

Steven D. Grierson

Hayes, James #1175077
In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018

Electronically Filed
Jul 27 2021 10:32 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

State of Nevada

Plaintiff,

vs.

JAMES H. HAYES

Defendant.

Case No. C-16-315718-1

Dept. No. 3

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
JAMES H. HAYES, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ORDER denying and/or
dismissing the

Motion to Modify and/or Correct Illegal Sentence

ruled on the 14th day of July, 2021.

Dated this 15th day of July, 2021.

Respectfully Submitted,

James H. Hayes

RECEIVED

CLERK OF THE COURT
JUL 29 2021

40125 1175047
5000
P.O. Box 208
Tahoe Springs, NV
89070

LAS VEGAS NV 890
16 JUL 2021 PM 3 L



Clerk County District Courts
"Office of the Clerk"
200 Lewis Ave; 3rd Floor
Las Vegas, Nevada
89155-1160

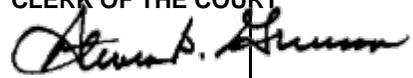
Legal
Mail

65101-530000



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

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STATE OF NEVADA,

Case No: C-16-315718-1

10

Plaintiff(s),

Dept No: III

11

vs.

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13

JAMES HOWARD HAYES
aka JAMES HOWARD HAYES, JR.,

14

Defendant(s),

15

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CASE APPEAL STATEMENT

18

1. Appellant(s): James H. Hayes

19

2. Judge: Monica Trujillo

20

3. Appellant(s): James H. Hayes

21

Counsel:

22

James H. Hayes #1175077
P.O. Box 208
Indian Springs, NV 89070

23

24

25

4. Respondent: The State of Nevada

26

Counsel:

27

Steven B. Wolfson, District Attorney
200 Lewis Ave.

28

1 Las Vegas, NV 89101
2 (702) 671-2700

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

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

7 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

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

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

10 9. Date Commenced in District Court: June 14, 2016

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

12 Type of Judgment or Order Being Appealed: Misc. Order

13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 73436, 75173, 77151, 78590, 78622, 80222, 81076,
15 82734, 82962, 83151

16 12. Child Custody or Visitation: N/A

17 Dated This 22 day of July 2021.

18 Steven D. Grierson, Clerk of the Court

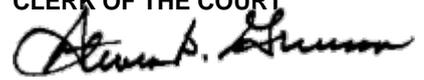
19 /s/ Heather Ungermann

20 Heather Ungermann, Deputy Clerk
21 200 Lewis Ave
22 PO Box 551601
23 Las Vegas, Nevada 89155-1601
24 (702) 671-0512

25
26 cc: James H. Hayes
27
28

Hayes James, 1175077
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
7/21/2021 11:10 AM
Steven D. Grierson
CLERK OF THE COURT



IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

State of Nevada
Plaintiff,

vs.

JAMES H. HAYES
Defendant.

CASE No. C-16-315718-1
DEPT. No. 3

DESIGNATION OF RECORD ON APPEAL

TO: _____

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this _____ day of _____, 20____.

RESPECTFULLY SUBMITTED BY:

Plaintiff/In Propria Persona

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CERTIFICATE OF SERVICE BY MAILING

I, JAMES N. HAYES, hereby certify, pursuant to NRCPC 5(b), that on this 15th day of July, 2021, I mailed a true and correct copy of the foregoing, "Notice of Appeal "Motion to Modify and/or Correct Illegal..."" by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Clark County District Court
OFFICE OF THE CLERK
200 LEWIS AVE. 3RD FL
LAS VEGAS, NV
89155-1160

Clark County District Atty
200 LEWIS AVE
LAS VEGAS, NV
89155-2212

CC:FILE

DATED: this 15th day of July, 2021.

James N. Hayes
JAMES N. HAYES #1175677
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

State of Nevada
vs
James Hayes

§	Location:	Department 3
§	Judicial Officer:	Trujillo, Monica
§	Filed on:	06/14/2016
§	Case Number History:	
§	Cross-Reference Case Number:	C315718
§	Defendant's Scope ID #:	2796708
§	ITAG Booking Number:	0
§	ITAG Case ID:	2067407
§	Lower Court Case # Root:	13F10723
§	Lower Court Case Number:	13F10723X
§	Metro Event Number:	1304090843
§	Supreme Court No.:	77151
§		78590
§		80222
§		81076
§		82734

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. ATTEMPT GRAND LARCENY	205.222.2	F	04/09/2013	Case Status:	04/21/2021 Reopened
PCN: 0028999877 ACN: 1304090843					
Filed As: BURGLARY	F		6/17/2016		
Arrest: 04/02/2016					MET - Metro

Related Cases

A-19-793315-W (Writ Related Case)

Statistical Closures

03/12/2019 Guilty Plea with Sentence (before trial) (CR)

Bonds

Surety #SV25-4743871 \$13,000.00
2/8/2019 Exonerated
6/1/2016 Active
Counts: 1

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-16-315718-1
Court	Department 3
Date Assigned	01/04/2021
Judicial Officer	Trujillo, Monica

PARTY INFORMATION

Defendant	Hayes, James Howard	<i>Lead Attorneys</i>
		Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

06/14/2016  Criminal Bindover Packet Justice Court

In #1

CASE SUMMARY
CASE NO. C-16-315718-1

	<i>[1] Criminal Bindover (Confidential)</i>	
06/17/2016	Information <i>[2]</i>	In #2
07/29/2016	Transcript of Proceedings <i>[3] Transcript of Hearing Held on June 14, 2016</i>	In #3
08/26/2016	Notice of Rescheduling of Hearing <i>[4]</i>	In #4
11/18/2016	Motion for Discovery <i>[5] Defendant's Motion for Discovery</i>	In #5
11/21/2016	Notice of Intent <i>[6] Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #6
11/21/2016	Notice of Witnesses <i>[7] Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #7
12/05/2016	Response <i>[8] State's Response to Defendant's Motion for Discovery, and State's Request for Reciprocal Discovery</i>	In #8
12/12/2016	Notice of Motion <i>[9] Notice of Motion and Motion for Joinder of Case C315718 into Case C315125</i>	In #9
12/16/2016	Notice of Witnesses <i>[10] Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #1
12/16/2016	Notice of Motion <i>[11] Notice of Motion and Motion to Admit Evidence of Other Acts</i>	In #1
12/20/2016	Opposition to Motion <i>[12] Opposition to the State's Motion to Admit Evidence of Other Acts</i>	In #1
01/20/2017	Order Denying Motion <i>[13] Order Denying State's Motion to Admit Evidence of Other Acts</i>	In #1
02/08/2017	Substitution of Attorney <i>[14]</i>	In #1
02/10/2017	Notice of Department Reassignment <i>[15]</i>	In #1
03/23/2017	Order for Production of Inmate <i>[16] Order for Production of Inmates</i>	In #1

CASE SUMMARY
CASE NO. C-16-315718-1

05/31/2017	Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[17] Motion to Withdraw as Attorney of Record for Defendant</i>	In #1
06/01/2017	Certificate of Mailing <i>[18]</i>	In #1
08/29/2017	Receipt of Copy Filed by: Plaintiff State of Nevada <i>[19]</i>	In #1
08/29/2017	Amended Notice Filed By: Plaintiff State of Nevada <i>[20] Amended Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #2
08/29/2017	Notice Filed By: Plaintiff State of Nevada <i>[21] Notice to Introduce Certified Copies [NRS 52.260(4)]</i>	In #2
10/24/2017	Receipt of Copy <i>[22]</i>	In #2
03/01/2018	Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>[23] Courtesy Filing of Defendant's Pro Per Petition</i>	In #2
04/06/2018	Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>[24] Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i>	In #2
04/25/2018	Notice of Motion Filed By: Plaintiff State of Nevada <i>[25] State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i>	In #2
05/07/2018	Notice of Witnesses Party: Defendant Hayes, James Howard <i>[26] Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>	In #2
05/07/2018	Supplemental Witness List Filed by: Defendant Hayes, James Howard <i>[27] Defendant's Supplemental Notice of Witnesses Pursuant to NRS 174.234</i>	In #2
06/12/2018	Order for Production of Inmate <i>[28] Order for Production of Inmate James Howard Hayes, aka, James Howard Hayes, Jr., BAC #2796708</i>	In #2
07/30/2018	Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[29] Motion to Withdraw as Attorney of Record</i>	In #2

CASE SUMMARY
CASE NO. C-16-315718-1

09/12/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>[30] Order Denying Defendant's Pro Per Petition for Writ of Habeas Corpus</i>	In #3
09/18/2018	 Notice of Entry of Order <i>[31]</i>	In #3
09/26/2018	 Notice of Appeal (Criminal) <i>[32] Notice of Appeal</i>	In #3
10/10/2018	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[33]</i>	In #3
11/07/2018	 Amended Information Filed By: Plaintiff State of Nevada <i>[34]</i>	In #3
11/07/2018	 Guilty Plea Agreement <i>[35] Guilty Plea Agreement Pursuant to Alford</i>	In #3
12/18/2018	 PSI <i>[36] Pre-Sentence Investigation Report (Unfiled) Confidential</i>	In #3
01/11/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[37] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	In #3
01/31/2019	 Notice of Motion <i>[38] State's Notice of Motion and Motion to Revoke Bail</i>	In #3
03/12/2019	 Judgment of Conviction <i>[39] Judgment of Conviction (Plea of Guilty-Alford)</i>	In #3
03/28/2019	 Notice of Appeal (Criminal) <i>[40] Notice of Appeal</i>	In #4
04/12/2019	 Case Appeal Statement <i>[41]</i>	In #4
04/29/2019	 Motion to Dismiss Counsel Party: Defendant Hayes, James Howard <i>[42] Motion to Withdraw Counsel</i>	In #4
04/29/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[43]</i>	In #4

CASE SUMMARY
CASE NO. C-16-315718-1

06/14/2019	 Certificate Filed By: Defendant Hayes, James Howard <i>[44] Certificate That No Transcript is Being Requested</i>	In #4
07/29/2019	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>[45] Order Granting Defendant's Pro Per Motion to Withdraw Counsel</i>	In #4
07/31/2019	 Notice of Appeal (Criminal) <i>[46] Notice of Appeal (2nd)</i>	In #4
08/09/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[47]</i>	In #4
08/30/2019	 Order Filed By: Plaintiff State of Nevada <i>[48] Order for Transcript</i>	In #4
09/09/2019	 Motion Filed By: Defendant Hayes, James Howard <i>[49] "Motion in the Nature of a Writ of Coram Nobis"</i>	In #4
09/09/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[50]</i>	In #5
09/25/2019	 Recorders Transcript of Hearing Party: Defendant Hayes, James Howard <i>[51] Transcript of Hearing Held on November 7, 2018</i>	In #5
09/26/2019	 Affidavit Filed By: Defendant Hayes, James Howard <i>[52] Affidavit of Granting Motion in the Nature of a Writ of Coram Nobis</i>	In #5
10/01/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[53] State's Opposition to Defendant's Motion for a Writ of Coram Nobis</i>	In #5
10/17/2019	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[54] Order Denying Defendant's Pro Per Motion in the Nature of a Writ of Coram Nobis</i>	In #5
10/17/2019	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[55] "Reply" to the State's Opposition" Motion for a Writ of Coram Nobis</i>	In #5
10/28/2019	 Affidavit Filed By: Defendant Hayes, James Howard	In #5

CASE SUMMARY
CASE NO. C-16-315718-1

[56] Affidavit of " No Material Dispute as to the Mistake of Fact" "Motion in the Nature of a Writ of Coram Nobis"

11/19/2019	Notice of Appeal (Criminal) <i>[58] Notice of Appeal</i>	In #5
11/19/2019	Designation of Record on Appeal <i>[59]</i>	In #5
12/04/2019	Notice of Change of Address Filed By: Defendant Hayes, James Howard <i>[57]</i>	In #5
12/11/2019	Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[60]</i>	In #6
12/16/2019	Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[61] "Motion to Correct an Illegal Sentence"</i>	In #6
12/16/2019	Notice of Motion Filed By: Defendant Hayes, James Howard <i>[62]</i>	In #6
12/30/2019	Opposition to Motion Filed By: Plaintiff State of Nevada <i>[63] State's Opposition to Defendant's Motion to Correct an Illegal Sentence</i>	In #6
01/06/2020	Affidavit Filed By: Defendant Hayes, James Howard <i>[64] Affidavit of Granting "Motion to Correct an Illegal Sentence" of the Wrongfully Convicted"</i>	In #6
01/27/2020	Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[65] Reply to State's Opposition to "Motion to Correct an Illegal Sentence"</i>	In #6
02/24/2020	Motion Filed By: Defendant Hayes, James Howard <i>[66] "Motion for Ruling" for "Motion to Correct an Illegal Sentence"; Hearing Requested</i>	In #6
02/24/2020	Notice of Motion Filed By: Defendant Hayes, James Howard <i>[68]</i>	In #6
02/25/2020	NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[67] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #6
03/30/2020	Notice of Appeal (Criminal) <i>[70] Notice of Appeal</i>	In #7

CASE SUMMARY
CASE NO. C-16-315718-1

04/07/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[69] Order Denying Defendant's Pro Per Motion for Ruling on Motion to Correct an Illegal Sentence</i>	In #6
04/23/2020	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[71]</i>	In #7
05/04/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[72]</i>	In #7
05/04/2020	 Motion for Relief Filed By: Defendant Hayes, James Howard <i>[73] "Rule 60b Motion" for Relief from the March 18, 2020 Oder Which Denied Mr. Hayes Motion to "Correct Illegal Sentence"</i>	In #7
05/12/2020	 Order Denying Motion <i>[74] Order Denying Defendant's Pro Per Motion to Correct an Illegal Sentence</i>	In #7
06/01/2020	 Motion to Vacate Sentence Filed by: Defendant Hayes, James Howard <i>[75] "Motion to Vacate Sentence" (Conviction Invalid)</i>	In #7
06/01/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[76]</i>	In #7
06/10/2020	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[77] State's Opposition to Defendant's Rule 60(b) Motion for Relief from March 18, 2020 Order and Motion to Vacate Sentence</i>	In #7
06/26/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[78] "Reply" to State's Opposition to Defendant's Motion to Vacate Sentence (Conviction Invalid) Hearing Requested</i>	In #7
07/31/2020	 Motion Filed By: Defendant Hayes, James Howard <i>[79] "Judicial of the Subject Matter is Derived from the Law; it Neither can be Waived Nor Conferred by Consent of Accused..." "Motion to Vacate Sentence (Conviction Invalid)"</i>	In #7
09/23/2020	 Order Denying Motion <i>[80] Order Denying Petitioner's Motion for Ruling for Rule 60b Motion for Relief; Motion to Vacate; Amend Petition for Writ of Habeas Corpus</i>	In #8
09/28/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[81] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #8

CASE SUMMARY

CASE NO. C-16-315718-1

11/02/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[82] Reply to State's Opposition to Defendant's Rule 60(b) Motion for Relief "Hearing Requested"</i>	In #8
11/02/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[83] Notice of Motion "Hearing Requested"</i>	In #8
01/04/2021	Case Reassigned to Department 1 <i>Judicial Reassignment to Judge Bita Yeager</i>	
01/04/2021	Case Reassigned to Department 3 <i>Judicial Reassignment to Judge Monica Trujillo</i>	
02/18/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[84] Motion to Compel Judgment for Rule 606 Motion for Relief and Motion to Vacate</i>	In #8
02/18/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[85]</i>	In #8
03/09/2021	 Findings of Fact, Conclusions of Law and Order <i>[86] Findings of Fact, Conclusions of Law, and Order</i>	In #8
03/10/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[87] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
03/17/2021	 Findings of Fact, Conclusions of Law and Order <i>[88] Findings of Fact, Conclusions of Law, and Order</i>	In #8
03/19/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[89] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
03/25/2021	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[90] Motion to Modify and/or Correct Illegal Sentence "Hearing Requested"</i>	In #5
03/25/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[91] Notice of Motion "Hearing Requested"</i>	In #5
04/14/2021	 Notice of Rescheduling of Hearing <i>[92]</i>	In #5
04/15/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[93] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by</i>	In #5

CASE SUMMARY
CASE NO. C-16-315718-1

Telephone or Video Conference

04/15/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [94]	In #6
04/16/2021	 Notice of Appeal (Criminal) [98] <i>Notice of Appeal</i>	In #6
04/16/2021	 Designation of Record on Appeal [99]	In #6
04/21/2021	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard [95] <i>Notice of Motion "Reply" Motions for Modification of Sentence and/or Correct Illegal Sentence... "Hearing Requested"</i>	In #6
04/22/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada [96] <i>State's Opposition to Petitioner's Motion to Modify and/or Correct Illegal Sentence</i>	In #6
04/22/2021	 Opposition Filed By: Plaintiff State of Nevada [97] <i>State's Amended Opposition to Petitioner's Motion to Modify and/or Correct Illegal Sentence</i>	In #6
05/04/2021	 Case Appeal Statement Filed By: Defendant Hayes, James Howard [100] <i>Case Appeal Statement</i>	In #1
05/12/2021	 Opposition Filed By: Defendant Hayes, James Howard [101] <i>Defendant's Opposition to State's Amended Opposition to Defendant's Motion to Modify and or Correct Sentence</i>	In #1
05/12/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [102] <i>Notice of Motion</i>	In #1
06/03/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [103]	In #1
06/03/2021	 Affidavit Filed By: Defendant Hayes, James Howard [104] <i>Affidavit of the District Court Acted in Excess of it's Jurisdiction</i>	In #1
06/23/2021	 Motion Filed By: Defendant Hayes, James Howard [105] <i>Request for Submission of Motion to Modify and or Correct Illegal Sentence</i>	In #1

CASE SUMMARY
CASE NO. C-16-315718-1

06/23/2021	Notice of Motion Filed By: Defendant Hayes, James Howard [106]	In #1
07/07/2021	Motion Filed By: Defendant Hayes, James Howard [107] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference	In #1
07/07/2021	Motion [108] State's Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits	In #1
07/07/2021	Opposition to Motion [109] State's Opposition to Defendant's Motion to Modify And/Or Correct Illegal Sentence	In #1
07/07/2021	Clerk's Notice of Hearing [110] Notice of Hearing	In #1
07/19/2021	Opposition Filed By: Defendant Hayes, James Howard [111] Defendant's Opposition to State's Opposition to Defendant's Motion to Modify and or Correct Illegal Sentence	In #1
07/19/2021	Notice of Motion Filed By: Defendant Hayes, James Howard [112]	In #1
07/20/2021	Motion Filed By: Defendant Hayes, James Howard [113] Request for Submission Addendum	In #1
07/20/2021	Notice of Motion Filed By: Defendant Hayes, James Howard [114]	In #1
07/21/2021	Notice of Appeal (Criminal) [115] Notice of Appeal	In #1
07/21/2021	Designation of Record on Appeal [116] Designation of Record on Appeal	In #1
07/22/2021	Case Appeal Statement Filed By: Defendant Hayes, James Howard Case Appeal Statement	In #1
11/07/2018	<u>DISPOSITIONS</u> Plea (Judicial Officer: Kephart, William D.) 1. ATTEMPT GRAND LARCENY Guilty PCN: 0028999877 Sequence:	

CASE SUMMARY
CASE NO. C-16-315718-1

03/06/2019 **Disposition** (Judicial Officer: Kephart, William D.)
 1. ATTEMPT GRAND LARCENY
 Guilty
 PCN: 0028999877 Sequence:

03/06/2019 **Adult Adjudication** (Judicial Officer: Kephart, William D.)
 1. ATTEMPT GRAND LARCENY
 04/09/2013 (F) 205.222.2 (DC56025)
 PCN: 0028999877 Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Minimum:60 Months, Maximum:174 Months
 Consecutive: Case Number -C315125
 Credit for Time Served: 10 Days
 Comments: Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE

Fee Totals:

Administrative Assessment Fee	25.00
\$25	
Genetic Marker Analysis AA Fee	3.00
\$3	
Fee Totals \$	28.00

HEARINGS

06/23/2016  **Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)
 Trial Date Set;
 Journal Entry Details:
Deputized Law Clerk, Kelsey Einhorn appearing for the State. DEFT. HAYES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Deft's Request for Discovery is GRANTED pursuant to NRS 174.235 and Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. BOND 12/27/16 8:30 AM CALENDAR CALL (DEPT. 12) 1/03/16 1:30 PM JURY TRIAL (DEPT. 12);

12/06/2016  **Motion for Discovery** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
12/06/2016, 12/08/2016
Defendant's Motion for Discovery
 Continued;
 Granted in Part;
 Journal Entry Details:
Deft. not present; PRESENCE WAIVED. COURT ORDERED, as follows: 1. Court noted this request is overly broad, however, it will GRANT it to extent it is required by NRS 174.235. 2. State to comply with NRS 174.234. 3. State to comply with NRS 174.235. 4. State to comply with NRS 174.235. 5. State to comply with NRS 174.235. 6. State to provide anything other than statutory witness fee. 7. State to comply with Brady obligations. 8. State is to disclose prior felony information or crimes involving moral turpitude. 9. MOTION DENIED. 10. If there are any informants, the State is to disclose this information to Court, for determination as to whether the information needs to be turned over. 11. MOTION GRANTED; State to provide defense with all chain of custody regarding evidence. Ms. Sauter to prepare the order. BOND;
 Continued;
 Granted in Part;
 Journal Entry Details:
Deft. not present. Ms. Holiday requested Deft's presence be waived, further noting he resides in California and has had excellent communication with Ms. Sauter. Additionally, Ms. Sauter is on vacation, and defense will request a continuance for Ms. Sauter to appear and handle proceedings. COURT ORDERED, matter CONTINUED. Court noted for the record State had filed their written opposition yesterday. Ms. Holiday noted this in her file. BOND 12/08/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY 12/20/16 8:30 A.M. CALENDAR CALL 1/03/17 1:30 P.M. TRIAL BY JURY;

12/20/2016  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

CASE SUMMARY
CASE NO. C-16-315718-1

Set Status Check;

Journal Entry Details:

Ms. Devaney-Sauter informed Court there is a pending motion to consolidate this case and another criminal case before Judge Eric Johnson on December 22, 2016. Additionally, defense has to do further investigation, and will not be ready for trial. At request of counsel, COURT ORDERED, trial date VACATED; matter SET for status check. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;

12/22/2016  **Motion to Admit Evidence** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/22/2016, 01/12/2017

State's Motion to Admit Evidence of Other Acts

Continued;

Denied;

Journal Entry Details:

Mr. Dickerson informed Court Deft. was convicted of burglary in his jury trial. Thereafter, Mr. Dickerson argued in support of the burglary matter to be admitted, and there having been no lawful intent on Deft's acts. Ms. Sauter opposed; and argued as to NRS 48.045, and State having given an overbroad reading of intent. Further arguments as to case law cited by State in the pleadings, State having failed to establish the relief being sought on using any intent evidence, common schemer plan exception, Newman vs. State case law, and prejudice outweighing probative value for Deft. if the act comes in for trial. Ms. Sauter added the State cannot establish introduction of this evidence, and based on a prior, the jury in this case may convict him just on this, and not on any evidence. Further arguments as to Nevada Supreme Court decision. Ms. Sauter requested Court to consider setting an evidentiary hearing on the issue, if Court is inclined to grant State's Motion. Mr. Dickerson stated he will submit a trial transcript from the other case to this Court. Further arguments as to case law being clear. COURT ORDERED, Motion DENIED. Ms. Sauter to prepare the order. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;

MINUTES

Continued;

Denied;

Journal Entry Details:

Deft. not present. Mr. Gaston informed Court Deft. was told he did not have to be here. COURT ORDERED, Deft's presence WAIVED. Mr. Dickerson provided details surrounding the allegations; and argued in support of admission of Deft's other burglary acts from three years prior, and further argued as to State s theory of Deft's probable defense, State needing to prove intent. Court stated it was not provided Deft's Opposition to State's Motion. Ms. Sauter apologized; and provided a copy of the Opposition to Court for consideration. COURT ORDERED, matter CONTINUED for Court to review this Opposition, prior to further arguments. Upon Court s inquiry, Mr. Dickerson clarified the request to consolidate this case and C315125 from Department 20 was denied by Judge Eric Johnson, and Judge Johnson had said he would entertain another bad acts motion by State. Discussions as to trial date of January 3, 2017 already having been vacated by this Court. BOND 1/12/17 8:30 A.M. STATE'S MOTION TO ADMIT EVIDENCE OF OTHER ACTS ;

SCHEDULED HEARINGS

CANCELED All Pending Motions (12/22/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - On in Error

12/22/2016 **CANCELED All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - On in Error

12/22/2016  **Motion to Consolidate** (9:00 AM) (Judicial Officer: Johnson, Eric)

State's Motion for Joinder of Case C315718 into Case C315125

Denied;

Journal Entry Details:

Mr. Rowles and Ms. Devaney-Sauter argued their respective positions. COURT ORDERED, Motion DENIED. BOND;

01/03/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

01/26/2017  **Status Check: Reset Trial Date** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Further Proceedings / Reset Trial Date

MINUTES

Trial Date Set;

Journal Entry Details:

COURT ORDERED, trial date SET. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/21/17 1:30 P.M. TRIAL BY

CASE SUMMARY
CASE NO. C-16-315718-1

JURY;

SCHEDULED HEARINGS

CANCELED Calendar Call (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

CANCELED Jury Trial (03/21/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

02/09/2017  **Minute Order** (3:00 AM) (Judicial Officer: Leavitt, Michelle)

Minute Order Re: Recusal

Minute Order - No Hearing Held;

Journal Entry Details:

*The law firm of Colquitt & Abbatangelo, LTD., currently represents the Defendant in this matter. Pursuant to Nevada Code of Judicial Conduct NCJC 3(E)(1)(d)(ii), and to avoid the appearance of impropriety and implied bias, the Court RECUSES itself from the above-entitled case, and ORDERS this matter to be randomly reassigned. The newly assigned Department will need to set a status check hearing to determine a date for Calendar Call and Jury Trial. CLERK'S NOTE: A copy of the above minute order has been forwarded to Clerk's Office Master Calendar for reassignment. /// sj
 CLERK'S NOTE: Law firm was notified regarding recusal. /// sj;*

03/06/2017  **Trial Setting** (8:30 AM) (Judicial Officer: Kephart, William D.)

Trial Date Set;

Journal Entry Details:

Mr. Abbatangelo advised he substituted in as counsel and the case was re-assigned from department 12. Further, Mr. Abbatangelo advised Defendant has invoked the 60 day rule. Mr. Scow advised the victim has scheduled military leave between 3/20/2017 - 3/31/2017. Colloquy regarding scheduling. COURT ORDERED, matter SET for trial. BOND (COC) 3/22/2017 8:30 AM CALENDAR CALL 3/27/2017 10:00 AM JURY TRIAL;

03/14/2017 **CANCELED Calendar Call** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

03/21/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

03/22/2017  **Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)

Matter Heard;

Journal Entry Details:

Mr. Abbatangelo advised parties have agree to vacate the trial date and set a status check in two (2) weeks to discuss the offers which have been extended by the State. Mr. Dickerson advised this a defense request to continue, State is ready; however, State is not opposing the continuance. Further, Mr. Dickerson advised the only issue would be the availability of the victim who is in the military and the trial will need to be scheduled around victim's leave. Upon Court's inquiry, Defendant agreed to vacate trial. COURT ORDERED, trial VACATED and matter SET for Status Check. BOND (COC) 4/03/2017 8:30 AM STATUS CHECK: NEGOTIATIONS / TRIAL SETTING;

03/27/2017 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Kephart, William D.)

Vacated - per Judge

04/03/2017  **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)

04/03/2017, 05/01/2017

Status Check: Negotiations / Trial Setting

Matter Continued;

Trial Date Set;

Journal Entry Details:

Mr. Rowles advised he believes the matter is resolved and he has the Guilty Plea Agreement. MATTER TRAILED for Mr. Abbatangelo. RECALLED. Mr. Abbatangelo requested matter be continued sixty days. Mr. Rowles advised the offer is one count of burglary stipulate to a 12 -30 concurrent with C315125 and if Defendant rejects the offer at the next date the offer will be revoked. Court stated he is inclined to set the matter for trial with a status check in thirty days for negotiations. Parties agreed. COURT ORDERED, matter SET for trial and Status Check. BOND (COC-NDC) 5/31/2017 8:30 AM STATUS CHECK: NEGOTIATIONS 8/30/2017 8:30 AM PRE TRIAL CONFERENCE 9/27/2017 8:30 AM CALENDAR CALL 10/02/2017 10:00 AM JURY TRIAL;

Matter Continued;

Trial Date Set;

CASE SUMMARY

CASE NO. C-16-315718-1

Journal Entry Details:

Mr. Abbatangelo advised parties are close to a resolution and requested matter be continued thirty days. COURT SO ORDERED. BOND (COC-NDC) CONTINUED TO: 5/01/2017 8:30 AM;

05/31/2017

 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)

Status Check: Negotiations

Matter Heard;

Journal Entry Details:

Mr. Colquitt advised the matter is not negotiated and Defendant has rejected the offer. Ms. Derjavina advised the offer has been revoked at this time. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

06/12/2017

 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)

Tony Abbatangelo, Esq's Motion to Withdraw as Attorney of Record

Granted;

Journal Entry Details:

Court noted Defendant not present. Mr. Abbatangelo advised Defendant in custody with Nevada Department of Corrections (NDC) on another case. COURT ORDERED, Motion GRANTED; Public Defender APPOINTED to determine if there will be conflict and matter SET for Status Check. FURTHER ORDERED, State to prepare an Order to Transport. BOND (COC-NDC) 7/10/2017 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL (PD);

07/10/2017

 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)

Status Check: Confirmation of Counsel (PD)

Counsel Confirmed;

Journal Entry Details:

Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

08/30/2017

 **Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Ms. Murphy stated she believes Ms. DeVaney received most of what was needed and just received two notices from the state who will provide documents. Further, Ms. Murphy stated Deft. filed something in the Nevada Supreme Court, not sure what it is and advised it has been transferred to the Court of Appeals. Colloquy. COURT ORDERED, calendar call and trial dates STAND. Deft. advised he filed a writ of habeas corpus challenging probable cause. Statement by Mr. Dickerson. MATTER RECALLED: Ms. Murphy requested a status check in three weeks for possible negotiations. Colloquy. Mr. Dickerson stated Deft's counsel requested to re-open negotiations and counsel will to entertain and believes status check will facilitate negotiations. COURT ORDERED, matter SET for status check. State to prepare transport order. BOND (COC-NDC) 9/20/17 9:00 AM STATUS CHECK: NEGOTIATIONS;

09/27/2017

Calendar Call (9:00 AM) (Judicial Officer: Kephart, William D.)

Matter Heard;

09/27/2017

Status Check (9:00 AM) (Judicial Officer: Kephart, William D.)

09/27/2017, 10/25/2017

Status Check: Negotiations

Matter Continued;

Matter Heard;

Matter Continued;

Matter Heard;

09/27/2017

 **All Pending Motions** (9:00 AM) (Judicial Officer: Kephart, William D.)

Matter Heard;

Journal Entry Details:

CALENDAR CALL ... STATUS CHECK: NEGOTIATIONS Ms. Murphy advised there is an offer which Defendant wants to accept; however, Defendant filed an appeal which a decision has not been reached. COURT ORDERED, trial date VACATED and matter SET for Status Check as to the Supreme Court decision. BOND (COC-NDC) 10/25/2017 8:30 AM STATUS CHECK: SUPREME COURT DECISION ... STATUS CHECK: NEGOTIATIONS;

10/02/2017

CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.)

CASE SUMMARY
CASE NO. C-16-315718-1

Vacated - per Judge

10/25/2017 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
Status Check: Supreme Court Decision / Trial Setting
 Trial Date Set;

10/25/2017  **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)
 Matter Heard;
 Journal Entry Details:
STATUS CHECK: SUPREME COURT DECISION / TRIAL SETTING ... STATUS CHECK: NEGOTIATIONS Mr. Cottner advised the Court of Appeals has dismissed Defendant's pro per writ and requested a trial date be set in ordinary course. COURT ORDERED, matter SET for trial. CUSTODY (COC-NDC) 4/11/2018 8:30 AM PRE TRIAL CONFERENCE 5/09/2018 8:30 AM CALENDAR CALL 5/14/2018 10:00 AM JURY TRIAL;

04/11/2018  **Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)
 Matter Heard;
 Journal Entry Details:
Ms. Murphy advised she anticipates ready for the current trial date; although she has filed a Petition which is set to be heard on 4/23/2018. COURT ORDERED, trial date STANDS. Ms. Mendoza advised Mr. Dickerson indicated that there may be something pending with the Appellant Court. Ms. Murphy advised Defendant did file a Pro Per Appeal which has since been denied and will not be an issue. Court so noted. BOND (COC-NDC);

04/23/2018  **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Kephart, William D.)
04/23/2018, 05/09/2018
Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus
 Matter Heard;
 Journal Entry Details:
Court noted a written opposition has not been filed. Ms. Mendoza advised this is Mr. Dickerson s case who indicated the transcript in this matter was filed 7/2016 making the writ untimely and should be denied; however, if the Court would like a response he would ask for additional time. Court stated he would like a response. COURT ORDERED, State s Response shall be due on or before 4/30/2018 and matter CONTINUED. Ms. Murphy advised she provided Defendant with additional discovery this morning in Open Court as well as spoke with Defendant at length on the phone. Further, Ms. Murphy requested the State mail a copy of their opposition as soon as possible as Defendant is at High Desert. Ms. Mendoza advised Defendant is represented by counsel and counsel will be served with the Opposition. BOND (COC-NDC) 5/9/18 8:30 AM ;

05/09/2018  **Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)
 Matter Heard;
 Journal Entry Details:
Upon Court s inquiry, Ms. Murphy advised Defendant is in the Nevada Department of Corrections and was not transported. Court noted Defendant has an appeal pending with the Supreme Court. Colloquy regarding Defendant s pending appeal. CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED and matter SET for Status Check. BOND (COC-NDC) 6/6/18 8:30 AM STATUS CHECK: SUPREME COURT DECISION/ RESET TRIAL ;

05/09/2018 **Motion to Dismiss** (8:30 AM) (Judicial Officer: Kephart, William D.)
State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus
 Matter Continued;

05/14/2018 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

06/06/2018  **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
SUPREME COURT DECISION/ RESET TRIAL
 Matter Heard;
 Journal Entry Details:
Ms. Murphy advised Defendant was not transported from the Nevada Department of Corrections. Mr. Dickerson advised the Supreme Court denied Defendant's Pro Per Petition on 5/15/2018 and requested matter be set for status check to reset the trial date. Further, Mr. Dickerson advised an offer has been extended; however, the offer has not been accepted. COURT ORDERED, matter SET for Status Check and DIRECTED State to prepare the appropriate

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

transport order. BOND (COC-NDC) 7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING;

- 07/11/2018  **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Kephart, William D.)
Trial Date Set;
Journal Entry Details:
Ms. Murphy advised Defendant was transported for today. Further, Ms. Murphy advised she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to heard by the Court. Additionally, Ms. Murphy advised there appears to be a break down between herself and Defendant as he has left multiple voicemails on her phone stating she is not working on his case and that she is a racist. Upon Court's inquiry, Ms. Murphy advised Defendant previously file a Pro Per Petition for Writ of Habeas Corpus. Colloquy regarding Defendant's Petition. Defendant advised he filed his motion to challenge probable cause in this case. COURT ORDERED, matter SET for Trial and Defendant's Motion SET for Hearing. CUSTODY (COC) 8/15/2018 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS 10/10/2018 8:30 AM PRE TRIAL CONFERENCE 11/07/2018 8:30 AM CALENDAR CALL 11/13/2018 10:00 AM JURY TRIAL ;
- 08/15/2018 **Petition** (8:30 AM) (Judicial Officer: Kephart, William D.)
08/15/2018, 08/29/2018
Defendant's Pro Per Petition for Writ of Habeas Corpus
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
- 08/15/2018 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant's Motion to Withdraw as Counsel of Record
Granted;
- 08/15/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL OF RECORD Court reviewed case history. COURT ORDERED, Motion to Withdraw as Counsel GRANTED; Michael Sanft APPOINTED and Petition CONTINUED in order for Mr. Sanft to review the case. FURTHER ORDERED, matter SET for Confirmation of Counsel. 8/29/2018 8:30 AM CONFIRMATION OF COUNSEL (SANFT) ... DEFENDANT'S PRO PETITION FOR WRIT OF HABEAS CORPUS;
- 08/29/2018 **Confirmation of Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)
Confirmation of Counsel (Sanft)
Counsel Confirmed;
- 08/29/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
CONFIRMATION OF COUNSEL (SANFT) Mr. Sanft confirmed as counsel and advised he has conveyed the State's offer of an alford plea to attempt grand larceny, a wobbler, State will make no recommendation at sentencing with no opposition to probation with 30 days ccdc and 30 days credit for time served. Further, Mr. Sanft advised a counter offer of a stipulation to a gross misdemeanor; however, State has indicated they are not willing to enter that stipulation and would like the Court to make that determination. Mr. Dickerson confirmed representations. COURT ORDERED, matter SET for Status Check. DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS COURT ORDERED, Petition DENIED as it was not filed in compliance with NRS 34.700 and the Court is unable to consider the Petition. BOND (COC) ;
- 09/26/2018  **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
Status Check: Negotiations / Pre Trial Conference
Matter Heard;
Journal Entry Details:
Mr. Sanft advised his investigator has met with Defendant and the offer extended contemplates credit for time served; although the State will retain the right to argue as to felony or gross misdemeanor treatment. Upon Court's inquiry, Mr. Sanft advised there are no outstanding discovery issues and he anticipates ready for the current trial date. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

- 10/10/2018 **CANCELED Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge
- 11/07/2018  **Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)
Plea Entered;
Journal Entry Details:
Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HAYES ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT GRAND LARCENY (F/GM). State made offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;
- 11/13/2018 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge
- 02/04/2019  **Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)
State's Notice of Motion and Motion to Revoke Bail
Granted;
Journal Entry Details:
Mr. Dickerson advised he would submit on the motion and will answer any questions the Court may have. Mr. Sanft reviewed allegations of new charge. COURT ORDERED, Motion GRANTED; BAIL EXONERATED; Defendant REMANDED INTO CUSTODY on this cas. CUSTODY (COC-NDC);
- 03/06/2019  **Sentencing** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant Sentenced;
Journal Entry Details:
DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered. NDC;
- 06/03/2019  **Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)
06/03/2019, 07/15/2019
Defendant's Pro Per Motion to Withdraw Counsel
Matter Continued;
Granted;
Journal Entry Details:
Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion GRANTED as a Remittitur has been filed by the Supreme Court. NDC ;
Matter Continued;
Granted;
Journal Entry Details:
Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days. NDC CONTINUED TO: 7/15/2019 8:30 AM;
- 10/07/2019  **Motion** (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.)
Defendant's Pro Per Motion In the Nature of a Writ of Coram Nobis
Denied;
Journal Entry Details:
Court noted the State has indicated they were not properly served and that there is a pending appeal in this matter. COURT ORDERED, Motion DENIED as Defendant failed to properly serve the State with the motion and the Court lacks jurisdiction. . Mr. Zadrowski to prepare the Order consistent with Court s findings. NDC ;
- 01/06/2020  **Motion to Modify Sentence** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant's Pro Per Motion to Correct An Illegal Sentence

CASE SUMMARY
CASE NO. C-16-315718-1

Off Calendar;
 Journal Entry Details:
Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, matter OFF CALENDAR as Defendant has a pending appeal which divests the Court of jurisdiction. NDC;

03/18/2020

 **Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant's Pro Per Motion for Ruling on Motion to Correct an Illegal Sentence Denied;
 Journal Entry Details:
Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court reviewed the procedural history of case. Court FINDS, Defendant's claims are similar to those filed in the appeal; however, Defendant fails to provide any statutory basis and/or authority to support the motion; Defendant's additional claims are substantive and should have been raised on appeal; therefore, COURT ORDERED, Defendant's Motion to Correct an Illegal Sentence shall be DENIED in its totality. NDC ;

06/01/2020

 **Motion for Relief** (10:15 AM) (Judicial Officer: Kephart, William D.)
06/01/2020, 06/15/2020
Rule 60b Motion for Relief from the March 18 2020 Oder Which Denied Mr Hayes Motion to Correct Illegal Sentence Matter Continued;
 Off Calendar;
 Journal Entry Details:
Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated Defendant has filed a motion to disqualify him from the matter; therefore, COURT ORDERED, matter OFF CALENDAR pending decision. NDC;
 Matter Continued;
 Off Calendar;
 Journal Entry Details:
Court noted Defendant was not transported from the Nevada Department of Corrections and ORDERED, matter CONTINUED. Court noted this matter is currently on appeal before the Supreme Court. NDC CONTINUED TO: 6/15/220 10:15 AM;

06/22/2020

 **Motion to Vacate Sentence** (10:15 AM) (Judicial Officer: Kephart, William D.)
 Events: 06/01/2020 Motion to Vacate Sentence
Defendant's Motion to Vacate Sentence (Conviction Invalid)
 Off Calendar;
 Journal Entry Details:
Court noted matter is on calendar for a Motion to Vacate Sentence; however, Defendant has filed a Motion to Disqualify this Court and ORDERED, matter OFF CALENDAR pending the decision of the Motion to Disqualify. NDC;

08/24/2020

 **Motion** (10:15 AM) (Judicial Officer: Kephart, William D.)
Defendant's Motion to Vacate Sentence (Conviction Invalid)
 Off Calendar;
 Journal Entry Details:
Court noted this matter is pending appeal based on the Court's previous denial of the motion and COURT ORDERED, matter OFF CALENDAR. NDC;

03/15/2021

 **Motion to Compel** (8:30 AM) (Judicial Officer: Trujillo, Monica)
03/15/2021, 03/29/2021
Motion to Compel Judgment for Rule [(60)B] Motion for Relief and Motion to Vacate Continued;
 Off Calendar;
 Journal Entry Details:
Court notes Defendant not present and presence is waived for these proceedings. Court notes the State was asked to investigate whether Defendants issues had been adjudicated and a Findings of Fact, Conclusions of Law FILED. Upon Court's inquiry, State advised these same issues were addressed in a CIVIL petition which is where the order was filed. COURT FINDS MATTER OFF CALENDAR as these issues are MOOT having already been adjudicated. NDC;
 Continued;
 Off Calendar;
 Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-16-315718-1

Court notes a Findings of Fact, Conslusions of Law FILED on 3/9/21 which may render this motion. MATTER CONTINUED for State to respond. NDC CONTINUED TO: 3/29/21 8:30 A..M.;

05/12/2021	Motion to Modify Sentence (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion to Modify/Correct Illegal Sentence</i> Off Calendar;
05/12/2021	Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i> Off Calendar;
05/12/2021	Motion to Modify Sentence (8:30 AM) (Judicial Officer: Trujillo, Monica) Events: 04/21/2021 Motion to Modify Sentence <i>Defendant's Notice of Motion; Motions for Modification of Sentence and/or Correct Illegal Sentence</i> Off Calendar;
05/12/2021	 All Pending Motions (8:30 AM) (Judicial Officer: Trujillo, Monica) Matter Heard; Journal Entry Details: <i>MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE...DEFENDANT'S NOTICE OF MOTION; MOTIONS FOR MODIFICATION OF SENTENCE AND/OR CORRECT ILLEGAL SENTENCE...MOTION TO MODIFY/CORRECT ILLEGAL SENTENCE... Court noted the Court believes this matter is on in error and will take this matter off calendar. There being no objection, COURT ORDERED, matter OFF CALENDAR.;</i>
06/02/2021	 Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) Events: 05/12/2021 Notice of Motion <i>Notice of Motion</i> Off Calendar; Journal Entry Details: <i>Court NOTED it believed this matter was set in error, therefore, ORDERED, matter OFF CALENDAR. NDC;</i>
07/14/2021	 Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Request for Submission of Motion to Modify and or Correct Illegal Sentence</i> Denied; Journal Entry Details: <i>COURT FINDS, this was a legal sentence, therefore, ORDERED, motion DENIED. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: JAMES HAYES, #1175077, S.D.C.C., P.O. BOX 208, INDIAN SPRINGS, NV, 89070. 7/15/21 gs;</i>
07/19/2021	Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>State s Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i> Denied;
07/28/2021	Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>
08/11/2021	Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Request for Submission Addendum</i>

DATE

FINANCIAL INFORMATION

Defendant Hayes, James Howard	
Total Charges	28.00
Total Payments and Credits	0.00
Balance Due as of 7/22/2021	28.00

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

June 23, 2016 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Devaney, Kelli M.	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Kelsey Einhorn appearing for the State.

DEFT. HAYES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Deft's Request for Discovery is GRANTED pursuant to NRS 174.235 and Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

12/27/16 8:30 AM CALENDAR CALL (DEPT. 12)

1/03/16 1:30 PM JURY TRIAL (DEPT. 12)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

December 06, 2016 8:30 AM Motion for Discovery

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Holiday, Kristy	Attorney
	Mendoza, Erika	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present. Ms. Holiday requested Deft's presence be waived, further noting he resides in California and has had excellent communication with Ms. Sauter. Additionally, Ms. Sauter is on vacation, and defense will request a continuance for Ms. Sauter to appear and handle proceedings. COURT ORDERED, matter CONTINUED. Court noted for the record State had filed their written opposition yesterday. Ms. Holiday noted this in her file.

BOND

12/08/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY

12/20/16 8:30 A.M. CALENDAR CALL

1/03/17 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 08, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

December 08, 2016 8:30 AM Motion for Discovery

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Public Defender	Attorney
	Rogan, Jeffrey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; PRESENCE WAIVED.

COURT ORDERED, as follows:

1. Court noted this request is overly broad, however, it will GRANT it to extent it is required by NRS 174.235.
2. State to comply with NRS 174.234.
3. State to comply with NRS 174.235.
4. State to comply with NRS 174.235.
5. State to comply with NRS 174.235.
6. State to provide anything other than statutory witness fee.
7. State to comply with Brady obligations.
8. State is to disclose prior felony information or crimes involving moral turpitude.
9. MOTION DENIED.
10. If there are any informants, the State is to disclose this information to Court, for determination as

to whether the information needs to be turned over.

11. MOTION GRANTED; State to provide defense with all chain of custody regarding evidence.

Ms. Sauter to prepare the order.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 20, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

December 20, 2016 8:30 AM Calendar Call

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Devaney-Sauter informed Court there is a pending motion to consolidate this case and another criminal case before Judge Eric Johnson on December 22, 2016. Additionally, defense has to do further investigation, and will not be ready for trial. At request of counsel, COURT ORDERED, trial date VACATED; matter SET for status check.

BOND

1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

December 22, 2016 8:30 AM Motion to Admit Evidence

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Public Defender	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present. Mr. Gaston informed Court Deft. was told he did not have to be here. COURT ORDERED, Deft's presence WAIVED. Mr. Dickerson provided details surrounding the allegations; and argued in support of admission of Deft's other burglary acts from three years prior, and further argued as to State s theory of Deft's probable defense, State needing to prove intent. Court stated it was not provided Deft's Opposition to State's Motion. Ms. Sauter apologized; and provided a copy of the Opposition to Court for consideration. COURT ORDERED, matter CONTINUED for Court to review this Opposition, prior to further arguments. Upon Court s inquiry, Mr. Dickerson clarified the request to consolidate this case and C315125 from Department 20 was denied by Judge Eric Johnson, and Judge Johnson had said he would entertain another bad acts motion by State. Discussions as to trial date of January 3, 2017 already having been vacated by this Court.

BOND

1/12/17 8:30 A.M. STATE'S MOTION TO ADMIT EVIDENCE OF OTHER ACTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2016

C-16-315718-1 State of Nevada
vs
James Hayes

December 22, 2016 9:00 AM Motion to Consolidate

HEARD BY: Johnson, Eric COURTROOM: RJC Courtroom 10D

COURT CLERK: Tia Everett
Natalie Ortega

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Rowles and Ms. Devaney-Sauter argued their respective positions. COURT ORDERED, Motion DENIED.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 12, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

January 12, 2017 8:30 AM Motion to Admit Evidence

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson informed Court Deft. was convicted of burglary in his jury trial. Thereafter, Mr. Dickerson argued in support of the burglary matter to be admitted, and there having been no lawful intent on Deft's acts. Ms. Sauter opposed; and argued as to NRS 48.045, and State having given an overbroad reading of intent. Further arguments as to case law cited by State in the pleadings, State having failed to establish the relief being sought on using any intent evidence, common schemer plan exception, Newman vs. State case law, and prejudice outweighing probative value for Deft. if the act comes in for trial. Ms. Sauter added the State cannot establish introduction of this evidence, and based on a prior, the jury in this case may convict him just on this, and not on any evidence. Further arguments as to Nevada Supreme Court decision. Ms. Sauter requested Court to consider setting an evidentiary hearing on the issue, if Court is inclined to grant State's Motion. Mr. Dickerson stated he will submit a trial transcript from the other case to this Court. Further arguments as to case law being clear. COURT ORDERED, Motion DENIED. Ms. Sauter to prepare the order.

BOND

1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 26, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

January 26, 2017 8:30 AM Status Check: Reset Trial
Date

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	Rogan, Jeffrey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, trial date SET.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/21/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2017

C-16-315718-1 State of Nevada
 vs
 James Hayes

February 09, 2017 3:00 AM Minute Order

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The law firm of Colquitt & Abbatangelo, LTD., currently represents the Defendant in this matter.

Pursuant to Nevada Code of Judicial Conduct NCJC 3(E)(1)(d)(ii), and to avoid the appearance of impropriety and implied bias, the Court RECUSES itself from the above-entitled case, and ORDERS this matter to be randomly reassigned. The newly assigned Department will need to set a status check hearing to determine a date for Calendar Call and Jury Trial.

CLERK'S NOTE: A copy of the above minute order has been forwarded to Clerk's Office Master Calendar for reassignment. /// sj

CLERK'S NOTE: Law firm was notified regarding recusal. /// sj

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 06, 2017

C-16-315718-1 State of Nevada
 vs
 James Hayes

March 06, 2017 8:30 AM Trial Setting

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	HAYES, JAMES HOWARD	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Abbatangelo advised he substituted in as counsel and the case was re-assigned from department 12. Further, Mr. Abbatangelo advised Defendant has invoked the 60 day rule. Mr. Scow advised the victim has scheduled military leave between 3/20/2017 - 3/31/2017. Colloquy regarding scheduling. COURT ORDERED, matter SET for trial.

BOND (COC)

3/22/2017 8:30 AM CALENDAR CALL

3/27/2017 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

March 22, 2017 8:30 AM Calendar Call

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Abbatangelo advised parties have agree to vacate the trial date and set a status check in two (2) weeks to discuss the offers which have been extended by the State. Mr. Dickerson advised this a defense request to continue, State is ready; however, State is not opposing the continuance. Further, Mr. Dickerson advised the only issue would be the availability of the victim who is in the military and the trial will need to be scheduled around victim's leave. Upon Court's inquiry, Defendant agreed to vacate trial. COURT ORDERED, trial VACATED and matter SET for Status Check.

BOND (COC)

4/03/2017 8:30 AM STATUS CHECK: NEGOTIATIONS / TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

April 03, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	HAYES, JAMES HOWARD	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Abbatangelo advised parties are close to a resolution and requested matter be continued thirty days. COURT SO ORDERED.

BOND (COC-NDC)

CONTINUED TO: 5/01/2017 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

May 01, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	HAYES, JAMES HOWARD	Defendant
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Rowles advised he believes the matter is resolved and he has the Guilty Plea Agreement. MATTER TRAILED for Mr. Abbatangelo. RECALLED. Mr. Abbatangelo requested matter be continued sixty days. Mr. Rowles advised the offer is one count of burglary stipulate to a 12 -30 concurrent with C315125 and if Defendant rejects the offer at the next date the offer will be revoked. Court stated he is inclined to set the matter for trial with a status check in thirty days for negotiations. Parties agreed. COURT ORDERED, matter SET for trial and Status Check.

BOND (COC-NDC)

5/31/2017 8:30 AM STATUS CHECK: NEGOTIATIONS

8/30/2017 8:30 AM PRE TRIAL CONFERENCE

9/27/2017 8:30 AM CALENDAR CALL

C-16-315718-1

10/02/2017 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 31, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

May 31, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Colquitt, Ronald	Attorney
	Derjavina, Ekaterina	Attorney
	HAYES, JAMES HOWARD	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Colquitt advised the matter is not negotiated and Defendant has rejected the offer. Ms. Derjavina advised the offer has been revoked at this time. COURT ORDERED, trial date STANDS.

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

June 12, 2017 8:30 AM Motion to Withdraw as
Counsel

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present. Mr. Abbatangelo advised Defendant in custody with Nevada Department of Corrections (NDC) on another case. COURT ORDERED, Motion GRANTED; Public Defender APPOINTED to determine if there will be conflict and matter SET for Status Check. FURTHER ORDERED, State to prepare an Order to Transport.

BOND (COC-NDC)

7/10/2017 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL (PD)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

July 10, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	HAYES, JAMES HOWARD	Defendant
	Rusley, Eric W	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS.

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

August 30, 2017 8:30 AM Pre Trial Conference

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: April Watkins

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Murphy stated she believes Ms. DeVaney received most of what was needed and just received two notices from the state who will provide documents. Further, Ms. Murphy stated Deft. filed something in the Nevada Supreme Court, not sure what it is and advised it has been transferred to the Court of Appeals. Colloquy. COURT ORDERED, calendar call and trial dates STAND. Deft. advised he filed a writ of habeas corpus challenging probable cause. Statement by Mr. Dickerson.

MATTER RECALLED:

Ms. Murphy requested a status check in three weeks for possible negotiations. Colloquy. Mr. Dickerson stated Deft's counsel requested to re-open negotiations and counsel will to entertain and believes status check will facilitate negotiations. COURT ORDERED, matter SET for status check. State to prepare transport order.

BOND (COC-NDC)

C-16-315718-1

9/20/17 9:00 AM STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2017

C-16-315718-1 State of Nevada
vs
James Hayes

October 25, 2017 8:30 AM All Pending Motions

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Clowers, Shanon	Attorney
	Cottner, Kyle	Attorney
	HAYES, JAMES HOWARD	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: SUPREME COURT DECISION / TRIAL SETTING ... STATUS CHECK:
NEGOTIATIONS

Mr. Cottner advised the Court of Appeals has dismissed Defendant's pro per writ and requested a trial date be set in ordinary course. COURT ORDERED, matter SET for trial.

CUSTODY (COC-NDC)

4/11/2018 8:30 AM PRE TRIAL CONFERENCE

5/09/2018 8:30 AM CALENDAR CALL

5/14/2018 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 11, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

April 11, 2018 8:30 AM Pre Trial Conference

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett
Christopher Darling

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Murphy advised she anticipates ready for the current trial date; although she has filed a Petition which is set to be heard on 4/23/2018. COURT ORDERED, trial date STANDS. Ms. Mendoza advised Mr. Dickerson indicated that there may be something pending with the Appellant Court. Ms. Murphy advised Defendant did file a Pro Per Appeal which has since been denied and will not be an issue. Court so noted.

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 23, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

April 23, 2018 8:30 AM Petition for Writ of Habeas
Corpus

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett
Chante Williams

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted a written opposition has not been filed. Ms. Mendoza advised this is Mr. Dickerson s case who indicated the transcript in this matter was filed 7/2016 making the writ untimely and should be denied; however, if the Court would like a response he would ask for additional time. Court stated he would like a response. COURT ORDERED, State s Response shall be due on or before 4/30/2018 and matter CONTINUED. Ms. Murphy advised she provided Defendant with additional discovery this morning in Open Court as well as spoke with Defendant at length on the phone. Further, Ms. Murphy requested the State mail a copy of their opposition as soon as possible as Defendant is at High Desert. Ms. Mendoza advised Defendant is represented by counsel and counsel will be served with the Opposition.

BOND (COC-NDC)

5/9/18 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

May 09, 2018 8:30 AM Calendar Call

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Rubina Feda

REPORTER:

PARTIES

PRESENT: Murphy, Jessica W. Attorney
Rowles, William C. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Upon Court s inquiry, Ms. Murphy advised Defendant is in the Nevada Department of Corrections and was not transported. Court noted Defendant has an appeal pending with the Supreme Court. Colloquy regarding Defendant s pending appeal. CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED and matter SET for Status Check.

BOND (COC-NDC)

6/6/18 8:30 AM STATUS CHECK: SUPREME COURT DECISION/ RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

June 06, 2018 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Dickerson, Michael Attorney
 Murphy, Jessica W. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Ms. Murphy advised Defendant was not transported from the Nevada Department of Corrections. Mr. Dickerson advised the Supreme Court denied Defendant's Pro Per Petition on 5/15/2018 and requested matter be set for status check to reset the trial date. Further, Mr. Dickerson advised an offer has been extended; however, the offer has not been accepted. **COURT ORDERED**, matter SET for Status Check and **DIRECTED** State to prepare the appropriate transport order.

BOND (COC-NDC)

7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 11, 2018

C-16-315718-1 State of Nevada
 vs
 James Hayes

July 11, 2018 8:30 AM Status Check: Trial Setting

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Murphy, Jessica W.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Murphy advised Defendant was transported for today. Further, Ms. Murphy advised she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to heard by the Court. Additionally, Ms, Murphy advised there appears to be a break down between herself and Defendant as he has left multiple voicemails on her phone stating she is not working on his case and that she is a racist. Upon Court's inquiry, Ms. Murphy advised Defendant previously file a Pro Per Petition for Writ of Habeas Corpus. Colloquy regarding Defendant's Petition. Defendant advised he filed his motion to challenge probable cause in this case. COURT ORDERED, matter SET for Trial and Defendant's Motion SET for Hearing.

CUSTODY (COC)

8/15/2018 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

C-16-315718-1

10/10/2018 8:30 AM PRE TRIAL CONFERENCE

11/07/2018 8:30 AM CALENDAR CALL

11/13/2018 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

August 15, 2018 8:30 AM All Pending Motions

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Rusley, Eric W	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL OF RECORD

Court reviewed case history. COURT ORDERED, Motion to Withdraw as Counsel GRANTED; Michael Sanft APPOINTED and Petition CONTINUED in order for Mr. Sanft to review the case. FURTHER ORDERED, matter SET for Confirmation of Counsel.

8/29/2018 8:30 AM CONFIRMATION OF COUNSEL (SANFT) ... DEFENDANT'S PRO PETITION FOR WRIT OF HABEAS CORPUS

C-16-315718-1

Court is unable to consider the Petition.

BOND (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 26, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

September 26, 2018 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Holthus, Mary Kay	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Sanft advised his investigator has met with Defendant and the offer extended contemplates credit for time served; although the State will retain the right to argue as to felony or gross misdemeanor treatment. Upon Court's inquiry, Mr. Sanft advised there are no outstanding discovery issues and he anticipates ready for the current trial date. **COURT ORDERED, trial date STANDS.**

BOND (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2018

C-16-315718-1 State of Nevada
vs
James Hayes

November 07, 2018 8:30 AM Calendar Call

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HAYES ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT GRAND LARCENY (F/GM). State made offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing; trial date VACATED.

BOND

3/06/2019 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2019

C-16-315718-1 State of Nevada
vs
James Hayes

February 04, 2019 8:30 AM Motion

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Hayes, James Howard	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson advised he would submit on the motion and will answer any questions the Court may have. Mr. Sanft reviewed allegations of new charge. COURT ORDERED, Motion GRANTED; BAIL EXONERATED; Defendant REMANDED INTO CUSTODY on this cas.

CUSTODY (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 06, 2019

C-16-315718-1 State of Nevada
vs
James Hayes

March 06, 2019 8:30 AM Sentencing

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett
Shannon Emmons

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Hayes, James Howard	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2019

C-16-315718-1 State of Nevada
vs
James Hayes

June 03, 2019 8:30 AM Motion

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: LoGrippto, Frank R. Attorney
Sanft, Michael W. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days.

NDC

CONTINUED TO: 7/15/2019 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 15, 2019

C-16-315718-1 State of Nevada
vs
James Hayes

July 15, 2019 8:30 AM Motion

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: LoGrippo, Frank R. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections.
COURT ORDERED, Motion GRANTED as a Remittitur has been filed by the Supreme Court.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2019

C-16-315718-1 State of Nevada
 vs
 James Hayes

October 07, 2019 8:30 AM Motion

HEARD BY: Bonaventure, Joseph T. COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Wolfson, Steven B Attorney

JOURNAL ENTRIES

- Court noted the State has indicated they were not properly served and that there is a pending appeal in this matter. COURT ORDERED, Motion DENIED as Defendant failed to properly serve the State with the motion and the Court lacks jurisdiction. . Mr. Zadrowski to prepare the Order consistent with Court s findings.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2020

C-16-315718-1 State of Nevada
 vs
 James Hayes

June 01, 2020 10:15 AM Motion for Relief

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Waters, Steven L Attorney

JOURNAL ENTRIES

- Court noted Defendant was not transported from the Nevada Department of Corrections and ORDERED, matter CONTINUED. Court noted this matter is currently on appeal before the Supreme Court.

NDC

CONTINUED TO: 6/15/220 10:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2020

C-16-315718-1 State of Nevada
 vs
 James Hayes

June 15, 2020 10:15 AM Motion for Relief

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Waters, Steven L Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated Defendant has filed a motion to disqualify him from the matter; therefore, COURT ORDERED, matter OFF CALENDAR pending decision.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2020

C-16-315718-1 State of Nevada
vs
James Hayes

June 22, 2020 10:15 AM Motion to Vacate Sentence

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	Hayes, James Howard	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted matter is on calendar for a Motion to Vacate Sentence; however, Defendant has filed a Motion to Disqualify this Court and ORDERED, matter OFF CALENDAR pending the decision of the Motion to Disqualify.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 24, 2020

C-16-315718-1 State of Nevada
 vs
 James Hayes

August 24, 2020 10:15 AM Motion

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Marland, Melanie H. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted this matter is pending appeal based on the Court's previous denial of the motion and COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2021

C-16-315718-1 State of Nevada
vs
James Hayes

March 15, 2021 8:30 AM Motion to Compel

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Alan Castle

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Waters, Steven L Attorney

JOURNAL ENTRIES

- Court notes a Findings of Fact, Conslusions of Law FILED on 3/9/21 which may render this motion. MATTER CONTINUED for State to respond.

NDC

CONTINUED TO:
3/29/21 8:30 A..M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2021

C-16-315718-1 State of Nevada
vs
James Hayes

March 29, 2021 8:30 AM Motion to Compel

HEARD BY: Trujillo, Monica COURTROOM: RJC Courtroom 11C

COURT CLERK: Alan Castle

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Court notes Defendant not present and presence is waived for these proceedings. Court notes the State was asked to investigate whether Defendants issues had been adjudicated and a Findings of Fact, Conclusions of Law FILED. Upon Court's inquiry, State advised these same issues were addressed in a CIVIL petition which is where the order was filed. COURT FINDS MATTER OFF CALENDAR as these issues are MOOT having already been adjudicated.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2021

C-16-315718-1 State of Nevada
vs
James Hayes

May 12, 2021 8:30 AM All Pending Motions

HEARD BY: Trujillo, Monica COURTROOM: RJC Courtroom 11C

COURT CLERK: Nylasia Packer

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE...DEFENDANT'S NOTICE OF MOTION; MOTIONS FOR MODIFICATION OF SENTENCE AND/OR CORRECT ILLEGAL SENTENCE...MOTION TO MODIFY/CORRECT ILLEGAL SENTENCE...

Court noted the Court believes this matter is on in error and will take this matter off calendar. There being no objection, COURT ORDERED, matter OFF CALENDAR.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2021

C-16-315718-1 State of Nevada
vs
James Hayes

June 02, 2021 8:30 AM Motion

HEARD BY: Trujillo, Monica COURTROOM: RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Court NOTED it believed this matter was set in error, therefore, ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 14, 2021

C-16-315718-1 State of Nevada
vs
James Hayes

July 14, 2021 8:30 AM Motion

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Brooks, Parker Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT FINDS, this was a legal sentence, therefore, ORDERED, motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: JAMES HAYES, #1175077, S.D.C.C., P.O. BOX 208, INDIAN SPRINGS, NV, 89070. 7/15/21 gs



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JAMES H. HAYES #1175077
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: July 22, 2021
CASE: C-16-315718-1

RE CASE: STATE OF NEVADA vs. JAMES HOWARD HAYES aka JAMES HOWARD HAYES, JR.

NOTICE OF APPEAL FILED: July 21, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES HOWARD HAYES
aka JAMES HOWARD HAYES, JR.,

Defendant(s).

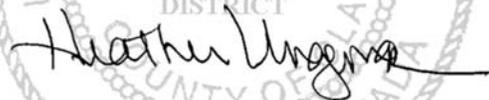
Case No: C-16-315718-1

Dept No: XIX

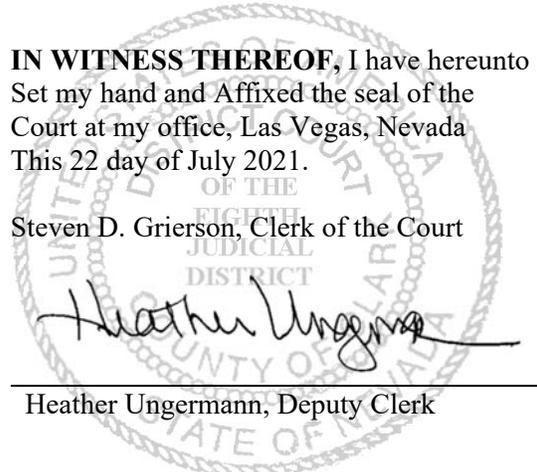
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of July 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

July 22, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. JAMES HOWARD HAYES aka JAMES HOWARD HAYES, JR.
D.C. CASE: C-16-315718-1

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed July 22, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

July 19, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink that reads "Heather Ungermann".

Heather Ungermann, Deputy Clerk