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Castillo v. State, 135 Nev. Adv. Op. 16 (May. 30, 2019)

E. Sebastian Cate-Cribari

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CRIMINAL LAW: DEATH PENTALTY

Summary

The Court determined that (1) a defendant is death-eligible in Nevada once the State proves beyond a reasonable doubt the elements of first-degree murder and at least one statutory aggravating circumstance; and (2) the beyond-a-reasonable-doubt standard does not apply to the weighing of aggravating and mitigating circumstances.

Background

In 1995, Castillo was sentenced to death for bludgeoning an elderly woman. After the Court affirmed the sentencing on appeal, Castillo filed three postconviction petitions for a writ of habeas corpus.

In 2017, the third petition was denied by the district court as untimely with no demonstrated good cause or prejudice to excuse the issue. Castillo then appealed claiming that he demonstrated good cause and prejudice because the United States Supreme Court's decision in *Hurst* provided him with new and meritorious claims for relief that were not available earlier.²

Discussion

Hurst did not redefine the word "fact"

Castillo argued that *Hurst* establishes that any State which conditions death-eligibility on the weighing of aggravating and mitigating circumstances, the result is a fact that should be subject to the burden of proof beyond a reasonable doubt. The Court found instead that *Hurst* does not apply to Nevada law because the opinion only referred to the weighing component of Florida law as a factual finding and did so only by quoting the specific statute.

The beyond-a-reasonable-doubt standard only applies to facts

Castillo also argued that *Hurst* created a requirement that anything a jury is asked to find which could make a defendant death-eligible must be proven beyond a reasonable doubt. The Court rejected this argument, finding instead that Castillo relied too heavily on scattered references to Florida statutes within the *Hurst* opinion.

The weighing determination is not part of death-eligibility

Under Nevada law, a defendant is death-eligible if the State satisfies each element of first-degree murder and proves the existence of any statutory aggravating circumstance.³ The statutes

¹ By E. Sebastian Cate-Cribari.

² *Hurst v. Florida*, 577 U.S. ___, 136 S. Ct. 616 (2016).

³ See *Jeremias v. State*, 134 Nev., Adv. Op. 8, 412 P.3d 54 (2018); *Lisle v. State*, 131 Nev. 356, 365-66, 351 P.3d 725, 732 (2015).

relevant to death-eligibility do provide that jurors cannot impose a death sentence if it concludes the mitigating circumstances outweigh the aggravating circumstances.⁴ However, that statutory system only prevents jurors from sentencing death in cases where the defendant is already death-eligible. Thus, the rule that Castillo argued the Court should adopt is irrelevant to his case.

Conclusion

The Court found that the *Hurst* decision cannot be interpreted to redefine the word “fact” in court proceedings and thus expand the beyond-a-reasonable-doubt standard to every death-eligibility finding a jury is tasked with. Moreover, the Court found that even if it did apply that interpretation, it would not apply in Castillo’s case because the jury’s weighing of mitigating factors is not a death-eligibility finding. Therefore, the Court affirmed the district court’s decision to deny Castillo’s postconviction petition for a writ of habeas corpus.

⁴ NEV. REV. STAT. 175.554(3)(2013); NEV. REV. STAT. 200.030(4)(a)(2013).