

Steven D. Grierson

1 Hayes, James H. # 1175077

2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Jul 02 2021 03:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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
10 Plaintiff,

11 vs.

12 JAMES H. HAYES

13 Defendant.

Case No. A-19-793315-W

Dept. No. 3

Docket _____

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 Supplemental Petition for Writ of Habeas Corpus

22
23 ruled on the 10th day of May, 2021.

24
25 Dated this 23rd day of JUNE, 20 21.

Respectfully Submitted,

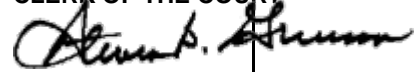
James H. Hayes

NOTE: SEE attach Exhibits
2021, # 2020

RECEIVED

JUN 28 2021

CLERK OF THE COURT



1 ASTA

2
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 JAMES H. HAYES,

10 Plaintiff(s),

11 vs.

12
13 STATE OF NEVADA; WARDEN JERRY
14 HOWELL,

15 Defendant(s),

Case No: A-19-793315-W

Dept No: III

16
17 **CASE APPEAL STATEMENT**

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

19 2. Judge: Monica Trujillo

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

21 Counsel:

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

25 4. Respondent (s): State of Nevada; Warden Jerry Howell

26 Counsel:

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

Las Vegas, NV 89155-2212

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: No

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: Yes,
Date Application(s) filed: June 4, 2020

9. Date Commenced in District Court: April 15, 2019

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 73436, 75173, 77151, 78590, 78622, 80222, 81076,
82202, 82734, 82962

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 30 day of June 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: James H. Hayes

Steven D. Grierson

HOYES, JAMES H. #1175077
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

State of Nevada

Plaintiff,

vs.

JAMES H. HOYES

Defendant.

CASE No. A-19-793315-1W
DEPT. No. 3

DESIGNATION OF RECORD ON APPEAL

TO:

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:

James H. Hoyes
JAMES H. HOYES #1175077
Plaintiff/In Propria Persona

CERTIFICATE OF SERVICE BY MAILING

I, JAMES H. HAYES, hereby certify, pursuant to NRCP 5(b), that on this 23rd day of JUNE, 2021, I mailed a true and correct copy of the foregoing, "Notice of Appeal for "Supplemental Petition for Writ of Habeas Corpus"" by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

Clark County District Courts
OFFICE OF THE CLERK
200 LAUREL AVE. 3RD FLOOR
LAS VEGAS, NEVADA
89155-1160

Clark County District Attorney
200 LAUREL AVE
LAS VEGAS, NV
89155-2212

SUPREME COURT of Nevada
201 S. LAUREL ST. STE 201
CARSON CITY, NV
89701

CC:FILE

DATED: this 23 day of JUNE, 2021.

James H. Hayes
JAMES H. HAYES # 1175072
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 08, 2021

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

March 08, 2021 8:30 AM Motion to Compel

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Alan Castle

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Iscan, Ercan E Attorney
Nevada State of Defendant

JOURNAL ENTRIES

- After reviewing petition, Court determined Defendant needs to supplement his petition with specificity. Further, Court directed State to respond to Defendant's petition. Supplemental briefing schedule set and matter continued for decision. Defendant has until April 4, 2021 to supplement his petition; State has until May 5, 2021 to file a response.

5/10/21 8:30 a.m. Decision

EXHIBIT 2020

JUL 31 2020

**HEARING
REQUESTED !!**

**CLERK OF COURT
AFFIDAVIT OF**

Jurisdiction of the subject matter is derived from the law; it neither can be waived nor conferred by consent of accused.

STATE OF NEVADA)

COUNTY OF CLARK)

ss: Motion to Vacate Sentence (Conviction invalid)

CASE NO: C-16-315718-1

DEPT NO: 19

TO WHOM IT MAY CONCERN:

I, JAMES H. HAYES, the undersigned, do hereby swear that all the following statements and description of events, are true and correct, of my own knowledge, information, and belief, and to those I believe to be true and correct. Signed under penalty of perjury pursuant to NRS 208.165.

(1) THAT JAMES H. HAYES is the affiant in this affidavit and is currently incarcerated at Southern Desert Correctional Center a victim of a fundamental miscarriage of justice trying to overcome a fundamentally unjust incarceration and all procedural bars against the ruling on the merits of his Motion to Vacate (conviction invalid). When in fact categorically a fundamental miscarriage of justice would continue and permit manipulation of justice from this court's failure to consider Mr. Hayes claim for relief on its merit.

(2) That, it is Black Letter Law in the State of Nevada that Subject Matter Jurisdiction can only be establish by the District Court at the conclusion of preliminary hearing by one of the following: 1.) Magistrate finds slight or marginal evidence to bound over charge. 2.) Grand Jury indictment 3.) Motion of leave of the Court to file information by affidavit. Here, after the presentation of all the evidence at preliminary hearing and conclusion of hearing Mr. Hayes charge of Attempt Grand Larceny was dismissed. So the District Court categorically lack Subject Matter Jurisdiction for the charge of Attempt Grand Larceny.

1 of 4

JUL 20 2020

CLERK OF THE COURT

DA
PP

EXHIBIT # 2021

1 in the state's filed information dated June 17, 2016 that
2 was bound over on a misplaced ruling of probable cause
3 by magistrates. What in fact, one can not have Burglary
4 without intent, so the state failed to sufficiently
5 establish facts for slight or marginal evidence that
6 Mr. Hayes committed the crime of Burglary after the
7 presentation of all the evidence at preliminary hearing
8 (8) That Mr Hayes has establish sufficient factual
9 grounds and a colorable showing of actual innocence
10 and that no jury would have convicted Mr. Hayes of
11 Attempt Grand Larceny nor the crime of Burglary
12 based on facts introduced or events occurring during
13 the course of the proceedings leaving the sentencing
14 Judge no factual basis for his constitutionally
15 mandated responsibility for acceptance of Mr. Hayes
16 Afford plea.

17 (9) That the indefinite information obscures the reality that
18 the prosecution was unable to frame a proper information for
19 Burglary and Amended information for attempt grand larceny
20 consistently with facts now known as the means was false
21 confirm by magistrate after all sworn testimony

22 FURTHER, AFFIANT SAYETH NAUGHT.

23 EXECUTED AT

SICC

this 14 day of July 20th

24 IN FRONT OF:

BY [Signature]

NDOC # 1175022

constitutionally against Mr. Hayes

(3) That Mr. Hayes factually and legally never waived his preliminary hearing for the instant charge of attempt grand larceny. Moreover, at conclusion of preliminary hearing after state's presentation of all the evidence the magistrate dismissed the charge for no slight or marginal evidence of guilt.

(4) That no evidence of guilt = innocence Mr. Hayes has established sufficient factual innocence warranting granting Motion to Vacate.

(5) That to accept Affidavit by Judge the record before the judge must contain strong evidence of guilt, actual guilt. (North Carolina v. Alford 400 U.S. at 37). Here, Mr. Hayes is actually innocent of the crime of attempt grand larceny through clear and convincing evidence shown at preliminary examination when magistrate dismissed the charge for lack of evidence, no corpus delicti, no mens rea and no slight or marginal evidence.

(6) That Judge and the state knew Mr. Hayes had no involvement in the crime of attempt grand larceny as it is clear that no evidence of actual guilt existed as the underlying criminal conduct that may have justified accepting Mr. Hayes Affidavit to a crime he did not commit, and the conduct upon which the plea was entered was false.

(7) That the charge of Burglary was fatal without the state's intent of the charge of attempt grand larceny.

UNDER PENALTY OF PERJURY

I, the undersigned, certify, declare, or state that the foregoing is true and correct, to the best of my knowledge and belief, in accordance with NRS 208.165 and 28 USCA § 1746.

Excuted on the 22nd day of July, 2020

James H. Hays # 1175072 James H. Hays
Name and Prison BAC#, printed

4 of 4



CASE SUMMARY

CASE NO. A-19-793315-W

James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

§
§
§
§
§
§

Location: **Department 3**
Judicial Officer: **Trujillo, Monica**
Filed on: **04/15/2019**
Case Number History:
Cross-Reference Case Number: **A793315**
Supreme Court No.: **82734**

CASE INFORMATION

Related Cases
C-16-315718-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **04/15/2019 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-19-793315-W
Court Department 3
Date Assigned 01/04/2021
Judicial Officer Trujillo, Monica

PARTY INFORMATION

Plaintiff **Hayes, James H**

Lead Attorneys

Pro Se

Defendant **Nevada State of**


Wolfson, Steven B
Retained
702-455-5320(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


04/15/2019  Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Hayes, James H
Petition for Writ of Habeas Corpus (Postconviction)

05/02/2019  Order for Petition for Writ of Habeas Corpus

05/07/2019  Petition for Writ of Habeas Corpus
Filed by: Plaintiff Hayes, James H
Petition for Writ of Habeas Corpus (Postconviction) "Addendum"

05/09/2019  Petition for Writ of Habeas Corpus
Filed by: Plaintiff Hayes, James H
Petition for Writ of Habeas Corpus (Postconviction) Addendum II (Two)

05/20/2019  Motion
Filed By: Plaintiff Hayes, James H
Motion of Notice "Preemptory Challenge of Judge"

06/26/2019  Response
Filed by: Defendant Nevada State of

CASE SUMMARY
CASE NO. A-19-793315-W



State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)

| | |
|------------|---|
| 07/05/2019 |  Motion for Default Judgment Filed By: Plaintiff Hayes, James H <i>Motion for "Judgment of Default" Against the Respondents and Enforce Procedural Default.</i> |
| 07/05/2019 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 07/05/2019 |  Reply Filed by: Plaintiff Hayes, James H <i>"Reply to State's Response" Petition for Writ of Habeas Corpus (Postconviction)</i> |
| 07/12/2019 |  Affidavit Filed By: Plaintiff Hayes, James H <i>Affidavit of Issuance of Writ of Habeas Corpus</i> |
| 07/24/2019 |  Notice of Change of Address Filed By: Plaintiff Hayes, James H |
| 07/30/2019 |  Amended Notice <i>Amended Notice of Hearing for Petition of Writ of Habeas Corpus</i> |
| 08/09/2019 |  Affidavit Filed By: Plaintiff Hayes, James H <i>Affidavit of Facial Legality</i> |
| 10/10/2019 |  Response Filed by: Defendant Nevada State of <i>State's Response to Defendant's First and Second Addendum to Petition for Writ of Habeas Corpus (Post-Conviction)</i> |
| 11/04/2019 |  Reply Filed by: Plaintiff Hayes, James H <i>"Petitioner's Reply" Petition for Writ of Habeas Corpus (Post-Conviction)</i> |
| 12/04/2019 |  Notice of Change of Address Filed By: Plaintiff Hayes, James H |
| 12/20/2019 |  Reply Filed by: Plaintiff Hayes, James H <i>Petitioner's Reply "Addendum" Petition for Writ of Habeas Corpus (Post-Conviction)</i> |
| 02/12/2020 |  Amended Petition Filed By: Plaintiff Hayes, James H <i>"Amended Petition" Petition for Writ of Habeas Corpus (Post-Conviction) "Hearing Requested"</i> |
| 03/04/2020 |  Order for Petition for Writ of Habeas Corpus |
| 03/06/2020 |  Petition Filed by: Plaintiff Hayes, James H <i>Petition: Expeditious Judicial Examination (NRS 34.360- 34.830)</i> |













CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------|--|
| 04/17/2020 |  Response Filed by: Defendant Nevada State of <i>State's Response to Petitioner's Amended Petition for Writ of Habeas Corpus and Petition: Expeditious Judicial Examination NRS 34.360-34.830</i> |
| 04/30/2020 |  Notice of Rescheduling of Hearing |
| 05/15/2020 |  Affidavit Filed By: Plaintiff Hayes, James H <i>Affidavit of Actual Innocence not Mere Legal Insufficiency but "Factual Innocence" Amended Petition for Writ of Habeas Corpus</i> |
| 05/15/2020 |  Petition for Writ of Habeas Corpus Filed by: Plaintiff Hayes, James H <i>Petition for Writ of Habeas Corpus (Post Conviction) Hearing Requested</i> |
| 05/27/2020 |  Supplemental Filed by: Plaintiff Hayes, James H <i>"Supplemental Petition" Petition for Writ of Habeas Corpus "Hearing Requested"</i> |
| 06/04/2020 |  Application to Proceed in Forma Pauperis Filed By: Plaintiff Hayes, James H <i>Application to Proceed Informa Pauperis (Confidential)</i> |
| 06/04/2020 |  Motion Filed By: Plaintiff Hayes, James H <i>Motion for "Peremptory Challenge of Judge" and to "Disqualify Judge William "Bill" Kephart"</i> |
| 06/04/2020 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 06/05/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 06/10/2020 |  Response Filed by: Defendant Nevada State of <i>State's Response and Motion to Strike Petitioner's Affidavit of Actual Innocence Not Mere Legal Insufficiency But "Factual Innocence"</i> |
| 06/10/2020 |  Response Filed by: Defendant Nevada State of <i>State's Response to Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post- Conviction)</i> |
| 06/29/2020 |  Reply to Motion Filed By: Plaintiff Hayes, James H <i>Reply to State's Motion to Strike Petitioner's Affidavit of Actual Innocence not mere Legal Insufficiency but "Factual Innocence"</i> |
| 07/02/2020 |  Affidavit <i>Affidavit in Response to Defendant James Howard Hayes' Motion for "Peremptory Challenge of Judge" and to Disqualify Judge William "Bill" Kephart</i> |

CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------|--|
| 07/08/2020 |  Decision and Order |
| 07/23/2020 |  Motion Filed By: Plaintiff Hayes, James H <i>"Motion for Ruling" for "Rule 60b Motion for Relief" ; "Motion to Vacate"; Amend Petition for Writ of Habeas Corpus"</i> |
| 07/23/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 07/23/2020 |  Reply Filed by: Plaintiff Hayes, James H <i>Reply to State's Response "Supplemental Petition for Writ of Habeas"</i> |
| 08/26/2020 |  Notice of Change of Hearing |
| 09/02/2020 |  Response Filed by: Defendant Nevada State of <i>State's Response to Petitioner's Motion for Ruling</i> |
| 09/25/2020 |  Motion Filed By: Plaintiff Hayes, James H <i>Motion for Expeditious Ruling for "Amended Petition for Writ of Habeas Corpus " 3rd Request!!</i> |
| 09/25/2020 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 09/25/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 10/07/2020 |  Motion Filed By: Plaintiff Hayes, James H <i>Motion to Set Evidentiary Hearing and Issue Transport Order...</i> |
| 10/07/2020 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 10/07/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 10/14/2020 |  Motion to Reconsider Filed By: Plaintiff Hayes, James H <i>Motion to Reconsider Order Denying Motion for Ruling for Rule 60b Motion for Relief; Motion to Vacate; Amended Petition for Writ of Habeas Corpus</i> |
| 10/14/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 10/14/2020 |  Notice of Motion Filed By: Plaintiff Hayes, James H |

CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------|--|
| 11/03/2020 |  Notice of Change of Hearing <i>Notice of Change of Hearings</i> |
| 11/10/2020 |  Opposition to Motion Filed By: Defendant Nevada State of <i>State's Opposition to Petitioner's Motion to Reconsider Order Denying Motion for Ruling for Rule 60b Motion for Relief; Motion to Vacate; Amended Petition for Writ of Habeas Corpus</i> |
| 11/10/2020 |  Opposition to Motion Filed By: Defendant Nevada State of <i>State's Opposition to Petitioner's Motion to Set Evidentiary Hearing and Issue Transport Order</i> |
| 11/10/2020 |  Response Filed by: Defendant Nevada State of <i>State's Response to Petitioner's Motion for Expeditious Ruling for Amended Petition for Writ of Habeas Corpus 3rd Request</i> |
| 11/21/2020 |  Order Denying Motion Filed By: Plaintiff Hayes, James H <i>Order Denying Plaintiff's Motion for Expeditious Ruling for Amended Petition for Writ of Habeas Corpus- 3rd Request, Plaintiff's Motion to Set Evidentiary Hearing and Issue Transport Order, and Plaintiff's Motion to Reconsider Order Denying Motion for Ruling for Rule 60(b) Motion for Relief; Motion to Vacate; Amended Petition for Writ of Habeas Corpus</i> |
| 12/22/2020 |  Motion to Compel Filed By: Plaintiff Hayes, James H <i>Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... FRCP Rule 12 (c) for Amended Petition for Writ of Habeas Corpus...</i> |
| 12/22/2020 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 12/22/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 01/04/2021 | Case Reassigned to Department 1 <i>Judicial Reassignment to Judge Bitu Yeager</i> |
| 01/04/2021 | Case Reassigned to Department 3 <i>Judicial Reassignment to Judge Monica Trujillo</i> |
| 01/15/2021 |  Notice of Department Reassignment |
| 01/27/2021 |  Response Filed by: Defendant Nevada State of <i>State's Response to Petitioner's Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34 FRCP Rule 12 (C) for Amended Petition for Writ of Habeas Corpus</i> |
| 02/02/2021 |  Motion to Compel Filed By: Plaintiff Hayes, James H <i>"Repl"y Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... FRCP Rule 12(c) for "Amended Petition for Writ of Habeas Corpus"...</i> |
| 02/02/2021 |  Clerk's Notice of Hearing |

CASE SUMMARY
CASE NO. A-19-793315-W

Notice of Hearing

02/18/2021



Opposition

Opposition to State's Response to Petitioner's Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34; FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus

03/09/2021



Findings of Fact, Conclusions of Law and Order

Filed By: Defendant Nevada State of
Findings of Fact, Conclusions of Law, and Order

03/10/2021



Notice of Entry of Findings of Fact, Conclusions of Law

Filed By: Defendant Nevada State of
Notice of Entry of Findings of Fact, Conclusions of Law and Order

03/11/2021



Petition

Filed by: Plaintiff Hayes, James H
Petition to Reconsider 'Findings of Fact, Conclusion of Law " Addendum

03/11/2021



Clerk's Notice of Hearing

Notice of Hearing

03/17/2021



Petition

Filed by: Plaintiff Hayes, James H
Petition for Reconsider Findings of "Fact and Conclusion of Law" "Hearing Requested"

03/17/2021



Notice of Motion

Filed By: Plaintiff Hayes, James H

03/17/2021



Clerk's Notice of Hearing

Notice of Hearing

03/17/2021



Findings of Fact, Conclusions of Law and Order

Findings of Fact, Conclusions of Law, and Order

03/18/2021



Notice of Appeal

Notice of Appeal; Hearing Requested

03/18/2021



Designation of Record on Appeal

03/19/2021



Notice of Entry of Findings of Fact, Conclusions of Law

Filed By: Defendant Nevada State of
Notice of Entry of Findings of Fact, Conclusions of Law and Order

03/30/2021



Motion

Filed By: Plaintiff Hayes, James H
Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

04/06/2021



Case Appeal Statement

Filed By: Plaintiff Hayes, James H

04/07/2021












Supplemental

CASE SUMMARY
CASE NO. A-19-793315-W

Filed by: Plaintiff Hayes, James H
"Supplemental Petition for Writ of Habeas Corpus" Petition (NRS 34.360 - 34.830)

| | |
|------------|---|
| 04/09/2021 |  Opposition Filed By: Defendant Nevada State of <i>State's Opposition to Petitioner's Petition to Reconsider "Findings of Fact and Conclusions of Law" and Petition to Reconsider Findings of "Fact and Conclusions of Law"</i> |
| 04/14/2021 |  Opposition to Motion <i>State's Opposition to Petitioner's Motion to Modify and/or Correct Illegal Sentence</i> |
| 04/14/2021 |  Addendum <i>Supplemental "Addendum"</i> |
| 04/16/2021 |  Opposition Filed By: Defendant Nevada State of <i>State's Opposition to Petitioner's "Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34...FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus"</i> |
| 04/22/2021 |  Motion Filed By: Plaintiff Hayes, James H <i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference "Hearing Requested"</i> |
| 04/22/2021 |  Notice of Motion Filed By: Plaintiff Hayes, James H |
| 05/06/2021 |  Reply Filed by: Plaintiff Hayes, James H <i>Reply to State's Opposition to Petitioner's Petition to Reconsider Finding of Fact and Conclusions of Law</i> |
| 05/12/2021 |  Opposition Filed By: Plaintiff Hayes, James H <i>Opposition to State's Opposition to Petitioner's Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... " FCR rule 12(c) for Amended Petition for Writ of Habeas Corpus</i> |
| 05/12/2021 |  Order Filed By: Plaintiff Hayes, James H <i>Order Denying Petitioner's Petition to Reconsider "Findings of Fact Conclusions of Law" Addendum</i> |
| 05/13/2021 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 06/03/2021 |  Memorandum Filed By: Plaintiff Hayes, James H <i>Memorandum to the Court</i> |
| 06/09/2021 |  Affidavit Filed By: Plaintiff Hayes, James H <i>Affidavit</i> |



CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------------------|--|
| 06/21/2021 |  Order Denying Motion Filed By: Defendant Nevada State of <i>Order Denying Defendant's Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34...FRCRP Rule 12(c) for Amended Petition for Writ of Habeas Corpus</i> |
| 06/24/2021 |  Opposition Filed By: Defendant Nevada State of <i>State's Opposition to Petition for Writ of Habeas Corpus "Covid-19 (Coronavirus)" and Motion to Consolidate</i> |
| 06/29/2021 |  Notice of Appeal <i>Notice of Appeal</i> |
| 06/29/2021 |  Designation of Record on Appeal <i>Designation of Record on Appeal</i> |
| 06/30/2021 |  Case Appeal Statement Filed By: Plaintiff Hayes, James H <i>Case Appeal Statement</i> |
| <u>HEARINGS</u> | |
| 08/19/2019 |  Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Kephart, William D.) 08/19/2019, 11/18/2019 Matter Continued; Off Calendar; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court stated the matter has been fully briefed; however, this matter is still pending appeal with the Supreme Court and COURT ORDERED, matter OFF CALENDAR as the Court lacks jurisdiction at this time. NDC;</i> Matter Continued; Off Calendar; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted State filed a response to Defendant's petition; however, Defendant has filed two addendums and ORDERED, matter CONTINUED for the State to file a response to the addendums. FURTHER ORDERED, State's response shall be due on or before 10/21/2019 and Defendant's reply shall be due on or before 11/04/2019. NDC CONTINUED TO: 11/18/2019 8:30 AM;</i> |
| 06/15/2020 |  Petition for Writ of Habeas Corpus (10:15 AM) (Judicial Officer: Kephart, William D.) Off Calendar; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated Defendant has filed a motion to disqualify him from the matter; therefore, COURT ORDERED, matter OFF CALENDAR pending decision. NDC;</i> |
| 07/07/2020 |  Motion (11:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Plaintiff's Motion for Peremptory Challenge of Judge and to Disqualify Judge William "Bill" Kephart</i> Denied; Journal Entry Details: <i>No parties present. COURT FINDS, there is no evidence to support Mr. Hayes's allegations. The Judgement of Conviction was affirmed on appeal and Judge Kephart denied having any bias or prejudice. Therefore, COURT ORDERED, motion DENIED. Court to prepare the order.;</i> |
| 09/09/2020 |  Motion (10:15 AM) (Judicial Officer: Kephart, William D.) |

CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------|--|
| | <p><i>Plaintiff's Motion for Ruling For Rule 60b Motion for Relief ; Motion to Vacate; Amend Petition for Writ of Habeas Corpus</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion DENIED pursuant to EDCR 2.20. NDC;</i></p> |
| 11/16/2020 | <p> All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PLAINTIFF'S MOTION FOR EXPEDITIOUS RULING FOR "AMENDED PETITION FOR WRIT OF HABEAS CORPUS" 3RD REQUEST: Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion DENIED. PLAINTIFF'S MOTION TO SET EVIDENTIARY HEARING AND ISSUE TRANSPORT ORDER: COURT ORDERED, Motion DENIED. PLAINTIFF'S MOTION TO RECONSIDER ORDER DENYING MOTION FOR RULING FOR RULE 60 (B) MOTION FOR RELIEF; MOTION TO VACATE; AMENDED PETITION FOR WRIT OF HABEAS CORPUS: COURT ORDERED, Motion DENIED as a reconsideration is not warranted. NDC ;</i></p> |
| 11/16/2020 | <p>Motion (10:15 AM) (Judicial Officer: Kephart, William D.)</p> <p><i>Plaintiff's Motion for Expeditious Ruling for "Amended Petition for Writ of Habeas Corpus" 3rd Request</i></p> <p>Denied;</p> |
| 11/16/2020 | <p>Motion (10:15 AM) (Judicial Officer: Kephart, William D.)</p> <p><i>Plaintiff's Motion to Set Evidentiary Hearing and Issue Transport Order</i></p> <p>Denied;</p> |
| 11/16/2020 | <p>Motion to Reconsider (10:15 AM) (Judicial Officer: Kephart, William D.)</p> <p><i>Plaintiff's Motion to Reconsider Order Denying Motion for Ruling for Rule 60 (b) Motion for Relief; Motion to Vacate; Amended Petition for Writ of Habeas Corpus</i></p> <p>Denied;</p> |
| 02/01/2021 | <p> Motion to Compel (8:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Plaintiff's - Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34 FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, Motion to Compel DENIED for the reasons stated in the State's response. State to prepare the order. Court noted as to the prior Amended Petition for Writ no order had been filed. COURT FURTHER ORDERED, Amended Petition for Writ DENIED. State to prepare the order as to findings of fact and conclusion of law consistent with the State's response. NDC CLERK'S NOTE: The above minute order has been distributed to: James Hayes #1175077, P.O. BOX 208, Indian Springs, Nevada 89070. /// 2/16/21 gs ;</i></p> |
| 03/08/2021 | <p> Motion to Compel (8:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p>MINUTES</p> <p>Briefing Schedule Set;</p> <p>Journal Entry Details:</p> <p><i>After reviewing petition, Court determined Defendant needs to supplement his petition with specificity. Further, Court directed State to respond to Defendant's petition. Supplemental briefing schedule set and matter continued for decision. Defendant has until April 4, 2021 to supplement his petition; State has until May 5, 2021 to file a response. 5/10/21 8:30 a.m. Decision;</i></p> <p>SCHEDULED HEARINGS</p> <p> Decision (05/12/2021 at 8:30 AM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Decision - Defendant's "Reply" Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... FRCP Rule 12(c) for "Amended Petition for Writ of Habeas Corpus"</i></p> |

CASE SUMMARY
CASE NO. A-19-793315-W

| | |
|------------|--|
| 04/12/2021 |  Motion to Reconsider (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Petition to Reconsider 'Findings of Fact Conclusion of Law " Addendum</i> Denied; Journal Entry Details: <i>Defendant not present; incarcerated in the Nevada Department of Corrections (NDC). COURT ORDERED, motion DENIED for the reasons set forward in the State's opposition; State to prepare the Order.;</i> |
| 04/29/2021 |  Motion (3:00 AM) (Judicial Officer: Trujillo, Monica) <i>Plaintiff's - Petition for Reconsider Findings of "Fact and Conclusion of Law"</i> Off Calendar; Journal Entry Details: <i>The Plaintiff's Petition for Reconsider Findings of Fact and Conclusion of Law came before this Court on the April 29, 2021 Chamber Calendar. The issues raised in this Petition were adjudicated when the Court issued its decision at the April 12, 2021 hearing on the Petition to Reconsider Findings of Fact Conclusion of Law Addendum. Therefore, COURT ORDERED, matter OFF CALENDAR. CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 4/30/21 gs;</i> |
| 05/12/2021 |  Decision (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Decision - Defendant's "Reply" Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... FRCP Rule 12(c) for "Amended Petition for Writ of Habeas Corpus"</i> Denied; Journal Entry Details: <i>COURT ORDERED, matter DENIED based on States opposition. State to prepare order. NDC;</i> |
| 06/09/2021 |  Minute Order (3:00 AM) (Judicial Officer: Trujillo, Monica) Minute Order - No Hearing Held; Journal Entry Details: <i>Petitioner James Hayes Opposition To State's Opposition to Petitioner's Reply Motion to Compel Judgment Pursuant to Nevada Revised Statute Chapter 34 FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus was to come before the Court for a hearing on June 14, 2021. Petitioner's Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34 FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus was DENIED on May 12, 2021 and the above referenced filing is a rogue document. As a result the hearing on June 14, 2021 is VACATED. CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve and mailed to James Hayes #115077, PO Box 208, Indian Springs NV 89070. 6/9/21 gs;</i> |
| 06/14/2021 | CANCELED Opposition (8:30 AM) (Judicial Officer: Cherry, Michael A.) <i>Vacated</i> <i>Opposition to State's Opposition to Petitioner's Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34... " FCR rule 12(c) for Amended Petition for Writ of Habeas Corpus</i> |
| 07/19/2021 | Opposition and Countermotion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>State's Opposition to Petition for Writ of Habeas Corpus "COVID-19 (Coronavirus)" and Motion to Consolidate</i> |

DISTRICT COURT CIVIL COVER SHEET

A-19-793315-W
Dept: XIX

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

| | |
|--|---|
| Plaintiff(s) (name/address/phone): James H. Hayes # 1175077 P.O. Box 650 Indian Springs, NV 89070 | Defendant(s) (name/address/phone): State of Nevada |
| Attorney (name/address/phone): | Attorney (name/address/phone): |

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

| | | |
|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice | Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort |
| Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500 | Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal |
| Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input checked="" type="checkbox"/> Other Civil Writ | | Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters |

Business Court filings should be filed using the Business Court civil coversheet.

4/15/2019

Date

Signature of initiating party or representative

See other side for family-related case filings.

A-19-793315-W
CCS
Civil Cover Sheet
4830704

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 19, 2019

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

**August 19, 2019 8:30 AM Petition for Writ of Habeas
Corpus**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Zadrowski, Bernard B. Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court noted State filed a response to Defendant's petition; however, Defendant has filed two addendums and ORDERED, matter CONTINUED for the State to file a response to the addendums. FURTHER ORDERED, State's response shall be due on or before 10/21/2019 and Defendant's reply shall be due on or before 11/04/2019.

NDC

CONTINUED TO: 11/18/2019 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

November 18, 2019

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

**November 18, 2019 8:30 AM Petition for Writ of Habeas
Corpus**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Marland, Melanie H. Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court stated the matter has been fully briefed; however, this matter is still pending appeal with the Supreme Court and COURT ORDERED, matter OFF CALENDAR as the Court lacks jurisdiction at this time.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 15, 2020

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

**June 15, 2020 10:15 AM Petition for Writ of Habeas
Corpus**

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Waters, Steven L Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated Defendant has filed a motion to disqualify him from the matter; therefore, COURT ORDERED, matter OFF CALENDAR pending decision.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 07, 2020

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 07, 2020 11:00 AM Motion

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

COURT FINDS, there is no evidence to support Mr. Hayes's allegations. The Judgement of Conviction was affirmed on appeal and Judge Kephart denied having any bias or prejudice. Therefore, COURT ORDERED, motion DENIED. Court to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

September 09, 2020

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

September 09, 2020 10:15 AM Motion

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Marland, Melanie H. Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections.
COURT ORDERED, Motion DENIED pursuant to EDCR 2.20.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

November 16, 2020

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

November 16, 2020 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: Iscan, Ercan E Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR EXPEDITIOUS RULING FOR "AMENDED PETITION FOR WRIT OF HABEAS CORPUS" 3RD REQUEST:

Court noted Defendant not present and in custody with the Nevada Department of Corrections.
COURT ORDERED, Motion DENIED.

PLAINTIFF'S MOTION TO SET EVIDENTIARY HEARING AND ISSUE TRANSPORT ORDER:

COURT ORDERED, Motion DENIED.

PLAINTIFF'S MOTION TO RECONSIDER ORDER DENYING MOTION FOR RULING FOR RULE

60 (B) MOTION FOR RELIEF; MOTION TO VACATE; AMENDED PETITION FOR WRIT OF HABEAS CORPUS:

COURT ORDERED, Motion DENIED as a reconsideration is not warranted.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

February 01, 2021

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

February 01, 2021 8:30 AM Motion to Compel

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Waters, Steven L Attorney

JOURNAL ENTRIES

- COURT ORDERED, Motion to Compel DENIED for the reasons stated in the State's response. State to prepare the order. Court noted as to the prior Amended Petition for Writ no order had been filed. COURT FURTHER ORDERED, Amended Petition for Writ DENIED. State to prepare the order as to findings of fact and conclusion of law consistent with the State's response.

NDC

CLERK'S NOTE: The above minute order has been distributed to: James Hayes #1175077, P.O. BOX 208, Indian Springs, Nevada 89070. /// 2/16/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

March 08, 2021

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

March 08, 2021 8:30 AM Motion to Compel

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Alan Castle

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Iscan, Ercan E Attorney
Nevada State of Defendant

JOURNAL ENTRIES

- After reviewing petition, Court determined Defendant needs to supplement his petition with specificity. Further, Court directed State to respond to Defendant's petition. Supplemental briefing schedule set and matter continued for decision. Defendant has until April 4, 2021 to supplement his petition; State has until May 5, 2021 to file a response.

5/10/21 8:30 a.m. Decision

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 12, 2021

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

April 12, 2021 8:30 AM Motion to Reconsider

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Natalie Ortega

RECORDER: Rebeca Gomez

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant not present; incarcerated in the Nevada Department of Corrections (NDC). COURT ORDERED, motion DENIED for the reasons set forward in the State's opposition; State to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

April 29, 2021

| | |
|---------------|-------------------------------|
| A-19-793315-W | James Hayes, Plaintiff(s) |
| | vs. |
| | Nevada State of, Defendant(s) |

| | | |
|-----------------------|----------------|---------------|
| April 29, 2021 | 3:00 AM | Motion |
|-----------------------|----------------|---------------|

| | |
|-----------------------------------|-------------------------------------|
| HEARD BY: Trujillo, Monica | COURTROOM: RJC Courtroom 11C |
|-----------------------------------|-------------------------------------|

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Plaintiff s Petition for Reconsider Findings of Fact and Conclusion of Law came before this Court on the April 29, 2021 Chamber Calendar. The issues raised in this Petition were adjudicated when the Court issued its decision at the April 12, 2021 hearing on the Petition to Reconsider Findings of Fact Conclusion of Law Addendum. Therefore, COURT ORDERED, matter OFF CALENDAR.

CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 4/30/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

May 12, 2021

A-19-793315-W James Hayes, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

May 12, 2021 8:30 AM Decision

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Nylasia Packer

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Iscan, Ercan E Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter DENIED based on States opposition. State to prepare order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

June 09, 2021

| | |
|---------------|-------------------------------|
| A-19-793315-W | James Hayes, Plaintiff(s) |
| | vs. |
| | Nevada State of, Defendant(s) |

| | | |
|----------------------|----------------|---------------------|
| June 09, 2021 | 3:00 AM | Minute Order |
|----------------------|----------------|---------------------|

| | |
|-----------------------------------|----------------------------|
| HEARD BY: Trujillo, Monica | COURTROOM: Chambers |
|-----------------------------------|----------------------------|

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Petitioner James Hayes Opposition To State s Opposition to Petitioner s Reply Motion to Compel Judgment Pursuant to Nevada Revised Statute Chapter 34 FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus was to come before the Court for a hearing on June 14, 2021. Petitioner s Reply Motion to Compel Judgment Pursuant to Nevada Revised Statutes Chapter 34 FRCP Rule 12(c) for Amended Petition for Writ of Habeas Corpus was DENIED on May 12, 2021 and the above referenced filing is a rogue document. As a result the hearing on June 14, 2021 is VACATED.

CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve and mailed to James Hayes #115077, PO Box 208, Indian Springs NV 89070. 6/9/21 gs



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: June 30, 2021
CASE: A-19-793315-W

RE CASE: JAMES H. HAYES vs. STATE OF NEVADA; WARDEN JERRY HOWELL

NOTICE OF APPEAL FILED: June 29, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ 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 (g) 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.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

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; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

JAMES H. HAYES,

Plaintiff(s),

vs.

STATE OF NEVADA; WARDEN JERRY
HOWELL,

Defendant(s),

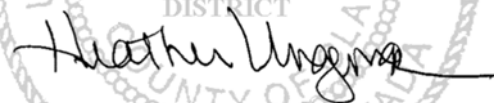
Case No: A-19-793315-W

Dept No: III

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 30 day of June 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk