

*Steven D. Grierson*

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

Electronically Filed  
Jul 27 2021 10:32 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

State of Nevada

Plaintiff,

vs.

JAMES H. HAYES

Defendant.

Case No. C-16-315718-1

Dept. No. 3

Docket \_\_\_\_\_

**NOTICE OF APPEAL**

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

Motion to Modify and/or Correct Illegal Sentence

ruled on the 14<sup>th</sup> day of July, 2021.

Dated this 15<sup>th</sup> day of July, 2021.

Respectfully Submitted,

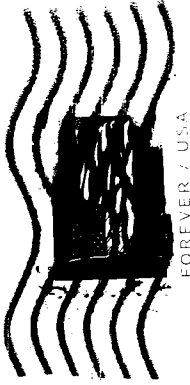
James H. Hayes

RECEIVED

CLERK OF THE COURT  
JUL 20 2021

740511-512547  
5000  
P.O. Box 208  
Indian Springs, NV  
89070

LAS VEGAS NV 890  
16 JUL 2021 PM 3 L



Clerk County District Courts  
"Office of the Clerk"  
200 Lewis Ave; 3rd Floor  
Las Vegas, Nevada  
89155-1160

Legal Mail

65101-630000

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21CLANTIC MELLIC

Google:



1 ASTA

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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: III

16  
17 **CASE APPEAL STATEMENT**  
18

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

20 2. Judge: Monica Trujillo

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, 80222, 81076,  
82734, 82962, 83151

12. Child Custody or Visitation: N/A

Dated This 22 day of July 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

Hayes James, 1175077  
Petitioner/In Propria Persona  
Post Office Box 208, SDCC  
Indian Springs, Nevada 89070-0208

Electronically Filed  
7/21/2021 11:10 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

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. HAYES

Defendant.

CASE No. C-16-315718-1

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:

\_\_\_\_\_  
\_\_\_\_\_  
# \_\_\_\_\_  
Plaintiff/In Propria Persona

**CERTIFICATE OF SERVICE BY MAILING**

I, JAMES N. HAYES, hereby certify, pursuant to NRCP 5(b), that on this 15<sup>th</sup> day of July, 2021, I mailed a true and correct copy of the foregoing, "Notice of Appeal "Motion to Modify and/or Correct Illegal..."" 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 Court  
OFFICE OF THE CLERK  
200 LEWIS AVE. 3RD FL  
LAS VEGAS, NV  
89155-1160

Clark County District Atty  
200 LEWIS AVE  
LAS VEGAS, NV  
89155-2212

CC:FILE

DATED: this 15<sup>th</sup> day of July, 2021.

James N. Hayes  
JAMES N. HAYES #1175677  
/In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

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

State of Nevada  
vs  
James Hayes

§	Location:	Department 3
§	Judicial Officer:	Trujillo, Monica
§	Filed on:	06/14/2016
§	Case Number History:	
§	Cross-Reference Case	C315718
§	Number:	
§	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
§		80222
§		81076
§		82734

## CASE INFORMATION

<b>Offense</b>	<b>Statute</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
Jurisdiction: <b>District Court</b>					
1. ATTEMPT GRAND LARCENY	205.222.2	F	04/09/2013	Case	
PCN: 0028999877 ACN: 1304090843				Status:	04/21/2021 Reopened
Filed As: BURGLARY	F		6/17/2016		
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 3
Date Assigned	01/04/2021
Judicial Officer	Trujillo, Monica

## PARTY INFORMATION

<b>Defendant</b>	<b>Hayes, James Howard</b>	<i>Lead Attorneys</i>
		<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)
















## DATE

## EVENTS &amp; ORDERS OF THE COURT

## INDEX

**EVENTS**06/14/2016  Criminal Bindover Packet Justice CourtIn  
#1

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

	<i>[1] Criminal Bindover (Confidential)</i>	
06/17/2016	 Information <i>[2]</i>	In #2
07/29/2016	 Transcript of Proceedings <i>[3] Transcript of Hearing Held on June 14, 2016</i>	In #3
08/26/2016	 Notice of Rescheduling of Hearing <i>[4]</i>	In #4
11/18/2016	 Motion for Discovery <i>[5] Defendant's Motion for Discovery</i>	In #5
11/21/2016	 Notice of Intent <i>[6] Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #6
11/21/2016	 Notice of Witnesses <i>[7] Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #7
12/05/2016	 Response <i>[8] State's Response to Defendant's Motion for Discovery, and State's Request for Reciprocal Discovery</i>	In #8
12/12/2016	 Notice of Motion <i>[9] Notice of Motion and Motion for Joinder of Case C315718 into Case C315125</i>	In #9
12/16/2016	 Notice of Witnesses <i>[10] Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #1
12/16/2016	 Notice of Motion <i>[11] Notice of Motion and Motion to Admit Evidence of Other Acts</i>	In #1
12/20/2016	 Opposition to Motion <i>[12] Opposition to the State's Motion to Admit Evidence of Other Acts</i>	In #1
01/20/2017	 Order Denying Motion <i>[13] Order Denying State's Motion to Admit Evidence of Other Acts</i>	In #1
02/08/2017	 Substitution of Attorney <i>[14]</i>	In #1
02/10/2017	 Notice of Department Reassignment <i>[15]</i>	In #1
03/23/2017	 Order for Production of Inmate <i>[16] Order for Production of Inmates</i>	In #1

















# CASE SUMMARY














CASE NO. C-16-315718-1

05/31/2017	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[17] Motion to Withdraw as Attorney of Record for Defendant</i>	In #1
06/01/2017	 Certificate of Mailing <i>[18]</i>	In #1
08/29/2017	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[19]</i>	In #1
08/29/2017	 Amended Notice Filed By: Plaintiff State of Nevada <i>[20] Amended Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #2
08/29/2017	 Notice Filed By: Plaintiff State of Nevada <i>[21] Notice to Introduce Certified Copies [NRS 52.260(4)]</i>	In #2
10/24/2017	 Receipt of Copy <i>[22]</i>	In #2
03/01/2018	 Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>[23] Courtesy Filing of Defendant's Pro Per Petition</i>	In #2
04/06/2018	 Miscellaneous Filing Filed by: Defendant Hayes, James Howard <i>[24] Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i>	In #2
04/25/2018	 Notice of Motion Filed By: Plaintiff State of Nevada <i>[25] 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>	In #2
05/07/2018	 Notice of Witnesses Party: Defendant Hayes, James Howard <i>[26] Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>	In #2
05/07/2018	 Supplemental Witness List Filed by: Defendant Hayes, James Howard <i>[27] Defendant's Supplemental Notice of Witnesses Pursuant to NRS 174.234</i>	In #2
06/12/2018	 Order for Production of Inmate <i>[28] Order for Production of Inmate James Howard Hayes, aka, James Howard Hayes, Jr., BAC #2796708</i>	In #2
07/30/2018	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[29] Motion to Withdraw as Attorney of Record</i>	In #2














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

09/12/2018	 Order Denying Filed By: Plaintiff State of Nevada <i>[30] Order Denying Defendant's Pro Per Petition for Writ of Habeas Corpus</i>	In #2
09/18/2018	 Notice of Entry of Order <i>[31]</i>	In #2
09/26/2018	 Notice of Appeal (Criminal) <i>[32] Notice of Appeal</i>	In #2
10/10/2018	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[33]</i>	In #2
11/07/2018	 Amended Information Filed By: Plaintiff State of Nevada <i>[34]</i>	In #2
11/07/2018	 Guilty Plea Agreement <i>[35] Guilty Plea Agreement Pursuant to Alford</i>	In #2
12/18/2018	 PSI <i>[36] Pre-Sentence Investigation Report (Unfiled) Confidential</i>	In #2
01/11/2019	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[37] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	In #2
01/31/2019	 Notice of Motion <i>[38] State's Notice of Motion and Motion to Revoke Bail</i>	In #2
03/12/2019	 Judgment of Conviction <i>[39] Judgment of Conviction (Plea of Guilty-Alford)</i>	In #2
03/28/2019	 Notice of Appeal (Criminal) <i>[40] Notice of Appeal</i>	In #4
04/12/2019	 Case Appeal Statement <i>[41]</i>	In #4
04/29/2019	 Motion to Dismiss Counsel Party: Defendant Hayes, James Howard <i>[42] Motion to Withdraw Counsel</i>	In #4
04/29/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[43]</i>	In #4













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

06/14/2019	 Certificate Filed By: Defendant Hayes, James Howard <i>[44] Certificate That No Transcript is Being Requested</i>	In #4
07/29/2019	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>[45] Order Granting Defendant's Pro Per Motion to Withdraw Counsel</i>	In #4
07/31/2019	 Notice of Appeal (Criminal) <i>[46] Notice of Appeal (2nd)</i>	In #4
08/09/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[47]</i>	In #4
08/30/2019	 Order Filed By: Plaintiff State of Nevada <i>[48] Order for Transcript</i>	In #4
09/09/2019	 Motion Filed By: Defendant Hayes, James Howard <i>[49] "Motion in the Nature of a Writ of Coram Nobis"</i>	In #4
09/09/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[50]</i>	In #4
09/25/2019	 Recorders Transcript of Hearing Party: Defendant Hayes, James Howard <i>[51] Transcript of Hearing Held on November 7, 2018</i>	In #4
09/26/2019	 Affidavit Filed By: Defendant Hayes, James Howard <i>[52] Affidavit of Granting Motion in the Nature of a Writ of Coram Nobis</i>	In #4
10/01/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[53] State's Opposition to Defendant's Motion for a Writ of Coram Nobis</i>	In #4
10/17/2019	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[54] Order Denying Defendant's Pro Per Motion in the Nature of a Writ of Coram Nobis</i>	In #4
10/17/2019	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[55] "Reply" to the State's Opposition" Motion for a Writ of Coram Nobis</i>	In #4
10/28/2019	 Affidavit Filed By: Defendant Hayes, James Howard	In #4

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













	<i>[56] 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>[58] Notice of Appeal</i>	In #5
11/19/2019	 Designation of Record on Appeal <i>[59]</i>	In #5
12/04/2019	 Notice of Change of Address Filed By: Defendant Hayes, James Howard <i>[57]</i>	In #5
12/11/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[60]</i>	In #6
12/16/2019	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[61] "Motion to Correct an Illegal Sentence"</i>	In #6
12/16/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[62]</i>	In #6
12/30/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[63] State's Opposition to Defendant's Motion to Correct an Illegal Sentence</i>	In #6
01/06/2020	 Affidavit Filed By: Defendant Hayes, James Howard <i>[64] Affidavit of Granting "Motion to Correct an Illegal Sentence" of the Wrongfully Convicted"</i>	In #6
01/27/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[65] Reply to State's Opposition to "Motion to Correct an Illegal Sentence"</i>	In #6
02/24/2020	 Motion Filed By: Defendant Hayes, James Howard <i>[66] "Motion for Ruling" for "Motion to Correct an Illegal Sentence"; Hearing Requested</i>	In #6
02/24/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[68]</i>	In #6
02/25/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[67] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #6
03/30/2020	 Notice of Appeal (Criminal) <i>[70] Notice of Appeal</i>	In #7

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












04/07/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[69] Order Denying Defendant's Pro Per Motion for Ruling on Motion to Correct an Illegal Sentence</i>	In #6
04/23/2020	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[71]</i>	In #7
05/04/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[72]</i>	In #7
05/04/2020	 Motion for Relief Filed By: Defendant Hayes, James Howard <i>[73] "Rule 60b Motion" for Relief from the March 18, 2020 Oder Which Denied Mr. Hayes Motion to "Correct Illegal Sentence"</i>	In #7
05/12/2020	 Order Denying Motion <i>[74] Order Denying Defendant's Pro Per Motion to Correct an Illegal Sentence</i>	In #7
06/01/2020	 Motion to Vacate Sentence Filed by: Defendant Hayes, James Howard <i>[75] "Motion to Vacate Sentence" (Conviction Invalid)</i>	In #7
06/01/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[76]</i>	In #7
06/10/2020	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[77] State's Opposition to Defendant's Rule 60(b) Motion for Relief from March 18, 2020 Order and Motion to Vacate Sentence</i>	In #7
06/26/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[78] "Reply" to State's Opposition to Defendant's Motion to Vacate Sentence (Conviction Invalid) Hearing Requested</i>	In #7
07/31/2020	 Motion Filed By: Defendant Hayes, James Howard <i>[79] "Judicial of the Subject Matter is Derived from the Law; it Neither can be Waived Nor Conferred by Consent of Accused..." "Motion to Vacate Sentence (Conviction Invalid)"</i>	In #7
09/23/2020	 Order Denying Motion <i>[80] Order Denying Petitioner's Motion for Ruling for Rule 60b Motion for Relief; Motion to Vacate; Amend Petition for Writ of Habeas Corpus</i>	In #8
09/28/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[81] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #8

# CASE SUMMARY

CASE NO. C-16-315718-1













11/02/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[82] Reply to State's Opposition to Defendant's Rule 60(b) Motion for Relief "Hearing Requested"</i>	In #8
11/02/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[83] Notice of Motion "Hearing Requested"</i>	In #8
01/04/2021	Case Reassigned to Department 1 <i>Judicial Reassignment to Judge Bita Yeager</i>	
01/04/2021	Case Reassigned to Department 3 <i>Judicial Reassignment to Judge Monica Trujillo</i>	
02/18/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[84] Motion to Compel Judgment for Rule 606 Motion for Relief and Motion to Vacate</i>	In #8
02/18/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[85]</i>	In #8
03/09/2021	 Findings of Fact, Conclusions of Law and Order <i>[86] Findings of Fact, Conclusions of Law, and Order</i>	In #8
03/10/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[87] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
03/17/2021	 Findings of Fact, Conclusions of Law and Order <i>[88] Findings of Fact, Conclusions of Law, and Order</i>	In #8
03/19/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[89] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
03/25/2021	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[90] Motion to Modify and/or Correct Illegal Sentence "Hearing Requested"</i>	In #5
03/25/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[91] Notice of Motion "Hearing Requested"</i>	In #5
04/14/2021	 Notice of Rescheduling of Hearing <i>[92]</i>	In #5
04/15/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[93] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by</i>	In #5

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

	<i>Telephone or Video Conference</i>	
04/15/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[94]</i>	In #5
04/16/2021	 Notice of Appeal (Criminal) <i>[98] Notice of Appeal</i>	In #5
04/16/2021	 Designation of Record on Appeal <i>[99]</i>	In #5
04/21/2021	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[95] Notice of Motion "Reply" Motions for Modification of Sentence and/or Correct Illegal Sentence... "Hearing Requested"</i>	In #5
04/22/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[96] State's Opposition to Petitioner's Motion to Modify and/or Correct Illegal Sentence</i>	In #5
04/22/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[97] State's Amended Opposition to Petitioner's Motion to Modify and/or Correct Illegal Sentence</i>	In #5
05/04/2021	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[100] Case Appeal Statement</i>	In #1
05/12/2021	 Opposition Filed By: Defendant Hayes, James Howard <i>[101] Defendant's Opposition to State's Amended Opposition to Defendant's Motion to Modify and or Correct Sentence</i>	In #1
05/12/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[102] Notice of Motion</i>	In #1
06/03/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[103]</i>	In #1
06/03/2021	 Affidavit Filed By: Defendant Hayes, James Howard <i>[104] Affidavit of the District Court Acted in Excess of it's Jurisdiction</i>	In #1
06/23/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[105] Request for Submission of Motion to Modify and or Correct Illegal Sentence</i>	In #1

# CASE SUMMARY

CASE NO. C-16-315718-1

06/23/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [106]	In #1
07/07/2021	 Motion Filed By: Defendant Hayes, James Howard [107] Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference	In #1
07/07/2021	 Motion [108] State's Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits	In #1
07/07/2021	 Opposition to Motion [109] State's Opposition to Defendant's Motion to Modify And/Or Correct Illegal Sentence	In #1
07/07/2021	 Clerk's Notice of Hearing [110] Notice of Hearing	In #1
07/19/2021	 Opposition Filed By: Defendant Hayes, James Howard [111] Defendant's Opposition to State's Opposition to Defendant's Motion to Modify and or Correct Illegal Sentence	In #1
07/19/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [112]	In #1
07/20/2021	 Motion Filed By: Defendant Hayes, James Howard [113] Request for Submission Addendum	In #1
07/20/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard [114]	In #1
07/21/2021	 Notice of Appeal (Criminal) [115] Notice of Appeal	In #1
07/21/2021	 Designation of Record on Appeal [116] Designation of Record on Appeal	In #1
07/22/2021	 Case Appeal Statement Filed By: Defendant Hayes, James Howard Case Appeal Statement	In #1
11/07/2018	<b><u>DISPOSITIONS</u></b> <b>Plea</b> (Judicial Officer: Kephart, William D.) 1. ATTEMPT GRAND LARCENY Guilty PCN: 0028999877 Sequence:	



**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

**HEARINGS**

06/23/2016  **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;*

12/20/2016  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

# CASE SUMMARY

CASE NO. C-16-315718-1

Set Status Check;

Journal Entry Details:

*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 ;*

12/22/2016



**Motion to Admit Evidence** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/22/2016, 01/12/2017

*State's Motion to Admit Evidence of Other Acts*

Continued;

Denied;

Journal Entry Details:

*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 ;*

## MINUTES

Continued;

Denied;

Journal Entry Details:

*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 ;*

## SCHEDULED HEARINGS

**CANCELED All Pending Motions** (12/22/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - On in Error*

12/22/2016

**CANCELED All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - On in Error*

12/22/2016



**Motion to Consolidate** (9:00 AM) (Judicial Officer: Johnson, Eric)

*State's Motion for Joinder of Case C315718 into Case C315125*

Denied;

Journal Entry Details:

*Mr. Rowles and Ms. Devaney-Sauter argued their respective positions. COURT ORDERED, Motion DENIED. BOND;*

01/03/2017

**CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

01/26/2017



**Status Check: Reset Trial Date** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Status Check: Further Proceedings / Reset Trial Date*

## MINUTES

Trial Date Set;

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*

# CASE SUMMARY

CASE NO. C-16-315718-1

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;*

Matter Continued;

Trial Date Set;

# CASE SUMMARY

CASE NO. C-16-315718-1

**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;*

10/02/2017

**CANCELED Jury Trial (10:00 AM)** (Judicial Officer: Kephart, William D.)

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

*Vacated - per Judge*

10/25/2017	<p><b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <i>Status Check: Supreme Court Decision / Trial Setting</i>            Trial Date Set;</p>
10/25/2017	<p> <b>All Pending Motions</b> (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></p>
04/11/2018	<p> <b>Pre Trial Conference</b> (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></p>
04/23/2018	<p> <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Kephart, William D.)  <b>04/23/2018, 05/09/2018</b>  <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></p>
05/09/2018	<p> <b>Calendar Call</b> (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></p>
05/09/2018	<p><b>Motion to Dismiss</b> (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;</p>
05/14/2018	<p><b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.)  <i>Vacated - per Judge</i></p>
06/06/2018	<p> <b>Status Check</b> (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 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</i></p>

# CASE SUMMARY





CASE NO. C-16-315718-1

transport order. BOND (COC-NDC) 7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING;

07/11/2018	 <b>Status Check: Trial Setting</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Trial Date Set; Journal Entry Details: <i>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 ;</i>
08/15/2018	<b>Petition</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>08/15/2018, 08/29/2018</b> <i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued; Matter Continued; Matter Continued; Matter Continued;
08/15/2018	<b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion to Withdraw as Counsel of Record</i> Granted;
08/15/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>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;</i>
08/29/2018	<b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Confirmation of Counsel (Sanft)</i> Counsel Confirmed;
08/29/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>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) ;</i>
09/26/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Negotiations / Pre Trial Conference</i> Matter Heard; Journal Entry Details: <i>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);</i>

# CASE SUMMARY

CASE NO. C-16-315718-1

10/10/2018	<b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
11/07/2018	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Plea Entered; Journal Entry Details: <i>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 &amp; P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;</i>
11/13/2018	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
02/04/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Revoke Bail</i> Granted; Journal Entry Details: <i>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);</i>
03/06/2019	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Defendant Sentenced; Journal Entry Details: <i>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;</i>
06/03/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>06/03/2019, 07/15/2019</b> <i>Defendant's Pro Per Motion to Withdraw Counsel</i> Matter Continued; Granted; Journal Entry Details: <i>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 ;</i> Matter Continued; Granted; Journal Entry Details: <i>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;</i>
10/07/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Defendant's Pro Per Motion In the Nature of a Writ of Coram Nobis</i> Denied; Journal Entry Details: <i>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 ;</i>
01/06/2020	 <b>Motion to Modify Sentence</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Pro Per Motion to Correct An Illegal Sentence</i>

# CASE SUMMARY

CASE NO. C-16-315718-1

Off Calendar;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, matter OFF CALENDAR as Defendant has a pending appeal which divests the Court of jurisdiction. NDC;*

03/18/2020



**Motion** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Pro Per Motion for Ruling on Motion to Correct an Illegal Sentence*

Denied;

Journal Entry Details:

*Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court reviewed the procedural history of case. Court FINDS, Defendant's claims are similar to those filed in the appeal; however, Defendant fails to provide any statutory basis and/or authority to support the motion; Defendant's additional claims are substantive and should have been raised on appeal; therefore, COURT ORDERED, Defendant's Motion to Correct an Illegal Sentence shall be DENIED in its totality. NDC ;*

06/01/2020



**Motion for Relief** (10:15 AM) (Judicial Officer: Kephart, William D.)

**06/01/2020, 06/15/2020**

*Rule 60b Motionf or Relief from the March 18 2020 Oder Which Denied Mr Hayes Motion to Correct Illegal Sentence*

Matter Continued;

Off Calendar;

Journal Entry Details:

*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;*

Matter Continued;

Off Calendar;

Journal Entry Details:

*Court noted Defendant was not transported from the Nevada Department of Corrections and ORDERED, matter CONTINUED. Court noted this matter is currently on appeal before the Supreme Court. NDC CONTINUED TO: 6/15/220 10:15 AM;*

06/22/2020



**Motion to Vacate Sentence** (10:15 AM) (Judicial Officer: Kephart, William D.)

Events: 06/01/2020 Motion to Vacate Sentence

*Defendant's Motion to Vacate Sentence (Conviction Invalid)*

Off Calendar;

Journal Entry Details:

*Court noted matter is on calendar for a Motion to Vacate Sentence; however, Defendant has filed a Motion to Disqualify this Court and ORDERED, matter OFF CALENDAR pending the decision of the Motion to Disqualify. NDC;*

08/24/2020



**Motion** (10:15 AM) (Judicial Officer: Kephart, William D.)

*Defendant's Motion to Vacate Sentence (Conviction Invalid )*

Off Calendar;

Journal Entry Details:

*Court noted this matter is pending appeal based on the Court's previous denial of the motion and COURT ORDERED, matter OFF CALENDAR. NDC;*

03/15/2021



**Motion to Compel** (8:30 AM) (Judicial Officer: Trujillo, Monica)

**03/15/2021, 03/29/2021**

*Motion to Compel Judgment for Rule [(60)B] Motion for Relief and Motion to Vacate*

Continued;

Off Calendar;

Journal Entry Details:

*Court notes Defendant not present and presence is waived for these proceedings. Court notes the State was asked to investigate whether Defendants issues had been adjudicated and a Findings of Fact, Conclusions of Law FILED. Upon Court's inquiry, State advised these same issues were addressed in a CIVIL petition which is where the order was filed. COURT FINDS MATTER OFF CALENDAR as these issues are MOOT having already been adjudicated. NDC;*

Continued;

Off Calendar;

Journal Entry Details:



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

	<i>Court notes a Findings of Fact, Conslusions of Law FILED on 3/9/21 which may render this motion. MATTER CONTINUED for State to respond. NDC CONTINUED TO: 3/29/21 8:30 A..M.;</i>
05/12/2021	<b>Motion to Modify Sentence</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion to Modify/Correct Illegal Sentence</i> Off Calendar;
05/12/2021	<b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i> Off Calendar;
05/12/2021	<b>Motion to Modify Sentence</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) Events: 04/21/2021 Motion to Modify Sentence <i>Defendant's Notice of Motion; Motions for Modification of Sentence and/or Correct Illegal Sentence</i> Off Calendar;
05/12/2021	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) Matter Heard; Journal Entry Details: <i>MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE...DEFENDANT'S NOTICE OF MOTION; MOTIONS FOR MODIFICATION OF SENTENCE AND/OR CORRECT ILLEGAL SENTENCE...MOTION TO MODIFY/CORRECT ILLEGAL SENTENCE... Court noted the Court believes this matter is on in error and will take this matter off calendar. There being no objection, COURT ORDERED, matter OFF CALENDAR.;</i>
06/02/2021	 <b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) Events: 05/12/2021 Notice of Motion <i>Notice of Motion</i> Off Calendar; Journal Entry Details: <i>Court NOTED it believed this matter was set in error, therefore, ORDERED, matter OFF CALENDAR. NDC;</i>
07/14/2021	 <b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Request for Submission of Motion to Modify and or Correct Illegal Sentence</i> Denied; Journal Entry Details: <i>COURT FINDS, this was a legal sentence, therefore, ORDERED, motion DENIED. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: JAMES HAYES, #1175077, S.D.C.C., P.O. BOX 208, INDIAN SPRINGS, NV, 89070. 7/15/21 gs;</i>
07/19/2021	<b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>State s Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i> Denied;
07/28/2021	<b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i>
08/11/2021	<b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Request for Submission Addendum</i>

DATE

FINANCIAL INFORMATION

<b>Defendant</b> Hayes, James Howard	
Total Charges	28.00
Total Payments and Credits	0.00
<b>Balance Due as of 7/22/2021</b>	<b>28.00</b>

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 23, 2016**

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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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

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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**

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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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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: 07/22/2021

Page 26 of 52

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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

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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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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**

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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**

<b>PRESENT:</b>	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**

<b>PRESENT:</b>	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.      Attorney  
                                 State of Nevada      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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 06, 2020**

---

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

---

**January 06, 2020      8:30 AM      Motion to Modify Sentence**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Brooks, Parker      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections.  
COURT ORDERED, matter OFF CALENDAR as Defendant has a pending appeal which divests the  
Court of jurisdiction.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 18, 2020**

---

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

---

**March 18, 2020      8:30 AM      Motion**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Brooks, Parker      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court reviewed the procedural history of case. Court FINDS, Defendant's claims are similar to those filed in the appeal; however, Defendant fails to provide any statutory basis and/or authority to support the motion; Defendant's additional claims are substantive and should have been raised on appeal; therefore, COURT ORDERED, Defendant's Motion to Correct an Illegal Sentence shall be DENIED in its totality.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 01, 2020**

---

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

---

**June 01, 2020      10:15 AM      Motion for Relief**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                                 Waters, Steven L      Attorney

**JOURNAL ENTRIES**

- Court noted Defendant was not transported from the Nevada Department of Corrections and ORDERED, matter CONTINUED. Court noted this matter is currently on appeal before the Supreme Court.

NDC

CONTINUED TO: 6/15/220 10:15 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 15, 2020**

---

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

---

**June 15, 2020      10:15 AM      Motion for Relief**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                                 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**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 22, 2020**

---

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

---

**June 22, 2020      10:15 AM      Motion to Vacate Sentence**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Dunn, Ann Marie      Attorney  
                                 Hayes, James Howard      Defendant  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted matter is on calendar for a Motion to Vacate Sentence; however, Defendant has filed a Motion to Disqualify this Court and ORDERED, matter OFF CALENDAR pending the decision of the Motion to Disqualify.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 24, 2020**

---

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

---

**August 24, 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  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted this matter is pending appeal based on the Court's previous denial of the motion and COURT ORDERED, matter OFF CALENDAR.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 15, 2021**

---

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

---

**March 15, 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:**      State of Nevada      Plaintiff  
                                 Waters, Steven L      Attorney

**JOURNAL ENTRIES**

- Court notes a Findings of Fact, Conslusions of Law FILED on 3/9/21 which may render this motion. MATTER CONTINUED for State to respond.

NDC

CONTINUED TO:  
3/29/21 8:30 A..M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2021**

---

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

---

**March 29, 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:**      State of Nevada      Plaintiff  
                    Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- Court notes Defendant not present and presence is waived for these proceedings. Court notes the State was asked to investigate whether Defendants issues had been adjudicated and a Findings of Fact, Conclusions of Law FILED. Upon Court's inquiry, State advised these same issues were addressed in a CIVIL petition which is where the order was filed. COURT FINDS MATTER OFF CALENDAR as these issues are MOOT having already been adjudicated.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 12, 2021**

---

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

---

**May 12, 2021      8:30 AM      All Pending Motions**

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

**COURT CLERK:** Nylasia Packer

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                                 Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE...DEFENDANT'S NOTICE OF MOTION; MOTIONS FOR MODIFICATION OF SENTENCE AND/OR CORRECT ILLEGAL SENTENCE...MOTION TO MODIFY/CORRECT ILLEGAL SENTENCE...

Court noted the Court believes this matter is on in error and will take this matter off calendar. There being no objection, COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 02, 2021**

---

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

---

**June 02, 2021**

**8:30 AM**

**Motion**

**HEARD BY:** Trujillo, Monica

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Grecia Snow

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                                 Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- Court NOTED it believed this matter was set in error, therefore, ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 14, 2021**

---

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

---

**July 14, 2021      8:30 AM      Motion**

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

**COURT CLERK:** Grecia Snow

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

**PRESENT:**      Brooks, Parker      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- COURT FINDS, this was a legal sentence, therefore, ORDERED, motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: JAMES HAYES, #1175077, S.D.C.C., P.O. BOX 208, INDIAN SPRINGS, NV, 89070. 7/15/21 gs

## EXHIBIT(S) LIST

Case No.: ~~62940~~ C315718

Hearing / Trial Date: ~~8/22/2018~~ 3/6/19

Dept. No.: 19

**Judge: William Kephart**

**Court Clerk: Tia Everett /Shannon Emmons**

**Plaintiff:** The State of Nevada

**Recorder / Reporter:** Christine Erickson

<b>Counsel for Plaintiff:</b>	<b>Michael Dickerson &amp; William Roles</b>
-------------------------------	--

**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: July 22, 2021  
CASE: C-16-315718-1

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

NOTICE OF APPEAL FILED: July 21, 2021

**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

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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.

# 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; DISTRICT COURT MINUTES;  
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES HOWARD HAYES  
aka JAMES HOWARD HAYES, JR.,

Defendant(s).

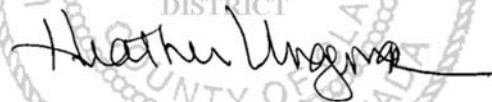
Case No: C-16-315718-1

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 22 day of July 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

July 22, 2021

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. JAMES HOWARD HAYES aka JAMES HOWARD HAYES, JR.  
D.C. CASE: C-16-315718-1

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed July 22, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

July 19, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", written over a horizontal line.

Heather Ungermann, Deputy Clerk