

NOAS

Name: Hayes, James H # 1175077

Address: P.O. Box 650

City/State/Zip: Indian Springs, NV 89070

Phone: 323 471 7514

**FILED**

**MAR 28 2019**

*Elizabeth A. Brown*  
CLERK OF COURT

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

Electronically Filed  
Apr 17 2019 03:19 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

State of Nevada

Plaintiff,

v.

CASE NO. C-16-315718-1

DEPT. NO. XIX

James H Hayes # 2796208

Defendant.

**NOTICE OF APPEAL**

Notice is hereby given that James H Hayes, Defendant above-named,  
hereby appeals to the Supreme Court of Nevada from Final Judgment for  
conviction of Attempt Grand Larceny NRS 205.222.2

entered in this action on the 20<sup>th</sup> day of March, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

*James H Hayes*  
Defendant's Signature

C-16-315718-1  
NOASC  
Notice of Appeal (criminal)  
4829176



NOTE: list either the Final Judgment or an Order (describe it) on the lines above.

**MAR 28 2019**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

PAGE 1 of 4

Now comes the appellant, James H. Hayes, respectfully moves this Honorable court, pursuant to the United States Const. and the Nevada Const. to overrule and dismiss the judgement entered against him in the above captioned case.

WHEREAS, the state violated the United States Const. 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments in the judgement of conviction for attempt grand larceny by subjecting appellant to Double Jeopardy through prosecution or punishment twice for the same offense. WHERE the state at preliminary hearing prosecuted appellant by the way of Criminal Complaint for the crimes of burglary and attempt grand larceny and at the conclusion of the hearing only the charge of burglary was bound over to district court leaving the charge of attempt grand larceny dismissed for No corpus delicti, slight or marginal evidence to proceed to district court for the first time appellant was put in jeopardy. The second time appellant was subjected to jeopardy was when the burglary charge was dismissed in District court and the state proceeded by charging and convicting appellant for the crime of attempt grand larceny. Which is clearly being prosecuted or punish twice for the same offense.

WHEREAS, the state violated the United States Const. 8<sup>th</sup> amendment by adjudicating the appellant as a habitual

criminal that easily "shock the conscience" as being disproportionate to the crime convicted attempt grand larceny which is a clear miscarriage of justice.

Whereas, appellant's criminal history at the time and date of the ispe divit event was credit card abuse and fraudulent use/pass of identifying information that is a state jail crime in Texas that does not carry a prison sentence, mandatory supervision, nor parole and is not a category A, B, C, D, or E felony it's a state jail crime that carries only jail time equivalent to what Nevada ~~is~~ a gross misdemeanor that appellant was convicted of in September 2006. In December 2010 appellant was convicted of a category E felony (attempt pass of credit or debit card without cardholders consent) here in Nevada and received a dishonorable discharge in February 2012.

Whereas, the state violated United States Const. Amendments 6 and 14 where the state breached the Guilty Plea Agreement on impalpable and highly suspect evidence that allegedly took place January 2019 that greatly prejudice the appellant, whereby, the victim testified at preliminary hearing under oath facing the penalty of perjury that the appellant was not the perpetrator who committed the alleged event and 100% sure not 80%. So there was NO corpus delicti

or slight or marginal evidence leaving no causation for the state to breach the terms and spirit of agreement that does not serve the interests of justice. In addition, the sentencing Judge Keppert considered a conviction that took place after the time and date that the adjudicated crime occurred namely a burglary conviction that took place in April 2016 to the extreme detriment of appellant.

Whereas, appellant never violated a provision of a statute that would have allowed the district court to not stand by the sentence agreed upon by the parties set forth in the guilty plea agreement. Furthermore, the appellant was never given notice that the district court would seek habitual treatment if appellant violated a provision of a statute making this an illegal sentence. Finally, the 2013 conviction can not be consecutive to the 2016 conviction due to the fact that the appellant made parole in October 2018 on the 2016 conviction and released from custody and not cell parole.

Dated this 20<sup>th</sup> day of March, 2019. I James H Hayes, do solemnly swear, under the penalty of perjury, that the above Notice of Appeal is accurate, correct, and true to the best of my knowledge. NRS. 171.02 and NRS 208.165

Respectfully submitted

James H Hayes #1175077  
appellant

pages 4 of 4  
4.0.5.0  
P.O. Box 658  
Indian Springs, NV  
89070

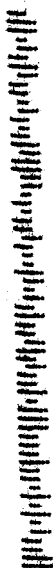
**INTAKE**  
**NSF 3763**

Supreme Court of the State of Nevada  
Attn: "Clerk of the Court"

Capital Complex  
Carson City, Nevada

89701

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FIRST-CLASS MAIL  
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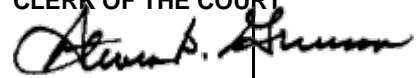


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Legal  
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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12  
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 1. Appellant(s): James H. Hayes

19 2. Judge: William D. Kephart

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

21 Counsel:

22 James H. Hayes #1175077  
23 P.O. Box 650  
24 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: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 73436, 75173, 77151

12. Child Custody or Visitation: N/A

Dated This 12 day of April 2019.

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

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

**State of Nevada**  
**vs**  
**James Hayes**

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Location: **Department 19**  
 Judicial Officer: **Kephart, William D.**  
 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**

**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. ATTEMPT GRAND LARCENY	F	04/09/2013	Case Status:	<b>03/12/2019 Closed</b>
PCN: 0028999877 ACN: 1304090843				
Filed As: BURGLARY	F	6/1/2016		
Arrest: 04/02/2016				
				MET - Metro

**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 19
Date Assigned	02/10/2017
Judicial Officer	Kephart, William D.

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Hayes, James Howard</b>	<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****EVENTS**

06/14/2016	 Criminal Bindover Packet Las Vegas Justice Court
06/17/2016	 Information <i>Information</i>
07/29/2016	 Transcript of Proceedings



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

*Reporter's Transcript of Proceedings Preliminary Hearing 6/14/16*

08/26/2016	 Notice of Rescheduling <i>Notice of Rescheduling Of Hearing</i>
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>
12/12/2016	 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>
01/20/2017	 Order Denying <i>Order Denying State's Motion To Admit Evidence Of Other Acts</i>
02/08/2017	 Substitution of Attorney <i>Substitution of Attorney</i>
02/10/2017	 Notice <i>Notice of Department Reassignment</i>
03/23/2017	 Order for Production of Inmate <i>Order for Production of Inmates</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>
08/29/2017	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>Receipt of Copy</i>

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

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 <i>Notice to Introduce Certified Copies</i>
10/24/2017	 Receipt of Copy <i>receipt of copy</i>
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>
04/25/2018	 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>
06/12/2018	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate</i>
07/30/2018	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>Motion To Withdraw As Attorney Of Record</i>
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	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/10/2018	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>Case Appeal Statement</i>


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

11/07/2018  Amended Information  
Filed By: Plaintiff State of Nevada  
*Amended Information*

11/07/2018  Guilty Plea Agreement  
*Guilty Plea Agreement Pursuant to Alford*

12/14/2018  PSI

01/11/2019  NV Supreme Court Clerks Certificate/Judgment - Dismissed  
*Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*

01/31/2019  Motion  
*State's Notice of Motion and Motion to Revoke Bail*

02/14/2019  Bond  
*"Bond exonerated; bonding company notified via mail." # SV25-4743871*

03/12/2019  Judgment of Conviction  
*Judgment of Conviction (Plea of Guilty-Alford)*

03/28/2019  Notice of Appeal (criminal)  
*Notice of Appeal*

04/12/2019  Case Appeal Statement  
*Case Appeal Statement*

**DISPOSITIONS**

11/07/2018 **Plea** (Judicial Officer: Kephart, William D.)  
1. ATTEMPT GRAND LARCENY  
Guilty  
PCN: 0028999877 Sequence:

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

# CASE SUMMARY

CASE NO. C-16-315718-1

\$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)

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.*

# CASE SUMMARY

CASE NO. C-16-315718-1

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

## MINUTES

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

*Vacated - On in Error*

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

**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*

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 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*

# CASE SUMMARY

CASE NO. C-16-315718-1

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	 <b>Trial Setting</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Trial Date Set; Journal Entry Details: <i>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;</i>
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.) Matter Heard; Journal Entry Details: <i>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;</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> Matter Continued; Trial Date Set; Journal Entry Details: <i>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;</i> Matter Continued; Trial Date Set; Journal Entry Details: <i>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;</i>
05/31/2017	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Negotiations</i> Matter Heard; Journal Entry Details: <i>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);</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> Granted; Journal Entry Details:

# CASE SUMMARY

CASE NO. C-16-315718-1

*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.)

*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.)



# CASE SUMMARY

CASE NO. C-16-315718-1

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 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 be 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 filed 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 ;*



# CASE SUMMARY



CASE NO. C-16-315718-1

08/15/2018	<p><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>  Matter Continued;  Matter Continued;  Matter Continued;  Matter Continued;</p>
08/15/2018	<p><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>  Granted;</p>
08/15/2018	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  Matter Heard;  Journal Entry Details:  <i>DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL OF RECORD</i> Court reviewed case history. <i>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;</i></p>
08/29/2018	<p><b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <i>Confirmation of Counsel (Sanft)</i>  Counsel Confirmed;</p>
08/29/2018	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  Matter Heard;  Journal Entry Details:  <i>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) ;</i></p>
09/26/2018	<p> <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <i>Status Check: Negotiations / Pre Trial Conference</i>  Matter Heard;  Journal Entry Details:  <i>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);</i></p>
10/10/2018	<p><b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <i>Vacated - per Judge</i></p>
11/07/2018	<p> <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  Plea Entered;  Journal Entry Details:  <i>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 &amp; P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;</i></p>
11/13/2018	<p><b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.)  <i>Vacated - per Judge</i></p>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

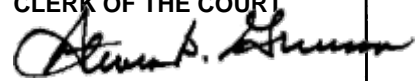
02/04/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Revoke Bail</i> Granted; Journal Entry Details: <i>Mr. Dickerson advised he would submit on the motion and will answer any questions the Court may have. Mr. Sanft reviewed allegations of new charge. COURT ORDERED, Motion GRANTED; BAIL EXONERATED; Defendant REMANDED INTO CUSTODY on this cas. CUSTODY (COC-NDC);</i>
03/06/2019	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Defendant Sentenced; Journal Entry Details: <i>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;</i>

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Hayes, James Howard

Total Charges	28.00
Total Payments and Credits	0.00
<b>Balance Due as of 4/12/2019</b>	<b>28.00</b>



JOCP

**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

**JUDGMENT OF CONVICTION  
(PLEA OF GUILTY-ALFORD)**

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crime of ATTEMPT GRAND LARCENY (Category D Felony/Gross Misdemeanor) in violation of NRS 205.220.1, 205.222.2 193.330; thereafter, on the 6<sup>th</sup> day of March, 2019, the Defendant was present in court for sentencing with counsel MICHAEL W. SANFT, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense under the felony statute and SMALL HABITUAL Criminal Statute and, in addition to \$25.00 Administrative Assessment Fee plus the \$3.00 DNA Collection Fee, the Defendant is sentenced to - a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS and a MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to C315125; with TEN (10) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.

DATED this 12<sup>th</sup> day of March, 2019.

  
WILLIAM D. KEPHART  
DISTRICT COURT JUDGE

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

**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**

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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**

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

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**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

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**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**

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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**

<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**

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**

<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

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**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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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

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**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**

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

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**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**

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

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**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)**



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**

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**

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

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**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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 09, 2018**

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

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**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**

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

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**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

---

**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

---

**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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

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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**

<b>PRESENT:</b>	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

## EXHIBIT(S) LIST

Case No.: ~~C294640~~ C315718

Hearing / Trial Date: ~~8/23/2018~~ 3/6/19

**Dept. No.: 19**

**Judge: William Kephart**

**Court Clerk: Tia Everett /Shannon Emmons**

**Plaintiff:** The State of Nevada

**Recorder / Reporter:** Christine Erickson

**Counsel for Plaintiff:** Michael Dickerson & William Roles

**VS.**

**Defendant:** James Howard Hayes

**Counsel for Defendant: Michael Sanft**

## HEARING / TRIAL BEFORE THE COURT

**STATE'S EXHIBITS**

[illegible]

# 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; JUDGMENT OF CONVICTION (PLEA OF GUILTY-ALFORD); DISTRICT  
COURT MINUTES; EXHIBITS LIST

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 12 day of April 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

