


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ANTHONY CASTILLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89456-COA

FILED

JUN 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Anthony Castillo appeals from a judgment of conviction, entered pursuant to an *Alford*¹ plea, of coercion and battery constituting domestic violence.² Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

Castillo argues his sentence constitutes cruel and unusual punishment. The State contends Castillo waived his right to appeal the sentence in his plea agreement. As part of his plea agreement, Castillo waived his right to:

appeal the conviction or resulting sentence 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 prosecution, conviction, or any aspect of the resulting sentence, including any challenge based

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

²An *Alford* plea is equivalent to a guilty plea insofar as how the court treats a defendant. *State v. Lewis*, 124 Nev. 132, 133 n.1, 178 P.3d 146, 147 n.1 (2008), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 556, 355 P.3d 791, 793-94 (2015).

upon reasonable constitutional, jurisdictional or other grounds.

“In evaluating appeal waiver claims, courts consider whether: (1) the appeal falls within the scope of the waiver; (2) both the waiver and plea agreement were entered into knowingly and voluntarily; and (3) enforcing the waiver would . . . result in a miscarriage of justice.” *Aldape v. State*, 139 Nev., Adv. Op. 42, 535 P.3d 1184, 1188 (2023) (internal quotation marks omitted); *see also Burns v. State*, 137 Nev. 494, 499-500, 495 P.3d 1091, 1099-1100 (2021) (concluding that a defendant can prospectively waive the right to appeal issues occurring after signing an agreement but that the court may consider a claim on appeal if the failure to do so would constitute a miscarriage of justice).

The language in Castillo’s plea agreement specifically included a waiver of the right to appeal his sentence. *Cf. Aldape*, 139 Nev., Adv. Op. 42, 535 P.3d at 1188-90 (determining that a defendant’s appellate challenge to the sentence imposed did not fall within the scope of the waiver of the right to appeal the conviction). Further, the record does not demonstrate that the waiver or the plea agreement were entered into unknowingly and involuntarily. Finally, we conclude no miscarriage of justice would result if the appeal waiver is applied to Castillo’s claim that his sentence constitutes cruel and usual punishment. Therefore, we conclude Castillo waived the right to appeal his sentence, and we

ORDER the judgment of conviction AFFIRMED.


Bulla, C.J.


Gibbons, J.


Westbrook, J.

cc: Hon. Jennifer L. Schwartz, District Judge
Law Office of Amanda Pellizzari, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk