



STATE OF NEVADA
DEPARTMENT OF
MOTOR VEHICLES AND PUBLIC SAFETY
DRIVER'S LICENSE DIVISION

555 Wright Way
Carson City, Nevada 89711-0400
(702) 885-5360

RICHARD H. BRYAN
Governor

WAYNE R. TEGLIA
Director

February 9, 1987

Re: Date of Birth: January 17, 1961
Soc. Sec. No.:

John Scott Burkett
P.O. Box 4763
Incline Village, NV 89450

Dear Mr. Burkett:

Reference is made to the reinstatement of your driving and/or registration privileges in the State of Nevada.

Pursuant to our conversation, it was agreed to allow you to reinstate your driving and/or registration privileges without filing an SR-22 Form at this time. You agreed to provide this office with an SR-22 within 30 days.

Please be advised if this office does not receive an SR-22 filing by March 4, 1987, the status of the license will be changed to suspended, and you will be required to surrender your license.

If you have any questions, please call or write this office.

Very truly yours,

Wayne R. Teglia, Director

A handwritten signature in cursive script that reads "Donna Gibson".

By: Donna Gibson
Driver's License Division

DG:crj

EVUIDIT

CALIFORNIA CORRECTIONAL CENTER
SUSANVILLE, CALIFORNIA 96130 (916) 257-2181
P. O. Box 790



June 28, 1989

Honorable Judge R. L. Gilbert
Placer County Superior Court
11546 B Avenue
Auburn, CA 95603

Re: BURKETT, John
Our: E-11136
Your: 1183

Dear Judge Gilbert:

Attached is a copy of the Diagnostic Study and Evaluation under the provisions of the Penal Code Section 1170(d) as you requested in the case of John Burkett.

Following careful evaluation of this case, we recommend that no change be made in the current sentence and commitment of John Burkett to the California Department of Corrections.

If you have any questions or desire further information, please feel free to call upon us.

Sincerely,

W. A. MERKLE
Warden

A handwritten signature in black ink, appearing to read "Michael T. Pickett".

MICHAEL T. PICKETT
Chief Deputy Warden

DIAGNOSTIC STUDY AND EVALUATION BY THE CALIFORNIA DEPARTMENT OF
CORRECTIONS UNDER PROVISIONS OF PENAL CODE SECTION 1170(d)

I. IDENTIFYING INFORMATION

This is a diagnostic study and evaluation under the provisions of Penal Code Section 1170(d) in the case of BURKETT, John, County Court Number 1183, CDC Number E-11136.

The study evaluates the defendant's potential for success under sentence alternatives to state prison and the threat posed to the community should the defendant not fulfill that potential. The clinical case study method does not lend itself to an adequate consideration of other issues involved in uniform sentencing.

Inmate Burkett is 27 years of age. Date received in the Department of Corrections was March 14, 1989, from Placer County Superior Court with the charge of Vehicular Manslaughter with Gross Negligence. Subject received a 6 year sentence, and currently has a minimum release date of February 21, 1993. There are no Holds, Warrants, or Detainers.

II. OFFENSE

On March 3, 1989, Subject was convicted of Vehicular Manslaughter with Gross Negligence stemming from a traffic accident involving three vehicles.

Circumstances of the offense is that Mr. Burkett was traveling eastbound on Highway 25 at an excessive rate of speed. He entered a curb, crossed the double yellow line, sideswiped a vehicle towing a boat and collided head on with the victim's vehicle, resulting in the death of the driver.

The California Highway Patrol estimated the speed upon impact to be 61.98 miles per hour. The odor of alcohol was detected on Burkett's breath while he was being treated in the Emergency Room, a blood sample confirmed Burkett's alcohol level was .17 and the drug screening test proved positive for cocaine.

Mr. Burkett was cited in the State of Nevada on 6/84 and 12/86 for Speeding. On 11-10-84 he was charged with Driving while Intoxicated, Excessive Speed, Operating a Vehicle without a Driver's License in his Possession, and Failure to Maintain Motor Vehicle Insurance. He has been cited in California for Speeding and Driving Without a License in his Possession. Mr. Burkett also filed a fictitious non-existent address on his Nevada Driver's Licenses. His Nevada Driver's Licenses have been suspended 4 times and he never attended driver's school as ordered by the courts in Nevada.

DIAGNOSTIC STUDY AND EVALUATION BY THE CALIFORNIA DEPARTMENT OF
CORRECTIONS UNDER PROVISIONS OF PENAL CODE SECTION 1170(d)

III. INSTITUTIONAL ADJUSTMENT

Subject was received in the California Department of Corrections on March 14, 1989, and transferred to the California Correctional Center from DVI, Reception Center on April 11, 1989. During this short time, he has not incurred any disciplinary or misbehavior documentation. He is currently assigned to the Vocational Drafting Class.

IV. RECOMMENDATIONS

Evaluation indicates that this case should not be considered for disposition as authorized by Penal Code Section 1170(d).

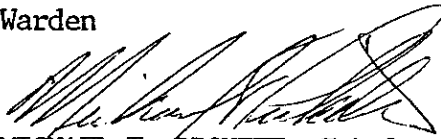
V. REASONS FOR RECOMMENDATIONS

Mr. Burkett is not recommended for release on probation under 1170(d) of the Penal Code. Although his criminal record is limited to the instant offense, and various vehicle code violations, he has shown little or no responsibility for public safety by operating a motor vehicle when intoxicated. He never attended the driving school as ordered, nor did he complete the volunteer alcohol program he enrolled himself in after the instant offense. It appears Mr. Burkett is in need of a structured environment where he can have time to understand the serious consequences of drinking while operating a motor vehicle. While in the Department of Corrections, he will be exposed to vocational training, academic programs and volunteer programs such as Alcoholics Anonymous, all of which would be beneficial to Mr. Burkett and the public.

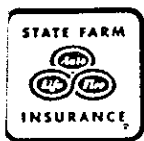
VI. RELEASE PLANS

Burkett, intends to live with his Girlfriend, Susie Devyak, at 587 Bend Avenue, Brockway, California, Phone (916) 546-3025. He states he will be able to work for his Father, Pete Burkett, in the construction field with Sierra Pacific Development Company located in Tahoe City, California, Phone (916) 583-3822.

W. A. MERKLE
Warden


MICHAEL T. PICKETT, Chief
Deputy Warden

BHT/AH/ps



MIKE MENATH
Auto-Life-Health-Home and Business
856 TAHOE BOULEVARD--SUITE A
INCLINE VILLAGE, NV 89451 PHONE (702) 831-3132

April 7, 1989

To: Thomas Leupp, Esquire
1515 Lincoln Way
Auburn, California
95603


Re: John Burkett: insurance coverage

This is to verify that John Burkett was insured with State Farm Insurance from December 1982 until July 19, 1988. I have requested a printout from the State Farm Regional Office which will further verify this fact.

I would add that during this period of time John was always diligent in maintaining his insurance. The cancellation of his insurance on July 19, 1988 was not because of claims or citations or underwriting review, but simply for non-payment of the premium billed.

Should you or the court have any further questions please call my office.

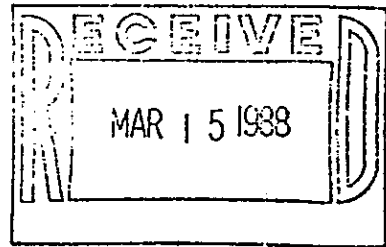
Sincerely,


Mike Menath
Agent

Jack Araza, Ph.D.

1200 N. Mountain St., #120, Carson City, Nevada 89703 702-885-0206

March 14, 1989



Richard Specchio, Attorney-at-Law
P.O. Box 14329
South Lake Tahoe, CA 95702

RE: BURKETT, John
DOB: 01/17/89
AGE: 28 years
DATE OF EXAM: 03/12/89
DATE OF REPORT: 03/13/89

Dear Mr. Specchio:

REFERRAL QUESTION: Mr. Burkett is currently facing a prison sentence for Vehicular Manslaughter. He was legally drunk at the time of the accident. Mr. Burkett was referred for a psychological evaluation to determine if he was antisocial in his orientation. There was also a concern about his ability to learn from his mistakes. Finally, there was a question regarding whether or not Mr Burkett is appropriate for an alcohol rehabilitation program

EVALUATION PROCEDURE: The evaluation was conducted in the Auburn County Jail and was approximately three hours long. It included Background History, Clinical Interview and Minnesota Multiphasic Personality Inventory (MMPI). Phone contact was later made with John's mother, Sally Crane, and his father, Keith Burkett. John Burkett was the primary historian for this report. He appeared to be an honest and genuine reporter. There was no indication that he was attempting to falsify himself.

PERSONAL AND FAMILY HISTORY: Mr. Burkett was born in Encino, California and raised initially in Woodland Hills, California. He has one natural sister and five step-

EXHIBIT 1

brothers. He was premature at birth but no subsequent medical or developmental problems occurred. Mr. Burkett was an easy child to raise. He did have problems with his parents divorce, which occurred when he was about five years of age. Mr. Burkett had worshipped his father and his loss was difficult. In any case, he and his sister remained with their mother. They moved to Canoga Park, California and remained there about seven years. Mr. Burkett's grandfather played an important part in his life during that time. He would take John fishing and remained actively involved in his Little League and Cub Scout activities. His mother remarried when John was about twelve and the family moved to Arizona for the next few years. It was an unsuccessful marriage and John returned to Orange County, California with his mother. His mother married her current husband when John was about fourteen. During the summer following high school, in 1978, John was contacted by his father about working for him. John accepted his offer. Since that time, with the exception of the years 1980-82 when he returned to Orange County to work for his step-father, John has worked and lived in Reno and the North Lake Tahoe area. He is a single person who has been involved in an 18 month relationship with plans for marriage.]K

SCHOOL HISTORY: John was always a good student both academically and behaviorally. He was considered to have good intellectual ability. In the earlier grades, he achieved A & B grades and during high school achieved a B average. His behavioral grades were at least average. He received only one suspension and that was for a one day period for smoking a cigarette at school. He was involved in organized school sports to include basketball and wrestling in junior high but not in high school. As John moved into high school, work became increasingly important to him.

WORK HISTORY: John's first employment was working as a newspaper boy at age 10. He maintained a paper route for the summer. His high school years involved a variety of successful work situations. From the tenth grade on he worked for John Vanbeek, on a part time basis, as a machinist for a minimum of 10 hours a week. Other jobs included working for a Temporary Service on a sporadically bases. He was involved in work study with the school for his junior and part of his senior year before changing high schools. With this program he worked three hours a day with City of Santa Ana. He spent one summer helping with the horses at a race track. Finally, on a part-time basis he worked for his step-father as a truck driver with the responsibility of

delivering chemicals to different areas in the county. John appeared to be successful at his work activities. In 1978, the summer after high school, Mr. Burkett went to work with his father building a custom home. After that was completed and approximately 18 months later John returned to Orange County where he worked with his step-father's business. John had the opportunity to assume greater responsibility with that business but he chose to return to his father's employment. He worked under his father's direction on major building projects between 1982 and 1987. From the latter part of 1987 until just prior to the accident in 7/88, John was involved in the joint building of a home. His medical treatment, legal circumstances and the inability to drive have all interfered with his not working since 7/88.

HOBBIES: John identified boating, golfing, socializing, snow skiing and fishing as activities in which he participates to varying degrees.

MOTHER'S REPORT: Although there was concerns about John regarding his premature birth, subsequent problems did not occur. He was an easy child to raise but always had problems with extreme shyness. Although it did subside, it remained an issue throughout childhood and adolescence. John has always been an independent, responsible, honest and private type of person who had a hard time expressing his emotions. He had a difficult time coping with the divorce. His dad was and always has been a very important to him. His grandfather played an important part in his life in late childhood. He became involve in many of John's activities such as Little League and Scouts that a father would typically get involved in. Mrs. Crane identified a period of time around 16 and 17 when John became very hard headed and stubborn, but he grew out of that. When he worked for their business he was considered a steady and reliable worker.

FATHER'S REPORT: Mr. Burkett verified John's work history with him. He has always been a responsible person and hard worker. There was a period in 1987 where John appeared to change in his attitude. Mr. Burkett was not involved with him much at all from the middle part of 1987 until after his accident. He felt that more recently John has returned to his old self.

CLINICAL INTERVIEW: John was oriented to person, place and time. There was no unusual or suspicious thinking present. He was sad and despondent regarding his legal circumstances but those feelings were within normal limits. There were no

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CLINICAL INTERVIEW: John was oriented to person, place and time. There was no unusual or suspicious thinking present. He was sad and despondent regarding his legal circumstances but those feelings were within normal limits. There were no

significant problems with anxiety or depression present. He was accepting the responsibility for what he did and also accepted the fact that he was going to prison. John denied any history of past mental or emotional problems. Given the circumstances confronting Mr. Burkett, and the fact he has no prior criminal problems or experience with prison, he was manifesting a good degree of emotional strength.

John describes himself as a private person who does not make friends easily. He does have people that he values and cares about deeply. Important people in his life include his natural parents. He has always looked up to his father. When he first went to work for him in 1978 he stated, "I pushed myself to gain his respect." His mother remains a source of strength for him. He talked fondly about his grandparents. His grandfather participated in his early childhood activities and generally took the place of his father for things like Little League games and Scouting events. His grandmother always holds him out to be the "golfing pro". He is involved in 18month relationship with plans for marriage. Work has always dominated John's life and he felt he became "burned out by it" a couple of years ago. Since the accident, he has been attempting to cope with life. He feels particularly bad regarding the taking of a life. He has begun to empathize with what the victim's family has gone through and can see events from their side. He thought about some of the similarities between himself and Kelly in that they both had families that had given them significant support and direction. John also felt badly regarding how he was portrayed in the probation report. He felt what he did was wrong but also that he was not the irresponsible person that the report outlined.

CRIMINAL HISTORY: His legal problems outside of his current situation are limited to a DUI in 1984.

ALCOHOL HISTORY: John began experimenting with alcohol around the age of 15. He has always used it in a social context and has never gone out of his way to use it on an individual basis. He did not believe that it interfered with work or life in general until his first DUI in 1984, and then not again until the accident in 7/88. He did not receive any treatment for alcohol after his first DUI. He completed a partial in-patient and out-patient alcohol program at Truckee Meadows Hospital after the accident. The medical and legal demands and his inability to drive interfered with successful completion of that program.

MMPI: John's profile was valid. Results suggested he answered the questions in an honest and straightforward manner. He achieved a Welsh Code of 52164397/08:KL/F. His profile fell well within normal limits. There was no indication of mental impairment or emotional problems. Within the specialty scales, his MacAndrew Scale, which measures an individual's vulnerability to alcohol abuse, was mildly elevated. This indicates that the individual must pay attention to his pattern of alcohol use as he is vulnerable to abuse.

SUMMARY: Mr. Burkett is a 28-year-old male who was referred for a psychological evaluation to determine if he 1) has an antisocial orientation 2) can learn from his mistakes and 3) is a candidate for an Alcohol Rehabilitation program. History, Clinical interview, test results and parents' report all indicate that Mr Burkett is a caring person who has strong attachment to others. He has the capacity for guilt and remorse and he remains capable of having strong attachments towards individuals to the extent that their approval is important to him. These factors coupled with a well developed pattern of responsible and productive behavior indicate that he is not an anti-social personality. This information also indicates that John has the capacity to learn from his mistakes. John would be an excellent candidate for an Alcohol Rehabilitation program.

REHABILITATION PLAN: Given Mr. Burkett's pattern of alcohol use to include his legal problem and vulnerability to alcohol the following program is recommended.

Mr. Burkett should receive a one (1) month inpatient treatment program follow by a two to three year outpatient alcohol treatment program to include weekly meeting and random alcohol screening as a part of the program. AA participation would also be important.

Sincerely,



Jack Araza, Ph.D.
Nevada Certified Psychologist



DRUG DETECTION
LABORATORIES, INC.
TOXICOLOGY SPECIALISTS

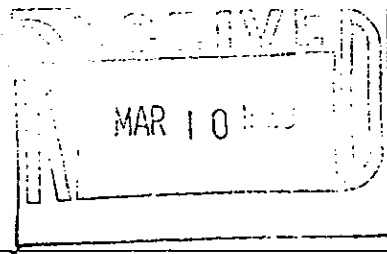


EXHIBIT 2

March 7, 1989

Richard Specchio
Attorney at Law
Box 13912
So. Lake Tahoe, CA 95702

Dear Mr. Specchio:

In regards to your question of the effects of Benzoyllecgonine (cocaine metabolite), the following facts should be noted:

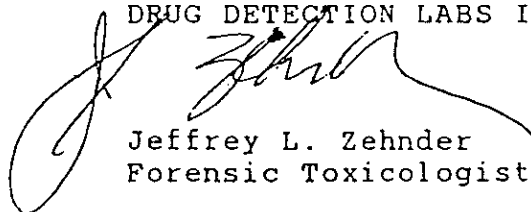
Benzoyllecgonine is an inactive metabolite of cocaine, which means it has no pharmacological activity. The presence of benzoyllecgonine alone is not indicative of impairment to any degree at any particular time.

The presence of cocaine (parent) which is active pharmacologically, would point to more recent ingestion and in sufficient quantity may be consistent with impairment.

My analysis on the blood sample of Mr. Burkett did not confirm the presence of the pharmacologically active cocaine parent compound.

Sincerely,

DRUG DETECTION LABS INC.



Jeffrey L. Zehnder
Forensic Toxicologist

Honorable Judge Richard Gilbert

Re: Case No. 1183

John Scott Burkett

I have known John since 1980 and have always found him to be a very responsible and caring young man. I realize he made a tragic mistake and must pay for it, however, to sentence this young man to six years in prison is a crime in itself. It cannot bring back the young man who was killed in the auto accident, it can only destroy another young man's life and I feel that would be a grave miscarriage of justice.

John has to live with this tragedy the rest of his life and knowing him as I do, that in itself will be a most difficult task. John would never intentionally harm anyone. He is definitely not the type of young man that should be put away in prison for six years with hardcore criminals.

I appreciate you taking the time to read my letter and hope you will find some compassion for John.

Sincerely,
Barbara Seaton

RECEIVED APR 12 1989

April 10, 1989

Honorable Judge Richard Gilbert
Placer County Superior Court
11546 "B" Ave.
Auburn, CA 95603

Re: John S. Burkett, Case # 1183, Superior Court

Dear Judge Gilbert:

My name is Teresa Munn and I am John Burkett's only sister. John is eighteen months older than I and we have always been quite close. As far back as I can remember, John has always been protective and caring to me and all of our family. He loves my two young sons and never forgets their birthdays, Christmas and in between. He wants very much to have a family of his own and was planning on marriage before his automobile accident last year.

John has tried and is trying now to put his life back together again. After the accident, he had a terrible time trying to deal with the taking of someone else's life. He has cried with me about this and told me he has prayed over and over again for the family and the victim of this tragic accident, but it will never be enough to make things better for everyone involved.

Since the accident, John has had a great deal of on-going physical problems and because of his legally not being able to drive, it has been very difficult to work, go to doctors and dentists and carry on with his life in general. Of course now he is in prison.

Your honor, please try to understand that John would do anything to try to make amends and knows he has to be punished for his actions. I know he has learned a very painful and agonizing lesson that will remain with him the rest of his life.

EVIDIT 17

I beg your consideration for a reduction in my
brothers six year prison term.

Yours truly,



Teresa A. Munn

My address is 24576 Knollwood Dr.
Murrieta, CA 92362
(714) 677-5438

HONORABLE JUDGE RICHARD GILBERT APR 11, 1989
PLACER COUNTY SUPERIOR COURT
11546 "B" AVENUE

RE: CASE 1185

JOHN SCOTT BURKETT

DEAR JUDGE GILBERT

I HAD THE OPPORTUNITY OF MEETING JOHN ON A GOLF COURSE WITH HIS GRANDMOTHER. MY FIRST IMPRESSION OF JOHN WAS MORE THAN COMPATIBLE AND ALL OF US ENJOYED HIS COMPANY. HE GAVE ME THE IMPRESSION THAT HE WAS COMPLETELY AT EASE WITH THE SENIOR CITIZEN ASPECT.

THE THOUGHT OF HIM BEING VERY MUCH DOWN TO EARTH AND NOT ONCE DID I HAVE AN INCLINATION THAT HE WOULD BE INVOLVED IN A SITUATION AS IT NOW EXISTS

THE PROBLEM THAT HE IS NOW FACING WILL TAKE A LOT OF COURAGE AND RELIVING HIS PAST. THE FACT THAT HE IS READING THE BIBLE CONSTANTLY SHOULD OPEN A NEW LIFE FOR HIM, IF HE IS GOING TO GET CONSIDERATION FROM THE COURT.

MOST COMMUNITIES IN THE COUNTRY HAVE WHAT THEY CALL MORE THAN DANGEROUS INTERSECTIONS. WITH THIS IN MIND, THE FACT THAT HE HAS BEEN A VICTIM OF CIRCUMSTANCE, WILL TAKE AN ENORMOUS AMOUNT OF

2
TIME TO SIT AND CONSOLE HIMSELF AS TO WHY IT
HAPPENED?

I SINCERELY FEEL THAT JOHN COULD BE CONSIDERED
AS A TROUBLED YOUNG MIND AT THIS POINT AND IS
DIRECTLY IN NEED OF GUIDANCE AND CONSIDERATION.

WOULD IT BE FEASIBLE TO HAVE HIM RELEGATED TO
A GOVERNMENTAL WORK PROGRAM CONCERNING THE
SENIOR CITIZENS OR "YOUNG ADULTS"? THESE PROGRAMS
ARE MADE AVAILABLE TO PROMINENT ATHLETES AS
AGAINST BEING SENT TO PRISON.

AT HIS AGE, HE SHOULD BE CAPABLE OF DISCUSSING
HIS SITUATION AND FATE, WITH COMPLETE CONFIDENCE
ON A "ONE TO ONE" SITUATION, I FEEL THAT JOHN HAS
THE DESIRE AND BACKGROUND TO COMMUNICATE WITH
THE YOUNGER GENERATION.

WITH HIS INVOLVEMENT IN THIS TYPE OF PROGRAM, WE
COULD SALVAGE A 27 YEAR OLD AND ENABLE HIM TO
CONTINUE A NORMAL AND RESPECTFUL LIFESTYLE.

THE FAMILY AND FRIENDS WOULD APPRECIATE
YOUR CONSIDERATION. THANK YOU KINDLY -

Respectfully Yours
W. M. Kupie

Honorable Judge Milbert,

Your Honor, I am writing this letter for your consideration regarding my re-sentencing hearing.

I have suppressed so many feelings since the accident occurred and feel this may be the reason I have been accused of showing a lack of remorse. I have always been a strong person and have helped many others during times of depression and emotional crisis. When it comes to myself being in this situation I have always kept to myself and worked out the problem on my own. I suppose I have exposed my feelings of guilt and remorse to very few because of this.

I have cried by myself and hurt constantly since this tragic accident occurred. I guess I am dealing with these many feelings the way I always have, within myself. I so much wanted to express how sorry I am to the Kolozsi family after this happened but was advised to wait. I can see why I am accused of this lack of remorse. One reason being the suppression of feelings. You also have to consider that all of the statements made about my lack of remorse come from people who do not have the slightest idea of who I am, or what kind of person I am, only that I am the one who took Kelly Kolozsi's life.

pain I've caused the Holorsi family. With all my heart I wish more of us had to experience these so awfully painful feelings.

It tears me up inside to hear, "He doesn't show remorse, make sure you show remorse in court, etc." I do not have to put on some kind of act showing remorse, The hurt in me shown or not is always present and I'm sure always will be. I may not know exactly how these feelings are to be shown but I can assure you I know how they feel.

I have said that I am not sure how these feelings are to be shown but I do know that these feelings have obviously surfaced and have been seen by others.

While in treatment at Truchee Meadows Hosp, one phase of therapy was group discussion and analysis. When it came to me being analyzed the result was always the same, that I seemed to be carrying around a great deal of remorse and guilt and that I should try and open up more. I took this advice to heart and while in out-patient care, (smaller group), found discussing the incident and cause, was becoming much easier.

It was very confusing at first not knowing what exactly happened and not identifying with who's life I had taken. Learning more about Kelly and seeing an actual photo of the young man in the court room the day of sentencing

have cut Kelly's life short and not allowing him to achieve his goals and live a long and prosperous life. I am so sorry for what I have done to his family, for I know what it would have done to my own if the situation was reversed.

What happened was an accident a tragic accident. I value my own life and the lives of others too much to knowingly go out on the road intoxicated. I left not knowing or feeling that I was impaired at all. I would have never put the life of one of my dearest friends, Louis Bramley, who I was asked to drive home because of his condition, in jeopardy.

As I have said before what I have done was an accident. Nothing I do will ever change what I have done, or make it right in any way. It hurts so much to know that there is nothing I can do to change all this. Although I cannot change what has happened I refuse to just give up. The accident was caused by the abuse of alcohol, which I was not aware of at the time I took the wheel of my vehicle. I cannot change what I have done but I can take steps to insure this never happens again. As you know I had already begun these steps by entering Truckee Meadows Hosp. It is because of this program that I learned I had an alcohol abuse problem.

I did not agree with the inpatient program, to name health, not enough personal help, etc

out that I was to be discharged due to lack of insurance coverage and immediately took it upon my self to find an alternative, I could not afford to continue inpatient as I inquired about the out-patient program and borrowed the money to enroll. Due to more and more days being missed because of ongoing medical treatment and legal matters, I was told I might have to be discharged. I decided to take care of medical + legal matters and then pursue my treatment either with truckee meadows or closer to home as I could focus more on treatment without these interruptions.

I feel the short amount of time spent in treatment combined with the fact that I took another life has already convinced me to eliminate any further abuse of Alcohol + Drug

I'm so terribly sorry that the cost of funding out this problem existed was so terribly high.

I hope you will consider the possibility of lessening the sentence previously imposed.

I know I must serve time. I also know that the sooner I am able to get back to work and my life I will prove to you that I am able to abide by the rules set forth by society.

If you spent any time where I am now I know you would agree that this is not the kind of help I need. During my orientation here I was told this "we are not here to rehabilitate you," "you are here to do for us and not for us to do

Given the new information we are providing
I hope you will see that I am not the person
previously perceived to be.

I know no punishment imposed will ever
equal that which I have put Kelly Holopis,
His family, and friends through and I will
abide by your decision whatever it may be.

Thank You for your consideration.

Sincerely,
John S. Burdett

The Honorable Judge Gilbert:

I've known John since his early teens. Until recently I was Pete's (John's father) brother-in-law and when he divorced my sister, we all maintained a good friendship.

I remember John during his teenage years and it seemed to be a difficult period for him. As he moved between his divorced parents, I believe it had a real affect on his emotions. From my perspective John was always striving to please his father, but felt obligated to stay with his mother. So it seems his love for both parents tore him up emotionally and consequently scarred his psyche.

Some people think of John as being a hard calloused person, but he's not. I feel John built up an "emotional barrier" as a result of the divorce to shield his real emotions and people read him as being a cold person. John is a loving, caring individual and I can say this from a long term, personal relationship.

When he moved to Tahoe, I remember John working 14 hours a day, 6 to 7 days a week building a house with his father. John always wanted to be close to his father and this experience gave them both the opportunity to do this, which was great. The house turned out beautifully and John was instrumental in its outcome.

For a period of time Pete was in semi-retirement and John moved back to Southern California, where he worked for his step-father. I socialized with him down there and he seemed to be doing fine and his life was in order.

He was living with a girl and marriage plans were discussed, however, his girlfriend subsequently left him. At the same time Pete started his development business back up and he made John and I an offer to come to work for him, which we both accepted.

I worked with John when we built a 100 unit apartment project and a commercial shopping center in Reno, Nevada. John worked diligently commuting from Tahoe To Reno. I remember him driving over the highway in blizzards just so he wouldn't miss work. I manage Pete's office and in my career have worked with many employees. John was a conscientious person and took his responsibilities very seriously.

He developed a good level of respect with our subcontractors and other employees. He met construction deadlines and built the projects to meet strict construction standards. His efforts had a measurable affect of results in the community, both in employment and, ultimately, services.

EXHIBIT 1A

When we completed these projects we started looking for a new one in Reno. There was a lull in work during this time and we had John build our corporate offices. He did a great job.

We were putting together a 334 unit housing project and had planned on having John be a field superintendent. Because of the nature of the construction business, there are down times and John did odd jobs during these times.

His problems started when we had no work and he got involved with the wrong group of friends. These so-called friends were the beginning of his downfall. He got involved with liquor and drugs and it affected his personality dramatically. The John that I had known for over 13 years changed overnight.

It was hard to approach him and explain the affects the drugs and his friendships were having on him. He turned away and went into a shell. But, I must say, he has it in him to be a positive contributor to society, in work, the family, with friends, and with the community as a whole.

John and I and a few other friends were always very active in skiing, hiking, bicycling and so on. We had an active physical life and enjoyed each others company. John was always there when you needed him and is a great friend. When he started hanging around these other friends, everything changed - his work habits, outdoor recreation, his personality and the like. I feel he recognizes this now.

I heard in the sentencing that it was implied that John feels no remorse over the death of the victim. I know John too well to know this is not true. The problem is that John has a very difficult time showing his emotions. I feel he picked this trait up from his father and people don't know how to read through it. John and I have talked about it and he recognizes the wrong and, if it was in his power, I feel he would do anything to change what happened.

John doesn't need a stiff prison term, he needs an opportunity to build his life in a constructive way within society. I feel a drug rehabilitation program, community services, work furlough, and the like would be best for the him and the State.

I would be more than happy to discuss any points in this letter with you or the probation department.

Sincerely,


William D. Pennington



SIERRA PACIFIC

Development Company

EXHIBIT 6

February 28, 1989

To Whom It May Concern:

I am writing in an effort to give you some insight into my son John Burkett.

John's mother and I were divorced when John was only 3. I did not see much of him in his early years.

When John was 18 he moved to Lake Tahoe where I was living at the time. I was starting to build a custom home in Incline Village and thought it would be a good opportunity for John to learn the building business from the ground up.

We literally built the home ourselves, covering all phases of construction. I couldn't have asked for a better helper. John put in many 14 hour days and seven day work weeks. I was quite proud of his conscientious and serious nature for one his age.

In 1983 I built a 100 unit apartment building in Reno. John helped in all phases of the project. In the final stages he acted as the project superintendent.

I then developed a small shopping center in Reno. I had another contractor build the project and had John work with their superintendent to help build his background in commercial work.

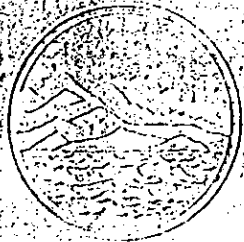
John then took charge of building our offices in Lake Tahoe.

Aside from his current serious problem, John is a good, conscientious and serious person. I look forward to working with him again as soon as he is able.

Sincerely,

F.A. Burkett

FAB/hj



SIERRA PACIFIC

Development Company

April 17, 1989

Honorable Judge Gilbert

Your Honor,

I write this letter with the sincere hope that you may gain additional insight into my son John Burkett. First of all, I want you to know that I am not trying to excuse John's actions or diminish the gravity of the consequences.

After a thorough review of the police report and having a private investigator interview various witnesses etc., it was indeed my opinion that John was guilty of causing the accident and the tragic death of Kelly Kozlosi. It was my recommendation at the time, after consulting with my attorney, that John use the public defender, Barry Jones, of the reputable office of John Ward in Tahoe City, face his responsibility, and beg the mercy of the court. John and his mother chose to hire other counsel.

It was not until I was notified, two days prior to John's sentencing, that he had pled guilty. I attended John's sentencing. I feel his attorney was ill prepared and did not do John justice in his representation. Had John's family and friends been given reasonable notice of the sentencing by his attorney they would have been in court to show their support.

There was an emotional outpouring on behalf of the deceased and I certainly understand the parents desire for revenge. There were, however, numerous allegations that were in fact not true and John's attorney failed to respond to them. I sat in the courtroom and heard John being portrayed as someone he is not. I felt helpless and frustrated that his attorney was not prepared to present John as the person he is.

John has worked for me since he was 18 years old. I tell you with all sincerity that you couldn't find a more considerate, conscientious, and loving person. I believe John took a wrong turn in his life in the months preceeding his accident. But, this period is not reflective of the other 26 years of his life.

John is a good young man and is well aware of the tragedy he has caused and does feel deeply in this regard. I believe, as you stated in court, the sentencing John received will not help any one involved. If John were an incorrigible person and society would benefit from having him put away, so be it. John is not that person.

We all know John has to pay a price for his actions. I only hope that you will listen to John's positive side, that was not presented in court and reconsider his sentencing. I believe everyone would benefit from a program of rehabilitation as you alluded to at his sentencing.

Sincerely,



F.A. Burkett

FAB:js



4/14/89

Dear Judge Gilbert,

Regarding case # 1183, John Scott Bennett, I am asking you to please reduce his sentence. His suffering for this wrong act is great punishment in itself. He doesn't deserve to be cast among criminals who are guilty of pre-meditated crimes. Please consider this.

Sincerely,

Veronica Brown

EXHIBIT 21

Dear Honorable Judge Gilbert,

I have known John S. Burkett for the past 5 years. His reputation in Lake Tahoe is hardworking, honest, and sincere. John and I have been dating for 2 years and I find him to be a very caring, giving, and genuine person. We were to be married in Oct. 1988, but due to this horrible tragedy, our plans were postponed.

John is just devastated at what has happened. The day following John's release from jail, he admitted himself into Truckee Meadows Rehabilitation center for help. He then returned to work for Siefra Pacific Development Co. Due to continuous interruptions of medical, rehabilitation, and legal matters, John was forced to take a leave of absence. He is now going to night school for his realestate license and plans on getting his contractors license. John is doing everything in his power to make things in his life right and change whatever wrong he has done. Unable to change the fact the Kelly Kozlozzi lost his life due to John's negligence, he is petinent for his sin. His remorse is so great that he feels he should pay penance to the state.

Please Judge Gilbert, John is not a criminal! His negligence is not excusable, but I don't believe John deserves state prision. I believe this would hurt him more than help him. John's remorse, having taken Kelly's life because of his negligence is a punishment that he alone must live with. By allowing John probation, he would be able to continue rehabilitation and schooling. He would also be able to work in order to make restitution. I feel this would be in the best interest

of the community as well as John.

I would like to thank-you for listening and believe you will make a fair and just decision.

Sincerely,

Susan D. Devyak