

Electronically Filed  
Feb 15 2023 10:46 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

NOASC  
Rene L. Valladares  
Federal Public Defender  
Nevada State Bar No. 11479  
\*Martin L. Novillo  
Assistant Federal Public Defender  
Nevada State Bar No. 14811C  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
(702) 388-6419 (Fax)  
Martin\_Novillo@fd.org

Attorney for Petitioner James Howard Hayes

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY

James Howard Hayes,

Petitioner,

v.

State of Nevada,

Respondents.

Case No. C-16-315718-1  
Dept. No. III

NOTICE OF APPEAL

Notice is hereby given that Petitioner James Hayes appeals to the Nevada Supreme Court from the Order Denying Motion to Modify or Correct an Illegal Sentence entered in this action on February 13, 2023.

1 Dated February 14, 2023

2 Respectfully submitted,

3  
4 Rene L. Valladares  
5 Federal Public Defender

6 */s/ Martin L. Novillo*

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7 Martin L. Novillo  
8 Assistant Federal Public Defender  
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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2023, I electronically filed the foregoing with the Clerk of the Eighth Judicial District Court by using the Court's electronic filing system.

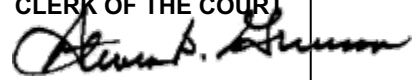
Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

James H. Hayes, #1175077 Three Lakes Valley Conservation Camp P.O. Box 208 Indian Springs, Nevada 89070	Jaime Stilz Office of the Attorney General 555 E. Washington Ave. Las Vegas, NV 89101 jstilz@ag.nv.gov
Clark County District Attorney 200 Lewis Ave. Las Vegas, NV 89101	

/s/ Kaitlyn O'Hearn

An Employee of the Federal Public  
Defender, District of Nevada



ASTA  
Rene L. Valladares  
Federal Public Defender  
Nevada State Bar No. 11479  
\*Martin L. Novillo  
Assistant Federal Public Defender  
Nevada State Bar No. 14811C  
411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
(702) 388-6577  
(702) 388-6419 (Fax)  
Martin\_Novillo@fd.org

Attorney for Petitioner James Howard Hayes

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY

JAMES HOWARD HAYES,

Petitioner,

v.

THE STATE OF NEVADA,

Respondents.

Case No. C-16-315718-1  
Dept. No. III

CASE APPEAL STATEMENT

1. **Name of petitioner filing this case appeal statement:** James  
Howard Hayes

2. **Identify the judge issuing the order appealed from:** The  
Honorable Monica Trujillo, District Court Judge, Dept. No. III, Eighth Judicial  
District Court, Clark County, Nevada.

1           3.     **Identify each appellant and the name and address of counsel**  
2 **for each appellant:** Mr. Hayes is represented by Martin L. Novillo, Assistant  
3 Federal Public Defender, Federal Public Defender's Office, District of Nevada, 411  
4 E. Bonneville Avenue, Suite 250, Las Vegas, NV 89101.

5           4.     **Identify each respondent and the name and address of**  
6 **appellate counsel, if known, for each respondent:** The State of Nevada, Steven  
7 Wolfson, and Hillary Heap, Clark County District Attorney's Office, 200 Lewis  
8 Avenue, Las Vegas, NV 89101.

9           5.     **Indicate whether any attorney identified above in response to**  
10 **question 3 or 4 is not licensed to practice law in Nevada and, if so, whether**  
11 **the district court granted that attorney permission to appear under SCR**  
12 **42.** The attorneys mentioned above are licensed to practice law in Nevada.

13           6.     **Whether petitioner/appellant was represented by appointed or**  
14 **retained counsel in the district court:** Mr. Hayes was represented in the  
15 district court by counsel previously appointed to represent him in a related federal  
16 matter.

17           7.     **Whether petitioner/appellant is represented by appointed or**  
18 **retained counsel on appeal:** Mr. Hayes is represented on appeal by counsel  
19 previously appointed to represent him in a related federal matter.

20           8.     **Whether petitioner/appellant was granted leave to proceed in**  
21 **forma pauperis, and the date of entry of the district court order granting**  
22 **such leave:** An inmate need not pay a fee to file (or appeal from the denial of) a  
23 motion to correct an illegal sentence. NRS 2.250(1)(d); NRS 34.724(1). The federal  
24 court determined Mr. Hayes was indigent and appointed counsel on his behalf in a  
25 related federal case.  
26  
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1           9.     **Date proceedings commenced in the district court (e.g., date**  
2 **complaint, indictment, information or petition was filed):** filed his Motion to  
3 Correct Illegal Sentence on January 4, 2023.

4           10.    **Provide a brief description of the nature of the action and**  
5 **result in the district court, including the type of judgment or order being**  
6 **appealed and the relief granted by the district court:** This is an appeal of an  
7 order denying Mr. Hayes' Motion to Correct or Modify Illegal Sentence on the  
8 merits.

9           11.    **Indicate whether the case has previously been the subject of an**  
10 **appeal to or original writ proceeding in the Supreme Court or Court of**  
11 **Appeals and, if so, the caption and docket number of the prior proceeding:**

- 12           - *Hayes v. State of Nevada*, 73436
- 13           - *Hayes v. State of Nevada*, 75173
- 14           - *Hayes v. State of Nevada*, 77151
- 15           - *Hayes v. State of Nevada*, 78590
- 16           - *Hayes v. State of Nevada*, 78622
- 17           - *Hayes v. State of Nevada*, 80222
- 18           - *Hayes v. State of Nevada*, 81076
- 19           - *Hayes v. State of Nevada*, 82734
- 20           - *Hayes v. State of Nevada*, 82962
- 21           - *Hayes v. State of Nevada*, 83151
- 22           - *Hayes v. State of Nevada*, 83274
- 23           - *Hayes v. State of Nevada*, 84169
- 24           - *Hayes v. State of Nevada*, 85624
- 25           - *Hayes v. State of Nevada*, 73436-COA
- 26           - *Hayes v. State of Nevada*, 75173-COA
- 27           - *Hayes v. State of Nevada*, 78590-COA

- 1       - *Hayes v. State of Nevada*, 80222-COA
- 2       - *Hayes v. State of Nevada*, 82734-COA
- 3       - *Hayes v. State of Nevada*, 82962-COA
- 4       - *Hayes v. State of Nevada*, 83151-COA
- 5       - *Hayes v. State of Nevada*, 83274-COA
- 6       - *Hayes v. State of Nevada*, 85624-COA

7       12.    **Indicate whether this appeal involves child custody or**  
8 **visitation:** This appeal does not involve child custody or visitation.

9       13.    **If this is a civil case, indicate whether this appeal involves the**  
10 **possibility of settlement:** n/a.

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Dated February 14, 2023

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

*/s/ Martin L. Novillo*

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Martin L. Novillo  
Assistant Federal Public Defender



CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2023, I electronically filed the foregoing with the Clerk of the Eighth Judicial District Court by using the Court’s electronic filing system.

Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

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James H. Hayes, #1175077 Three Lakes Valley Conservation Camp P.O. Box 208 Indian Springs, Nevada 89070	Jaime Stilz Office of the Attorney General 555 E. Washington Ave. Las Vegas, NV 89101 jstilz@ag.nv.gov
Clark County District Attorney 200 Lewis Ave. Las Vegas, NV 89101	

/s/ Kaitlyn O’Hearn  
An Employee of the Federal Public  
Defender, District of Nevada

## 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 Number: C315718  
§ 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  
§ 84169  
§ 85624

### 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					
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	Valladares, Rene L. Retained 702-388-6577(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

### DATE
















### EVENTS & ORDERS OF THE COURT

### INDEX














# CASE SUMMARY

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















### EVENTS

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














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

03/23/2017	 Order for Production of Inmate <i>[16] Order for Production of Inmates</i>	In #1
05/31/2017	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[17] Motion to Withdraw as Attorney of Record for Defendant</i>	In #1
06/01/2017	 Certificate of Mailing <i>[18] 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














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

07/30/2018	 Motion to Withdraw As Counsel Filed By: Defendant Hayes, James Howard <i>[29] Motion to Withdraw as Attorney of Record</i>	In #2
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
		In

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













04/29/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[43] Notice of Motion</i>	#4
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 #5
09/25/2019	 Recorders Transcript of Hearing Party: Defendant Hayes, James Howard <i>[51] Transcript of Hearing Held on November 7, 2018</i>	In #5
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 #5
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 #5
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 #5
10/17/2019	 Reply to Opposition Filed by: Defendant Hayes, James Howard	In #5

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

	<i>[55] "Reply" to the State's Opposition" Motion for a Writ of Coram Nobis</i>	
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>	In #2
11/19/2019	 Notice of Appeal (Criminal) <i>[58] Notice of Appeal</i>	In #2
11/19/2019	 Designation of Record on Appeal <i>[59] Designation of Record on Appeal</i>	In #2
12/04/2019	 Notice of Change of Address Filed By: Defendant Hayes, James Howard <i>[57] Notice of Change of Address</i>	In #2
12/11/2019	 Case Appeal Statement Filed By: Defendant Hayes, James Howard <i>[60] Case Appeal Statement</i>	In #6
12/16/2019	 Motion to Modify Sentence Filed By: Defendant Hayes, James Howard <i>[61] "Motion to Correct an Illegal Sentence"</i>	In #6
12/16/2019	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[62] Notice of Motion</i>	In #6
12/30/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[63] State's Opposition to Defendant's Motion to Correct an Illegal Sentence</i>	In #6
01/06/2020	 Affidavit Filed By: Defendant Hayes, James Howard <i>[64] Affidavit of Granting "Motion to Correct an Illegal Sentence" of the Wrongfully Convicted"</i>	In #6
01/27/2020	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[65] Reply to State's Opposition to "Motion to Correct an Illegal Sentence"</i>	In #6
02/24/2020	 Motion Filed By: Defendant Hayes, James Howard <i>[66] "Motion for Ruling" for "Motion to Correct an Illegal Sentence"; Hearing Requested</i>	In #6
02/24/2020	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[68] Notice of Motion</i>	In #6
02/25/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed	In #6

# CASE SUMMARY









CASE NO. C-16-315718-1

	<i>[67] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	
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



# CASE SUMMARY

CASE NO. C-16-315718-1

09/28/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[81] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #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 Bitu 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 #8
03/25/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[91] Notice of Motion "Hearing Requested"</i>	In #8
04/14/2021	 Notice of Rescheduling of Hearing <i>[92] Notice of Rescheduling of Hearing</i>	In #8

# 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>	In #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











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

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


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08/06/2021	 Opposition <i>[118] State's Opposition to Request for Submission Addendum</i>	In #1
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 :Alford" Guilty Plea...</i>	In #1
11/16/2021	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[125] Notice of Motion "Hearing Requested"</i>	In #1
11/22/2021	 Order Denying <i>[126] Order Denying Defendant's Request for Submission Addendum</i>	In #1
12/06/2021	 Opposition to Motion 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 Hearing Requested</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

















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12/22/2021	 Order Denying Motion <i>[131] Order Denying Defendant's Motion to Withdraw Guilty Plea</i>	<i>In #1</i>
01/03/2022	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[132] Notice of Motion "Hearing Requested"</i>	<i>In #1</i>
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>	<i>In #1</i>
01/05/2022	 Notice of Appeal (Criminal) <i>[135] Notice of Appeal</i>	<i>In #1</i>
01/05/2022	 Designation of Record on Appeal <i>[136] Designation of Record on Appeal</i>	<i>In #1</i>
01/05/2022	 Reply <i>[137] Reply to State's Answering Brief and Production of Documents (Supreme Court Document)</i>	<i>In #1</i>
01/06/2022	 Findings of Fact, Conclusions of Law and Order <i>[134] Findings of Fact, Conclusions of Law, and Order</i>	<i>In #1</i>
01/31/2022	 Case Appeal Statement <i>[138] Case Appeal Statement</i>	<i>In #1</i>
02/04/2022	 Notice Filed By: Plaintiff State of Nevada <i>[139] Notice of Compliance with January 6, 2022, Order</i>	<i>In #1</i>
03/08/2022	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[140] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	<i>In #1</i>
05/18/2022	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[141] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Petition Denied</i>	<i>In #1</i>
08/10/2022	 Motion Filed By: Defendant Hayes, James Howard <i>[142] "Motion for Credit Presentence Confinement Served, Applied to Sentence"...</i>	<i>In #1</i>
08/10/2022	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[143] Notice of Motion</i>	<i>In #1</i>
08/24/2022	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[144] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Petition Denied</i>	<i>In #1</i>















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08/25/2022	 Reply in Support Filed By: Defendant Hayes, James Howard <i>[145] Reply Suggestions in Support of Motion for Credit, Pre-Sentence Confinement, Applied to Sentence</i>	In #1
09/28/2022	 Recorders Transcript of Hearing <i>[146] Transcript of Hearing Held on December 6, 2016</i>	In #1
09/28/2022	 Recorders Transcript of Hearing <i>[147] Transcript of Hearing Held on December 8, 2016</i>	In #1
09/28/2022	 Recorders Transcript of Hearing <i>[148] Transcript of Hearing Held on December 20, 2016</i>	In #1
09/28/2022	 Recorders Transcript of Hearing <i>[149] Transcript of Hearing Held on January 12, 2017</i>	In #1
09/28/2022	 Recorders Transcript of Hearing <i>[150] Transcript of Hearing Held on January 26, 2017</i>	In #1
09/29/2022	 Motion Filed By: Defendant Hayes, James Howard <i>[152] Motion for Status Check of the Proceedings</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[155] Transcript of Hearing Held on June 23, 2016</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[156] Transcript of Hearing Held on March 6, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[157] Transcript of Hearing Held on April 3, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[158] Transcript of Hearing Held on March 22, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[159] Transcript of Hearing Held on May 1, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[160] Transcript of Hearing Held on May 31, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[161] Transcript of Hearing Held on June 12, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[162] Transcript of Hearing Held on July 10, 2017</i>	In #1

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10/13/2022	 Recorders Transcript of Hearing <i>[163] Transcript of Hearing Held on August 30, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[164] Transcript of Hearing Held on September 27, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[165] Transcript of Hearing Held on October 25, 2017</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[166] Transcript of Hearing Held on April 11, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[167] Transcript of Hearing Held on April 23, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[168] Transcript of Hearing Held on May 9, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[169] Transcript of Hearing Held on June 6, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[170] Transcript of Hearing Held on July 11, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[171] Transcript of Hearing Held on August 15, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[172] Transcript of Hearing Held on August 29, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[173] Transcript of Hearing Held on September 26, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[174] Transcript of Hearing Held on November 7, 2018</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[175] Transcript of Hearing Held on February 4, 2019</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[176] Transcript of Hearing Held on June 3, 2019</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[177] Transcript of Hearing Held on July 15, 2019</i>	In #1
10/13/2022	 Recorders Transcript of Hearing	In #1












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	<i>[178] Transcript of Hearing Held on October 7, 2019</i>	
10/13/2022	 Recorders Transcript of Hearing <i>[179] Transcript of Hearing Held on January 6, 2020</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[180] Transcript of Hearing Held on March 18, 2020</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[181] Transcript of Hearing Held on June 1, 2020</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[182] Transcript of Hearing Held on June 22, 2020</i>	In #1
10/13/2022	 Recorders Transcript of Hearing <i>[183] Transcript of Hearing Held on August 24, 2020</i>	In #1
10/21/2022	 Order Denying Motion <i>[185] Order Denying Defendant's Motion for Credit Presentence Confinement Served Applied to Sentence</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[186] Transcript of Hearing Held on December 29, 2021</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[187] Transcript of Hearing Held on December 20, 2021</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[188] Transcript of Hearing Held on August 30, 2021</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[189] Transcript of Hearing Held on July 14, 2021</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[190] Transcript of Hearing Held on March 29, 2021</i>	In #1
10/21/2022	 Recorders Transcript of Hearing <i>[191] Transcript of Hearing Held on Match 15, 2021</i>	In #1
10/31/2022	 Recorders Transcript of Hearing Party: Defendant Hayes, James Howard <i>[192] Transcript of Hearing Held on March 6, 2019</i>	In #1
11/01/2022	 Notice of Appeal (Criminal) <i>[193] Notice of Appeal</i>	In #1
11/02/2022	 Case Appeal Statement <i>[194] Case Appeal Statement</i>	In #1



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11/03/2022	 Recorders Transcript of Hearing <i>[195] Transcript of Hearing Held on December 22, 2016</i>	<i>In #1</i>
11/15/2022	 Notice of Motion Filed By: Defendant Hayes, James Howard <i>[196] Notice of Motion</i>	<i>In #1</i>
11/15/2022	 Motion to Amend Judgment Filed By: Defendant Hayes, James Howard <i>[197] Rule 59(e) "Motion to Alter or Amend Judgment"</i>	<i>In #1</i>
11/21/2022	 Order Denying Motion <i>[198] Order Denying Defendant's Motion for Status Check of the Proceedings</i>	<i>In #1</i>
01/04/2023	 Notice of Appearance Party: Defendant Hayes, James Howard <i>[199] Notice of Appearance</i>	<i>In #1</i>
01/04/2023	 Response Filed by: Plaintiff State of Nevada <i>[200] State's Response to Defendant's Rule 59(E) "Motion to Alter or Amend Judgment"</i>	<i>In #2</i>
01/04/2023	 Motion Filed By: Defendant Hayes, James Howard <i>[201] Motion to Modify or Correct and Illegal Sentence</i>	<i>In #2</i>
01/04/2023	 Exhibits Filed By: Defendant Hayes, James Howard <i>[202] INDEX AND EXHIBITS IN SUPPORT OF MOTION TO MODIFY OR CORRECT AND ILLEGAL SENTENCE</i>	<i>In #2</i>
01/11/2023	 Clerk's Notice of Hearing Party: Defendant Hayes, James Howard <i>[203] Notice of Hearing</i>	<i>In #2</i>
01/13/2023	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[204] Opposition to Motion to Modify or Correct an Illegal Sentence</i>	<i>In #2</i>
01/18/2023	 Reply to Opposition Filed by: Defendant Hayes, James Howard <i>[205] Reply to Opposition to Motion to Modify or Correct and Illegal Sentence</i>	<i>In #2</i>
02/13/2023	 Order Denying Motion <i>[206] Order Denying Motion to Modify or Correct Illegal Sentence</i>	<i>In #2</i>
02/14/2023	 Notice of Appeal (Criminal) Party: Defendant Hayes, James Howard <i>[207] Notice of Appeal</i>	<i>In #2</i>

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#2

02/14/2023



Case Appeal Statement

Filed By: Defendant Hayes, James Howard  
[208] Case Appeal Statement

**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

**HEARINGS**

06/23/2016

**Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Trial Date Set;

Journal Entry Details:

*Deputized Law Clerk, Kelsey Einhorn appearing for the State. DEFT. HAYES ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, Deft's Request for Discovery is GRANTED pursuant to NRS 174.235 and Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. BOND 12/27/16 8:30 AM CALENDAR CALL (DEPT. 12) 1/03/16 1:30 PM JURY TRIAL (DEPT. 12);*

12/06/2016

**Motion for Discovery** (8:30 AM) (Judicial Officer: Leavitt, Michelle)**12/06/2016, 12/08/2016***Defendant's Motion for Discovery*

Continued;

Granted in Part;

Journal Entry Details:

*Deft. not present; PRESENCE WAIVED. COURT ORDERED, as follows: 1. Court noted this request is overly broad, however, it will GRANT it to extent it is required by NRS 174.235. 2. State to comply with NRS 174.234. 3. State to comply with NRS 174.235. 4. State to comply with NRS 174.235. 5. State to comply with NRS 174.235. 6. State to provide anything other than statutory witness fee. 7. State to comply with Brady obligations. 8. State is to disclose prior felony information or crimes involving moral turpitude. 9. MOTION DENIED. 10. If there are any informants, the State is to disclose this information to Court, for determination as to whether the information needs to be turned over. 11. MOTION GRANTED; State to provide defense with all chain of custody regarding evidence. Ms. Sauter to*

**CASE SUMMARY**  
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*prepare the order. BOND;*

Continued;

Granted in Part;

Journal Entry Details:

*Deft. not present. Ms. Holiday requested Deft's presence be waived, further noting he resides in California and has had excellent communication with Ms. Sauter. Additionally, Ms. Sauter is on vacation, and defense will request a continuance for Ms. Sauter to appear and handle proceedings. COURT ORDERED, matter CONTINUED. Court noted for the record State had filed their written opposition yesterday. Ms. Holiday noted this in her file. BOND 12/08/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY 12/20/16 8:30 A.M. CALENDAR CALL 1/03/17 1:30 P.M. TRIAL BY JURY;*

12/20/2016



**Calendar Call (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

Set Status Check;

Journal Entry Details:

*Ms. Devaney-Sauter informed Court there is a pending motion to consolidate this case and another criminal case before Judge Eric Johnson on December 22, 2016. Additionally, defense has to do further investigation, and will not be ready for trial. At request of counsel, COURT ORDERED, trial date VACATED; matter SET for status check. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;*

12/22/2016



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

**12/22/2016, 01/12/2017**

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

Continued;

Denied;

Journal Entry Details:

*Mr. Dickerson informed Court Deft. was convicted of burglary in his jury trial. Thereafter, Mr. Dickerson argued in support of the burglary matter to be admitted, and there having been no lawful intent on Deft's acts. Ms. Sauter opposed; and argued as to NRS 48.045, and State having given an overbroad reading of intent. Further arguments as to case law cited by State in the pleadings, State having failed to establish the relief being sought on using any intent evidence, common schemer plan exception, Newman vs. State case law, and prejudice outweighing probative value for Deft. if the act comes in for trial. Ms. Sauter added the State cannot establish introduction of this evidence, and based on a prior, the jury in this case may convict him just on this, and not on any evidence. Further arguments as to Nevada Supreme Court decision. Ms. Sauter requested Court to consider setting an evidentiary hearing on the issue, if Court is inclined to grant State's Motion. Mr. Dickerson stated he will submit a trial transcript from the other case to this Court. Further arguments as to case law being clear. COURT ORDERED, Motion DENIED. Ms. Sauter to prepare the order. BOND 1/26/17 8:30 A.M. STATUS CHECK: FURTHER PROCEEDINGS / RESET TRIAL DATE ;*

**MINUTES**

Continued;

Denied;

Journal Entry Details:

*Deft. not present. Mr. Gaston informed Court Deft. was told he did not have to be here. COURT ORDERED, Deft's presence WAIVED. Mr. Dickerson provided details surrounding the allegations; and argued in support of admission of Deft's other burglary acts from three years prior, and further argued as to State's theory of Deft's probable defense, State needing to prove intent. Court stated it was not provided Deft's Opposition to State's Motion. Ms. Sauter apologized; and provided a copy of the Opposition to Court for consideration. COURT ORDERED, matter CONTINUED for Court to review this Opposition, prior to further arguments. Upon Court's inquiry, Mr. Dickerson clarified the request to consolidate this case and C315125 from Department 20 was denied by Judge Eric Johnson, and Judge Johnson had said he would entertain another bad acts motion by State. Discussions as to trial date of January 3, 2017 already having been vacated by this Court. BOND 1/12/17 8:30 A.M. STATE'S MOTION TO ADMIT EVIDENCE OF OTHER ACTS ;*

**SCHEDULED HEARINGS**

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

*Vacated - On in Error*

12/22/2016

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

*Vacated - On in Error*

12/22/2016



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

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


Denied;

Journal Entry Details:

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*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. 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**

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*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)*

Counsel Confirmed;

Journal Entry Details:

*Mr. Rusley confirmed as counsel on behalf of Defendant. COURT ORDERED, trial date STANDS. BOND (COC-NDC);*

08/30/2017  **Pre Trial Conference (8:30 AM)** (Judicial Officer: Kephart, William D.)

Matter Heard;

Journal Entry Details:

*Upon Court's inquiry, Ms. Murphy stated she believes Ms. DeVaney received most of what was needed and just received two notices from the state who will provide documents. Further, Ms. Murphy stated Deft. filed something in the Nevada Supreme Court, not sure what it is and advised it has been transferred to the Court of Appeals. Colloquy. COURT ORDERED, calendar call and trial dates STAND. Deft. advised he filed a writ of habeas corpus challenging probable cause. Statement by Mr. Dickerson. MATTER RECALLED: Ms. Murphy requested a status check in three weeks for possible negotiations. Colloquy. Mr. Dickerson stated Deft's counsel requested to re-open negotiations and counsel will to entertain and believes status check will facilitate negotiations. COURT ORDERED, matter SET for status check. State to prepare transport order. BOND (COC-NDC) 9/20/17 9:00 AM STATUS CHECK: NEGOTIATIONS;*

09/27/2017 **Calendar Call (9:00 AM)** (Judicial Officer: Kephart, William D.)

Matter Heard;

09/27/2017 **Status Check (9:00 AM)** (Judicial Officer: Kephart, William D.)

**09/27/2017, 10/25/2017**






*Status Check: Negotiations*

Matter Continued;

Matter Heard;


# CASE SUMMARY

CASE NO. C-16-315718-1

	Matter Continued; Matter Heard;
09/27/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Kephart, William D.) 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>
10/02/2017	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
10/25/2017	<b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Supreme Court Decision / Trial Setting</i> Trial Date Set;
10/25/2017	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>STATUS CHECK: SUPREME COURT DECISION / TRIAL SETTING ... STATUS CHECK: NEGOTIATIONS Mr. Cottner advised the Court of Appeals has dismissed Defendant's pro per writ and requested a trial date be set in ordinary course. COURT ORDERED, matter SET for trial. CUSTODY (COC-NDC) 4/11/2018 8:30 AM PRE TRIAL CONFERENCE 5/09/2018 8:30 AM CALENDAR CALL 5/14/2018 10:00 AM JURY TRIAL;</i>
04/11/2018	 <b>Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>Ms. Murphy advised she anticipates ready for the current trial date; although she has filed a Petition which is set to be heard on 4/23/2018. COURT ORDERED, trial date STANDS. Ms. Mendoza advised Mr. Dickerson indicated that there may be something pending with the Appellant Court. Ms. Murphy advised Defendant did file a Pro Per Appeal which has since been denied and will not be an issue. Court so noted. BOND (COC-NDC);</i>
04/23/2018	 <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>04/23/2018, 05/09/2018</b> <i>Amended Courtesy Filing Of Defendant's Pro Per Petition For Writ Of Habeas Corpus</i> Matter Heard; Journal Entry Details: <i>Court noted a written opposition has not been filed. Ms. Mendoza advised this is Mr. Dickerson s case who indicated the transcript in this matter was filed 7/2016 making the writ untimely and should be denied; however, if the Court would like a response he would ask for additional time. Court stated he would like a response. COURT ORDERED, State s Response shall be due on or before 4/30/2018 and matter CONTINUED. Ms. Murphy advised she provided Defendant with additional discovery this morning in Open Court as well as spoke with Defendant at length on the phone. Further, Ms. Murphy requested the State mail a copy of their opposition as soon as possible as Defendant is at High Desert. Ms. Mendoza advised Defendant is represented by counsel and counsel will be served with the Opposition. BOND (COC-NDC) 5/9/18 8:30 AM ;</i>
05/09/2018	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>Upon Court s inquiry, Ms. Murphy advised Defendant is in the Nevada Department of Corrections and was not transported. Court noted Defendant has an appeal pending with the Supreme Court. Colloquy regarding Defendant s pending appeal. CONFERENCE AT BENCH. COURT ORDERED, trial date VACATED and matter SET for Status Check. BOND (COC-NDC) 6/6/18 8:30 AM STATUS CHECK: SUPREME COURT DECISION/ RESET TRIAL ;</i>
05/09/2018	<b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Dismiss Defendant's Amended Courtesy Filing of Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued;

# CASE SUMMARY

CASE NO. C-16-315718-1






05/14/2018	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/06/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>SUPREME COURT DECISION/ RESET TRIAL</b> 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	 <b>Status Check: Trial Setting</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Trial Date Set; Journal Entry Details: <i>Ms. Murphy advised Defendant was transported for today. Further, Ms. Murphy advised she provided Defendant with a copy of the Guilty Plea Agreement so that he would be aware of what the State was offering; however, Defendant indicated there are outstanding motions which Defendant filed on his own that he would like to heard by the Court. Additionally, Ms. Murphy advised there appears to be a break down between herself and Defendant as he has left multiple voicemails on her phone stating she is not working on his case and that she is a racist. Upon Court's inquiry, Ms. Murphy advised Defendant previously file a Pro Per Petition for Writ of Habeas Corpus. Colloquy regarding Defendant's Petition. Defendant advised he filed his motion to challenge probable cause in this case. COURT ORDERED, matter SET for Trial and Defendant's Motion SET for Hearing. CUSTODY (COC) 8/15/2018 8:30 AM DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS 10/10/2018 8:30 AM PRE TRIAL CONFERENCE 11/07/2018 8:30 AM CALENDAR CALL 11/13/2018 10:00 AM JURY TRIAL ;</i>
08/15/2018	<b>Petition</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>08/15/2018, 08/29/2018</b> <i>Defendant's Pro Per Petition for Writ of Habeas Corpus</i> Matter Continued; Matter Continued; Matter Continued; Matter Continued;
08/15/2018	<b>Motion to Withdraw as Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion to Withdraw as Counsel of Record</i> Granted;
08/15/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL OF RECORD Court reviewed case history. COURT ORDERED, Motion to Withdraw as Counsel GRANTED; Michael Sanft APPOINTED and Petition CONTINUED in order for Mr. Sanft to review the case. FURTHER ORDERED, matter SET for Confirmation of Counsel. 8/29/2018 8:30 AM CONFIRMATION OF COUNSEL (SANFT) ... DEFENDANT'S PRO PETITION FOR WRIT OF HABEAS CORPUS;</i>
08/29/2018	<b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Confirmation of Counsel (Sanft)</i> Counsel Confirmed;
08/29/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Matter Heard; Journal Entry Details: <i>CONFIRMATION OF COUNSEL (SANFT) Mr. Sanft confirmed as counsel and advised he has conveyed the State's offer of an alford plea to attempt grand larceny, a wobbler, State will make no recommendation at sentencing with no opposition to probation with 30 days ccdc and 30 days credit for time served. Further, Mr. Sanft advised a counter offer of a stipulation to a gross misdemeanor; however, State has indicated they are not willing to enter that stipulation and would like the Court to make that determination. Mr. Dickerson confirmed representations. COURT ORDERED,</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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








*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) ;*

09/26/2018	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Negotiations / Pre Trial Conference</i> Matter Heard; Journal Entry Details: <i>Mr. Sanft advised his investigator has met with Defendant and the offer extended contemplates credit for time served; although the State will retain the right to argue as to felony or gross misdemeanor treatment. Upon Court's inquiry, Mr. Sanft advised there are no outstanding discovery issues and he anticipates ready for the current trial date. COURT ORDERED, trial date STANDS. BOND (COC-NDC);</i>
10/10/2018	<b>CANCELED Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
11/07/2018	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Plea Entered; Journal Entry Details: <i>Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HAYES ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO ATTEMPT GRAND LARCENY (F/GM). State made offer of proof. Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P &amp; P) and SET for sentencing; trial date VACATED. BOND 3/06/2019 8:30 AM SENTENCING;</i>
11/13/2018	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
02/04/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Notice of Motion and Motion to Revoke Bail</i> Granted; Journal Entry Details: <i>Mr. Dickerson advised he would submit on the motion and will answer any questions the Court may have. Mr. Sanft reviewed allegations of new charge. COURT ORDERED, Motion GRANTED; BAIL EXONERATED; Defendant REMANDED INTO CUSTODY on this cas. CUSTODY (COC-NDC);</i>
03/06/2019	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Kephart, William D.) Defendant Sentenced; Journal Entry Details: <i>DEFT. HAYES ADJUDGED GUILTY of ATTEMPT GRAND LARCENY (F). Matter argued and submitted. Exhibits presented. (see worksheets). Court FINDS State has sufficiently met the requirements of NRS 207.010. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$3.00 DNA Collection fee; Deft. SENTENCED UNDER the SMALL HABITUAL STATUTE to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED SEVENTY-FOUR (174) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to case number C315125; with TEN (10) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED as previously ordered. NDC;</i>
06/03/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>06/03/2019, 07/15/2019</b> <i>Defendant's Pro Per Motion to Withdraw Counsel</i> Matter Continued; Granted; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. COURT ORDERED, Motion GRANTED as a Remittitur has been filed by the Supreme Court. NDC ;</i> Matter Continued; Granted; Journal Entry Details: <i>Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days. NDC CONTINUED TO: 7/15/2019 8:30 AM;</i>



# CASE SUMMARY

CASE NO. C-16-315718-1

10/07/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Defendant's Pro Per Motion In the Nature of a Writ of Coram Nobis</i> Denied; Journal Entry Details: <i>Court noted the State has indicated they were not properly served and that there is a pending appeal in this matter. COURT ORDERED, Motion DENIED as Defendant failed to properly serve the State with the motion and the Court lacks jurisdiction. . Mr. Zadrowski to prepare the Order consistent with Court s findings. NDC ;</i>
01/06/2020	 <b>Motion to Modify Sentence</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Pro Per Motion to Correct An Illegal Sentence</i> Off Calendar; Journal Entry Details: <i>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;</i>
03/18/2020	 <b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Pro Per Motion for Ruling on Motion to Correct an Illegal Sentence</i> Denied; Journal Entry Details: <i>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 ;</i>
06/01/2020	 <b>Motion for Relief</b> (10:15 AM) (Judicial Officer: Kephart, William D.) <b>06/01/2020, 06/15/2020</b> <i>Rule 60b Motionf or Relief from the March 18 2020 Oder Which Denied Mr Hayes Motion to Correct Illegal Sentence</i> Matter Continued; Off Calendar; Journal Entry Details: <i>Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated Defendant has filed a motion to disqualify him from the matter; therefore, COURT ORDERED, matter OFF CALENDAR pending decision. NDC;</i> Matter Continued; Off Calendar; Journal Entry Details: <i>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;</i>
06/22/2020	 <b>Motion to Vacate Sentence</b> (10:15 AM) (Judicial Officer: Kephart, William D.) Events: 06/01/2020 Motion to Vacate Sentence <i>Defendant's Motion to Vacate Sentence (Conviction Invalid)</i> Off Calendar; Journal Entry Details: <i>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;</i>
08/24/2020	 <b>Motion</b> (10:15 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion to Vacate Sentence (Conviction Invalid )</i> Off Calendar; Journal Entry Details: <i>Court noted this matter is pending appeal based on the Court's previous denial of the motion and COURT ORDERED, matter OFF CALENDAR. NDC;</i>
03/15/2021	 <b>Motion to Compel</b> (8:30 AM) (Judicial Officer: Trujillo, Monica)

# CASE SUMMARY

CASE NO. C-16-315718-1

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, Conclusions 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 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

*Notice of Motion*

Off Calendar;

Journal Entry Details:

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


07/14/2021  **Motion** (8:30 AM) (Judicial Officer: Trujillo, Monica)

*Request for Submission of Motion to Modify and or Correct Illegal Sentence*

Denied;

Journal Entry Details:

*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;*

07/19/2021  **Motion** (8:30 AM) (Judicial Officer: Trujillo, Monica)

*State s Motion to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits*

Denied;







Journal Entry Details:

*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;*







EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

07/28/2021	 <b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference</i> 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	 <b>Motion</b> (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	 <b>Status Check</b> (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	 <b>Motion</b> (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>
12/08/2021	 <b>Motion to Withdraw Plea</b> (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	 <b>Motion</b> (8:30 AM) (Judicial Officer: Trujillo, Monica) <b>12/20/2021, 12/29/2021</b> <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>

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

08/31/2022	 <b>Motion</b> (9:30 AM) (Judicial Officer: Trujillo, Monica) <b>08/31/2022, 09/14/2022</b> <i>Motion for Credit Presentence Confinement Served Applied to Sentence</i> Matter Continued; Motion Denied; Journal Entry Details: <i>Deft not present, in the Nevada Dept. of Corrections. COURT ORDERED, motion DENIED. Court does not see any information attached why Deft. would be entitled to additional credit other than what was in the PSI. State to prepare Order. NDC;</i> Matter Continued; Motion Denied; Journal Entry Details: <i>Mr. Hayes advised the Court Deft. is in NDC, and was not transported; requested a continuance. COURT ORDERED, Matter CONTINUED. NDC 09/14/2022 9:30 AM MOTION FOR CREDIT PRESENTENCE CONFINEMENT SERVED APPLIED TO SENTENCE;</i>
10/24/2022	 <b>Motion</b> (9:30 AM) (Judicial Officer: Trujillo, Monica) <i>Motion for Status Check of the Proceedings</i> Matter Heard; MOTION FOR STATUS CHECK OF THE PROCEEDINGS Journal Entry Details: <i>Defendant not present. COURT STATED the prior Motions were denied and there are no further hearing dates; therefore, ORDERED, State to prepare the Order. NDC;</i>
12/07/2022	 <b>Motion to Amend Judgment</b> (9:30 AM) (Judicial Officer: Trujillo, Monica) <b>MINUTES</b> Set Status Check; Journal Entry Details: <i>Defendant not present. Court noted no Opposition had been filed. State requested two weeks to file a response. COURT ORDERED, status check SET regarding the appeal. NDC 1/18/23 9:30 AM STATUS CHECK: APPEAL CLERK'S NOTE: A copy of this Minute Order mailed to: James Hayes #1175077 TLVCC P.O. Box 208 Indian Springs, NV 89070 (12/9/2022 SA);</i> <b>SCHEDULED HEARINGS</b>  <b>Status Check</b> (01/18/2023 at 9:30 AM) (Judicial Officer: Trujillo, Monica) <b>01/18/2023, 03/06/2023</b> <i>Status Check: Appeal</i>
01/18/2023	 <b>Status Check</b> (9:30 AM) (Judicial Officer: Trujillo, Monica) <b>01/18/2023, 03/06/2023</b> <i>Status Check: Appeal</i> Matter Continued; Journal Entry Details: <i>Defendant not present, in the Nevada Department of Corrections (NDC). Court noted the appeal was ongoing and ORDERED, status check CONTINUED. NDC CONTINUED TO: 3/6/2023 9:30 AM CLERK'S NOTE: A copy of this Minute Order was mailed to: A copy of this Minute Order mailed to: James Hayes #1175077 TLVCC P.O. Box 208 Indian Springs, NV 89070 (1/24/2023 SA);</i>
01/25/2023	 <b>Motion to Modify Sentence</b> (9:30 AM) (Judicial Officer: Trujillo, Monica) Events: 01/04/2023 Motion <i>Plaintiff's Motion to Modify or Correct and Illegal Sentence</i> Denied; Journal Entry Details: <i>Defendant not present, in the custody of the Nevada Department of Corrections. Court noted it had reviewed the Motion, Opposition and Reply. Arguments by counsel. Court stated it disagrees that it was an unequivocal reading of the transcript, however the Court did not give particularized facts as to what his decision was and this Court can not read into it. Court stated based on Nevada Supreme Court law, District Court Judges do not have to make particularized findings, they just have to use their discretion. Court FINDS Mr. Sanft argued for the Court not to habitualize the Defendant and requested a lower sentence. Court stated it does not believe that by Judge Kephart</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

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

*stating the State had satisfied its obligations under 207.071 was not inappropriate as that needed to be met before he could use his discretion to proceed and further, just and proper was not the state of the law. COURT FINDS, there is nothing to suggest Judge Kephart inappropriately considered those and can assume he considered them as it is a legal sentence and there were the appropriate number of prior convictions that were valid, even just with the Texas conviction and the 2011 conviction, therefore Court does not believe it was based on mistaken assumptions of fact and stated it does not violate Defendant's due process, further the Court properly exercised its discretion and the sentence was legal, therefore COURT ORDERED, Motion DENIED and directed State to prepare the order. NDC;*

DATE

FINANCIAL INFORMATION

**Defendant** Hayes, James Howard

Total Charges

632.20

Total Payments and Credits

604.20

**Balance Due as of 2/15/2023**

**28.00**

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
HILARY HEAP  
Chief Deputy District Attorney  
Nevada Bar #012395  
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 MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE.**

DATE OF HEARING: January 25, 2023  
TIME OF HEARING: 09:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 25th day of January, 2023, the Defendant not being present, represented by MARTIN H. LOPEZ-NOVILLO, Assistant Federal Public Defender, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HILARY HEAP, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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///

1 Court FINDS Mr. Sanft argued for the Court not to habitualize the Defendant and  
2 requested a lower sentence. Court stated it does not believe that by Judge Kephart stating the  
3 State had satisfied its obligations under 207.071 was not inappropriate as that needed to be  
4 met before he could use his discretion to proceed and further, just and proper was not the state  
5 of the law.

6 COURT FINDS, there is nothing to suggest Judge Kephart inappropriately considered  
7 those and can assume he considered them as it is a legal sentence and there were the  
8 appropriate number of prior convictions that were valid, even just with the Texas conviction  
9 and the 2011 conviction, therefore Court does not believe it was based on mistaken  
10 assumptions of fact and stated it does not violate Defendant's due process, further the Court  
11 properly exercised its discretion and the sentence was legal, therefore

12 IT IS HEREBY ORDERED that the Defendant's Motion to Modify or Correct an  
13 Illegal Sentence, shall be, and it is DENIED.


14 DATED this \_\_\_\_\_ day of February, 2023.

Dated this 13th day of February, 2023

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16   
DISTRICT JUDGE

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
19 Nevada Bar #001565

BD9 90F 6093 4266  
Monica Trujillo  
District Court Judge

20 BY  for  
21 HILARY HEAP  
22 Chief Deputy District Attorney  
23 Nevada Bar #012395  
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25  
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28 cg/L2

1 **CSERV**

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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: 2/13/2023

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 ECF Notifications NCH Unit

ecf\_nvnch@fd.org

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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Kaitlyn O'Hearn	kaitlyn_o'hearn@fd.org
Martin Novillo	martin_novillo@fd.org
ECF Notification Email CCDA	motions@clarkcountyda.com
Jessica Murphy	murphyjw@clarkcountynv.gov

**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**

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

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**December 06, 2016      8:30 AM      Motion for Discovery**

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

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Holiday, Kristy	Attorney
	Mendoza, Erika	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

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

**BOND**

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 08, 2016**

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

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**December 08, 2016      8:30 AM      Motion for Discovery**

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

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- Deft. not present; PRESENCE WAIVED.

COURT ORDERED, as follows:

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

to whether the information needs to be turned over.

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

Ms. Sauter to prepare the order.

BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 20, 2016**

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

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**December 20, 2016      8:30 AM      Calendar Call**

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

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

**BOND**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 22, 2016**

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

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

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

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

**BOND**

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 22, 2016**

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

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**December 22, 2016      9:00 AM      Motion to Consolidate**

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

**COURT CLERK:** Tia Everett  
                         Natalie Ortega

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**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**

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

**JOURNAL ENTRIES**

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

**BOND**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 26, 2017**

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

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

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- COURT ORDERED, trial date SET.

CUSTODY

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 09, 2017**

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

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**February 09, 2017      3:00 AM      Minute Order**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

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

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 06, 2017**

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

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**March 06, 2017      8:30 AM      Trial Setting**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC)

3/22/2017 8:30 AM CALENDAR CALL

3/27/2017 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 22, 2017**

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

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**March 22, 2017      8:30 AM      Calendar Call**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC)

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 03, 2017**

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

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**April 03, 2017      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 01, 2017**

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

**May 01, 2017      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

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

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

9/27/2017 8:30 AM CALENDAR CALL

10/02/2017 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 31, 2017**

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

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**May 31, 2017      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 12, 2017**

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

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

**HEARD BY:**   Kephart, William D.

**COURTROOM:**   RJC Courtroom 03E

**COURT CLERK:**   Tia Everett

**RECORDER:**   Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 10, 2017**

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

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**July 10, 2017      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 30, 2017**

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

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**August 30, 2017      8:30 AM      Pre Trial Conference**

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

**COURT CLERK:** April Watkins

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

**MATTER RECALLED:**

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

**BOND (COC-NDC)**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 27, 2017**

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

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**September 27, 2017      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- CALENDAR CALL ... STATUS CHECK: NEGOTIATIONS

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

BOND (COC-NDC)

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 25, 2017**

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

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**October 25, 2017      8:30 AM      All Pending Motions**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

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

CUSTODY (COC-NDC)

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

5/09/2018 8:30 AM CALENDAR CALL

5/14/2018 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 11, 2018**

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

---

**April 11, 2018      8:30 AM      Pre Trial Conference**

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

**COURT CLERK:** Tia Everett  
                         Christopher Darling

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 23, 2018**

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

---

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

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

**COURT CLERK:** Tia Everett  
Chante Williams

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

5/9/18 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 09, 2018**

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

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**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**

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

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**June 06, 2018      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Dickerson, Michael	Attorney
	Murphy, Jessica W.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 11, 2018**

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

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

CUSTODY (COC)

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

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

11/07/2018 8:30 AM CALENDAR CALL

11/13/2018 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 15, 2018**

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

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**August 15, 2018      8:30 AM      All Pending Motions**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 29, 2018**

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

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**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**

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

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**September 26, 2018      8:30 AM      Status Check**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

BOND (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 07, 2018**

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

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**November 07, 2018      8:30 AM      Calendar Call**

**HEARD BY:**   Kephart, William D.

**COURTROOM:**   RJC Courtroom 16B

**COURT CLERK:**   Tia Everett

**RECORDER:**   Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT.

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

BOND

3/06/2019 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 04, 2019**

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

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**February 04, 2019      8:30 AM      Motion**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

CUSTODY (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 06, 2019**

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

**March 06, 2019      8:30 AM      Sentencing**

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

**COURT CLERK:** Tia Everett  
Shannon Emmons

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 03, 2019**

---

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

---

**June 03, 2019      8:30 AM      Motion**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      LoGrippo, Frank R.      Attorney  
                                 Sanft, Michael W.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Mr. Sanft advised he does not believe the motion can be granted as he must file the appeal pursuant to a Supreme Court Order, COURT ORDERED, matter CONTINUED thirty days.

NDC

CONTINUED TO: 7/15/2019 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 15, 2019**

---

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

---

**July 15, 2019**

**8:30 AM**

**Motion**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      LoGrippo, Frank R.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 07, 2019**

---

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

---

**October 07, 2019      8:30 AM      Motion**

**HEARD BY:** Bonaventure, Joseph T.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                    Wolfson, Steven B      Attorney

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 06, 2020**

---

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

---

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 18, 2020**

---

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

---

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 01, 2020**

---

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

---

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 15, 2020**

---

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

---

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 22, 2020**

---

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

---

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

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 24, 2020**

---

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

---

**August 24, 2020      10:15 AM      Motion**

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

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Marland, Melanie H.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

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

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 15, 2021**

---

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

---

**March 15, 2021      8:30 AM      Motion to Compel**

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

**COURT CLERK:** Alan Castle

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2021**

---

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

---

**March 29, 2021      8:30 AM      Motion to Compel**

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

**COURT CLERK:** Alan Castle

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 12, 2021**

---

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

---

**May 12, 2021**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Trujillo, Monica

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Nylasia Packer

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

**PRESENT:**

State of Nevada

Plaintiff

Zadrowski, Bernard B.

Attorney

**JOURNAL ENTRIES**

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

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 02, 2021**

---

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

---

**June 02, 2021**

**8:30 AM**

**Motion**

**HEARD BY:** Trujillo, Monica

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Grecia Snow

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 14, 2021**

---

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

---

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

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

**COURT CLERK:** Grecia Snow

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

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

NDC

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

**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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 31, 2022**

---

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

---

**August 31, 2022      9:30 AM      Motion**

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

**COURT CLERK:** LaCarol Kelley

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- Mr. Hayes advised the Court Deft. is in NDC, and was not transported; requested a continuance.  
COURT ORDERED, Matter CONTINUED.

NDC

09/14/2022 9:30 AM MOTION FOR CREDIT PRESENTENCE CONFINEMENT SERVED APPLIED  
TO SENTENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 14, 2022**

---

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

---

**September 14, 2022    9:30 AM      Motion**

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

**COURT CLERK:** Louisa Garcia

**RECORDER:** Grecia Snow

**REPORTER:**

**PARTIES**

**PRESENT:**      Heap, Hilary      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft not present, in the Nevada Dept. of Corrections.

COURT ORDERED, motion DENIED. Court does not see any information attached why Deft. would be entitled to additional credit other than what was in the PSI. State to prepare Order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 24, 2022**

---

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

---

**October 24, 2022**

**9:30 AM**

**Motion**

**MOTION FOR  
STATUS CHECK OF  
THE PROCEEDINGS**

**HEARD BY:** Trujillo, Monica

**COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Haly Pannullo

**RECORDER:** Rebeca Gomez

**REPORTER:**

**PARTIES**

**PRESENT:**      Evans, Ronald James      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. COURT STATED the prior Motions were denied and there are no further hearing dates; therefore, ORDERED, State to prepare the Order.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 07, 2022**

---

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

---

**December 07, 2022      9:30 AM      Motion to Amend  
Judgment**

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

**COURT CLERK:** Katrina Ross  
Samantha Albrecht

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

**PRESENT:** Judd, Joshua D      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present.

Court noted no Opposition had been filed. State requested two weeks to file a response. COURT ORDERED, status check SET regarding the appeal.

NDC

1/18/23 9:30 AM STATUS CHECK: APPEAL

CLERK'S NOTE: A copy of this Minute Order mailed to: James Hayes #1175077 TLVCC P.O. Box 208 Indian Springs, NV 89070 (12/9/2022 SA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 18, 2023**

---

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

---

**January 18, 2023      9:30 AM      Status Check**

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

**COURT CLERK:**  
Samantha Albrecht

**RECORDER:** Grecia Snow

**REPORTER:**

**PARTIES**

**PRESENT:**      Evans, Ronald James      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present, in the Nevada Department of Corrections (NDC).

Court noted the appeal was ongoing and ORDERED, status check CONTINUED.

NDC

CONTINUED TO: 3/6/2023 9:30 AM

CLERK'S NOTE: A copy of this Minute Order was mailed to: A copy of this Minute Order mailed to:  
James Hayes #1175077 TLVCC P.O. Box 208 Indian Springs, NV 89070 (1/24/2023 SA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2023**

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

**January 25, 2023      9:30 AM      Motion to Modify Sentence**

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

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Grecia Snow

**REPORTER:**

**PARTIES**

**PRESENT:**      Lopez-Novillo, Martin H.      Attorney  
State of Nevada      Plaintiff  
Zadrowski, Bernard B.      Attorney

**JOURNAL ENTRIES**

- Defendant not present, in the custody of the Nevada Department of Corrections.

Court noted it had reviewed the Motion, Opposition and Reply. Arguments by counsel. Court stated it disagrees that it was an unequivocal reading of the transcript, however the Court did not give particularized facts as to what his decision was and this Court can not read into it. Court stated based on Nevada Supreme Court law, District Court Judges do not have to make particularized findings, they just have to use their discretion. Court FINDS Mr. Sanft argued for the Court not to habitualize the Defendant and requested a lower sentence. Court stated it does not believe that by Judge Kephart stating the State had satisfied its obligations under 207.071 was not inappropriate as that needed to be met before he could use his discretion to proceed and further, just and proper was not the state of the law. COURT FINDS, there is nothing to suggest Judge Kephart inappropriately considered those and can assume he considered them as it is a legal sentence and there were the appropriate number of prior convictions that were valid, even just with the Texas conviction and the 2011 conviction, therefore Court does not believe it was based on mistaken assumptions of fact and stated it does not violate Defendant's due process, further the Court properly exercised its discretion and the sentence was legal, therefore COURT ORDERED, Motion DENIED and directed State to prepare the order.

NDC

## EXHIBIT(S) LIST

Case No.: ~~C291840~~ C315718

Hearing / Trial Date: 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

RENE L. VALLADARES  
FEDERAL PUBLIC DEFENDER  
411 E. BONNEVILLE, STE. 250  
LAS VEGAS, NV 89101

DATE: February 15, 2023  
CASE: C-16-315718-1

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

NOTICE OF APPEAL FILED: February 14, 2023

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

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

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER DENYING MOTION TO MODIFY OR CORRECT ILLEGAL  
SENTENCE; 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 15 day of February 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk