

FILED

OCT 08 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 89010

Supreme Court of Nevada

James H. Hayes

Petitioner

v.

State of Nevada

Respondent

CASE NO.: 82734

DEPT. NO.: _____

DOCKET: _____

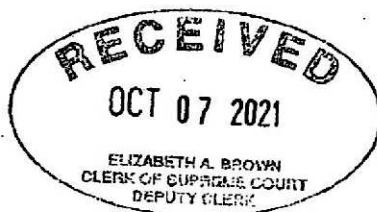
Petition for Rehearing/Reconsideration
"ADDENDUM"

COMES NOW, ~~applicant~~, JAMES H. HAYES, herein above respectfully
moves this Honorable Court for an "GOOD FAITH" ruling in accord with
Nevada Revised Statutes and consistent with Supreme Court
precedent.

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

DATED: this 1st day of October, 2021

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



21-28880

ADDITIONAL FACTS OF THE CASE:

Comes Now the appellant James H. Hayes as
proper person, in necessity, and hereby moves this
honorable court for an GOOD FAITH ruling as Justice
so requires to redress this fundamental miscarriage
of justice on his Petition for Rehearing/Reconsideration
in support, the appellant shows this honorable court
the following:

1. Court of Appeals decision is contrary to
clearly established Supreme court precedent in Hodges v.
State 78 P.3d 67 when the court's order of affirmance
stated that claim regarding PRESENTENCE investigation
report was not permissible in appellant's postconviction
petition for a writ of habeas corpus, However, NRS 34.810
does not impose such a waiver on a first post conviction
habeas corpus challenging a conviction based on a guilty
plea.

2. Appellant hereby avers that the court of
appeals contention that entering the plea agreement
serves as a waiver to challenge the P.S.I, state's breach
of plea agreement, state used presented impeachable and
highly suspect evidence at sentencing, Appellant's right
to equal protection, and ~~and~~ district court acted in excess
of its jurisdiction is tantamount to conclusive evidence
of ineffective assistance of counsel during district court
proceedings. The court of appeals order of affirmance
serves as an unconditional stipulation that counsel
was in fact constitutionally ineffective, and this issue

1 alone serves as sufficient grounds for this honorable
2 court to exercise sound judicial prudence by granting
3 the instant petition for rehearing/reconsideration. Here
4 appellant would have wanted to trial if not for counsel ineff-
5 ective assistance and then acquitted as the Burglary
6 charge was fatal with no instant and attempted grand
7 jury was without evidence of the elements of the
8 crime to justify the statute.

9 3. State used impalpable and highly suspect
10 evidence of an immediate Burglary charge case NO:
11 19F01534K that the alleged victim testified under oath
12 during the penalty of perjury at preliminary hearing that
13 appellant was not the perpetrator of alleged crime and
14 100% sure of it, rendering the evidence false.

15 4. Court of appeals unreasonably concluded that
16 Texas convictions was separate events when appellant's
17 PSI clearly shows that convictions have the same event
18 date that shows that the convictions arose out of
19 one event. Moreover, the state's notice of intent only
20 allege it as one event and one conviction, that is
21 tantamount to conclusive evidence to the contrary
22 to the court of appeals order of affirmance.

23 5. Court of appeals rejection of claims was
24 contrary to and an unreasonable application of clearly
25 established law as determined by the Supreme Court and
26 was based on an unreasonable determination of
27 the facts.

1 6. NRS 34.700 does not provide any relevant time
2 period for supplemental briefing ordered by the court
3 Maresca v. State 103 N.W. 609. The 8th judicial district
4 court Judge Monica Trujillo ordered supplemental briefing
5 March 8, 2021 that appellant followed her instruction
6 and filed supplemental briefs, that the court of appeals
7 failed to consider in its review and order of affirm-
8 ance.

9 therefore Ma. Hayes respectfully requests that
10 the court consider the merits and grant relief, as
11 relief is warranted.

CERTIFICATE OF SERVICE BY MAILING

I, James H. Heiles, hereby certify, pursuant to NRCP 5(b), that on this 1st
day of October, 2021, I mailed a true and correct copy of the foregoing, "Petition for
Rehearing/Reconsideration "ADDENDUM""
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
Office of the Clerk
201 S. Carson Street - Ste 201
Carson City, NV
89701

Clerk County District Appraisal
201 LAWYER AVE
125 VECOS NV
89133-2712

Appraisal General of R.N.
100 N. Carson St
Carson City, NV
89701

CC:FILE

DATED: this 1st day of October, 2021.

James H. Heiles
James H. Heiles # 1175077
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS: