

FILED

DEC 06 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

LUIS ANGEL CASTRO

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Supreme Court No. 83680

District Court No. A-21-835827-W

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

Informal Brief Form October 2017

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21-34743

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
3/28/2019	JUDGMENT OF CONVICTION

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 10-19-2021

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
C314092	STATE vs Luis A. CASTRO	8 Juv. Dist. Ct.

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

AFTER STACKING EIGHT (8) FELONY CHARGES AGAINST
APPELLANT, FROM THE SAME CRIMINAL TRANSACTION,
THE COURT- JUDGE WIESE, DEMANDED THAT THE ACCEPT-
ANCE OF THE GUILTY PLEA AGREEMENT WAS CONTINGENT
UPON ALL DEFENDANTS ACCEPTING THEIR RESPECTIVE
NEGOTIATION OF THEIR SENTENCES. THIS OPEN THE DOOR
FOR DEFENSE COUNSEL'S LEGION OF INEFFECTIVE

REPRESENTATION, WHICH RESULTED IN THE DENIAL OF APPELLANT'S 6TH & 14TH AMENDMENT RIGHTS. THE BARRAGE OF COUNSEL'S FAILURES, BEGAN WITH HIS FAILURE TO CHALLENGE-ALSO THE DISTRICT COURT'S ABUSE OF ITS DISCRETION, NOT TO ALLOW TO SEVER THE DEFENDANT'S CASES. NEXT, THE DISTRICT COURT OVERLOOKED DEFENSE COUNSEL'S 'DEFAUDATION'. SINCE, APPELLANT'S PARENTS PAID HIM \$83,000.¹⁰ TO REPRESENT THEIR SON AT TRIAL OR AT THE VERY LEAST NEGOTIATE A 15 TO LIFE SENTENCE AS HE HAD STATED TO THEM. PARTICULARLY, WHEN APPELLANT'S PARENTS ELICITED TO DEFENSE COUNSEL THAT THEIR SON WAS EMOTIONALLY AND INTELLECTUALLY SLOW. AND THAT THEY HAD LEARNED THAT HIS INVOLVEMENT IN THE CRIMINAL EVENT DID NOT CONSIST IN THE HARM ENDURED BY THE DRUG-TRAFFICKER, THE VICTIM. THIS AND FAR MORE COULD HAVE BEEN REVEALED AND PRESENTED AT TRIAL- TO THE COURT, IF DEFENSE COUNSEL WOULD HAVE CONDUCTED AN ACTUAL INVESTIGATION IN THIS CASE. FURTHERMORE, THE APPELLANT TAKES ISSUE WITH THE UNFAIR & UNJUST ADJUDICATION TO HIS WRIT OF HABEAS CORPUS- STATE POST-CONVICTION RELIEF, FROM THE SANG COURT JUDGE WIESE, WHOM ABUSE ITS DISCRETION AND PRESIDED OVER THIS CASE, IT IS VERY UNLIKELY HE CAN BE UNBIAS OR RENDER A DECISION AGAINST HIS OWN RULINGS. SUCH AS, HIS DENIAL TO APPOINT COUNSEL AND APPELLANT'S REQUEST FOR AN EVIDENTIARY HEARING, WHICH WOULD HAVE →

ALLOWED TO ADDRESS THE ASSERTION - DISCUSSION
BETWEEN APPELLANT'S PARENTS AND MR GELLER, MADE OUT-
SIDE THE RECORD AND ONLY WITNESSED BY EACH OTHER.
APPELLANT SHOULD BE ENTITLED TO EXPAND THE RECORD
TO INCLUDE DEFENSE COUNSEL'S FALSE STATEMENT TO
APPELLANT'S PARENTS, SINCE IT HAD A DIRECT EFFECT
IN APPELLANT'S ACCEPTANCE OF THE PLEA. LASTLY,
THE COURT, REFUSED TO CONSIDER APPELLANT'S -
SUPPLEMENT TO HIS PETITION, IN ACCORDANCE TO NRCR-
RULE 15. HOLDING THE APPELLANT TO THE SAME STRINGENT
STANDARD TO THAT OF AN ATTORNEY, [NOTE: THE PETITION
FOR POST CONVICTION RELIEF AND THIS INFORMAL BRIEF
HAS BEEN PREPARED BY A TRANSIENT PRISONER ON BEHALF OF
APPELLANT - CASTRO.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

THE DISTRICT COURT HAS UNFAIRLY HELD PETITIONER/APPELLANT
TO THE SAME STRINGENT STANDARD AS ATTORNEYS. (QUOTING
NRS 34.750(5), TO DENY PETITIONER'S SUPPLEMENT TO PETITION
FOR WAIT OF HABEAS CORPUS, AND WITH^{IT} AVOIDING RESPONSE.
TO APPELLANT'S INEFFECTIVE ASSISTANCE OF COUNSEL -
CLAIMS THEREIN. THE STATE CONTENDS THAT THE APPELLANT'S
ACCEPTANCE OF THE PLEA WAS VOLUNTARILY GIVEN BASED ON
HIS MENTAL COMPETENCY DURING THE CANVASS OF THE PLEA;
AND THAT THE COURT REVIEW THE TOTALITY OF THE CIRCUM-
STANCES SURROUNDING THE DEFENDANT'S ACCEPTANCE

OF THE PLEA, (CITING BRYANT, 102 N.W.2D AT 271). THE COURT OVERLOOKED OR MISAPPREHENDED APPELLANT'S POOR CONCLUSORY ANSWERS, MADE DURING THE CANVASS OF THE PLEA. THE COURT SHOULD HAVE NOTED THAT APPELLANT WAS NOT MENTALLY EQUIPPED TO ACCEPT THE PLEA. HE MERELY MADE RESPONSES AS INSTRUCTED BY HIS DEFENSE COUNSEL. FURTHERMORE, THE COURT FAILED TO CANVASS THE ELEMENTS OF THE CRIME DURING THE ACCEPTANCE OF THE PLEA. SEE: TRANSCRIPTS OF THE ENTRY OF PLEA, PAGES 3 THEN 9. IT HAS LONG BEEN HELD THAT FOR A GUILTY PLEA TO BE VOLUNTARY AND KNOWINGLY ENTERED THAT THE DEFENDANT MUST, ON THE RECORD, HAVE AN UNDERSTANDING OF THE ELEMENTS CONSTITUTING THE ELEMENTS OF THE FORMAL CHARGE. HENCE, THE COURT AND COUNSEL WERE IN ERROR BY ALLOWING THE GUILTY PLEA TO BE ACCEPTED WITHOUT VERBALLY ADMITTING THE ELEMENTS OF THE CRIME, VIOLATING CASTRO'S 14TH AMENDMENT RIGHTS. THE COURT'S RESPONSE TO APPELLANT'S ASSERTION THAT HIS GUILTY PLEA WAS ENTERED AS A RESULT OF INEFFECTIVE ASSISTANCE OF COUNSEL IS UNJUST BECAUSE THERE WAS NO DNA EVIDENCE FOUND IN THE CRIME SCENE THAT BELONGED TO THE APPELLANT, AND IT WASN'T UNTIL THE PROSECUTION PUT WORDS IN THE ALLEGED VICTIM'S MOUTH, THAT HE IDENTIFIED CASTRO AS ONE OF THE ASSAILANT, (SEE PRE-TRIAL TRANSCRIPTS) IN ADDITION, THE APPELLANT WAS ELSEWHERE (7-11 STORE) WHEN THE DRUG-TRAFFICKER WAS ASSAULTED. EXCUSE APPELLANT'S ACTUAL DESCRIPTION OF THE ALLEGED VICTIM, BUT THE

PROSECUTION, DEFENSE COUNSEL AND THE COURT HAVE MADE HIM OUT TO BE A MARTYR. IF DEFENSE COUNSEL WOULD HAVE CONDUCTED AN INVESTIGATION THIS WOULD HAD AT THE VERY LEAST PROVIDED LEVERAGE DURING THE PLEA NEGOTIATIONS. IN REGARDS TO THE COURT'S - FINDING THAT PETITIONER VOLUNTARILY AND INTELLIGENTLY CHOSE TO PLEA GUILTY IS 'RIDICULOUS'. WHO IN A RIGHT STATE OF MIND WILL SURRENDER - WAIVE HIS CONSTITUTIONAL RIGHTS, WITH THE UNDERSTANDING THAT IN THE 'PLEA NEGOTIATION' HE WILL NOT BENEFIT AT ALL. PARTICULARLY, WHEN THE SENTENCE IMPOSED IS LIFE WITHOUT THE POSSIBILITY OF PAROLE. FURTHERMORE, HERE EVEN THE MINIMAL PSYCHOLOGICAL EVALUATION THAT WAS CONDUCTED SHOWED THAT CASTRO'S EMOTIONAL AND INTELLECTUAL MIND IS BELOW AVERAGE. THE COURT ALSO MISREPRESENTED - INCORRECTLY CONSIDERED THE APPELLANT'S CRIMINAL HISTORY, IN IT'S ADJUDICATION-SENTENCING. (PLEASE SEE PSI). 'LACK OF CRIMINAL - HISTORY', SHOULD HAVE WARRANTED AT THE VERY LEAST, A SENTENCE THAT GRANTED PAROLE AFTER A 'JUST' TIME PERIOD OF INCARCERATION. THE STATE EMBELISHED APPELLANT'S ASSERTION REGARDING DEFENSE COUNSEL'S ROLE, IN MISLEADING APPELLANT'S PARENTS. COUNSEL DID NOT INTIMIDATE, NOR APPELLANT STATED SO IN NONE OF THE DOCUMENTS SUBMITTED FOR THE COURT'S REVIEW. HOWEVER, DEFENSE COUNSEL DID MISLEAD CASTRO'S PARENTS OUTSIDE THE RECORD.

FOR THIS REASON, AN EVIDENTIARY HEARING IS NECESSARY
AND TO EXPAND THE RECORD. SINCE, IT WAS DEFENSE
COUNSEL'S FALSE STATEMENT TO CASTRO'S PARENTS THAT
HAD A DIRECT EFFECT - INDUCED APPELLANT TO
PLEAD GUILTY.

THE APPELLANT PRAYS THAT THIS HONORABLE
COURT GRANT HIM A SENTENCE WITH
THE POSSIBILITY OF PAROLE, OR IN THE
ALTERNATIVE GRANT A REVERSAL AND
REMAND THE CASE FOR TRIAL.

Respectfully Submitted

Prepared by Albert Medina
ON BEHALF OF LUIS A. CASTRO

DATED this 1 day of December, 2021.


Signature of Appellant

LUIS A. CASTRO
Print Name of Appellant

CERTIFICATE OF SERVICE


I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

NEVADA ATTORNEY GENERAL
100th CARSON STREET
CARSON CITY, NV.
89701-4707

CLARK CO. DIST. ATTY.
200 LEWIS AVENUE
LAS VEGAS, NV.
89155-2212

DATED this 1 day of DECEMBER, 20 21.



Signature of Appellant

LUIS ANGEL CASTRO

Print Name of Appellant

P.O. Box 1989

Address

Ely, NV. 89301

City/State/Zip

Telephone