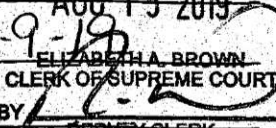


FILED

Supreme Court of Nevada

AUG 15 2019

8-9-19

ELIZABETH A. BROWN
CLERK OF SUPREME COURTBY  DEPUTY CLERK

DEAR Clerk of the Courts,

I, JAMES H HAYES, appellant, am writing you greatly concerned about my Direct Appeal case NO. 78590 that I pray upon you that you will Notify the Judges of this said court "Supreme Court of Nevada" that I have never had appointed or retain counsel to represent me on this appeal PROCESS.

WHEREAS, my trial counsel M. SAUTH was ineffective and did not provide zealous and adequate representation and failed to file a Notice of appeal so I filed a motion to withdraw counsel that was granted and filed a proper Notice of Appeal. That has caused a manifest injustice as no supplemental brief or Reply brief has been filed on my behalf as I do not have counsel to do so and every document I try to file concerning this matter is being return to me unfiled. So as it stands as of today I have very meritorious claims that are not before this said court and this is a miscarriage of justice that must be corrected. So I beg of you to please Notify the Judges of this court that I need counsel to prepare and file supplemental brief and reply brief. As this ~~injury~~ injury needs to be remedied through

AUG 12 2019

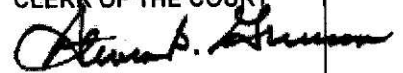
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-34399

1 this said court by review of the complete record.
2 WHEREAS, appellant stands convicted of a crime
3 he did not commit, when in fact, the convicted
4 charge of Attempt Grand Larceny was dismissed by
5 the ~~the~~ Las Vegas township magistrate at the
6 conclusion of the preliminary examination for lack
7 of evidence, No corpus delicti. No slight or marginal
8 evidence

9 WHEREAS, it is black letter law in the state of
10 Nevada per NRS 174.085(3) that when appellant was
11 once placed in jeopardy upon the criminal complaint
12 and case dismissed that is a bar to another information
13 for the offense charged in the former. And the court
14 can not amend an information to restore a charge
15 that has been dismissed by the magistrate at the
16 preliminary examination, and once the judicial officer
17 determined that probable cause did not exist it was
18 the most naked deprivation of due process that appellant
19 could face to be convicted of said crime Attempt Grand
20 Larceny

21 WHEREAS, it would be unconscionable for the state to
22 attempt to insulate this conviction from collateral constitutional
23 review by conditioning its willingness to enter into plea
24 negotiations on the appellant's "waiver of the right" to
25 pursue direct appeal remedies. when in fact, the district
26 court did not divest subject matter jurisdiction to
27 proceed on the charge of Attempt Grand Larceny.



1 **ORDR**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 FRANK LOGRIPPO
6 Deputy District Attorney
7 Nevada Bar #013911
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 JAMES HOWARD HAYES,
14 #2796708

15 Defendant.

CASE NO: C-16-315718-1

DEPT NO: XIX

16 **ORDER GRANTING DEFENDANT'S PRO PER MOTION TO WITHDRAW**
17 **COUNSEL**

18 DATE OF HEARING: July 15, 2019
19 TIME OF HEARING: 08:30 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 15th day of July, 2019, the Defendant not being present, in proper person, the Plaintiff being
22 represented by STEVEN B. WOLFSON, District Attorney, through FRANK LOGRIPPO,
23 Deputy District Attorney, without argument, based on the pleadings and good cause appearing
therefor,

24 ///

25 ///

26 ///

27 ///

28 ///

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1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion to Withdraw Counsel,
2 shall be, and it is GRANTED.

3 DATED this 28th day of July, 2019.

4 Walter K. [Signature]
5 DISTRICT JUDGE

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

9 BY

10 [Signature]
11 FRANK LOCRIPO
12 Deputy District Attorney
13 Nevada Bar #013911

14
15
16 CERTIFICATE OF SERVICE

17 I certify that on the 29th day of July, 2019, I mailed a copy of the foregoing Order

18 to:

19 JAMES H. HAYES, BAC #1175077
20 HIGH DESERT STATE PRISON
21 P.O. BOX 650
22 INDIAN SPRINGS, NV 89018

23 BY

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

28 cg/L2