



MOT
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

JOSE DECASTRO,
Defendant,
vs.
STATE OF NEVADA,
Plaintiff.

CASE NO.: C-24-381730-A
DEPT: XII

HEARING REQUESTED

**MOTION FOR BAIL, OR IN THE ALTERNATIVE,
FOR OWN RECOGNIZANCE RELEASE**

COMES NOW the Defendant, Jose DeCastro, by and through his attorney of record on appeal, CHRISTOPHER R. ORAM, ESQ., and hereby moves this Honorable Court to set a reasonable bail or in the alternative release Defendant on his own recognizance.

This Motion is made and based on the papers and pleadings on file herein, the attached Memorandum and Points and Authorities in support hereof, the Declaration of Christopher R. Oram, Esq., and any oral argument that may be entertained by this Court at the time set for hearing in this Motion.

Dated this 4th day of April 2024.

/s/ Christopher R. Oram

Christopher R. Oram, Esq.
Nevada Bar No. 4349
520 S. Fourth Street, Second Floor
Las Vegas, NV 89101
Attorney for Jose DeCastro

1 **NOTICE OF MOTION**

2 TO: THE STATE OF NEVADA, Plaintiff; and

3 TO: OFFICE OF THE DISTRICT ATTORNEY, Counsel for Defendant

4 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned will
5 bring the above and foregoing **MOTION FOR BAIL, OR IN THE ALTERNATIVE, FOR**
6 **OWN RECOGNIZANCE RELEASE** for hearing before Department VIII of the above-titled
7 Court of the ___ day of _____, 2024, at the hour of _____.

8 DATED this 4th, day of April 2024

9 */s/ Christopher R. Oram*
10 Christopher R. Oram, Esq.
11 Nevada Bar No. 4349
12 520 S. Fourth Street, Second Floor
13 Las Vegas, NV 89101
14 *Attorney for Jose DeCastro*
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF RELEVANT FACTS**

3 Mr. DeCastro is convicted of Obstructing a Public Officer and Resisting Public Officer
4 that occurred when he was arrested on the 15th day of March 2023, while filming a traffic stop
5 that occurred in a commercial parking lot. Mr. DeCastro appeared for an Arraignment on June
6 13th, 2023, in the Las Vegas Township Justice Court Department 8. Bench Trial began on March
7 19th, 2024, and judgment was entered on the same day. On March 19th, 2024, Mr. DeCastro was
8 sentenced to one-hundred and eighty (180) days in the Clark County Detention Center.

9 Following his sentencing, on March 19th, 2024, Mr. DeCastro filed a Notice of Appeal
10 from the Judgment of Convictions. On March 20th, 2024, the case was remanded to the District
11 Court.

12 On March 26th, 2024, Mr. DeCastro filed a Motion for Bail, or in the Alternative, For
13 Own Recognizance Release in the Las Vegas Justice Court. On April 1st, 2024, a hearing on the
14 motion was held in Department 8 before the Honorable Judge Zimmerman, and Mr. DeCastro's
15 motion was denied.

16
17 **II. LEGAL ARGUMENT**

18 **Mr. Castro's Right to Bail under Nevada law.**

19 NRS § 178.488, states in relevant part that "[p]ending appeal to a district court, bail may
20 be allowed by the trial justice, by the district court, or by any judge thereof, to run until final
21 termination of the proceedings in all courts." NV Rev Stat § 178.488 (2015).

22 NRS § 178.135, states that "[a]dmission to bail upon appeal shall be provided in this
23 title". NV Rev Stat § 178.135 (2015).

1 “Bail may be imposed only where it is necessary to reasonably ensure the defendant’s
2 appearance at court proceedings or to protect the community, including the victim and the
3 victim’s family”. Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev., 136 Nev. 155.

4 In the instant case, Mr. DeCastro is appealing the Judgment of Convictions following a
5 Bench Trial raising the issue of the denial of his constitutional rights as guaranteed by United
6 States Constitution and the Nevada State Constitution. Mr. DeCastro’s case is pending appeal in
7 a district court and thus he may be entitled to reasonable bail to run until the final termination of
8 the proceedings in court. NV Rev Stat § 178.488 (2015).

9 Mr. DeCastro is appealing the conviction of two (2) non-violent misdemeanor violations
10 of Obstructing a Public Officer and Resisting Public Officer following his arrest while filming a
11 traffic stop that occurred in a commercial parking lot. Mr. DeCastro’s appeal raises significant
12 constitutional issues that were not litigated prior to trial. Additionally, Mr. DeCastro has no
13 criminal history of violence and has no prior felony convictions.

14 Furthermore, it should be noted that in the instant case, at sentencing the State requested
15 that the Court grant Mr. DeCastro a suspended sentence.

16 Mr. DeCastro is regretful of his disrespectful behavior in Justice Court, during trial, and
17 hopes to correct his behavior and rectify his reputation by adhering to established Court Room
18 etiquette.

19 Upon information and belief, since arriving in Las Vegas in 1999, Mr. DeCastro has built
20 a longstanding reputation within the community amongst his family, friends, and co-workers.
21 Mr. DeCastro is joined in Las Vegas by his loving family including his sister Maria, niece Tierra
22 and nephew Mason Jr. whom he visits frequently. As well as spending time with his family, for
23 nearly twenty (20) years Mr. De Castro has contributed to the community by regularly
24 volunteering as a youth wrestling coach with the Athletic Training Center.

1 Along with his excellent reputation, Mr. DeCastro is known for being a dedicated and
2 motivated worker. Since moving to Las Vegas, Mr. DeCastro has invested in the community by
3 starting several businesses. Mr. DeCastro built and operates three (3) separate online
4 companies, including a legal literature store, an apparel store, and a digital media site. With his
5 business endeavors Mr. DeCastro employs five (5) full-time employees that operate within
6 Nevada and around the country.

7 In the instant case, Mr. DeCastro is appealing two (2) misdemeanors of which each carry
8 a 90-day sentence. Mr. DeCastro's motivation remains focused on preparing a thorough appeal
9 and ultimately returning to his family and carrying on the responsibilities of a small business
10 owner. Furthermore, Mr. DeCastro is prepared and motivated to litigate his appeal while
11 adhering to all possible conditions set by the Court.

12 CONCLUSION

13 For these reasons, Mr. DeCastro respectfully requests that this Honorable Court grant his
14 request for reasonable bail or in the alternative, a release on his own recognizance with the added
15 condition of high-level electronic monitoring.

16
17 DATED this 4th day of April 2024.

18 */s/ Christopher R. Oram*
19 Christopher R. Oram, Esq.
20 Nevada Bar No. 4349
21 520 S. Fourth Street, 2nd Floor
22 Las Vegas, NV 89101
23 *Attorney for Jose DeCastro*
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DECLARATION OF CHRISTOPHER R. ORAM, ESQ.,

I, Christopher R. Oram, declare that I am competent to testify. I have personal knowledge of the facts set forth above, except for those statements expressly made upon information and belief, and as to those facts, I believe them to be true.

That I am an attorney duly licensed to practice law in the State of Nevada and that The Law Office of Christopher Oram has been appointed as counsel to represent Jose DeCastro in this matter.

That I have read the contents of the above Motion and that, based upon information and belief, all the factual allegations contained therein are true and correct.

I make this declaration under penalty of perjury under the laws of the State of Nevada this 4th day of April 2024.

/s/ Christopher R. Oram

Christopher R. Oram, Esq.

1 **NOTICE OF MOTION**

2 TO: STATE OF NEVADA, Plaintiff;

3 TO: STEVEN B. WOLFSON, District Attorney, Attorney for Plaintiff;

4 YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the
5 foregoing MOTION FOR BAIL, OR IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE
6 RELEASE on for hearing at the Clark County Eighth Judicial District Court, 200 Lewis Avenue
7 in Department XII of the Eighth Judicial District Court, on the _____ day of
8 _____, 2024, at the hour of _____ a.m./p.m. or as soon thereafter as Counsel
9 may be heard.

10
11
12 Dated this 4th day of April 2024.

13 */s/ Christopher R. Oram*
14 Christopher R. Oram, Esq.
15 Nevada Bar No. 4349
16 520 S. Fourth Street, 2nd Floor
17 Las Vegas, NV 89101
18 *Attorney for Jose DeCastro*
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April 2024, I served a true and correct copy of the foregoing document entitled **MOTION FOR BAIL, OR IN THE ALTERNATIVE, FOR OWN RECOGNIZANCE RELEASE** to the Clark County District Attorney’s Office and all other parties associated with this case by electronic mail as follows:

CLARK COUNTY DISTRICT ATTORNEY
motions@clarkcountyda.com
pdmotions@clarkcountyda.com

By: /s/ Tyler G. Perry
An employee of Christopher R. Oram, Esq.

Exhibit A

Michael Ehline, Esq.

(Texas SBN: 24130824; California SBN 236202)
612 El Loro Rd
Las Vegas, Nevada 89138

Your Honor,

I am writing to provide a character reference and to express my support for Jose (Chille) DeCastro, who is currently in custody pending appeal. As a California lawyer, I have had the privilege of knowing Chille personally and professionally, and I can attest to his outstanding character, integrity, and contributions to our community. I am presently grooming Mr. DeCastro for acceptance into the California State Bar Law Office Study Program. I have known Mr. DeCastro for approximately one year.

My observations are that Chille DeCastro is a dedicated individual who has always demonstrated a strong commitment to upholding the law and serving the community. In his work with me, he has exhibited professionalism, diligence, and a genuine passion for justice. His unwavering dedication to his work and his ethical conduct make him an exemplary member of our society. I firmly believe that Chille DeCastro is not a flight risk and poses no danger to the community. He has deep roots in the community and strong ties to his family and friends, who are supportive of him during this challenging time.

It is in the interest of justice to allow him to be released from custody pending the outcome of his appeal. Granting him bail would enable him to continue working with his legal team to prepare his case effectively while also allowing him to support his family and contribute positively to society.

I respectfully urge the Nevada Courts to consider Chille DeCastro's character, contributions, and the merits of his case when deciding on his bail application. I am confident that he will continue to uphold the law and abide by any conditions imposed by the court if granted bail.

Thank you for considering my letter in support of Chille DeCastro. Please do not hesitate to contact me if you require any further information.

Sincerely,

Michael Ehline, Esq.

To Your Honor,

I am writing this letter to share my experience and relationship with a defendant Jose (J.D.) DeCastro, currently in Clack County Jail.

We are neighbors in business, and I have enjoyed sharing space and conversations with JD. It is my opinion; he is the furthest thing from a person who should be in jail. He is not a violent man, and he has proven to be very responsible to his obligations. His job as an online creator can come across as abrasive and confrontational, but his personal side is charming and agreeable.

One time, after a rolling cart was stolen from my business frontal area, JD express shipped an Amazon replacement cart to me, knowing it would be a thoughtful and valuable gift, never once asking for reciprocation. We have become friends over the last year plus and his behavior has always been kind, cheerful and empathetic.

Incarnation serves no purpose here other than to take a productive member of our community away. Please reconsider your decision with Jose DeCastro.

Thank you for reading this letter.

Steve Berg,

Owner,
Vegas Homebrew
5140 W. Charleston Blvd.
LV, NV 89146

FROM: DICK HELLER
Supreme Court Case
D.C vs. HELLER
Washington, DC

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If it may please The Court;

I am a retired police officer having worked both on the street and for the Federal Bureau of Prisons in Washington, DC.

With my background of advocating in court for civil rights, it certainly would not be in my professional best interest to associate with or much less link up and to work with someone that condoned violence in any way. As such, DeCastro has no criminal record, no convictions, and is a non-violent productive man.

Mr. DeCastro has a clean record, first time offender, and no convictions. For the above reasons, I pray the court will provide him with a reasonable bail.

Most sincerely,

/S/ Dick Heller

Your Honor,

Jose DeCastro is a grounded citizen here in Las Vegas, please let him out.

He's an upstanding citizen of the community. I've known him for over 25 years, and he's been a great friend to all around him and never one to hurt a person.

Gene Samuel

Your Honor,

I am writing this letter to express concern and worry for my tenant and friend Jose. I own My Charleston Plaza and Jose (we call him JD) has been a tenant there for over a year and a half. Over that time I have become good friends with JD and even allowed him to have keys to my building. He is the type of person you feel like you've known forever after a few weeks of knowing him.

When JD told me he was in jail I thought he was joking! JD is such a nice, calm, and level headed person. He's an ideal tenant and I wish all of mine with like him! He pays on time, comes to me directly with any issues he has in a constructive way, and always does things with a smile on his face.

It's preposterous that he is in jail - a man like him should not be in a place like that. I can vouch for his character and hope to see him released as soon as possible.

Thank you,

David A. Levy

702-355-5102

Have A Nice **GREEN** Day®

To whom it may concern:

My name is Tierra, I am the niece of Jose DeCastro, and I live in Las Vegas with my husband and four kids.

I have lived in Las Vegas almost my entire life, as Jose DeCastro moved my family, my mother (his sister) and two brothers, out here when I was a toddler.

Jose is a pillar in our lives. He takes part in my children's extracurriculars, such as competitive youth wrestling, and is present in our day to day lives.

He is an upstanding family member to me and my children and adds value being in our lives.

Thank you

Tierra