

FILED In the Court of Appeals of the State of Nevada

APR 05 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

Dear Clerk of the Court, I, James H. Hayes case No. 75173
appeal upon this court to issue a stay of proceedings in
Clerk County District Courts, so that defendant do not have
to face the jeopardy of trial. WHEREAS, in Nevada the
writ of habeas corpus will issue to the end that petitioner
will not be compelled to undertake the burden of trial
where the evidence before the committing magistrate is
legally insufficient to indicate that he is guilty of any
offense. SEE Ex parte Sullivan, 71 Nev. 90, 280 P.2d. 965; Ex parte
Chutchinson, 76 Nev. 478, 357 P.2d. 589; Eureka Bank Cases,
35 Nev. 80, 126 P. 655; NRS 172.280.

Petitioner begs of this court to rule on the merits of
filed petitions. WHEREAS, the NRAP clearly states that the
petitioners deadline to file in District Court has long time
passed where the deadline is 21 days after the preliminary
hearing transcripts are produced to challenge probable cause.
Petitioner requested and begged time and time again to
appointed counsel to issue challenge prior to the 21 day
deadline expiring to no avail causing petitioner to have
paid counsel due to appointed counsel ineffective assistance,
that later filed motion to be removed from case due to
lack of financial payment that was granted to leave petitioner
pro se. As stated in Chapter 34 of NRS and the Nevada Const.
the writ of habeas corpus is the plain, speedy, and adequate
remedy on the ordinary course of law, that this said
court have the power to issue. SEE Nev. Const. Art 6, § 4;
State v. Smith 675 P.2d. 521

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