

1 Duane Decastro # 00012679

2 % 897 E. Musser St.

3 Carson City, NV 89701

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10 DUANE DECASTRO,

11 Petitioner,

12 vs.

13 STATE OF NEVADA,

14 Respondent.

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NOTICE OF APPEAL

16 On this 14th day of February, 2022, the man named Duane
17 Decastro approaches the Court, he is APPEALING the ruling of
18 Honorable Judge Russell (DENYING PETITION FOR WRIT OF HABEAS
19 CORPUS) on 1/25/2022. This is an ongoing 'PRO-PER' filing, though
20 it is true that there is an 'AOR' attached to the man's Court Docket
21 Sheet. It is only because of that attorney's ineffectiveness and the
22 issues in the Court System in this District that have kept the
23 Petitioner from removing that 'AOR'. I, Duane Decastro, am filing
24 this 'NOTICE' in an attempt to conform to the procedure of the
25 Courts involved and to preserve my rapidly approaching "33 day time
26 limit" for appealing the Order of District Court, Department 1, in
27 Carson City, Nevada. As a 'Matter of Record', I have previously
28 sent (1/30/2022) written communication to Judge Russell's Court asking

REC'D & FILED ✓

2022 FEB 18 AM 10:41

Electronically Filed
Feb 18 2022 01:33 p.m.
BY Elizabeth A. Brown
Clerk of Supreme Court

1 for needed information on the process of appealing. (ie: Rules, format,
2 procedure, etc.) Also, considering this is a 'PRO-PEA' filing, there are
3 supporting documents in support of an appeal and the "custody arm" of
4 the Court refuses me ability to attach exhibits to any filing. The
5 documents obtained will show the District Attorney's "Grands" have
6 have misled the Judge in his decision and order. Filings and timelines
7 have been manipulated in favor of the D.A.'s stance with disregard
8 for the jailed citizen, restricted by his custody.

9 Now, since the Court I'm appealing against has failed to provide
10 any response, or communication with specific information of process to
11 appeal in a timely manner, I'm approaching both Courts in tandem to
12 obtain the information pertaining to the process of appeal. This "Notice
13 of Appeal" is hindered by custody. This jail does not allow any
14 inmate access to legal information, and there is no attorney for this
15 filing. Through deceit and manipulation, the D.A. has put forth a filing
16 to the Judge (which was NEVER served to the individual) which the named
17 petitioner herein can dispute with success - though he was never given
18 a hearing to defend his "OPPOSITION" (sent to the Court of Judge Russell on
19 1/10/22 - 1/13/22) to the 'Strike' he only found out about through a family
20 member, since he was not served or delivered the filing of the D.A. The
21 D.A. even fails to address the true issues in the 'Writ of Habeas' and
22 focuses the Judge on issues which she, District Attorney Melanie
23 Brantingham, controls. Two "points of fact" here: 1) In reality, Duane
24 Decastro and Justin Champagne had no attorney/client relationship
25 at the time of filing the 'Writ of Habeas' in question and 2) the
26 D.A.'s custody arm surrogates 'DENY' the individual the needed
27 ability to support my filings with legal authorities, evidence, or
28 even copies of documents to succeed with any support against what

1 she (the DA) uses as reason to order a denial from the Judge's own
2 bench.

3 There are many documents for supporting the appeal of Judge
4 Russell's order. But facility staff strictly denies any request for
5 legal "anything" by the petitioner in these 'PRO-PER' filings. (see Cobra
6 Kiosk Inmate Requests: #114124, #114023, #113729, #113247, #112748) And
7 whether the D.A. is "clerk-shopping" to assist her in her denial of access
8 to the Court for the 'PRO-PER' man, or something more dysfunctional is
9 in play against the man - he stands alone.

10 I would ask the Supreme Court of Nevada to extend and preserve my
11 33 days to appeal (if necessary) and that the Court will let me know
12 how/what I need to do to appeal this matter since there is either
13 no communication, or just misleading statements from the District
14 Court involved. I believe the District Court is attempting to force
15 my violation of the 33 day time limit. In a continuing effort to
16 limit or block my access to the Courts, through custody staff, the
17 requested access to www.leg.state.nv.us for the needed information
18 (see inmate request #114023) was denied. As a private citizen in custody of
19 Carson City Jail, I am unable to get process information due to the
20 custody arm of the District Attorney I'm appealing against. This is
21 my only avenue to request the information needed, and also to
22 "document and preserve" my appeal beyond the 33 day time limit. I'm
23 exhausting every source for information that I can reach, due to custody's
24 absolute denials and asserted control, every step is a struggle usually ending
25 in a short coming and extremely time consuming from this place of being
26 in custody. I plea for the Court's understanding.

27 I, Duane Decastro, swear under penalty of perjury
28 according to the laws of State of Nevada that all content is

1 true and without exaggeration. I am unable to provide "proof
2 of service" at this time due to facility restrictions and undelivered
3 postage paid envelopes by canteen at the jail.

4 I do affirm that this document does not contain the
5 personal information of any person as defined by NRS.603A.040.

6
7 Date: Feb. 14, 2022

signature:



print DUANE DE CASTRO

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2022 FEB 16 PM 1:42

APPEAL CLERK

BY *[Signature]* DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

STATE OF NEVADA,

Petitioner(s),

vs.

DUANE DECASTRO ,

Respondent(s).

Case No.: 19 CR 00153.001 1B

Dept. No.: I

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

- DUANE DECASTRO

2. Identify the judge issuing the decision, judgment, or order appealed from:

- HONORABLE JAMES T. RUSSELL

3. Identify each appellant and the name and address of counsel for each appellant:

- DUANE DECASTRO #00012679
C/O CARSON CITY JAIL
897 E. MUSSER STREET
CARSON CITY, NV 89701

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

- STATE OF NEVADA
JASON WOODBURY
CARSON CITY DISTRICT ATTORNEY
885 E. MUSSER STREET STE. 2030
CARSON CITY NV 89701

1 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
2 licensed to practice law in Nevada and, if so, whether the district court granted that
3 attorney permission to appear under SCR 42 (attach a copy of any district court order
4 granting such permission):

5 - N/A

6 6. Indicate whether appellant was represented by appointed or retained counsel in the
7 district court:

8 - N/A

9 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

10 - N/A

11 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date
12 of entry of the district court order granting such leave:

13 - N/A

14 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
15 indictment, information, or petition was filed):

16 - JUSTICE COURT BINDOVER SEPTEMBER 4, 2019
17 PETITION FOR WRIT OF HABEAS CORPUS FILED NOVEMBER 2, 2021

18 10. Provide a brief description of the nature of the action and result in the district court,
19 including the type of judgment or order being appealed and the relief granted by the
20 district court:

21 - ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS FILED
22 JANUARY 25, 2022

23 11. Indicate whether the case has previously been the subject of an appeal to or original writ
24 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
25 number of the prior proceeding:

26 - N/A

27 12. Indicate whether this appeal involves child custody or visitation:

28 - N/A

1
2 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

3 - NOT APPLICABLE.

4 Dated this 16th day of February, 2022.

5 AUBREY ROWLATT, Carson City Clerk
6 885 E. Musser St., #3031
7 Carson City, NV 89701

8 By  Deputy
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Judge: RUSSELL, JUDGE JAMES
TODD

Case No. 19 CR 00153 1B 001

Ticket No. 18-22084
CTN:

STATE OF NEVADA VS

By:

-vs-

DECASTRO, DUANE
1830 BROWN STREET
CARSON CITY, NV 89701
Dob: 09/17/1958
Lic:

DFNDT

Sex: M
Sid:By: CHAMPAGNE, JUSTIN K
1420 RAINNA COURT
RENO, NV 89509

Plate#:

Make:

Year:

Type:

Venue:

Location: CS

Accident:

CARSON CITY DISTRICT
ATTORNEY

CPLNT

Bond:
Type:Set:
Posted:

Charges:

Ct.1	453.3385.1	TRAFFICKING OF SCH I CONT SUB OR FLUNITRAZEPAM/GHB, 4 - 14 GRAMS
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.2	453.3385.1	TRAFFICKING OF SCH I CONT SUB OR FLUNITRAZEPAM/GHB, 4 - 14 GRAMS
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.3	202.360.1	OWN OR POSSESS FIREARM BY PROHIBITED PERSON
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.4	202.360.1	OWN OR POSSESS FIREARM BY PROHIBITED PERSON
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.5	202.360.1	OWN OR POSSESS FIREARM BY PROHIBITED PERSON
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.6	202.360.1	OWN OR POSSESS FIREARM BY PROHIBITED PERSON
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.7	453.337.2a	POSSESS, W/INTENT SELL, SCH I OR II CONT SUB OR FLUNITRAZEPAM/GHB, 1ST
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	
Ct.8	453.338.2a	POSSESS, W/INTENT SELL, SCH III, IV OR V CONT SUB, 1ST/2ND
	Offense Dt:	03/28/2018 Cvr:
	Arrest Dt:	03/28/2018
	Comments:	

Sentencing:

Ct.1	Sentence	Suspended	Credit
Jail (Days)			
Fines			
Costs			
Restitution			
Probation(Mo)		Expires:	
Comm Svc (Hr)			
REMARKS:			
Ct.2	Sentence	Suspended	Credit
Jail (Days)			
Fines			
Costs			
Restitution			
Probation(Mo)		Expires:	
Comm Svc (Hr)			
REMARKS:			
Ct.3	Sentence	Suspended	Credit
Jail (Days)			

Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:
Ct.4 Sentence Suspended Credit
Jail (Days)
Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:
Ct.5 Sentence Suspended Credit
Jail (Days)
Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:
Ct.6 Sentence Suspended Credit
Jail (Days)
Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:
Ct.7 Sentence Suspended Credit
Jail (Days)
Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:
Ct.8 Sentence Suspended Credit
Jail (Days)
Fines
Costs
Restitution
Probation(Mo) Expires:
Comm Svc (Hr)
REMARKS:

No.	Filed	Action	Operator	Fine/Cost	Due
1	02/16/22	CASE APPEAL STATEMENT	1BCFRANZ	0.00	0.00
2	02/16/22	NOTICE OF DEFICIENCY IN NOTICE OF APPEAL	1BSBARAJAS	0.00	0.00
3	02/16/22	NOTICE OF APPEAL	1BSBARAJAS	24.00	0.00
4	02/02/22	REQUEST TO SUBMIT	1BPETERSON	0.00	0.00
5	01/26/22	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BPETERSON	0.00	0.00
6	01/26/22	ORDER DENYING PETITON FOR WRIT OF HABEAS CORPUS	1BPETERSON	0.00	0.00
7	01/26/22	DECLARATION OF SERVICE	1BPETERSON	0.00	0.00
8	01/18/22	REQUEST FOR SUBMISSION OF MOTION OR BRIEF	1BJHIGGINS	0.00	0.00
9	01/18/22	PROOF OF SERVICE	1BJHIGGINS	0.00	0.00
10	01/18/22	LEGAL BRIEF AND OFFICIAL OPPOSITION TO "MOTION TO STRIKE" FOR WRIT OF HABEAS CORPUS	1BJHIGGINS	0.00	0.00
11	12/21/21	MOTION TO STRIKE PETITION FOR WRIT OF HABEAS CORPUS	1BCCOOPER	0.00	0.00
12	12/20/21	REQUEST FOR HEARING ON HABEAS CORPUS AND ORDERED 45 DAY LIMIT	1BCCOOPER	0.00	0.00
13	11/22/21	CRIMINAL SCHEDULING ORDER	1BCFRANZ	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
14	11/22/21	TRIAL DATE MEMO	1BCFRANZ	0.00	0.00
15	11/22/21	HEARING HELD: The following event: STATUS CHECK scheduled for 11/22/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
16	11/08/21	CONTINUED The following event: STATUS CHECK scheduled for 11/08/2021 at 9:00 am has been resulted as follows: Result: CONTINUED Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
17	11/03/21	ORDER REQUIRING NEVADA DISTRICT ATTORNEY TO RESPOND	1BVANESSA	0.00	0.00
18	11/02/21	WRIT OF HABEAS CORPUS	1BSBARAJAS	0.00	0.00
19	10/12/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
20	10/12/21	AMENDED ORDER	1BCCOOPER	0.00	0.00
21	10/11/21	EX-PARTE BILLING INVOICE FOR LEGAL FEES	1BPETERSON	0.00	0.00
22	10/04/21	ORDER	1BJULIEH	0.00	0.00
23	10/04/21	EX-PARTE BILLING INVOICE FOR LEGAL FEES	1BJULIEH	0.00	0.00
24	10/04/21	ORDER TO EVALUATE DEFENDANT FOR COMPETENCE	1BJULIEH	0.00	0.00
25	10/01/21	EX-PARTE MOTION FOR COMPETENCY EVALUATION	1BPETERSON	0.00	0.00
26	09/15/21	OPPOSITION TO MOTION FOR RELEASE ON OWN RECOGNIZANCE	1BSBARAJAS	0.00	0.00
27	09/13/21	HEARING HELD: The following event: STATUS CHECK scheduled for 09/13/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
28	09/08/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
29	09/08/21	ORDER ENLARGING TIME	1BCCOOPER	0.00	0.00
30	09/07/21	STIPULATION FOR CONTINUANCE	1BPETERSON	0.00	0.00
31	08/26/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
32	08/25/21	ORDER	1BCCOOPER	0.00	0.00
33	08/24/21	STIPULATION FOR EXTENSION OF TIME	1BJULIEH	0.00	0.00
34	08/20/21	REQUEST FOR SUBMISSION	1BJHIGGINS	0.00	0.00
35	07/30/21	MOTION FOR RELEASE ON OWN RECOGNIZANCE	1BJULIEH	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
36	05/25/21	CRIMINAL SCHEDULING ORDER	1BJULIEH	0.00	0.00
37	05/24/21	TRIAL DATE MEMO	1BJULIEH	0.00	0.00
38	05/24/21	HEARING HELD: The following event: RETURN ON BENCH WARRANT HEARING scheduled for 05/24/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJULIEH	0.00	0.00
39	05/18/21	CERTIFICATE OF SERVICE	1BPETERSON	0.00	0.00
40	05/14/21	ORDER CONTINUING HEARING	1BJHIGGINS	0.00	0.00
41	05/14/21	EVENT RESCHEDULED The following event: RETURN ON BENCH WARRANT HEARING scheduled for 05/17/2021 at 9:00 am has been resulted as follows: Result: RESCHEDULED Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
42	05/11/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
43	05/11/21	ORDER APPOINTING COUNSEL	1BCCOOPER	0.00	0.00
44	05/10/21	MOTION TO WITHDRAW AS COUNSEL	1BCFRANZ	0.00	0.00
45	05/10/21	HEARING HELD: The following event: STATUS CHECK scheduled for 05/10/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
46	05/05/21	BAIL BOND SURRENDER	1BJULIEH	0.00	0.00
47	05/03/21	HEARING HELD: The following event: RETURN ON BENCH WARRANT HEARING scheduled for 05/03/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJULIEH	0.00	0.00
48	04/26/21	DECLARATION OF PROBABLE CAUSE/VIOLATION REPORT	1BCFRANZ	0.00	0.00
49	04/26/21	ALERT CHANGED: ACTIVE WARRANT issued on 03/09/2021 For: DECASTRO, DUANE was changed on 04/26/2021 16:39:39.74 by 1BCFRANZ	1BCFRANZ	0.00	0.00
50	04/26/21	SHERIFF/WARDEN RETURN - BENCH WARRANT	1BCFRANZ	0.00	0.00
51	04/26/21	FORM GENERATION 1B VIOLATION REPORT (BAIL CONDITIONS) Sent on: 04/26/2021 09:11:34.70	1BBLAMBERT	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
52	03/11/21	RECEIPT OF EXHIBITS	1BJULIEH	0.00	0.00
53	03/10/21	AFFIDAVIT OF MAILING	1BJULIEH	0.00	0.00
54	03/10/21	NOTICE INTENT TO FORFEIT	1BJULIEH	0.00	0.00
55	03/09/21	TRIAL CONTINUED - OTHER The following event: JURY TRIAL scheduled for 03/09/2021 at 8:00 am has been resulted as follows: Result: TRIAL CONTINUED - OTHER Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I DEFT. FTA'D - BENCH WARRANT ISSUED	1BJULIEH	0.00	0.00
56	03/09/21	PHONE CALL-THOMAS DECASTRO (NEPHEW) DEF IS HIS UNCLE-HE MAY BE TURNING HIMSELF INTO THE JAIL. AT THIS TIME, HIS DIABETES IS UNSTABLE. THOMAS WAS ADVISED TO SEEK MEDICAL TREATMENT FOR HIS UNCLE BEFORE GOING TO THE JAIL.	1BDDAVIS	0.00	0.00
57	03/09/21	BENCH WARRANT	1BJULIEH	0.00	0.00
58	03/05/21	AMENDED CRIMINAL INFORMATION	1BJULIEH	0.00	0.00
59	03/01/21	TRIAL STATEMENT	1BCCOOPER	0.00	0.00
60	02/25/21	ORDER DENYING MOTION TO SUPPRESS EVIDENCE	1BJHIGGINS	0.00	0.00
61	02/25/21	ORDER GRANTING STATES PRIOR BAD ACT MOTION	1BJHIGGINS	0.00	0.00
62	02/23/21	HEARING HELD: The following event: MOTION HEARING - CRIMINAL scheduled for 02/23/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
63	02/19/21	OPPOSITION TO MOTION TO ADMIT PRIOR BAD ACTS	1BSBARAJAS	0.00	0.00
64	02/17/21	AMENDED NOTICE OF WITNESSES	1BSBARAJAS	0.00	0.00
65	02/05/21	AMENDED TRIAL DATE MEMO	1BJULIEH	0.00	0.00
66	02/04/21	TRIAL DATE MEMO	1BCCOOPER	0.00	0.00
67	02/01/21	HEARING HELD: The following event: STATUS CHECK scheduled for 02/01/2021 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJULIEH	0.00	0.00
68	09/02/20	CRIMINAL SCHEDULE ORDER	1BSBARAJAS	0.00	0.00
69	09/02/20	TRIAL DATE MEMO	1BSBARAJAS	0.00	0.00
70	08/06/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
71	08/06/20	STIPULATION AND ORDER TO CONTINUE JURY TRIAL	1BJULIEH	0.00	0.00
72	08/06/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BJULIEH	0.00	0.00
73	08/06/20	STIPULATION AND ORDER TO VACATE HEARING	1BJULIEH	0.00	0.00
74	07/21/20	TRIAL DATE MEMO	1BCFRANZ	0.00	0.00
75	07/20/20	HEARING HELD: The following event: STATUS CHECK scheduled for 07/20/2020 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
76	04/02/20	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BCCOOPER	0.00	0.00
77	04/02/20	ORDER RE ADMITTING DEFENDANT TO BAIL	1BCCOOPER	0.00	0.00
78	04/02/20	REQUEST FOR SUBMISSION	1BCFRANZ	0.00	0.00
79	04/02/20	REPLY IN SUPPORT OF DEFENDANT'S MOTION TO RELEASE DEFENDANT FROM CUSTODY	1BCFRANZ	0.00	0.00
80	04/01/20	CRIMINAL SCHEDULING ORDER	1BSBARAJAS	0.00	0.00
81	04/01/20	TRIAL DATE MEMO	1BSBARAJAS	0.00	0.00
82	03/27/20	NOTICE OF WITNESSES	1BJULIEH	0.00	0.00
83	03/17/20	ORDER CONTINUING JURY TRIAL AND TO RESET	1BCFRANZ	0.00	0.00
84	03/17/20	ORDER BIFURCATING CHARGES	1BCFRANZ	0.00	0.00
85	03/09/20	TRIAL STATEMENT	1BCCOOPER	0.00	0.00
86	03/02/20	NOTICE OF EXPERT WITNESSES FOR PROSECUTION'S CASE-IN-CHIEF	1BJULIEH	0.00	0.00
87	03/02/20	MOTION TO ADMIT PRIOR BAD ACTS	1BJULIEH	0.00	0.00
88	02/28/20	OPPOSITION TO MOTION TO RELEASE DEFENDANT FROM CUSTODY AND TO RE-ADMIT HIM TO ALTERNATING SENTENCING SUPERVISION	1BCCOOPER	0.00	0.00
89	02/18/20	OPPOSITION TO MOTION TO SUPPRESS EVIDENCE	1BJHIGGINS	0.00	0.00
90	02/18/20	HEARING HELD: The following event: STATUS CHECK scheduled for 02/18/2020 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
91	02/14/20	MOTION TO RELEASE DEFENDANT FROM CUSTODY AND TO READMIT HIM TO ALTERNATIVE SENTENCING SUPERVISION	1BJHIGGINS	0.00	0.00
92	02/10/20	MOTION TO SUPPRESS EVIDENCE	1BSBARAJAS	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
93	02/10/20	DECLARATION OF PROBABLE CAUSE/VIOLATION REPORT (2)	1BCFRANZ	0.00	0.00
94	02/10/20	FORM GENERATION 1B VIOLATION REPORT (BAIL CONDITIONS) Sent on: 02/10/2020 10:41:15.38	1BBLAMBERT	0.00	0.00
95	02/10/20	PROBATION VIOLATION ARREST	1BBLAMBERT	0.00	0.00
96	12/26/19	CRIMINAL SCHEDULING ORDER	1BSBARAJAS	0.00	0.00
97	12/23/19	TRIAL DATE MEMO	1BJHIGGINS	0.00	0.00
98	12/23/19	TRIAL CONTINUED - DEFENSE ESQ REQUEST The following event: JURY TRIAL scheduled for 01/28/2020 at 8:30 am has been resulted as follows: Result: TRIAL CONTINUED - DEFENSE ESQ REQUEST Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
99	12/23/19	HEARING HELD: The following event: STATUS CHECK scheduled for 12/23/2019 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJHIGGINS	0.00	0.00
100	12/18/19	MOTION: SUBSTITUTE OF COUNSEL ON CLAIM NO. 1 AND CLAIM NO. 11	1BCCOOPER	0.00	0.00
101	12/17/19	MOTION TO BIFURCATE CHARGES WITHIN SAME TRIAL	1BJULIEH	0.00	0.00
102	12/17/19	MOTION FOR SUBSTITUTION OF DEFENSE COUNSEL SUPPORTED ON CLAIM I AND CLAIM II	1BVANESSA	0.00	0.00
103	12/10/19	ORDER APPOINTING COUNSEL	1BCFRANZ	0.00	0.00
104	12/09/19	HEARING HELD: The following event: STATUS CHECK scheduled for 12/09/2019 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
105	12/06/19	ORDER TO APPEAR FOR STATUS CHECK	1BCFRANZ	0.00	0.00
106	12/04/19	EX-PARTE REQUEST FOR ISSUANCE OF ORDER TO APPEAR FOR STATUS CHECK AND APPOINTMENT OF COUNSEL	1BPKEEFE	0.00	0.00
107	09/23/19	CRIMINAL SCHEDULING ORDER	1BJULIEH	0.00	0.00
108	09/23/19	TRIAL DATE MEMO	1BJULIEH	0.00	0.00
109	09/23/19	HEARING HELD: The following event: STATUS CHECK scheduled for 09/23/2019 at 9:00 am has been resulted as follows: Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BJULIEH	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
110	09/09/19	NOTICE TO APPEAR FOR ARRAIGNMENT	1BCFRANZ	0.00	0.00
111	09/09/19	PRETRIAL SUPERVISION	1BCFRANZ	0.00	0.00
112	09/09/19	EVENT RESCHEDULED The following event: STATUS CHECK scheduled for 09/16/2019 at 9:00 am has been resulted as follows: Result: RESCHEDULED Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
113	09/09/19	ARRAIGNMENT HEARING HELD: The following event: ARRAIGNMENT HEARING scheduled for 09/09/2019 at 9:00 am has been resulted as follows: Result: ARRAIGNMENT HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
114	09/05/19	CRIMINAL INFORMATION	1BCCOOPER	0.00	0.00
115	09/05/19	ARREST BOND INFORMATION Arrest Bond Added to Case with: Action Code: AWAITING FORMAL CHARGE Arrest Date: 09/04/2019 Bond Status: ACTIVE BOND Status Date: 09/04/2019 Blanket Bond: No Okay to Apply: No Bond Type: SURETY BOND Bond Amount: 20000 Bond/Pwr No.: IS30K-220068 Bonding Co.: JUSTIN BROTHERS BAIL BONDS Insurance Co.: INTERNATIONAL FIDELITY INSURANCE COMPANY	1BCCOOPER	0.00	0.00
116	09/05/19	REPORT TO DAS TO HAVE COLOR ASSIGNED (TESTING) Condition Notes ORCHID	1BCCOOPER	0.00	0.00
117	09/05/19	SUBMIT TO SEARCH & SEIZURE: WEAPONS	1BCCOOPER	0.00	0.00
118	09/05/19	OBEY ALL LAWS EXCEPT FOR MINOR TRAFFIC	1BCCOOPER	0.00	0.00
119	09/05/19	NO WEAPONS Condition Notes DO NOT POSSESS ANY WEAPONS	1BCCOOPER	0.00	0.00
120	09/05/19	KNOW YOUR COURT DATE, MAINTAIN CONTACT W/YOUR ATTORNEY & ATTEND COURT ON TIME & DRUG/ALCOHOL FREE	1BCCOOPER	0.00	0.00
121	09/05/19	NO ALCOHOL DRUGS OR DRUG PARAPHERNALIA	1BCCOOPER	0.00	0.00
122	09/05/19	SUBMIT TO SEARCH & SEIZURE FOR ALCOHOL, DRUGS & PARAPHERNALIA	1BCCOOPER	0.00	0.00

123	09/04/19	FILING JUSTICE COURT PAPERS	1BCCOOPER	0.00	0.00
Total:				24.00	0.00
Totals By: COST				24.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

REC'D & FILED
2022 JAN 26 AM 10:50
AUBREY ROWLATT
CLERK
BY A. Rowlatt
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

STATE OF NEVADA,

Plaintiff,

v.

DUANE DECASTRO,

Defendant.

Case No. 19 CR 00153 1B 001

Dept. No. I

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER having come before the Court on a Petition for Writ of Habeas Corpus filed by the Defendant, DUANE DECASTRO, in proper person, the Court having reviewed the Petition and the State's Motion to Strike, having reviewed all pleadings and papers on file herein, and good cause otherwise appearing, now therefore, the Court finds as follows.

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FINDINGS OF FACT

On or about November 3, 2021, the Defendant filed a Petition for Writ of Habeas Corpus in proper person. The Petition asserts (1) that the Defendant did not actually fail to appear for his previously scheduled trial; and (2) that he is suffering some sort of medical risk as a result of his continued incarceration. The Petition is unsupported by any legal authority or evidence and appears to be a request for the court to release him from custody.

On or about December 20, 2021, the State filed a Motion to Strike the Petition, asserting that the Petition is legally defective in that (1) it does not challenge the cause to hold him on the charges in this case; (2) is filed in a case where the Defendant is represented by counsel. After review of the applicable authorities, the Court concludes as follows.

A. THE DEFENDANT HAS NOT PROPERLY ASSERTED A CLAIM THAT CAN BE ADDRESSED BY WAY OF WRIT OF HABEAS CORPUS.

A pretrial petition for writ of habeas corpus may be granted in one of nine specifically enumerated statutory provisions, as set forth in NRS 34.500, as follows:

1. When the jurisdiction of the court or officer has been exceeded.
2. When the imprisonment was at first lawful, yet by some act, omission or event, which has taken place afterwards, the petitioner has become entitled to be discharged.
3. When the process is defective in some matter of substance required by law, rendering it void.
4. When the process, though proper in form, has been issued in a case not allowed by law.
5. When the person having the custody of the petitioner is not the person allowed by law to detain the petitioner.
6. Where the process is not authorized by any judgment, order or decree of any court, nor by any provision of law.
7. Where the petitioner has been committed or indicted on a criminal charge, including a misdemeanor, except misdemeanor violations of chapters 484A to 484E, inclusive, of NRS or any ordinance adopted by a city or county to regulate traffic, without reasonable or probable cause.

1 8. Where the petitioner has been committed or indicted on any
2 criminal charge under a statute or ordinance that is unconstitutional, or if
constitutional on its face is unconstitutional in its application.

3 9. Where the court finds that there has been a specific denial of
4 the petitioner's constitutional rights with respect to the petitioner's
conviction or sentence in a criminal case.

5 The Defendant alleges none of these grounds in his Petition. As such, the Court
6 concludes that he has not asserted a claim upon which relief can be granted.

7 **B. THE PETITION IS A FUGITIVE DOCUMENT BECAUSE DEFENDANT**
8 **IS REPRESENTED BY COUNSEL.**

9 First Judicial District Court Rule 1.7(3) provides as follows:

10 A party who has an attorney of record may act only through his
11 attorney. ***A party who has an attorney of record cannot file a***
12 ***pleading or paper without the attorney's signature except to notify***
13 ***the court that the party will, from the date the notice is filed and***
14 ***served, represent himself and proceed without an attorney.*** The
court may in its discretion hear a party in open court even though the
party is represented by an attorney. (Emphasis added.)

15 In this case, the Defendant is represented by Justin Champagne, Esq. Because
16 he is represented by an attorney, he lacks the authority to file any documents in proper
17 person. Mr. Champagne did not sign this Petition and, accordingly, it is a fugitive
document, filed without authority of the court.

18 Because the Petition filed by the Defendant is legally insufficient and does not
19 state a claim upon which relief can be granted, the Court concludes that the Defendant
20 is not entitled to any relief and, accordingly:

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ORDER

IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus, filed in proper person, is DENIED.

DATED this 25th day of January, 2022.



JAMES T. RUSSELL
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the First Judicial District Court, hereby certifies that on the 24 day of January, 2022, I served the foregoing Order, to counsel of record, as follows:

☒ By depositing a copy thereof in the United States Mail at Carson City, Nevada, postage paid, addressed as follows:

Justin Champagne, Esq.
1420 Rainna Court
Reno, NV 89509

Duane DeCastro, Inmate
Carson City Jail
911 E Musser Street
Carson City, NV 89701

☐ By transmitting a copy thereof via facsimile, addressed as follows:

Parole & Probation
Fax: 684-8157

☒ By depositing a copy thereof in the Departmental box for pick-up in the District Court Clerk's Office:

Jason D. Woodbury, District Attorney

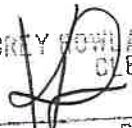


Julie Harkleroad
Judicial Assistant, Dept. 1

RECORDED & FILED

2022 JAN 27 PM 12:28

AUBREY ROWLATT
CLERK

BY  DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

STATE OF NEVADA,

Petitioner,

Case No.: 19 CR 00153 1B 001

Dept. No.: I

vs

DUANE DECASTRO,

Respondent.

**NOTICE OF ENTRY OF DECISION OR
ORDER**

PLEASE TAKE NOTICE that on January 26, 2022, the Court entered a decision or order in this matter, a true and correct copy of which is attached to this Notice.

You may appeal to the Supreme Court from the decision or order of this Court. If you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this Notice is mailed to you. This Notice was mailed on January 27, 2022.

DATED this 27 day of January, 2022.


AUBREY ROWLATT, Clerk

By , Deputy

cc: Duane DeCastro
Justin Champagne, Esq.
State of Nevada
Jason Woodbury, District Attorney
Aaron Ford, Attorney General
Jason Woodbury, District Attorney

REC'D & FILED
2022 JAN 26 AM 10:50
AUBREY ROWLAIT
CLERK
BY A. Rowlait
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

STATE OF NEVADA,

Plaintiff,

v.

DUANE DECASTRO,

Defendant.

Case No. 19 CR 00153 1B 001

Dept. No. I

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER having come before the Court on a Petition for Writ of Habeas Corpus filed by the Defendant, DUANE DECASTRO, in proper person, the Court having reviewed the Petition and the State's Motion to Strike, having reviewed all pleadings and papers on file herein, and good cause otherwise appearing, now therefore, the Court finds as follows.

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FINDINGS OF FACT

On or about November 3, 2021, the Defendant filed a Petition for Writ of Habeas Corpus in proper person. The Petition asserts (1) that the Defendant did not actually fail to appear for his previously scheduled trial; and (2) that he is suffering some sort of medical risk as a result of his continued incarceration. The Petition is unsupported by any legal authority or evidence and appears to be a request for the court to release him from custody.

On or about December 20, 2021, the State filed a Motion to Strike the Petition, asserting that the Petition is legally defective in that (1) it does not challenge the cause to hold him on the charges in this case; (2) is filed in a case where the Defendant is represented by counsel. After review of the applicable authorities, the Court concludes as follows.

A. THE DEFENDANT HAS NOT PROPERLY ASSERTED A CLAIM THAT CAN BE ADDRESSED BY WAY OF WRIT OF HABEAS CORPUS.

A pretrial petition for writ of habeas corpus may be granted in one of nine specifically enumerated statutory provisions, as set forth in NRS 34.500, as follows:

1. When the jurisdiction of the court or officer has been exceeded.
2. When the imprisonment was at first lawful, yet by some act, omission or event, which has taken place afterwards, the petitioner has become entitled to be discharged.
3. When the process is defective in some matter of substance required by law, rendering it void.
4. When the process, though proper in form, has been issued in a case not allowed by law.
5. When the person having the custody of the petitioner is not the person allowed by law to detain the petitioner.
6. Where the process is not authorized by any judgment, order or decree of any court, nor by any provision of law.
7. Where the petitioner has been committed or indicted on a criminal charge, including a misdemeanor, except misdemeanor violations of chapters 484A to 484E, inclusive, of NRS or any ordinance adopted by a city or county to regulate traffic, without reasonable or probable cause.

1 8. Where the petitioner has been committed or indicted on any
2 criminal charge under a statute or ordinance that is unconstitutional, or if
3 constitutional on its face is unconstitutional in its application.

4 9. Where the court finds that there has been a specific denial of
5 the petitioner's constitutional rights with respect to the petitioner's
6 conviction or sentence in a criminal case.

7 The Defendant alleges none of these grounds in his Petition. As such, the Court
8 concludes that he has not asserted a claim upon which relief can be granted.

9 **B. THE PETITION IS A FUGITIVE DOCUMENT BECAUSE DEFENDANT
10 IS REPRESENTED BY COUNSEL.**

11 First Judicial District Court Rule 1.7(3) provides as follows:

12 A party who has an attorney of record may act only through his
13 attorney. ***A party who has an attorney of record cannot file a
14 pleading or paper without the attorney's signature except to notify
15 the court that the party will, from the date the notice is filed and
16 served, represent himself and proceed without an attorney.*** The
17 court may in its discretion hear a party in open court even though the
18 party is represented by an attorney. (Emphasis added.)

19 In this case, the Defendant is represented by Justin Champagne, Esq. Because
20 he is represented by an attorney, he lacks the authority to file any documents in proper
21 person. Mr. Champagne did not sign this Petition and, accordingly, it is a fugitive
22 document, filed without authority of the court.

23 Because the Petition filed by the Defendant is legally insufficient and does not
24 state a claim upon which relief can be granted, the Court concludes that the Defendant
25 is not entitled to any relief and, accordingly:

26 ////

27 ////

28 ////


29 ////

30 ////

ORDER

IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus, filed in proper person, is DENIED.

DATED this 25th day of January, 2022.


JAMES T. RUSSELL
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of the First Judicial District Court, hereby certifies that on the 14 day of January, 2022, I served the foregoing Order, to counsel of record, as follows:

☒ By depositing a copy thereof in the United States Mail at Carson City, Nevada, postage paid, addressed as follows:

Justin Champagne, Esq.
1420 Rainna Court
Reno, NV 89509

Duane DeCastro, Inmate
Carson City Jail
911 E Musser Street
Carson City, NV 89701

☐ By transmitting a copy thereof via facsimile, addressed as follows:

Parole & Probation
Fax: 684-8157

☒ By depositing a copy thereof in the Departmental box for pick-up in the District Court Clerk's Office:

Jason D. Woodbury, District Attorney



Julie Harkleroad
Judicial Assistant, Dept. 1

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

11/22/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS CHECK RE: COMPETENCY

Present: District Attorney Jason Woodbury represented the State; Carlos Perez Parole and Probation Officer; Defendant with counsel, Justin Champagne.

Statements were made by Court and counsel.

COURT ORDERED: 4 day Jury Trial set for April 05, 2022 at 8:00 A.M.

CONTINUED TO: 04/05/22 – 8:00 A.M. – Jury Trial

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B
& 21 CR 00116 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

11/08/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Melanie Brantingham represented the State; Andrew Rico and Chantelle Ewing Parole and Probation Officer; Defendant with counsel, Deputy State Public Defender Charles Odgers obo Dennis Hough in #21CR00116.

Statements were made by Court and counsel regarding status of Deft. going to Lakes Crossing, Deft. filing his own Writ of Habeas Corpus and Deft.'s need for an evaluation.

COURT ORDERED: It will check with Mr. Champagne. If Deft. goes to Lakes, he'll go up and be back, so it will just take care of it then.

Odgers requested to keep this on the 30 day program. Statements were made by Court.

COURT ORDERED: Counsel to check with Mr. Champagne to see if he still wants the Deft. to go to Lakes, if there is a requirement, and if there isn't then it can void that order, move on and set this matter for trial.

Brantingham indicated she will contact Champagne and made statements regarding Lakes Crossing and Deft.'s evaluation. Statements by Odgers and Court.

COURT ORDERED: It will put this back on calendar for 2 weeks.

CONTINUED TO: 11/22/21 – 9:00 A.M. – Status Check

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 21 CR 00116 1B &
19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

10/04/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Jeremy Reichenberg represented the State; Andrew Rico Parole and Probation Officer; Defendant with counsel, Deputy State Public Defender Dennis Hough for case 21 CR 00116 1B.

Statements were made by Court and counsel regarding competency and vacating jury trial dates in both cases.

COURT ORDERED: It vacates the jury trials in both cases and sets a status check for November 8, 2021 at 9:00 A.M.

CONTINUED TO: 11/08/21 – 9:00 A.M. – Status Check

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

09/13/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Garrit Pruyt represented the State; Andrew Rico Parole and Probation Officer; Defendant without counsel.

Matter trailed.

Justin Champagne, counsel for Defendant now present.

Statements were made by Court and counsel.

COURT ORDERED: Trial is confirmed.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153 1B 001

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

05/24/21 – DEPT. I – HONORABLE WILLIAM A. MADDOX
J. Harkleroad, Clerk – Not Reported

RETURN ON BENCH WARRANT/RESET TRIAL

Present: Deputy District Attorney Melanie Brantingham represented the State; Andrew Rico Parole and Probation Officer; Defendant with counsel, Justin Champagne.

Statements were made by Court and counsel.

COURT ORDERED: 4 day jury trial set for, October 19, 2021 at 9:00 a.m.

CONTINUED TO: 10/19/2021 – 9:00 A.M. – Jury Trial

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

05/10/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Melanie Brantingham represented the State; Andrew Rico Parole and Probation Officer; Defendant with counsel, Court appointed counsel Walter Fey.

Statements were made by Court and Fey.

COURT ORDERED: It grants the motion to withdraw as counsel and will appoint new counsel and set a hearing.

Deft. requested his bail be reinstated.

COURT ORDERED: It is not granting bail.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153 1B 001

TITLE: STATE OF NEVADA VS. DUANE CASTRO

05/04/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Harkleroad, Clerk – Not Reported

RETURN BENCH WARRANT

Present: Deputy District Attorney Melanie Brantingham represented the State; Andrew Rico Parole and Probation Officer; Defendant with counsel, Court appointed counsel Walter Fey.

Defense counsel moved for a continuance. No objection by State.

COURT ORDERED: Matter continued to May 10, 2021 at 9:00 a.m.

CONTINUED TO: 5/10/2021 – 9:00 A.M. – Status Check

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

03/09/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Harkleroad, Clerk – K. Jackson, Reporter

JURY TRIAL

Present: Deputies District Attorney Jeremy Reichenberg and Melanie Brantingham represented the State; Court appointed counsel Walter Fey, counsel for Deft.

Evidence was marked in accordance with the Exhibit Sheet.

Outside the presence of the prospective jury,

Statements were made by Court and counsel regarding housekeeping matters and Deft.'s whereabouts.

Brief recess was taken to see if Deft. shows up.

Matter resumed.

Based upon Deft.'s failure to appear,

COURT ORDERED: It will continue the trial. Bench warrant issued. No Bail. NV/CA Only.

Statements were made by counsel and Court.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS DUANE
DECASTRO

02/23/21 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

PETROCELLI HEARING

Present: Jeremy Reichenberg, Deputy D.A.; Defendant with counsel, Walter Fey.

Evidence was marked and admitted in accordance with Exhibit Sheet.

Statements were made by Court and counsel regarding Mo/Suppress and Mo/Submit Prior Bad Acts.

The following witnesses were sworn and testified:

1. Kimberly Singleton

Statements were made by Court.

Counsel presented Petrocelli arguments.

COURT ORDERED: It is going to allow her to testify under res gestae. Additionally, it can take care of any other concerns with a cautionary instruction. Counsel to provide Court ahead of time a cautionary instruction by that it would caution the jury that this information is coming in for the following purpose only and not for proof of Deft.'s guilt or anything else, but to lay the foundation for some other things that took place.

Reichenberg to prepare Order.

Statements were made by Court and Reichenberg.

Motion to Suppress

2. Taylor Mieras
3. Bret Bindley

Statements were made by Court.

Counsel presented arguments on Mo/suppress.

COURT ORDERED: Motion to suppress is denied.

Statements were made by Court.

Court and counsel discussed offers made to Deft. and bifurcation of prior felony.

COURT ORDERED: It is not going to allow anything during the first trial in regard to ex-felon in possession of a firearm.

Further statements were made by Fey and Court.

Court addressed counsel as to jury instructions, verdict form and cautionary instruction.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

02/01/21 – DEPT. I – HONORABLE JAMES E. WILSON, JR.
J. Harkleroad, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Melanie Brantingham represented the State; Andrew Rico Parole and Probation Officer; Court appointed counsel Walter Fey counsel for Deft.

Statements were made by Court and counsel.

COURT ORDERED: Matter continued 1 week.

Matter resumed.

Deft. now present.

Upon inquiry by Court,

Fey indicated counsel is prepared to go to trial. Brantingham indicated a Petrocelli hearing will need to be set. Fey inquired as to the pending mo/suppress.

COURT ORDERED: It will set them both for a hearing fairly quickly.

Upon inquiry by Court,

Counsel indicated offers have been made, discussed and have been rejected by Deft.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

07/20/20 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Jeremy Reichenberg represented the State; Heather Hardy, via telephone, Parole and Probation Officer; Defendant with counsel, Court appointed counsel Walter Fey.

Statements were made by Court and Reichenberg who indicated they are ready for trial and requested a hearing on prior bad acts.

COURT ORDERED: It will have the Judicial Assistant contact counsel to set a Petrocelli hearing.

Statements were made by Fey who requested an extension on filing a Motion to Suppress if he wishes to file one. Statements were made by Court.

COURT ORDERED: Fey will have an additional 10 days to file any additional motions.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B TITLE: STATE OF NEVADA VS. DUANE DECASTRO

CASE NO. 19 CR 00153.002 1B TITLE: STATE OF NEVADA VS. KIMBERLY ANN SINGLETON

02/18/20 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Jeremy Reichenberg represented the State; Katie Stangle Parole and Probation Officer; Defendant Decastro with counsel, Court appointed counsel Walter Fey; Defendant Singleton with counsel, Andrew Bunn.

Statements were made by Court and Reichenberg who indicated they are ready for trial and stated they have extended an global offer for Decastro. Fey made statements, confirmed trial date and requested to re-admit Deft. to bail. Reichenberg in response.

COURT ORDERED: It will give Reichenberg an opportunity to respond to the Motion and then it will take a look at it and go from there. It confirms the trial date.

Statements were made by Court and Bunn who confirmed trial date.

COURT ORDERED: It confirms trial date of March 24th. It wants to make sure that every and all offers have been made by the DA's office. Counsel to let the Court know if it needs to schedule any hearings in respect to any Petrotelli hearings. Additionally, counsel is to let the Court know if there's any scheduling conflicts with any possible trial witnesses. In respect to the Motion to Suppress, it is going to wait to see what the DA's office responds to it. It will need to set a hearing date in respect to that. The Judicial Assistant will contact counsel after it gets the responses filed. It will also have to set a hearing on the motion to release.

Statements were made by Reichenberg, Court and Fey regarding the motion regarding ex-felon or felon in possession counts.

COURT ORDERED: If there has been no opposition filed, it will go ahead and grant that motion. Reichenberg to prepare order.

Statements were made by Court and Deft. Decastro.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

CASE NO. 19 CR 00153.002 1B

TITLE: STATE OF NEVADA VS. KIMBERLY
ANN SINGLETON

12/23/19 – DEPT. I – HONORABLE JAMES T. RUSSELL
J. Higgins, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Jeremy Reichenberg represented the State; Heather Hardy Parole and Probation Officer; Defendant Decastro with counsel, Court appointed counsel Walter Fey; Deft. Singleton with counsel, Andrew Bunn.

Statements were made by Court and Fey who requested to continue the trial. Reichenberg agreed and made statements. Statements were made by Court and Fey regarding Deft.'s Motion. Statements were made by Bunn who had no objection to continue trial.

COURT ORDERED: 4 day Jury Trial set for March 24, 2020 at 8:00 A.M.

Upon inquiry by Reichenberg regarding Deft.'s outstanding Motion.

COURT ORDERED: It is held in abeyance until Mr. Fey can take a look at it and decide whether he wants to proceed with it or not.

Further statements were made by Court, Fey and Reichenberg.

COURT ORDERED: It will continue both the trials.

Bunn requested to change Deft. Singleton's condition from daily check-in to color code testing.

No objection by Reichenberg.

COURT ORDERED: It will go ahead and shift her back to color code testing.

CONTINUED TO: 03/24/20 – 8:00 A.M. – Jury Trial

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

12/09/19 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

STATUS CHECK

Present: Deputy District Attorney Peter Smith represented the State; Heather Hardy Parole and Probation Officer; Defendant without counsel.

Statements were made by Court, counsel and Deft. regarding counsel and possible continuance of the trial.

Smith indicated that the State would like to preserve the trial date and inquired if the Court would consider appointing Mr. Fey on an hourly basis prior to assuming the contract.

COURT ORDERED: It doesn't have a problem doing that.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153 1B 001

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

09/23/19 – DEPT. I – HONORABLE WILLIAM A. MADDOX
J. Harkleroad, Clerk – Not Reported

ARRAIGNMENT

Present: Deputy District Attorney Jeremy Reichenberg represented the State; Gail Falconer Parole and Probation Officer; Defendant with court appointed conflict counsel, Robert B. Walker

Statements were made by Court and counsel.

COURT ORDERED: 4 day Jury Trial set for January 28, 2020 at 08:30 a.m.

CONTINUED TO: 01/28/20 – 08:30 A.M. – Jury Trial

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT MINUTES

CASE NO. 19 CR 00153.001 1B

TITLE: STATE OF NEVADA VS. DUANE
DECASTRO

09/09/19 – DEPT. I – HONORABLE JAMES T. RUSSELL
C. Franz, Clerk – Not Reported

ARRAIGNMENT

Present: Deputy District Attorney Garrit Pruyt represented the State; Gail Falconer Parole and Probation Officer; Defendant with counsel, Court appointed counsel Robert B. Walker, Jr.

TRUE NAME: DUANE DECASTRO. Defendant's counsel received copy of Information and formal reading waived. Defendant entered NOT GUILTY plea to Counts I through VIII of the Information. 60 day rule waived.

COURT ORDERED: Matter continued to September 16, 2019 at 9:00 AM to set the matter for trial with Co-Def.

CONTINUED TO: 09/16/19 – 9:00 AM – To Set for Jury Trial

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

FIRST JUDICIAL DISTRICT COURT

CASE NUMBER: 19 CR 00153.001 1B

JUDGE: JAMES T. RUSSELL

DEPT. NO. 1

PLAINTIFF/PETITIONER: STATE OF NEVADA

DEFENDANT/RESPONDENT: DUANE DECASTRO

DATE: 2/23/21

HEARING: PETROCELLI HEARING

[illegible]

- EXHIBIT RECORD PAGE 1 -

REC'D & FILED ✓

2022 FEB 16 AM 10:41

AUBREY ROWLATT
CLERK

BY _____ DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

DUANE DECASTRO,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Case No.: 19 CR 00153.001 1B

Dept. No.: I

**NOTICE OF DEFICIENCY IN NOTICE
OF APPEAL**

PLEASE TAKE NOTICE that a Notice of Appeal was filed February 16th, 2022,
in the above-entitled action despite the fact that there appears to be the following deficiency(ies)
noted by the Clerk at the time of filing:

- ☐ \$24.00 District Court filing fee not paid.
- ☐ \$250.00 filing fee for the Clerk of the Supreme Court not paid.
- ☐ Document not signed.
- ☐ Document presented was not an original.
- ☐ Case Appeal Statement not filed.
- ☒ No proof of service upon opposing counsel/litigant.
- ☐ Other

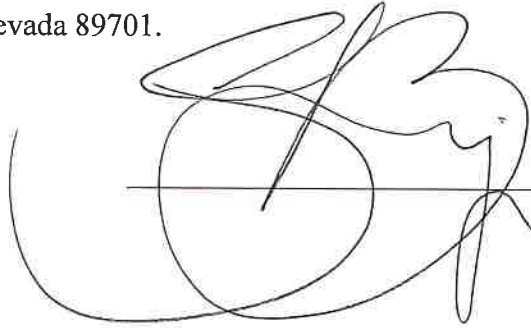
DATED this 16th day of February, 2022.

AUBREY ROWLATT, CLERK

By _____, Deputy

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Office of the Carson City District Court Clerk, Carson City, Nevada, and that on the 16th day of February, 2022, I served the foregoing NOTICE OF DEFICIENCY IN NOTICE OF APPEAL by e-filing with appeal documents to Elizabeth A. Brown, Clerk of the Supreme Court, 201 S. Carson Street, Ste. 250, Carson City, NV 89701-4702 and by depositing for mailing a true copy thereof to Duane Decastro 897 E. Musser St. Carson, City Nevada 89701.

A handwritten signature in black ink, appearing to be "D. Decastro", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.