CASE NO: C-16-314092-1
DEPT. NO.: IV

REPORTER'S TRANSCRIPT

OF

MOTION TO COMPEL

BEFORE THE HONORABLE KERRY L. EARLEY
DISTRICT COURT JUDGE

THURSDAY, SEPTEMBER 1, 2016

APPEARANCES:

For the Plaintiff: MEGAN S. THOMSON, ESQ.

For the Defendant: WARREN J. GELLER, ESQ.
wgeller@defense.vegas

REPORTED BY: GINA M. SHRADER, CCR 647, RPR, CSR 14176

**EIGHTH JUDICIAL DISTRICT COURT DEPARTMENT IV
(702) 671-4302**

1 LAS VEGAS, NEVADA; THURSDAY, SEPTEMBER 1, 2016

2 11:13 A.M.

3 -o0o-

4
5 THE MARSHAL: Page 5, Your Honor. Case
6 C-314092-01, State of Nevada versus Luis Castro.

7 THE COURT: All right. All right. This is
8 defendant's motion to compel disclosure of exculpatory and
9 other requested evidence.

10 MR. GELLER: Warren Geller on behalf of the
11 defendant, who's present.

12 MS. THOMSON: Megan Thomson, 11002.

13 THE COURT: All right.

14 MR. GELLER: I was speaking with Ms. Thomson while
15 we were seated next to one another --

16 THE COURT: I think that's excellent.

17 MR. GELLER. More or less, I think that we've
18 probably, for the majority of things, made some progress.
19 We are essentially on the same page.

20 I will go through mine in order and then I'll let
21 Ms. Thomson, in the event I mischaracterize something that
22 we discussed.

23 THE COURT: I started with one and I thought she
24 had said no op, but tell me. That's my interpretation of

1 what you wrote.

2 MR. GELLER: Number 1, I was looking for if the
3 alleged victim was requesting funds from the State. It
4 sounds like it's about to expire. He's got a window of time
5 in September, if he hasn't requested --

6 MS. THOMSON: He did with the assistance of our
7 office, file a Victim's of Crime application that was
8 approved. The funds were set aside for him, however, he has
9 not taken advantage of those funds, and they are still
10 sitting with the State, if he chooses to do that. They do
11 expire and that does expire this month.

12 THE COURT: So if he doesn't do it by the end of
13 the month, it's gone?

14 MS. THOMSON: Correct.

15 THE COURT: Expired.

16 MR. GELLER: Something Ms. Thomson told me is in
17 the event --

18 THE COURT: If he takes it, perfect. Okay. That
19 fits.

20 MR. GELLER: With respect to the body cam
21 individuals, I have several that are listed.

22 And if Ms. Thomson, if she comes into any or
23 locates any others, she will provide those. I don't believe
24 either party has any reason to believe there were additional

1 ones --

2 THE COURT: I understand why we're filing these.
3 Okay. Three.

4 MR. GELLER: With respect to the three
5 co-defendants, I was asking for any prior convictions
6 associated with not just the alleged victim, but the three
7 co-defendants.

8 The State is of the opinion that only if they ran
9 it, will they provide it, and I am of the opinion they
10 should have to run it, and then whatever Your Honor orders.

11 THE COURT: I looked into this, and I was told that
12 if they run it, they have to provide it. I am not going to
13 order you to run it, but if you run it, you have to provide
14 it.

15 MS. THOMSON: We will comply.

16 THE COURT: I understand that, but that seems to be
17 what people are doing. I am going to be consistent.

18 MR. GELLER: All right, Your Honor. With respect
19 to --

20 THE COURT: That would be two and three --

21 MR. GELLER: That is right.

22 THE COURT: -- that's three and four.

23 MR. GELLER: With respect to five, the State, of
24 course, does not run the hospital, but often times what will

1 happen is they'll get a waiver from the alleged victim and
2 they'll come into possession of medical reports that way.

3 Ms. Thomson indicated if that should happen, she'll
4 turn them over. I am requesting to seek a court order. I
5 am interested in what he might have said to the doctors in
6 possession of the file, and if there was --

7 THE COURT: If you a get court order and it's not a
8 HIPPA, then I'll -- if you think that's it, then we'll do it
9 that way.

10 If the victim does sign the HIPPA release, you can
11 under federal law make sure the release says that you can
12 give -- I don't want to tell you -- you make sure the HIPAA
13 release covers distribution of dissemination of the reports.

14 MR. GELLER: For the record, it was toxicology and
15 things that he might have said to the attending physician.

16 THE COURT: I have down toxicology reports and -- I
17 did write toxicology as well as any statements that would be
18 contained within the medical record.

19 MR. GELLER: Right. I would expect the doctors to
20 say who did this to you, questions along those lines.

21 MS. THOMSON: If we were to obtain the medical
22 records, they would be provided in whole.

23 THE COURT: In whole. All right. What about six?

24 MR. GELLER: Six is one of the boilerplate ones.

1 It's the State's -- a pretrial witness and I am not
2 obviously privy to that.

3 So if during the pretrial, there's some other
4 context, if they say, I remember it differently now or
5 contradict something, I always just ask the State to advise
6 me of that. The State, of course, will put that in there
7 as --

8 THE COURT: Because they run risks, if they do.
9 Perfect.

10 MR. GELLER: The same thing with Number 7
11 essentially as well. Listed on Number 7, all the statements
12 that I had just so that way there was a clear "do" and "do
13 not" have.

14 And then Ms. Thomson this morning provided me a
15 disk. It appears to have a lot of additional statements. I
16 do believe that there should be a statement from the
17 co-defendant Fabiola Jimenez that's not referenced here. So
18 Ms. Thomson and I discussed she would try to look for it
19 based on --

20 MS. THOMSON: I will. And actually all of these I
21 had circled when I did the file review and I crossed it out,
22 which means I must have had it and included it, but we'll
23 provide it.

24 MR. GELLER: We'll sure that up.

1 THE COURT: All right.

2 MR. GELLER: And then with respect to any
3 handwritten notes or anything like that. I know that common
4 practice is that they will destroy them.

5 THE COURT: That's my understanding, because they
6 incorporate them in the police statements or records. It's
7 not that they destroy the information.

8 MS. THOMSON: During that file review, we confirmed
9 that the handwritten notes were incorporated. There were a
10 few that were still within the file. Obviously it didn't
11 make any sense at all but I did copy them and those have
12 been provided this morning.

13 THE COURT: That's exactly what I'll order and that
14 makes sense. And Number 9?

15 MR. GELLER: With respect to the cell site location
16 information, Ms. Thomson indicated that there was a request
17 with respect to one phone. It was a Cricket Wireless phone.
18 And by the time law enforcement contacted, Cricket
19 communicated to them they no longer have the data.

20 I may be independently seeking a court order and
21 I'll bring it up at the appropriate time, an appropriate
22 motion for any other wireless devices that might be
23 associated directly with the defendant or the co-defendants
24 and I will bring that up.

1 THE COURT: -- have Cricket before --

2 MR. GELLER: They don't maintain things very long
3 I've noticed.

4 THE COURT: All right.

5 MR. GELLER: Then with respect to -- I noticed in
6 the photos I got from the scene, one of the photos depicts a
7 cellular phone that was seized by the police.

8 So I was concerned that the police may have
9 possession of the phone, might be going through it and
10 taking screen shots and things like that of messages that
11 were going on between the defendants.

12 It sounds like in reference to what Ms. Thomson --
13 essentially the police will do a data dump of the phones.

14 MS. THOMSON: I asked to do warrants on the two
15 phones that are impounded in evidence and ultimately
16 retrieve anything from those phones.

17 The Court is aware that that is a very lengthy
18 process. So there's always the potential we go to trial
19 before that is completed. If we retrieve any results out of
20 those warrants, those will be provided, however, if it's not
21 done, it's not done.

22 THE COURT: Okay. That's my understanding. All
23 right.

24 What did you call it? Data dump?

1 MR. GELLER: That was a term I used. I think it's
2 called "ghosting" the phones. But the problem is the screen
3 shot and you can get --

4 THE COURT: Okay. No problem. Now we are down to
5 11, the last one.

6 MR. GELLER: With respect to surveillance, it
7 sounds like the detectives went by at least one location and
8 the surveillance, by the time they got there, was no longer
9 available. That's what they've reported to Ms. Thomson.

10 At the preliminary hearing, I called one of the
11 detectives, and he had worked all night. So he was -- I
12 think I surprised him by calling him as a witness. He said
13 that he thought there was some surveillance from the market,
14 but he was equivocating on that.

15 THE COURT: So you're asking for it in case there
16 was and she is going to find out if there is?

17 MS. THOMSON: I did talk to the lead detective who,
18 in my presence, talked to the detective who had done the
19 follow up, and the information the lead detective received
20 was that when he went out to -- I believe it was the market,
21 but I will confirm that -- that he had contact with the
22 owner or manager and that they told him. He was able to
23 confirm they only keep surveillance seven days. It was past
24 that seven-day period.

1 THE COURT: So they did go over it then?

2 MS. THOMSON: Yes.

3 THE COURT: Okay. All right. So they responded
4 appropriately.

5 MR. GELLER: I think other than our disagreement
6 with respect to the NCIC, we're all on the same page.

7 THE COURT: You get an "A" today, both of you. I
8 appreciate you working, because you can see sometimes it
9 takes people -- I appreciate what you're doing.

10 MR. GELLER: Thank you, Judge.

11 MS. THOMSON: Thank you, Your Honor.

12 THE COURT: Thank you so much.

13

14 (Whereupon the proceedings concluded at 11:22 a.m.)

15

16 -o0o-

17

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

20

21 /s/Gina M. Shrader

22

GINA M. SHRADER, CCR 647, RPR, CSR 14176

23

24

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/s/Gina [1] - 10:20			EARLEY [1] - 1:14 either [1] - 3:24 end [1] - 3:12 enforcement [1] - 7:18 equivocating [1] - 9:14 ESQ [2] - 1:19, 1:21 essentially [3] - 2:19, 6:11, 8:13 event [2] - 2:21, 3:17 evidence [2] - 2:9, 8:15 exactly [1] - 7:13 excellent [1] - 2:16 exculpatory [1] - 2:8 expect [1] - 5:19 expire [3] - 3:4, 3:11 expired [1] - 3:15	I
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6				LAS [1] - 2:1 last [1] - 9:5 law [2] - 5:11, 7:18 lead [2] - 9:17, 9:19 least [1] - 9:7 lengthy [1] - 8:17 less [1] - 2:17 lines [1] - 5:20 listed [2] - 3:21, 6:11 locates [1] - 3:23 location [2] - 7:15, 9:7 look [1] - 6:18 looked [1] - 4:11 looking [1] - 3:2 LUIS [1] - 1:6 Luis [1] - 2:6
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A.M [1] - 2:2 a.m [1] - 10:14 able [1] - 9:22 ACCURATE [1] - 10:18 additional [2] - 3:24, 6:15 advantage [1] - 3:9 advise [1] - 6:5 alleged [3] - 3:3, 4:6, 5:1 AND [1] - 10:18 ANGEL [1] - 1:6 APPEARANCES [1] - 1:18 application [1] - 3:7 appreciate [2] - 10:8, 10:9 appropriate [2] - 7:21 appropriately [1] - 10:4 approved [1] - 3:8				

M	one [8] - 2:15, 2:23, 5:24, 7:17, 8:6, 9:5, 9:7, 9:10 ones [2] - 4:1, 5:24 oOo [2] - 2:3, 10:16 op [1] - 2:24 opinion [2] - 4:8, 4:9 order [6] - 2:20, 4:13, 5:4, 5:7, 7:13, 7:20 orders [1] - 4:10 ORIGINAL [1] - 1:4 owner [1] - 9:22	reason [1] - 3:24 received [1] - 9:19 record [2] - 5:14, 5:18 records [2] - 5:22, 7:6 reference [1] - 8:12 referenced [1] - 6:17 release [3] - 5:10, 5:11, 5:13 remember [1] - 6:4 REPORTED [1] - 1:24 reported [1] - 9:9 REPORTER'S [1] - 1:11 reports [3] - 5:2, 5:13, 5:16 request [1] - 7:16 requested [2] - 2:9, 3:5 requesting [2] - 3:3, 5:4 respect [10] - 3:20, 4:4, 4:18, 4:23, 7:2, 7:15, 7:17, 8:5, 9:6, 10:6 responded [1] - 10:3 results [1] - 8:19 retrieve [2] - 8:16, 8:19 review [2] - 6:21, 7:8 risks [1] - 6:8 RPR [2] - 1:24, 10:21 run [6] - 4:10, 4:12, 4:13, 4:24, 6:8	six [2] - 5:23, 5:24 sometimes [1] - 10:8 sounds [3] - 3:4, 8:12, 9:7 speaking [1] - 2:14 started [1] - 2:23 STATE [1] - 1:4 State [7] - 2:6, 3:3, 3:10, 4:8, 4:23, 6:5, 6:6 State's [1] - 6:1 statement [1] - 6:16 statements [4] - 5:17, 6:11, 6:15, 7:6 still [2] - 3:9, 7:10 surprised [1] - 9:12 surveillance [4] - 9:6, 9:8, 9:13, 9:23	up [4] - 6:24, 7:21, 7:24, 9:19	
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CNND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

State of Nevada

C-16-314092-1

vs

LUIS CASTRO

CLERK'S NOTICE OF NONCONFORMING DOCUMENT

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	Case #C-19-345730-1 - State of Nevada vs Damarion Turn (filed in C-16-314092-1 Luis Castro)
Party Submitting Document for Filing:	Gina Shrader
Date and Time Submitted for Electronic Filing:	12/30/2019 at 7:45 PM

Reason for Nonconformity Determination:

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.
- ☐ The document initiated a new civil action and the case type designation does not match the cause of action identified in the document.
- ☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.
- ☐ The submitted document initiated a new civil action and was made up of multiple documents submitted together.

- 1
- 2 ☒ The case caption and/or case number on the document does not match the case
- 3 caption and/or case number of the case that it was filed into.
- 4 ☐ The document was not signed by the submitting party or counsel for said party.
- 5 ☐ The document filed was a court order that did not contain the signature of a
- 6 judicial officer. In accordance with Administrative Order 19-5, the submitted
- 7 order has been furnished to the department to which this case is assigned.

8 Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a

9 nonconforming document may be cured by submitting a conforming document. All documents

10 submitted for this purpose must use filing code “**Conforming Filing – CONFILE.**” Court filing

11 fees will not be assessed for submitting the conforming document. Processing and convenience

12 fees may still apply.

13

14 Dated this: 2nd day of January, 2020

15 By: /s/ Chaunte Pleasant

16 Deputy District Court Clerk

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CERTIFICATE OF SERVICE

I hereby certify that on January 02, 2020, I concurrently filed and served a copy of the foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service System.

By: /s/ Chaunte Pleasant
Deputy District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ANGEL CASTRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78643
District Court Case No. C314092

FILED

NOV 24 2020

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"Rehearing Denied."

Judgment, as quoted above, entered this 23 day of October, 2020.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 12 day of August, 2020.

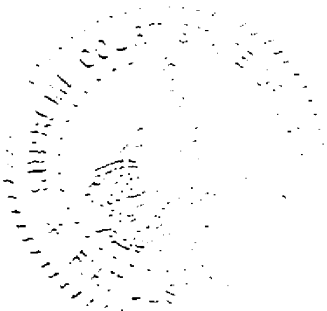
C-16-314092-1
CCJA
NV Supreme Court Clerk's Certificate/Judgment
4938438



IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this November 17, 2020.

Elizabeth A. Brown, Supreme Court Clerk

By: Kaitlin Meetze
Administrative Assistant



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS ANGEL CASTRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78643-COA

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.¹

[Signature], C.J.
Gibbons

[Signature], J.
Tao

[Signature], J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Jean J. Schwartz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Appellant did not object to the sentencing court's statement that credit for time served did not matter. He thus failed to preserve the presentence credit issue below. And, despite bearing the burden of demonstrating plain error, *see Miller v. State*, 121 Nev. 92, 99, 110 P.3d 53, 58 (2005), appellant failed to argue plain error in his opening brief on appeal. Accordingly, we declined to review this error on appeal.

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: November 17, 2020
Supreme Court Clerk, State of Nevada

By K. Mealy Deputy

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS ANGEL CASTRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78643-COA

FILED

AUG 12 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Yarrington*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Luis Angel Castro appeals from a judgment of conviction entered pursuant to a guilty plea of first-degree kidnapping resulting in substantial bodily harm. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

First, Castro claims the district court abused its discretion by failing to correct an error in his presentence investigation report (PSI). He argues that he objected to the error prior to being sentenced, the State stipulated to the error, and the district court refused to correct the error. However, his argument is not supported by the record on appeal.

The record plainly demonstrates that defense counsel informed the district court that "there is one stipulated correction to [Castro's] PSI. I don't believe there's any reason we wouldn't be able to put that on the record and then proceed." Defense counsel went on to explain that,

With respect to page 2, there are three boxes which the PSI author can check in this case with an X, indicating age at first arrest. On Mr. Castro's PSI, it's checked "19 or younger." That's not

substantiated by his arrest history later in the report. The parties have agreed to have that removed. And I believe a "24 and older" would be the appropriate box that should have been checked in that instance.

The State agreed with defense counsel's explanation. The district court stated, "Okay. That doesn't rise to the level of a *Stockmeier* issue, I don't believe."¹ And defense counsel responded, "I don't believe [so] either, Your Honor."

This record shows only that Castro wanted to put the error on the record and then proceed with the sentencing. It does not show that Castro asked the district court to make a correction to the PSI. Moreover, defense counsel explicitly agreed that the error did not rise to the level of a *Stockmeier* issue. We conclude that Castro forfeited this claim of error by specifically informing the district court that he wanted only to put the error on the record and then proceed with the sentencing, and we decline to review the error on appeal. *See Jeremias v. State*, 134 Nev. 46, 52, 412 P.3d 43, 49 (2018) ("[T]he decision whether to correct a forfeited error is discretionary.").

Second, Castro claims the district court abused its discretion by failing to award him 1,112 days' credit for time spent in presentence confinement. After imposing Castro's sentence, the district court stated, "So that will be the sentence. I don't think credit [for] time served matters. Anything else on the record, counsel?" Defense counsel responded "No."

¹*See Stockmeier v. State, Bd. of Parole Comm'rs*, 127 Nev. 243, 255 P.3d 209 (2011).

Given this record, we conclude Castro forfeited this claim of error by failing to object in the court below and, because he has not argued plain error in this court, we decline to review this error on appeal. *See id.* at 50, 412 P.3d at 48.

Third, Castro claims his sentence constitutes cruel and unusual punishment for the following reasons. He did not have a history of violent offenses and was under the influence of drugs when he committed the crime. He was not aware that the crime would become so violent and left when it became violent. His DNA was not found on the weapon. He did not call the police because he was afraid that his codefendants would harm his family. He has PTSD symptoms; bipolar symptoms; and suffers from depression, anxiety, and drug addiction. And he once attempted suicide.

Regardless of its severity, a sentence that is within the statutory limits is not "cruel and unusual punishment unless the statute fixing punishment is unconstitutional or the sentence is so unreasonably disproportionate to the offense as to shock the conscience." *Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996) (quoting *Culverson v. State*, 95 Nev. 433, 435, 596 P.2d 220, 221-22 (1979)); *see also Harmelin v. Michigan*, 501 U.S. 957, 1000-01 (1991) (plurality opinion) (explaining the Eighth Amendment does not require strict proportionality between crime and sentence; it forbids only an extreme sentence that is grossly disproportionate to the crime).

Here, Castro's life-without-the-possibility-of-parole sentence falls within the parameters of the relevant statute. *See* NRS 200.320(1)(a). He does not allege that the statute is unconstitutional. And we conclude


the sentence imposed is not grossly disproportionate to his crime and does not constitute cruel and unusual punishment.

Fourth, Castro claims cumulative error deprived him of a fair sentencing proceeding. However, we conclude Castro failed to demonstrate any error, so there is nothing to cumulate.

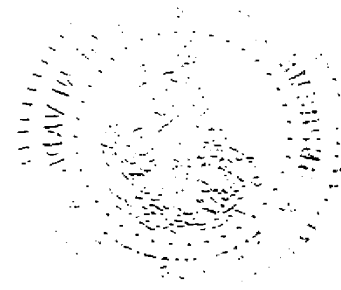
Having concluded Castro is not entitled to relief, we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, District Judge
Jean J. Schwartz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk



CERTIFIED COPY
This document is a full, true and correct copy of
the original on file and of record in my office.
DATE: November 17, 2020
Supreme Court Clerk, State of Nevada
By *K. [Signature]* Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ANGEL CASTRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 78643
District Court Case No. C314092

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: November 17, 2020

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze
Administrative Assistant

cc (without enclosures):

Hon. Jerry A. Wiese, District Judge
Jean J. Schwartzer
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on NOV 24 2020.

HEATHER UNGERMANN
Deputy _____
District Court Clerk

**RECEIVED
APPEALS
NOV 23 2020
CLERK OF THE COURT**

FILED

FEB 18 2021

John L. Williams
CLERK OF COURT

PP
OK

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

LUIS ANGEL CASTRO

Petitioner/Plaintiff,

vi.

JEAN SCHWARTZER

Respondent/Defendant.

Case No. C-16-314092-1

Dept. No. XXX

Docket No. _____

March 15, 2021

11:00 AM

MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE
ALTERNATIVE, REQUEST FOR RECORDS/COURT CASE DOCUMENTS

COMES NOW, Petitioner/Plaintiff, LUIS ANGEL CASTRO, pro per,
and respectfully moves this Honorable Court for it's Order withdrawing JEAN J.
SCHWARTZER, Esq., as the Attorney of Record in the above-entitled matter.

This Motion is made and based upon Nev. Rev. Stat. 7.055, and Nev. Sup. Ct. Rules 166(4), 173,
176, and 203, and Rules 11 and 20 of the Rules of the District Courts of the State of Nevada.

POINTS AND AUTHORITIES

Nev. Rev. Stat. 7.055, provides that:

An attorney who has been discharged by his client shall, upon demand...immediately
deliver to the client all papers, documents, pleadings and items of tangible personal
property which belong to or were prepared for that client.

See also Nev. Sup. Ct. Rule 166(4):

Upon termination of representation, a lawyer shall take steps to the extent reasonably
practicable to protect a client's interests, such as ...surrendering papers and property to
which the client is entitled..."

Petitioner/Plaintiff would respectfully point out to this Court and the attorney of record that there

is controlling law on this issue. This citation of authority is precautionary only. In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963), and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both cases dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The Court in Yount, supra, ordered the attorney disbarred, while in Alvey, supra, the Court had the attorney censured.

In most situations it is obviously not necessary to notify the parties when the attorney withdraws from a case, but when the client wishes to remove his attorney and represent himself in person, it is required by these Statutes and Rules that the client request the Court of action to issue a certificate releasing the attorney of record. Under such statutes it is necessary for the party to present his request for the change in order for the court in making an order withdrawing the attorney of record, and to make formal demand to the Attorney for the return of all papers and property.

Therefore, let this Court be so notified that this is the desire of the Petitioner/Plaintiff herein that the aforementioned attorney of record be withdrawn and the same shall be for any other attorney(s) which could possibly be subscribed and documented as attorney(s) of record in this case, so that further actions in the above-entitled cause can be conducted by the Petitioner/Plaintiff in proper person.

Further, Petitioner/Plaintiff hereby makes formal demand upon JEAN J. SCHWARTZ, Esq., for the return of his entire file, including, but not limited to all papers, documents, pleadings and items of tangible personal property which belong to or were prepared on my behalf to me at the address set forth in this pleading.

Further, it is requested of this Court that it issue an Order directing the named attorney of record that he turn over to the Petitioner/Plaintiff the entire case file, without costs, including, but not limited to, the trial transcripts or guilty plea transcript, all briefs on appeal, and all other papers and police reports relating to this matter, so that Petitioner/Plaintiff may prosecute an appeal/post-conviction with a minimum amount of delay.

CONCLUSION

WHEREFORE, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to grant his Motion for Withdrawal of Attorney of Record in accordance with this Court's fair and just consideration of the facts of the case.

DATED this 4th day of FEBRUARY, 2021.

Respectfully submitted,

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Notice of Motion and Motion for Withdrawal of Attorney of Record or in the Alternative, Request for Records/Court Case Documents on this 4th day of FEBRUARY, 2021, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the Ely State Prison to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

JENN J. SCHWARTZ, C.S.J.
NEVADA BAR 11223
10620 SOUTHEAST HIGHWAY PKWY
SUITE 110-473
LAS VEGAS, NEVADA
89141

ALONDRA G. CHEN, C.S.J.
NEVADA BAR 10539
CLARK COUNTY DISTRICT ATTORNEY
200 LEWIS AVENUE, 3RD FL.
LAS VEGAS, NEVADA
89155-2212

DATED this ____ day of _____, 200__.

Petitioner/Plaintiff

AFFIRMATION PURSUANT TO NRS 239B.030

I, Luis A Castro, NDOC# 1214547,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED MOTION FOR WITHDRAWAL
OF ATTORNEY OF RECORD

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 4TH DAY OF February, 20 21.

SIGNATURE: 

INMATE PRINTED NAME: Luis A. Castro

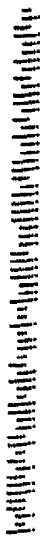
INMATE NDOC # 1214547

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

FR: Mc Luis A. Castro
ES.P.# 1214547
P.O. Box 1989
Eliz, NV 89301

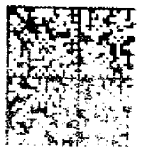
Legal Mail

3310136300 0075



To: The Eighth Judicial District Court
Clerk of the Court
200 Lewis Avenue, 2ND FL.
Las Vegas, Nevada
89155-1160

REC'D
FEB - 9 1991
CLERK OF THE COURT



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

FILED
FEB 18 2021

John J. Schwartz
CLERK OF COURT

LUIS ANGEL CASTRO

Petitioner/Plaintiff,

v.

JEAN J. SCHWARTZ, Esq.

Respondent/Defendant.

Case No. C-16-314092-1

Dept. No. XXX

Docket No. _____

March 15, 2021
11:00 AM

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Respondent/Defendant, ALEXANDER G. CHON, Esq.,
NEVADA BAR NO. 10539, County District Attorney, and JEAN J. SCHWARTZ, Esq.,
NEVADA BAR NO. 11223, Esq.

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on the _____ day of _____
_____, 20 __, at the hour of 9:00 O'clock A.M., or as soon thereafter as
the parties may be heard, the undersigned will bring on for hearing the attached **MOTION FOR
WITHDRAWAL OF ATTORNEY OF RECORD**, before the above-entitled Court, at the
_____, Courthouse, in _____, Nevada, in
Department No. _____, thereof.

DATED this 4th day of FEBRUARY, 20 21.

Respectfully submitted,

Petitioner/Plaintiff
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

RECEIVED

FEB - 9 2021

CLERK OF THE COURT



1 NOCH

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 *****

6 State of Nevada

Case No.: C-16-314092-1

7 vs

Department 30

8 LUIS CASTRO
9

10 **NOTICE OF CHANGE OF HEARING**

11
12 The hearing on the Defendant's Motion to Withdraw Attorney of Record or in the
13 Alternative Request for Records/Court Case Document, presently set for March 15, 2021, at
14 11:00 AM, has been moved to the 1st day of April, 2021, at 8:30 AM and will be heard by
15 Judge Jerry A. Wiese.

16 STEVEN D. GRIERSON, CEO/Clerk of the Court

17 By: /s/ Salevao Asifoa

18 S.L. Asifoa, Deputy Clerk of the Court

19
20 **CERTIFICATE OF SERVICE**

21
22 I hereby certify that this 11th day of March, 2021

23 ☒ The foregoing Notice of Change of Hearing was electronically served to all registered
24 parties for case number C-16-314092-1.

25 /s/ Salevao Asifoa

26 S.L. Asifoa, Deputy Clerk of the Court

**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**

STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO.: C-16-314092-1
)	DEPT. NO.: XXX
vs.)	
)	
LUIS ANGEL CASTRO,)	ORDER RE: DEFENDANT'S
)	MOTION TO WITHDRAW
Defendant.)	ATTORNEY OF RECORD
)	

The above-referenced matter is scheduled for a hearing on April 01, 2021, with regard to the Defendant's Motion to Withdraw Attorney of Record or in the Alternative Request for Records/Court Case Documents. Pursuant to A.O. 20-01 and subsequent administrative orders, including A.O. 21-03, this matter may be decided after a hearing, decided on the pleadings, or continued. Additionally, pursuant to N.R.Cr.P. 8(2), any motion may be decided with or without oral argument. In an effort to comply with Covid-19 restrictions and limitations, and to avoid the need for hearings when possible, this Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this Order issues.

On March 26, 2019, Defendant Luis Angel Castro was sentenced to Life Without the Possibility of Parole in the Nevada Department of Corrections for First Degree Kidnapping Resulting in Substantial Bodily Harm (Category A Felony).

Defendant filed a Pro Per Motion to Withdraw Counsel Warren Geller, Esq., which was granted on April 16, 2019. Defendant subsequently retained Jean J. Schwartzer, Esq. for his appeal. Defendant's conviction was affirmed by the Nevada Supreme Court on October 23, 2020; remittitur issued on November 24, 2020.

In the instant Motion, filed on February 18, 2021, Defendant now seeks withdrawal of Jean J. Schwartzer, Esq. and delivery of his entire case file pursuant to NRS 7.055.

NRS 7.005 provides in pertinent part as follows:

1 NRS 7.055 Duty of discharged attorney to deliver certain
2 materials to client; enforcement; adjudication of claims to
3 materials.

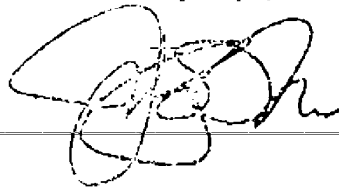
4 1. An attorney who has been discharged by his or her client shall,
5 upon demand and payment of the fee due from the client, immediately
6 deliver to the client all papers, documents, pleadings and items of
7 tangible personal property which belong to or were prepared for that
8 client.

9 Based upon the foregoing, and good cause appearing,

10 IT IS HEREBY ORDERED that Defendant's Motion to Withdraw Attorney of
11 Record or in the Alternative Request for Records/Court Case Documents is hereby
12 GRANTED. Jean J. Schwartzer, Esq. is hereby removed as counsel. Counsel is
13 Ordered to comply with the document/ information production requirements of NRS
14 7.005(1).

15 Because this matter has been decided on the pleadings, the hearing scheduled
16 for April 01, 2021 will be taken off calendar, and consequently, there is no need for any
17 parties or attorneys to appear.

18 Dated this 1st day of April, 2021

19 
20 _____

21 5E8 3F6 0F96 B479
22 Jerry A. Wiese
23 District Court Judge
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 State of Nevada

CASE NO: C-16-314092-1

7 vs

DEPT. NO. Department 30

8 LUIS CASTRO
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/1/2021

15 April Burt

april@defense.vegas

16 Martina Bauhaus

m10172b@lvmpd.com

17 Cynthia Bush

Cynthia.Bush@clarkcountyda.com

18 Warren Geller

wgeller@defense.vegas

19 Department XXX

Dept30LC@ClarkCountyCourts.us

20 Megan Thomson

Megan.Thomson@clarkcountyda.com
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2016

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

April 14, 2016 10:00 AM Initial Arraignment

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

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

CUSTODY (COC)

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2016

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

April 18, 2016 10:00 AM All Pending Motions

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

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

CUSTODY

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 03, 2016

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

May 03, 2016 9:00 AM Request

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Loree Murray

PARTIES

PRESENT:	Geller, Warren J.	Attorney
	Miceli, Michael J.	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- DEFT NOT PRESENT. Mr. Miceli present on behalf of Mr. Fumo's office. Mr. Geller advised the Court he just submitted a Substitution of Attorney to Mr. Fumo's office which was signed but not filed as of yet. Mr. Geller requested to orally substitute in on the matter. COURT SO ORDERED MOTION GRANTED. Mr. Geller is Attorney of Record.

The State advised this is the State's Motion to move the trial date, the other three Deft's have a trial date of 10/03/16. All Deft's have waived their trial dates, including this Deft as well, therefore, the State requested to put all Deft's on the same trial date. COURT ORDERED, TRIAL DATE VACATED & RESET.

CUSTODY

9-27-16 9:00 AM CALENDAR CALL (DEPT. IV)

10-03-19 10:30 AM JURY TRIAL (DEPT. IV)

PRINT DATE: 11/23/2021

Page 3 of 17

Minutes Date: April 14, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2016

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

September 01, 2016	9:00 AM	Motion to Compel	Defendant's Motion to Compel Disclosure of Exculpatory and Other Requested Evidence
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HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Gina Shrader

PARTIES

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

JOURNAL ENTRIES

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

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

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

PRINT DATE: 11/23/2021

Page 4 of 17

Minutes Date: April 14, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2016

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

September 27, 2016 9:00 AM Calendar Call

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Amber McClane

PARTIES

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

JOURNAL ENTRIES

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

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 18, 2016

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

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

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Loree Murray

PARTIES

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

JOURNAL ENTRIES

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

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2017

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

April 25, 2017	9:00 AM	Motion	Defendant's Motion to Request a Court Order for Medical Records
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HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

RECORDER:

REPORTER: Renee Silvaggio

PARTIES

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

JOURNAL ENTRIES

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

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	July 11, 2017
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C-16-314092-1	State of Nevada vs LUIS CASTRO
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July 11, 2017	9:00 AM	Calendar Call
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HEARD BY: Earley, Kerry	COURTROOM: RJC Courtroom 16B
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COURT CLERK: Denise Duron

RECORDER:

REPORTER: Gina Shrader

PARTIES

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

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

CUSTODY (COC)

02/06/18 9:00 AM CALENDAR CALL

02/12/18 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 10, 2018

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

April 10, 2018 9:00 AM Calendar Call

HEARD BY: Earley, Kerry

COURTROOM: RJC Courtroom 16B

COURT CLERK: Louisa Garcia

RECORDER: Trisha Garcia

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

CUSTODY (ALL)

1/29/19 9:00 AM CALENDAR CALL

PRINT DATE: 11/23/2021

Page 11 of 17

Minutes Date: April 14, 2016

C-16-314092-1

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

PRINT DATE: 11/23/2021

Page 12 of 17

Minutes Date: April 14, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2018

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

November 13, 2018 8:30 AM Motion

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

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

JOURNAL ENTRIES

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

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

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 31, 2019

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

January 31, 2019 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

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

JOURNAL ENTRIES

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

CUSTODY (COC)

02/04/19 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2019

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

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

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

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

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT.

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

CUSTODY (COC)

03/26/19 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

March 26, 2019 8:30 AM Sentencing

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

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

JOURNAL ENTRIES

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

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2019

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

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

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

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

JOURNAL ENTRIES

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

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated November 9, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 592.

STATE OF NEVADA,

Plaintiff(s),

vs.

LUIS ANGEL CASTRO,

Defendant(s),

Case No: C-16-314092-1

Related Case A-21-835827-W

Dept. No: XXX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk