NOAS

Hayes, James H ID NO. 1175077

HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

FILED
JUL 31 2019
CLERK OF COURT

Electronically Filed
Aug 12 2019 11:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE 8th Judicial District Court of the State of Nevada in and for the County of Clark

State of Nevada, Plaintiff,

v.

James H. Hayes, Defendant.

CASE NO.: C-16-315718-1

DEPT. NO.: XIX

Supreme Ct. Case No.: 78590

Notice of Appeal (2ND)

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 6th day of March, 2019

COMES NOW, appellant, James H. Hayes, herein above respectfully moves this Honorable Court pursuant to the United States and Nevada Constitutions to vacate the judgment entered against him in the above caption case.

This Notice is made and based upon the accompanying Memorandum of Points and Authorities.

DATED: this 14th day of July, 2019

BY: James H Hayes
James H. Hayes #1175077
Defendant/In Proper Personam

RECEIVED
JUL 31 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

RECEIVED
AUG 09 2019
CLERK OF THE COURT
APPEALS

C-16-315718-1
NOASC
Notice of Appeal (criminal)
4854850

21

WHEREAS, it would be unconscionable for the state to attempt to insulate a conviction from collateral constitutional review by conditioning its willingness to enter into plea negotiations on a defendant's "waiver of the right" to pursue direct appeal remedies.

WHEREAS, it is Black Letter Law in the State of Nevada as stated in NRS 174.085 that once the defendant was placed in jeopardy upon the filed criminal complaint in Justice Court and proceeded to preliminary hearing on the said charge and charge dismissed at the conclusion of the hearing by the Magistrate that said charge is barred from any subsequent proceedings and the law is clear and unambiguous.

WHEREAS, NEITHER NRS 173.095 OR NRS 174.145 permits the court to amend of an information to restate a charge that has been dismissed by the Magistrate at the preliminary examination no matter how erroneous.

WHEREAS, defendant is not schooled in the letter of the law that's why counsel adequate and zealous representation is a must and had counsel not been ineffective by investigating the facts of the case he would have known that the charge of Attempt Grand Larceny was barred from all proceedings in District Court per NRS 174.085(3)(a) and informed defendant of such. Due to the fact that counsel did not adequately investigate the law and the facts relevant to the case it left defendant ignorant and with no plausible options that prejudice defendant with irreparable injury.

-CONT-

1 The State violated defendant's rights guaranteed by both the
2 U.S Constitution and Nevada Constitution {Federal and State
3 Constitutional Rights}
4 Wherefore, the Clark County District Court did not divest
5 jurisdiction for the charge crime of Attempt Grand Larceny.
6 Wherefore, a criminal complaint was filed in Justice
7 Court, Las Vegas Township case # 13F10723X on 7-23-2013
8 charging defendant having committed the crimes of Burglary
9 (NRS 205.060) and Attempt Grand Larceny (NRS 205.220.1; 205.
10 222.2; 193.30) on or about the 9th day of April, 2013. The defendant
11 was arrested on April 2, 2013 for said offenses and posted bond
12 on both charges and release.
13 Wherefore, on or about the 14th day of June, 2013 the
14 defendant face jeopardy on the charges of Burglary and attempt
15 grand larceny by the way of preliminary hearing in Justice
16 Court dept # 3 and at the conclusion of the hearing the Burglary
17 charge was bound over to district Court and the charge of
18 attempt grand larceny was dismissed for lack of evidence, no
19 corpus delecti, slight or marginal evidence to proceed to
20 district court and defendant's bond for attempt grand larceny
21 was exonorated. As defendant face jeopardy for the 1st time.
22 (NRS 174.085(3)).
23 Wherefore, when the charge of attempt grand larceny was
24 dismissed that the State predicated the intent on for the Burglary
25 charge per the filed criminal complaint then that left the

James H Hayes
James H Hayes #1175699
Defendent/ In

charge of Burglary felal and it to must have been dismissed, leaving no jurisdiction for the district court to proceed on the charge.

Whereas, the State proceeded to district court on the charge of burglary by the way of information in Dept. XII case # C-16-315718-1. When in fact, the description of the offense was not sufficiently full and complete to accord to the defendant his constitutional right to due process of law as the State's intent of larceny was dismissed at preliminary hearing leaving an indefinite information, where the defendant has a right to be informed of the nature of the accusation against him (NRS 173.075(1)) that prejudice the defendant and is a miscarriage of justice.

Whereas, the State dismissed the burglary charge in district court and again charge the defendant with attempt grand larceny by the way of amended informations on November 7, 2018 without a grand jury indictment to put defendant in jeopardy for the 2nd time for the offense that has once previously been dismissed for lack of evidence, no corpus delecti, slight or marginal evidence to bound over to district court (NRS 174.085 (3)(5A)) after conclusion of preliminary hearing in Justice court.

Whereas, the State by notice to motion and motion to revoke bail filed on January 31, 2019 in district court that was granted by district court Judge W. Kephart had the defendant rebooked February 4, 2019 on the charge of Attempt grand larceny to again have the defendant placed in jeopardy for the 3rd time. When in fact, the defendant's bond for attempt grand larceny had already been exonerated at the conclusion of preliminary hearing by the Justice court judge

when the said charge was dismissed).

Wheres, the state on March 6, 2019 convicted the defendant on the dismissed charge at the conclusion of preliminary hearing of attempt grand larceny and sentence defendant to have place the defendant in jeopardy for the 4th time on the same offense that had been dismissed in Justice court for lack of evidence. No corpus delecti, slight or marginal evidence that has caused the defendant irreparable injury, prejudice, and is a miscarriage of justice.

*Note: This is a issue of first impression...

Exhibits enclosed:

Exhibit 1 - Amended Information
Exhibit 2 - Information
Exhibit 4 - Guilty Plea Agreement
Exhibit 5 - Judgment of Conviction
Exhibit 6 - Custody Record (Rebook)
Exhibit 7 - Criminal Complaint
Exhibit 8 - NRS 174.085

1 Wherefore, the State failed to give written notice for
2 habitual treatment for the conviction of Attempt Grand Larceny
3 less than $350. When in fact, the State never filed written
4 notice that their intention to seek to have defendant treated
5 as a habitual offender for the negotiated charge of Attempted
6 Grand Larceny less than $350. When the Judge canvass the
7 defendant upon his Alford plea he inform the defendant that
8 the maximum punishment he could recieve was 12 to 48 months
9 if he recieve felony treatment and 364 days if he recieved
10 the gross misdemeanor treatment with a possible fine that
11 could be imposed in both instances. Not in any way did
12 he inform defendant that he could face habitual treatment
13 for the negotiated charge of Attempted Grand Larceny less than
14 $350. As the habitual sentence imposed on defendant was
15 a surprise when defendant's counsel informed him that he
16 had it negotiated to gross misdemeanor treatment and
17 concurrent with case No C-16-315125-1. So this was prejudicial
18 and effected the defendant's rights and is a miscarriage of
19 Justice.
20 Wherefore, defendant did not agree to the validity of
21 the felony convictions used by the State to adjudicate. When
22 in fact, the defendant objected to the validity of the
23 assume felony convictions. As the event in Texas was not
24 a felony but a State jail crime that doesn't carry any prison
25 time, mandatory supervision, no parole and is not a class
26 A, B, C, D, or E felony and the 2016 felony conviction was 3 years
27 after the instant offense, that the Judge considered in adjudication

1 WHEREAS, CONSECUTIVE SENTENCES imposed by the district
2 court violates the legislative intent of NRS 176.035 and does
3 not serve the interests of Justice.
4 WHEREAS, the instant offense Attempt Grand Larceny took
5 place on or about April 9, 2013 and was not subsequent to
6 the Burglary conviction that occurred April 2, 2016 but prior.
7 In which, the District Court erred by sentencing the defendant
8 to consecutive sentences rather than concurrent. The defendant
9 was charged with the instant offense in 2013 and warrant
10 had issued sum three years prior to the convictions that the
11 District Court Judge imposed consecutive sentences.
12 WHEREAS, the defendants bond for the instant offense
13 was exonerated at the conclusion of the preliminary hearing
14 as the instant offense {Attempt Grand Larceny} was dropped/
15 dismissed for No corpus delecti, slight or marginal evidence
16 to bound over to District Court that took place in 2016. So
17 defendant should have received time credit from that point
18 to the present towards the instant offense {Attempt Grand
19 Larceny} when in fact, when the District Court Judge granted
20 the states motion on February 4, 2019 and exonerated
21 the bond the defendant was not on bond for the
22 charge of Attempt Grand Larceny but for Burglary and the
23 Burglary charge was dismissed in November 2018 and the
24 Bond for Attempt Grand Larceny was exonerated in 2016.
25 This is a clear miscarriage of Justice that has prejudiced
26 the defendant.
27

Whereas, one can only assume that the State will contend that the boiler plate in the Guilty Plea Agreement would satisfy Notice, which will not satisfy legislative intent of proper Notice of habitual criminality with the District Court.

Whereas, the District Court Judge did Not convicts defendant on habitual sentence Nor issue a stay out of trouble order. When in fact, the maximum punishment that the Judge informed the defendant of was 12 to 48 months for felony treatment and 364 days for gross misdemeanor treatment plus a fine.

Whereas, the affidavit review of probable cause was based on implausible and highly suspect evidence for New criminal charge in case Number C-19-338412-1 that was dismissed in defendant's first court appearance in District Court as the alleged victim testified under oath at preliminary hearing that the defendant was Not the perpetrator of the alleged event and he was 100% sure of that. Furthermore, this was Not a legal sentence as the charge crime of Attempted Grand Larceny was dismissed at the conclusion of preliminary hearing for No corpus delecti, slight or marginal evidence, and lack of evidence as the State re-charge defendant for this same crime in District Court without grand jury indictment that is a clear miscarriage

of justice constitutional violation U.S and Nevada, and a NRS 174.085 violation of Double Jeoperdy.

Wherefore, the convictions used by the state was trivial and beyond the scope. When in fact, the Texas convictions was one event and not two as the Judge deemed not felonies but Texas state Jail crimes that don't carry prison term, mandatory supervision, nor parole as a felony would in any other state in the country. And the 2016 Burglary conviction would not be a prior felony as the instant case occurred in 2013. So in essence, the defendent only had one prior felony and had never been to prison so this habitual sentence easily "Shock the Consience" as being disproportionate to the crime charged Attempted Grand Larceny less than $.350.

*Note: The conviction in Texas is not a class A, B, C, D, or E felony does not carry a prison term so at the very least one would have to say its ambiguous to being a felony conviction. Defendent has never been charge or convicted of a violent offense.

1 Wherefore, the state knowingly, voluntarily, and
2 intelligently filed a fraudulent unconstitutional guilty
3 plea agreement and amended information in open court
4 on Nov 8, 2018 to deprive and mislead the defendant
5 to his prejudice that was malicious, unprofessional,
6 and grossly unethical. As to deprive the defendant of
7 the protections that the constitution afforded him
8 and was designed to protect him of and deny him
9 due process of law.
10 Wherefore, the negotiations contained in the
11 guilty plea agreement was not knowingly and intelligently
12 agreed to by the defendant as the guilty plea agreement
13 was not sufficiently clear and unambiguous. The
14 amended information left the defendant without know-
15 ledge as to the nature of the charge upon which he
16 pleaded that he could not plead the crime with
17 certainty as the said charge Attempted grand larceny
18 was dismissed at the conclusion of the preliminary
19 hearing for lack of evidence, no corpus delecti, slight or
20 marginal evidence leaving no causation or jurisdiction
21 for district court to proceed. When in fact, the character
22 of the material evidence in the Amended information
23 and guilty plea agreement is false and due process of
24 law inevitably been denied the defendant and the
25 district court proceedings was constitutionally
26 inadequate, miscarriage of justice that does not serve
27 the interests of justice
28

1 Wherefore, defendant being adjudicated as a habitual offender
2 is cruel and unusual punishment that shock the conscience as being
3 disproportionate to the crime convicted Attempted Grand Larceny which is
4 a clear miscarriage of Justice that does not serve the interests of justice.
5 Wherefore, at the date the adjudicated charge of attempted grand
6 larceny occurred the defendant had never been to prison or ever had
7 a serious or violent crime held or charged against him.
8 Wherefore, the State breach the Guilty Plea agreement on im-
9 palpable and highly suspect evidence that allegedly occurred in January
10 2019 that greatly prejudice the defendant that was dismissed for no
11 corpus delecti as the alleged victim testified at preliminary hearing
12 that defendant was not the perpetrator who committed the alleged
13 crime and he was 100% sure of it. So the State violated terms and
14 spirit of agreement on impalpable evidence that prejudiced defendant
15 Wherefore, defendant never violated a provision of a statute
16 that would have allowed the District Court to not stand by the sentence
17 agreed upon by the parties set forth in the GPA.
18 Wherefore, the defendant has suffered irreparable injury
19 through the prosecutions unprofessional and grossly unethical conduct
20 as they maliciously failed to proceed on the facts and the law
21 Wherefore, there was no causation for the Judge to not
22 adhere to the negotiated agreement that has caused a manifest
23 injustice as the validity of the Alford Plea is faulty by the
24 judge lack of clarification in the plea canvass that has violated
25 the defendant's rights. When in fact, the defendant still claims
26 Actual Innocence and never admitted guilt to the elements
27 of the crime Attempted Grand Larceny less than $3500 that
28 makes the GPA fatal and unconstitutional... "Failed to Canvass"

CERTFICATE OF SERVICE BY MAILING

I, James H. Hayes, hereby certify, pursuant to NRCP 5(b), that on this 14th day of July, 2019, I mailed a true and correct copy of the foregoing, "Notice of Appeal (2nd)"

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

Supreme Court of Nevada
201 S. Carson St. Ste 201
Carson City, NV
89701

CC:FILE

DATED: this 14th day of July, 2019.

James H Hayes
James H. Hayes #1175044
In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of Appeal (2nd)
(Title of Document)

filed in District Court Case number C-16-315718-1 ; Supreme Ct Case No. 78590

☑ 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.

James H Hayes
Signature

7-14-19
Date

James H. Hayes
Print Name

defendant
Title

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

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

Defendant.

JUSTICE COURT
LAS VEGAS NEVADA

CASE NO: 13F10723X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BURGLARY (Category B Felony - NRS 205.060) and ATTEMPT GRAND LARCENY (Category D Felony/Gross Misdemeanor - NRS 205.220.1, 205.222.2, 193.330), in the manner following, to-wit: That the said Defendant, on or about the 9th day of April, 2013, at and within the County of Clark, State of Nevada,

COUNT 1 - BURGLARY

did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny, Room No. 17151, of the EXCALIBUR HOTEL & CASINO, located at 3850 South Las Vegas Boulevard, Las Vegas, Clark County, Nevada, occupied by JOSHUA JARVIS.

COUNT 2 - ATTEMPT GRAND LARCENY

did then and there wilfully, unlawfully, feloniously and intentionally, with intent to deprive the owner permanently thereof, attempt to steal, take and carry away, lead away or drive away personal property of a value of $650.00 or more, lawful money of the United States, belonging to JOSHUA JARVIS, to-wit: lawful money of the United States, an iPhone and other personal items, by taking and/or moving items within the room, but was stopped before he could take all the items.

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///

///

13F10723X
CRM
Criminal Complaint
2769180
[redacted]

EXHIBIT 7

P:\WPDOCS\COM[redacted]

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

S Benedick

7/23/2013

13F10723X/cb
LVMPD EV# 1304090843
(TK3)

Electronically Filed
06/17/2016 02:44:33 PM

CLERK OF THE COURT

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

I.A. 6/23/16
10:00 AM
PD

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: XII

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JAMES HOWARD HAYES, aka James Howard Hayes, Jr., the Defendant(s) above named, having committed the crime of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424), on or about the 9th day of April, 2013, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny, Room No. 17151, of the

///

///

///

///

EXHIBIT 2

EXCALIBUR HOTEL & CASINO, located at 3850 South Las Vegas Boulevard, Las Vegas, Clark County, Nevada, occupied by JOSHUA JARVIS.

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

BY M.A. Dickerson
MICHAEL DICKERSON
Deputy District Attorney
Nevada Bar #013476

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL DICKERSON
Deputy District Attorney
Nevada Bar #013476
200 Lewis Avenue
Las Vegas, Nevada 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

AMENDED

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss:

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JAMES HOWARD HAYES, aka, James Howard Hayes Jr., the Defendant(s) above named, having committed the crime of **ATTEMPT GRAND LARCENY (Category D Felony/Gross Misdemeanor - NRS 205.220.1, 205.222.2, 193.330 - NOC 56025/56026)**, on or about the 9th day of April, 2013, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner permanently thereof, attempt to steal, take and carry away lawful money of the United States in an amount of $650.00, or greater, owned by another

///

///

EXHIBIT "1"

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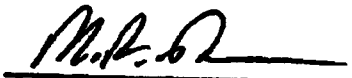
person, to wit: JOSHUA JARVIS, by attempting to steal lawful money of the United States, an iPhone and other personal items from the said JOSHUA JAVIS.

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

BY 
MICHAEL DICKERSON
Deputy District Attorney
Nevada Bar #013476

DA#13F10723X /cmj/L2
LVMPD EV#1304090843
(TK3)

*PAGE 1 OF 1 ☐ UOF ☐ BODY CAM

ID/CS# 2796708 ☐ NEW ID

☐ JUVENILE ☐ DNA SAMPLE TAKEN ☒ DNA NOT REQ'D

CO. SGT APPROVAL

☒ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HOLD ☐ DETAINER

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

TEMPORARY CUSTODY RECORD

(* DENOTES OFFICER REQUIRED FIELD)

*ARREST DATE: 2/4/2019 *ARREST TIME: 1624

*EVENT #:

*CO-DEF: N

*INTAKE NAME (AKA, ALIAS, ETC.) LAST	FIRST	MIDDLE	TRUE NAME LAST	FIRST	MIDDLE
HAYES	JAMES	HOWARD	HAYES	JAMES	HOWARD JR

*HOME ADDRESS (STREET # AND STREET NAME)	BLDG./APT.#	*CITY	*STATE	*ZIP	*PLACE OF BIRTH
4735 E DECKOW	21	LAS VEGAS	NV	89169	TOLEDO, OHIO

*DATE OF BIRTH	*RACE	HISP ETHN	*SEX	*HEIGHT	*WEIGHT	*HAIR	*EYES	*SOCIAL SECURITY #	*CITIZENSHIP	*ALIEN REGISTRATION #	
02/02/1970	B		M	5'10"	220	BLK	BRO	[redacted]	USA		☐ US VETERAN ☐ ACTIVE MILITARY

*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) ☒ CC ☐ LV: REMAND DC 19 LAS VEGAS, NV 89101

*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP): CCDC LAS VEGAS, NV 89101 > NV-2E-61-L

☐ CITIZEN'S ARREST ☒ SPEAKS ENGLISH

*ARR** TYPE	*COURT JURIS	*WARRANT # / CASE #	*# CNTS	*NOC CODE	* M GM F	*CHARGE LITERAL	*ORD / NRS	*BAIL	*EVENT# / NIC#
RM	DC	C-16-315718-1	1	56025	☐ ☐ ☒	ATT GRAND LARCENY, LESS THAN $3500	205.222.2	NO BAIL	
					☐ ☐ ☐				
					☐ ☐ ☐	TAPP 03/06/19 @ 0830 DC# 19 FOR SENT			
					☐ ☐ ☐				
					☐ ☐ ☐				
					☐ ☐ ☐				

*OTHER JURISDICTION:

**ARREST TYPES: PC – PROBABLE CAUSE BS – BONDSMAN SURRENDER BW – BENCH WARRANT AW – ARREST WARRANT RM – REMAND GJI – GRAND JURY INDICTMENT

TIME STAMP AT BOOKING 2/4/2019 4:25 PM

*ARRESTING OFFICER SIGNATURE: JOSHUA D FERRY (*PRINTED NAME) 7398 (*P#) MPD (*AGENCY) OT (*SECTOR/BEAT OF ARREST)

*TRANSPORTING OFFICER SIGNATURE *PRINTED NAME *P# *AGENCY OTHER (AREA CMD)

*EMERGENCY CONTACT	CUSTODY RELEASED TO
NOTGIVEN NOTGIVEN	
*RELATIONSHIP: NOT PROVIDED	NAME
*PHONE NUMBER	POSITION
*EMAIL ADDRESS	AGENCY

FIRST APP DATE:

TIME:

COURT: ☐ JUSTICE ☐ MUNICIPAL ☐ JUVENILE

☐ STD BAIL ☐ O.R. REL

☐ PC ☐ I.A.D.

JUDGE:

TIME STAMP AT RELEASING

P# T139728

DOC DIST P#

P#

REL REV P#

PID: 1:1 RT LT RI LI SCORE: SCORE 1:N RT LT RI LI SCORE:

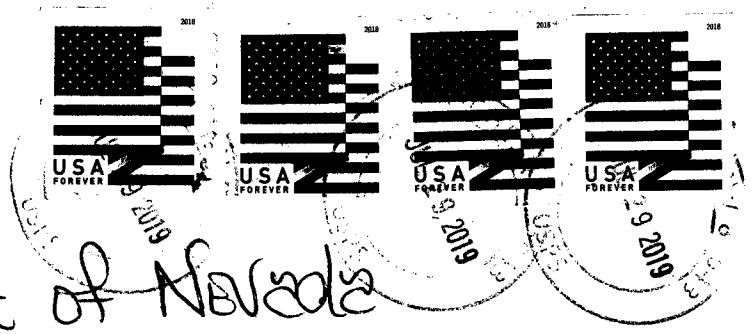
☐ POLICE RECORDS COPY ☐ COURTS COPY ☐ DSD RECORDS COPY ☐ PROCESSING COPY

EXHIBIT 6

LVMPD 22 (Rev. 08/17) WORD 2010

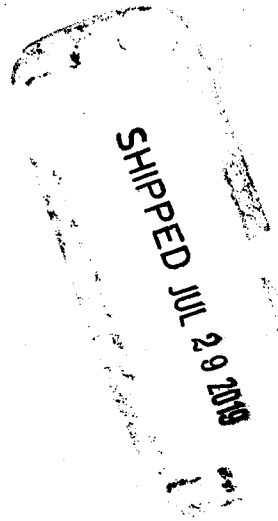
Hayes #1125077
PCC
P.O. Box 509
Pioche, Nevada 89043

[redacted]



Supreme Court of Nevada
"office of the clerk"
201 South Carson Street; Suite 201
Carson City, Nevada 89701

LEGAL Mail



Electronically Filed
8/9/2019 10:46 AM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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

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

CASE APPEAL STATEMENT

1. Appellant(s): James H. Hayes
2. Judge: William D. Kephart
3. Appellant(s): James H. Hayes

Counsel:

James H. Hayes #1175077
P.O. Box 509
Pioche, NV 89043

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
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, 78590, 77151, 78622

12. Child Custody or Visitation: N/A

Dated This 9 day of August 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: James H. Hayes

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

State of Nevada	§	Location:	**Department 19**
vs	§	Judicial Officer:	**Kephart, William D.**
James Hayes	§	Filed on:	**06/14/2016**
	§	Case Number History:	
	§	Cross-Reference Case Number:	**C315718**
	§	Defendant's Scope ID #:	**2796708**
	§	ITAG Booking Number:	**0**
	§	ITAG Case ID:	**2067407**
	§	Lower Court Case # Root:	**13F10723**
	§	Lower Court Case Number:	**13F10723X**
	§	Metro Event Number:	**1304090843**
	§	Supreme Court No.:	**77151** **78590**

CASE INFORMATION

Offense	**Statute**	**Deg**	**Date**	Case Type:	**Felony/Gross Misdemeanor**
Jurisdiction: **District Court**					
1. ATTEMPT GRAND LARCENY PCN: 0028999877 ACN: 1304090843	205.222.2	F	04/09/2013	Case Status:	**03/12/2019 Closed**
Filed As: BURGLARY Arrest: 04/02/2016 MET - Metro	F	6/17/2016			

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

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

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

DATE — CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION

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

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

06/14/2016 Criminal Bindover Packet Las Vegas Justice Court

06/17/2016 Information
Information

07/29/2016 Transcript of Proceedings
Reporter's Transcript of Proceedings Preliminary Hearing 6/14/16

08/26/2016 Notice of Rescheduling
Notice of Rescheduling Of Hearing

11/18/2016 Motion for Discovery
Defendant's Motion For Discovery

11/21/2016 Notice of Witnesses and/or Expert Witnesses
Notice of Witnesses(NRS 174.234(1)(a)

11/21/2016 Notice
Notice of Intent to Seek Punishment as a Habitual Criminal

12/05/2016 Response
State's Response to Defendant's Motion for Discovery, and State's Request for Reciprocal Discovery

12/12/2016 Notice of Motion
Notice of Motion and Motion for Joinder of Case C315718 into Case C315125

12/16/2016 Notice of Witnesses and/or Expert Witnesses
Notice of Witnesses [NRS 174.234(1)(a)]

12/16/2016 Motion
Notice of Motion and Motion to Admit Evidence of Other Acts

12/20/2016 Opposition
Opposition To The State's Motion To Admit Evidence Of Other Acts

01/20/2017 Order Denying
Order Denying State's Motion To Admit Evidence Of Other Acts

02/08/2017 Substitution of Attorney
Substitution of Attorney

02/10/2017 Notice
Notice of Department Reassignment

03/23/2017 Order for Production of Inmate
Order for Production of Inmates

05/31/2017 Motion to Withdraw As Counsel
Filed By: Defendant Hayes, James Howard
Motion to Withdraw as Attorney of Record

06/01/2017 Certificate of Mailing
Certificate of Mailing

08/29/2017 Receipt of Copy

Filed by: Plaintiff State of Nevada
Receipt of Copy

08/29/2017 Notice
Filed By: Plaintiff State of Nevada
Amended Notice of Intent to Seek Punishment as a Habitual Criminal

08/29/2017 Notice
Filed By: Plaintiff State of Nevada
Notice to Introduce Certified Copies

10/24/2017 Receipt of Copy
receipt of copy

03/01/2018 Miscellaneous Filing
Filed by: Defendant Hayes, James Howard
Courtesy Filing Of Defendant's Pro Per Petition

04/06/2018 Miscellaneous Filing
Filed by: Defendant Hayes, James Howard
Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus

04/25/2018 Motion
Filed By: Plaintiff State of Nevada
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

05/07/2018 Notice of Witnesses
Party: Defendant Hayes, James Howard
Defendant's Notice Of Witnesses, Pursuant To NRS 174.234

05/07/2018 Supplemental
Filed by: Defendant Hayes, James Howard
Defendant's Supplemental Notice of Witnesses Pursuant to NRS 174.234

06/12/2018 Order for Production of Inmate
Party: Plaintiff State of Nevada
Order for Production of Inmate

07/30/2018 Motion to Withdraw As Counsel
Filed By: Defendant Hayes, James Howard
Motion To Withdraw As Attorney Of Record

09/12/2018 Order Denying
Filed By: Plaintiff State of Nevada
Order Denying Defendant's Pro Per Petition for Writ of Habeas Corpus

09/18/2018 Notice of Entry of Order
Notice of Entry of Order

09/26/2018 Notice of Appeal (criminal)
Notice of Appeal

10/10/2018

Case Appeal Statement
Filed By: Defendant Hayes, James Howard
Case Appeal Statement

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

04/29/2019 Motion
Filed By: Defendant Hayes, James Howard
Motion to Withdraw Counsel

04/29/2019 Notice of Motion
Filed By: Defendant Hayes, James Howard

06/14/2019 Reporters Transcript
Filed By: Defendant Hayes, James Howard
Certificate That No Transcript Is Being Requested

07/29/2019 Order Granting
Filed By: Plaintiff State of Nevada
Order Granting Defendant's Pro Per Motion to Withdraw Counsel

07/31/2019 Notice of Appeal (criminal)
Notice of Appeal (2nd)

08/09/2019 Case Appeal Statement
Filed By: Defendant Hayes, James Howard
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	25.00
Genetic Marker Analysis AA Fee $3	3.00
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. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;

MINUTES

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

SCHEDULED HEARINGS

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

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

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

State's Motion for Joinder of Case C315718 into Case C315125
Denied;
Journal Entry Details:
Mr. Rowles and Ms. Devaney-Sauter argued their respective positions. COURT ORDERED, Motion DENIED. BOND;

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

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

MINUTES
Trial Date Set;
Journal Entry Details:
COURT ORDERED, trial date SET. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/21/17 1:30 P.M. TRIAL BY JURY;

SCHEDULED HEARINGS
CANCELED **Calendar Call** (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge
CANCELED **Jury Trial** (03/21/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

02/09/2017 **Minute Order** (3:00 AM) (Judicial Officer: Leavitt, Michelle)
Minute Order Re: Recusal
Minute Order - No Hearing Held;
Journal Entry Details:
The law firm of Colquitt & Abbatangelo, LTD., currently represents the Defendant in this matter. Pursuant to Nevada Code of Judicial Conduct NCJC 3(E)(1)(d)(ii), and to avoid the appearance of impropriety and implied bias, the Court RECUSES itself from the above-entitled case, and ORDERS this matter to be randomly reassigned. The newly assigned Department will need to set a status check hearing to determine a date for Calendar Call and Jury Trial. CLERK'S NOTE: A copy of the above minute order has been forwarded to Clerk's Office Master Calendar for reassignment. /// sj CLERK'S NOTE: Law firm was notified regarding recusal. /// sj;

03/06/2017 **Trial Setting** (8:30 AM) (Judicial Officer: Kephart, William D.)
Trial Date Set;
Journal Entry Details:
Mr. Abbatangelo advised he substituted in as counsel and the case was re-assigned from department 12. Further, Mr. Abbatangelo advised Defendant has invoked the 60 day rule. Mr. Scow advised the victim has scheduled military leave between 3/20/2017 - 3/31/2017. Colloquy regarding scheduling. COURT ORDERED, matter SET for trial. BOND (COC) 3/22/2017 8:30 AM CALENDAR CALL 3/27/2017 10:00 AM JURY TRIAL;

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

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

03/22/2017 **Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
Mr. Abbatangleo advised parties have agree to vacate the trial date and set a status check in two (2) weeks to discuss the offers which have been extended by the State. Mr. Dickerson advised this a defense request to continue, State is ready; however, State is not opposing the continuance. Further, Mr. Dickerson advised the only issue would be the availability of the victim who is in the military and the trial will need to be scheduled around victim's leave. Upon Court's inquiry, Defendant agreed to vacate trial. COURT ORDERED, trial VACATED and matter SET for Status Check. BOND (COC) 4/03/2017 8:30 AM STATUS CHECK: NEGOTIATIONS / TRIAL SETTING;

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

04/03/2017 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
04/03/2017, 05/01/2017
Status Check: Negotiations / Trial Setting
Matter Continued;
Trial Date Set;
Journal Entry Details:
Mr. Rowles advised he believes the matter is resolved and he has the Guilty Plea Agreement. MATTER TRAILED for

Mr. Abbatangelo. RECALLED. Mr. Abbatangelo requested matter be continued sixty days. Mr. Rowles advised the offer is one count of burglary stipulate to a 12 -30 concurrent with C315125 and if Defendant rejects the offer at the next date the offer will be revoked. Court stated he is inclined to set the matter for trial with a status check in thirty days for negotiations. Parties agreed. COURT ORDERED, matter SET for trial and Status Check. BOND (COC-NDC) 5/31/2017 8:30 AM STATUS CHECK: NEGOTIATIONS 8/30/2017 8:30 AM PRE TRIAL CONFERENCE 9/27/2017 8:30 AM CALENDAR CALL 10/02/2017 10:00 AM JURY TRIAL;
Matter Continued;
Trial Date Set;
Journal Entry Details:
Mr. Abbatangelo advised parties are close to a resolution and requested matter be continued thirty days. COURT SO ORDERED. BOND (COC-NDC) CONTINUED TO: 5/01/2017 8:30 AM;

05/31/2017 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
Status Check: Negotiations
Matter Heard;
Journal Entry Details:
Mr. Colquitt advised the matter is not negotiated and Defendant has rejected the offer. Ms. Derjavina advised the offer has been revoked at this time. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

06/12/2017 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)
Tony Abbatangelo, Esq's Motion to Withdraw as Attorney of Record
Granted;
Journal Entry Details:
Court noted Defendant not present. Mr. Abbatangelo advised Defendant in custody with Nevada Department of Corrections (NDC) on another case. COURT ORDERED, Motion GRANTED; Public Defender APPOINTED to determine if there will be conflict and matter SET for Status Check. FURTHER ORDERED, State to prepare an Order to Transport. BOND (COC-NDC) 7/10/2017 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL (PD);

07/10/2017 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
Status Check: Confirmation of Counsel (PD)
Counsel Confirmed;
Journal Entry Details:
Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

08/30/2017 **Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
Upon Court's inquiry, Ms. Murphy stated she believes Ms. DeVaney received most of what was needed and just received two notices from the state who will provide documents. Further, Ms. Murphy stated Deft. filed something in the Nevada Supreme Court, not sure what it is and advised it has been transferred to the Court of Appeals. Colloquy. COURT ORDERED, calendar call and trial dates STAND. Deft. advised he filed a writ of habeas corpus challenging probable cause. Statement by Mr. Dickerson. MATTER RECALLED: Ms. Murphy requested a status check in three weeks for possible negotiations. Colloquy. Mr. Dickerson stated Deft's counsel requested to re-open negotiations and counsel will to entertain and believes status check will facilitate negotiations. COURT ORDERED, matter SET for status check. State to prepare transport order. BOND (COC-NDC) 9/20/17 9:00 AM STATUS CHECK: NEGOTIATIONS;

09/27/2017 **Calendar Call** (9:00 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;

09/27/2017 **Status Check** (9:00 AM) (Judicial Officer: Kephart, William D.)
09/27/2017, 10/25/2017
Status Check: Negotiatons
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.)
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 advsied she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to heard by the Court. Additionally, Ms, Murphy advised there appears to be a break down between herself and Defendant as he has left multiple voicemails on her phone stating she is not working on his case and that she is a racist. Upon Court's inquiry, Ms. Murphy advised Defendant previously file a Pro Per Petition for Writ of Habeas Corpus. Colloquy regarding Defendant's Petition. Defendant advised he filed his motion to challenge probable cause in this case. COURT ORDERED, matter SET for Trial and Defendant's Motion SET for Hearing. CUSTODY (COC) 8/15/2018 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS 10/10/2018 8:30 AM PRE TRIAL CONFERENCE 11/07/2018 8:30 AM CALENDAR CALL 11/13/2018 10:00 AM JURY TRIAL ;

08/15/2018 **Petition** (8:30 AM) (Judicial Officer: Kephart, William D.)
08/15/2018, 08/29/2018
Defendant's Pro Per Petition for Writ of Habeas Corpus
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;

08/15/2018 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant's Motion to Withdraw as Counsel of Record
Granted;

08/15/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL OF RECORD Court reviewed case history. COURT ORDERED, Motion to Withdraw as Counsel GRANTED; Michael Sanft APPOINTED and Petition CONTINUED in order for Mr. Sanft to review the case. FURTHER ORDERED, matter SET for Confirmation of Counsel. 8/29/2018 8:30 AM CONFIRMATION OF COUNSEL (SANFT) ... DEFENDANT'S PRO PETITION FOR WRIT OF HABEAS CORPUS;

08/29/2018 **Confirmation of Counsel** (8:30 AM) (Judicial Officer: Kephart, William D.)
Confirmation of Counsel (Sanft)
Counsel Confirmed;

08/29/2018 **All Pending Motions** (8:30 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
CONFIRMATION OF COUNSEL (SANFT) Mr. Sanft confirmed as counsel and advised he has conveyed the State's offer of an alford plea to attempt grand larceny, a wobbler, State will make no recommendation at sentencing with no opposition to probation with 30 days ccdc and 30 days credit for time served. Further, Mr. Sanft advised a counter offer of a stipulation to a gross misdemeanor; however, State has indicated they are not willing to enter that stipulation and would like the Court to make that determination. Mr. Dickerson confirmed representations. COURT ORDERED, matter SET for Status Check. DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS COURT ORDERED, Petition DENIED as it was not filed in compliance with NRS 34.700 and the Court is unable to consider the Petition. BOND (COC) ;

09/26/2018 **Status Check** (8:30 AM) (Judicial Officer: Kephart, William D.)
Status Check: Negotiations / Pre Trial Conference
Matter Heard;
Journal Entry Details:
Mr. Sanft advised his investigator has met with Defendant and the offer extended contemplates credit for time served; although the State will retain the right to argue as to felony or gross misdemeanor treatment. Upon Court's inquiry, Mr. Sanft advised there are no outstanding discovery issues and he anticipates ready for the current trial date. COURT ORDERED, trial date STANDS. BOND (COC-NDC);

10/10/2018 *CANCELED* **Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

11/07/2018 **Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)
Plea Entered;
Journal Entry Details:
Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HAYES ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT GRAND LARCENY (F/GM). State made offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;

11/13/2018 *CANCELED* **Jury Trial** (10:00 AM) (Judicial Officer: Kephart, William D.)
Vacated - per Judge

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

03/06/2019 **Sentencing** (8:30 AM) (Judicial Officer: Kephart, William D.)
Defendant Sentenced;
Journal Entry Details:
DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee and a $3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, $150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered. NDC;

06/03/2019 **Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)
06/03/2019, 07/15/2019
Defendant's Pro Per Motion to Withdraw Counsel
Matter Continued;
Granted;
Journal Entry Details:
Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion GRANTED as a Remittitur has been filed by the Supreme Court. NDC ;
Matter Continued;
Granted;
Journal Entry Details:
Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days. NDC CONTINUED TO: 7/15/2019 8:30 AM;

DATE	FINANCIAL INFORMATION	
	Defendant Hayes, James Howard	
	Total Charges	28.00

Total Payments and Credits	0.00
Balance Due as of 8/9/2019	**28.00**

Electronically Filed
3/12/2019 9:03 AM
Steven D. Grierson
CLERK OF THE COURT

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 6th 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 12th day of March, 2019.

WILLIAM D. KEPHART
DISTRICT COURT JUDGE

☐ Nolle Prosequi (before trial)	Bench (Non-Jury) Trial
☐ Dismissed (after diversion)	☐ Dismissed (during trial)
☐ Dismissed (before trial)	☐ Acquittal
☒ Guilty Plea with Sent (before trial)	☐ Guilty Plea with Sent. (during trial)
☐ Transferred (before/during trial)	☐ Conviction
☐ 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**

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

December 06, 2016 **8:30 AM** **Motion for Discovery**

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND

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

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

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 08, 2016**

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

December 08, 2016 **8:30 AM** **Motion for Discovery**

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

- Deft. not present; PRESENCE WAIVED.

COURT ORDERED, as follows:

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

to whether the information needs to be turned over.
11. MOTION GRANTED; State to provide defense with all chain of custody regarding evidence.

Ms. Sauter to prepare the order.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 20, 2016**

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

December 20, 2016 **8:30 AM** **Calendar Call**

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 22, 2016**

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

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

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 22, 2016**

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

December 22, 2016 **9:00 AM** **Motion to Consolidate**

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

COURT CLERK: Tia Everett
Natalie Ortega

RECORDER: Angie Calvillo

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 12, 2017**

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

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

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 26, 2017**

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

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

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

- COURT ORDERED, trial date SET.

CUSTODY

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

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 09, 2017**

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

February 09, 2017 **3:00 AM** **Minute Order**

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

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

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

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

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

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 06, 2017**

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

March 06, 2017 **8:30 AM** **Trial Setting**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC)

3/22/2017 8:30 AM CALENDAR CALL

3/27/2017 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 22, 2017**

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

March 22, 2017 **8:30 AM** **Calendar Call**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC)

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 03, 2017**

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

April 03, 2017 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 01, 2017**

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

May 01, 2017 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

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

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

9/27/2017 8:30 AM CALENDAR CALL

10/02/2017 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 31, 2017**

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

May 31, 2017 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 12, 2017**

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

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

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 10, 2017**

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

July 10, 2017 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 30, 2017**

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

August 30, 2017 **8:30 AM** **Pre Trial Conference**

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

COURT CLERK: April Watkins

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

MATTER RECALLED:

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

BOND (COC-NDC)

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 PRESENT:

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 PRESENT:

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

JOURNAL ENTRIES

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

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

CUSTODY (COC-NDC)

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

5/09/2018 8:30 AM CALENDAR CALL

5/14/2018 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 11, 2018**

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

April 11, 2018 **8:30 AM** **Pre Trial Conference**

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

COURT CLERK: Tia Everett
Christopher Darling

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 23, 2018**

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

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

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

COURT CLERK: Tia Everett
Chante Williams

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

5/9/18 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 09, 2018**

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

May 09, 2018 **8:30 AM** **Calendar Call**

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

COURT CLERK: Tia Everett

RECORDER: Rubina Feda

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 06, 2018**

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

June 06, 2018 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 11, 2018**

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

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

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

- Ms. Murphy advised Defendant was transported for today. Further, Ms. Murphy advsied 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 PRESENT:

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

JOURNAL ENTRIES

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

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

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 29, 2018**

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**

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

September 26, 2018 **8:30 AM** **Status Check**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

BOND (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 07, 2018**

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

November 07, 2018 **8:30 AM** **Calendar Call**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT.

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

BOND

3/06/2019 8:30 AM SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 04, 2019**

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

February 04, 2019 **8:30 AM** **Motion**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

CUSTODY (COC-NDC)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 06, 2019**

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

March 06, 2019 **8:30 AM** **Sentencing**

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

COURT CLERK: Tia Everett
Shannon Emmons

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

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

JOURNAL ENTRIES

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

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 03, 2019**

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

June 03, 2019 **8:30 AM** **Motion**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

LoGrippo, Frank R.	Attorney
Sanft, Michael W.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

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

NDC

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 15, 2019**

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

July 15, 2019 **8:30 AM** **Motion**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES PRESENT:

LoGrippo, Frank R.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

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

NDC

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

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Judgement of Conviction TX04415157	3/6/19	no	3/6/19	WA
2	Judgement of Conviction C270308	3/6/19	no	3/6/19	WA
3	Judgement of Conviction C315125	3/6/19	no	3/6/19	WA
4	Judgement of Conviction TX04418157	3/6/19	no	3/6/19	WA

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):

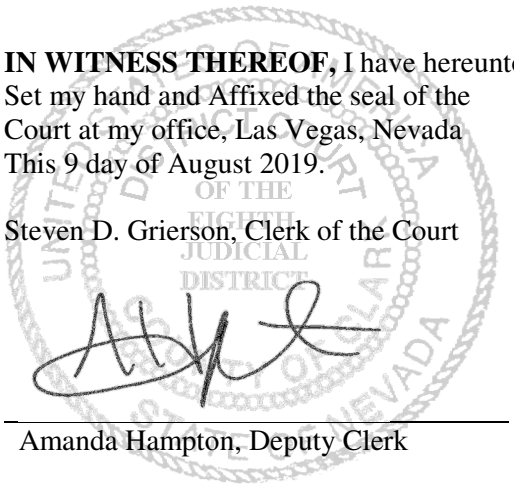
NOTICE OF APPEAL (2ND); CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY-ALFORD); DISTRICT COURT MINUTES; EXHIBITS LIST

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 9 day of August 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk