

FILED

SEP 26 2018

~~Elizabeth A. Brown~~  
CLERK OF COURT

Electronically Filed  
Oct 10 2018 02:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Hayes James #1175077

In Proper Person  
P.O. Box 650 H.D.S.P.  
Indian Springs, Nevada 89018

8<sup>th</sup> Judicial DISTRICT COURT  
Clerk COUNTY NEVADA

State of Nevada  
Plaintiff

Case No. C-16-315718-1  
Dept. No. XIX  
Docket

-v-  
James H. Hayes  
Defendant

NOTICE OF APPEAL

Notice is hereby given that the defendant, James H. Hayes, by and through himself in proper person, does now appeal to the Supreme Court of the State of Nevada, the decision of the District Court ORDER DENYING DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL)

Dated this date, 9-20-2018.

Respectfully Submitted,

James H. Hayes

In Proper Person

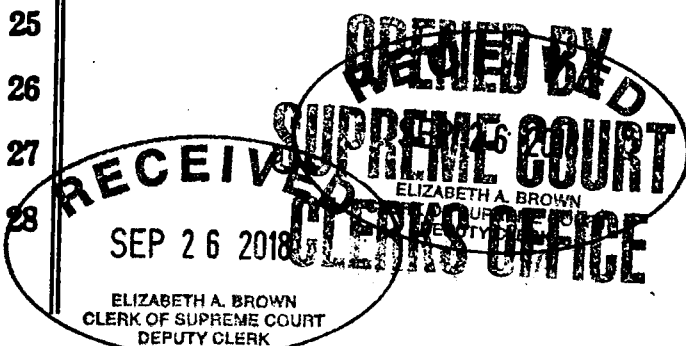
C-16-315718-1  
NOASC  
Notice of Appeal (criminal)  
4786545

RECEIVED  
APPEALS

OCT 10 2018



CLERK OF THE COURT 77151 Document 2018-39812



**CERTIFICATE OF SERVICE BY MAILING**

I, JAMES H. HAYES, hereby certify, pursuant to NRCP 5(b), that on this 20<sup>th</sup>  
day of SEPTEMBER, 2018, I mailed a true and correct copy of the foregoing, "NOTICE  
of Appeal"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

SUPREME COURT of Nevada  
201 SOUTH CARSON ST. STE 201  
CARSON CITY, NEVADA  
89401  
ATTN: CLERK OF THE COURT

DATED: this 20<sup>th</sup> day of September, 2018.

James H. Hayes  
JAMES H. HAYES # 1173047  
/In Propria Persona  
Post Office box 650 [HDSP]  
Indian Springs Nevada 89018

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding Notice

of Appeal  
(Title of Document)

filed in District Court Case number C-16-315718-1

☒ Does not contain the social security number of any person.

**-OR-**

☐ Contains the social security number of a person as required by:

**A. A specific state or federal law, to wit:**

**(State specific law)**

**-or-**

**B. For the administration of a public program or for an application for a federal or state grant.**

Signature

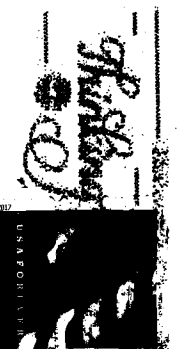
9-20-2018  
Date

James H. Hayes  
Print Name

Pro Per  
Title

James Leary #1175092  
#105P  
P.O. Box 650  
Indian Springs, NV 89020

LAS VEGAS NV 890  
24 SEP 2018 PM 5.1

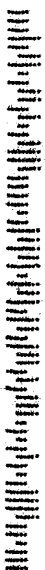


LEARY  
James

Supreme Court of Nevada  
Office of the Clerk  
201 South Carson St, Suite 201  
Carson City, Nevada

89701

89701-478051



W07-D773M72JN207R

SEP 23 2018  
SEP 22 2018  
SEP 21 2018



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 JAMES HOWARD HAYES  
14 aka JAMES HOWARD HAYES, JR.,

15 Defendant(s),

Case No: C-16-315718-1

Dept No: XIX

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): James H. Hayes

20 2. Judge: William D. Kephart

21 3. Appellant(s): James H. Hayes

22 Counsel:

23 James H. Hayes #1175077  
24 P.O. Box 650  
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.

Las Vegas, NV 89101  
(702) 671-2700

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

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

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

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

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

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

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 73436, 75173

12. Child Custody or Visitation: N/A

Dated This 10 day of October 2018.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: James H. Hayes

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-315718-1**

**State of Nevada**  
**vs**  
**JAMES HAYES**

§	Location:	<b>Department 19</b>
§	Judicial Officer:	<b>Kephart, William D.</b>
§	Filed on:	<b>06/14/2016</b>
§	Case Number History:	
§	Cross-Reference Case	<b>C315718</b>
§	Number:	
§	Defendant's Scope ID #:	<b>2796708</b>
§	ITAG Booking Number:	<b>0</b>
§	ITAG Case ID:	<b>1771123</b>
§	Lower Court Case # Root:	<b>13F10723</b>
§	Lower Court Case Number:	<b>13F10723X</b>
§	Metro Event Number:	<b>1304090843</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
Jurisdiction: <b>District Court</b>				
1. BURGLARY	F	04/09/2013	Case Flags:	<b>Appealed to Supreme Court</b>
PCN: 0028999877 ACN: 1304090843				<b>Custody Status - Bond (COC)</b>
Arrest: 04/02/2016 MET - Metro				<b>Charge Description Updated</b>
				<b>JC Custody Status at Time of</b>
				<b>B/O</b>
<b>Bonds</b>				<i>JUN 23 2016 10:00AM:</i>
Surety #SV25-4743871 \$13,000.00				<i>SURETY BOND</i>
6/1/2016 Active				
Counts: 1				

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	C-16-315718-1
Court	Department 19
Date Assigned	02/10/2017
Judicial Officer	Kephart, William D.






**PARTY INFORMATION**

<b>Defendant</b>	<b>HAYES, JAMES HOWARD</b>	<i>Lead Attorneys</i> <b>Sanft, Michael W.</b> <i>Retained</i> 702-497-8008(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)
















**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

06/14/2016	 Criminal Bindover Packet Las Vegas Justice Court
06/17/2016	 Information <i>Information</i>
06/23/2016	 <b>Initial Arraignment</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa)
07/29/2016	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings Preliminary Hearing 6/14/16</i>
08/26/2016	 Notice of Rescheduling <i>Notice of Rescheduling Of Hearing</i>

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-315718-1**

11/18/2016	 Motion for Discovery <i>Defendant's Motion For Discovery</i>
11/21/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses(NRS 174.234(1)(a))</i>
11/21/2016	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
12/05/2016	 Response <i>State's Response to Defendant's Motion for Discovery, and State's Request for Reciprocal Discovery</i>
12/06/2016	 <b>Motion for Discovery</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <b>12/06/2016, 12/08/2016</b> <i>Defendant's Motion for Discovery</i>
12/12/2016	 Notice of Motion <i>Notice of Motion and Motion for Joinder of Case C315718 into Case C315125</i>
12/16/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses [NRS 174.234(1)(a)]</i>
12/16/2016	 Motion <i>Notice of Motion and Motion to Admit Evidence of Other Acts</i>
12/20/2016	 Opposition <i>Opposition To The State's Motion To Admit Evidence Of Other Acts</i>
12/20/2016	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)
12/22/2016	 <b>Motion to Admit Evidence</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <b>12/22/2016, 01/12/2017</b> <i>State's Motion to Admit Evidence of Other Acts</i>
12/22/2016	<b>CANCELED All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - On in Error</i>
12/22/2016	 <b>Motion to Consolidate</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>State's Motion for Joinder of Case C315718 into Case C315125</i>
01/03/2017	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
01/20/2017	 Order Denying <i>Order Denying State's Motion To Admit Evidence Of Other Acts</i>
01/26/2017	 <b>Status Check: Reset Trial Date</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Status Check: Further Proceedings / Reset Trial Date</i>
02/08/2017	 Substitution of Attorney <i>Substitution of Attorney</i>















DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-315718-1**

02/09/2017	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Leavitt, Michelle) <i>Minute Order Re: Recusal</i>
02/10/2017	 Notice <i>Notice of Department Reassignment</i>
03/06/2017	 <b>Trial Setting</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
03/14/2017	<b>CANCELED Calendar Call</b> (8:00 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
03/21/2017	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
03/22/2017	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
03/23/2017	 Order for Production of Inmate <i>Order for Production of Inmates</i>
03/27/2017	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
04/03/2017	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>04/03/2017, 05/01/2017</b> <i>Status Check: Negotiations / Trial Setting</i>
05/31/2017	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Negotiations</i>
05/31/2017	 Motion to Withdraw As Counsel Filed By: Defendant HAYES, JAMES HOWARD <i>Motion to Withdraw as Attorney of Record</i>
06/01/2017	 Certificate of Mailing <i>Certificate of Mailing</i>
06/12/2017	 <b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Tony Abbatangelo, Esq's Motion to Withdraw as Attorney of Record</i>
07/10/2017	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Confirmation of Counsel (PD)</i>
08/29/2017	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>Receipt of Copy</i>
08/29/2017	 Notice Filed By: Plaintiff State of Nevada <i>Amended Notice of Intent to Seek Punishment as a Habitual Criminal</i>
08/29/2017	 Notice Filed By: Plaintiff State of Nevada












DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-315718-1**

*Notice to Introduce Certified Copies*

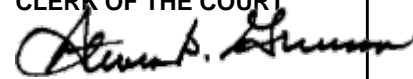
08/30/2017	 <b>Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
09/27/2017	<b>Calendar Call</b> (9:00 AM) (Judicial Officer: Kephart, William D.)
09/27/2017	<b>Status Check</b> (9:00 AM) (Judicial Officer: Kephart, William D.) <b>09/27/2017, 10/25/2017</b> <i>Status Check: Negotiations</i>
09/27/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Kephart, William D.)
10/02/2017	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
10/24/2017	 Receipt of Copy <i>receipt of copy</i>
10/25/2017	<b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Supreme Court Decision / Trial Setting</i>
10/25/2017	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
03/01/2018	 Miscellaneous Filing Filed by: Defendant HAYES, JAMES HOWARD <i>Courtesy Filing Of Defendant's Pro Per Petition</i>
04/06/2018	 Miscellaneous Filing Filed by: Defendant HAYES, JAMES HOWARD <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i>
04/11/2018	 <b>Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
04/23/2018	 <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>04/23/2018, 05/09/2018</b> <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i>
04/25/2018	 Motion Filed By: Plaintiff State of Nevada <i>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>
05/07/2018	 Notice of Witnesses Party: Defendant HAYES, JAMES HOWARD <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
05/07/2018	 Supplemental Filed by: Defendant HAYES, JAMES HOWARD <i>Defendant's Supplemental Notice of Witnesses Pursuant to NRS 174.234</i>
05/09/2018	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
05/09/2018	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <i>State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of</i>

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-315718-1**

*Defendant's Pro Per Petition for Writ of Habeas Corpus*

05/14/2018	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/06/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>SUPREME COURT DECISION/ RESET TRIAL</i>
06/12/2018	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate</i>
07/11/2018	 <b>Status Check: Trial Setting</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
07/30/2018	 Motion to Withdraw As Counsel Filed By: Defendant HAYES, JAMES HOWARD <i>Motion To Withdraw As Attorney Of Record</i>
08/15/2018	<b>Petition</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>08/15/2018, 08/29/2018</b> <i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
08/15/2018	<b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion to Withdraw as Counsel of Record</i>
08/15/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
08/29/2018	<b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Confirmation of Counsel (Sanft)</i>
08/29/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
09/12/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
09/18/2018	 Notice of Entry of Order <i>Notice of Entry of Order</i>
09/26/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Negotiations / Pre Trial Conference</i>
09/26/2018	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/10/2018	<b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
10/10/2018	 Case Appeal Statement Filed By: Defendant HAYES, JAMES HOWARD <i>Case Appeal Statement</i>
11/07/2018	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
11/13/2018	<b>Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.)

DEPARTMENT 19  
**CASE SUMMARY**  
CASE NO. C-16-315718-1



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MICHAEL R. DICKERSON  
Deputy District Attorney  
Nevada Bar #013476  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JAMES HOWARD HAYES, aka  
James Howard Hayes, Jr.,  
#2796708

Defendant.

CASE NO: C-16-315718-1

DEPT NO: XIX

**ORDER DENYING DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS  
CORPUS**

DATE OF HEARING: August 29, 2018  
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the  
29th day of August, 2018, the Defendant not being present, represented by MICHAEL W.  
SANFT, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney,  
through MICHAEL R. DICKERSON, Deputy District Attorney, without argument, based on  
the pleadings and good cause appearing therefor,

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///

1 The Court finds the Defendant's Pro Per Petition for Writ of Habeas Corpus was not  
2 filed within the statutory timeframe required by NRS 34.700 and, therefore, is not cognizable  
3 by this Court.

4 IT IS HEREBY ORDERED that the Defendant's Pro Per Petition for Writ of Habeas  
5 Corpus shall be, and it is DENIED.

6 DATED this 7<sup>th</sup> day of September, 2018.

7  
8 Will Keith  
DISTRICT JUDGE

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

11  
12 BY

Michael R. Dickerson  
MICHAEL R. DICKERSON  
13 Deputy District Attorney  
14 Nevada Bar #013476

15  
16 **CERTIFICATE OF SERVICE**

17 I certify that on the 12<sup>th</sup> day of September, 2018, I mailed a copy of the foregoing Order

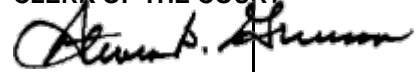
18 to:

19 JAMES HOWARD HAYES, aka  
20 James Howard Hayes, Jr., #1175077  
21 High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

22  
23 BY

C. Garcia  
C. Garcia  
24 Secretary for the District Attorney's Office  
25  
26  
27

28 cg/L2



1 NEOJ

2 **DISTRICT COURT**  
3 **CLARK COUNTY, NEVADA**

4 JAMES HAYES,

5  
6 Petitioner,

Case No: C-16-315718-1

Dept. No: XIX

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

**NOTICE OF ENTRY OF ORDER**

10  
11 **PLEASE TAKE NOTICE** that on September 12, 2018, the court entered a decision or order in this  
12 matter, a true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
15 mailed to you. This notice was mailed on September 18, 2018.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Courtnie Hoskin

18 Courtnie Hoskin, Deputy Clerk

19 **CERTIFICATE OF E-SERVICE / MAILING**

20 I hereby certify that on this 18 day of September 2018, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

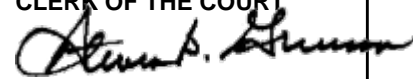
23  
24 ☒ The United States mail addressed as follows:

25 James Hayes # 1175077  
P.O. Box 650  
Indian Springs, NV 89070

Michael W. Sanft, Esq.  
228 S. 4<sup>th</sup> St., 3<sup>rd</sup> Fl  
Las Vegas, NV 89101

26  
27 /s/ Courtnie Hoskin

28 Courtnie Hoskin, Deputy Clerk



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MICHAEL R. DICKERSON  
Deputy District Attorney  
Nevada Bar #013476  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JAMES HOWARD HAYES, aka  
James Howard Hayes, Jr.,  
#2796708

Defendant.

CASE NO: C-16-315718-1

DEPT NO: XIX

**ORDER DENYING DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS  
CORPUS**

DATE OF HEARING: August 29, 2018  
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the  
29th day of August, 2018, the Defendant not being present, represented by MICHAEL W.  
SANFT, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney,  
through MICHAEL R. DICKERSON, Deputy District Attorney, without argument, based on  
the pleadings and good cause appearing therefor,

///

///

///

///



1 The Court finds the Defendant's Pro Per Petition for Writ of Habeas Corpus was not  
2 filed within the statutory timeframe required by NRS 34.700 and, therefore, is not cognizable  
3 by this Court.

4 IT IS HEREBY ORDERED that the Defendant's Pro Per Petition for Writ of Habeas  
5 Corpus shall be, and it is DENIED.

6 DATED this 7<sup>th</sup> day of September, 2018.

7  
8 Will Keith  
DISTRICT JUDGE

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

11  
12 BY

Michael R. Dickerson  
MICHAEL R. DICKERSON  
13 Deputy District Attorney  
14 Nevada Bar #013476

15  
16 **CERTIFICATE OF SERVICE**

17 I certify that on the 12<sup>th</sup> day of September, 2018, I mailed a copy of the foregoing Order

18 to:

19 JAMES HOWARD HAYES, aka  
20 James Howard Hayes, Jr., #1175077  
21 High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

22  
23 BY

C. Garcia  
C. Garcia  
24 Secretary for the District Attorney's Office

25  
26  
27  
28 cg/L2

**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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

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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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

PRINT DATE: 10/10/2018

Page 9 of 35

Minutes Date: June 23, 2016

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**

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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**

<b>PRESENT:</b>	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**

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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**

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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**

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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

10/02/2017 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 31, 2017**

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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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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)**

**PRINT DATE:** 10/10/2018

**Page 21 of 35**

**Minutes Date:** June 23, 2016

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 27, 2017**

C-16-315718-1      State of Nevada  
vs  
JAMES HAYES

**September 27, 2017    9:00 AM      All Pending Motions**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- 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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 25, 2017**

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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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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 03E

**COURT CLERK:** Tia Everett  
Chante Williams

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	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

PRINT DATE: 10/10/2018

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Minutes Date: June 23, 2016



**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 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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

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**

<b>PRESENT:</b>	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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 29, 2018**

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C-16-315718-1      State of Nevada  
                                 vs  
                                 JAMES HAYES

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**August 29, 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:**      HAYES, JAMES HOWARD      Defendant  
                         Kern, Samuel R.      Attorney  
                         Sanft, Michael W.      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- 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)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 26, 2018**

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C-16-315718-1      State of Nevada  
                                 vs  
                                 JAMES HAYES

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**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)

# 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; DISTRICT COURT  
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S PRO PER PETITION FOR WRIT OF  
HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

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 10 day of October 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk