

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL BURKETT, A/K/A RAYMOND
HAIRE,

Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 83743

FILED

JAN 03 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER ALLOWING APPEAL TO PROCEED AND DIRECTING
TRANSMISSION OF RECORD*

Because it appeared that this pro se appeal may have been untimely filed, this court entered an order directing the attorney general, on behalf of respondent, to obtain and transmit to the clerk of this court a certified copy of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered to a prison official his notice of appeal. See NRAP 4(d); *Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). The attorney general has responded and provides this court with a copy of the prison's notice of appeal log, which indicates that appellant timely filed the notice of appeal. It appears, therefore, that this court has jurisdiction, and this appeal may proceed.

Accordingly, review of the complete record is warranted. See NRAP 10(a)(1). The clerk of the district court shall have 30 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any

presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

1. Sanderlin, C.J.

cc: Joel Burkett
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk