

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL BURKETT
Appellant,
vs.
THE STATE OF NEVADA
Respondent.

Supreme Court No. 71725

District Court No. 8052190

FILED

FEB 28 2017

APPELLANT'S INFORMAL BRIEF

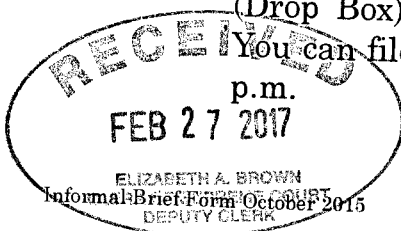
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]

INSTRUCTIONS: If you are an appellant proceeding pro se (without attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, *see* NRAP 28(k), with the Nevada Supreme Court on or before the due date, *see* NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may file your brief in person or by mail.

To file your brief in person: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, or at the Regional Justice Center Clerk's Office (Drop Box), 200 Lewis Street, 17th Floor, Las Vegas, Nevada. You can file your brief Monday through Friday, 8:00 a.m. to 4:00



To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
8-31-2014	JOEL BURKETT V. THE STATE OF NEVADA

Notice of Appeal. Give the date you filed your notice of appeal in the district court: NOV 9th 2016

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

THE NEVADA DEPT OF CORRECTIONS
IS REFUSING TO COMPLY WITH
BURKETT'S JUDGMENT OF CONVICTION

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed).

BURKETT CONTENDS THAT THE DISTRICT COURT IS IN ERROR BECAUSE BURKETT IS CHALLENGING THE N.D.O.C. INTERPRETATION OF THE "JUDGMENT OF CONVICTION"

THE N.D.O.C. CHAIRMAN COURT 4 IS NOT CONCURRENT TO COURTS 2,

BURKEIT CONTENDS THAT
IT IS.

BECAUSE THE "JUDGMENT OF
CONVICTION" IS AN ISSUE

THE COURT MUST ADDRESS
THE ISSUE VIA HABEAS CORPUS

THERE SIMPLY IS NO OTHER
WAY TO RAISE THE ISSUE

PURSUANT TO N.R.S. 34,720 AND THIS
COURT RULING IN BOWEN V. WARDEN
OF NEV. STATE PRISON, 686 P.2d 250 (1984)
THIS COURT SAID, "IN NEVADA, A
PETITION FOR A POST-CONVICTION WRIT
OF HABEAS CORPUS MAY BE FILED FOR
TWO REASONS (1) TO CHALLENGE THE
VALIDITY OF A "JUDGMENT" OR
CONVICTION....."

WHILE BURKEIT ISN'T CLAIMING
THE JUDGMENT OF CONVICTION
IS IN ERROR - THE AMENDED
JUDGMENT OF CONVICTION FILED
IN FEB 28 1994, HAS A MISTAKE
IN IT AT

Page 2 W. 25. Reads Counts
III and IV to be served concurrent
to the sentences imposed in
Count II

Thus the N.D.O.C. claims because
it doesn't state sentences

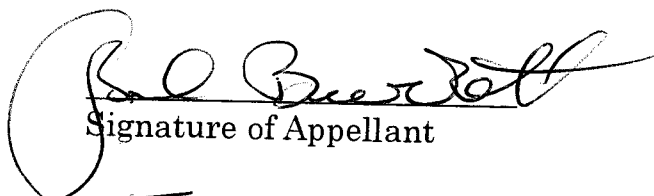
They won't run Count 4
concurrent to Count 2

The issue is about the
Judgment of Conviction
Filed Feb 28th 1994 and the
Mistake therein

Burke's Sentencing Transcripts
From 1981 shows Counts
III and IV to be served
concurrent to the sentences
imposed in Count II

Lined area for text entry.

DATED this 22 day of FEB, 2017.


Signature of Appellant

JOE BERKE
Print Name of Appellant

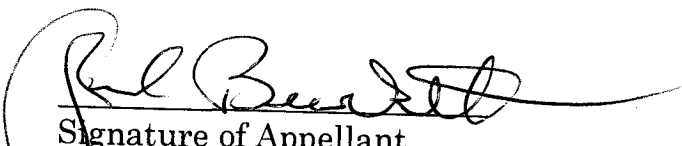
CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

STEVEN B. WOLFSON
200 LEWIS AVE
LAS VEGAS NV
89155

DATED this 22 day of FEB, 2017.


Signature of Appellant

JOEL BURKETT
Print Name of Appellant

P.O. Box 1989
Address

ELY, NV 89301
City/State/Zip

Telephone