

FILED

JAN - 5 2022

Elizabeth A. Brown
CLERK OF COURT

Electronically Filed
Feb 02 2022 02:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

HAYES, James H #1173077

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

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

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

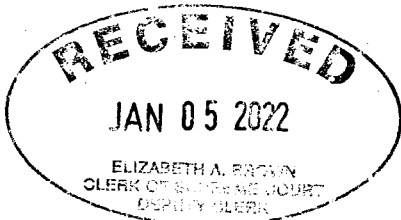
Motion to Withdraw "Afford" (Guilty) Plea

ruled on the 8th day of DECEMBER, 2021.

Dated this 31st day of DECEMBER, 2021.

Respectfully Submitted,

James H. Hayes



RECEIVED
APPEALS

JAN 31 2022

CLERK OF THE COURT

Docket 84169 Document 2022-03546

C-16-315718-1
NOASC
Notice of Appeal (Criminal)
4980649



CERTIFICATE OF SERVICE BY MAILING

I, James H. Hayes, hereby certify, pursuant to NRCP 5(b), that on this 31st
day of December, 2021, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"

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

Clerk County District Courts
200 LAUREL AVE. 3RD FLOOR
LAS VEGAS NV
89155-1162

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

SUPREME COURT OF NEVADA
201 S. CARSON ST. SUITE 201
CARSON CITY, NV
89701

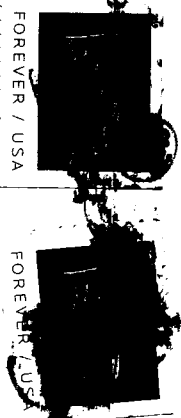
CC:FILE

DATED: this 31st day of December, 2021.

James H. Hayes
James H. Hayes #1173577
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Heaps, James #1176074
5000
P.O. Box 208
Indian Springs, NV
89070

LAS VEGAS NV 89
3 JAN 2022 PM 3



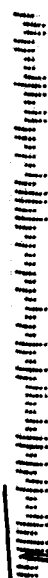
Supreme Court of Nevada
"Office of the Clerk"

201 South Carson St; Suite 201

Carson City, Nevada

89701

89701-478051



LEON
NLS

Southern Desert
Correctional Center
JAN 03 2022
OUTGOING MAIL

OUTGOING MAIL

JAN 03 2022

Southern Desert
Correctional Center



1 ASTA

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

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12
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 1. Appellant(s): James H. Hayes

19 2. Judge: Nancy Becker

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

21 Counsel:

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

25 4. Respondent: 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, 83274

12. Child Custody or Visitation: N/A

Dated This 31 day of January 2022.

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

James H. Hayes # 1175077

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

FILED

JAN - 5 2022

Sharon A. Harmon
CLERK OF COURT

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:

C-16-315718-1

DROA

Designation of Record on Appeal
4980650



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

DATED this _____ day of _____, 20____.

RESPECTFULLY SUBMITTED BY:

James H. Hayes
James H. Hayes # 1175077

Plaintiff/In Propria Persona

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APPEALS

JAN 31 2022

CLERK OF THE COURT

FILED

JAN - 5 2022

Elizabeth A. Brown
CLERK OF COURT

Hayes, James H ID NO. 1175077

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89010

In the Supreme Court of the State of
Nevada

JAMES H. HAYES
(Appellant)

v.

State of Nevada
(Respondent)

CASE NO.: 83274

DEPT. NO.:

DOCKET:

Reply to State's Answering Brief and Production
of Documents

C-16-315718-1

RPLY

Reply

4980652

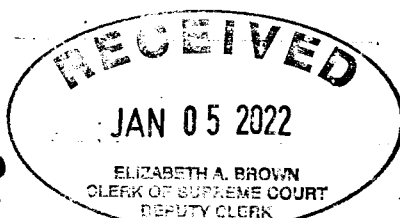


COMES NOW, ~~appellant~~, James H. Hayes, herein above respectfully
moves this Honorable Court for an Expeditions ruling on appellant's
appeal and declare that appellant should be given
relief.

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

DATED: this 31st day of December, 2021

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



RECEIVED
APPEALS

JAN 31 2022

CLERK OF THE COURT

ADDITIONAL FACTS OF THE CASE:

1 COMES NOW THE APPELLANT, JAMES H. HAYES IN PRO SE,
2 IN NECESSITY, AND HEREBY REQUESTS THAT THIS HONORABLE
3 COURT "GRANT" HIM RELIEF, AND "MOVE" THE COURT TO ORDER
4 THE PRODUCTION OF DOCUMENTS. IN SUPPORT, THE APPELLANT
5 SHOWS THE COURT THE FOLLOWING:

6 1.) THAT THE APPELLANT HEREBY SWEARS THAT HE IS NOW
7 PROSECUTING A APPEAL WITH DETAILED FACTS CONCERNING
8 HIS CLAIM THAT THAT TRIAL COUNSEL (MICHAEL SAULT, TONY
9 ZIMMERGELD, KELLI DEVENY-SAULT AND OTHERS) PROVIDED
10 INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO:

11 A. TO ADVISE THE APPELLANT OF ALL ESSENTIAL
12 ELEMENTS OF THE CHARGED OFFENSE SO THAT THE APPELLANT
13 COULD HAVE A REASONABLE UNDERSTANDING OF LAW AND
14 FACT.

15 B. TO INVESTIGATE AND UNDERSTAND THE APPLICA-
16 TION OF THE STATE STATUTE OF CONVICTION, HABITUALITY, AND
17 CHARGE BARRED (SUBJECT MATTER JURISDICTION) AND ITS ESSENTIAL
18 ELEMENTS.

19 C. CHALLENGE THE NON-QUALIFYING CONVICTIONS
20 USED TO ADJUDICATE APPELLANT HABITUAL CRIMINAL.

21 D. TO CHALLENGE STATE'S BREACH OF GUILTY PLEA
22 AGREEMENT ON SUSPECT AND IMPAIRED EVIDENCE

23 E. TO CHALLENGE VANDICIVENESS OF STATE, AND
24 THE GREAT DISPARITY BETWEEN STIPULATED GROSS-MISDEMEANOR
25 SENTENCE IN GUILTY PLEA AGREEMENT 30 DAYS IN THE CLARK
26 COUNTY DETENTION CENTER WITH 30 DAYS TIME SERVED
27 CREDIT, AND THE SENTENCE IMPOSED 5 TO 15 YEARS

1 F. that Afford plea was NOT entered knowingly,
2 intelligently and voluntarily as to a factual basis
3 G. that there was NO probable cause for the
4 charge of Burglary and Attempted grand larceny.

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 2. Appellant seeks Production of documents and
9 disclosure from the Clark County's district attorney of
10 all typed, written, or electronic versions of all emails,
11 letters, memos and/or any form of communication
12 from the District attorney's office to any of the
13 defense counsel in this case concerning:

14 A. Exculpatory evidence

15 B. Other Plea Agreements

16 C. Prior convictions

17 D Etc. AS NECESSARY

18 production and disclosure of these documents will
19 prove appellant's claims that he is actual innocent,
20 not eligible to be adjudicated a habitual criminal,
21 and was denied effective assistance of counsel.
22 Where counsel refused to investigate this criminal
23 case for possible defenses and other any resistance
24 to the state's evidence or witnesses in their case
25 in chief.

26 3. Good Cause is shown because production
27

1 of the requested documents will establish the
2 validity of appellant's constitutional claims that
3 DEFENSE COUNSEL provided ineffective assistance to
4 failure to investigate the appellant's criminal case
5 inter alia. In addition, appellant never had appellate
6 counsel on direct appeal only trial counsel to file
7 fast track statement that was done in "BAD FAITH".
8 Appellant has specific allegations before this honorable
9 court to believe that appellant is entitled to relief
10 to redress this manifest injustice.

11 4. Trial court's failure to explain nature of charge
12 breached appellant's guilty plea... INVOLUNTARY SINCE
13 elements of statute were never discussed during plea
14 hearing, recital of factual basis was insufficient
15 to satisfy requirement that appellant understand
16 nature of charge. (United States v. LUIANO-PEREZ 274 F.3d
17 219)

18 5. There must be meeting of minds on all of its
19 essential terms of plea agreement including but not
20 limited to nature of charge to which appellant is
21 pleading; where both parties are mistaken as to nature
22 of charge against appellant that was dismissed at
23 conclusion of preliminary hearing, entire agreement is
24 invalidated; if court rules that any provision of plea
25 agreement is invalid, it must discard entire agree-
26 ment. (United States v. Bradley 381 F.3d 841)

CERTIFICATE OF SERVICE BY MAILING

I, JAMES H. HOPES, hereby certify, pursuant to NRCP 5(b), that on this 31st
day of DECEMBER, 2021, I mailed a true and correct copy of the foregoing, "REPLY to
STATE'S MEMORANDUM BRIEF and production of documents"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

SUPREME COURT OF NEVADA
Office of the Clerk
2015. CROWN ST. SUITE 201
CELESTON NV, NV
89701

Clark County District Attorney
200 LEWIS AVE
LAS VEGAS, NV
89135-2212

CC:FILE

DATED: this 31st day of DECEMBER, 2021.

James H. Hopes
JAMES H. HOPES #1175877
/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**
 § **83274**
 § **82734**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. ATTEMPT GRAND LARCENY	205.222.2	F	04/09/2013	Case Status:	01/06/2022 Closed
PCN: 0028999877 ACN: 1304090843					
Filed As: BURGLARY	F		6/17/2016		
Arrest: 04/02/2016 MET - Metro					

Related Cases

A-19-793315-W (Writ Related Case)

Statistical Closures

01/06/2022 Other Manner of Disposition - Criminal
 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














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

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**


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

06/14/2016	 Criminal Bindover Packet Justice Court <i>[1] Criminal Bindover (Confidential)</i>	In #1
06/17/2016	 Information <i>[2] Information</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] Notice of Rescheduling of Hearing</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] Substitution of Attorney</i>	In #1
02/10/2017	 Notice of Department Reassignment <i>[15] Notice of Department Reassignment</i>	In #1
03/23/2017	 Order for Production of Inmate	In #1











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

	<i>[16] Order for Production of Inmates</i>	
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] Certificate of Mailing</i>	In #1
08/29/2017	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[19] Receipt of Copy</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] Receipt of Copy</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	In #2

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














	Filed By: Defendant Hayes, James Howard <i>[29] Motion to Withdraw as Attorney of Record</i>	
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] Notice of Entry of Order</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] Case Appeal Statement</i>	In #2
11/07/2018	 Amended Information Filed By: Plaintiff State of Nevada <i>[34] Amended Information</i>	In #2
11/07/2018	 Guilty Plea Agreement <i>[35] Guilty Plea Agreement</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] Case Appeal Statement</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	In #4

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














	<i>[43] Notice of Motion</i>	
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] Case Appeal Statement</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] Notice of Motion</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
		In

CASE SUMMARY

CASE NO. C-16-315718-1






10/28/2019	 Affidavit Filed By: Defendant Hayes, James Howard <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 #
11/19/2019	 Designation of Record on Appeal <i>[59] Designation of Record on Appeal</i>	In #
12/04/2019	 Notice of Change of Address Filed By: Defendant Hayes, James Howard <i>[57] Notice of Change of Address</i>	In #
12/11/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[60] Case Appeal Statement</i>	In #
12/16/2019	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[61] "Motion to Correct an Illegal Sentence"</i>	In #
12/16/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[62] Notice of Motion</i>	In #
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 #
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 #
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 #
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 #
02/24/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[68] Notice of Motion</i>	In #
02/25/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[67] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #

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


03/30/2020	 Notice of Appeal (Criminal) <i>[70] Notice of Appeal</i>	In #7
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] Case Appeal Statement</i>	In #7
05/04/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[72] Notice of Motion</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] Notice of Motion</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	In

CASE SUMMARY

CASE NO. C-16-315718-1

	<i>[81] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	#8
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] Notice of Motion; Hearing Requested!!</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] Notice of Rescheduling of Hearing</i>	In #5
		In

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

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 Telephone or Video Conference</i>	#5
04/15/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[94] Notice of Motion</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] Designation of Record on Appeal</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 Illegal Sentence</i>	In #1
05/12/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[102] Notice of Motion; Hearing Requested!!</i>	In #1
06/03/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[103] Notice of Motion; "Hearing Requested"</i>	In #1
06/03/2021	 Affidavit Filed By: Defendant Hayes, James Howard <i>[104] "Affidavit of the District Court Acted in Excess of its Jurisdiction"; "Hearing Requested"</i>	In #1
06/23/2021	 Request	In #1

CASE SUMMARY

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	Filed by: Defendant Hayes, James Howard <i>[105] Request for Submission; Hearing Requested</i>	
06/23/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[106] Notice of Motion; "Hearing Requested"</i>	<i>In #1</i>
07/07/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[107] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference; "Hearing Requested"</i>	<i>In #1</i>
07/07/2021	 Motion <i>[108] State's Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i>	<i>In #1</i>
07/07/2021	 Opposition to Motion <i>[109] State's Opposition to Defendant's Motion to Modify and/or Correct Illegal Sentence</i>	<i>In #1</i>
07/07/2021	 Clerk's Notice of Hearing <i>[110] Notice of Hearing</i>	<i>In #1</i>
07/19/2021	 Opposition Filed By: Defendant Hayes, James Howard <i>[111] Defendant's Opposition to State's Opposition to Defendant's Motion to Modify and/or Correct Illegal Sentence; "Hearing Requested"</i>	<i>In #1</i>
07/19/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[112] Notice of Motion; "Hearing Requested"</i>	<i>In #1</i>
07/20/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[113] Request for Submission "Addendum"</i>	<i>In #1</i>
07/20/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[114] Notice of Motion "Hearing Requested"</i>	<i>In #1</i>
07/21/2021	 Notice of Appeal (Criminal) <i>[115] Notice of Appeal</i>	<i>In #1</i>
07/21/2021	 Designation of Record on Appeal <i>[116] Designation of Record on Appeal</i>	<i>In #1</i>
07/22/2021	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[117] Case Appeal Statement</i>	<i>In #1</i>
08/06/2021	 Opposition	<i>In #1</i>







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	<i>[118] State's Opposition to Request for Submission Addendum</i>	
08/09/2021	 Motion Filed By: Defendant Hayes, James Howard <i>[119] Motion for a Rehearing on Defendant's Motion to Modify and/or Correct Illegal Sentence that was Denied on July 14, 2021 Improperly; "Hearing Requested"</i>	In #1
08/09/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[120] Notice of Motion; "Hearing Requested"</i>	In #1
08/13/2021	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[121] Order Denying State's Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i>	In #1
08/13/2021	 Findings of Fact, Conclusions of Law and Order <i>[122] Findings of Fact, Conclusions of Law and Order</i>	In #1
08/19/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[123] State's Opposition to Motion for Rehearing on Defendant's "Motion to Modify and/or Correct Illegal Sentence"</i>	In #1
11/16/2021	 Motion to Withdraw Plea Filed By: Defendant Hayes, James Howard <i>[124] Motion to Withdraw Guilty Plea</i>	In #1
11/16/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[125]</i>	In #1
11/22/2021	 Order <i>[126] Order Denying Defendant's Request for Submission Addendum</i>	In #1
12/06/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[127] State's Opposition to Defendant's Motion to Withdraw "Alford" (Guilty) Plea</i>	In #1
12/06/2021	 Motion Filed By: Plaintiff State of Nevada <i>[128] Second Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i>	In #1
12/07/2021	 Clerk's Notice of Hearing <i>[129] Notice of Hearing</i>	In #1
12/20/2021	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[130] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Petition Denied</i>	In #1
12/22/2021	 Order Denying Motion	In #1

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[131] Order Denying Defendant's Motion to Withdraw Guilty Plea

01/03/2022	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[132]</i>	In #1
01/03/2022	 Opposition Filed By: Defendant Hayes, James Howard <i>[133] Opposition to State's Opposition to Defendant's Motion to Withdraw Aford Guilty Plea</i>	In #1
01/05/2022	 Notice of Appeal (Criminal) <i>[135] Notice of Appeal</i>	In #1
01/05/2022	 Designation of Record on Appeal <i>[136] Designation of Record on Appeal</i>	In #1
01/05/2022	 Reply <i>[137] Reply to State's Answering Brief and Production of Documents (Supreme Court Document)</i>	In #1
01/06/2022	 Findings of Fact, Conclusions of Law and Order <i>[134] Findings of Fact, Conclusions of Law and Order</i>	In #1
01/31/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	In #1

DISPOSITIONS

11/07/2018	Plea (Judicial Officer: Kephart, William D.) 1. ATTEMPT GRAND LARCENY Guilty PCN: 0028999877 Sequence:
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

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HEARINGS

06/23/2016	 Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa) Trial Date Set; Journal Entry Details: <i>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);</i>
12/06/2016	 Motion for Discovery (8:30 AM) (Judicial Officer: Leavitt, Michelle) 12/06/2016, 12/08/2016 <i>Defendant's Motion for Discovery</i> Continued; Granted in Part; Journal Entry Details: <i>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;</i> Continued; Granted in Part; Journal Entry Details: <i>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;</i>
12/20/2016	 Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle) Set Status Check; Journal Entry Details: <i>Ms. Devaney-Sauter informed Court there is a pending motion to consolidate this case and another criminal case before Judge Eric Johnson on December 22, 2016. Additionally, defense has to do further investigation, and will not be ready for trial. At request of counsel, COURT ORDERED, trial date VACATED; matter SET for status check. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;</i>
12/22/2016	 Motion to Admit Evidence (8:30 AM) (Judicial Officer: Leavitt, Michelle) 12/22/2016, 01/12/2017 <i>State's Motion to Admit Evidence of Other Acts</i> Continued; Denied; Journal Entry Details: <i>Mr. Dickerson informed Court Deft. was convicted of burglary in his jury trial. Thereafter, Mr. Dickerson argued in support of the burglary matter to be admitted, and there having been no lawful intent on Deft's acts. Ms. Sauter opposed; and argued as to NRS 48.045, and State having given an overbroad reading of intent. Further arguments as to case law cited by State in the pleadings, State having failed to establish the relief being sought on using any intent evidence, common schemer plan exception, Newman vs. State case law, and prejudice outweighing probative value for Deft. if the act comes in for trial. Ms. Sauter added the State cannot establish introduction of this evidence, and based on a prior, the jury in this case may convict him just on this, and not on any evidence. Further arguments as to Nevada Supreme Court decision. Ms. Sauter requested Court to consider setting an evidentiary hearing on the issue, if Court is inclined to grant State's Motion. Mr. Dickerson stated he will submit a trial transcript from the other case to this Court. Further arguments as to case law being clear. COURT ORDERED, Motion DENIED. Ms. Sauter to prepare the order. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;</i>

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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 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.

EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY

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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;
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)

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	<p>Counsel Confirmed; Journal Entry Details: <i>Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS. BOND (COC-NDC);</i></p>
08/30/2017	<p> Pre Trial Conference (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>Matter Heard; Journal Entry Details: <i>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;</i></p>
09/27/2017	<p>Calendar Call (9:00 AM) (Judicial Officer: Kephart, William D.)</p> <p>Matter Heard;</p>
09/27/2017	<p>Status Check (9:00 AM) (Judicial Officer: Kephart, William D.)</p> <p>09/27/2017, 10/25/2017 <i>Status Check: Negotiations</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
09/27/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Kephart, William D.)</p> <p>Matter Heard; Journal Entry Details: <i>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;</i></p>
10/02/2017	<p>CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.)</p> <p><i>Vacated - per Judge</i></p>
10/25/2017	<p>Status Check (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p><i>Status Check: Supreme Court Decision / Trial Setting</i> Trial Date Set;</p>
10/25/2017	<p> All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>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> Pre Trial Conference (8:30 AM) (Judicial Officer: Kephart, William D.)</p> <p>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>

CASE SUMMARY

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04/23/2018	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Kephart, William D.) 04/23/2018, 05/09/2018 <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i> Matter Heard; Journal Entry Details: <i>Court noted a written opposition has not been filed. Ms. Mendoza advised this is Mr. Dickerson's case who indicated the transcript in this matter was filed 7/2016 making the writ untimely and should be denied; however, if the Court would like a response he would ask for additional time. Court stated he would like a response. COURT ORDERED, State's Response shall be due on or before 4/30/2018 and matter CONTINUED. Ms. Murphy advised she provided Defendant with additional discovery this morning in Open Court as well as spoke with Defendant at length on the phone. Further, Ms. Murphy requested the State mail a copy of their opposition as soon as possible as Defendant is at High Desert. Ms. Mendoza advised Defendant is represented by counsel and counsel will be served with the Opposition. BOND (COC-NDC) 5/9/18 8:30 AM ;</i>
05/09/2018	 Calendar Call (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>Upon Court's inquiry, Ms. Murphy advised Defendant is in the Nevada Department of Corrections and was not transported. Court noted Defendant has an appeal pending with the Supreme Court. Colloquy regarding Defendant's pending appeal. CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED and matter SET for Status Check. BOND (COC-NDC) 6/6/18 8:30 AM STATUS CHECK: SUPREME COURT DECISION/ RESET TRIAL ;</i>
05/09/2018	Motion to Dismiss (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued;
05/14/2018	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/06/2018	 Status Check (8:30 AM) (Judicial Officer: Kephart, William D.) SUPREME COURT DECISION/ RESET TRIAL 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 transport order. BOND (COC-NDC) 7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING;</i>
07/11/2018	 Status Check: Trial Setting (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 be 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 filed 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	Petition (8:30 AM) (Judicial Officer: Kephart, William D.) 08/15/2018, 08/29/2018 <i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued; Matter Continued; Matter Continued; Matter Continued;

CASE SUMMARY

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08/15/2018	<p>Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion to Withdraw as Counsel of Record</i> Granted;</p>
08/15/2018	<p> All Pending Motions (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</i> 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;</p>
08/29/2018	<p>Confirmation of Counsel (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Confirmation of Counsel (Sanft)</i> Counsel Confirmed;</p>
08/29/2018	<p> All Pending Motions (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>CONFIRMATION OF COUNSEL (SANFT)</i> 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 ccde 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) ;</p>
09/26/2018	<p> Status Check (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></p>
10/10/2018	<p>CANCELED Pre Trial Conference (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i></p>
11/07/2018	<p> Calendar Call (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 & P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;</i></p>
11/13/2018	<p>CANCELED Jury Trial (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i></p>
02/04/2019	<p> Motion (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</i></p>

CASE SUMMARY

CASE NO. C-16-315718-1

REMANDED INTO CUSTODY on this cas. CUSTODY (COC-NDC);

03/06/2019



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

Defendant Sentenced;

Journal Entry Details:

DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered. NDC;

06/03/2019



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

06/03/2019, 07/15/2019

Defendant's Pro Per Motion to Withdraw Counsel

Matter Continued;

Granted;

Journal Entry Details:

Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion GRANTED as a Remittitur has been filed by the Supreme Court. NDC ;

Matter Continued;

Granted;

Journal Entry Details:

Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days. NDC CONTINUED TO: 7/15/2019 8:30 AM;

10/07/2019



Motion (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.)

Defendant's Pro Per Motion In the Nature of a Writ of Coram Nobis

Denied;

Journal Entry Details:

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

01/06/2020



Motion to Modify Sentence (8:30 AM) (Judicial Officer: Kephart, William D.)

Defendant's Pro Per Motion to Correct An Illegal Sentence

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

CASE SUMMARY

CASE NO. C-16-315718-1

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:

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.;

05/12/2021

Motion to Modify Sentence (8:30 AM) (Judicial Officer: Trujillo, Monica)

Motion to Modify/Correct Illegal Sentence

Off Calendar;

05/12/2021

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

Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference

Off Calendar;

05/12/2021

Motion to Modify Sentence (8:30 AM) (Judicial Officer: Trujillo, Monica)

Events: 04/21/2021 Motion to Modify Sentence

Defendant's Notice of Motion; Motions for Modification of Sentence and/or Correct Illegal Sentence

Off Calendar;

05/12/2021



All Pending Motions (8:30 AM) (Judicial Officer: Trujillo, Monica)

Matter Heard;








Journal Entry Details:

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

CASE SUMMARY

CASE NO. C-16-315718-1



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.;

06/02/2021	 Motion (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	 Motion (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	 Motion (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; Journal Entry Details: <i>COURT 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, Nevada 89070. 7/23/21 gs;</i>
07/28/2021	 Motion (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> Denied; Journal Entry Details: <i>COURT ORDERED, motion DENIED. 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, Nevada 89070. 8/17/21 gs;</i>
08/11/2021	 Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Request for Submission Addendum</i> Denied; Journal Entry Details: <i>COURT ORDERED, motion DENIED. State to prepare the Order consistent with the Opposition. NDC CLERK'S NOTE: The above minute order has been distributed to: James H. Hayes, #1175077, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada 89018. 8/24/21 gs;</i>
08/19/2021	 Status Check (3:00 AM) (Judicial Officer: Trujillo, Monica) <i>NSC order - FFCO</i> Off Calendar; Journal Entry Details: <i>This matter came before this Court on August 19, 2021 Chamber Calendar. The Nevada Supreme Court filed an Order Directing Entry and Transmission of Written Order on August 2, 2021. As such, this Court was directed to enter a written order, inform the Nevada Supreme Court in writing that it was reconsidering its decision, or inform the Nevada Supreme Court in writing that additional time was needed to enter the written order. Accordingly, this Court filed its Findings of Fact, Conclusions of Law and Order on August 13, 2021. Therefore, Court ORDERED matter OFF CALENDAR. CLERK'S NOTE: The above minute order has been distributed to: James Hayes #1175077, S.D.C.C., P.O. Box 208, Indian Springs, Nevada 89070. 8/20/21 gs;</i>
08/30/2021	 Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion for a Rehearing on Defendant's Motion to Modify and or Correct Illegal Sentence that was Denied on 7/14/2021</i> Denied; Journal Entry Details: <i>COURT ORDERED, motion DENIED. State to prepare the Order. NDC;</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-16-315718-1

12/08/2021	 Motion to Withdraw Plea (8:30 AM) (Judicial Officer: Becker, Nancy) <i>Motion to Withdraw Guilty Plea</i> Denied; Journal Entry Details: <i>COURT FINDS there is no relief on a Motion to Withdraw Guilty Plea and the appropriate remedy is a post conviction petition to the extent that one could try and treat his motion as a post conviction petition it would be procedurally barred, therefore ORDERED, motion DENIED. State to prepare the order. NDC CLERK'S NOTE: The above minute order has been distributed to: James H. Hayes, #1175077, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada 89018. 12/10/21 gs;</i>
12/20/2021	 Motion (8:30 AM) (Judicial Officer: Trujillo, Monica) 12/20/2021, 12/29/2021 <i>Second Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits</i> Matter Continued; Granted; Journal Entry Details: <i>Court NOTED Deft. had not filed an opposition. COURT FINDS Deft falls within the statutory definition of NRS 209.451(1)(d), Deft. has engaged in vexatious and abusive pattern of litigation by filing repetitive documents with the Court, therefore, ORDERED, motion GRANTED. State to prepare the order. NDC ;</i> Matter Continued; Granted; Journal Entry Details: <i>COURT ORDERED, matter CONTINUED for Deft. to respond to the Motion. NDC 12/29/21 8:30 AM - SECOND MOTION TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS ;</i>

DATE

FINANCIAL INFORMATION

Defendant Hayes, James Howard

Total Charges

28.00

Total Payments and Credits

0.00

Balance Due as of 1/31/2022

28.00

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NOREEN DEMONTE
Chief Deputy District Attorney
Nevada Bar #008213
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES HOWARD HAYES, aka
James Howard Hayes, Jr.,
#2796708

Defendant.

CASE NO: C-16-315718-1

DEPT NO: III

ORDER DENYING DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

DATE OF HEARING: December 8, 2021

TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 8th day of December, 2021, the Defendant not being present, in proper person, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through NOREEN DEMONTE, Chief Deputy District Attorney, without argument, based on the pleadings and good cause appearing therefor,

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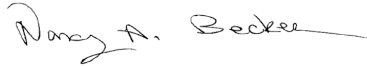
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1 COURT FINDS there is no relief on a Motion to Withdraw Guilty Plea and the
2 appropriate remedy is a post-conviction petition to the extent that one could try and treat his
3 motion as a post-conviction petition it would procedurally barred, therefore, IT IS HEREBY
4 ORDERED that the Defendant's Motion to Withdraw Guilty Plea, shall be, and it is DENIED.

5 DATED this _____ day of December, 2021.

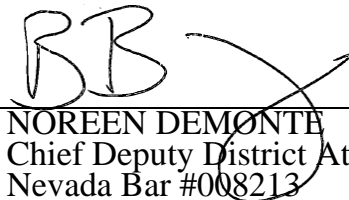
Dated this 22nd day of December, 2021



DISTRICT JUDGE
C0B 846 0D78 6EF2
Nancy Becker
District Court Judge

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

11 BY


NOREEN DEMONTE
Chief Deputy District Attorney
Nevada Bar #008213

for

16 CERTIFICATE OF SERVICE

17 I certify that on the _____ day of _____, 2021, I mailed a copy of the foregoing Order
18 to:

19 JAMES H. HAYES, BAC #1175077
20 SOUTHERN DESERT CORRECTIONAL CENTER
20825 COLD CREEK RD.
21 P.O. BOX 208
22 INDIAN SPRINGS, NV 89070

23 BY

C. Garcia
Secretary for the District Attorney's Office

28 cg/L2

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-16-315718-1

7 vs

DEPT. NO. Department 3

8 James Hayes
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/22/2021

15 "Kelli DeVaney-Sauter, DPD" .

Kelli.Devaney-Sauter@clarkcountynv.gov

16 DC 12 Law Clerk .

Dept12LC@clarkcountycourts.us

17 Melissa A. Boudreault .

mezama@clarkcountynv.gov

18 Pam Rocha .

RochaP@clarkcountycourts.us

19 PDMotions .

Motions@clarkcountyda.com

20 Jessica Murphy

murphyjw@clarkcountynv.gov

21 Michael Sanft

michael@sanftlaw.com

22 Dept 19 Law Clerk

dept19lc@clarkcountycourts.us

23 Terri Elliott

elliottt@clarkcountycourts.us

24 Dept 3 Law Clerk

dept3lc@clarkcountycourts.us

25 Corinna Garcia

corinna.garcia@clarkcountyda.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2016

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

June 23, 2016 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Devaney, Kelli M. Attorney
HAYES, JAMES HOWARD Defendant
Public Defender Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Kelsey Einhorn appearing for the State.

DEFT. HAYES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Deft's Request for Discovery is GRANTED pursuant to NRS 174.235 and Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

12/27/16 8:30 AM CALENDAR CALL (DEPT. 12)

1/03/16 1:30 PM JURY TRIAL (DEPT. 12)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2016

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

December 06, 2016 8:30 AM Motion for Discovery

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Holiday, Kristy	Attorney
	Mendoza, Erika	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present. Ms. Holiday requested Deft's presence be waived, further noting he resides in California and has had excellent communication with Ms. Sauter. Additionally, Ms. Sauter is on vacation, and defense will request a continuance for Ms. Sauter to appear and handle proceedings. COURT ORDERED, matter CONTINUED. Court noted for the record State had filed their written opposition yesterday. Ms. Holiday noted this in her file.

BOND

12/08/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY

12/20/16 8:30 A.M. CALENDAR CALL

1/03/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 08, 2016

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

December 08, 2016 8:30 AM Motion for Discovery

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Public Defender	Attorney
	Rogan, Jeffrey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present; PRESENCE WAIVED.

COURT ORDERED, as follows:

1. Court noted this request is overly broad, however, it will GRANT it to extent it is required by NRS 174.235.
2. State to comply with NRS 174.234.
3. State to comply with NRS 174.235.
4. State to comply with NRS 174.235.
5. State to comply with NRS 174.235.
6. State to provide anything other than statutory witness fee.
7. State to comply with Brady obligations.
8. State is to disclose prior felony information or crimes involving moral turpitude.
9. MOTION DENIED.
10. If there are any informants, the State is to disclose this information to Court, for determination as

to whether the information needs to be turned over.

11. MOTION GRANTED; State to provide defense with all chain of custody regarding evidence.

Ms. Sauter to prepare the order.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 20, 2016

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

December 20, 2016 8:30 AM Calendar Call

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Devaney-Sauter informed Court there is a pending motion to consolidate this case and another criminal case before Judge Eric Johnson on December 22, 2016. Additionally, defense has to do further investigation, and will not be ready for trial. At request of counsel, COURT ORDERED, trial date VACATED; matter SET for status check.

BOND

1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2016

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

December 22, 2016 8:30 AM Motion to Admit Evidence

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Public Defender	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present. Mr. Gaston informed Court Deft. was told he did not have to be here. COURT ORDERED, Deft's presence WAIVED. Mr. Dickerson provided details surrounding the allegations; and argued in support of admission of Deft's other burglary acts from three years prior, and further argued as to State's theory of Deft's probable defense, State needing to prove intent. Court stated it was not provided Deft's Opposition to State's Motion. Ms. Sauter apologized; and provided a copy of the Opposition to Court for consideration. COURT ORDERED, matter CONTINUED for Court to review this Opposition, prior to further arguments. Upon Court's inquiry, Mr. Dickerson clarified the request to consolidate this case and C315125 from Department 20 was denied by Judge Eric Johnson, and Judge Johnson had said he would entertain another bad acts motion by State. Discussions as to trial date of January 3, 2017 already having been vacated by this Court.

BOND

1/12/17 8:30 A.M. STATE'S MOTION TO ADMIT EVIDENCE OF OTHER ACTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2016

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

December 22, 2016 9:00 AM Motion to Consolidate

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Tia Everett
 Natalie Ortega

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 12, 2017**

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

January 12, 2017 8:30 AM Motion to Admit Evidence

HEARD BY: Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

PRESENT:	DeVaney-Sauter, Kelli M.	Attorney
	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson informed Court Deft. was convicted of burglary in his jury trial. Thereafter, Mr. Dickerson argued in support of the burglary matter to be admitted, and there having been no lawful intent on Deft's acts. Ms. Sauter opposed; and argued as to NRS 48.045, and State having given an overbroad reading of intent. Further arguments as to case law cited by State in the pleadings, State having failed to establish the relief being sought on using any intent evidence, common schemer plan exception, Newman vs. State case law, and prejudice outweighing probative value for Deft. if the act comes in for trial. Ms. Sauter added the State cannot establish introduction of this evidence, and based on a prior, the jury in this case may convict him just on this, and not on any evidence. Further arguments as to Nevada Supreme Court decision. Ms. Sauter requested Court to consider setting an evidentiary hearing on the issue, if Court is inclined to grant State's Motion. Mr. Dickerson stated he will submit a trial transcript from the other case to this Court. Further arguments as to case law being clear. COURT ORDERED, Motion DENIED. Ms. Sauter to prepare the order.

BOND

1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 26, 2017

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

**January 26, 2017 8:30 AM Status Check: Reset Trial
Date**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	HAYES, JAMES HOWARD	Defendant
	Public Defender	Attorney
	Rogan, Jeffrey	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, trial date SET.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/21/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 09, 2017

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

February 09, 2017 3:00 AM Minute Order

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The law firm of Colquitt & Abbatangelo, LTD., currently represents the Defendant in this matter.

Pursuant to Nevada Code of Judicial Conduct NCJC 3(E)(1)(d)(ii), and to avoid the appearance of impropriety and implied bias, the Court RECUSES itself from the above-entitled case, and ORDERS this matter to be randomly reassigned. The newly assigned Department will need to set a status check hearing to determine a date for Calendar Call and Jury Trial.

CLERK'S NOTE: A copy of the above minute order has been forwarded to Clerk's Office Master Calendar for reassignment. /// sj

CLERK'S NOTE: Law firm was notified regarding recusal. /// sj

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 06, 2017

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

March 06, 2017 8:30 AM Trial Setting

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 HAYES, JAMES HOWARD Defendant
 Scow, Richard H. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Abbatangelo advised he substituted in as counsel and the case was re-assigned from department 12. Further, Mr. Abbatangelo advised Defendant has invoked the 60 day rule. Mr. Scow advised the victim has scheduled military leave between 3/20/2017 - 3/31/2017. Colloquy regarding scheduling. COURT ORDERED, matter SET for trial.

BOND (COC)

3/22/2017 8:30 AM CALENDAR CALL

3/27/2017 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 22, 2017**

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

March 22, 2017 8:30 AM Calendar Call

HEARD BY: Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES**

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

BOND (COC)

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2017

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

April 03, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 HAYES, JAMES HOWARD Defendant
 Scow, Richard H. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Abbatangelo advised parties are close to a resolution and requested matter be continued thirty days. COURT SO ORDERED.

BOND (COC-NDC)

CONTINUED TO: 5/01/2017 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2017

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

May 01, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 HAYES, JAMES HOWARD Defendant
 Rowles, William C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Rowles advised he believes the matter is resolved and he has the Guilty Plea Agreement. MATTER TRAILED for Mr. Abbatangelo. RECALLED. Mr. Abbatangelo requested matter be continued sixty days. Mr. Rowles advised the offer is one count of burglary stipulate to a 12 -30 concurrent with C315125 and if Defendant rejects the offer at the next date the offer will be revoked. Court stated he is inclined to set the matter for trial with a status check in thirty days for negotiations. Parties agreed. COURT ORDERED, matter SET for trial and Status Check.

BOND (COC-NDC)

5/31/2017 8:30 AM STATUS CHECK: NEGOTIATIONS

8/30/2017 8:30 AM PRE TRIAL CONFERENCE

9/27/2017 8:30 AM CALENDAR CALL

10/02/2017 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 31, 2017

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

May 31, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Colquitt, Ronald Attorney
 Derjavina, Ekaterina Attorney
 HAYES, JAMES HOWARD Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Colquitt advised the matter is not negotiated and Defendant has rejected the offer. Ms. Derjavina advised the offer has been revoked at this time. COURT ORDERED, trial date STANDS.

BOND (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 12, 2017

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

**June 12, 2017 8:30 AM Motion to Withdraw as
 Counsel**

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 HAYES, JAMES HOWARD Defendant
 Mendoza, Erika Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present. Mr. Abbatangelo advised Defendant in custody with Nevada Department of Corrections (NDC) on another case. COURT ORDERED, Motion GRANTED; Public Defender APPOINTED to determine if there will be conflict and matter SET for Status Check. FURTHER ORDERED, State to prepare an Order to Transport.

BOND (COC-NDC)

7/10/2017 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL (PD)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2017

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

July 10, 2017 8:30 AM Status Check

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Beverly, Leah C	Attorney
	HAYES, JAMES HOWARD	Defendant
	Rusley, Eric W	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS.

BOND (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2017

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

August 30, 2017 8:30 AM Pre Trial Conference

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: April Watkins

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	HAYES, JAMES HOWARD	Defendant
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Murphy stated she believes Ms. DeVaney received most of what was needed and just received two notices from the state who will provide documents. Further, Ms. Murphy stated Deft. filed something in the Nevada Supreme Court, not sure what it is and advised it has been transferred to the Court of Appeals. Colloquy. COURT ORDERED, calendar call and trial dates STAND. Deft. advised he filed a writ of habeas corpus challenging probable cause. Statement by Mr. Dickerson.

MATTER RECALLED:

Ms. Murphy requested a status check in three weeks for possible negotiations. Colloquy. Mr. Dickerson stated Deft's counsel requested to re-open negotiations and counsel will to entertain and believes status check will facilitate negotiations. COURT ORDERED, matter SET for status check. State to prepare transport order.

BOND (COC-NDC)

9/20/17 9:00 AM STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2017

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

September 27, 2017 9:00 AM All Pending Motions

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL ... STATUS CHECK: NEGOTIATIONS

Ms. Murphy advised there is an offer which Defendant wants to accept; however, Defendant filed an appeal which a decision has not been reached. COURT ORDERED, trial date VACATED and matter SET for Status Check as to the Supreme Court decision.

BOND (COC-NDC)

10/25/2017 8:30 AM STATUS CHECK: SUPREME COURT DECISION ... STATUS CHECK:
NEGOTIATIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2017

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

October 25, 2017 8:30 AM All Pending Motions

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Clowers, Shanon	Attorney
	Cottner, Kyle	Attorney
	HAYES, JAMES HOWARD	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: SUPREME COURT DECISION / TRIAL SETTING ... STATUS CHECK:
NEGOTIATIONS

Mr. Cottner advised the Court of Appeals has dismissed Defendant's pro per writ and requested a trial date be set in ordinary course. COURT ORDERED, matter SET for trial.

CUSTODY (COC-NDC)

4/11/2018 8:30 AM PRE TRIAL CONFERENCE

5/09/2018 8:30 AM CALENDAR CALL

5/14/2018 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 11, 2018

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

April 11, 2018 8:30 AM Pre Trial Conference

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett
 Christopher Darling

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Murphy advised she anticipates ready for the current trial date; although she has filed a Petition which is set to be heard on 4/23/2018. COURT ORDERED, trial date STANDS. Ms. Mendoza advised Mr. Dickerson indicated that there may be something pending with the Appellant Court. Ms. Murphy advised Defendant did file a Pro Per Appeal which has since been denied and will not be an issue. Court so noted.

BOND (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 23, 2018

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

**April 23, 2018 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett
Chante Williams

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Mendoza, Erika	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted a written opposition has not been filed. Ms. Mendoza advised this is Mr. Dickerson's case who indicated the transcript in this matter was filed 7/2016 making the writ untimely and should be denied; however, if the Court would like a response he would ask for additional time. Court stated he would like a response. COURT ORDERED, State's Response shall be due on or before 4/30/2018 and matter CONTINUED. Ms. Murphy advised she provided Defendant with additional discovery this morning in Open Court as well as spoke with Defendant at length on the phone. Further, Ms. Murphy requested the State mail a copy of their opposition as soon as possible as Defendant is at High Desert. Ms. Mendoza advised Defendant is represented by counsel and counsel will be served with the Opposition.

BOND (COC-NDC)

5/9/18 8:30 AM

PRINT DATE: 01/31/2022

Page 26 of 60

Minutes Date: June 23, 2016

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2018

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

May 09, 2018 8:30 AM Calendar Call

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Rubina Feda

REPORTER:

PARTIES

PRESENT: Murphy, Jessica W. Attorney
 Rowles, William C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Upon Court s inquiry, Ms. Murphy advised Defendant is in the Nevada Department of Corrections and was not transported. Court noted Defendant has an appeal pending with the Supreme Court. Colloquy regarding Defendant s pending appeal. CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED and matter SET for Status Check.

BOND (COC-NDC)

6/6/18 8:30 AM STATUS CHECK: SUPREME COURT DECISION/ RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 06, 2018**

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

June 06, 2018 8:30 AM Status Check

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Murphy advised Defendant was not transported from the Nevada Department of Corrections. Mr. Dickerson advised the Supreme Court denied Defendant's Pro Per Petition on 5/15/2018 and requested matter be set for status check to reset the trial date. Further, Mr. Dickerson advised an offer has been extended; however, the offer has not been accepted. COURT ORDERED, matter SET for Status Check and DIRECTED State to prepare the appropriate transport order.

BOND (COC-NDC)

7/11/2018 8:30 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 11, 2018

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

July 11, 2018 8:30 AM Status Check: Trial Setting

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	HAYES, JAMES HOWARD	Defendant
	Murphy, Jessica W.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

CUSTODY (COC)

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

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

11/07/2018 8:30 AM CALENDAR CALL

11/13/2018 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2018

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

August 15, 2018 8:30 AM All Pending Motions

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Dickerson, Michael Attorney
 HAYES, JAMES HOWARD Defendant
 Rusley, Eric W Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S
MOTION TO WITHDRAW AS COUNSEL OF RECORD

Court reviewed case history. COURT ORDERED, Motion to Withdraw as Counsel GRANTED;
Michael Sanft APPOINTED and Petition CONTINUED in order for Mr. Sanft to review the case.
FURTHER ORDERED, matter SET for Confirmation of Counsel.

8/29/2018 8:30 AM CONFIRMATION OF COUNSEL (SANFT) ... DEFENDANT'S PRO PETITION
FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 29, 2018

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

August 29, 2018 8:30 AM All Pending Motions

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: HAYES, JAMES HOWARD Defendant
 Kern, Samuel R. Attorney
 Sanft, Michael W. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (SANFT)

Mr. Sanft confirmed as counsel and advised he has conveyed the State's offer of an alford plea to attempt grand larceny, a wobbler, State will make no recommendation at sentencing with no opposition to probation with 30 days ccdc and 30 days credit for time served. Further, Mr. Sanft advised a counter offer of a stipulation to a gross misdemeanor; however, State has indicated they are not willing to enter that stipulation and would like the Court to make that determination. Mr. Dickerson confirmed representations. COURT ORDERED, matter SET for Status Check.

DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS

COURT ORDERED, Petition DENIED as it was not filed in compliance with NRS 34.700 and the

Court is unable to consider the Petition.

BOND (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 26, 2018

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

September 26, 2018 8:30 AM Status Check

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: HAYES, JAMES HOWARD Defendant
 Holthus, Mary Kay Attorney
 Sanft, Michael W. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Sanft advised his investigator has met with Defendant and the offer extended contemplates credit for time served; although the State will retain the right to argue as to felony or gross misdemeanor treatment. Upon Court's inquiry, Mr. Sanft advised there are no outstanding discovery issues and he anticipates ready for the current trial date. COURT ORDERED, trial date STANDS.

BOND (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2018

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

November 07, 2018 8:30 AM Calendar Call

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Dickerson, Michael Attorney
 HAYES, JAMES HOWARD Defendant
 Sanft, Michael W. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HAYES ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT GRAND LARCENY (F/GM). State made offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing; trial date VACATED.

BOND

3/06/2019 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2019

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

February 04, 2019 8:30 AM Motion

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

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Hayes, James Howard	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Dickerson advised he would submit on the motion and will answer any questions the Court may have. Mr. Sanft reviewed allegations of new charge. COURT ORDERED, Motion GRANTED; BAIL EXONERATED; Defendant REMANDED INTO CUSTODY on this cas.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 06, 2019

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

March 06, 2019 8:30 AM Sentencing

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

COURT CLERK: Tia Everett
 Shannon Emmons

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Hayes, James Howard	Defendant
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2019

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

June 03, 2019

8:30 AM

Motion

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:

LoGrippo, Frank R.
Sanft, Michael W.
State of Nevada

Attorney
Attorney
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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 19, 2021

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

July 19, 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
 Sullivan, Skyler L Attorney

JOURNAL ENTRIES

- COURT 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, Nevada 89070. 7/23/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2021

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

July 28, 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 ORDERED, motion DENIED.

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, Nevada 89070. 8/17/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 11, 2021

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

August 11, 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
 Waters, Steven L Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED. State to prepare the Order consistent with the Opposition.

NDC

CLERK'S NOTE: The above minute order has been distributed to: James H. Hayes, #1175077, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada 89018. 8/24/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2021

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

August 19, 2021 3:00 AM Status Check

HEARD BY: Trujillo, Monica **COURTROOM:** Chambers

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before this Court on August 19, 2021 Chamber Calendar. The Nevada Supreme Court filed an Order Directing Entry and Transmission of Written Order on August 2, 2021. As such, this Court was directed to enter a written order, inform the Nevada Supreme Court in writing that it was reconsidering its decision, or inform the Nevada Supreme Court in writing that additional time was needed to enter the written order. Accordingly, this Court filed its Findings of Fact, Conclusions of Law and Order on August 13, 2021. Therefore, Court ORDERED matter OFF CALENDAR.

CLERK'S NOTE: The above minute order has been distributed to: James Hayes #1175077, S.D.C.C., P.O. Box 208, Indian Springs, Nevada 89070. 8/20/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2021

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

August 30, 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
Sullivan, Skyler L Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion DENIED. State to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 08, 2021

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

December 08, 2021 8:30 AM Motion to Withdraw Plea

HEARD BY: Becker, Nancy **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Demonte, Noreen C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT FINDS there is no relief on a Motion to Withdraw Guilty Plea and the appropriate remedy is a post conviction petition to the extent that one could try and treat his motion as a post conviction petition it would be procedurally barred, therefore ORDERED, motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: James H. Hayes, #1175077, Southern Desert Correctional Center, P.O. Box 208, Indian Springs, Nevada 89018. 12/10/21 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 20, 2021

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

December 20, 2021 8:30 AM Motion

HEARD BY: Becker, Nancy

COURTROOM: RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Waters, Steven L Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for Deft. to respond to the Motion.

NDC

12/29/21 8:30 AM - SECOND MOTION TO REFER DEFENDANT TO DEPARTMENT OF
CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 29, 2021

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

December 29, 2021 8:30 AM Motion

HEARD BY: Trujillo, Monica

COURTROOM: RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Demonte, Noreen C. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court NOTED Deft. had not filed an opposition. COURT FINDS Deft falls within the statutory definition of NRS 209.451(1)(d), Deft. has engaged in vexatious and abusive pattern of litigation by filing repetitive documents with the Court, therefore, ORDERED, motion GRANTED. State to prepare the order.

NDC

EXHIBIT(S) LIST

Case No.: ~~6294640~~ 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

Counsel for Plaintiff: Michael Dickerson & William Roles

vs.

Defendant: James Howard Hayes

Counsel for Defendant: Michael Sanft

HEARING / TRIAL BEFORE THE COURT

STATE'S EXHIBITS

[illegible]



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

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

DATE: January 31, 2022
CASE: C-16-315718-1

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

NOTICE OF APPEAL FILED: January 5, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☐

Case Appeal Statement

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

☐

Order

☒

Notice of Entry of Order

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

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (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; REPLY TO STATE'S ANSWERING BRIEF AND PRODUCTION OF DOCUMENTS; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES HOWARD HAYES
aka JAMES HOWARD HAYES, JR.,

Defendant(s).

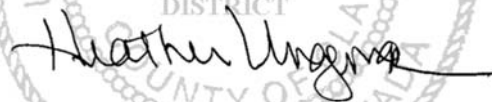
Case No: C-16-315718-1

Dept No: III

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 31 day of January 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk