

FILED

JUL 07 2021

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

Hayes, James H. ID NO. 1175077

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

In the Court of Appeals of the State of
Nevada

James H. Hayes
(Petitioner)

v.

State of Nevada
(Respondent)

CASE NO.: 82962-COA

DEPT. NO.: _____

DOCKET: _____

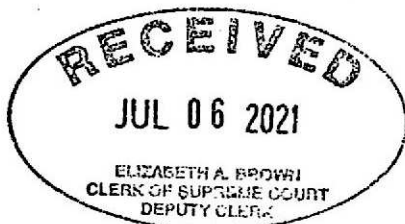
"Petition for Rehearing" (En Banc)...

COMES NOW, ~~petitioner~~ James H. Hayes, herein above respectfully
moves this Honorable Court for an hearing EN BANC ON THE MERITS OF
the district court acted in excess of its jurisdiction for
lack of subject-matter jurisdiction per state law NRS 174.085(3)

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 30th day of June, 2021

By: James H. Hayes
JAMES H. HAYES # 1175077
Defendant In Proper Personam



ADDITIONAL FACTS OF THE CASE:

1 COMES NOW THE PETITIONER, MR. JAMES H. HAYES IN
2 PROPER PERSON IN NECESSITY, AND HEREBY "MOVES"
3 THIS HONORABLE COURT FOR REHEARING EN BANC OF
4 PETITIONER'S "EMERGENCY WRIT OF PROHIBITION"
5 ON THE MERIT THAT DISTRICT COURT ACTED IN "EXCESS"
6 OF ITS JURISDICTION. IN SUPPORT, THE PETITIONER SHOWS
7 THIS HONORABLE COURT THAT THE ORDER DENYING PETITION
8 WAS UNTENABLE FOR THE FOLLOWING:

9 1. I, JAMES H. HAYES depose and state that the
10 following FACTS ARE TRUE AND CORRECT UNDER
11 PENALTY OF PERJURY.

12 2. That Petition for writ of prohibition is an
13 EXTRAORDINARY writ issued by an appellate court
14 to prevent a lower court from exceeding its
15 Jurisdiction that's applicable here

16 3. That this is a case of first impression
17 that this honorable court needs to set JURISPRUDENCE,
18 as the appropriate remedy rests on this power. the
19 remedy must account for judicial ECONOMY and
20 ESTABLISH NRS. 174.085(4) IN THE CONSTITUTIONAL SENSE.

21 4. That Court of Appeals is making its own
22 findings, as petitioner focused narrowly on the
23 district court acted in excess of its jurisdiction as
24 it lack subject-matter jurisdiction for the charge
25 of attempt grand larceny against petitioner pursuant
26 to Nevada state law, and to convictions unauthorized
27 by law. that makes a mockery of orderly procedure

1 and the statutory limits imposed on appellate courts
2 in considering prohibition petitions.

3 5. that the Court of Appeals has shown a total
4 lack of interest in what the Supreme Court has said
5 about NRS 174.085(3), NRS 178.562(1) in Thompson vs.
6 State 221 P.3d 708 and failed to choose a remedy
7 that is tailored to the injury suffered from the
8 constitutional violation to redress this fundamental
9 miscarriage of justice to eliminate substantial social
10 costs

11 6. that this problem is why en banc is available
12 to revise and clarify exactly what the Supreme Court
13 jurisprudence review entails that it cannot allow
14 the petitioner to be prejudiced by uncertainty and
15 engage in untethered speculation

16 7. that this panel must look to whether the
17 trial court identified and applied the correct legal rule
18 or whether the trial court abuse of discretion resulted
19 from a factual finding that was illogical, implausible,
20 or without support in inferences that was not drawn
21 from the facts in the record that will allow a
22 definite and firm conviction that the district court
23 reached conviction was a mistake or was not
24 among its permissible options

25 8. this honorable court must take this case
26 en banc to prevent usurpation... and clarify the
27 jurisprudence of NRS 174.085(3) and NRS 178.562(1)

CERTIFICATE OF SERVICE BY MAILING

I, JAMES H. HAYES, hereby certify, pursuant to NRCP 5(b), that on this 30th
day of JUNE, 2021, I mailed a true and correct copy of the foregoing, "PETITION
FOR REHEARING EN BANC"

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

Court of Appeals Nevada
OFFICE OF THE CLERK
201 J. CARSON ST STE 201
CARSON CITY, NV
89701

Clark County Dist Attorney
200 LAUREL AVE
125 VEGAS NV
89155-2212

Attorney General of Nevada
100 N. CARSON ST
CARSON CITY, NV
89701

CC:FILE

DATED: this 30th day of JUNE, 2021.

James H. Hayes
JAMES H. HAYES

#1175077

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