

101 BURKEIT 16111

PO BOX 7000

CARSON CITY, NV 89701

FILED

MAY 14 2019

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL BURKEIT

Petitioner/Plaintiff,

v.

The EIGHTH Judicial District
Court of the State Of Nevada, In and
For the County of CLARK

Respondent/Defendant

Case No. 81C052190

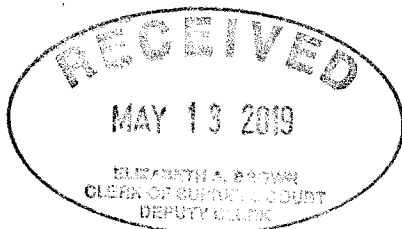
Dept. No. 12

Docket No. _____

PETITION FOR WRIT OF MANDAMUS

Comes now, Petitioner/Plaintiff, JOEL BURKEIT, pro per, And
respectfully moves this Honorable Court to issue a Petition for Writ of Mandamus, being filed
contemporaneously herewith, directing 8th JUD. DIST. CT, to reverse and vacate his order,
and/or actions in denying Petitioner/Plaintiff CORRECT JUDGMENT OF
CONVICTION

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,
N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P. Rule 21, as well as all papers, pleadings, and documents
on file herein.



19-21008

II. LEGAL ARGUMENT

1 Petitions for Extraordinary Writs are addressed to the sound discretion of the Supreme Court of
2 Nevada and may issue when there is no plain, speedy, and adequate remedy at law,. See, State v. Second
3 Judicial District Court ex. Rel. County of Washoe. 116 Nev. 953, 11 P.3d 1209 (2000).

4 A writ of mandamus is issued to compel performance of an act which the law especially enjoins as a
5 duty resulting from an office, trust or station. See, Lewis v. Stewart , 96 nev. 846, 619 P.2d 1212 (1980).

6 A writ of mandamus ma issue to control arbitrary or capricious exercise of discretion. See, Barnes v.
7 Eighth Judicial District Court of the State of Nevada, in and for Clark County , 103 Nev. 679,
8 748 P.2d 483 (1987).

9 This Court has also held that the action being sought to be compelled must be one already required
10 By law. See, Mineral County v. State Department of Conservation and Natural Resources. 117 Nev. 235
11 , 20 P.3d 800 (2001).

12 Mandamus is the appropriate vehicle for challenging contested orders entered by the District Court.
13 See, Angell v. Eighth judicial District Court In and For the County of Clark, 18 Nev. 923,
14 839 P.2d 1329, (1992).

15 It has also been held that a writ of mandamus is proper when the petitioner raises urgent and
16 important issues(s) of law requiring clarification by the Supreme Court. See, Falcke v. Douglas County,
17 116 Nev. 583, 3 P.3d 661 (2000).

STATEMENT OF FACTS

1 AT THE ORAL PRONOUNCEMENT OF BURKETT'S
2 SENTENCING, THE COURT IMPOSED THE
3 FOLLOWING TERMS OF IMPRISONMENT IN
4 COUNTS; TWO, THREE AND FOUR;

5
6 COUNT TWO; LIFE WITH THE POSSIBILITY
7 OF PAROLE FOR FIRST DEGREE KIDNAPPING
8 AND AN ADDITIONAL TERM OF LIFE
9 WITH THE POSSIBILITY OF PAROLE FOR
10 THE USE OF A DEADLY WEAPON IN
11 THE COMMISSION OF A CRIME, THE
12 TWO LIFE SENTENCES IN COUNT
13 TWO TO BE SERVED CONSECUTIVELY
14 (SENTENCING TRANSCRIPT Pg. 9 IN 26-32,
15 Pg. 10 IN 1-2). (PETITIONERS EXHIBIT 1)

16
17 COUNT THREE; LIFE WITH THE
18 POSSIBILITY OF PAROLE,

19
20 COUNT FOUR; LIFE WITH THE
21 POSSIBILITY OF PAROLE,

22
23 COUNTS THREE AND FOUR TO BE SERVED
24 CONSECUTIVELY TO EACH OTHER AND
25 CONCURRENT TO THE SENTENCES
26 IMPOSED IN COUNT TWO (S.T. Pg 10)

1 (1) BURKETT FILED A PETITION FOR WRIT
2 OF HABEAS CORPUS IN THE SEVENTH
3 JUDICIAL DISTRICT COURT ON DECEMBER
4 14, 2015, WHEREIN HE CLAIMED THAT THE
5 NEV. DEPT. OF CORRECTIONS WERE
6 MISCALCULATING THE TERMS OF HIS
7 SENTENCES, THE CASE HAS A LONG
8 HISTORY BETWEEN THE DISTRICT COURTS
9 AND NEVADA COURT OF APPEALS.
10 THE SEVENTH JUDICIAL DISTRICT COURT
11 TRANSFERRED THE CASE TO THE
12 EIGHTH JUDICIAL DISTRICT COURT ON
13 NOVEMBER 29, 2017 FOR CLARIFICATION
14 OF BURKETT'S JUDGMENT OF CONVICTION.
15 ON FEBRUARY 20, 2018 THE COURT
16 FILED AN ORDER FOR AN AMENDED
17 JUDGMENT OF CONVICTION, WHEREIN
18 THE COURT LITERALLY CHANGED THE
19 CONCURRENT - CONSECUTIVE TERMS
20 OF BURKETT'S SENTENCES UNDER
21 THE GUISE OF CLERICAL ERROR,
22 THE COURT NEVER SERVED BURKETT
23 A COPY OF THAT ORDER OR
24 AMENDED JUDGMENT OF CONVICTION.
25
26 WITHOUT KNOWLEDGE OF THE EIGHTH
27
28

1 JUDICIAL DISTRICT COURT'S ORDER
2 BURKETT FILED A WRIT OF HABEAS
3 BEFORE THE NEVADA COURT OF
4 APPEALS IN CASE NO. 76647-COA
5 THAT COURT FILED ITS ORDER DENYING
6 THE PETITION ON JAN 17 2019
7 AND NOTIFYING BURKETT THAT THE
8 EIGHTH JUDICIAL DISTRICT COURT HAD
9 IN FACT ISSUED AN ORDER.
10 BECAUSE BURKETT WAS NOT SERVED
11 WITH THE DISTRICT COURT'S ORDER
12 HE DID NOT FILE A NOTICE OF APPEAL
13 WITHIN 30 DAYS N.R.A.P. (4)
14 THUS, BURKETT'S ONLY REMEDY AT
15 THIS TIME IS HABEAS.

16
17
18 THE AMENDED JUDGMENT OF CONVICTION
19 FILED BY THE EIGHTH JUDICIAL DISTRICT
20 COURT JOIN THE SENTENCE
21 IMPOSED UPON BURKETT AT THE
22 ORAL PRONOUNCEMENT OF HIS
23 SENTENCING. THIS COURT NEED
24 ONLY LOOK AT THE AMENDED
25 JUDGMENT OF CONVICTION AND
26 BURKETT'S SENTENCING TRANSCRIPTS.
27 (ATTACHED HERETO MARKED EXHIBIT 1 AND 2)

1 BURKETT HAS SIMPLY BEEN TRYING
2 SINCE 2015 TO GET THE DISTRICT
3 COURT TO ORDER THE N.D.O.C.
4 TO CORRECTLY CALCULATE THE
5 TERMS OF HIS SENTENCES WITH
6 THIS COURT'S RULING IN,
7 BIFILATI V. WARDEN, 593 P.2D 51 (1979),
8 621 P.2D 1113 (1981)

9
10 BURKETT CONTENDS PURSUANT TO
11 HIS SENTENCING TRANSCRIPTS AND
12 THIS COURT'S BIFILATI (SUPRA) RULING
13 HIS SENTENCES SHOULD BE CALCULATED
14 AS FOLLOWS:

15
16 "COUNT TWO, FIRST DEGREE KIDNAPPING -
17 COUNT THREE SEXUAL ASSAULT"

18
19
20 "COUNT TWO USE OF A DEADLY WEAPON -
21 COUNT FOUR SEXUAL ASSAULT"

22
23 THEN PURSUANT TO BIFILATI (SUPRA)
24 COUNT TWO IS AGGREGATED - THUS
25 COUNTS TWO, THREE AND FOUR ARE
26 ALL RUNNING AND BURKETT CAN
27 ONLY WALK BACK INTO SOCIETY.

28

1 BURKETT HAS SERVED OVER TWENTY
2 YEARS ON WHAT SHOULD BE A
3 TEN TO LIFE SENTENCE UNDER
4 THIS COURTS BITTERLY SUPRA RULING
5

6 THE NEWS ANNOUNCED JUDGMENT OF
7 CONVICTION - SEPARATES COURT FOUR
8 FROM BOTH COURTS TWO AND THREE,
9

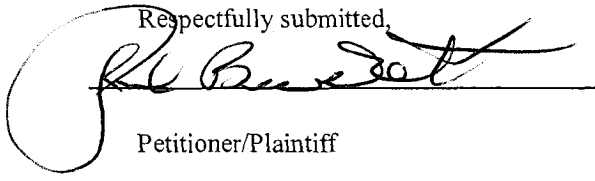
10 MAKING BURKETT RESERVE COURTS
11 FOUR PRIOR TO PAROLE. THIS OF
12 COURSE WOULD BE DOUBLE JEOPARDY
13 AS BURKETT HAS ALREADY SERVED
14 COURT FOUR CONCURRENT WITH
15 COURT TWO.
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CONCLUSION

Wherefore, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to Order THE EQUAL JUST DIST. COURT to F.I.S. A CORRECT AMENDED JUDGMENT OF CONVICTION within a reasonable amount of time as required by N.R.S. 34.830.

DATED this 8th day of May 2019

Respectfully submitted,


Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Petition for Writ of Mandamus, and that on this 8th day of May, 2019, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the N.V.I.C.C.

To deposit in the U. S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

8th JUD. DIST. CT
200 LEWIS AVE
3RD FLOOR
LAS VEGAS, NV
89155-2212

DATED this 8th day of May, 2019


Petitioner/Plaintiff

DECLARATION PURSUANT TO NRS 208.165

I JOEL BURKEET 16111 AM FULLY
COMMITTED PRISONER OF THE NEVADA
DEPT OF CORRECTIONS AND DOES
AFFIRM THAT THE ATTACHED
WRIT OF HABEAS CORPUS IS TRUE
AND CORRECT TO THE BEST OF
MY KNOWLEDGE AND BELIEF,
AND ANY FALSE STATEMENT OF
MATERIAL FACT MADE THEREIN
SHALL BE SUBJECT TO THE
PUNISHMENT AND PENALTIES OF PERJURY
PURSUANT TO NRS, 208.165

DATED THIS 8TH DAY OF MAY 2018

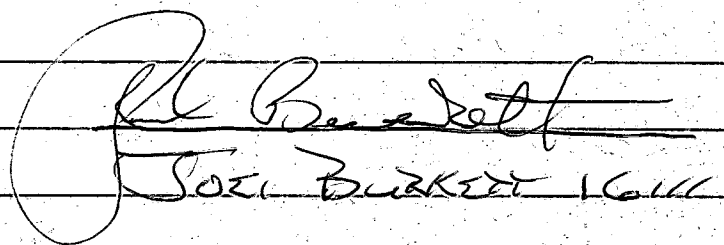

JOEL BURKEET 16111

EXHIBIT "1"

1 CASE NO. C52190

2 DEPT. NO. VII

ORIGINAL

FILED
JUL 28 2 25 PM '81

LORETTA BOWMAN
CLEDY
BY *Cheryl Strong*

6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND THE FOR THE COUNTY OF CLARK

8 THE STATE OF NEVADA)

9 Plaintiff,)

10 vs.)

11 JOEL BURKEIT aka Raymond
12 Haire,)

13 Defendant.)

14 BEFORE THE HONORABLE CARL J. CHRISTENSEN, DISTRICT JUDGE

15 TUESDAY, JUNE 2, 1981, 9:00 A.M.

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 APPEARANCES:

19 For the State: RONALD C. BLOXHAM, ESQ.
20 Deputy District Attorney

21 For the Defendant: JAMES BUCHANAN, ESQ.

22 For the Department of
23 Parole and Probation: FREDERIC L. BAIRD

24
25
26
27
28 REPORTED BY: Constance Kroon, C.S.R. No. 75

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 2, 1981, 9:00 A.M.

2 * * * * *

3
4 THE COURT: Case number C52190, the State of Nevada vs. Joel
5 Burkett, also known as Raymond Haire.

6 The record will show the presence of the defendant, in
7 custody; the presence of counsel, James Buchanan; Ron Bloxham, Deputy District
8 Attorney representing the State of Nevada.

9 This is the time set for the entry of judgment and
10 imposition of sentence. Is the defendant ready to proceed at this time? Mr.
11 Haire, have you read over the -- Mr. Burkett, have you read over the report?
12 What is your right name? Raymond Haire, isn't it?

13 THE DEFENDANT: Joel Burkett.

14 THE COURT: Okay. Mr. Burkett, have you read over the report
15 by the Department of Parole and Probation?

16 THE DEFENDANT: Yes, sir, I have.

17 THE COURT: Do you know of any legal cause or reason why
18 judgment should not be pronounced against you at this time?

19 THE DEFENDANT: Well, there's a few lies in there.

20 MR. BUCHANAN: We have no legal reason for judgment not be
21 imposed at this time, your Honor. We have some comments on the contents of
22 the probation report.

23 THE COURT: We'll get back to that.

24 Joel Burkett, by virtue of your verdict of the jury
25 finding you guilty, you are hereby adjudged guilty to Count I, the crime of
26 robbery and use of a deadly weapon in commission of a crime.

27 The Court hereby finds you guilty under Count II of the
28 crimes of first degree kidnapping and use of a deadly weapon in commission of
29 a crime.

30 The Court finds you guilty under Count III of the crime of
31 sexual assault, a felony.

32 The Court finds you guilty under Count IV of the crime of

1 sexual assault, a felony.

2 Does the Department of Parole and Probation have anything
3 further to state at this time?

4 MR. BLOXHAM: Your Honor, we don't have a representative from
5 the Department of Parole and Probation here at this time.

6 (At this time, Mr. Baird entered the courtroom).

7 MR. BLOXHAM: Yes, we do.

8 THE COURT: Your name, sir?

9 MR. BAIRD: Frederic L. Baird.

10 THE COURT: Frederic L. Baird?

11 MR. BAIRD: Yes, sir.

12 THE COURT: The record will show the presence of Frederic L.
13 Baird of the Department of Parole and Probation.

14 Do you have anything further to state at this time in the
15 Joel Burkett case?

16 MR. BAIRD: Submitted, your Honor.

17 THE COURT: Does the District Attorney have any statements to
18 make?

19 MR. BLOXHAM: Yes, your Honor. We would like to make a few
20 statements.

21 First of all, your Honor, on page 6 of the report, bottom
22 paragraph, it talks about the victim. There was an attempt made on the 26th
23 of May to contact the victim and have a statement of the victim included in
24 the report. I notice the report was prepared the 27th of May. They made a
25 phone call to the victim's mother-in-law asking the mother-in-law to have the
26 victim get a hold of them.

27 I can inform the Court that the victim has no phone; that
28 the mother-in-law lives clear across town; and I can assure you that if the
29 victim were contacted and asked for a statement, that she would provide one.
30 I don't believe it would stop sentencing today, though, because this Court did
31 hear the trial. This Court did hear the victim's testimony from the stand.

32 Your Honor, as I approach this sentencing, I have to look

1 at the defendant, and I have to compare him to a mad dog, your Honor, but
2 there are some differences between the defendant Burkett and a mad dog. Your
3 Honor, a mad dog has no choice in the way he acts. Joel Burkett, your Honor,
4 has purposefully decided and chosen to act in the manner which he has.

5 Your Honor, a mad dog has no respect for other people's
6 property. Joel Burkett has purposefully determined in the past, commit the
7 crimes of grand larceny, petty larceny, burglary, robbery, auto theft,
8 possession of stolen property. Your Honor, a mad dog has no respect for the
9 people's dignity. Joel Burkett has purposefully determined on his own to
10 ignore other people's dignity. The sex crimes he stands convicted of today
11 bears record of that.

12 Your Honor, on page 10 of the report, it reflects that
13 Joel Burkett shows no concern nor no sympathy for the victim in this
14 particular crime -- very vicious crime. Your Honor, Mr. Burkett, Joel
15 Burkett, has no respect for human life, just like a made dog.

16 Your Honor, the testimony this Court heard from the stand
17 from the victim as to the facts of the case, what happened out in the desert,
18 this victim -- I don't believe the defendant was bluffing when he attempted to
19 find a place to bury the victim. Talked to his companion about killing the
20 victim.

21 You know, there's an argument to be made -- well, he was
22 just bluffing so she wouldn't report the crime. Your Honor, from the
23 testimony that was adduced from the stand, I believe Joel Burkett was totally
24 willing and totally prepared to go through with that killing, and only because
25 of the other person present did the killing not occur.

26 Your Honor, Mr. Buchanan will argue to the Court, I am
27 sure, that this young man -- he's nineteen years old, he's never convicted of
28 any other adult crimes.

29 Your Honor, there's a good reason for that. This young
30 man turned eighteen in the California Youth Authority. He turned nineteen in
31 the California Youth Authority. He escaped November 29, 1980, and he was
32 apprehended here in Las Vegas for these crimes December 19, 1980. He just

1 didn't have a chance.

2 Your Honor, talking about the California Youth Authority.
3 His own statement reflected in the parole and probation report is he committed
4 so many crimes, he'd been convicted of so many charges down there, he didn't
5 even remember them all. He couldn't even list them all for the parole and
6 probation people.

7 Your Honor, as this Court considers sentencing, it takes
8 into account the character of the defendant, and it also takes into account
9 the nature of the crime committed. This Court heard the testimony of
10 Detective Leonard. He went over to the house where the defendant Burkett was
11 staying, and he obtained some items.

12 One thing the Court may or may not have been aware of is
13 the detective obtained some photographic albums, some photo albums from that
14 house. I'd like, if I could, at this time to have the Court either review the
15 photo albums, or at least a couple of the photographs reflecting Joel Burkett
16 in the photo albums, pictures that come from the California Youth Authority
17 while he was in there, if the Court is so inclined.

18 MR. BUCHANAN: Your Honor, we'd object to that. We haven't had
19 the chance to review it. It's not in the probation report, hasn't been looked
20 at by Parole and Probation. And I know what they're trying to show. They're
21 trying to show this Nazi stuff and pictures.

22 I've seen them before, but I don't think that should be
23 brought before sentencing. We don't come forth knowing that was going to be
24 offered. I'd never seen the entire photograph album. It's been in custody.

25 There have been certain pictures that have been shown me
26 by Detective Leonard, and I've seen those, and I don't feel they're
27 appropriate at this time, and I feel they'd be prejudicial.

28 MR. BLOXHAM: Your Honor, the reason that I offer them is
29 there's a couple of statements made in the report such as the guard in
30 California has indicated this man is a member of the Nazi white power group in
31 California, things like this. This supports and corroborates those
32 statements.

1 I just don't want to have this Court reading over the
2 report and saying, well, a number of these things are uncorroborated. We have
3 some corroboration for some of the statements in the report. We offer them,
4 if the Court chooses. If not, fine. We could move forth without --

5 THE COURT: I choose not.

6 MR. BLOXHAM: Okay, fine. Thank you.

7 Your Honor, what do we have when we consider the nature of
8 the crime, the background of the defendant? We have a very violent, violent
9 individual. His answer to all of these charges against him is, well, he's
10 bitter toward the jury. He's bitter toward the victim. There's people that
11 are conspiring to put him in jail and keep him there.

12 Your Honor, he blames everyone except who's really to
13 blame, and that's himself.

14 Your Honor, Parole and Probation has done a good job in
15 evaluating this defendant, comparing his background, looking at the crime,
16 putting it all together, making a recommendation. They've made a very good
17 recommendation. In fact, they recommended the maximum, with the exception of
18 concurrent and consecutive time.

19 My understanding, they recommended thirty years on the
20 robbery, consecutive to double life on the kidnapping, which are consecutive
21 to each other, but then, as to the sexual assaults, consurrent -- two sexual
22 assaults to the kidnapping and robbery.

23 We'd ask the Court to consider that as the minimum, the
24 minimum recommendation to be considered. The State asks that that be imposed,
25 and we also ask the Court to consider perhaps a heavier sentence due to his --
26 the defendant's -- background, and the serious nature of this crime.

27 Thank you, your Honor.

28 THE COURT: Mr. Burkett, your attorney will have an opportunity
29 to address this Court in your behalf. At this time, do you wish to make a
30 statement in your own behalf or present any information in mitigation of
31 punishment before sentence is pronounced?

32 THE DEFENDANT: Yes, your Honor. You know, he's saying that

1 they -- you know, the Probation Department checked me out real good.

2 Well, they said that -- on page 8 -- I got three brothers
3 in the California prison. I ain't even got three brothers, man, and -- and
4 they're saying that I stole a radio in the jail and I was talking over the
5 radio. And I didn't steal a radio. They're going to say that kind of
6 stipulation against me, and I want to say I didn't steal, and I can prove it.

7 Got in the front that he's appointed to me. He's not
8 appointed to me. So this Probation Department, they don't know nothing, man,
9 they don't know nothing. They're going on what Detective Leonard said. This
10 is supposed to be a P & P report, not from a detective that's got something
11 against me, you know.

12 And he's talking about this girl getting up on the stand.
13 She got right up on the stand and said I didn't even kidnap and rob her.

14 That's all I got to say, man.

15 THE COURT: Mr. Buchanan?

16 MR. BUCHANAN: Well, your Honor, I must say this report is
17 probably one of the most negative I've ever read. And of course, as we know,
18 during the trial there was some testimony or at least some evidence brought
19 that when he came down here, that he was going to make a big disturbance.
20 There was also some evidence brought out during the trial, or at least some
21 conversation, that he was a very violent person and had to be watched very
22 carefully.

23 But none of these things ever occurred. He's been in the
24 Clark County Jail now since November. He's never had any incidents up there
25 as far as fights or anything else, violence.

26 This Nazi white supremacy they've talked about over in
27 California -- didn't see none of this.

28 Now he appears and he appeared on the stand and he -- this
29 morning, there was this statement that Guy asked me for some kind of leniency
30 the Court could make. But when I talked to him and when I see him, I see an
31 eighteen-year-old boy who has not had quite as much bravado and macho as he
32 does here in Court and as he did on the stand and as he did this night.

1 We went through a long jury trial on this. There was some
2 evidence we presented, what I thought was a good case, as the jury evidently
3 didn't believe he and his witnesses as to what happened. He's still
4 protesting his innocence and stating that in the probation report, and has
5 gone down that that girl was not kidnapped, she went voluntarily, and the
6 rest.

7 We thought, of course, there was some evidence that the
8 jury could have believed. They were out some five or six hours, and evidently
9 they thought something.

10 Anyway, he stands here now with these counts that can go
11 to life. Now, of course, we're not asking the Court for probation, because
12 it's not even available, but before the Court gives some horrendous sentence,
13 some stacked case back to back, life, robbery with use and so forth, I'd like
14 to take into consideration that he is only nineteen, that at this point in his
15 life, he has a lot of violence in himself, and he's shown that in the past.
16 He'll probably show that for a while in the future.

17 But as they teach you in law school, they teach you in
18 psychology and psychiatric evaluation of prisoners, after a while that burns
19 out. Now, how long it will take Joel Burkett to burn out in the Nevada State
20 Prison -- that's one thing. But for the Court to impose some horrendous
21 sentence on the first time that this person has been before the Court as an
22 adult and being sentenced, we'd ask the Court to take that into consideration.

23 Now, this Court can stack a couple of these cases and make
24 sure that he stays in prison for around five to ten years. I think ten years
25 would have to be about the minimum that he could stay, under the case law
26 here.

27 So what I'm asking the Court is not to stack these and go
28 the life as they've recommended in the parole and probation report, but to
29 give him some of these five-year terms back to back, which would insure that
30 he is not eligible for probation for around ten years. In ten years, he'll be
31 twenty-nine years old, and he'll spend most of the best years of his life in
32 prison. And that, of course, will be at least a great inducement to come out

1 and be a worthwhile citizen; but to take somebody at nineteen to twenty-nine
2 and put them in prison I feel is punishment enough.

3 Now, at that point also they're going to have an
4 evaluation of this prisoner in jail, see whether or not he burns out and so
5 forth and whether or not he can be given probation, so they'll have a good
6 indication. But I'd ask the Court to take into consideration the fact that he
7 is nineteen, the fact that he is a violent person, but I think that can be
8 corrected in prison, or at least thwarted over ten years, which is a long
9 enough time for anyone, and to do it.

10 His parents have been here. His mother and family sat
11 through the whole trial. His father's in the courtroom today. They've stood
12 behind him, and -- and he has a problem with this Court, so I'd ask the Court
13 to give him whatever leniency it can in the sentencing.

14 To characterize him as a mad dog, I don't know. Maybe his
15 background, his upbringing, his treatment with the youth authorities, in being
16 kicked out of school when he was in seventh grade contributed to all of this.
17 But I think at this point that the Court can at least give him some leniency
18 on his first offense.

19 THE COURT: Joel Burkett, in accord with the law of the State
20 of Nevada, this Court does now sentence you to confinement for fifteen years
21 in the Nevada State Prison for the crime of robbery in Count I; and does also
22 sentence you to fifteen years in the Nevada State Prison for use of a deadly
23 weapon in commission of a crime.

24 These two fifteen-year sentences under Count I shall run
25 consecutively to each other.

26 Joel Burkett, in accord with the law of the State of
27 Nevada, this Court does now sentence you to confinement for life in the Nevada
28 State Prison for the crime of first degree kidnapping as set forth in Count II
29 of the information in this case.

30 The Court imposes an additional sentence of life in the
31 Nevada State Prison under Count II for use of a deadly weapon in commission of
32 a crime.

151

1 These two sentences shall run concurrently -- excuse me --
2 shall run consecutively to each other and shall run consecutively to the
3 fifteen-year sentences imposed under Count I.

4 Joel Burkett, in accord with the law of the State of
5 Nevada, this Court does now sentence you to confinement for life in the Nevada
6 State Prison for the crime of sexual assault, a felony, as set forth in Count
7 III.

8 The Court also sentences you to confinement for life in
9 the Nevada State Prison for the crime of sexual assault, a felony, as set
10 forth in Count IV.

11 These two life sentences shall run consecutively to each
12 other but shall run concurrently with the sentences imposed in Count II of the
13 information in this case.

14 MR. BUCHANAN: Thank you, your Honor.

15 MR. BLOXHAM: Your Honor, credit for time served I believe is
16 reflected as 165 days. Is that correct?

17 THE COURT: The defendant is given credit for time served in
18 the sum of 165 days.

19 MR. BLOXHAM: Your Honor, am I to understand that Count I, Count
20 II are consecutive to each other, concurrent to three and four? That's just
21 for clarification, for my sake.

22 MR. BUCHANAN: I think the sentencing was proper.

23 THE COURT: Fifteen, fifteen, life, life. And then you've got
24 two more lifes to run concurrently with those counts.

25 We'll be in recess at this time for a few minutes.

26 * * * * *

27 ATTEST: Full, true and accurate transcript of proceedings.

28 *Constance Kroon*
29 CONSTANCE KROON, C.S.R. NO. 75
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EXHIBIT "2"

Steven D. Grierson

1 AJOC

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

16111
16111
HDSP

5 THE STATE OF NEVADA,

6 Plaintiff,

CASE NO. 81C052190

7 -vs-

DEPT. NO. XII

9 JOEL BURKETT aka *TN*
10 Raymond Haire
#609533

11 Defendant.

13 AMENDED JUDGMENT OF CONVICTION
14 (JURY TRIAL)

17 WHEREAS, on the 20th day of January, 1981, the Defendant JOEL BURKETT
18 aka Raymond Haire, entered a plea of not guilty to the crimes of COUNT 1 - ROBBERY
19 WITH USE OF A DEADLY WEAPON IN COMMISSION OF A CRIME; COUNT 2 -
20 FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON IN COMMISSION
21 OF A CRIME; COUNTS 3 and 4 - SEXUAL ASSAULT, committed on the 18th day of
22 December, 1980, in violation of NRS 200.380, 193.165, 200.310, 200.364, 200.366, and
23 the matter having been tried before a jury, and the Defendant being represented by
24 counsel and having been found guilty of the crimes of COUNT 1 - ROBBERY WITH
25 USE OF A DEADLY WEAPON; COUNT 2 - FIRST DEGREE KIDNAPPING WITH THE
26 USE OF A DEADLY WEAPON; COUNT 2 - FIRST DEGREE KIDNAPPING WITH THE
27 USE OF A DEADLY WEAPON; COUNTS 3 and 4 - SEXUAL ASSAULT; and
28

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1 WHEREAS, thereafter, on the 2nd day of June, 1981, the Defendant being
2 present in court with counsel, JAMES L. BUCHANAN and BONALD C. BLOXHAM,
3 Deputy District Attorney, also being present, the above entitled Court did adjudge
4 Defendant guilty thereof by reason of said trial and verdict and sentenced Defendant to
5 serve a term in the Nevada State Prison as follows: COUNT 1 – FIFTEEN (15) YEARS
6 for ROBBERY and an additional FIFTEEN (15) YEARS for Use of a Deadly Weapon in
7 Commission of a Crime, to be served CONSECUTIVELY; COUNT 2 – LIFE with
8 possibility of parole and an additional terms of LIFE with the possibility of parole for Use
9 of a Deadly Weapon in Commission of a Crime, to be served CONSECUTIVELY;
10 COUNT 2 is to be served CONSECUTIVE to COUNT 1; COUNT 3 – LIFE with
11 possibility of parole; and COUNT 4 – LIFE with possibility of parole; COUNTS 3 and 4
12 to be served CONCURRENT to the sentences imposed in COUNTS 1 and 2.
13 Defendant granted credit for time served of ONE HUNDRED SIXTY-FIVE (165) DAYS.
14

15
16
17 THEREFORE, the Clerk of the above entitle Court is hereby directed to enter this
18 Judgment of Conviction as part of the record in the above entitle matter.

19
20 THEREAFTER, on the 20th day of February, 2018, the Defendant was present in
21 Court without counsel, and pursuant to an At Request of Court hearing; COURT
22 ORDERED, the Amended Judgment of Conviction shall reflect the following correction:
23 COUNT 3 to run CONCURRENT to COUNT 2, and COUNT 4 to run CONSECUTIVE to
24 COUNT 3.

25 DATED this 1 day of March, 2018.

26
27
28 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Alvin J. Robinson
CLERK OF THE COURT

Michelle Leavitt
MICHELLE LEAVITT
DISTRICT COURT JUDGE

2

S:\Forms\WOC-Jury 1 Ct/3/1/2018

JOEL BURKETT 16111
PO BOX 7000
CARSON CITY, NV
89701

5-8-19

DEAR CLERK,

PLEASE FIND ENCLOSED FOR FILING
A PETITION FOR WRIT OF HABEAS -
MOTIONS TO WAIVE FILING FEES FOR
PETITIONS FOR WRIT OF HABEAS
AND ONE COPY THEREOF.

THANK YOU

Sincerely,
Joel Burkett

