

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS ANGEL CASTRO,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Nov 23 2021 03:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

RECORD ON APPEAL VOLUME 2

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C-16-314092-1

State of Nevada
vs
LUIS CASTRO

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1 POINTS AND AUTHORITIES

2 ARGUMENT

3 I.

4 THE STATE IS AWARE OF ITS STATUTORY AND CONSTITUTIONAL DISCOVERY
5 OBLIGATIONS

6 Defendant has made a number of general and specific discovery requests which are
7 purportedly based upon case law within and without the State of Nevada. The State intends
8 to comply with all the requests that are within the ambit of either the discovery statutes of
9 Nevada and/or the constitutional requirements imposed by Brady and its progeny. The State
10 does not intend to comply; and, furthermore, the State objects to all requests that fall outside
11 of those legal requirements. Furthermore, it is of note that the State does not have an open file
12 policy.

13 A.

14 DISCOVERY REQUIRED BY STATUTE.

15 The State has no objection to a strict compliance with the provisions and requirements
16 outlined in the criminal discovery statutes. See, NRS 174.233, et seq.

17 B.

18 DISCLOSURE REQUIRED BY BRADY V. MARYLAND.

19 The State recognizes, and readily accepts, its continuing disclosure obligations as
20 defined in Brady v. Maryland, 83 S. Ct. 1194 (1963), and its interpretive progeny. Pursuant
21 to Brady, the State is required to disclose evidence that is favorable to the defense if it is
22 material either to guilt or punishment. Lay v. State, 116 Nev. 1185, 1194, 14 P.3d 1256, 1262
23 (2000). The State's failure to do so violates the Defendant's due process rights, regardless of
24 the State's motive. Id. Following a specific discovery request, evidence is deemed material
25 if there is a reasonable possibility that the evidence would have affected the outcome, i.e. it
26 undermines the confidence of the outcome in the proceeding. Id.

27 "The character of a piece of evidence as favorable will often turn on the context of the
28 existing or potential evidentiary record." Id. Furthermore, it is the prosecutor's responsibility
to determine whether evidence is material and should be disclosed. Id. (citing Kyles v.

1 Whitley, 514 U.S. 419, 439-440, 115 S.Ct. 1555 (1995)). As such, a prosecutor who is
2 “anxious about tacking too close to the wind will disclose a favorable piece of evidence.” Id.
3 And, this is as it should be because such disclosure serves to justify trust in the prosecutor as
4 “the representative of a sovereignty...whose interest...in a criminal prosecution is not that it
5 shall win a case, but that justice shall be done.” Id. However, Brady does not impose upon
6 the State an obligation “to disclose evidence which is available to the defendant from other
7 sources, including diligent investigation by the defense.” Steese v. State, 114 Nev. 479, 495,
8 960 P.2d 321, 331 (1998).

9 In addition, the State acknowledges that its Brady obligations not only apply to
10 materials in its possession, but also extends to materials in the hands of its agents.
11 Nevertheless, the State maintains that rather than being accountable for all evidence in the
12 hands of all State agencies, it is only accountable for that evidence in the hands of State
13 agencies who are actually acting on its behalf in the investigation and prosecution of the case.
14 See, Kyles v. Whitley, 514 U.S. 419, 437, 115 S.Ct. 1555, 1567 (1995)(“This in turn means
15 that the individual prosecutor has a duty to learn of any favorable evidence known to the others
16 *acting on the government’s behalf in the case, including the police.*”); Carriger v. Stewart, 132
17 F.3d 463, 479 (9th Cir. 1997)(“[T]he prosecution has a duty to learn of any exculpatory
18 evidence known to others *acting on the government’s behalf.*”). Moreover, “[w]hile the
19 prosecution must disclose any information within the possession or control of law enforcement
20 personnel,...it has no duty to volunteer information that it does not possess or of which it is
21 unaware.” United State v. Hsieh Hui Mei Chen, 754 F.2d 817, 824 (9th Cir. 1985).
22 Additionally, the State has no “duty to compile information or pursue an investigative lead
23 simply because it could conceivably develop evidence helpful to the defense...” Evans v.
24 State, 117 Nev. 609, 627, 28 P.3d 498, 511 (2001).

25 Furthermore, while the State acknowledges its discovery obligations under Brady and
26 the applicable rules of discovery, the State submits that its obligations under Brady and the
27 rules of discovery are not without limitation. See, e.g., Weatherford v. Bursey, 429 U.S., 545,
28 559, 97 S.Ct. 837, at 845-846 (1977)(There is no general constitutional right to discovery in a

1 criminal case and Brady did not create one;...‘the Due Process Clause has little to say
2 regarding the amount of discovery which the parties must be afforded...’). In addition, courts
3 are limited in their authority to order the disclosure of evidence beyond what is statutorily
4 mandated. See, Franklin v. District Court, 85 Nev. 401, 402-403, 455 P.2d 919, 920-
5 921(1969)(“The new criminal code [deals] with criminal discovery...and those provisions
6 represent the legislative intent with respect to the scope of allowable pre-trial discovery and
7 are not lightly to be disregarded.”).

8 More specifically, in the case of Riddle v. State, 96 Nev. 589, 613 P.2d 1031 (Nev.
9 1980) the Nevada Supreme Court reaffirmed the strictures of the provisions of our discovery
10 statutes by making the following statement:

11 The trial court is vested with the authority to order the discovery and inspection
12 of materials in the possession of the State. The exercise of the court's discretion
13 however is **predicated on a showing that the evidence sought is material to
14 the presentation of the defense and the existence of the evidence is known
15 or, by the exercise of due diligence may become known to the District
16 Attorney.**

15 Id. at 390 (emphasis added).

16 In Mazzan v. Warden, 116 Nev. 48, 993 P.2d 25 (2000), the Nevada Supreme Court
17 stated:

18 Brady and its progeny require a prosecutor to disclose evidence favorable to the
19 defense when that evidence is **material** either to guilt or to punishment. See
20 Jimenez v. State, 112 Nev. 610, 618-19, 918 P.2d 687, 692 (1996).
21 In other words, evidence is material if there is a reasonable probability that the
22 result would have been different if the evidence had been disclosed. Id.

21 Id. at 66, 36 (emphasis added).

22 In determining its materiality, the undisclosed evidence must be considered
23 collectively, not item by item. Kyles v. Whitley, 514 U.S. at 436, 115 S.Ct. 1555.
24 “[T]he character of a piece of evidence as favorable will often turn on the context
25 of the existing or potential evidentiary record.” Id. at 439, 1555.

25 Id. at 66-67, 36.

26 In sum, there are three components to a Brady violation: the evidence at issue is
27 favorable to the accused; the evidence was withheld by the state, either
28 intentionally or inadvertently; and prejudice ensued, i.e., the evidence was
material. Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936, 1948, (1999).

1 Id. at 67, 37 (emphasis added).

2 Based upon the foregoing, this Court is respectfully requested to continue to adhere to
3 the clear legislative scheme regarding criminal discovery embodied in Nevada's statutes, the
4 interpretation thereof by the Supreme Court of this State, and the opinions of the United States
5 Supreme Court in this area.

6 II

7 SPECIFIC RESPONSES TO THE DEFENDANT'S REQUESTS

8 Request No. 1 – Disclosures of Compensation for Testimony

9 The State is aware that it must disclose any benefit given to a witness in exchange for
10 an agreement to testify. Defendant also requests any benefit from any other state agency. The
11 Office of the District Attorney is the only agency that can premise compensation on an
12 agreement to testify in the instant case. A police agency could compensate an individual for
13 information. If that witness testifies, the compensation would be potentially discoverable. The
14 State has no opposition to the request to the extent mentioned. However, if the victim received
15 other donations or assistance because of his victimization by Defendant, the donation would
16 not fall under Giglio.

17 NRS 50.225 provides, in pertinent part:

18
19 1. For attending the courts of this State in any criminal case, or civil suit
20 or proceeding before a court of record, master, commissioner, justice of the
21 peace, or before the grand jury, in obedience to a subpoena, each witness is
22 entitled:

23 (a) To be paid a fee of \$25 for each day's attendance, including Sundays
24 and holidays.

25 (b) Except as otherwise provided in this paragraph, to be paid for attending
26 a court of the county in which the witness resides at the standard mileage
27 reimbursement rate for which a deduction is allowed for the purposes of federal
28 income tax for each mile necessarily and actually traveled from and returning to
the place of residence by the shortest and most practical route. A board of county
commissioners may provide that, for each mile so traveled to attend a court of
the county in which the witness resides, each witness is entitled to be paid an
amount equal to the allowance for travel by private conveyance established by
the State Board of Examiners for state officers and employees generally. If the
board of county commissioners so provides, each witness at any other hearing
or proceeding held in that county who is entitled to receive the payment for
mileage specified in this paragraph must be paid mileage in an amount equal to

1 the allowance for travel by private conveyance established by the State Board of
2 Examiners for state officers and employees generally.

3 2. In addition to the fee and payment for mileage specified in subsection
4 1, a board of county commissioners may provide that, for each day of attendance
5 in a court of the county in which the witness resides, each witness is entitled to
6 be paid the per diem allowance provided for state officers and employees
generally. If the board of county commissioners so provides, each witness at any
other hearing or proceeding held in that county who is a resident of that county
and who is entitled to receive the fee specified in paragraph (a) of subsection 1
must be paid, in addition to that fee, the per diem allowance provided for state
officers and employees generally.

7 3. If a witness is from without the county or, being a resident of another
8 state, voluntarily appears as a witness at the request of the Attorney General or
9 the district attorney and the board of county commissioners of the county in
10 which the court is held, the witness is entitled to reimbursement for the actual
and necessary expenses for going to and returning from the place where the court
is held. The witness is also entitled to receive the same per diem allowance
provided for state officers and employees generally.

11 4. Any person in attendance at a trial who is sworn as a witness is entitled
12 to the fees, the per diem allowance, if any, travel expenses and any other
reimbursement set forth in this section, irrespective of the service of a subpoena.

13 ... [Sections 5 and 6 are specific to witnesses in civil cases].

14 The State may have provided a witness fee of \$25.00, mileage and/or transportation
15 expenses to witnesses who testified at the preliminary hearing, assuming said witness followed
16 the proper procedures to obtain the fees/reimbursements. Other than the possible witness fee
17 and transportation expenses described above, the State has not provided any compensation or
18 entered into any cooperation agreement with any State witness at the present time. The State
19 is aware of this request by the defense and will supplement this response if necessary as the
20 case progresses.

21 The State has not provided any favorable treatment, benefit or leniency to any witness
22 in the instant matter.

23 **Request No. 2 – Body Cam**

24 Another review of the body cam storage system has been performed and it is the State's
25 belief that all body cam has been provided. If any is discovered subsequent to this motion that
26 has not been provided it will be provided.

27 //

28 //

1 **Request No. 3 and 4 – Criminal Records of Witnesses and Co-Defendants**

2 Defendant requests a summary of all witnesses and co-defendant's criminal record.
3 The State objects to this request as it is overly broad, beyond the ambit of NRS 174.235 and
4 does not comply with relevant legal authority as set forth herein. Furthermore, as it is
5 essentially a request that the State run NCICs on all parties, it is a request that the State take
6 unlawful action.¹

7 Although a witness or victim's criminal record may be material under some
8 circumstances, it is not always relevant. Hill v. Superior Court, 112 Cal Rptr. 257, 518 P.2d
9 1353 (1974). In Hill the defense sought production of a witness's felony conviction record.
10 Because the witness was the only eyewitness other than the defendants, and the corroboration
11 of his report was not strong, the court found the requisite materiality and granted the defense
12 motion. However, the court concluded, "[w]e do not hold that good cause exists in every case
13 in which a defendant charged with a felony seeks discovery of any felony convictions any "rap
14 sheet" of prosecution witnesses." Id. at 1358.

15 Similarly, in U.S. v. Flores, 540 F.2d 432 (9th Cir. 1976), prior to trial defendants moved
16 to compel the government to disclose the criminal histories of informant-witnesses claiming
17 that the information sought was needed for impeachment purposes. Similarly, the defense in
18 the instant matter seeks criminal background information concerning the victim. In both Flores
19 and the instant matter, the defense made claims that the criminal background information was
20 needed to impeach the credibility of the witness. In Flores, the Ninth Circuit affirmed the trial

21 _____
22 ¹ Pursuant to 28 C.F.R. §20.33(b) as codified under 28 U.S.C.A. § 534 (2002), criminal history
23 information may only be disseminated to law enforcement agencies, those hired by law
24 enforcement agencies and to those who have entered into signed agreements for the
25 specific and authorized use of criminal background information. Pursuant to 28 C.F.R.
26 §20.25 sets forth the ramifications for a violation of 28 U.S.C.A. § 534 (2002). In addition, 28
27 C.F.R. §20.38 provides that access to NCIC may be cancelled for failure to comply with
28 the provisions of subsection C. Title 28 Code of Federal Regulations (CFR)§ 20.3, describes a criminal
justice agency as: (1) Courts; and (2) a government agency or any subunit thereof which performs the
administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part
of its annual budget to the administration of criminal justice. Criminal defense attorneys, public or private, are
not within the definition of "criminal justice agency," nor is the criminal defense function considered a
"criminal justice purpose."

1 court's denial of that motion by holding that the defendant had made no showing of
2 reasonableness. The court stated, "[t]heir request was tantamount to asking the government
3 to fish through public records and collate information which was equally available to the
4 defense." *Id.* at 437 (emphasis added).

5 Although defense counsel may assert that Brady v. Maryland, 373 U.S. 83 (1963) is the
6 basis for his NCIC request, the defense has failed to establish that the requested NCIC
7 information falls within the scope of Brady, that is, that it might in some way be exculpatory
8 or that it might somehow constitute impeachment evidence. Moreover, the defense has not
9 shown how such information might be "material." In other words, the defense has failed to
10 show that the lack of any State witness's NCIC information will somehow result in an unfair
11 trial or will produce a verdict that is not worthy of confidence. *See Kyles v. Whitley*, 514 U.S.
12 419, 434 (1995).

13 The Supreme Court has stated that information is considered material if there is a
14 "reasonable probability that, had the evidence been disclosed to the defense, the result of the
15 proceeding would have been different." U.S. v. Bagley, 473 U.S. 667, 682 (1985). The
16 Supreme Court defined reasonable probability as probability sufficient to "undermine
17 confidence in the outcome" of the trial. *Id.* In addition, the Court in Bagley, stated that
18 "[i]mpeachment evidence . . . as well as exculpatory evidence, falls within the Brady rule." *Id.*
19 at 675. The Court defined impeachment evidence as "evidence favorable to an accused . . . so
20 that, if disclosed and used effectively, it may make the difference between conviction and
21 acquittal." *Id.* (internal quotes omitted). In the present case, defense counsel has failed to
22 articulate even an arguable use of the victims' NCIC information that would comport with the
23 requirements as outlined by the Supreme Court in Brady, Kyles and Bagley.

24 However, the State acknowledges that under NRS 50.095, evidence that a witness has
25 been convicted of a crime (if it is punishable by more than one year) is admissible to impeach
26 the credibility of that witness. Evidence of the conviction may be admissible if a period of ten
27 years has not passed from the date of release of the witness from confinement or the expiration
28 of the period of his parole, probation or sentence, whichever is the later date. *See* NRS

1 50.095(1)(2). Nonetheless, that statute does not make admissible a witness' prior arrests that
2 did not result in a conviction or an arrest and conviction of a crime that is merely a
3 misdemeanor.

4 Nevada case law and NRS 50.085(3) also permit questioning of a witness in relation to
5 arrests/convictions for crimes not amounting to felonies which bear on the honesty or
6 truthfulness of a witness. See, Butler v. State, 120 Nev. 879, 890-91, 102 P.3d 71 (2004) ("This
7 court has held that "NRS 50.085(3) permits impeaching a witness on cross-examination with
8 questions about specific acts as long as the impeachment pertains to truthfulness or
9 untruthfulness...[but] if the witness denies a specific act on cross-examination, the State may
10 not introduce extrinsic evidence to the contrary.") However, no statute or case law in the
11 jurisdiction permits unlimited questioning of a witness in regard to his/her criminal
12 background beyond that permitted by NRS 50.095 and 50.085(3). Furthermore, records
13 pertaining to juvenile records are sealed and not discoverable. Moreover, counsel has not
14 established that the evidence is material to the issue of guilt or punishment.

15 In light of the above-cited legal authority, in the event that the State learns that one of
16 its testifying witnesses has a felony conviction or an arrest/conviction for a crime bearing on
17 honesty or truthfulness, such evidence will be disclosed. However, the State objects to the
18 requests for information which extend beyond the ambit of the State's burden as outlined by
19 case law and statute. Last, should the State learn of any criminal proceeding that may bear on
20 bias, interest and motive, it will be disclosed.

21 There is no authority or basis for the State to search or disclose any prior convictions
22 of any of the co-defendants in this case. As such the State objects to the request for co-
23 defendant criminal histories in their entirety.

24 **Request No. 5 –Evidence Collection and Forensic Testing**

25 All reports related to forensic analysis are part of the standard discovery provided in all
26 cases, which actually exceeds the requirements of NRS 174.235. If the defense wants the
27 underlying case files related to forensic testing, the State will request the forensic lab to
28 provide the underlying data and will produce that information to Defendant. If the defense

1 wants raw notes of the crime scene analyst, the State will request production of those notes, if
2 still in existence, from the crime lab. At the time of this response, DNA analysis has been
3 requested but not completed. The State does not have comprehensive medical records at this
4 time, however if an order is sought and records are provided they will be disclosed to defense.

5 To the extent that Defendant is seeking information broader than that which is
6 contained *supra*, the State objects to this request as being vague, overbroad, compound, and
7 duplicative. Additionally, portions of the request fall outside the scope of the State's
8 obligations under NRS 174.235, as well as Brady v. Maryland, 373 U.S. 83 (1963) and Giglio
9 v. United States, 405 U.S. 150 (1972). To the extent that the request and its multiple subparts
10 fall within the State's obligations under 174.235, Brady and Giglio, they are not specific
11 requests.

12 NRS 174.235 provides:

13 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
14 request of a defendant, the prosecuting attorney shall permit the defendant to
inspect and to copy or photograph any:

15 (a) Written or recorded statements or confessions made by the defendant, or
16 any written or recorded statements made by a witness the prosecuting attorney
17 intends to call during the case in chief of the State, or copies thereof, within the
possession, custody or control of the State, the existence of which is known, or
by the exercise of due diligence may become known, to the prosecuting attorney;

18 (b) Results or reports of physical or mental examinations, scientific tests or
19 scientific experiments made in connection with the particular case, or copies
20 thereof, within the possession, custody or control of the State, the existence of
which is known, or by the exercise of due diligence may become known, to the
prosecuting attorney; and

21 (c) Books, papers, documents, tangible objects, or copies thereof, which the
22 prosecuting attorney intends to introduce during the case in chief of the State
23 and which are within the possession, custody or control of the State, the
existence of which is known, or by the exercise of due diligence may become
known, to the prosecuting attorney.

24 2. The defendant is not entitled, pursuant to the provisions of this section,
25 to the discovery or inspection of:

26 (a) An internal report, document or memorandum that is prepared by or on
27 behalf of the prosecuting attorney in connection with the investigation or
prosecution of the case.

28 (b) A statement, report, book, paper, document, tangible object or any other
type of item or information that is privileged or protected from disclosure or

1 inspection pursuant to the Constitution or laws of this state or the Constitution
2 of the United States.

3 3. The provisions of this section are not intended to affect any obligation
4 placed upon the prosecuting attorney by the Constitution of this state or the
5 Constitution of the United States to disclose exculpatory evidence to the
6 defendant.

7 (Emphasis added).

8 Brady places upon the State an obligation to produce exculpatory evidence. Giglio
9 requires that the State disclose certain impeaching material as well.

10 In other words, even in the absence of a motion (and even if this Court denied this
11 request) the State is obligated to turn over the information requested that falls within the State's
12 obligations under NRS 174.235, Brady and Giglio.

13 **Request No. 6 – Inconsistent Statements**

14 Giglio, governs what impeachment the State must provide. The State asks the Court to
15 hold it to that constitutional standard. Defendant's request is worded in an overbroad
16 manner to encompass immaterial statements.

17 "Disclosures of any all statements made by any State witness, or any other person, at any
18 time that are in any manner inconsistent with the written and/or recorded statements
19 previously provided..." has no bounds and no limits as to materiality nor whether or not the
20 witness will testify. The State will comply with NRS 174.235 and has provided "any written
21 or recorded statements made by a witness the prosecuting attorney intends to call during the
22 case in chief of the State, or copies thereof, within the possession, custody or control of the
23 State, the existence of which is known, or by the exercise of due diligence may become known,
24 to the prosecuting attorney." Further, Brady does not impose upon the State an obligation "to
25 disclose evidence which is available to the defendant from other sources, including diligent
26 investigation by the defense." Steese v. State, 114 Nev. 479, 495, 960 P.2d 321, 331 (1998).
27 The defense is capable of conducting its own pretrial conferences with witnesses, where the
28 defense can inquire as to any change to the witnesses' expected testimony that differs from
the statements given to police. This request should be denied.

//

1 **Request No. 7 – All Statements, Written or Oral**

2 While the State usually voluntarily provides all written or recorded statements of
3 witnesses, except those protected as confidential, the State's decision to over include discovery
4 does not expand the nature of those items subject to mandatory disclosure by court order based
5 upon statutory or constitutional authority. The State objects to this request as being vague,
6 overbroad, and compound. Additionally, portions of the request fall outside the scope of the
7 State's obligations under NRS 174.235, as well as Brady v. Maryland, 373 U.S. 83 (1963)
8 and Giglio v. United States, 405 U.S. 150 (1972). To the extent that the request and its multiple
9 subparts fall within the State's obligations under 174.235, Brady and Giglio, they are not
10 specific requests.

11 NRS 174.235 provides:

12 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
13 request of a defendant, the prosecuting attorney shall permit the defendant to
inspect and to copy or photograph any:

14 (a) Written or recorded statements or confessions made by the defendant, or
15 **any written or recorded statements made by a witness the prosecuting**
16 **attorney intends to call during the case in chief of the State**, or copies thereof,
within the possession, custody or control of the State, the existence of which is
known, or by the exercise of due diligence may become known, to the
prosecuting attorney;

17 (b) Results or reports of physical or mental examinations, scientific tests or
18 scientific experiments made in connection with the particular case, or copies
19 thereof, within the possession, custody or control of the State, the existence of
which is known, or by the exercise of due diligence may become known, to the
prosecuting attorney; and

20 (c) Books, papers, documents, tangible objects, or copies thereof, which the
21 prosecuting attorney intends to introduce during the case in chief of the State
22 and which are within the possession, custody or control of the State, the
existence of which is known, or by the exercise of due diligence may become
known, to the prosecuting attorney.

23 2. The defendant is not entitled, pursuant to the provisions of this section,
24 to the discovery or inspection of:

25 (a) An internal report, document or memorandum that is prepared by or on
26 behalf of the prosecuting attorney in connection with the investigation or
prosecution of the case.

27 (b) A statement, report, book, paper, document, tangible object or any other
28 type of item or information that is privileged or protected from disclosure or
inspection pursuant to the Constitution or laws of this state or the Constitution
of the United States.

1 3. The provisions of this section are not intended to affect any obligation
2 placed upon the prosecuting attorney by the Constitution of this state or the
3 Constitution of the United States to disclose exculpatory evidence to the
4 defendant.

5 (Emphasis added).

6 Brady places upon the State an obligation to produce exculpatory evidence. Giglio
7 requires that the State disclose certain impeaching material as well.

8 In other words, even in the absence of a motion the State is obligated to turn over the
9 information requested that falls within the State's obligations under 174.235, Brady and
10 Giglio.

11 With regard to the specific requests contained, the State similiarly does not have
12 physical custody of the items counsel is missing, however a file review with the Detective is
13 scheduled for 8/29 and an inquiry will be made of the Detective. Any of the listed information
14 which exists will be obtained and provided to counsel to the extent it is authorized by case law
15 and statute.

16 **Request No. 8 – Notes**

17 Defendant requests the notes of all police officers in the case. This request is not
18 covered by a single line of any discovery statute. If there is exculpatory information, the State
19 obviously must produce it. However, there is no requirement that the notes of all officers be
20 produced and the State requests that this Court not expand the statutory text to include such a
21 requirement.

22 Courts have held that officer notes are not subject to discovery statutes. In State v.
23 Bray, 569 P.2d 688 (Ore. App. 1977), an officer arrested a suspect on a DUI charge. He
24 recorded observations in a booklet. He later prepared a report from his penciled notes and
25 erased the notes. The final report was furnished to the defense. At trial, the court ruled that
26 because the officer had taken notes while speaking to a witness and those notes had been
27 destroyed, the State would be precluded from calling the witness at trial. The issue on appeal
28 was whether the fragmentary notes of the officer constituted a statement within the meaning
of the state discovery statutes. The Appellate Court reversed the trial court:

1 We construe the statute to require production of any "statement" which is
2 intended by its maker as an account of an event or a declaration of a fact. The
3 statutory purposes of providing witness statements are to minimize surprise,
4 avoid unnecessary trial, provide adequate information for informed pleas and

5 to promote truthful testimony by allowing examination based on prior
6 inconsistent statements. . . Requiring preservation and availability of
7 fragmentary notes intended only as a touchstone for memory would be more
8 likely to discourage police officers from taking notes, with a consequent
9 reduction in accuracy, than to promote the statutory goals. Furthermore, it
10 would be unfair and misleading to allow cross-examination of a witness based
11 upon fragmentary or cryptic notes which were never intended to express a
12 complete statement. For these reasons, we hold that fragmentary notes are not
13 subject to production under discovery statutes.

14 Id. at 690; State v. Wrisley, 909 P.2d 877 (Ore. App. 1995) (noting that police notes are not
15 discoverable when their substance is incorporated into a report disclosed to the defendant);
16 see also State v. Jackson, 571 P.2d 523 (Ore. App. 1978) (holding that a rough draft of a
17 report an officer dictated to a stenographer was not discoverable).

18 Should any notes be in existence and contain any exculpatory information not
19 otherwise already provided, the State will disclose such information as is obligated under
20 case law, however anything outside this narrow window is not authorized by law and as such
21 the State objects.

22 **Request No. 9 – CSLI**

23 NRS 174.235 does not cover Trap and Trace, Cellular Site, Pen Registers and GPS
24 Trackers. However, if the State intends to utilize any information during the trial which was
25 acquired by way of a court order and/or search warrant, the State will provide a copy.
26 To the extent this request exceeds what is statutorily required, the State objects.

27 **Request No. 10 – Communications between suspects**

28 The State is not currently aware of any screenshots or the like. Furthermore, it's the
State's belief that the property reports delineating what electronics were impounded have been

1 provided to Defense. If the State discovers any communications between Defendants
2 discoverable pursuant to NRS 174.235(a) they will be provided.

3 **Request No. 11 – Surveillance**

4 The State is not aware of any video having been actually collected however as
5 mentioned above a file review is scheduled for 8/26/16 and the State will inquire of the
6 Detective the status of the possible video. Such video, however, if in existence, could be
7 obtained by defense by diligent investigation and as such the State should not be ordered to
8 obtain it if it is not already within the possession of the Detectives.

9 **CONCLUSION**

10 To the extent that Defendant's requests comply with the mandates of the Constitution
11 and applicable statutes, and to the extent that the State has access to such materials, the State
12 intends to comply with such requests. However, as to those requests that exceed the scope of
13 the discovery statutes, the State objects. Furthermore, the State respectfully submits that
14 Brady and its interpretive progeny squarely place the burden of determining what evidence is
15 exculpatory and subject to disclosure pursuant to Brady on the shoulders of the State. See,
16 Lay v. State, 116 Nev. at 1194, 14 P.3d at 1262.

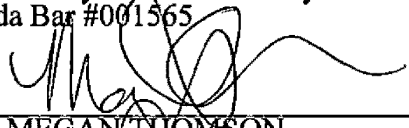
17 In light of the foregoing, the State requests that the Court DENY Defendant's Motion
18 to the extent that the specific requests exceed the scope of the Nevada Revised Statutes
19 Discovery Statutes and Brady.

20 DATED this 24th day of August, 2016.

21 Respectfully submitted,

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

25 BY

26 
27 MEGAN THOMSON
28 Chief Deputy District Attorney
Nevada Bar #11002

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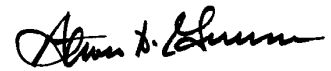
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Response To Defendant's Motion To Compel Disclosure Of Exculpatory And Other Requested Evidence, was made this 29th day of August, 2016, by Electronic Filing to:

WARREN J. GELLER, ESQ.
E-mail: wgeller@defense.vegas

BY /s/Rochelle Jackson
R. JACKSON
Secretary for the District Attorney's Office

16F037730X/THOMS/rmj/L-4



CLERK OF THE COURT

MOT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO, #1918366

Defendant.

Case no. C-16-314092-1
Dep't no. IV
Date of hearing: 10 / 13 / 16
Time of hearing: 9 : 00 a m

DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL

COMES NOW the defendant, LUIS CASTRO, by and through WARREN J. GELLER, of COFER & GELLER, LLC, and hereby moves this Honorable Court for a setting of reasonable bail.

This Motion is made and based upon all the papers and pleadings on file herein, the Points and Authorities attached hereto, and the oral argument of counsel at the time set for hearing of this matter, if desired by the Court.

DATED this 2nd day of October, 2016.

COFER & GELLER, LLC

By: /s/ Warren Geller

WARREN J. GELLER, #10047
Attorney for the Defendant

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

3. That Mr. Castro has worked seasonally doing client intake for a local income tax business since 2010;

5. Mr. Castro's immediate family resides in Las Vegas;

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

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

POINTS AND AUTHORITIES

In the State of Nevada, any person arrested for an offense other than first-degree murder must generally be admitted to bail.¹ A person entitled to bail may be released without bail “if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.”² The ability of defendants to secure pretrial release is “basic to our system of law,”³ and “the right of an accused to freedom pending trial is inherent in the concept of a liberty interest protected by the due process clause of the Fourteenth Amendment.”⁴ The primary purpose for setting bail is to assure the accused’s presence at trial, and courts have condemned as “oppressive” any bail setting that is higher than necessary to accomplish this end.⁵ Moreover, “[b]ail should not be so excessive as to *guarantee* the defendant’s appearance, but only to give a *reasonable assurance* that the defendant will appear at trial.”⁶ Doubts regarding pretrial release “should always be resolved in favor of the defendant.”⁷

The Nevada Supreme Court has stressed that “[p]unishment should follow conviction, not precede it. The right to bail is consonant with the presumption of innocence

1 NRS 178.484. Further, our citizens enjoy explicit guarantees under both the United States Constitution and the Nevada Constitution to a bail setting that is not excessive. “Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.” U.S. CONST. ART. III; NEV. CONST. ART. I, § 6.

2 NRS 178.4581.

3 *Herzog v. United States*, 75 S.Ct. 349, 351 (1955) (citing U.S. CONST. ART. III; *Stack v. Boyle*, 342 U.S. 1, 72 S.Ct. 1 (1951)).

4 *Meechaicum v. Fountain*, 696 F.2d 790, 791–792 (10th Cir. 1983) (citing *Atkins v. Michigan*, 644 F.2d 543, 549 (6th Cir.), cert. denied, 452 U.S. 964, 101 S.Ct. 3115 (1981)).

5 *Ex parte Ruiz*, 129 S.W.3d 751, 753 (Tex. Crim. App. 2004) (citing *Ex parte Rubac*, 611 S.W.2d 848, 849 (Tex. Crim. App. 1981); *Ex parte Bufkin*, 553 S.W.2d 116, 118 (Tex. Crim. App. 1977)).

6 *Ex parte Simpson*, 77 S.W.3d 894, 896 (Tex. Crim. App. 2002) (emphasis added) (citations omitted).

7 *Herzog*, 75 S.Ct. at 351 (citing *United States v. Motlow*, 10 F.2d 657, 663 (7th Cir. 1926)).

1 that attaches to all defendants prior to conviction.”⁸ Our Court thus echoes the opinion of
2 the United States Supreme Court as articulated in *Stack v. Doyle*:

3 This traditional right to freedom before conviction permits the unhampered
4 preparation of a defense, and serves to prevent the infliction of punishment
5 prior to conviction. Unless this right to bail before trial is preserved, the
6 presumption of innocence, secured only after centuries of struggle, would lose
7 its meaning.⁹

8 Per statute, a court should consider the following factors in determining whether to
9 release a defendant without bail:

- 10 1. The length of residence in the community;
- 11 2. The status and history of employment;
- 12 3. Relationships with the person’s spouse and children, parents or
13 other family members and with close friends;
- 14 4. Reputation, character and mental condition;
- 15 5. Prior criminal record, including, without limitation, any record
16 of appearing or failing to appear after release on bail or without bail;
- 17 6. The identity of responsible members of the community who
18 would vouch for the reliability of the person;
- 19 7. The nature of the offense with which the person is charged, the
20 apparent probability of conviction and the likely sentence, insofar as these
21 factors relate to the risk of not appearing;
- 22 8. The nature and seriousness of the danger to the alleged victim,
23 any other person or the community that would be posed by the person’s
24 release;
- 25 9. The likelihood of more criminal activity by the person after
26 release; and
- 27 10. Any other factors concerning the person’s ties to the community
28 or bearing on the risk that the person may willfully fail to appear.¹⁰

In the instant case, this Court should conclude that Mr. Castro’s bail should be set at
\$100,000. Mr. Castro has resided in the community for 14 years, has been gainfully
employed at a tax office for five years, and has close friends and family members in the Las
Vegas area, including his parents, who reside on Kidd Street in North Las Vegas, Nevada.
Further, Mr. Castro is willing to participate in house arrest as deemed necessary by this

8 *Application of Knast*, 96 Nev. 597, 598 (1980) (citing *Ex parte Wheeler*, 81 Nev. 495
(1965)). Notably, our Court has indicated that even when a defendant has already been
convicted by a jury of murder, he may be granted bail pending appeal if the risk of flight
is low and the danger to the community is slight. *Bergna v. State*, 120 Nev. 869 (2004).

9 *Stack*, 342 U.S. at 4 (internal citations omitted).

10 NRS 178.4853.

1 Court.

2
3 **CONCLUSION**

4 Wherefore, for all of the foregoing reasons, the defendant prays that this Honorable
5 Court set a reasonable bail.

6 RESPECTFULLY SUBMITTED this 2nd day of October, 2016.

7 COFER & GELLER, LLC

8 By: /s/ Warren Geller

9 WARREN J. GELLER, #10047
10 *Attorney for the Defendant*
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NOTICE OF HEARING

To: CLARK COUNTY DISTRICT ATTORNEY

YOU WILL PLEASE TAKE NOTICE that the above and foregoing motion will be brought on for hearing before Department IV of the Clark County District Court on 10/13/16 at the hour of 9:00 ^{am}, or as soon thereafter as counsel may be heard.

CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing motion was automatically served on the State at the same time that the document was filed via filing this document with the county-wide electronic filing service.

COFER & GELLER, LLC

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

1 **EXMT**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #11002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO. C-16-314092-1

12 LUIS CASTRO,
13 #1918366

DEPT NO. IV

14 Defendant.

15 EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS

16
17 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
18 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and moves
19 this Honorable Court for an Order Releasing evidence which includes protected health
20 information being held by SUNRISE HOSPITAL AND MEDICAL CENTER consisting of
21 any and all medical records for patient: JOSE ORTIZ-SALAZAR, DOB: 12/22/1993;
22 ADMITTED AS ULYSSES TRAUMA DOB 1/1/1994, concerning diagnosis, prognosis
23 and/or treatment given or provided on or about 3/7/2016, to be released to a representative of
24 the DISTRICT ATTORNEY'S OFFICE for the purpose of prosecuting the above referenced
25 case charging the crime of Attempt Murder

26 Pursuant to 45CFR164.512(f), Movant represents that the information sought is
27 relevant and material to a legitimate law enforcement inquiry; that the request is specific and

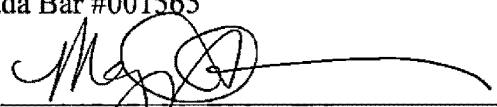
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1 limited in scope to the extent reasonably practicable in light of the purpose for which the
2 information is sought; and that de-identified information could not reasonably be used.

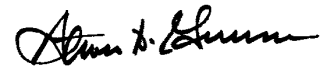
3 DATED this 19 day of September, 2016.

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

7 BY


8 MEGAN THOMSON
9 Chief Deputy District Attorney
10 Nevada Bar #11002
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CLERK OF THE COURT

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #11002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 LUIS CASTRO,
14 #1918366

15 Defendant.

CASE NO. C-16-314092-1

DEPT NO. IV

17 ORDER RELEASING MEDICAL RECORDS

18 Upon the ex parte application and representation of STEVEN B. WOLFSON, Clark
19 County District Attorney, by and through MEGAN THOMSON, Chief Deputy District
20 Attorney, that certain records containing protected health information are necessary for the
21 prosecution of the above-captioned criminal case are being held in the custody of SUNRISE
22 HOSPITAL AND MEDICAL CENTER ; that said information is relevant and material to a
23 legitimate law enforcement inquiry; that the application was specific and limited in scope to
24 the extent reasonably practicable in light of the purpose for which the information is sought;
25 and that de-identified information could not reasonably be used;

26 NOW THEREFORE, pursuant to 45CFR164.512(f), and GOOD CAUSE
27 APPEARING, SUNRISE HOSPITAL AND MEDICAL CENTER , shall release to a
28 representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical records

1 concerning diagnosis, prognosis, and/or treatment of JOSE ORTIZ-SALAZAR, whose date
2 of birth is 12/22/1993; ADMITTED AS ULYSSES TRAUMA DOB 1/1/1994, for the time
3 period 3/7/2016.

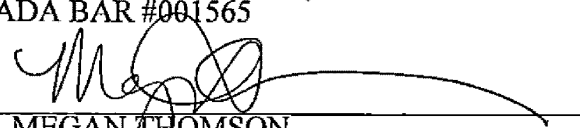
4 IT IS HEREBY ORDERED.

5 DATED this 30th day of September, 2016.

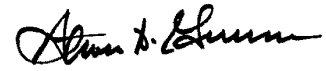
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8 DISTRICT JUDGE ACB

9
10 STEVEN B. WOLFSON
11 Clark County District Attorney
12 NEVADA BAR #001565

13 BY

14 
15 MEGAN THOMSON
16 Chief Deputy District Attorney
17 Nevada Bar #11002
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CLERK OF THE COURT

1 **OPPM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #11002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 LUIS ANGEL CASTRO,
13 #1918366

14 Defendant.

CASE NO: C-16-314092-1

DEPT NO: IV

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR SETTING OF**
16 **REASONABLE BAIL**

17 DATE OF HEARING: October 18, 2016
18 TIME OF HEARING: 9:00 AM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and hereby
20 submits the attached Points and Authorities in Opposition to Defendant's Motion for Setting
21 of Reasonable Bail.

22 This Opposition is made and based upon all the papers and pleadings on file herein, the
23 attached points and authorities in support hereof, and oral argument at the time of hearing, if
24 deemed necessary by this Honorable Court.

25 //

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF CASE**

3 On March 7, 2016 multiple calls were made to 9-1-1 reporting a residential fire at 1901
4 E. Oakey Blvd, in addition to the presence of a male adult with his throat slit. When paramedics
5 arrived they found the victim, later identified as Jose Ortiz-Salazar (Jose), in the yard with
6 numerous citizens surrounding him attempting to provide first aid, as the house was in flames
7 behind them. The paramedics observed that Jose still had his legs bound together with a cord
8 at his ankles and knees. The paramedics, while assessing the injuries noted several stab
9 wounds to the victim's chest and back, his pinky finger partially amputated, and several
10 fingernails pulled form his fingers in addition to a deep laceration to his neck. Exhibits 2, 3,
11 and 4.

12 When Detectives spoke with witnesses they were told that the victim was found just
13 outside the house by a passerby who noted that in addition to his legs being bound, his hands
14 were also bound. As she attempted to provide medical aid to Jose he told her that "Angel
15 Carraz di this to me" and he said something about "taxes, or he's got tax or taxi" but because
16 of his slit throat and numerous other injuries he was not communicating such that the witness
17 could understand him clearly. Another witness understood the victim to tell her, as he lay
18 bleeding into the yard of the blazing house, that Angel Castro had done this to him. When
19 Detectives contacted Jose in the hospital he was heavily sedated but responsive and he
20 conveyed to them that four (4) people had committed the crime and specifically identified
21 Angel Castro (hereinafter the Defendant).

22 When Jose was better able to communicate he told Detectives that the four had taken
23 turns cutting his throat with a machete and the Defendant and a white male used that same
24 machete to cut off his pinky finger. He further told police that the four males had tortured
25 before, during and after three phone calls made at their demand in order to attempt to gather
26 \$300, money the Defendant felt he was owed for towing Jose's girlfriends' car a week earlier.

27 Ultimately, the Defendant and his four co-defendants were each identified by Jose in
28 photo line-ups and were each arrested and charged with multiple offenses to include First

1 Degree Kidnapping with Use of a Deadly Weapon Resulting in Substantial Bodily Harm,
2 Robbery with Use of a Deadly Weapon, First Degree Arson, Attempt Murder and Conspiracy
3 to Commit Murder in addition to Extortion with Use of a Deadly Weapon. The Defendant now
4 seeks a bail setting of \$100,000 from this Court. The State responds as follows.

5 **ARGUMENT**

6 NRS 178.498 provides as follows:

7 If the defendant is admitted to bail, the bail must be set at an amount which in
8 the judgment of the magistrate will reasonably ensure the appearance of the
9 defendant and the safety of other persons and of the community, having regard
10 to:

- 11 1. The nature and circumstances of the offense charged;
- 12 2. The financial ability of the defendant to give bail;
- 13 3. The character of the defendant; and
- 14 4. The factors listed in NRS 178.4853.

15 NRS 178.4853 provides as follows:

16 In deciding whether there is good cause to release a person without bail, the
17 court as a minimum shall consider the following factors concerning the person:

- 18 1. The length of his residence in the community;
- 19 2. The status and history of his employment;
- 20 3. His relationship with his spouse and children, parents or other
21 members of his family and with his close friends;
- 22 4. His reputation, character and mental condition;
- 23 5. His prior criminal record, including any record of his appearing
24 or failing to appear after release on bail or without bail;
- 25 6. The identity of responsible members of the community who
26 would vouch for the defendant's reliability;
- 27 7. The nature of the offense with which he is charged, the apparent
28 probability of conviction and the likely sentence, insofar as these
facts relate to the risk of his not appearing;
8. The nature and seriousness of the danger to any person or the
community that would be posed by the person's release;
9. The likelihood of more criminal activity by the person after he is
released; and
10. Any other factors concerning his ties to the community or
bearing on the risk that he may willfully fail to appear.

11 The primary purpose of bail is to assure the accused's presence at trial. However, it
12 also serves to protect the community by ensuring that a defendant does not engage in further

1 criminal activity while released. Furthermore, "Every release on bail with or without security
2 is conditioned upon the defendant's good behavior while so released..." and if a Defendant
3 commits an additional felony offense while released on bail, his bail may be revoked entirely.
4 NRS 178.487.

5 The Defendant asserts that he should be granted a bail reduction to \$100,000 because
6 he has lived in Las Vegas for fourteen (14) years, has not been convicted of any felonies and
7 works seasonally at a tax business, this however disregards the extreme danger he poses to the
8 community.

9 While it is true that the Defendant has not been convicted of any felonies he has been
10 arrested for, and faced charges in four (4) other felony cases. The first from 2014 was a
11 Burglary and Grand Larceny dismissed pursuant to negotiations. The Second, a Theft over
12 3500 was negotiated to a misdemeanor with various requirements. In that case he was loaned
13 a vehicle for an hour and ultimately was arrested in Apple Valley, California four days later
14 with that vehicle and another vehicle that had also been stolen in Las Vegas. Exhibit 1. Thus,
15 this is clearly not the Defendant's first contact with the criminal justice system, and
16 furthermore it appears that he has contacts outside the State of Nevada where he can flee after
17 committing crimes. In addition to this prior offense the Defendant currently faces another
18 felony offense pending in District Court where he is charged with Conspiracy to Commit
19 Robbery and Robbery with Use of a Deadly Weapon, where it is alleged that five days before
20 the instant offense the Defendant along with his co-defendant from the instant matter,
21 Honabach, threatened a man with a machete and took his scooter. Notably, over the last two
22 years it is apparent that the Defendant's criminal behavior has escalated to the brink of
23 homicide. In the instant case, much like the Robbery from days before the Defendant used a
24 machete to achieve his end. The photos from the instant offense speak to the level of violence
25 and danger to the community that the Defendant poses, slitting the victims throat, stabbing
26 him multiple times and cutting off his finger before lighting the house on fire and leaving him
27 for dead. Exhibit 2, 3, 4. By lighting the house on fire after torturing the victim in this case the
28 Defendant not only placed the victim, who miraculously was not yet dead, in danger but placed

1 the numerous families in the neighborhood in danger if the fire had spread. The Defendant's
2 conduct in this case alone speaks to the danger he poses to the community and the victim if he
3 is released.

4 Furthermore, while he does not have an extensive record of convictions the Defendant
5 according to the intake report prepared by the jail in Justice Court reflects five (5) failures to
6 appear. A review of SCOPE shows that these are in large part associated to prior traffic
7 infractions. The Defendant's likelihood of return to Court when facing a mandatory prison
8 sentence in this case if convicted, along with the potential of a life sentence is very low given
9 that he could not be relied upon to return to court when he faced nothing more than a fine. The
10 Defendant's lack of reliability when the potential penalty was minimal demonstrates that he is
11 not a good risk for release in this case.

12 While the State understands that a bail amount should be set, the requested \$100,000,
13 which would require no more that 15% to a bail bondsman to post, does nothing toward
14 providing safety to the community or ensuring the Defendant's return to Court. In comparison
15 to the risk the Defendant has proven to be in both areas, the State believes that nothing less
16 than a million dollars bail will suffice to protect the community and ensure return on this
17 matter. The Defendant should not receive any benefit from the fact that Jose, despite the
18 Defendant's diligent efforts, narrowly survived.

19 **CONCLUSION**


20 Based upon the foregoing, the State opposes the Defendant's request for \$100,000 bail
21 and asks that the bail be set no lower than One Million Dollars.

22 DATED this 17th day of October, 2016.

23 Respectfully submitted,

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

27 BY

28 
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #11002

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


Secretary for the District Attorney's Office

16F03770A: MT/ckb/L4

EXHIBIT “1”

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

May 8 8:52 AM '15 150324-0974

STATE OF NEVADA) LUIS ANGEL CASTRO
) ss: ID#: 1918366
COUNTY OF CLARK) DOB: 03/21/88 SS#:

JUDGE CLERK
LAS VEGAS, NEVADA
BY TMM
DEPUTY

THOMAS C GARRETT, being first duly sworn, deposes and says:

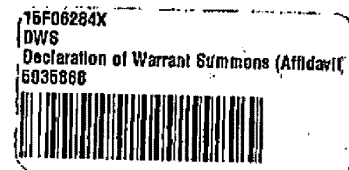
That he is a Detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 17 years, assigned to investigate the crime(s) of EMBEZZLED VEHICLE committed on or about 03-23-15, which investigation has developed LUIS ANGEL CASTRO as the perpetrator thereof.

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

On March 23rd, 2015 David Bishop became the victim of Embezzled Vehicle when Luis Castro failed to return Bishop's silver 2007 Honda Accord 399LWE/NV, VIN: JHMCM56797C000587. Bishop filed a crime report with LVMPD under event 150324-0974.

On March 21st, 2015 David Bishop allowed his live in caregiver Deirdre Vaughn (aka DD) the use of his 2007 Honda Accord. Bishop said that he attempted to contact Vaughn when she did not return with his vehicle. On March 23rd, 2015 Bishop was finally able to contact Vaughn and he learned that his Honda had been stolen.

Vaughn told Bishop that she had gone to Bishop's brother's house to pick up money for Bishop. Instead of returning to their house, she had gone to the Skyline Casino where she gambled most of the money away. She then went to the Eastside Cannery to see if she could win the money back. While at the Cannery Hotel she saw an acquaintance she knew named "Penelope". Penelope was later identified as Penelope Winkler ID# 2763918. Vaughn claimed that she and Winkler went to a neighbor of Vaughn and Bishop's and borrowed the neighbors SUV to go grocery shopping for the neighbor at the Walmart located on Boulder Highway. Vaughn allowed Winkler to drive Bishop's car the Dotty's next to the Wal-Mart. At some point Winkler's boyfriend "Angel" arrived and they all were in the Dotty's together. Vaughn said that while in the Dotty's Winkler and Angel (Luis Angel Castro ID# 1918366) offered her an opened bottle of water. Vaughn said she took a drink of it and later began to feel sick. She decided to take a nap in the SUV in the parking lot while Winkler and Castro were in Dotty's. Vaughn said she had taken the keys from Winkler before she went to sleep in the SUV. Vaughn said when she awoke her keys were gone with Winkler and Castro. Vaughn then contacted Bishop and told him what had happened. Bishop then reported his car stolen on March 24th, 2015 with LVMPD.



CONTINUATION

Event #: 150324-0974

On March 24th, 2015 Deputy Sarah Ferguson of the San Bernardino Sheriff's Dept was working in a patrol capacity when she received a Lojack hit G359S. The hit was for Bishop's stolen Honda Accord 399LWE/NV. Ferguson began the track as other Sheriff's units arrived in the area to locate the car. The San Bernardino Air Unit was also involved in the search for the car due to being equipped with a Lojack receiver. The stolen Honda was eventually found at 20330 Rimrock Rd. Apple Valley, Ca.

Upon arrival at the complex Deputies also found another stolen car from Las Vegas, NV. They found a red Jeep Cherokee with Nevada plates 518LPH. The Jeep was stolen from Las Vegas under event 150221-0795. Deputies did a telephonic search warrant on the property and were able to find the key to the Jeep in the property. While they were preparing the search warrant Castro walked up to Deputy D Simpson and told Simpson he was associated with the stolen Honda. He told Simpson that his friend Joey borrowed the car from DD (Vaughn). Castro said they knew they should have returned the car and they abused the trust of the owner. Castro was also linked to the Jeep which Deputies learned that he had brought from Vegas to California. Castro was arrested for PSV. Simpson said Castro's story changed several times while he was talking to him.

Deputy Ferguson then spoke with Castro at the Apple Valley station. She read him his rights per Miranda which he understood and agreed to talk with her. Castro admitted to Ferguson that he had driven the Honda from Las Vegas to Apple Valley. He told Ferguson that he had gone to the Dotty's near the Boulder Station Casino with his friends Joey, Autumn, and Penelope. There they met DD (Deirdre Vaughn). Castro said he knew Vaughn socially and had met her through Penelope Winkler. Castro said he and Joey wanted to use the car and asked Vaughn if they could borrow the Honda. Vaughn let them borrow the Honda, but told them not to delay. Castro told Ferguson that they "abused that trust, but we didn't know it would be reported". They then drove the car to California and never made any attempts to contact either Vaughn or Bishop to make arrangements to return the car.

Deputy James Tebbetts was able to interview Vaughn over the phone. Initially Vaughn told Tebbetts the same story about meeting Castro and Winkler at the Casino and Dotty's. She said she thinks she was drugged and went to sleep in the SUV. Then she admitted she lied and said that she allowed Winkler and Castro to borrow the car, but only for an hour or so. She told Tebbetts that she panicked when they did not return the car. She then reported the car stolen.

Tebbetts was able to identify and interview Winkler via the phone. Winkler told Tebbetts that she had known Vaughn for a few weeks. Winkler said that after being at a Casino for a while they drove to a 7-11 where they picked up Castro. They all drove to Winkler's sister's house where Winkler stayed. Castro and Vaughn drove away in the car. Winkler said she received a phone call from Vaughn saying the car was gone, and Vaughn asked if she knew where it was.

On April 8th, 2015 I Detective Garrett was working in the LVMPD Auto Theft Detail. I received a phone call from Vaughn. Vaughn told me the same story about meeting with Winkler and Castro whom she only knew as

'S VEGAS METROPOLITAN POLICE DEPARTMENT'
CONTINUATION

Event #: 150324-0974

Penelope and Angel. She told me she had spoken with Deputy Tebbetts and gave me his number. I then called Tebbetts and asked what had happened and who they had in custody. He gave me Castro's information and told me about the recovered Jeep as well. Winkler was not with Castro at the time of his arrest, but Tebbetts had identified her and gave me her information. Tebbetts told me Vaughn had told him the story of being drugged, but she eventually admitted she lent Winkler and Castro the car. He told me that Castro admitted that he failed to return it and had abused Vaughn's trust.

On April 16th, 2015 I was able to contact Vaughn again and show her two photo lineups. I read her the photo lineup witness statement. I presented Winkler's photo lineup first. Vaughn picked Winkler out of the lineup and said that is absolutely her. She was excited and it was clear she recognized Winkler. I then showed the lineup with Castro. Vaughn told me she had only met him that day and she was not able to pick him out of the photo lineup. I had her write down what had happened on the witness instruction sheet, and she repeated the story of being drugged. The owner of the car David Bishop was in the house at the time. I told her that Tebbetts said she admitted that she had loaned the car to Winkler and Castro. Vaughn said that Tebbetts had badgered her. She stuck to her story about being drugged, I do not know if Bishop's presence had something to do with that.

Dave Bishop also spoke with me. I told him that I believed that Vaughn had been either drinking or doing drugs, and that she probably did let Winkler and Castro use the car. Castro and Winkler did not return the car after she attempted to get the car back. Bishop said that he did not think that Vaughn used either drugs or alcohol. Bishop told me that on Monday March 23rd, 2015 he called Winkler at 702-980-4706 and spoke with her for 4 minutes. He said that Winkler told him she had the car, and he told her to bring the car back. Bishop said Winkler told him Vaughn had loaned her the car for an hour, but she never brought the car back. Bishop told her to leave the car where it was and he would get it. She never told Bishop where the car was. Bishop tried to call her back, but was unsuccessful. Bishop found a card with Castro's name and former N Las Vegas address on it.

I attempted to call the number given for Winkler and it went to voice mail which was full. I have not spoken to Winkler.

Due to the above circumstances there is probable cause to arrest Luis Castro for Embezzled vehicle. When Castro was arrested in Apple Valley, Ca. in possession of David Bishop's Honda Accord, he admitted he took the car. Castro admitted he had met Deidre Vaughn in Las Vegas with Penelope Vaughn. He said that Vaughn had loaned him the car, but had told him to bring it back right away. Instead he took the car to Apple Valley, Ca. and made no attempts at returning the car back to Vaughn or the owner of the car David Bishop. Castro admitted that he violated Vaughn's trust. Castro was also in possession of another stolen vehicle which was also stolen from Las Vegas. I believe that Castro had no intention of returning Bishop's Honda Accord.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect LUIS ANGEL CASTRO on the charge(s) of EMBEZZLED VEHICLE.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: 150324-0974

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

Executed on this 17TH day of APRIL, 2015.

DECLARANT:

Thomas C. Garza

WITNESS:

S. S.

DATE:

4-17-15

EXHIBIT “2”

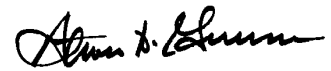


EXHIBIT “3”



EXHIBIT “4”





CLERK OF THE COURT

MODR

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO, #1918366

Defendant.

Case no. C-16-314092-1

Dep't no. IV

Date of hearing:

Time of hearing:

DEFENDANT'S MOTION TO REQUEST A COURT ORDER FOR MEDICAL RECORDS

COMES NOW the defendant, LUIS CASTRO, by and through WARREN J. GELLER, of COFER & GELLER, LLC, and hereby moves this Honorable Court for an order to acquire the alleged victim's medical records from Sunrise Hospital.

This Motion is made and based upon all the papers and pleadings on file herein, the Points and Authorities attached hereto, and the oral argument of counsel at the time set for hearing of this matter, if desired by the Court.

DATED this 8th day of April, 2017.

COFER & GELLER, LLC

By: /s/ Warren Geller

WARREN J. GELLER, #10047
Attorney for the Defendant

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Additionally, while testifying at the preliminary hearing, the named victim stated that, two days prior to the incident giving rise to the charges, he snorted methamphetamine. PHT pp. 47-48. Accordingly, the defense is also interested in determining what, if any, narcotics, or narcotic metabolites, were present in the named victim's bloodstream at the time that he likely submitted to a toxicology test upon admission to the hospital. This request is based, in part, on the holding in *FGA, Inc. v. Giglio*, 278 P. 3d 490 (Nev. 2012), wherein the Supreme Court of Nevada held that "[...] evidence of intoxication is also relevant to a person's ability to perceive and, thus, may be 'admissible to attack a witness on [his or] her ability to perceive and remember.'" *FGA, Inc. v. Giglio*, 278 P. 3d 490, 499 (2012) (citing *State v. Orantez*, 183 Ariz. 218 (1995)).

Wherefore, for all of the foregoing reasons, the defendant prays that this Honorable Court sign an order for medical records of the alleged victim from Sunrise Hospital.

COFER & GELLER, LLC

WARREN J. GELLER, #10047
Attorney for the Defendant

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NOTICE OF HEARING

TO: CLARK COUNTY DISTRICT ATTORNEY, JOSE PALLARES, ESQ., CARL ARNOLD, ESQ., AND
MACE YAMPOLSKY, ESQ.

YOU WILL PLEASE TAKE NOTICE that the above and foregoing motion will be brought
on for hearing before Department IV of the Clark County District Court on
04/25/17 at the hour of 9:00, or as soon thereafter as counsel may be
heard.

CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing motion was automatically served on the State and
the co-defendants' counsel at the same time that the document was filed via filing this
document with the county-wide electronic filing service.

COFER & GELLER, LLC

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



1 **NOTC**

2 WARREN J. GELLER, ESQ. (10047)

3 **COFER & GELLER, LLC**

4 601 South Tenth Street

5 Las Vegas, Nevada 89101

6 P: (702) 777-9999

7 F: (702) 777-9995

8 *Attorney for Defendant*

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 *Plaintiff,*

11 *vs.*

12 LUIS CASTRO, #1918366,

Defendant.

Case no. C-16-314092-1

Dep't no. IV

13 **DEFENDANT'S NOTICE OF ALIBI WITNESSES PURSUANT TO NRS 174.233**

14 TO: CLARK COUNTY DISTRICT ATTORNEY, MACE YAMPOLSKY, ESQ., ROBERT BECKETT, ESQ.
15 and CARL ARNOLD, ESQ:

16 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Defendant, LUIS CASTRO,
17 intends to call the following alibi witnesses in the Defendant's case-in-chief:

18
19 Custodian of records 7-Eleven store #18565
1740 East Fremont Street
20 Las Vegas, NV 89101-5416

21 Sherri Fox 700 N. Main Street #302
22 Las Vegas, NV 89101

23 The custodian of records for 7-Eleven store #18565, located at 1740 E. Fremont St.
24 Las Vegas, NV 89101, will testify to authenticate surveillance video captured on March 7th,
25 2016 at that location, or, in the alternative, will submit an affidavit establishing the video's
26 authenticity in accordance with NRS Chapter 52. The aforementioned video depicts
27 Defendant Luis Castro entering 7-Eleven store #18565, on March 7th, 2016, at 12:39 p.m.
28 and departing the store at 12:41 p.m.

1 Sherri Fox will testify that, at approximately 1:00 p.m., on March 7th, 2016, the
2 defendant, Luis Castro, arrived at her residence, which was located at 1302 E. Stewart
3 Avenue Unit 1A Las Vegas, NV 89101. Fox will testify that she prepared chicken for Castro,
4 which they ate together. Fox will testify that she estimates that Castro was at her residence
5 for approximately an hour and a half before departing.

6 DATED this 2nd day of June, 2017.

7 COFER & GELLER, LLC

8 By: /s/ Warren Geller
9 WARREN J. GELLER, ESQ., #10047
10 *Attorney for Defendant*
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CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing DEFENDANT’S NOTICE OF ALIBI WITNESSES was served on the Clark County District Attorney, Mace Yampolsky, Esq., Robert Beckett, Esq., and Carl Arnold, Esq. via filing this document with the county-wide electronic filing service on this 2nd day of June, 2017.

COFER & GELLER, LLC

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



NOTC

WARREN J. GELLER, ESQ. (10047)

COFER & GELLER, LLC

601 South Tenth Street

Las Vegas, Nevada 89101

P: (702) 777-9999

F: (702) 777-9995

Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO, #1918366,

Defendant.

Case no. C-16-314092-1

Dep't no. IV

Date of hearing: July 17, 2017

Time of hearing: 10:30 a.m.

**DEFENDANT'S NOTICE OF INTENT TO USE AFFIDAVIT OF CUSTODIAN OF RECORDS
PURSUANT TO NRS 52.260(4)**

TO: CLARK COUNTY DISTRICT ATTORNEY, MACE YAMPOLSKY, ESQ., ROBERT BECKETT, ESQ.,
AND CARL ARNOLD, ESQ.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the Defendant, LUIS CASTRO, intends to use the affidavit of the custodian of records of 7-Eleven store #18565 to authenticate the surveillance video which was provided to all of the above-referenced attorneys via email on Tuesday, June 6th, 2017. *See Exhibits A and B (attached).*

DATED this 9th day of June, 2017.

COFER & GELLER, LLC

By: /s/ Warren Geller

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

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CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing DEFENDANT’S NOTICE OF INTENT TO USE AFFIDAVIT OF CUSTODIAN OF RECORDS PURSUANT TO NRS 52.260(4) was served on the Clark County District Attorney, Mace Yampolsky, Esq., Robert Beckett, Esq., and Carl Arnold, Esq. via filing this document with the county-wide electronic filing service on this 9th day of June, 2017.

COFER & GELLER, LLC

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

Exhibit A

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STATE OF NEVADA }
COUNTY OF CLARK } ss:

NOW COMES Nicole Nicita, who after being first duly sworn deposes and says:

1. That the deponent is the manager of 7-Eleven store #18565 and in her capacity as manager is a custodian of records of 7-Eleven store #18565.

2. That 7-Eleven store #18565 is licensed or registered to do business as a convenience store in the State of Nevada.

3. That on the 17th day of the month of March of the year 2016, the deponent was served with a subpoena in connection with the above-entitled case, calling for the production of records pertaining to: all surveillance footage from March 7, 2016 from 9:00 a.m. to 4:00 p.m.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or 7-Eleven store #18565.

[Handwritten signature]

NICOLE NICITA

SWORN TO AND SUBSCRIBED before me on this 6 day of June, 2017.

Carla Villacura

NOTARY PUBLIC

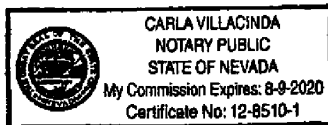


Exhibit B



Warren Geller <wgeller@defense.vegas>

State v. Castro, Honabach, Jimenez, and King C-16-314092-1-2-3-4

1 message

Warren Geller <wgeller@defense.vegas>

Tue, Jun 6, 2017 at 6:09 PM

To: Megan Thomson <Megan.Thomson@clarkcounttyda.com>, Mace Yampolsky <mace@macelaw.com>, lvcega1@yahoo.com, robertsbeckett@gmail.com

All,

Given that a new e-filing system was just put into place, I wanted to make sure that you all received the attached alibi notice in reference to my client, Luis Castro. Additionally, I have attached an affidavit from the custodian of records at the 7-Eleven referenced in the alibi notice, which I intend to use in lieu of her personal appearance, pursuant to NRS 52.260.

The relevant portion of the video that I intend to introduce, which I have attached pursuant to my discovery obligations, is a screencapture from the original video. The reason that a screencapture was used is twofold. First, the software that 7-Eleven uses is proprietary and therefore can be difficult to use on various operating systems. Second, the full video contains hours of useless video that have nothing to do with my client's alibi, or this case. That said, if anyone would like the original copy, please notify me and I will be glad to provide it. Otherwise, I will assume that, pursuant to *Archanian v. State*, 146 P.3d 1008 (2006), which is attached, there is no objection to the use of the screencapture.





If anyone has any questions or concerns, please let me know.

Best regards,

--

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

4 attachments

-  **2017.06.02.castro.luis.notice.of.alibi.witness.pdf**
88K
-  **2017.06.06.nicita.nicole.affidavit.7.eleven.video.pdf**
112K
-  **castro.7eleven.video.time.stamped.mp4**
13431K
-  **archanian.v.state.pdf**
191K



SLOW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

LUIS ANGEL CASTRO, #1918366
EDWARD HONABACH,
aka, Edward Joseph Honabach, #7029816
FABIOLA JIMENEZ, #1957068
LIONEL KING, #1983132

Defendant.

CASE NO: **C-16-314092-1**

DEPT NO: **IV**

STATE'S SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: LUIS ANGEL CASTRO, Defendant; and

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

TO: EDWARD HONABACH, aka, Edward Joseph Honabach, Defendant; and

TO: ROBERT S. BECKETT, ESQ., Counsel of Record:

TO: FABIOLA JIMENEZ, Defendant; and

TO: CARL E.G. ARNOLD, ESQ., Counsel of Record:

TO: LIONEL KING, Defendant; and

TO: MACE J. YAMPOLSKY, ESQ., Counsel of Record

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

///

W:\2016\2016F\037\70\16F03770-SLOW-(CASTRO_LUIS)-001.DOCX

1 *DENOTES ADDITION:

2 *JOHNSON, GAYLE, LVMPD P#10208 - A Latent Print Examiner and/or Designee
3 with the Las Vegas Metropolitan Police Department. She is an expert in the area of latent print
4 examination and comparison and will give scientific opinions related thereto. She will testify
5 regarding the various latent print comparisons he performed in this case.

6 *VIDA, BEATA, LVMPD P#14279 - A Forensic Scientist and/or Designee with the Las
7 Vegas Metropolitan Police Department. She is an expert in the area DNA technology and will
8 give scientific opinions related thereto. She is expected to testify regarding the DNA profiling
9 analysis and related procedures she performed in this case.

10 *WHITTLE, CHRISTINE - LVMPD P#15283 - A Forensic Scientist and/or Designee
11 with the Las Vegas Metropolitan Police Department. She is an expert in the area DNA
12 technology and will give scientific opinions related thereto. She is expected to testify regarding
13 the DNA profiling analysis and related procedures she performed in this case.

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

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

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

26 KING, CAITLIN, P#14372 - Crime Scene Analyst or Designee - Las Vegas
27 Metropolitan Police Department. She is an expert in the area of the identification,
28 documentation, collection and preservation of evidence and will give opinions related thereto.

1 She is expected to testify regarding the identification, documentation, collection and
2 preservation of evidence in this case.

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

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

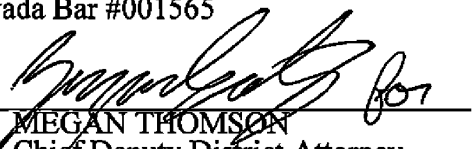
12 These witnesses are in addition to those witnesses endorsed on the Information or
13 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
14 Witnesses has been filed

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

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

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

20
21 BY


22 MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

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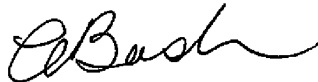
CERTIFICATE OF SERVICE BY ELECTRONIC FILING

I hereby certify that service of Supplemental Notice of Expert Witnesses, was made
this 23rd day of June, 2017, by electronic filing to:

WARREN GELLER, ESQ.
Email: wgeller@defense.vegas

ROBERT S. BECKETT, ESQ.,
Email: vegaslawllc@gmail.com
CARL E.G. ARNOLD, ESQ.,
Email: Carl@jhammonlaw.com

MACE J. YAMPOLSKY, ESQ.,
Email: mace@macelaw.com



Secretary for the District Attorney's Office

16F03770A-D: ckb/L4

CURRICULUM VITAE: JOHNSON, G

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 10/22/2014

Name: Gayle Johnson P#: 10208 Classification: Forensic Scientist II

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Footwear Impressions		Technical Support /	
Quality Assurance			
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Lewis Clark State College	1982-1986	Natural Science/Chemistry	BS
University of Phoenix	2005-2007	Business Management/ Accounting	BS
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
FBI Universal Latent Workstation Software	Las Vegas, NV	06/24/14 - 06/25/14	
Advanced Applications of ACE-V for Fingerprint Examiners	Las Vegas, NV	03/03/14 - 03/07/14	
Latent Fingerprints: Reducing Erroneous Exclusions Online RTI (Research Triangle Institute) through NIJ (National Institute of Justice)	Las Vegas, NV	11/20/13	
DNA Swabbing Training	Las Vegas, NV	10/9/13	

CURRICULUM VITAE: JOHNSON, G

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Fingerprint Identification: Reliability and Accuracy Online RTI (Research Triangle Institute) through NIJ (National Institute of Justice)	Las Vegas, NV	09/16/13
Latent Fingerprints: Developing Methods and Technology – Online RTI (Research Triangle Institute) through NIJ (National Institute of Justice)	Las Vegas, NV	09/16/13
Exclusion Training	Las Vegas, NV	09/13/13
Error Rate Training	Las Vegas, NV	09/10/13
Photoshop for the Latent Print Examiner	Central Point, Oregon	03/19/13 - 03/22/13
7 th Annual Tri-Division Educational Conference	Las Vegas, NV	11/06/12 - 11/08/12
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/20/12 - 02/22/12
25 th Anniversary AFIS Internet User Conference	Henderson, NV	08/29/11 - 08/31/11
2011 NSDAI Quarterly Training	North Las Vegas, NV	07/13/11
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
LVMPD Forensic Laboratory	Forensic Scientist II	7/2014 - Present
LVMPD Forensic Laboratory	Forensic Scientist I	7/2012 -- 7/2014
LVMPD Forensic Laboratory	Forensic Scientist Trainee	7/2011 -- 7/2012
LVMPD DSD	Accounting Technician	09/2007 -- 7/2011
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	

CURRICULUM VITAE: JOHNSON, G

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
PUBLICATIONS / PRESENTATIONS:	
8/30/11 "Biology of Friction Ridge Skin for Tenprint Examiners", 25 th Anniversary AFIS Internet Conference, Henderson, NV	
OTHER QUALIFICATIONS:	

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Latent Prints		Distribution Date: October 11, 2016 Agency: LVMPD Location: DTAC Primary Case #: 160307-2804 Additional Cases: 030720166066233 Incident: Homicide-Attempt Requester: Jason F Auschwitz Lab Case #: 16-03162.3
Subject(s):	None Listed	

The following evidence was examined and results are reported below.

Latent Development and Recovery

Lab Item #	Impound Pkg #	Impound Item #	Description	Results and Conclusions
Item 3	1277 - 3	3*	Lighter with flexible nozzle	No latent prints recovered.

*Impound Item 3 booked under LVFR case # 030720166066233.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---

Gayle Johnson

Gayle A Johnson, #10208
Forensic Scientist II

- END OF REPORT -

CURRICULUM VITAE: VIDA

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
CURRICULUM VITAE**

Date: 03/18/16

Name: Beata Vida P#: 14279 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Footwear Impressions		Technical Support /	
Quality Assurance			

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of Central Florida	01/2005-04/2012	Anthropology	BA-in progress
Minnesota State University Moorhead	01/1997-05/2001	Biology	BA
Brevard Community College	08/2005-05/2005	Crime Scene Technology	AS

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
American Academy of Forensic Sciences	Las Vegas, NV	02/25/16-02/26/16
STRmix training	Las Vegas, NV	09/17/15-09/18/15
American Academy of Forensic Sciences	Seattle, WA	02/17/14-02/22/14
Bias in Forensics – Examining the Sources and Impacts of Bias	Seattle, WA	02/17/14

CURRICULUM VITAE: VIDA

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
A DNA revolution - Next Generation Technologies	Fort Worth, TX	05/21/13-05/23/13
DNA Mixture Interpretation Workshop & Webcast	Las Vegas, NV	04/12/13
American Academy of Forensic Sciences	Washington, DC	02/18/13 - 02/23/13
DNA in Real Time: Amplifying Productivity in Today's Forensic Laboratory	Washington, DC	02/18/13
Science in the Courtroom: A Matter of Perspective?	Washington, DC	02/17/13
23 th International Symposium on Human Identification by the Promega Corporation	Nashville, TN	10/14/12 - 10/18/12
How to Tackle a DNA Backlog Workshop	Nashville, TN	10/14/12
Mixture Interpretation Workshop	Nashville, TN	10/15/12
Forensic Relationship Statistic Training	Las Vegas, NV	08/23/12
Interpreting DNA Mixtures	Las Vegas, NV	01/25/12
2011 NSDAI Quarterly Training	North Las Vegas, NV	07/13/11
Forensic Y-STR Training	Huntington, WV	03/07/11 - 03/10/11
Serology/DNA Forensic Scientist II Training Program	Las Vegas, NV	02/17/11
CSI Effect: Maximizing the Potential of Forensic DNA	Las Vegas, NV	02/03/11
Plexor HY Training	Las Vegas, NV	10/19/10
BioMek NX Training Session	Las Vegas, NV	08/17/10
DNA Mixture Interpretation and Statistics Training	Las Vegas, NV	07/15/10
Plexor HY System Overview and Analysis Software Training	Las Vegas, NV	07/13/10
8 th Annual Advanced DNA Technical Workshop by BODE Technology Group	Amelia Island, FL	05/19/09 - 05/20/09
FBI DNA Auditor 2-day Workshop	Amelia Island, FL	05/17/09 - 05/18/09

CURRICULUM VITAE: VIDA

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
19 th International Symposium on Human Identification by the Promega Corporation	Hollywood, CA	10/14/08 - 11/16/08
Forensic Population Genetics Workshop	Hollywood, CA	10/13/08
Statewide Biology Discipline Meeting	Largo, FL	05/14/08 - 05/15/08
Florida Statewide DNA Conference	Largo, FL	05/12/08 - 05/13/08
3130 HID Class by Applied Biosystems	Orlando, FL	05/01/07 - 05/03/07
Serology/DNA Crime Laboratory Analyst Training Program	Orlando, FL	06/2006 - 06/2007
7000/7500 Sequence Detection Systems Training	Orlando, FL	10/19/06
BioMek 2000/3000 Training	Orlando, FL	09/25/06
GeneMapper ID Computer Software Training	Orlando, FL	09/2006
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Clark County, NV	Serology/DNA	21
Clark County, NV Grand Jury Testimony	DNA	3
Orange, Brevard, Osceola, Seminole and Volusia Counties, Florida	Serology/DNA	22
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist II	06/14/10 - present
Florida Department of Law Enforcement	Crime Laboratory Analyst	04/06 - 05/28/10
Florida Department of Law Enforcement	Forensic Technologist	12/31/05 - 04/06
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
American Academy of Forensic Sciences	01/06 - 05/14	
International Association for Identification	06/04 - 06/14	
PUBLICATIONS / PRESENTATIONS:		

CURRICULUM VITAE: VIDA

PUBLICATIONS / PRESENTATIONS:
University of Central Florida – Introductory Forensic Science Class presentation 03/24/2010
Detective Training presentation – DNA Training For New Detectives 10/2009

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Forensic Casework		Distribution Date: September 7, 2016 Agency: LVMPD Location: DTAC Primary Case #: 160307-2804 Additional Cases: 03072016-6066233 Incident: Homicide-Attempt Requester: Jason F Auschwitz Lab Case #: 16-03162.2
Subject(s):	LIONEL A KING (Suspect) LUIS CASTRO (Suspect) FABIOLA JIMENEZ-SAPIEN (Suspect) JOSE ORTIZ (Victim) EDWARD HONABACK (Suspect)	

The following evidence was examined and results are reported below.

Lab Item #	Impound Pkg #	Impound Item #	Description	Examination Summary
Item 8	014372 - 4	6	Blue cord	
Item 8.1			- Stain on cord	• Positive presumptive blood test(s)
Item 8.2			- Unstained areas on cord	
Item 9	014372 - 3	5	Blue bandana	
Item 9.1			- Eight various stains throughout bandana	• Negative presumptive blood test(s) • No further testing at this time
Item 9.2			- Swabbing of bandana	
Item 10	008396 - 1	3	Silver knife with black tape	
Item 10.1			- Knife blade	
Item 10.2			- Knife handle	
Item 11	008396 - 4	7	Silver pocket knife	
Item 11.1			- Knife blade	
Item 11.2			- Knife handle	
Item 12		8	Two identical black knives	
Item 12.1			- Black knife	
Item 12.1.1			- Knife blade	
Item 12.1.2			- Knife handle	
Item 12.2			- Black knife	
Item 12.2.1			- Knife blade	
Item 12.2.2			- Knife handle	
Item 3 (16-02500)*	1277 - 3	3	Burnt red "Hotshot 2" BBQ lighter	
Item 4	005932 - 1	1	- swabbing of trigger and knobs on top and side	
Item 5	005932 - 1	1	Reference Standard from Fabiola Jimenez**	
Item 6	005932 - 1	1	Reference Standard from Edward Honabach**	
Item 7	005932 - 1	1	Reference Standard from Luis Castro	
Item 13	010040 - 1	1	Reference Standard from Jose Ortiz	
A presumptive test is an indication, but not confirmation, of the identity of a body fluid.				
* - Evidence was booked under Event # 03072016-6066233 (Lab # 16-02500).				
** - Last name spelled differently than on request.				

DNA Results and Conclusions:

Item 8.1, Item 8.2, Item 9.2, Item 10.1, Item 10.2, Item 11.1, Item 11.2, Item 12.1.1, Item 12.1.2, Item 12.2.1, Item 12.2.2, Item 3*, Item 4, Item 5, Item 6, Item 7 and Item 13 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

Lab Item 8.1

The full DNA profile obtained from the stain on the cord (Item 8.1) is consistent with Jose Ortiz (Item 13). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 7.99 quintillion. Fabiola Jimenez (Item 4), Edward Honabach (Item 5), Luis Castro (Item 6) and Lionel King (Item 7) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 8.2

The DNA profile obtained from the unstained areas on the cord (Item 8.2) is consistent with a distinguishable mixture of at least two individuals with at least one being a male. The full major DNA profile is consistent with Jose Ortiz (Item 13). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 7.99 quintillion. Due to the limited data available, no conclusions can be made regarding the trace component. Fabiola Jimenez (Item 4), Edward Honabach (Item 5), Luis Castro (Item 6) and Lionel King (Item 7) are excluded as possible contributors to the full major DNA profile obtained.

Lab Item 9.2

The DNA profile obtained from the swabbing of the bandana (Item 9.2) is consistent with a mixture of at least four individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 10.1

The DNA profile obtained from the knife blade (Item 10.1) is consistent with a mixture of at least three individuals with at least one being a male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 10.2

The DNA profile obtained from the knife handle (Item 10.2) is consistent with a mixture of at least four individuals with at least one being a male. Due to the complexity of the data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 11.1

The partial DNA profile obtained from the knife blade (Item 11.1) is consistent with Edward Honabach (Item 5). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 29.4 million. Fabiola Jimenez (Item 4), Luis Castro (Item 6), Lionel King (Item 7) and Jose Ortiz (Item 13) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 11.2

The partial DNA profile obtained from the knife handle (Item 11.2) is consistent with a mixture of at least two individuals with at least one being a male. Due to the limited data available, no additional conclusions can be made regarding this partial mixture DNA profile.

Lab Item 12.1.1

The partial DNA profile obtained from the knife blade (Item 12.1.1) is consistent with a mixture of at least two individuals with at least one being a male. Due to the limited data available, no additional conclusions can be made regarding this partial mixture DNA profile.

Lab Item 12.1.2

The DNA profile obtained from the knife handle (Item 12.1.2) is consistent with a mixture of at least three individuals with at least one being a male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 12.2.1

The partial DNA profile obtained from the knife blade (Item 12.2.1) is consistent with Edward Honabach (Item 5). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 389 quadrillion. Fabiola Jimenez (Item 4), Luis Castro (Item 6), Lionel King (Item 7) and Jose Ortiz (Item 13) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 12.2.2

The DNA profile obtained from the knife handle (Item 12.2.2) is consistent with a mixture of at least four individuals with at least one being a male. Due to the limited data available, no additional conclusions can be made regarding this mixture DNA profile.

Lab Item 3*

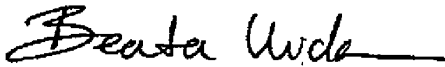
A DNA profile was not obtained from the burnt red "Hotshot 2" BBQ lighter (Item 3*).

Primary Event #: 160307-2804
Lab Case #: 16-03162.2

Statistical probabilities were calculated using the recommendations of the National Research Council (NRC II) utilizing the FBI database (J Forensic Sci 44 (6) (1999): 1277-1286 and J Forensic Sci doi: 10.1111/1556-4029.12806; J Forensic Sci 46 (3) (2001) 453-489 and Forensic Science Communications 3 (3) (2001)). The probability that has been reported is the most conservative value obtained from the US Caucasian (CAU), African American (BLK), and Southwest Hispanic (SWH) population databases. These numbers are an estimation for which a deviation of approximately +/- 10-fold may exist. All random match probabilities, combined probability of Inclusions/exclusions, and likelihood ratios calculated by the LVMPD are truncated to three significant figures.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Beata Vlada, #14279
Forensic Scientist II

- END OF REPORT -

ASCLD/LAB-International

STATEMENT OF QUALIFICATIONS

Name	Christine Whittle	Date	06/16/15
Laboratory	Las Vegas Metropolitan Police Department Forensic Laboratory		
Job Title	Forensic Scientist II		

Indicate all disciplines in which you do casework:

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

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

DNA Nuclear, Individual Characteristic Database, Body Fluid Identification

Breath Alcohol Calibration Categories

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

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

Institution	Dates Attended	Major	Degree Completed
University of South Florida	1999-2003	Microbiology	Bachelor of Science
University of Central Florida	2005-2012	Undeclared	NA
Eastern Florida State College	1997-2014	Undeclared	NA

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

FDLE Forensic Technologist Training Program	Dec 2005-July 2006
NFSTC Conventional Screening Program	May 30-June 2, 2006
Applied Biosystems RT-PCR Training	October 19, 2006
WVU Hair Examination for the DNA Analyst	August 3, 2007
2008 Florida Statewide DNA Conference	May 12-13, 2007
2008 FDLE Biology Discipline Meeting	May 14-15, 2007
FDLE Crime Laboratory Analyst Training Program	Decemeber 2007-April 2008
Population Statistics and Forensic DNA Analysis	September 28-30, 2009
Bode Ninth Annual Advanced DNA Workshop East	May 23-27, 2010
Bode Processing Compromised Evidence Workshop	May 23, 2010
Bode Mixture Interpretation Workshop	May 24, 2010
Plexor@HY System and Analysis Software Training	May 3-4, 2011
Marshall University Forensic Y-STR Training	May 23-26, 2011
Promega 23 rd International Symposium for Human Identification	October 15-18 th , 2012
Promega Mixture Interpretation Workshop	October 15, 2012
Promega Validation of New Techniques and Assays Workshop	October 18, 2012

ASCLD/LAB-International Statement of Qualifications
Approval Date: August 3, 2012
Approved By: Executive Director

Page 1 of 3
Effective Date: August 3, 2012
AL-PD-3018-Ver 3.0

2013 FDLE Biology Discipline Meeting	February 5-6, 2013
Bode 12 th Annual Advanced DNA Technical Workshop East	May 20-24, 2013
6-Dye Evolution:Future CE Fragment Analysis Course	May 20, 2013
Bode Forensic Paternity and Kinship Statistics Workshop	May 21, 2013
NIST DNA Mixture Interpretation Workshop & Webcast	April 12, 2013
AAFS 66 th Annual Scientific Meeting	February 17-22, 2014
Development of Emerging DNA Technologies Workshop	February 17, 2014

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

Forensic Biology/DNA-Since August of 2010-Testimony given 20 times

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

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

Job Title	Forensic Scientist II	Tenure	May 2015-Present
Employer	Las Vegas Metropolitan Police Department Forensic Laboratory		
Provide a brief description of principal duties:			
Performs a variety of scientific laboratory analyses including DNA analysis on biological evidence, provides scientific consultation, interprets test results and forms conclusions, prepares reports and testifies as an expert witness.			

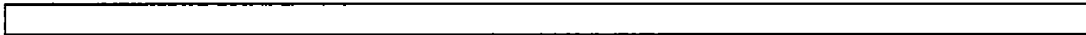
Job Title	Crime Laboratory Analyst	Tenure	November 2007-May 2015
Employer	Florida Department of Law Enforcement		
Provide a brief description of principal duties:			
Performs analytical examinations on serological evidence, characterize samples using STR DNA analysis, generates reports based on the results of examinations, testifies on casework findings			

Job Title	Forensic Technologist	Tenure	December 2005-November 2007
Employer	Florida Department of Law Enforcement		
Provide a brief description of principal duties:			
Provided technical support to the analysts in the Biology section through duties such as: reagent preparation, instrument maintenance, evidence screening, and general housekeeping duties			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

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



Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Forensic Casework		Distribution Date: November 21, 2016 Agency: LVMPD Location: DTAC Primary Case #: 160327-0859 Additional Cases: 160307-2804 Incident: Homicide-Attempt Requester: David G Meyers Lab Case #: 16-07758.1
Subject(s):	Jose Ortiz (Subject) Lionel King (Victim)	

The following evidence was examined and results are reported below.

Lab Item #	Impound Pkg #	Impound Item #	Description	Examination Summary
Item 1	009619 - 5	12	Folding carpet knife with apparent blood	
Item 1.1			-Swabbing from stain from knife blade	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 1.2			-Swabbing from stain from knife handle	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 1.3			-Swabbing from stain from knife blade	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 1.4			-Swabbing from stain from knife handle	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 1.5			-Swabbing from stain from knife under handle	<ul style="list-style-type: none">• Positive presumptive blood test(s)• No further testing at this time
Item 1.6			-Swabbing from stain from top of blade	<ul style="list-style-type: none">• Positive presumptive blood test(s)• No further testing at this time
Item 1.7			-Swabbing from handle for handler	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 2	009619 - 1	1	Machete with apparent blood	
Item 2.1			-Swabbing from handle for handler	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 2.2			-Swabbing from stain from blade of machete	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 2.3			-Swabbing from stain from blade of machete	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 2.4			-Swabbing from stain from blade of machete	<ul style="list-style-type: none">• Positive presumptive blood test(s)
Item 2.5			-Swabbing from stain from cutting edge of the machete blade	<ul style="list-style-type: none">• Positive presumptive blood test(s)
A presumptive test is an indication, but not confirmation, of the identity of a body fluid.				
*Refer to the case file for event # 160307-2804 issued by FS II Beata Vida P# 14279 for information related to Lionel King (Item 7) and Jose Ortiz (Item 13).				

DNA Results and Conclusions:

Item 1.1, Item 1.2, Item 1.3, Item 1.4, Item 1.7, Item 2.1, Item 2.2, Item 2.3, Item 2.4, and Item 2.5 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

Lab Item 1.1

The full DNA profile obtained from the swabbing from the stain from the knife blade (Item 1.1) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.2

The full DNA profile obtained from the swabbing from the stain from the knife handle (Item 1.2) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full

DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.3

The partial DNA profile obtained from the swabbing from the stain from the knife blade (Item 1.3) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 19.6 quadrillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 1.4

The full DNA profile obtained from the swabbing from the stain from the knife handle (Item 1.4) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.7

The full DNA profile obtained from the swabbing from the handle of the knife for handler (Item 1.7) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.1

The full DNA profile obtained from the swabbing from the handle of the machete for handler (Item 2.1) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.2

The full DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.2) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.3

The DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.3) is consistent with an indistinguishable mixture of two male individuals. Lionel King (Item 7*) cannot be excluded as a possible contributor to this mixture. The probability of randomly selecting an unrelated individual from the general population who could be included as a possible contributor to the mixture DNA profile obtained from the evidence sample is approximately 1 in 64.7 million. Unknown Male #1 (See Item 2.4) cannot be excluded as a possible contributor to the mixture DNA profile obtained. Jose Ortiz (Item 13*) is excluded as a possible contributor to the mixture DNA profile obtained.

Lab Item 2.4

The DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.4) is consistent with a distinguishable mixture of two male individuals. Assuming the mixture originated from two individuals, a full major profile and a partial minor profile were obtained. The full major DNA profile obtained is consistent with a single unknown male individual (Unknown Male #1). Lionel King (Item 7*) and Jose Ortiz (Item 13*) are excluded as possible contributors to the full major DNA profile obtained. The full major DNA profile will be searched against the Local DNA Index System (CODIS) and then uploaded to the National DNA Index System (CODIS) for comparison. You will be notified if there is a match. The partial minor DNA profile obtained is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial minor DNA profile obtained from the evidence sample is approximately 1 in 542 billion. Jose Ortiz (Item 13*) and Unknown Male #1 are excluded as possible contributors to the partial minor DNA profile obtained.

Lab Item 2.5

The DNA profile obtained from the swabbing from the stain from the cutting edge of the machete blade (Item 2.5) is consistent with a distinguishable mixture of two male individuals. Assuming the mixture originated from two individuals, a full major profile and a partial minor profile were obtained. The full major DNA profile obtained is consistent with Unknown Male #1 (See Item 2.4). Lionel King (Item 7*) and Jose Ortiz (Item 13*) are excluded as possible contributors to the full major DNA profile obtained. The partial minor DNA profile obtained is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial minor DNA profile obtained from the evidence sample is approximately 1 in 1.26 billion. Jose Ortiz (Item 13*) and Unknown Male #1 (See Item 2.4) are excluded as possible contributors to the partial minor DNA profile obtained.

Primary Event #: 160327-0859
Lab Case #: 16-07758.1

Statistical probabilities were calculated using the recommendations of the National Research Council (NRC II) utilizing the FBI database (J Forensic Sci 44 (6) (1999): 1277-1286 and J Forensic Sci doi: 10.1111/1556-4029.12806; J Forensic Sci 46 (3) (2001) 453-489 and Forensic Science Communications 3 (3) (2001)). The probability that has been reported is the most conservative value obtained from the US Caucasian (CAU), African American (BLK), and Southwest Hispanic (SWH) population databases. These numbers are an estimation for which a deviation of approximately +/- 10-fold may exist. All random match probabilities, combined probability of inclusions/exclusions, and likelihood ratios calculated by the LVMPD are truncated to three significant figures.

For comparison purposes, please collect reference buccal swab(s) from individuals believed to be involved in (or who have had reasonable access to) this incident. When a reference buccal swab is obtained, please submit a Forensic Laboratory Request in Property Connect to complete the case.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Christine Whittle, #15283
Forensic Scientist II

- END OF REPORT -

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Forensic Casework		Distribution Date: December 8, 2016 Agency: LVMPD Location: DTAC Primary Case #: 160327-0859 Additional Cases: 160307-2804, 150415-2490 Incident: Homicide-Attempt Requester: David G Meyers Lab Case #: 16-07758.2 Supplemental 1
Subject(s):	Jose Ortiz (Subject) Lionel King (Victim) Kywon Jones (Suspect)	

The following results are reported below.

[^] Refer to the original report issued by FS II Christine Whittle P# 15283 dated 11/21/2016 for related information.
*Refer to the case file for event # 160307-2804 issued by FS II Beata Vida P# 14279 for information related to Lionel King (Item 7) and Jose Ortiz (Item 13).
**Refer to the case file for event # 150415-2490 issued by FS II Kimberly Dannenberger P# 13772 for information related to Kywon Jones (Item 3).

DNA Results and Conclusions:

Lab Item 1.1[^]

The full DNA profile obtained from the swabbing from the stain from the knife blade (Item 1.1[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.2[^]

The full DNA profile obtained from the swabbing from the stain from the knife handle (Item 1.2[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.3[^]

The partial DNA profile obtained from the swabbing from the stain from the knife blade (Item 1.3[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial DNA profile obtained from the evidence sample is approximately 1 in 19.6 quadrillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the partial DNA profile obtained.

Lab Item 1.4[^]

The full DNA profile obtained from the swabbing from the stain from the knife handle (Item 1.4[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 1.7[^]

The full DNA profile obtained from the swabbing from the handle of the knife for handler (Item 1.7[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.1[^]

The full DNA profile obtained from the swabbing from the handle of the machete for handler (Item 2.1[^]) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.2^A

The full DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.2^A) is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full DNA profile obtained from the evidence sample is approximately 1 in 3.15 quintillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the full DNA profile obtained.

Lab Item 2.3^A

The DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.3^A) is consistent with an indistinguishable mixture of two male individuals. Lionel King (Item 7*) and Kywon Jones (Item 3**) cannot be excluded as possible contributors to this mixture. The probability of randomly selecting an unrelated individual from the general population who could be included as a possible contributor to the mixture DNA profile obtained from the evidence sample is approximately 1 in 64.7 million. Jose Ortiz (Item 13*) is excluded as a possible contributor to the mixture DNA profile obtained.

Lab Item 2.4^A

The DNA profile obtained from the swabbing from the stain from the blade of machete (Item 2.4^A) is consistent with a distinguishable mixture of two male individuals. Assuming the mixture originated from two individuals, a full major profile and a partial minor profile were obtained. The full major DNA profile obtained is consistent with Kywon Jones (Item 3**). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 20.0 quintillion. Lionel King (Item 7*) and Jose Ortiz (Item 13*) are excluded as possible contributors to the full major DNA profile obtained. The full major DNA profile was previously searched against the Local DNA Index System (CODIS) and then uploaded to the National DNA Index System (CODIS) for comparison. The partial minor DNA profile obtained is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial minor DNA profile obtained from the evidence sample is approximately 1 in 7.47 trillion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the partial minor DNA profile obtained.

Lab Item 2.5^A

The DNA profile obtained from the swabbing from the stain from the cutting edge of the machete blade (Item 2.5^A) is consistent with a distinguishable mixture of two male individuals. Assuming the mixture originated from two individuals, a full major profile and a partial minor profile were obtained. The full major DNA profile obtained is consistent with Kywon Jones (Item 3**). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the full major DNA profile obtained from the evidence sample is approximately 1 in 20.0 quintillion. Lionel King (Item 7*) and Jose Ortiz (Item 13*) are excluded as possible contributors to the full major DNA profile obtained. The partial minor DNA profile obtained is consistent with Lionel King (Item 7*). The probability of randomly selecting an unrelated individual from the general population having a DNA profile that is consistent with the partial minor DNA profile obtained from the evidence sample is approximately 1 in 1.26 billion. Jose Ortiz (Item 13*) and Kywon Jones (Item 3**) are excluded as possible contributors to the partial minor DNA profile obtained.

Statistical probabilities were calculated using the recommendations of the National Research Council (NRC II) utilizing the FBI database (J Forensic Sci 44 (6) (1999): 1277-1286 and J Forensic Sci doi: 10.1111/1556-4029.12806; J Forensic Sci 46 (3) (2001) 453-489 and Forensic Science Communications 3 (3) (2001)). The probability that has been reported is the most conservative value obtained from the US Caucasian (CAU), African American (BLK), and Southwest Hispanic (SWH) population databases. These numbers are an estimation for which a deviation of approximately +/- 10-fold may exist. All random match probabilities, combined probability of inclusions/exclusions, and likelihood ratios calculated by the LVMPD are truncated to three significant figures.

--This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.--


Christine Whittle, #15283
Forensic Scientist II

- END OF REPORT -



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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

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

Defendant.

CASE NO: C-16-314092-1

DEPT NO: IV

STATE'S SUPPLEMENTAL NOTICE OF WITNESSES

[NRS 174.234(1)(a)]

18 TO: LUIS ANGEL CASTRO, Defendant; and

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

20 TO: EDWARD HONABACH, aka, Edward Joseph Honabach, Defendant; and

21 TO: ROBERT S. BECKETT, ESQ., Counsel of Record:

22 TO: FABIOLA JIMENEZ, Defendant; and

23 TO: CARL E.G. ARNOLD, ESQ., Counsel of Record:

24 TO: LIONEL KING, Defendant; and

25 TO: MACE J. YAMPOLSKY, ESQ., Counsel of Record

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

28 //

1 *DENOTES ADDITION:

2 NAME ADDRESS

3 *ACEBO, J LVFD

4 *BARTO, JARED LVFD #987068

5 *KELLEY, JOHN LVFD #981790

6 *KNUTSON, DUSTIN LVFD #987965

7 *MILLER, BRIAN LVFD #920274

8 *YOUSEF, RANDY C/O DISTRICT ATTORNEY'S OFFICE and/or Designee

9 CUSTODIAN OF RECORDS Clark County Detention Center,
10 OR DESIGNEE 330 S. Casino Center Blvd., Las Vegas, NV

11 CUSTODIAN OF RECORDS LVMPD Communications
12 OR DESIGNEE

13 CUSTODIAN OF RECORDS LVMPD Dispatch
14 OR DESIGNEE

15 CUSTODIAN OF RECORDS LVMPD Records, 400 S. Martin Luther King Blvd.,
16 OR DESIGNEE Las Vegas, NV

17 CUSTODIAN OF RECORDS LVMPD Project Management & Video Bureau
18 OR DESIGNEE

19 CUSTODIAN OF RECORDS Las Vegas Fire Department
20 OR DESIGNEE

21 CUSTODIAN OF RECORDS Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
22 OR DESIGNEE

23 CUSTODIAN OF RECORDS Clark County School District
24 OR DESIGNEE

25 CUSTODIAN OF RECORDS Nevada DMV
26 OR DESIGNEE

27 ALEXANDER, M. LVMPD P#15223

28 ALLEN, Z. Las Vegas Fire Department #204

1	AUSCHWITZ, J.	LVMPD P#5932
2	CHOCK, STEFAN M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
3	COOK, D.	LVMPD P#5730
4	COURT INTERPRETER	200 Lewis Ave., Las Vegas, NV
5	CRUNDEN, D.	LVMPD P#7727
6	DEVITO, A.	LVMPD P#15274
7	EMBRY, B.	LVMPD P#8644
8	FASULO, T.	LVMPD P#13459
9	FERNANDEZ, M.	LVMPD P#13997
10	GOODWIN, J.	LVMPD P#5599
11	GRIFFIN, TIM	C/O Clark County District Attorney's Office
12	GUTIERREZ, AMADA	C/O Clark County District Attorney's Office
13	HALL, D.	Clark County School District Police #256
14	HAMM, M.	LVMPD P#6675
15	HERRING, N.	LVMPD P#9725
16	HEVEL, R.	Las Vegas Fire Department/Arson Investigation
17	JEFFERSON, E.	LVMPD P#9385
18	KEISER, S.	LVMPD P#6392
19	KELVINGTON, A.	LVMPD P#8878
20	KING, C.	LVMPD P#14372
21	KOLKOLSKI, K.	LVMPD P#10002
22	KWIATKOWSKI, TERRANCE M.D.	Sunrise Hospital, 3186 Maryland Pkwy., Las Vegas, NV
23	LACAZE, WILLIAM	C/O Clark County District Attorney's Office
24	LANDING, KHALIAH	C/O Clark County District Attorney's Office
25	LARINGTON, D.	LVMPD P#7858
26	LONG, D.	LVMPD P#3969
27	LOVETTE, J.	Las Vegas Fire Department #204
28	LOY, B.	LVMPD P#10020

1	MAILLOUX, B.	LVMPD P#12843
2	MAIORANA, DAVID	C/O Clark County District Attorney's Office
3	MARTINEZ, FRANCISCO	C/O Clark County District Attorney's Office
4	MARTINEZ, ROSIO	C/O Clark County District Attorney's Office
5	MCGRATH, D.	LVMPD P#4349
6	MENDEZ, ANTONIO	C/O Clark County District Attorney's Office
7	MENDOZA, A.	LVMPD P#15245
8	MIKALONIS, C.	LVMPD P#9497
9	MILLER, T.	LVMPD P#5113
10	MOGG, C.	LVMPD P#5096
11	MORENO, R.	LVMPD P#4992
12	MURRAY, T.	LVMPD P#13458
13	NELTON, NATE	EMS
14	NOGLE, K.	LVMPD P#8051
15	OCONNOR, M.	LVMPD P#12890
16	ORTEGA, MARCELO	C/O Clark County District Attorney's Office
17	ORTIZ-SALAZAR, JOSE	C/O Clark County District Attorney's Office
18	PASTUNA, C.	LVMPD P#10040
19	PESHLAKAI, M.	LVMPD P#13644
20	PIERCE, K.	LVMPD P#9009
21	POLLOCK, C.	LVMPD P#13508
22	PRAGER, D.	LVMPD P#9380
23	PRICE, S.	LVMPD P#7207
24	REZENDIS, YOSELIN	C/O Clark County District Attorney's Office
25	RICHARD, JOE	EMS
26	ROSARIO, NELSON	C/O Clark County District Attorney's Office
27	RUDE, J.	LVMPD P#13916
28	SALAZAR, GUADALUPE	C/O Clark County District Attorney's Office

1 SANFORD, M. LVMPD P#5293
2 SCHOFIELD, G. LVMPD P#2930
3 SCHREIBER, P. LVMPD P#13986
4 SCLIMENTI, M. LVMPD P#6239
5 SHEPARD, DAVID C/O Clark County District Attorney's Office
6 SKENANDORE, S. LVMPD P#13341
7 SMINK, J. LVMPD P#6566
8 SMITH, M. LVMPD P#13507
9 SMITH, S. LVMPD P#6424
10 SPARKMAN, CHARLES C/O Clark County District Attorney's Office
11 STARKS, R. LVMPD P#15210
12 THEOBALD, R. LVMPD P#6468
13 TOMASO, B. LVMPD P#9488
14 VALENZUELA, G. LVMPD P#8396
15 WATTS, JOSEPH OR DESIGNEE Clark County District Attorney's Office-Investigator
16 WILSON, R. LVMPD P#3836
17 WILSON, W. LVMPD P#5424
18 WINN, J. LVMPD P#8376
19 ZINGELMAN, M. LVMPD P#14791

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

23 STEVEN B. WOLFSON
24 DISTRICT ATTORNEY
25 Nevada Bar #001565

26 BY

Michele Thomson #10051 for
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

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CERTIFICATE OF SERVICE BY ELECTRONIC FILING

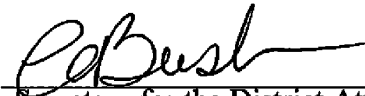
I hereby certify that service of State's Supplemental Notice of Witnesses, was made
this 23rd day of June, 2017, by electronic filing to:

WARREN GELLER, ESQ.
Email: wgeller@defense.vegas

ROBERT S. BECKETT, ESQ.,
Email: vegaslawllc@gmail.com

CARL E.G.ARNOLD, ESQ.,
Email: Carl@jhammonlaw.com

MACE J. YAMPOLSKY, ESQ.,
Email: mace@macelaw.com



Secretary for the District Attorney's Office

16F03770A-D: ckb/L4



MODR

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO, #1918366

Defendant.

Case no. C-16-314092-1

Dep't no. XXX

Date of hearing:

Time of hearing:

**DEFENDANT'S MOTION TO REQUEST AN ORDER FOR AN EYE EXAMINATION AND
EYEWEAR**

COMES NOW the defendant, LUIS CASTRO, by and through WARREN J. GELLER, of COFER & GELLER, LLC, and hereby moves this Honorable Court for an order to requiring the Clark County Detention Center to provide a necessary eye examination and prescription eyewear for the Defendant to assist in his defense in this case.

This Motion is made and based upon all the papers and pleadings on file herein, the Points and Authorities attached hereto, and the oral argument of counsel at the time set for hearing of this matter, if desired by the Court.

DATED this 1st day of November, 2018.

COFER & GELLER, LLC

By: /s/ Warren Geller

WARREN J. GELLER, #10047
Attorney for the Defendant

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Pursuant to fundamental Constitutional principles, a defendant must possess the ability to assist in his defense at trial. *Dusky v. United States*, 362 U.S. 402 (1960). Further, NRS 211.140 states:

2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:

(b) An opportunity to be heard on the issue.

4. The sheriff, chief of police or town marshal shall arrange for the

1 administration of medical care required by prisoners while in his or her
2 custody. The county, city or town shall pay the cost of appropriate medical:

3 (a) Treatment provided to a prisoner while in custody for injuries incurred
4 by a prisoner while the prisoner is in custody and for injuries incurred during
5 the prisoner's arrest for commission of a public offense if the prisoner is not
6 convicted of that offense;

7 (b) Treatment provided to a prisoner while in custody for any infectious,
8 contagious or communicable disease which the prisoner contracts while the
9 prisoner is in custody; and

10 (c) Examinations required by law or by court order conducted while the
11 prisoner is in custody unless the order otherwise provides.

12 Accordingly, pursuant to NRS 211.140(4)(c), the defendant respectfully requests that
13 this Court sign an order compelling the Clark County Detention Center to facilitate an eye
14 examination and procurement of corrective lenses in light of the fact that the defendant has
15 communicated to the undersigned counsel that he is having difficulty reading due to
16 impairment of his vision.

17 CONCLUSION

18 Wherefore, for all of the foregoing reasons, the defendant prays that this Honorable
19 Court sign an order compelling the Clark County Detention Center to arrange for an eye
20 examination and procurement of appropriate reading lenses for him.

21 RESPECTFULLY SUBMITTED this 1st day of November, 2018.

22 COFER & GELLER, LLC

23 By: /s/ Warren Geller

24 WARREN J. GELLER, #10047
25 Attorney for the Defendant
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NOTICE OF HEARING

TO: CLARK COUNTY DISTRICT ATTORNEY AND THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT

YOU WILL PLEASE TAKE NOTICE that the above and foregoing motion will be brought on for hearing before Department XXX of the Clark County District Court on **November 13, 2018** at the hour of **8:30 am**, or as soon thereafter as counsel may be heard.

CERTIFICATE OF ELECTRONIC SERVICE

A COPY of the above and foregoing motion was automatically served on the State and The Las Vegas Metropolitan Police Department at the same time that the document was filed via filing this document with the county-wide electronic filing service.

COFER & GELLER, LLC

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



1 **OPPS**
2 LIESL FREEDMAN
3 General Counsel
4 State Bar No. 5309
5 MARTINA BAUHAUS
6 Assistant General Counsel
7 State Bar No. 9337
8 Las Vegas Metropolitan Police Department
9 400 S. Martin Luther King Blvd.
10 Las Vegas, Nevada 89106
11 Tel: (702) 828-3310
12 Fax: (702) 828-3191
13 Email: m10172b@lvmpd.com
14 *Attorneys for Specially Appearing Interested*
15 *Party Sheriff Lombardo of the Las Vegas*
16 *Metropolitan Police Department*

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

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

18 LUIS CASTRO, ID#1918366

19 Defendant.

Case No. C-16-314092-1
Dept. No. 30

**SPECIALLY APPEARING INTERESTED
PARTY SHERIFF LOMBARDO'S
OPPOSITION TO DEFENDANT'S MOTION
TO REQUEST AN ORDER FOR AN EYE
EXAMINATION AND EYEWEAR**

Date of Hearing: November 13, 2018
Time of Hearing: 8:30 a.m.

21 COMES NOW, specially appearing interested party SHERIFF JOSEPH LOMBARDO of
22 the LAS VEGAS METROPOLITAN POLICE DEPARTMENT ("Sheriff"), by and through his
23 attorneys, LIESL FREEDMAN, General Counsel and MARTINA BAUHAUS, Assistant General
24 Counsel, and files this Opposition to Defendant's Motion to Request An Order For An Eye
25 Examination And Eyewear.

26 ///

27 ///

28 ///

1 This Opposition is based upon the filings currently before this Court, the following points
2 and authorities, the records attached hereto, and all oral argument and/or documentary evidence
3 allowed by counsel at the time of the hearing.

4 DATED this 5th day of November, 2018.

6 By: 

LIESL FREEDMAN
General Counsel
State Bar No. 5309
MARTINA BAUHAUS
Assistant General Counsel
State Bar No. 9337
Las Vegas Metropolitan Police Department
400 Martin Luther King Blvd.
Las Vegas, Nevada 89106
Tel: (702) 828-3310
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Email: m10172b@lvmpd.com
*Attorneys for Sherriff Lombardo of the Las Vegas
Metropolitan Police Department*

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. INTRODUCTION**

17 Defendant in this action is LUIS CASTRO, ID# 1918366, who is being detained at the
18 Clark County Detention Center. Defendant filed a Motion to Request An Order For An eye
19 Examination and Eyewear ("Motion"). In the Motion, Defendant seeks an order from this Court
20 requiring the Clark County Detention Center to provide him with prescription eyewear in order to
21 assist in his defense in the criminal case¹.

22 Specially, appearing Interested Party Sherriff Joseph Lombardo of the Las Vegas
23 Metropolitan Police Department files this Opposition to the Motion to Authorize on the following
24 grounds:

- 25 (1) Defendant has not provided any authority that would place the duty upon the
26 Sheriff to provide prescription eye wear based upon Defendant's alleged need for

27 ¹ Any request for an order should be directed to the Sherriff, not the inanimate "Clark County Detention
28 Center".

1 the defense of his criminal case;

2 (2) Defense related expenses for indigent individuals are statutorily chargeable to the
3 Office of Appointed Counsel, not the Sheriff.

4 For the foregoing reasons, LVMPD respectfully requests this Court deny the Motion or in
5 the alternative have, as the statute requires, Defendant be held responsible for the costs of the
6 prescription eyeglasses through the Office of Appointed Counsel.

7 **II. ARGUMENT**

8 **A. The Sheriff does not have a duty to provide prescription eye wear based upon**
9 **Defendant's alleged need for the defense of his criminal case.**

10 Defendant claims that it is a fundamental principle that a defendant must possess the
11 ability to assist in his defense during his trial. He cites *Dusky v. United States*, 362 U.S. 402, 12
12 (1960) for authority. However, *Dusky* is inapplicable to the facts at hand. *Dusky* deals with a
13 criminal defendant's mental competency and established that the test for competency "must be
14 whether [the defendant] has sufficient present ability to consult with his lawyer with a reasonable
15 degree of rational understanding—and whether he has a rational as well as factual understanding
16 of the proceedings against him". *Id* at 402. Defendant has cited no authority requiring the
17 detention facility to provide prescription glasses. The Sheriff is not preventing Defendant from
18 assisting in his defense.

19 Defendant here claims that he has difficulty reviewing discovery and assisting counsel
20 without the requisite corrective lenses. (Motion, p. 2, ln. 4-7). It is undisputed that there is an
21 obligation to provide adequate medical care to inmates. See, e.g. *Estelle v. Gamble*, 429 U.S. 94
22 (1976); *Bell v. Wolfish*, 441 U.S. 520 (1979). However, that duty does not give the Sheriff
23 obligations to provide Defendant corrective lenses to assist with his criminal defense. As the
24 jailer, there is no legal obligation of the Sheriff to ensure the defendant has the ability to assist his
25 counsel. Rather, the Sheriff ensures that the Defendant is physically confined and transported to
26 the proceedings until otherwise directed by a Court.

27 As a practical matter, there are several options available to Defendant that do not include
28 the Sheriff paying for prescription glasses to "assist in his defense." Here are just a few of the

1 options: (1) Defendant can pay for glasses; (2) his counsel can read him the documents; or (3)
2 Defendant can obtain reading glasses from the commissary. This prescription eyewear issue is no
3 different from a Defendant who cannot read. The Sheriff or LVMPD did not create the condition
4 of which Defendant complains. Therefore, the Sheriff requests that the Court deny the Motion.

5 **B. Defense related expenses are chargeable to the Office of Appointed Counsel.**

6 Governmental entities are subject “to only such liabilities as are specially provided by
7 law.” *Schweiss v. District Court*, 23 Nev. 226, 230 (1896). Defendant claims that an eye
8 examination and procurement of corrective lenses or corrective glasses is necessary for him to
9 assist in his defense. *See* Motion, p. 2, ln. 4-7. He further claims that he is indigent. *Id.*

10 According to Nevada’s statutory scheme the financial liability regarding expenses
11 incidental to an indigent criminal defendant’s representation rests with the county. Specifically,
12 the legislature has provided that counties which have a population of 100,000 or more “shall
13 create by ordinance the office of the public defender.” NRS 260.010. Clark County established
14 the office of public defender through Clark County Ordinance 2.16.010. Clark County Ordinance
15 2.16.170.

16 In 2008, Clark County established the Office of Appointed Counsel to oversee the
17 Indigent Defense Panel which consists of private attorneys who contract with the county to
18 provide legal representation, outside of the Office of the Public Defender, to indigent criminal
19 defendants. The Office of Appointed Counsel is responsible for the appointment of attorneys for
20 indigent defendants and the approval of the expenses incurred pursuant to NRS 7.155. NRS
21 7.155 states in relevant part that “[t]he compensation and expenses of an attorney appointed to
22 represent a defendant must be paid from the county treasury...”. In short, all associated costs and
23 expenses regarding an indigent criminal Defendant are to be borne by Clark County.

24 Defendant claims to be indigent. However, it is not appropriate for the expense to be paid
25 through the LVMPD Detention Services Division budget.

26 If the Court accepts Defendant’s representation that an eye exam and corrective glasses
27 are necessary for the defense, all related expenses should be paid with the funds provided through
28 the Office of Appointed Counsel. The Sheriff of the LVMPD is not responsible for those

1 expenses. Accordingly the Sheriff requests that the Motion be denied.

2 **III. CONCLUSION**

3 Defendant is asking the Court to enter an order that would make the Sheriff responsible
4 for paying expenses related to an inmate's criminal defense. There is no statutory provision that
5 would allow the payment of those costs to be charged to the Sheriff for defense related expenses.
6 Accordingly, the Sheriff respectfully requests that this Court deny Defendant's Motion. If this
7 Court determines that Defendant's request is reasonable and necessary to his defense, the
8 expenses should be borne by the Office of Appointed Counsel.

9 DATED this 5th day of November, 2018.

Respectfully submitted,

By:


LIESL FREEDMAN

General Counsel

State Bar No. 5309

MARTINA BAUHAUS

Assistant General Counsel

State Bar No. 9337

Las Vegas Metropolitan Police Department

400 Martin Luther King Blvd.

Las Vegas, Nevada 89106

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*Attorneys for Sherriff Lombardo of the Las Vegas
Metropolitan Police Department*

OFFICE OF GENERAL COUNSEL
Las Vegas Metropolitan Police Department
400 S. Martin L. King Blvd.
Las Vegas, Nevada 89106
(702) 828-3310

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November 2018, I served a true and correct copy of the foregoing document entitled: **SPECIALLY APPEARING INTERESTED PARTY SHERIFF LOMBARDO OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S OPPOSITION TO DEFENDANT'S MOTION TO REQUEST AN ORDER FOR AN EYE EXAMINATION AND EYEWEAR** as indicated below:

_____ submitted electronically for filing and/or service within the Eighth Judicial District Court pursuant to Administrative Order 14-02 for e-service to the following:

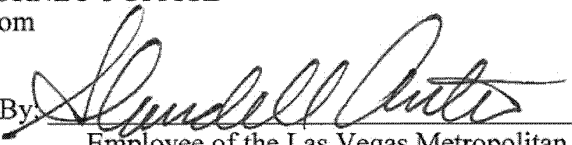
_____ sending a copy via facsimile to the parties herein, as follows; and/or

X sending a copy via electronic mail; and/or

_____ placing the original copy in a sealed envelope, first-class, postage fully pre-paid thereon and depositing the envelope in the U.S. mail at Las Vegas, Nevada, addressed as follows:

Warren J. Geller, Esq.
COFER & GELLER, LLC
wgeller@defense.vegas

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Email: DAMotions@clarkcountydacountyda.com

By: 
Employee of the Las Vegas Metropolitan
Police Department

ORIGINAL

AINF

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 04 2019

BY

Vanessa Medina
VANESSA MEDINA, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LUIS ANGEL CASTRO, #1918366,
EDWARD HONABACH
aka Edward Joseph Honabach, #7029816,
FABIOLA JIMENEZ, #1957068,
LIONEL KING, #1983132

Defendant.

CASE NO. C-16-314092-1

DEPT NO. XXX

AMENDED
I N F O R M A T I O N

STATE OF NEVADA }
COUNTY OF CLARK } ss:

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

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

C-16-314092-1
AINF
Amended Information
4813593

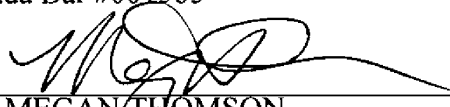


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1 his will, and without his consent, for the purpose of committing murder and/or robbery,
2 resulting in substantial bodily harm to JOSE ORTIZ-SALAZAR, the Defendants being
3 criminally liable under one or more of the following principles of criminal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

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

12 BY


13 MEGAN THOMSON
14 Chief Deputy District Attorney
15 Nevada Bar #011002

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

ORIGINAL

GPA

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 04 2019

BY, *Vanessa Medina*
VANESSA MEDINA, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-16-314092-1
GPA
Guilty Plea Agreement
4813594



THE STATE OF NEVADA,
Plaintiff,

-vs-

LUIS ANGEL CASTRO,
#1918366

Defendant.

CASE NO: C-16-314092-1

DEPT NO: XXX

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony - NRS 200.310, 200.320 - NOC 50052)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

This offer is conditional upon all four (4) Defendants accepting their respective negotiations and being sentenced. All Parties agree the State will have the right to argue for Life without the possibility of Parole, and the Defense will argue for Life with the possibility of Parole after fifteen (15) years. All Parties agree that no one will seek the term of years.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

///

1 I understand and agree that, if I fail to interview with the Department of Parole and
2 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
3 by affidavit review, confirms probable cause against me for new criminal charges including
4 reckless driving or DUI, but excluding minor traffic violations, the State will have the
5 unqualified right to argue for any legal sentence and term of confinement allowable for the
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
8 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
11 plea agreement.

12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of
14 the offense(s) to which I now plead as set forth in Exhibit "1".

15 I understand that as a consequence of my plea of guilty The Court must sentence me to
16 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
17 FIFTEEN (15) years and a maximum term of not more than FORTY (40) years, OR for a
18 minimum term of not less than FIFTEEN (15) years and a maximum term of LIFE, OR LIFE
19 WITHOUT PAROLE. The minimum term of imprisonment may not exceed forty percent
20 (40%) of the maximum term of imprisonment. I understand that the law requires me to pay
21 an Administrative Assessment Fee.

22 I understand that, if appropriate, I will be ordered to make restitution to the victim of
23 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
24 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
25 reimburse the State of Nevada for any expenses related to my extradition, if any.

26 I understand that I am not eligible for probation for the offense to which I am pleading
27 guilty.

28 ///

1 I understand that I must submit to blood and/or saliva tests under the Direction of the
2 Division of Parole and Probation to determine genetic markers and/or secretor status.

3 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
4 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
5 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
6 and may receive a higher sentencing range.

7 I understand that if more than one sentence of imprisonment is imposed and I am
8 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
9 the sentences served concurrently or consecutively.

10 I understand that information regarding charges not filed, dismissed charges, or charges
11 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

12 I have not been promised or guaranteed any particular sentence by anyone. I know that
13 my sentence is to be determined by the Court within the limits prescribed by statute.

14 I understand that if my attorney or the State of Nevada or both recommend any specific
15 punishment to the Court, the Court is not obligated to accept the recommendation.

16 I understand that if the offense(s) to which I am pleading guilty was committed while I
17 was incarcerated on another charge or while I was on probation or parole that I am not eligible
18 for credit for time served toward the instant offense(s).

19 I understand that if I am not a United States citizen, any criminal conviction will likely
20 result in serious negative immigration consequences including but not limited to:

- 21 1. The removal from the United States through deportation;
- 22 2. An inability to reenter the United States;
- 23 3. The inability to gain United States citizenship or legal residency;
- 24 4. An inability to renew and/or retain any legal residency status; and/or
- 25 5. An indeterminate term of confinement, with the United States Federal
26 Government based on my conviction and immigration status.

26 ///

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28 ///

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

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

WAIVER OF RIGHTS

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

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

///

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VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

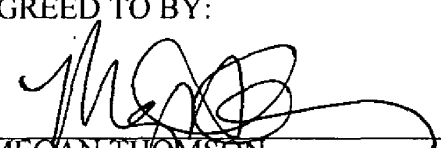
My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 4 day of February, 2019.



LUIS ANGEL CASTRO
Defendant

AGREED TO BY:



MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
- 13 b. An inability to reenter the United States;
- 14 c. The inability to gain United States citizenship or legal residency;
- 15 d. An inability to renew and/or retain any legal residency status; and/or
- 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.
- 18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.
- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
- 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
- 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
- c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 4 day of February, 2019.


WARREN GELLER, ESQ

cc/L4

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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

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

15 Defendant.

CASE NO. C-16-314092-1

DEPT NO. XXX

AMENDED
INFORMATION

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

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

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

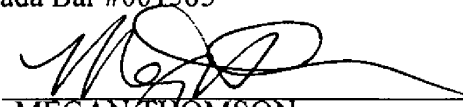
EXHIBIT "1"

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

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

11
12 BY


13 MEGAN THOMSON
14 Chief Deputy District Attorney
15 Nevada Bar #011002
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27 DA#16F03770X /cc/L4
28 LVMPD EV#1603072804
(TK)

THIS SEALED
DOCUMENT,
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344 - 354
WILL FOLLOW VIA
U.S. MAIL



1 **MEMO**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MEGAN THOMSON
6 Chief Deputy District Attorney
7 Nevada Bar #11002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

12 LUIS ANGEL CASTRO,
13 #1918366

14 Defendant.

CASE NO: C-16-314092-1

DEPT NO: XXX

15 **SENTENCING MEMORANDUM**

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

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

21 **STATEMENT OF THE CASE**

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

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

15 STATEMENT OF FACTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 ARGUMENT

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

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

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

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

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

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

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

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

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

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

11 **CONCLUSION**

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

14 DATED this 22 day of March, 2019.

15 Respectfully submitted,

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

19 BY

20 MEGAN THOMSON
21 Chief Deputy District Attorney
22 Nevada Bar #11002

23 //

24 //

25 //

26 //

27 //

28 //

CERTIFICATE OF ELECTRONIC FILING

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

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


Secretary for the District Attorney's Office

16F03770A/MT/ckb/L-4



EXHIBIT “2”



11/11/00 07:02:29 - Schreiber 3C1

EXHIBIT “3”

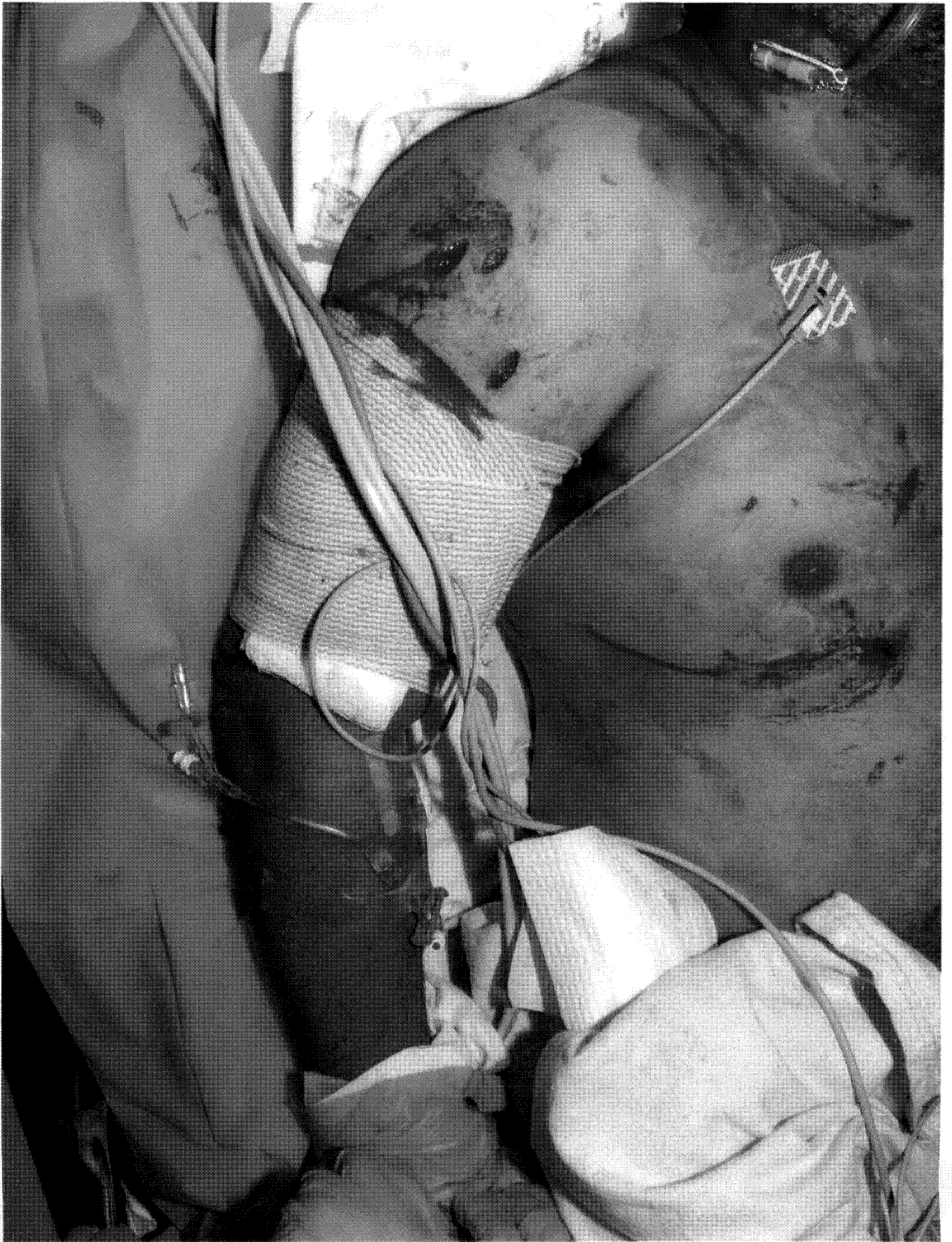


EXHIBIT “4”



EXHIBIT “5”



EXHIBIT “6”

EXHIBIT “7”



EXHIBIT “8”



EXHIBIT “9”



ORIGINAL

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Heather S. Hume
CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 LUIS ANGEL CASTRO,
16 #1918366

17 Defendant.

CASE NO: C-16-314092-1

DEPT NO: XXX

STATE'S NOTICE OF EXHIBITS
FOR SENTENCING MEMORANDUM

18 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
19 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and files
20 this Notice of Exhibits.

21 EXHIBIT 1: CD-R

22 EXHIBIT 2:

23 EXHIBIT 3:

24 EXHIBIT 4:

25 EXHIBIT 5:

26 //

27 //

28 //

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MAR 22 2019

CLERK OF THE COURT

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These Exhibits are in addition to any other Exhibits for which a separate Notice has been filed.

DATED this _____ day of March, 2019.

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

BY

MEGAN THOMSON
Chief Deputy District Attorney
Nevada Bar #011002

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that service of State's Notice of Exhibits for Sentencing Memorandum, was made this 22nd day of March, 2019, by Electronic Mailing to:

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

Secretary for the District Attorney's Office

TO: SENTENCING MEMORANDUM
C-16-314092-1
LUIS ANGEL CASTRO, #1918366
DEPT. XXX



MEMO

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO,

Defendant.

Case no. C-16-314092-1

Dep't no. XXX

Date of hearing: March 26, 2019

Time of hearing: 8:30 AM

SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT LUIS CASTRO

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

DATED this 24th day of March, 2019.

COFER & GELLER, LLC

By: /s/ Warren Geller

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

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

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

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

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

26

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

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

II. THE OFFENSE CONDUCT

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

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

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

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

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

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

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

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

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

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

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

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

15 III. ARGUMENT

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

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

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

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

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

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

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

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

10 CONCLUSION

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

13 DATED this 24th day of March, 2019.

14 COFER & GELLER, LLC

15 By: /s/ Warren Geller

16 WARREN J. GELLER, ESQ.
17 Nevada Bar No. 10047
18 *Attorney for Defendant*
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CERTIFICATE OF ELECTRONIC SERVICE

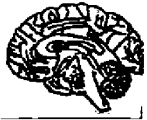
I HEREBY CERTIFY that all parties to this action are registered members of the court's electronic filing system, and that on Sunday, March 24th, 2019, a true and correct copy of the foregoing document:

SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT LUIS CASTRO
was filed with the court's electronic filing system and that service was accomplished automatically.

COFER & GELLER, LLC

By: /s/ Warren Geller
WARREN GELLER
COFER & GELLER, LLC

Exhibit A



NEUROPSYCHOLOGICAL EVALUATION

Patient Name: Luis Angel Castro (preferred first name Angel will be used throughout remainder of this report).
Dates of Examination: February 21st, March 5th, and March 7th, 2019
Date of Report: March 14th, 2019
Place of Examination: Clark County Detention Center
Examiner: Sharon Jones-Forrester, Ph.D.
Referral Source: Warren Geller, Esq., Appointed Counsel

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

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

Informed Consent

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

Language Concerns:

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

Understanding of Legal Concerns:

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

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

Behavioral Observations

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

TEST RESULTS

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

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

INTELLECTUAL FUNCTIONING									
Index	Percentile		Measure						
86	18		Full Scale IQ – combines skills related to four Indices below						
87	19		Verbal Comprehension Index - Factors in only measures that load on verbal skills						
88	21		Perceptual Reasoning Index - Factors in only measures that load on perceptual/spatial reasoning						
83	13		Attentional buffering and mental tracking control (Working Memory Index) Index that factors in measures that load on attention and mental tracking.						
97	42		Processing Speed Index - Factors in two measures that load on perceptual motor speed and dual attentional speed.						
PSI > WMI			Discrepancy Significance - Typically discrepancies of more than 12 to 14 points are significant.						
ACADEMIC SKILLS									
Grade level	Measure								
7.7	Reading Comprehension - Ability to understand increasingly complex passages (Woodcock Johnson Third Edition-WCJ-III Passage Comprehension Subtest)								
ATTENTION, MENTAL TRACKING, PROCESSING SPEED									
SIG	MOD	MILD	LOW	AVE	HIGH	4/4	Digit Span Forward -Attentional Buffer Capacity - repetition of digits (Reliable)		
SIG	MOD	MILD	LOW	AVE	HIGH	4/3	Digit Span Reverse - Simple Mental Tracking Capacity - repetition of digits in reverse order. (Reliable)		
SIG	MOD	MILD	LOW	AVE	HIGH	13	Working Memory Index - Mental Control – factors two measure of attentional buffering and mental tracking. (%)		
SIG	MOD	MILD	LOW	AVE	HIGH	42	Processing Speed Index – (PSI, WAIS III/IV) factors perceptual motor speed and dual attentional speed. (%)		
SIG	MOD	MILD	LOW	AVE	HIGH	9	Symbol Search - Timed dual attention task - Subject simultaneously searches for two symbols (ss)		
SIG	MOD	MILD	LOW	AVE	HIGH	10	Coding - Perceptual Motor Speed with symbol transcription - rapid transcription of numbers into symbols (ss)		
SIG	MOD	MILD	LOW	AVE	HIGH	9	Arithmetic – Moderate Mental Tracking (ss)		
SIG	MOD	MILD	LOW	AVE	HIGH	9	Color Naming Condition 1 - Simple Visual Based Processing Speed (DKEFS Color Word) (ss)		
SIG	MOD	MILD	LOW	AVE	HIGH	11	Color Reading Condition 2 - Simple Lexical Based Processing Speed (DKEFS Color Word) (ss)		
SIG	MOD	MILD	LOW	AVE	HIGH	55	Trails A - Perceptual Motor Speed with Visual Search - Connect the Dots type task (t-score)		
SIG	MOD	MILD	LOW	AVE	HIGH	41	CPT-II - Vigilance/Focused Attention - Omissions (t-score)		
SIG	MOD	MILD	LOW	AVE	HIGH	47	Commissions		
SIG	MOD	MILD	LOW	AVE	HIGH	47	Hit Reaction Time		
SIG	MOD	MILD	LOW	AVE	HIGH	32	Hit Reaction Time standard error		
SIG	MOD	MILD	LOW	AVE	HIGH	32	Variability		
SIG	MOD	MILD	LOW	AVE	HIGH	47	Detectability		
SIG	MOD	MILD	LOW	AVE	HIGH	42	Response Style (B)		
SIG	MOD	MILD	LOW	AVE	HIGH	44	Perseverations		

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

MOTOR SKILLS							
SIG	MOD	MILD	LOW	AVE	HIGH	48	Finger Tapping - Motor Speed Dominant Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Finger Tapping - Motor Speed Non-Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Grooved Pegboard - Fine Motor Dexterity Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	50	Grooved Pegboard - Fine Motor Dexterity Non-Dom. Hand (t-score)
SYMPTOM VALIDITY MEASURES							
							Available upon request to qualified, formally trained neuropsychologists only.

INTERPRETATION AND DISCUSSION

Issues Affecting the Validity of Interpretation

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

NEUROCOGNITIVE PROFILE

Intellectual Capacity

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

Reading Comprehension Skills

- Reading comprehension skills are at the 7.7 grade level.

Attention, Speed, Mental Tracking

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

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

Language

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

Spatial Processing

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

Memory and New Learning

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

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

Executive Control Skills

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

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

Motor Functioning

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

PSYCHOSOCIAL HISTORY

SUBJECTIVE COMPLAINTS:

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

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

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

DETAILED HISTORY:

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

Family and Residential History Summary:

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

Childhood and Familial Abuse History:

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

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

Children and Relationship History:

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

Educational and Employment History:

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

Developmental History:

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

Medical and Neurological History:

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

Psychological History/Substance Abuse:

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

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

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

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

SUMMARY

Neurocognitive Evaluation:

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

Psychosocial History Pertinent Clinical Factors:

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

Childhood Developmental Factors:

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

Adolescence:

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

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

Adulthood:

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

Ongoing and Persistent Developmental Factors:

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

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

DIAGNOSTIC IMPRESSION

R41.9 Unspecified Neurocognitive Disorder.

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

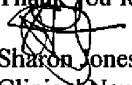
F15.20 Methamphetamine Use Disorder, Severe, in a controlled environment.

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

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

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

Thank you for this most interesting referral. Respectfully Submitted,


Sharon Jones-Forrester, Ph.D.
Clinical Neuropsychologist

Collateral Interviews and Records Reviewed

Collateral Interviews:

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

Records Reviewed:

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

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

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

Exhibit B

Instituto De Liderazgo: Atrevete a Ser Las Vegas

Presenta este Reconocimiento a:

Luis Angel Castro

Por haber concluido satisfactoriamente el

Liderato # 7

Noviembre 03 2013



INSTITUTO DE LIDERAZGO


Ricardo Gonzalez

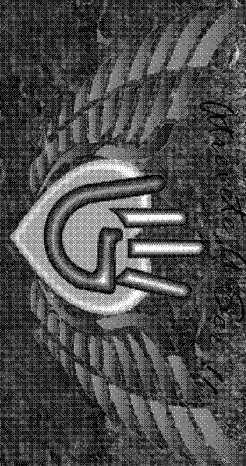
Coordinador del Liderato # 7


Jaime Castillo

Director del Instituto Atrevete a Ser las Vegas

Liderato #7
Instituto Atrevete
a Ser las Vegas

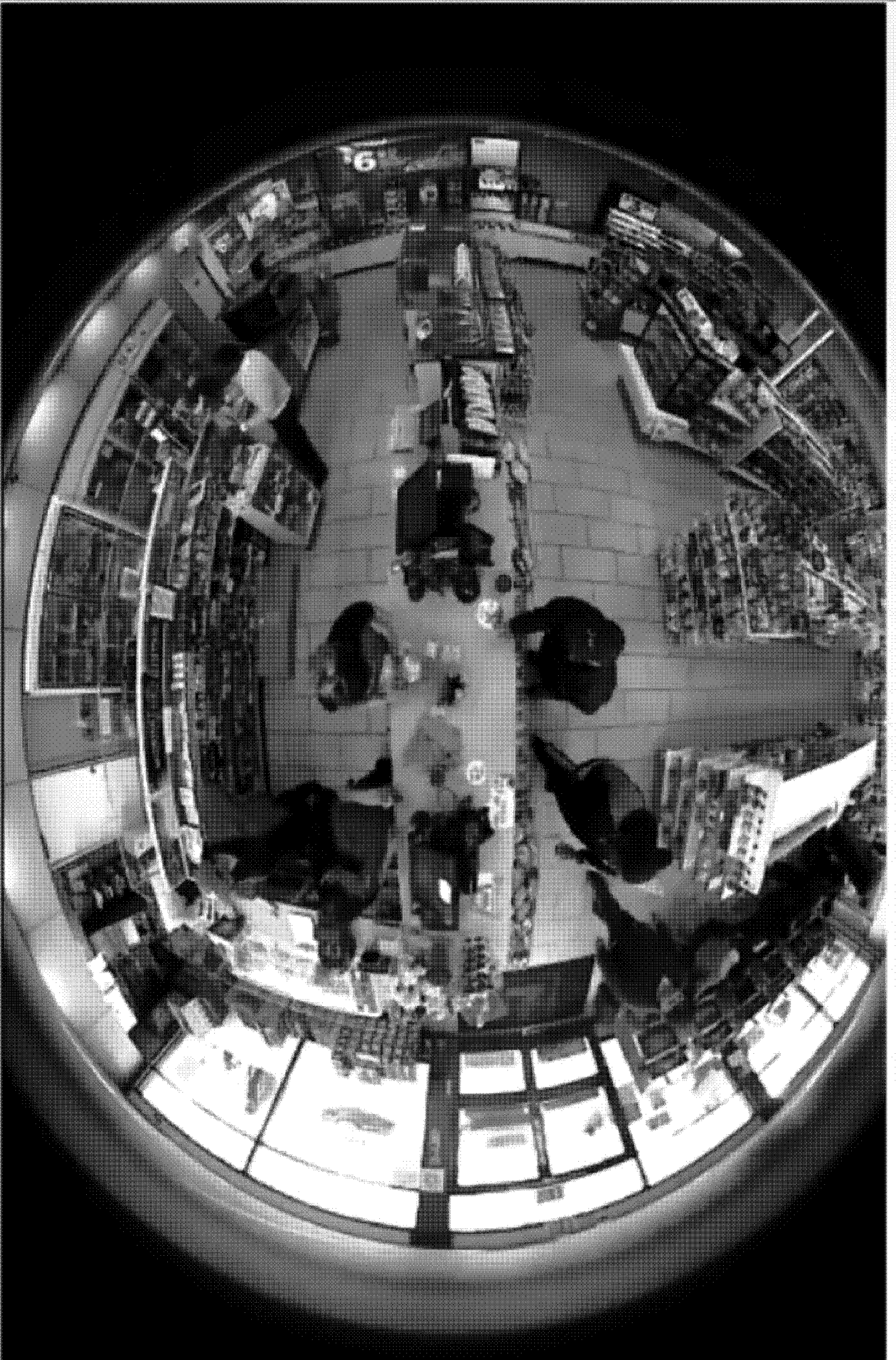
Instituto De Liderazgo



Paraíso
Noviembre 2013



Exhibit C



3/7/2016 12:39:38 PM



Speed: 1x



Exhibit D



3/7/2016 12:40:23 PM



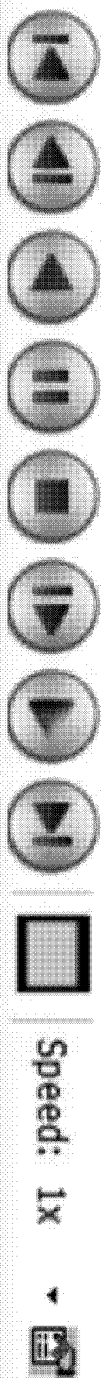
Speed: 1x



Exhibit E



3/7/2016 12:40:58 PM



Speed: 1x

Exhibit F

Exhibit G



Warren Geller <wgeller@defense.vegas>

Luis Castro polygraph offer

5 messages

Warren Geller <wgeller@defense.vegas>

Fri, Jul 13, 2018 at 10:53 AM

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

Megan and Jake,

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

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

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

Let me know if you want to set it up,

--

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

Jacob Villani <Jacob.Villani@clarkcountyda.com>

Fri, Jul 13, 2018 at 11:00 AM

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

Here's the problem with a poly -

Exhibit H

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

Event Number: LLV180925001043

STATE OF NEVADA) Ortiz-Salazar, Jose

) ss: ID#: 7518242

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

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

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

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

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

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

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

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

CONTINUATION

Event #: LLV180925001043

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

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

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

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

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

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

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION

Event #: LLV180925001043

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

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

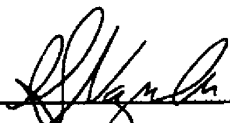
Judgment of Convictions were requested and received for Ortiz-Salazar (attached). Based on the facts and circumstances listed above, I believe that a reasonable person would believe that he was in possession of a firearm at the time of the incident. An arrest warrant for Ortiz-Salazar for the crime of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

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

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

Executed on this 12th day of November, 2018.

DECLARANT:

 8396

WITNESS:



DATE:

11/12/18

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CRIME SCENE INVESTIGATION REPORT

Incident <div style="text-align: center;">Injured Person</div>		Sector/Beat <div style="text-align: center;">NL</div>	Event Number <div style="text-align: center;">180925-1043</div>
Requesting Officer <div style="text-align: center;">G. Valenzuela PN 8396</div>	Division <div style="text-align: center;">CPD</div>	Date <div style="text-align: center;">9/25/2018</div>	Time <div style="text-align: center;">1137</div>
Victim(s) <div style="text-align: center;">Jose Ortiz Salazar 12-22-1993</div>		Location(s) <div style="text-align: center;">North Vista Hospital</div>	

Connecting Reports and Related Event Numbers

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

DOCUMENTATION

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

LATENT PRINT EVIDENCE

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

FIREARMS EVIDENCE

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

FOOTWEAR AND TIRE EVIDENCE

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

BIOLOGICAL EVIDENCE

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

TOOL MARK EVIDENCE

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

OTHER

VEHICLE(S):

GENERAL INFORMATION:

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

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

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

Crime Scene Analyst Supervisor 	P# 2846	Date Approved 10-3-18	Crime Scene Analyst Brenda Vaandering	P# 13575
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Qualtrax Number: LVMPD CSI 3815
 Document Number: ISDS
 Issued By: CSI DIR
 Revision Date: 05/01/2018
 Page 1 of 1

LVMPD Crime Scene Investigations Section/5555 W. Badura Ave. Suite #180/ Las Vegas, Nevada 89118

Exhibit I

TORO TAX SERVICES- CORPORATE HEADQUARTERS

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



April 7, 2015.

OSCAR TORO- COO/ PRESIDENT
Toro Enterprises LLC

To whom it may concern,

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

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

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

Respectfully,

Oscar Toro

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

cc: Corporate file, CEO, COO, Writer.



To whom it may concern:

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

Sincerely, Jaime Castillo

Director of Instituto Atrevete A Ser

4670 E. Sahara Ave

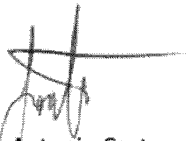
Las Vegas NV 89104

(702) 459-0081

04/06/2015

To whom it may concern,

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

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

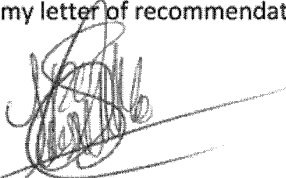
Jose Antonio Castro

3501 Kidd St.
N Las Vegas NV 89032

04/06/2015

To whom it may concern,

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

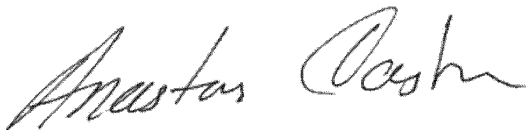
A handwritten signature in dark ink, appearing to read 'Paola Lissette Fajardo', with a long horizontal line extending to the right.

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

04/06/2015

To whom it may concern,

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

A handwritten signature in cursive script that reads "Anastasia Castro". The ink is dark and the signature is fluid.

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

04/08/2015

To whom it may concern,

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

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

April 7, 2015

To whom it may concern,

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

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

Sincerely,


Patricia Porras
702-463-9896

04/06/2015

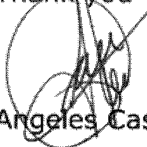
To whom it may concern,

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

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

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

Thank you

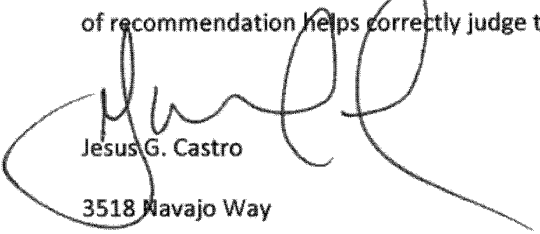


Angeles Castro

04/06/2015

To whom it may concern;

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



Jesus G. Castro

3518 Navajo Way

Las Vegas NV 89108

702-672-1051

04/06/2015

To whom it may concern;

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



Erika Y. Magana Gonzalez

4-7-15

3518 Navajo Way

Las Vegas NV 89108

702-635-2579

04/06/2015

To whom it may concern;

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

Heriberto Magaña G.

Heriberto Magaña Gonzalez

1407 Sienna Drive

Dalton GA 30721

706-537-3994

04/06/2015

To whom it may concern;

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

Heriberto Magaña
Heriberto Magaña

1407 Sienna Drive

Dalton GA 30721

762-209-0092

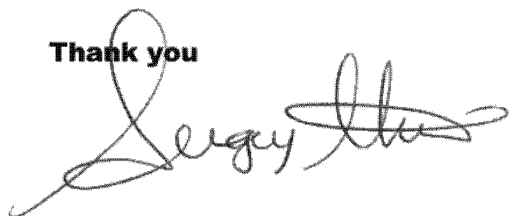
04/06/2015

To whom it may concern,

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

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

Thank you

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

Sugey G Thom

3970 E Twain Ave

Las Vegas NV 89121

Las Vegas, Nevada, April 6, 2015

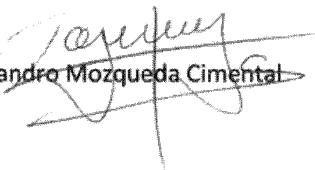
To whom it may concern.

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

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

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

Sincerely


Alejandro Mozqueda Cimental

04/06/2015

To whom it may concern,

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

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

Thank you



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

04/06/2015

TO WHOM IT MAY CONCERN,

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

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

THANK YOU

MANUELA S. ALTAMIRANO

MANUELA S. ALTAMIRANO

3926 LONLEY HEART CT

LAS VEGAS NV 89115

04/06/2015

TO WHOM IT MAY CONCERN,

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

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

THANK YOU

Jesus Martinez Reyes

JESUS MARTINEZ REYES

3926 LONLEY HEART CT

LAS VEGAS NV 89115

04/06/2015

To whom it may concern;

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

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

Thank you,

A handwritten signature in black ink, appearing to read 'Sandra N Duarte', with a large, stylized initial 'S'.

Sandra N Duarte

6763 Mataro Dr.

Las Vegas NV 89103

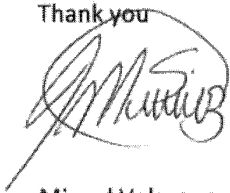
04/06/2015

To whom it may concern;

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

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

Thank you

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

Miguel Velazquez

2044 E. Hacienda Ave

Las Vegas NV 89119

04/06/2015

To whom it may concern,

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

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

Thank you



Roxana Boidi

04/10/2015

To whom it may concern,

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

Thank you



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

Exhibit J



Nevada Board of Parole Commissioners

Parole Board Report of Actions, Fiscal Year 2016

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

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

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

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

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

Fiscal Year Totals

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

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

Percentage of Action by Gender

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

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

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

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

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

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

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

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

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

Section 4: Summary of parole actions by offense group

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

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

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

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

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

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

Steven D. Grierson

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

LUIS ANGEL CASTRO
#1918366

Defendant.

CASE NO. C-16-314092-1

DEPT. NO. XXX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

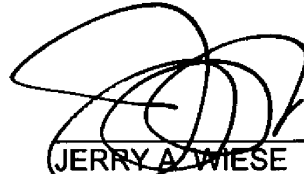
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of FIRST DEGREE KIDNAPPING RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony) in violation of NRS 200.310, 200.320; thereafter, on the 26th day of March, 2019, the Defendant was present in Court for sentencing with counsel WARREN GELLER, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
2 Defendant is sentenced as follows: LIFE WITHOUT THE POSSIBILITY OF PAROLE
3 in the Nevada Department of Corrections (NDC).
4

5 DATED: 27 day of March, 2019.

6
7 

8 JERRY A. WIESE
9 DISTRICT COURT JUDGE

10 VM



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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

LUIS CASTRO, #1918366,

Defendant.

Dep't no. XXX

Case no. C-16-314092-1

MOTION TO WITHDRAW AS COUNSEL

COMES NOW the Defendant, LUIS CASTRO, by and through his attorneys, and moves to withdraw as counsel of record.

This motion is made and based upon the declaration of counsel attached hereto.

DATED this 2nd day of April, 2019.

COFER & GELLER, LLC

By: /s/ Warren Geller

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

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DECLARATION OF COUNSEL

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

1. That the parents of the Defendant, Luis Castro, retained the law firm of COFER & GELLER, LLC to represent him in this matter through a sentencing hearing in the Clark County District Court; that I am an attorney with said firm, duly licensed and admitted to practice law before this Court; that I am familiar with the facts and circumstances relevant to the instant motion; and that I am informed, and I believe, that the facts stated below are true and correct.

2. The Defendant is being held in custody at the Clark County Detention Center pending transport to the Nevada Department of Corrections;

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

4. The Defendant expressed a desire to have counsel appointed to discuss his appellate and post-conviction options.

5. The undersigned counsel was not retained for appellate purpose or post-conviction purposes.

6. After speaking with Drew Christensen at the Office of Appointed Counsel, the undersigned counsel was advised to move to withdraw from the instant case so that counsel could be appointed on Mr. Castro's behalf.

EXECUTED this 2nd day of April, 2019, in Las Vegas, Nevada.

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

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YOU WILL PLEASE TAKE NOTICE that the above and foregoing motion will be brought on for hearing before Department XXX of the Clark County District Court on _____ at the hour of _____ or as soon thereafter as counsel may be heard.

I HEREBY CERTIFY that all parties to this action are registered members of the court's electronic filing system, and that on Tuesday, April 2nd, 2019, a true and correct copy of the foregoing document:

was filed with the court's electronic filing system and that service was accomplished automatically.

By: /s/ Warren Geller
WARREN GELLER
COFER & GELLER, LLC

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
4/3/2019 6:29 PM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
LUIS CASTRO

Case No.: C-16-314092-1

Department 30

NOTICE OF HEARING

Please be advised that the Defendant's Motion to Withdraw as Counsel in the above-entitled matter is set for hearing as follows:

Date: April 16, 2019

Time: 8:30 AM

Location: RJC Courtroom 14A
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Teresa Cameron
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Teresa Cameron
Deputy Clerk of the Court



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

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

9 THE STATE OF NEVADA)
10)
11 Plaintiff,)
12)
13 v.)
14)
15 LUIS ANGEL CASTRO)
16 # 1918366)
17 Defendant.)
18)
19)
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CASE NO: C314092

DEPT. NO: XXX

16 NOTICE OF APPEAL

17 NOTICE IS HEREBY GIVEN that LUIS ANGEL CASTRO, defendant above named,
18 hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction entered in this
19 action on the 28th day of March, 2019.

20 DATED this 22nd day of April, 2019.

21
22
23 /s/ Jean J. Schwartzter
24 JEAN J. SCHWARTZER, ESQ.
25 Nevada Bar No. 11223
26 LAW OFFICE OF JEAN J. SCHWARTZER
27 10620 Southern Highlands Parkway, Suite 110-473
28 Las Vegas, Nevada 89141
(702) 979-9941
Counsel for Appellant

1 **CERTIFICATE OF SERVICE**

2
3 **IT IS HEREBY CERTIFIED** by the undersigned that on 22nd day of
4 April, 2019, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** on the parties
5 listed on the attached service list via one or more of the methods of service described below as
6 indicated next to the name of the served individual or entity by a checked box:

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

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

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

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

19 By:

20 /s/ Jean J. Schwartzer
21 JEAN J. SCHWARTZER, ESQ.
22 Nevada Bar No. 11223
23 LAW OFFICE OF JEAN J. SCHWARTZER
24 10620 Southern Highlands Parkway, Suite 110-473
25 Las Vegas, Nevada 89141
26 (702) 979-9941
27 Counsel for Appellant
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SERVICE LIST

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE 200 E. Lewis Ave Las Vegas, NV 89101 pdmotions@clarkcountynv.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

Steven D. Grierson

LUIS CASTRO 1214547
HDSP
POST OFFICE BOX 650
INDIAN SPRINGS, NV, 89070

PETITIONER / APPELLANT

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

THE STATE OF NEVADA,

PLAINTIFF,

VS.

LUIS CASTRO,

DEFENDANT.

CASE NO.

C-16-314092-1

DEPT NO. 14-A

NOTICE OF APPEAL

PETITIONER LUIS CASTRO HEREBY APPEALS
THE COURT'S MARCH 26, 2019, JUDGMENT OF CONVICTION.
PETITIONER SEEKS THAT HIS ONE FREE COPY OF
THE RECORD BE TRANSMITTED AND PROVIDED FORTHWITH
AND FURTHER SEEKS THAT APPELLATE COUNSEL BE
APPOINTED ON ACCOUNT OF HIS INDIGENCY.

RESPECTFULLY SUBMITTED,

DATED: APRIL 23, 2019

BY: /s/

(LUIS CASTRO)

PETITIONER / APPELLANT
IN PRO SE

RECEIVED
APR 26 2019
CLERK OF THE COURT

Jois A. Castro
1214347-1-A-12
HDSQ
P.O. Box 650
Indian Springs, Wv. 89070

INTAKE
NSF 3763

STEVEN D. GREGSON
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV, 89155-1160

33 BRCFNM 89155



HIGH DESERT STATE PRISON

APR 23 2019

UNIT 1 A/B



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

STATE OF NEVADA,

Plaintiff(s),

vs.

LUIS ANGEL CASTRO,

Defendant(s),

Case No: C-16-314092-1

Dept No: XXX

CASE APPEAL STATEMENT

1. Appellant(s): Luis Castro

2. Judge: Jerry A. Wiese

3. Appellant(s): Luis Castro

Counsel:

Luis Castro #1214547
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: April 12, 2016

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 78643

12. Child Custody or Visitation: N/A

Dated This 30 day of April 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Luis Castro



1 **ASTA**
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
7 Phone: (702) 979-9941
8 Fax: (702) 447-5044
9 Email: jean.schwartzter@gmail.com
10 Counsel for Appellant

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA)

Plaintiff,)

v.)

LUIS ANGEL CASTRO
1918366)

Defendant.)

CASE NO: C314092

DEPT. NO: XXX

CASE APPEAL STATEMENT

1. **Name of appellant filing this case appeal statement:** Luis Angel Castro, hereinafter referred to as "Appellant."
2. **Judge issuing the decision:** Honorable Judge Jerry Wiese entered the Court's Judgment of Conviction on March 28, 2019.
3. **Identify each appellant and counsel:** Appellant is currently represented by Jean J. Schwartzter, Esq., of Law Office of Jean J. Schwartzter, located at 10620 Southern Highlands Parkway, Suite 110-473, Las Vegas, Nevada 89141; phone number (702) 979-9941.
4. **Identify each respondent and counsel:** STATE OF NEVADA through Steven Owens, Esq., of the Clark County District Attorney's Office, located at 200 Lewis Avenue, 9th Floor, Las Vegas, Nevada 89155; phone number (702) 671-2500.
5. **License status of attorneys mentioned in Nos. 3 and 4:** Both attorneys are

1 currently licensed in Nevada.

2 6. **Indicate whether Appellant was represented in the District Court by retained or**
3 **appointed counsel:** Retained.

4 7. **Indicate whether Appellant is represented in his appeal by retained or**
5 **appointed counsel:** Appointed.

6 8. **Indicate whether appellant was granted leave to proceed in forma pauperis:**
7 No. However, the Court appointed current counsel on April 16, 2019.

8 9. **Indicate the date the proceedings commenced in the District Court:** The
9 proceedings referenced herein were initiated before the District Court with the
10 filing of a Criminal Bindover on April 12, 2016.

11 10. **Provide a brief description of the nature of the action and result in the District**
12 **Court:** This appeal stems from a Judgment of Conviction. Appellant pleaded
13 guilty to one count of First Degree Kidnapping Resulting in Substantial Bodily
14 Harm (NRS 200.310 and 200.320). Appellant was subsequently adjudicated guilty
15 sentenced to LIFE WITHOUT THE POSSIBILITY OF PAROLE.

16 11. **Indicate whether this case has previously been the subject of an appeal or**
17 **original writ proceeding in the Supreme Court:** No.

18 12. **Indicate whether this appeal involves child custody or visitation:** This appeal
19 does not involve child custody or visitation.

20 13. **If this is a civil case, indicate whether this appeal involves the possibility of**
21 **settlement:** This is a criminal case.

22 Dated this 9th day of May, 2019.

23
24 **BY:** /s/ Jean J. Schwartzer

25 **JEAN J. SCHWARTZER, ESQ.**

26 Nevada Bar No. 11223

27 Law Office of Jean J. Schwartzer

10620 Southern Highlands Parkway, Suite 110-473

28 Phone: (702) 979-9941

jean.schwartz@gmail.com

Counsel for Appellant

1 **CERTIFICATE OF SERVICE**

2
3 **IT IS HEREBY CERTIFIED** by the undersigned that on the 9th day of May, 2019, I
4 served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** on the parties
5 listed on the attached service list via one or more of the methods of service described below
6 as indicated next to the name of the served individual or entity by a checked box:

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

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

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

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19 **BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments
20 to the electronic-mail address designated by the attorney or the party who has filed a written
21 consent for such manner of service.
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By: /s/ Jean J. Schwartz
JEAN J. SCHWARTZER, ESQ.
Nevada Bar No. 11223
LAW OFFICE OF JEAN J. SCHWARTZER
10620 Southern Highlands Parkway, Suite 110-473
Las Vegas, Nevada 89141
(702) 979-9941
Counsel for Appellant

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SERVICE LIST

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



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
7 Phone: (702) 979-9941
8 jeanjnash@gmail.com
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: KIMBERLY FARKAS

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:
20

21 1. September 1, 2016: Motion to Compel

22 2. February 4, 2019: Entry of Plea

23 3. March 26, 2019: Sentencing

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

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

DATED this 20th day of May, 2019.

By: /s/ Jean Schwartzer

JEAN J. SCHWARTZER
Nevada Bar #11223
LAW OFFICE OF JEAN J. SCHWARTZER
10620 Southern Highlands Parkway
Suite 110-473
Las Vegas, NV 89141
Phone: 702-979-9941
jeanjnash@gmail.com
Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2 **IT IS HEREBY CERTIFIED** by the undersigned that on 20th day of May, 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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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@clarkcountynv.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
KIMBERLY FARKAS EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA DEPARTMENT XXX 200 E. Lewis Ave Las Vegas, NV 89101 kimfarkas713@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



DISTRICT COURT
CLARK COUNTY, NEVADA

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS
ENTRY OF PLEA
BEFORE THE HONORABLE JERRY A. WIESE, II
MONDAY, FEBRUARY 4, 2019
AT 10:20 A.M.
LAS VEGAS, NEVADA

For the State: MEGAN S. THOMSON, ESQ.

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

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

Kimberly A. Farkas, RPR, CRR
(702) 671-3633 • realtimetrialslv@gmail.com

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

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

4 * * * * *

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

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

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

1 have agreed are appropriate in this case.

2 I believe that is the totality.

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

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

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

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

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

16 Mr. Castro, give me your full legal.

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

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

19 **THE DEFENDANT:** 32.

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

21 **THE DEFENDANT:** Tenth grade.

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

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

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

1 **THE WITNESS:** Yes.

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

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

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

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

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

13 **THE DEFENDANT:** Guilty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PLEADING
CONTINUES
IN NEXT
VOLUME**