

FILED

NOV 19 2019

Elizabeth A. Brown
CLERK OF COURT

Electronically Filed
Dec 16 2019 09:20 a.m.
Elizabeth A. Brown
Clerk of Nevada Supreme Court

1 Hayes, James #1175077
2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF Clark

7
8 State of Nevada

9 Plaintiff,

10 vs.

11 James H. Hayes

12 Defendant.

Case No. C-16-315718-1

Dept. No. 19

Docket _____

13
14
15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 JAMES H. HAYES, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 MOTION IN THE NATURE OF A WRIT OF CORAM NOBIS

22
23 ruled on the 16 day of OCTOBER, 20 19.

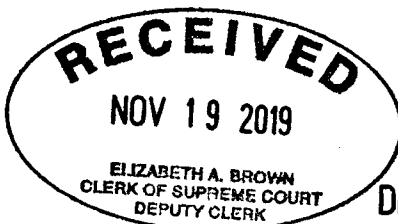
C-16-315718-1
NOASC
Notice of Appeal (criminal)
4881185



24
25 Dated this 14 day of NOVEMBER, 20 19.

26 Respectfully Submitted,

27 James H. Hayes



28 RECEIVED
APPEALS

DEC 11 2019

CLERK OF THE COURT

Docket 80222 Document 2019-50747

CERTIFICATE OF SERVICE BY MAILING

I, JAMES H. HAYES, hereby certify, pursuant to NRCP 5(b), that on this 14
day of November 20 19, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

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

CC:FILE

DATED: this 14 day of November 20 19.

James H. Hayes
JAMES H. HAYES

1175019

/In Propria Personam

Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

of Appeal
(Title of Document)

filed in District Court Case number _____

☒ 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

11-14-19
Date

JAMES H HAYES
Print Name

PRO PER
Title

244185 *11752822

3000
P.O. Box 208
Zachary, NV
89020

1468984
3763

WAS VEGAS
NV 890
15 NOV '19
PM 4 L

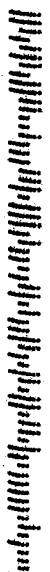


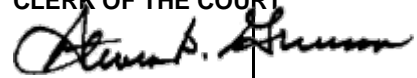
ZIP 89101
011E12650516

Hasler
11/15/2019
FIRST-CLASS MAIL
US POSTAGE \$000.50

Supreme Court of Nevada
"Office of the Clerk"
201 South Carson Street, Ste 201
Carson City, Nevada
89701

89701-478051





1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 JAMES HOWARD HAYES
14 aka JAMES HOWARD HAYES, JR.,

15 Defendant(s),

Case No: C-16-315718-1

Dept No: XIX

16
17 **CASE APPEAL STATEMENT**
18

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

20 2. Judge: William D. Kephart

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

22 Counsel:

23 James H. Hayes #1175077
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: June 14, 2016

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 73436, 75173, 77151, 78590, 78622

12. Child Custody or Visitation: N/A

Dated This 11 day of December 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

JAMES H. HAYES, 1175077

Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

FILED

NOV 19 2019

[Signature]
CLERK OF COURT

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clerk

State of Nevada

Plaintiff,

vs.

JAMES H. HAYES

Defendant.

CASE No. C-16-315718-1
DEPT. No. 19

DESIGNATION OF RECORD ON APPEAL

TO:

C-16-315718-1
DROA
Designation of Record on Appeal
4881186



The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this _____ day of _____, 20____.

RESPECTFULLY SUBMITTED BY:

Plaintiff/In Propria Persona

RECEIVED
APPEALS

DEC 11 2019

CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT

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

State of Nevada
vs
James Hayes

§
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§
§
§

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

CASE INFORMATION

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

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 <i>Information</i>

















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

07/29/2016	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings Preliminary Hearing 6/14/16</i>
08/26/2016	 Notice of Rescheduling <i>Notice of Rescheduling Of Hearing</i>
11/18/2016	 Motion for Discovery <i>Defendant's Motion For Discovery</i>
11/21/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses(NRS 174.234(1)(a))</i>
11/21/2016	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
12/05/2016	 Response <i>State's Response to Defendant's Motion for Discovery, and State's Request for Reciprocal Discovery</i>
12/12/2016	 Notice of Motion <i>Notice of Motion and Motion for Joinder of Case C315718 into Case C315125</i>
12/16/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses [NRS 174.234(1)(a)]</i>
12/16/2016	 Motion <i>Notice of Motion and Motion to Admit Evidence of Other Acts</i>
12/20/2016	 Opposition <i>Opposition To The State's Motion To Admit Evidence Of Other Acts</i>
01/20/2017	 Order Denying <i>Order Denying State's Motion To Admit Evidence Of Other Acts</i>
02/08/2017	 Substitution of Attorney <i>Substitution of Attorney</i>
02/10/2017	 Notice <i>Notice of Department Reassignment</i>
03/23/2017	 Order for Production of Inmate <i>Order for Production of Inmates</i>
05/31/2017	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>Motion to Withdraw as Attorney of Record</i>
06/01/2017	 Certificate of Mailing <i>Certificate of Mailing</i>
08/29/2017	 Receipt of Copy

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

	Filed by: Plaintiff State of Nevada <i>Receipt of Copy</i>
08/29/2017	 Notice Filed By: Plaintiff State of Nevada <i>Amended Notice of Intent to Seek Punishment as a Habitual Criminal</i>
08/29/2017	 Notice Filed By: Plaintiff State of Nevada <i>Notice to Introduce Certified Copies</i>
10/24/2017	 Receipt of Copy <i>receipt of copy</i>
03/01/2018	 Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>Courtesy Filing Of Defendant's Pro Per Petition</i>
04/06/2018	 Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i>
04/25/2018	 Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
05/07/2018	 Notice of Witnesses Party: Defendant Hayes, James Howard <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
05/07/2018	 Supplemental Filed by: Defendant Hayes, James Howard <i>Defendant's Supplemental Notice of Witnesses Pursuant to NRS 174.234</i>
06/12/2018	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>Order for Production of Inmate</i>
07/30/2018	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>Motion To Withdraw As Attorney Of Record</i>
09/12/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Petition for Writ of Habeas Corpus</i>
09/18/2018	 Notice of Entry of Order <i>Notice of Entry of Order</i>
09/26/2018	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/10/2018	

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

	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>Case Appeal Statement</i>
11/07/2018	 Amended Information Filed By: Plaintiff State of Nevada <i>Amended Information</i>
11/07/2018	 Guilty Plea Agreement <i>Guilty Plea Agreement Pursuant to Alford</i>
12/14/2018	 PSI
01/11/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
01/31/2019	 Motion <i>State's Notice of Motion and Motion to Revoke Bail</i>
02/14/2019	 Bond <i>"Bond exonerated; bonding company notified via mail." # SV25-4743871</i>
03/12/2019	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty-Alford)</i>
03/28/2019	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
04/12/2019	 Case Appeal Statement <i>Case Appeal Statement</i>
04/29/2019	 Motion Filed By: Defendant Hayes, James Howard <i>Motion to Withdraw Counsel</i>
04/29/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard
06/14/2019	 Reporters Transcript Filed By: Defendant Hayes, James Howard <i>Certificate That No Transcript Is Being Requested</i>
07/29/2019	 Order Granting Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Motion to Withdraw Counsel</i>
07/31/2019	 Notice of Appeal (criminal) <i>Notice of Appeal (2nd)</i>
08/09/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>Case Appeal Statement</i>

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

08/30/2019	 Order Filed By: Plaintiff State of Nevada <i>Order for Transcript</i>
09/09/2019	 Motion Filed By: Defendant Hayes, James Howard <i>Motion In The Nature of a Writ Of Coram Nobis</i>
09/09/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard
09/25/2019	 Recorders Transcript of Hearing Party: Defendant Hayes, James Howard <i>Recorders Transcript of Hearing Re: 11/7/18 - Calendar Call</i>
09/26/2019	 Affidavit Filed By: Defendant Hayes, James Howard <i>Affidavit of Granting Motion in the Nature of a Writ of Coram Nobis</i>
10/01/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for a Writ of Coram Nobis</i>
10/17/2019	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendant's Pro Per Motion in the Nature of a Writ of Coram Nobis</i>
10/17/2019	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>Reply to the State's Opposition to Motion for Writ of Coram Nobis</i>
10/28/2019	 Affidavit Filed By: Defendant Hayes, James Howard <i>Affidavit of " No Material Dispute as to the Mistake of Fact Motion in the Nature of a Writ of Coram Nobis</i>
11/19/2019	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
11/19/2019	 Designation of Record on Appeal
12/04/2019	 Notice of Change of Address Filed By: Defendant Hayes, James Howard <i>Notice of Change of Address</i>
12/11/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>Case Appeal Statement</i>

DISPOSITIONS

11/07/2018	Plea (Judicial Officer: Kephart, William D.) 1. ATTEMPT GRAND LARCENY Guilty PCN: 0028999877 Sequence:
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CASE SUMMARY**CASE NO. C-16-315718-1**03/06/2019 **Disposition** (Judicial Officer: Kephart, William D.)

1. ATTEMPT GRAND LARCENY

Guilty

PCN: 0028999877 Sequence:

03/06/2019 **Adult Adjudication** (Judicial Officer: Kephart, William D.)

1. ATTEMPT GRAND LARCENY

04/09/2013 (F) 205.222.2 (DC56025)

PCN: 0028999877 Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:60 Months, Maximum:174 Months

Consecutive: Case Number -C315125

Credit for Time Served: 10 Days

Comments: Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE

Fee Totals:

Administrative

Assessment Fee

25.00

\$25

Genetic Marker


Analysis AA Fee

3.00

\$3

Fee Totals \$


28.00

HEARINGS06/23/2016  **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;

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

12/20/2016	 Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle) Set Status Check; Journal Entry Details: <i>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 ;</i>
12/22/2016	 Motion to Admit Evidence (8:30 AM) (Judicial Officer: Leavitt, Michelle) 12/22/2016, 01/12/2017 <i>State's Motion to Admit Evidence of Other Acts</i> Continued; Denied; Journal Entry Details: <i>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 ;</i> MINUTES Continued; Denied; Journal Entry Details: <i>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 ;</i> SCHEDULED HEARINGS CANCELED All Pending Motions (12/22/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - On in Error</i>
12/22/2016	CANCELED All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - On in Error</i>
12/22/2016	 Motion to Consolidate (9:00 AM) (Judicial Officer: Johnson, Eric) <i>State's Motion for Joinder of Case C315718 into Case C315125</i> Denied; Journal Entry Details: <i>Mr. Rowles and Ms. Devaney-Sauter argued their respective positions. COURT ORDERED, Motion DENIED. BOND;</i>
01/03/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
01/26/2017	 Status Check: Reset Trial Date (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Status Check: Further Proceedings / Reset Trial Date</i> MINUTES Trial Date Set;

CASE SUMMARY

CASE NO. C-16-315718-1

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

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;


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

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: Negotiations
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;

09/27/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Kephart, William D.)
Matter Heard;
Journal Entry Details:
CALENDAR CALL ... STATUS CHECK: NEGOTIATIONS Ms. Murphy advised there is an offer which Defendant wants to accept; however, Defendant filed an appeal which a decision has not been reached. COURT ORDERED, trial date VACATED and matter SET for Status Check as to the Supreme Court decision. BOND (COC-NDC) 10/25/2017 8:30 AM STATUS CHECK: SUPREME COURT DECISION ... STATUS CHECK: NEGOTIATIONS;

CASE SUMMARY


CASE NO. C-16-315718-1

10/02/2017	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
10/25/2017	Status Check (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Supreme Court Decision / Trial Setting</i> Trial Date Set;
10/25/2017	 All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>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;</i>
04/11/2018	 Pre Trial Conference (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>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);</i>
04/23/2018	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Kephart, William D.) 04/23/2018, 05/09/2018 <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i> Matter Heard; Journal Entry Details: <i>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 ;</i>
05/09/2018	 Calendar Call (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>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 ;</i>
05/09/2018	Motion to Dismiss (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued;
05/14/2018	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/06/2018	 Status Check (8:30 AM) (Judicial Officer: Kephart, William D.) <i>SUPREME COURT DECISION/ RESET TRIAL</i> Matter Heard; Journal Entry Details: <i>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</i>

CASE SUMMARY

CASE NO. C-16-315718-1

check to reset the trial date. Further, Mr. Dickerson advised an offer has been extended; however, the offer has not been accepted. COURT ORDERED, matter SET for Status Check and DIRECTED State to prepare the appropriate transport order. BOND (COC-NDC) 7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING;

07/11/2018  **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Kephart, William D.)

Trial Date Set;

Journal Entry Details:

Ms. Murphy advised Defendant was transported for today. Further, Ms. Murphy advised she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to 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,


EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. C-16-315718-1


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;

10/07/2019  **Motion** (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.)
Defendant's Pro Per Motion In the Nature of a Writ of Coram Nobis
Denied;
Journal Entry Details:
Court noted the State has indicated they were not properly served and that there is a pending appeal in this matter. COURT ORDERED, Motion DENIED as Defendant failed to properly serve the State with the motion and the Court lacks jurisdiction. . Mr. Zadrowski to prepare the Order consistent with Court s findings. NDC ;

DATE

FINANCIAL INFORMATION

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

Defendant Hayes, James Howard

Total Charges

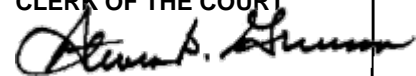
28.00

Total Payments and Credits

0.00

Balance Due as of 12/11/2019

28.00



ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BERNARD ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #006545
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

HOWARD HAYES, aka
James Howard Hayes,
#2796708

Defendant.

CASE NO: C-16-315718-1

DEPT NO: XIX

**ORDER DENYING DEFENDANT'S PRO PER MOTION IN THE NATURE OF A
WRIT OF CORAM NOBIS**

DATE OF HEARING: October 7, 2019
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the
7th day of October, 2019, the Defendant not being present, in proper person, the Plaintiff
being represented by STEVEN B. WOLFSON, District Attorney, through BERNARD
ZADROWSKI, Chief Deputy District Attorney, without argument, based on the pleadings
and good cause appearing therefor,

///

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///

1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion in the Nature of a
2 Writ of Coram Nobis, shall be, and it is DENIED.

3 DATED this 14 day of October, 2019.

4
5 DISTRICT JUDGE

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

For Judge William Kephart

9 BY

10 BERNARD ZADROWSKI
11 Chief Deputy District Attorney
12 Nevada Bar #006545

13
14
15
16 **CERTIFICATE OF SERVICE**

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

18 to:

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

23 BY

24 C. Garcia
25 C. Garcia
26 Secretary for the District Attorney's Office
27
28

cg/L2

**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

PRINT DATE: 12/11/2019

Page 9 of 40

Minutes Date: June 23, 2016

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

BOND (COC)

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2017

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

PRINT DATE: 12/11/2019

Page 26 of 40

Minutes Date: June 23, 2016

**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 advised she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to heard by the Court. Additionally, Ms. Murphy advised there appears to be a break down between herself and Defendant as he has left multiple voicemails on her phone stating she is not working on his case and that she is a racist. Upon Court's inquiry, Ms. Murphy advised Defendant previously file a Pro Per Petition for Writ of Habeas Corpus. Colloquy regarding Defendant's Petition. Defendant advised he filed his motion to challenge probable cause in this case. COURT ORDERED, matter SET for Trial and Defendant's Motion SET for Hearing.

CUSTODY (COC)

8/15/2018 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

10/10/2018 8:30 AM PRE TRIAL CONFERENCE

11/07/2018 8:30 AM CALENDAR CALL

11/13/2018 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2018

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.
State of Nevada

Attorney
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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2019

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

October 07, 2019 8:30 AM Motion

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Wolfson, Steven B Attorney

JOURNAL ENTRIES

- Court noted the State has indicated they were not properly served and that there is a pending appeal in this matter. COURT ORDERED, Motion DENIED as Defendant failed to properly serve the State with the motion and the Court lacks jurisdiction. . Mr. Zadrowski to prepare the Order consistent with Court s findings.

NDC

EXHIBIT(S) LIST

Case No.: ~~6294840~~ C315718

Hearing / Trial Date: 3/6/19

Dept. No.: 19

Judge: William Kephart

Court Clerk: Tia Everett /Shannon Emmons

Plaintiff: The State of Nevada

Recorder / Reporter: Christine Erickson

Counsel for Plaintiff: Michael Dickerson & William Roles

VS.

Defendant: James Howard Hayes

Counsel for Defendant: Michael Sanft

HEARING / TRIAL BEFORE THE COURT

STATE'S EXHIBITS

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JAMES H. HAYES #1175077
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: December 11, 2019
CASE: C-16-315718-1

RE CASE: STATE OF NEVADA vs. JAMES HOWARD HAYES aka JAMES HOWARD HAYES, JR.

NOTICE OF APPEAL FILED: November 16, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S PRO PER MOTION IN THE NATURE OF A WRIT OF CORAM NOBIS; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

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 11 day of December 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk