

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA
 Carson City (EST 1864) NEVADA

JUL 17 2017
 ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 BY *[Signature]*
 DEPUTY CLERK

Petition for Writ of Habeas Corpus

IN THE MATTER OF THE APPLICATION OF

JAMES H. HOGES (PROSE)

DIST COURT # C-16-31518-1

FOR A WRIT OF HABEAS CORPUS

DEPT # 19

SUPREME COURT OF NEVADA

COMES NOW, THE PETITIONER PROCEEDING PRO SE
 IN THE FORMER PAUPER'S WITH THE ASSISTANCE OF THE JAIL
 HOUSE LAWYER WHOSE ACTIVITIES ARE PROTECTED BY LAW
 SEE JOHNSON V. AVERY, 393 U.S. 483, 21 L. Ed 2d 718, 89
 S. Ct. 747 (1969) AND WOLF V. McDONNELL, 418 U.S. 538 (1974)
 THE MOVEMENT IS NOT TRAINED IN THE LETTER OF THE LAW,
 AND THUS THE PETITIONER PRAYS TO THIS COURT FOR WIDE
 LATITUDE, SEE HIGGS V. STATE, 222 P. 3d 648, 653 NEVADA (2010).
 AS A PRO SE PETITIONER SEE BOTH HOLLIS VS. STATE, 96 NEV.
 604 (1979) AND BEINGOLD VS. NET 'N' WILD NEVADA, 113
 NEV 967, AND THAT TREATMENT FOR THIS WRIT OF HABEAS
 CORPUS CONSTITUTES A COGNIZABLE CLAIM AND SHALL
 BE LIBERALLY CONSTRUED SEE BELISTER VS. PACIFIC
DEPT, 901 F.2d 696, 699 (9th Cir. 1990) AND THE U.S.
 SUPREME COURT ON LESS STRINGENT STANDARDS, THEN

(I.)

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formal pleadings drafted by lawyers see Hughes vs. Rowe, 449 U.S. 59 (1980) and Haines vs. Kerner et al 404 U.S. 519, 92 S.Ct. 594 (1971).

THE PETITIONER (DEFENDANT) WAIVES THE 60-day limitation for bringing the accused to trial.

If the Petition is Not decided within 15 days before the date set for trial, the Petitioner (Defendant) consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.

Points and Authorities

Petitioner contends that the evidence by the State at the Preliminary Hearing was Not sufficient to satisfy the burden of probable cause that a crime was committed and that the petitioner committed it. Nev. Rev. Stat § 34.500. Ex Parte Bellis, 71 Nev. 276, 288 P.2d 450; Ex Parte Kline, 71 Nev. 124, 282 P.2d 367.

Whereas, the alleged crime was said to have taken place on or about the 9th day of April 2013, at Excelsior Hotel and Casino room 17151 that was registered to guests Joshua Jarvis, Daisy Ramirez, and Jessica Ortiz.

(II)

WHEREAS, the state only introduced Joshua Jarvis at preliminary hearing that stated he was awake by PETITIONER James H. Hayes and saw him going through luggage then ask PETITIONER to empty his pockets and patting him down and found nothing on PETITIONER'S person or anything out of place then took picture of PETITIONER and his DRIVER'S LICENSE at 7:08 am with PETITIONER'S consent and ask PETITIONER to leave the room and stated as PETITIONER was leaving with Joshua's consent that if anything is missing when he wakes that he was calling the police.

WHEREAS, the state's charging information was the crime(s) of Burglary (Category B felony NRS. 205.060) and attempt Grand Larceny (NRS. 205.222) NOTE: the state drop the latter charge

WHEREAS, the petitioner James H. Hayes contends that there was no other proof of the corpus delicti or the venue of the action. In which, the state did not present all registered occupants of the said room 17151 giving statement (testimony) that the

(III.)

of my knowledge as a prose litigant/DEFENDER
in this said matter

Thank you,

Respectfully submitted,
Camille D. Mayo #1175077
H.D.S.P. P.O. Box 650
Indian Springs, NV 89018

cc: Honorable Judge Kephart Dist #19
Attorney General's Office / Carson City
Clark County Dist. Atty. Norton
Clerk of the Court Steven Griesner

(V.)

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 30 day of the month of JUNE, 2017.

James H. Hayes *1175077

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

James H. Hayes

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number C-16-315718-1 Does not contain the social security number of any person.

James H. Hayes

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, JAMES H. HAYES, hereby certify pursuant to N.R.C.P. 5(b), that on this 30 day of the month of JUNE, 2017, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

~~D. W. Neven, Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070~~

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

James H. Hayes *1175077

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

CLERK OF THE SUPREME COURT
201 S. CARSON STREET Suite 201
CARSON CITY, NV 89701

* Print your name and NDOC back number and sign

(VI)

DEAR, CLERK OF THE SUPREME COURT OF NEVADA, I,
JAMES H HAYES # 1175077, ask that you please
file my pro se writ of Habeas Corpus with this
said court, also I ask of a big favor as I
am unavailable to make copies to forward to
the following so I beg of you at this time
to make copies and forward them.

Clerk County District Attorney's Office
200 LEWIS AVENUE
LAS VEGAS, NV 89155

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Thanks,
James H Hayes
(H.D.S.P.)
P.O. Box 650
Indian Springs, NV
89018

