

ORIGINAL

Joel T. Burkett 45804  
P.O. Box 1059  
Santa Fe, NM 87504-1059

District Court  
Clark County, Nevada

FILED

AUG 31 12 31 PM '99

*Shirley A. Purgina*  
CLERK

Joel Burkett  
Petitioner,  
VS.

The State of Nevada  
Respondent,

No. 34767  
Case No.: 81-C-052190-C

Dept. No.: III

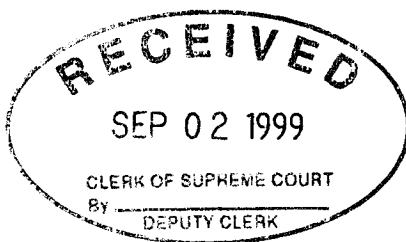
FILED

Notice of Appeal SEP 02 1999

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *C. Alvarado*  
DEPUTY CLERK

Joel Burkett, Pro Se, Petitioner in the above entitled matter does hereby give notice that he intends to seek an appeal for the courts denial of the above entitled Petition for Writ of Habeas Corpus on the 18<sup>th</sup> day of AUGUST 1999.

Dated this 25 day of AUGUST 1999

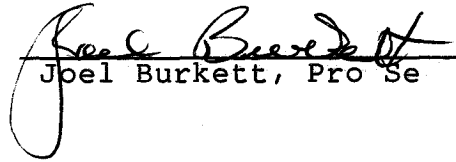


*Joel Burkett*  
Joel Burkett, Pro Se

99-08249

CERTIFICATE OF SERVICE

I, Joel Burkett, do hereby certify that I did serve by mail, upon Respondent, a true and correct copy of the above notice of appeal on this 25 day of August 1999.

  
Joel Burkett, Pro Se

*Shirley B. Rasmussen*

AUG 31 1 58 PM '99

FILED

District Court  
Clark, County, Nevada

Case No. C52190

Department III

THE STATE OF NEVADA,

Plaintiff,

vs.

JOEL BURKETT,

Defendant(s),

**CASE APPEAL STATEMENT**

1. Appellant(s): JOEL BURKETT

2. Judge: JOSEPH PAVLIKOWSKI

3. All Parties, District Court:

Plaintiff, THE STATE OF NEVADA

Defendant(s), JOEL BURKETT

4. All Parties, Appeal:

Appellant(s), JOEL BURKETT

1 Respondent, THE STATE OF NEVADA

2 5. Appellate Counsel: Proper Person, JOEL BURKETT, P.O. Box 1059 Sante Fe,  
3 New Mexico 87504, Appellant

4 THE STATE OF NEVADA, Stewart L. Bell, District  
5 Attorney, 200 South Third Street, Las Vegas, Nevada 89155 (702) 455-4711, Counsel for  
6 Respondent

7 6. District Court, Rtn'd

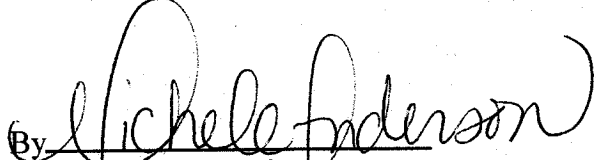
8 7. On Appeal, N/A

9 8. Forma Pauperis: Granted

10 9. Date Commenced in District Court: 01/16/81

11  
12 DATED this 31st day of August, 1999.

13 CLARK COUNTY CLERK

14  
15 By 

16 Michele Anderson  
17 DEPUTY CLERK  
18 200 South Third Street  
19 PO Box 551601  
20 Las Vegas, Nevada 89155-1601  
21 (702) 455-4409  
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26  
27  
28

DATE: 08/31/99  
CASE NO. 81-C-052190-C

I N D E X

TIME 12:58 PM  
JUDGE: Pavlikowski, Joseph

STATE OF NEVADA

[ ] vs Burkett, Joel

[ ]

001 D1 Joel Burkett  
P O Box 1989  
Ely, NV 89301

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	01/16/81	COMP/CRIMINAL COMPLAINT	001			
0002	01/19/81	INFO/INFORMATION	001		01/19/81	
0003	01/20/81	ARRN/INITIAL ARRAIGNMENT	001		01/20/81	
0004	04/23/81	JURY/TRIAL BY JURY	001		04/29/81	
0005	04/29/81	SENT/SENTENCING	001		06/02/81	
0006	02/02/94	CASO/CASE (RE)ACTIVATED ON				
0007	02/02/94	PET /PROPER PERSON PETITION FOR WRIT OF HABEAS CORPUS	001	GP	02/28/94	
0008	02/02/94	PET /PROPER PERSON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	001	GR	02/28/94	
0009	02/02/94	CASO/CASE (RE)ACTIVATED ON				
0010	02/02/94	BREF/BRIEF IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS				
0011	02/02/94	CERT/ FINANCIAL CERTIFICATE				
0012	03/01/94	MOT /ALL PENDING MOTIONS (2-28-94)	001		02/28/94	
0013	02/28/94	ORDR/ORDER AND AMENDED JUDGMENT OF CONVICTION (JURY TRIAL)	001			
0014	06/10/94	NOTC/JUDICIAL NOTICE TO THE COURT	001			
0015	06/30/94	ASSG/REASSIGNMENT OF JUDGE CHRISTENSEN TO JUDGE MAUPIN				
0016	06/30/94	PET /PROPER PERSON MOTION FOR ENLARGEMENT OF TIME	001	DN	08/03/94	
0017	07/19/94	RSPN/PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME	001			
0018	08/12/94	ORDR/ORDER	001			
0019	09/06/94	NOTC/NOTICE OF APPEAL AND DESIGNATION OF RECORDS	001	AP		
0020	10/21/94	MOT /DEFENDANT'S PRO PER MOTION TO CORRECT RECORD	001	OC	11/16/94	
0021	04/07/95	NOTC/NOTICE TRIAL TRANS - ON SHELVES FILE ROOM	001			
0022	01/03/97	ASSG/Reassign Case From Judge MAUPIN TO Judge GIBBONS				
0023	06/28/97	ASSG/Reassign Case From Judge GIBBONS to Judge PAVLIKOWSKI				
0024	06/07/99	NOTC/NOTICE	001			
0025	06/07/99	CRTF/FINANCIAL CERTIFICATE	001			
0027	06/07/99	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS	001			
0028	06/07/99	NCA /ARGUMENT IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS	001			
0029	06/07/99	PET /DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS	001	DN	08/12/99	
0030	06/07/99	MOT /DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	001	GR	08/12/99	
0031	06/09/99	ORDR/ORDER RE PETITION FOR WRIT OF HABEAS CORPUS	001			

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0032	08/04/99	ANSW/ANSWER TO PETITION FOR WRIT OF HABEAS	001			
		CORPUS POST-CONVICTION	001			
0033	08/11/99	OPPS/OPPOSITION	001			
0034	08/13/99	MOT /ALL PENDING MOTIONS 8/12/99	001		08/12/99	
0035	08/18/99	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW	001		08/18/99	
		AND ORDER	001			
0036	08/19/99	NOTC/NOTICE OF ENTRY OF ORDER	001		08/19/99	

ORIGINAL

FILED

AUG 18 10 45 AM '99

*Shirley A. Benge*  
CLERK

FFCL  
FRANKIE SUE DEL PAPA  
Attorney General  
By: RENE L. HULSE  
Deputy Attorney General  
Nevada Bar No. 3778  
Criminal Justice Division  
555 E. Washington Ave., #3900  
Las Vegas, Nevada 89101  
(702) 486-3420  
Attorneys for Respondent

DISTRICT COURT  
CLARK COUNTY, NEVADA

JOEL BURKETT,

Petitioner,

vs.

THE STATE OF NEVADA

Respondents.

Case No. 81-C-052190-C  
Dept. No. III

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

DATE: August 12, 1999  
TIME: 8:30 a.m.

JOEL BURKETT's (BURKETT) Petition for a Writ of Habeas Corpus came on for hearing on the 12th day of August, 1999. BURKETT, in proper person, was not present being in the custody of the Nevada Department of Prisons and incarcerated in the New Mexico Prison System. Respondents were represented by and through its legal counsel, Attorney General FRANKIE SUE DEL PAPA, by Deputy Attorney General Rene L. Hulse. Upon reviewing the Petition, the pleadings and papers on file herein, and considering argument of counsel, the Court finds and concludes as follows:

1. On May 4, 1981, a jury found BURKETT guilty of the crimes of ROBBERY WITH THE USE OF A DEADLY WEAPON, Count I; FIRST DEGREE KIDNAPPING WITH USE OF A

....

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

COUNTY CLERK

AUG 12 1999

RECEIVED

1 DEADLY WEAPON, Count II; SEXUAL ASSAULT, Count III; and SEXUAL ASSAULT, Count IV.

2       2.       The original Judgment of Conviction was filed on July 29, 1981. That original  
3 Judgment of Conviction incorrectly ordered that the sentences in Counts III and IV were to be served  
4 concurrently to the sentences imposed in Counts I and II. By operation of law (NRS 176.035), the  
5 sentences in Counts III and IV would have incorrectly computed as concurrent to each other by the  
6 prison system.

7       3.       On February 28, 1994, an Amended Judgment of Conviction was filed. The Amended  
8 Judgment of Conviction correctly states the sentences as orally stated by the district court — that  
9 Counts III and IV are to be served consecutive to each other, but are also to be served concurrently with  
10 the sentences imposed in Count II.

11       4.       BURKETT claims that NDOP's separate treatment of his consecutive life sentences  
12 under Count II, one of which is a deadly weapon enhancement, pursuant to Nevada Department of  
13 Prisons v. Bowen, 103 Nev. 477, 745 P.2d 697 (1997), violates the ex post facto clause.

14       5.       When BURKETT was convicted on July 29, 1981, weapon-enhanced sentences were  
15 treated as one combined sentence pursuant to Director, Nevada Department of Prisons v. Biffath, 97 Nev.  
16 18 (1981).

17       6.       In 1987, NDOP began treating weapon-enhanced sentences as separate sentences pursuant  
18 to Nevada Department of Prisons v. Bowen, 103 Nev. 477, 481, 745 P.2d 697 (1987). Bowen was applied  
19 retroactively unless it would be detrimental to a prisoner. Id. 103 Nev. at 481, n.4.

20       7.       BURKETT's separate sentence of life with the possibility of parole for First Degree  
21 Kidnapping (Count II) has a minimum parole eligibility of five (5) years. BURKETT, who committed  
22 his crime before July 1, 1985, and who was sentenced after June 30, 1969, accumulates good time  
23 credits as set forth in NRS 209.443. Under Demosthenes v. Williams, et al., 97 Nev. 611, 614-15, 637  
24 P.2d 1203 (1981), and prior to the amendment of NRS 209.443, good time credits apply to "the parole  
25 eligibility of all inmates entitled to eventual parole, regardless of the minimum sentence specified in the

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1 relevant statute." BURKETT's accumulated good time credits are deducted from his five (5) year  
2 minimum sentences to determine his parole eligibility.

3 8. BURKETT argues that he would accumulate good time credits more rapidly if his  
4 consecutive life sentences under Count II are combined to one ten (10) year minimum term, and  
5 therefore the retroactive application of Bowen (requiring separate treatment) is detrimental.

6 9. As the Amended Judgment of Conviction states, however, the consecutive life sentences  
7 imposed in Counts III and IV are to run concurrently with the consecutive life sentences imposed in  
8 Count II. The consecutive life sentences imposed on Counts III and IV cannot be combined. The  
9 consecutive life sentences of Counts III and IV must be served before ultimate parole could be obtained.  
10 Treating the consecutive life sentences of Count II separately is not detrimental to BURKETT, because  
11 the sentences under Count II are necessarily restricted by the consecutive separate sentences of Counts  
12 III and IV that run concurrently with Count II. BURKETT is not entitled to relief on this claim.

13 10. BURKETT also argues that his due process rights were violated when the parole board  
14 failed to consider him for parole in 1997.

15 11. BURKETT is being housed out of state in the New Mexico Prison System under the  
16 Interstate Corrections Compact. During his absence, the Parole Board held a parole hearing on April  
17 30, 1997, to consider BURKETT for parole. BURKETT was denied parole for one more year and was  
18 notified of the Parole Board's decision by letter dated May 15, 1997. BURKETT clearly received a  
19 parole hearing in 1997, and there is no merit to this claim.

20 12. In addition, there is no constitutional or inherent right of a convicted person to be  
21 conditionally released before the expiration of a valid sentence, and a reasonable entitlement to due  
22 process is not created merely because a state provides for the possibility of parole. Greenholtz v.  
23 Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1, 11 (1979). An inmate has no  
24 protectible expectation of parole unless a statute is phrased to specifically created a real expectation of  
25 parole as opposed to a unilateral hope for parole. Id. at 12; Severance v. Armstrong, 96 Nev. 836, 839,  
26 620 P.2d 369, 370 (1980). The Nevada parole statutes do not create a liberty interest in being granted

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1 parole. Severance, 96 Nev. at 839, 620 P.2d at 370; Weakland v. Board of Parole Comm'rs., 100 Nev.  
2 218, 219-20, 678 P.2d 1158 (1984). BURKETT is not entitled to relief on due process grounds.

3 Based upon the foregoing, and good cause appearing;

4 IT IS HEREBY ORDERED that BURKETT's Petition for a Writ of Habeas Corpus is denied.

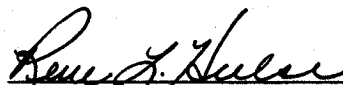
5 DATED: August 18, 1999

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7 DISTRICT COURT JUDGE  
8  
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11 Submitted this 12<sup>th</sup> day of August, 1999, by:

12 FRANKIE SUE DEL PAPA  
13 Attorney General

14 By:

  
15 RENE L. HULSE  
16 Nevada Bar No. 3778  
17 Deputy Attorney General  
18 555 East Washington Ave., #3900  
19 Las Vegas Nevada 89101  
20 (702) 486-3420  
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Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

**FILED**

AUG 19 12 16 PM '99

Shirley B. Pangione  
CLERK

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**Attorney General's Office**  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

**COUNTY CLERK**

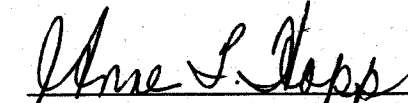
**AUG 19 1999**

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Office of the Attorney General of the State of Nevada and that on the 19<sup>th</sup> day of August, 1999, I served the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof addressed to:

JOEL E. BURKETT, NDOP #16111  
NEW MEXICO STATE PRISON  
P.O. BOX 1059  
SANTE FE, NEW MEXICO 87504

  
An Employee of the Office of the  
Attorney General

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

1 **FFCL**  
2 **FRANKIE SUE DEL PAPA**  
3 **Attorney General**  
4 **By: RENE L. HULSE**  
5 **Deputy Attorney General**  
6 **Nevada Bar No. 3778**  
7 **Criminal Justice Division**  
8 **555 E. Washington Ave., #3900**  
9 **Las Vegas, Nevada 89101**  
10 **(702) 486-3420**  
11 **Attorneys for Respondent**

**FILED**

**AUG 18 10 46 AM '99**

*Shirley D. Rasmussen*  
**CLERK**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

10 **JOEL BURKETT,**

11 **Petitioner,**

12 **vs.**

13 **THE STATE OF NEVADA**

14 **Respondents.**

**Case No. 81-C-052190-C**  
**Dept. No. III**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**DATE: August 12, 1999**  
**TIME: 8:30 a.m.**

15  
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20 **JOEL BURKETT's (BURKETT) Petition for a Writ of Habeas Corpus came on for hearing on the**  
21 **12th day of August, 1999. BURKETT, in proper person, was not present being in the custody of the**  
22 **Nevada Department of Prisons and incarcerated in the New Mexico Prison System. Respondents were**  
23 **represented by and through its legal counsel, Attorney General FRANKIE SUE DEL PAPA, by Deputy**  
24 **Attorney General Rene L. Hulse. Upon reviewing the Petition, the pleadings and papers on file herein,**  
25 **and considering argument of counsel, the Court finds and concludes as follows:**

26 **1. On May 4, 1981, a jury found BURKETT guilty of the crimes of ROBBERY WITH**  
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20 12. In addition, there is no constitutional or inherent right of a convicted person to be  
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3 Based upon the foregoing, and good cause appearing;

4 IT IS HEREBY ORDERED that BURKETT's Petition for a Writ of Habeas Corpus is denied.

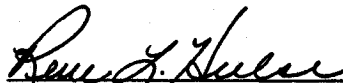
5 DATED: AUG 18 1999.

6 JOSEPH PAVLIKOWSKI  
7 DISTRICT COURT JUDGE

8  
9  
10  
11 Submitted this 12<sup>th</sup> day of August, 1999, by:

12 FRANKIE SUE DEL PAPA  
13 Attorney General

14 By:

  
15 RENE L. HULSE  
16 Nevada Bar No. 3778  
17 Deputy Attorney General  
18 555 East Washington Ave., #3900  
19 Las Vegas Nevada 89101  
20 (702) 486-3420  
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CASE NO. C52190

TITLE STATE OF NEVADA VS. JOEL BURKETT AKA RAYMOND HAIRE

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
1/20/81 CARL CHRISTENSEN DEPT. VII  E. LUCERO AND L. SMITH/CLERKS C. KROON/ REPORTER	INITIAL ARRAIGNMENT STATE REPRESENTED BY DAVID SCHWARTZ, DEP. D.A. DEFENDANT BURKETT PRESENT IN CUSTODY WITH PETER CHRISTIANSEN, DEP. P.D. DEFENDANT WAIVED READING OF THE INFORMATION AND WAS <u>DULY</u> ARRAIGNED. DEFENDANT STATED HIS <u>TRUE NAME</u> TO BE " <u>JOEL BURKETT</u> AKA RAYMOND HAIRE". THE COURT ORDERED, THE INFORMATION TO BE AMENDED TO REFLECT THE SAME AND ALL FUTURE PROCEEDINGS TO PROCEED UNDER DEFENDANT'S TRUE NAME. DEFENDANT  ENTERED A PLEA OF NOT GUILTY TO ALL COUNTS AND INVOKED THE SIXTY DAY RULE. COURT ORDERED, THIS MATTER SET DOWN FOR TRIAL.  CUSTODY	3/16/81 @ 10AM  JURY TRIAL  3/12/81 @ 9AM  CALENDAR CALL
2-5-81 CARL CHRISTENSEN DEPT. VII  ELIZABETH LUCERO (CLERK)  CONNIE KROON (REPORTER)	DEFENDANT'S PROPER PERSON PETITION FOR WRIT OF HABEAS CORPUS STATE'S MOTION TO DISMISS PROP PER PETITION FOR WRIT OF HABEAS CORPUS State represented by DDA, Bruce Dickinson. Deft. Burkett present in custody, represented by William Henry, DPD. Deft. stated that he was not able to properly prepare the petition as he is in custody on <del>the fourth floor and does not have access to</del> the law library. Court finds that the writ is without merit even if the petition for writ had contained the waiver and consents, therefore, the Court in this particular matter does not take cognizance of the objection and motion to dismiss filed by DDA, Mr. Harmon. After review of the writ on its merits the Court finds that it has not merit. COURT ORDERED, <del>petition for writ of habeas corpus is denied</del> and the writ is discharged. Deft. made an oral motion for bail reduction. COURT ORDERED, motion for bail reduction is denied.  CUSTODY	
3-12-81 PAUL S. GOLDMAN DEPT. X FOR DEPT. VII  LEONE SMITH & E. LUCERO (CLERKS) GERRI LAPHORNE (REPORTER)	CALENDAR CALL & DEFENDANT'S MOTION FOR CONTINUANCE State represented by DDA, Karen Vandepol. Deft. Burkett present in custody, represented by James Buchanan, Esq. Mr. Buchanan informed the Court that he has substituted in the place of the Public Defender and moved for a continuance of the trial date. Ms. Vandepol stated that she did not oppose <del>a continuance.</del> COURT ORDERED, trial date is vacated and reset.  CUSTODY	JURY TRIAL 4-27-81 @ 10 AM ----- CALENDAR CALL 4-23-81 @ 9 AM

MINUTES — CRIMINAL

CASE NO. C52190 TITLE STATE OF NEVADA VS. JOEL BURKETT aka Raymond Haire

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-23-81 CARL CHRISTENSEN DEPT. VII  ELIZABETH LUCERO (CLERK)  CONNIE KROON (REPORTER)	CALENDAR CALL STATE'S MOTION TO COMPEL BLOOD SAMPLE FROM <u>RAYMOND HAIRE aka JOEL BURKETT, DEFENDANT</u> State represented by Bruce Dickinson and Gregory Diamond, DDAS. Deft. Burkett present in custody, represented by James Buchanan, II. Mr. Buchanan stated that he is ready for trial but would move the Court to commence the trial on Wednesday, 4-29-81. Further, Mr. Buchanan stated that he did not oppose the motion to compel blood sample. COURT ORDERED, this case is set for Trial. The motion to compel blood sample from defendant is granted.  CUSTODY	4-29-81 @ 10 AM JURY TRIAL (DEPT. VII)
4-29-81 CARL CHRISTENSEN DEPT. VII  ELIZABETH LUCERO (CLERK)  CONNIE KROON (REPORTER)	JURY TRIAL State represented by DDA, Ronald Bloxham. Defendant Burkett present in custody, represented by counsel, James Buchanan. Jury and alternate jurors selected and sworn. (OUTSIDE PRESENCE OF JURY) Mr. Bloxham informed the Court that a blond hair was found on the victim's body and moved the Court to allow Richard Renner, <del>Criminalist to take a clipping from the</del> defendant's mustache so that it may be analyzed. No objection by Mr. Buchanan. Mr. Buchanan requested that he be furnished with a report regarding the sample of the defendant's mustache hair & COURT ORDERED, that Mr. Buchanan be furnished with a report. Mr. Buchanan also requested a copy of the reports on the rape kit. COURT ORDERED, all evidence is to be furnished forthwith upon discovery. (JURY PRESENT) Mr. Bloxham invoked the exclusionary rule. Opening statement by Mr. Bloxham and Mr. Buchanan. Testimony of witnesses. (Court recessed until 4-30-81) (OUTSIDE PRESENCE OF JURY) Mr. Bloxham filed a motion to endorse names on Information. Argument in opposition to the motion by Mr. Buchanan. COURT ORDERED, objection is sustained. (JURY PRESENT) Further testimony of witnesses; exhibits marked and admitted into evidence.  (CONTINUED)	
4-30-81		

CASE NO. C52190TITLE STATE OF NEVADA VS. JOEL BURKETT aka Raymond Haire

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
4-30-81 CONTINUED	Mr. Buchanan objected to exhibit 35A being admitted into evidence as there was no search warrant served. COURT ORDERED, objection is overruled. (JURY PRESENT) Further testimony of witnesses. (Court recessed until 5-1-81) Court reconvened. Further testimony of witnesses. State Rests.	
5-1-81	(OUTSIDE PRESENCE OF JURY) Court received note from Juror #5, Richard Lang and same was marked as Court's exhibit #I. Court advised the defendant of his right to remain silent and not testify under the fifth and sixth amendment. (JURY PRESENT) Further testimony. Defense rests. (Court recessed until 5-4-81 @ 2:00 P.M.)	
5-4-81	(OUTSIDE PRESENCE OF JURY) Court settled the instructions outside the presence of the Jury. Counsel stipulated that the instructions be read to the jury prior to closing arguments. (JURY PRESENT) Court read the instructions to the jury. Closing arguments by Mr. Bloxham and Mr. Buchanan.	
	At the hour of 4:22 P.M. the jury retired to deliberate. At the hour of 4:45 P.M. this date the jury foreman presented a note to the Court which was marked as Court's exhibit #II. Court excused the jury at 4:47 P.M. for further deliberations. At the hour of 7:27 P.M. this date the jury returned with the following verdicts: Guilty of Robbery With Use of Deadly Weapon,	
	Count I; Guilty of First Degree Kidnapping with Use of Deadly Weapon, Count II; Guilty of Sexual Assault, Count III; Guilty of Sexual Assault, Count IV. Court thanked and excused the Jury and alternate jurors. Deft. requested that he be sentenced this date. Court advised the defendant that the statute requires that a pre-sentence investigation report be conducted	6-2-81 @ 9:30 A.M. SENTENCING (Jury Verdicts- Count I, II, III & IV)
	withint thirty days. Mr. Bloxham moved the Court to revoke any bail set. COURT ORDERED, any bail that is set is revoked and the defendant will be held without bond. Deft. remanded to the custody of the Sheriff. FURTHER ORDERED, case is continued for sentencing.  CUSTODY	

CASE NO. C52190

TITLE STATE OF NEVADA VS. JOEL BURKETT aka Raymond Haire

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES — HEARING	CONTINUED TO:
6-2-81 CARL CHRISTENSEN DEPT. VII  ELIZABETH LUCERO (CLERK)  CONNIE KROON (REPORTER)	<u>ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE</u> State represented by Ronald Bloxham, D.D.A. Deft. Burkett present in custody, represented by James Buchanan, II. Frederick Baird from the Dept. of Parole & Probation also present. By virtue of the jury verdict finding the defendant guilty the Court does adjudge the defendant <u>guilty of Count I, Robbery and Use</u> <u>of a Deadly Weapon; Count II, First Degree</u> <u>Kidnapping and Use of a Deadly Weapon; Count</u> <u>III, Sexual Assault; Count IV, Sexual Assault.</u>	
	Statement to the Court by Mr. Bloxham. Statement to the Court by the defendant and also his counsel, Mr. Buchanan. COURT ORDERED, defendant is sentenced under Count I to fifteen (15) years confinement in the Nevada State Prison for Robbery- <u>fifteen (15) years for Use of a Deadly Weapon</u> <u>which shall run consecutively to eachother;</u> <u>Count II, Life for Kidnapping, and Life for</u> <u>Use of a Deadly Weapon which shall run</u> <u>consecutively to eachother and consecutively</u> <u>to Count I;</u> <u>Count III, Life for Sexual Assault;</u> <u>Count IV, Life for Sexual Assault; the two</u> <u>life sentences in Counts III and IV shall</u> <u>run consecutively to eachother, but concurrently</u> <u>with the sentences in Count II.</u> Defendant is given 165 days credit for time <del>served</del>	
	<u>Count III, Life for Sexual Assault;</u> <u>Count IV, Life for Sexual Assault; the two</u> <u>life sentences in Counts III and IV shall</u> <u>run consecutively to eachother, but concurrently</u> <u>with the sentences in Count II.</u> Defendant is given 165 days credit for time <del>served</del>	
	CUSTODY	
6-18-81 CARL CHRISTENSEN DEPT. VII  ELIZABETH LUCERO (CLERK)  CONNIE KROON (REPORTER)	<u>MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR</u> <u>DEFENDANT</u> State represented by John Watkins, DDA. Deft. Burkett not present being in custody in N.S.P., represented by James Buchanan. COURT ORDERED, Mr. Buchanan is allowed to withdraw as counsel of record but is to file a notice of appeal so the time does not elapse. The Court appoints Earl Ayers to contact the deft. to ascertain whether he wants to proceed with the appeal as a last act.	

## CRIMINAL COURT MINUTES

81-C-052190-C      STATE OF NEVADA      vs Burkett, Joel

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02/28/94    09:00 AM    00    ALL PENDING MOTIONS (2-28-94)

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: JULIE HALL, Court Clerk  
          PATSY SMITH, Reporter/Recorder

PARTIES:                    STATE OF NEVADA  
          000981    Noxon, Arthur G.

Y  
Y

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS ... DEFT'S PRO PER MOTION  
FOR LEAVE TO PROCEED IN FORMA PAUPERIS

As to deft's Motion for Leave to Proceed in Forma Pauperis, COURT ORDERED,  
MOTION GRANTED. As to deft's Petition for Writ of Habeas Corpus, arguments  
by Mr. Noxon in support of his response. COURT ORDERED, PETITION IS GRANTED  
TO THE LIMITED EXTENT AS SET FORTH IN THE ORDER, FILED THIS DATE.

CUSTODY (NSP)

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07/13/94    09:00 AM    00    PROPER PERSON MOTION FOR ENLARGEMENT  
   OF TIME

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: JULIE HALL, Court Clerk  
          PATSY SMITH, Reporter/Recorder

PARTIES:                    STATE OF NEVADA  
          003988    Langford, Robert L.

Y  
Y

Mr. Langford requested a continuance to respond to the motion. COURT  
ORDERED, matter continued.

NDP

CONTINUED TO:    08/03/94    09:00 AM    01

## CRIMINAL COURT MINUTES

81-C-052190-C STATE OF NEVADA

vs Burkett, Joel

CONTINUED FROM PAGE: 001

08/03/94 09:00 AM 01 PROPER PERSON MOTION FOR ENLARGEMENT  
OF TIME

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: JULIE HALL, Court Clerk  
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
001648 Barker, David B.

Y

Y

Mr. Barker submitted the matter. COURT ORDERED, Motion is DENIED.

NDP

11/02/94 09:00 AM 00 DEFENDANT'S PRO PER MOTION TO CORRECT  
RECORD

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: JULIE HALL, Court Clerk  
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
003988 Langford, Robert L.

Y

Y

At request of Mr. Langford, COURT ORDERED, matter continued.

NDP

CONTINUED TO: 11/16/94 09:00 AM 01

11/16/94 09:00 AM 01 DEFENDANT'S PRO PER MOTION TO CORRECT  
RECORD

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: JULIE HALL, Court Clerk  
CONNIE MILLER, Reporter/Recorder

PARTIES: STATE OF NEVADA  
001648 Barker, David B.

Y

Y

Mr. Barker advised an Amended Judgment of Conviction has been sent to the  
deft. COURT ORDERED, matter TAKEN OFF CALENDAR.

NDP

## CRIMINAL COURT MINUTES

81-C-052190-C STATE OF NEVADA

vs Burkett, Joel

CONTINUED FROM PAGE: 002

08/12/99 08:30 AM 00 ALL PENDING MOTIONS 8/12/99

HEARD BY: Joseph S. Pavlikowski, Judge; Dept. 3

OFFICERS: LINDA SKINNER, Court Clerk  
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA

Y

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION  
FOR LEAVE TO PROCEED IN FORMA PAUPERISRene Hulse from the Attorney General's Office present. COURT ORDERED,  
Deft's Pro Per Petition for Writ of Habeas Corpus is DENIED; Deft's Pro Per  
Motion for Leave to Proceed in Forma Pauperis is GRANTED.

NDP

PLAINTIFF'S EXHIBITS

CASE NO. C52190

1-A Underpanties

	OFFERED	ADMITTED
1. Evidence Envelope & Contents	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
2. Black Leather Vest	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
3. Knife & Case	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
4. Knife	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
5. Jeans Jacket	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
6. Knife - Black Leather handle	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
7. Belt buckle	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
8. Photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
9. Photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
10. Photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
11. Photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
12. Photograph	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
13. Fingerprint exemplars of Deft (SPC cards)	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
14. photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
15. photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
16. Latent finger print	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
17. Records of Stop & Go	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
18. 4 photos of deaft. Joel Burkett	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
19. Photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
20. photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
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24. photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
25. photo	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj



PLAINTIFF'S EXHIBITS

	<u>OFFERED</u>	<u>ADMITTED</u>
26. <u>photos</u>	<input checked="" type="checkbox"/> 4/30/81	<input checked="" type="checkbox"/> no obj
27. <u>photos</u>	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
28. <u>photos</u>	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
29. <u>photos</u>	<input checked="" type="checkbox"/> 4/30 SUST.	<input checked="" type="checkbox"/> no obj
30. <u>photos</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31. <u>photos</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
32. <u>photos</u>	<input checked="" type="checkbox"/> 4/30/81 SUST.	<input checked="" type="checkbox"/> no obj
33. <u>photos</u>	<input checked="" type="checkbox"/> 4/30/81	<input checked="" type="checkbox"/> no obj
34. <u>photos</u>	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
35. <u>Evidence Envelope</u> 35 a - black + White T-Shirt	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
36. <u>Evidence Envelope + Contents</u> (Empty Camel Cigarette Package)	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
37. <u>Evidence Envelope + Contents</u> (Marlboro Cigarettes)	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
38. <u>Evidence Bag + Contents</u> (MATTRESS COVER)	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
39. <u>Evidence Bag + Contents</u>	<input checked="" type="checkbox"/> 4/30	<input checked="" type="checkbox"/> no obj
40. <u>Booking Sheet</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
41. <u>Rape Kit</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
42. <u>Hair Coll. Kit</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
43. <u>Hair Sample</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
44. <u>Hair Sample - (Car)</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
45. <u>Hair Sample</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
46. <u>Hair Coll. Kit from T. Burkett</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
47. <u>Eviden. Env. + Hair</u>	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj
	<input checked="" type="checkbox"/> 5/1	<input checked="" type="checkbox"/> no obj

CASE NO. C52196

PLAINTIFF'S EXHIBITS

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[illegible]

**DEFENDANT'S EXHIBITS:**

CASE NO. C52190

	OFFERED	ADMITTED
A. <u>work Application of Raymond Hise</u>	<input checked="" type="checkbox"/> 5/11	<input checked="" type="checkbox"/> 10/21
B. <u>Note book on interviews of Applicants</u>	<input checked="" type="checkbox"/> 5/11	<input checked="" type="checkbox"/> 10/21
C. _____	<input type="checkbox"/>	<input type="checkbox"/>
D. _____	<input type="checkbox"/>	<input type="checkbox"/>
E. _____	<input type="checkbox"/>	<input type="checkbox"/>
F. _____	<input type="checkbox"/>	<input type="checkbox"/>
G. _____	<input type="checkbox"/>	<input type="checkbox"/>
H. _____	<input type="checkbox"/>	<input type="checkbox"/>
I. _____	<input type="checkbox"/>	<input type="checkbox"/>
J. _____	<input type="checkbox"/>	<input type="checkbox"/>
K. _____	<input type="checkbox"/>	<input type="checkbox"/>
L. _____	<input type="checkbox"/>	<input type="checkbox"/>
M. _____	<input type="checkbox"/>	<input type="checkbox"/>
N. _____	<input type="checkbox"/>	<input type="checkbox"/>
O. _____	<input type="checkbox"/>	<input type="checkbox"/>
P. _____	<input type="checkbox"/>	<input type="checkbox"/>
Q. _____	<input type="checkbox"/>	<input type="checkbox"/>
R. _____	<input type="checkbox"/>	<input type="checkbox"/>
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T. _____	<input type="checkbox"/>	<input type="checkbox"/>
U. _____	<input type="checkbox"/>	<input type="checkbox"/>
V. _____	<input type="checkbox"/>	<input type="checkbox"/>
W. _____	<input type="checkbox"/>	<input type="checkbox"/>
X. _____	<input type="checkbox"/>	<input type="checkbox"/>
Y. _____	<input type="checkbox"/>	<input type="checkbox"/>
Z. _____	<input type="checkbox"/>	<input type="checkbox"/>

## *Certification of Copy*

**STATE OF NEVADA,  
COUNTY OF CLARK,**

I, SHIRLEY B. PARRAGUIRRE, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBIT LIST;

**THE STATE OF NEVADA,**

**Plaintiff(s),**

**vs.**

**JOEL BURKETT,**

**Defendant(s).**

**D.C. CASE C52190  
Department 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 31st day of August, 1999 A.D.

**CLARK COUNTY CLERK**

  
**Michele Anderson**

**Deputy Clerk**