

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOV 15 2021

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

No. 83680

1 LUIS ANGEL CASTRO,
2
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4
5 Appellant,
6 vs
7 THE STATE OF NEVADA,
8 Respondent,
9

MOTION FOR APPOINTMENT
OF COUNSEL AND REQUEST
FOR EVIDENTIARY HEARING

10
11 COMES NOW, Appellant, Luis A Castro, In Pro Se, -
12 RESPECTFULLY ASK THAT THIS HONORABLE COURT APPOINT
13 COUNSEL TO REPRESENT HIM IN HIS CASE AND AT -
14 THE EVIDENTIARY HEARING, PURSUANT TO NRS 34.750(1)
15 AND BASED ON THE FOLLOWING REASONS:

- 16 1. THIS MOTION HAS BEEN PREPARED BY A TRANSIENT
17 PRISONER ON BEHALF OF THE APPELLANT.
- 18 2. THE APPELLANT IS UNABLE TO AFFORD COUNSEL.
- 19 3. THE ISSUES INVOLVED IN THIS CASE ARE COMPLEX
20 AND THE APPELLANT LACKS THE MENTAL FACILITIES
21 NECESSARY TO COMPREHEND THE PROCEEDINGS.
- 22 4. THE APPELLANT, AS AN ADMINISTRATIVE SEGREGATED
23 PRISONER, HAS EXTREMELY LIMITED ACCESS TO THE
24 LAW LIBRARY, AND TO INDIVIDUAL(S) WITH THE
25 WILLINGNESS TO ASSIST HIM WITH THE PREPARATION
26 OF PRESENTING HIS CLAIMS IN POST-CONVICTION APPEAL.

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1 5. THIS WRITER WROTE LETTERS TO SEVERAL ATTORNEYS
2 ASKING THEM TO REPRESENT APPELLANT PRO BONO, BUT
3 NONE HAVE ANSWERED.

4 6. THE APPELLANT IS OF 'LOW INTELLECTUAL FUNCTION',
5 AS DOCUMENTED ON THE RECORD.

6 7. THIS CASE REQUIRES AN EVIDENTIARY HEARING
7 DUE TO THE MISLEADING ASSERTION MADE BY
8 DEFENSE COUNSEL OUTSIDE THE RECORD TO
9 APPELLANT'S PARENTS, SINCE, THE DISCUSSION
10 BETWEEN THEM WERE ONLY WITNESSED BY
11 EACH OTHER. IT WAS COUNSEL'S FALSE
12 ASSERTION TO CASTRO'S PARENTS, THE
13 CATALYST THAT PUSH THEM TO DEMAND
14 FROM THEIR SON - APPELLANT TO ACCEPT
15 THE PLEA. THEREFORE, THE APPELLANT SHOULD
16 BE ENTITLED TO EXPAND THE RECORD TO
17 INCLUDE DEFENSE COUNSEL'S FALSE
18 STATEMENT TO APPELLANT'S PARENTS, WHICH
19 AS STATED HAD A DIRECT EFFECT ON
20 CASTRO'S ACCEPTANCE OF THE PLEA. THEIR
21 TESTIMONIES WILL BE IN SHARP CONFLICT,
22 BECAUSE IF NOT FOR DEFENSE COUNSEL'S
23 DISTONEST WORDS, APPELLANT'S PARENTS
24 WOULD HAVE DEMANDED THAT CASTRO
25 TAKE THE CASE TO TRIAL

1 8. WITHOUT AN EVIDENTIARY HEARING THE
2 APPOINTED COUNSEL WILL NOT BE ABLE TO
3 ADEQUATELY PRESENT THE APPELLANT'S
4 CLAIMS ON APPEAL

5 9. THE DISTRICT COURT'S DENIAL TO APPELLANT'S
6 REQUEST FOR THE APPOINTMENT OF COUNSEL
7 AND AN EVIDENTIARY HEARING AMOUNTED TO
8 DENIAL OF FAIR/MEANINGFUL ACCESS TO THE
9 COURT. SINCE, IT PROHIBITED HIM FROM PRESENT-
10 ING HIS CLAIMS TO THE COURT ADEQUATELY.

11 THEREFORE, IT IS FOR THIS HONORABLE COURT
12 TO REMEDY PAST AND IMMINENT OFFICIAL
13 INTERFERENCE WITH APPELLANT'S PRESENTATION
14 OF HIS CLAIMS TO THE COURT. APPELLANT
15 DOES NOT HAVE THE POWER, NOR THE METHOD
16 TO PROVIDE HIMSELF WITH MEANINGFUL -
17 ACCESS TO THE COURT. HERE, THE FAILURE
18 TO APPOINT COUNSEL, WILL BE A DENIAL
19 OF ALL OTHER RIGHTS

20 10. LASTLY, THE APPOINTMENT OF COUNSEL IS
21 THE STATE'S CHOSEN METHOD OF PROVIDING THE
22 APPELLANT WITH MEANINGFUL ACCESS TO THE COURT.
23 BESIDES, FAILURE TO APPOINT COUNSEL WILL
24 GREATLY HINDER APPELLANT'S EFFORTS TO PURSUE
25 ARGUABLE LEGAL CLAIMS, WHICH HE HAS
26 DILIGENTLY ATTEMPTED TO FAIRLY PRESENT TO THE COURT

1 APPELLANT PRAYS THAT THIS HONORABLE COURT
2 CONSIDER THE COMPLEXITIES OF THIS CASE, THE DISTRICT
3 COURT'S BLATANT ABUSE OF ITS DISCRETION, AND -
4 CASTRO'S LIMITED UNDERSTANDING OF LEGAL PROCEEDINGS.
5 TO DENY HIM COUNSEL WOULD AMOUNT TO THE -
6 DENIAL OF DUE PROCESS. PLEASE SEE: -
7 BROWN V UNITED STATES, 623 F.2d 54 (9th Cir Ct.);
8 HAWKINS V BENNET, 423 F.2d 948 (8th Cir Ct.)

9 FOR THE REASONS STATED ABOVE, THE
10 APPELLANT 'PLEAS' TO THIS COURT FOR THE
11 APPOINTMENT OF COUNSEL ON HIS CASE,

12
13 DATED THIS DAY OF NOVEMBER, 2021

14
15 PURSUANT TO NRS 208.165, I DECLARE UNDER
16 THE PENALTY OF PERJURY THAT THE FOREMENTIONED
17 IS TRUE AND CORRECT.

18
19 Respectfully Submitted

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21 
22 _____
23 LUIS A. CASTRO, #1214547
24 APPELLANT, IN PRO SE
25 ESP, P.O. Box 1989
26 ELI, NV, 89301
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