

NOTC

BRIAN KERRY O'KEEFE - #90244
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV. 89018
IN PROPRIA-PERSONAM

18
No. 48673

FILED

DEC 26 2 07 PM '06

STATE OF NEVADA
PLAINTIFF,

V

BRIAN KERRY O'KEEFE
DEFENDANT.

1447732

EIGHTH JUDICIAL
DISTRICT COURT
CLARK COUNTY, NEVADA

Shirley L. Broughton
CLERK
FILED

DEC 30 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

CASE NO - C202793
D.C. No. - XV / 15
JUDGE S. LOEHNER

RULE 7.40 (b)(2)(ii)

NOTICE OF APPEAL

COMES NOW, BRIAN KERRY O'KEEFE, IN PROPER-
PERSON, TO GIVE HIS NOTICE OF APPEAL TO HIS
DENIAL OF HIS MOTION FOR A NEW TRIAL BASED
ON NEW EVIDENCE RENDERED DECEMBER 18th, 2006.

PLEASE BE ADVISED THAT
DEFENDANT'S MOTION WAS SUPPORTED WITH AND
BY AN SUPPLEMENT, CONSISTING OF 8 PAGES.
ACKNOWLEDGE FILING
NOTICE OF APPEAL TO THE NEVADA SUPREME
COURT.

DATED THIS 19th DAY OF DEC.
2006, UNDER AND BY
N.R.S. 200.010

By Brian Kerry O'Keefe

RESPECTFULLY SUBMITTED,
Brian Kerry O'Keefe
BRIAN KERRY O'KEEFE - #90244
IN PROPRIA-PERSONAM

RECEIVED

DEC 26 2006

COUNTY CLERK

DEC 29 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

06-26754

FILED

2006 DEC 27 A 10:46

Shirley S. Pirog
CLERK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff(s),

vs.

BRIAN KERRY O'KEEFE,

Defendant(s),

) Case No: C202793

) Dept No: XV

CASE APPEAL STATEMENT

1. Appellant(s): BRIAN KERRY O'KEEFE

2. Judge: SALLY LOEHRER

3. All Parties, District Court:

Plaintiff, THE STATE OF NEVADA

Defendant(s), BRIAN KERRY O'KEEFE

4. All Parties, Appeal:

Appellant(s), BRIAN KERRY O'KEEFE

Respondent, THE STATE OF NEVADA

5. Appellate Counsel:

Appellant/Proper Person
Brian Kerry O'Keefe #90244
P.O. Box 650
Indian Springs, NV 89018

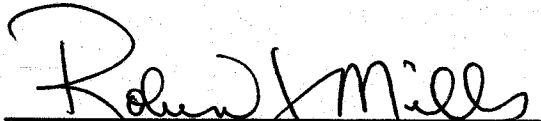
Respondent
David Roger, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101
(702) 671-2700

- 1 6. District Court Attorney, Appointed
- 2 7. On Appeal, N/A
- 3 8. Forma Pauperis, Granted
- 4 9. Date Commenced in District Court: July 6, 2004

5 Dated This 27 day of December 2006.

6 Shirley B. Parraguirre, Clark County Clerk

7
8 By:

9 
10 Robin J. Mills, Deputy Clerk

11 200 Lewis Ave
12 PO Box 551601
13 Las Vegas, Nevada 89155-1601
14 (702) 671-0512

DATE: 12/26/06
CASE NO. 04-C-202793-C

I N D E X

TIME 2:19 PM
JUDGE:Loehrer, Sally

STATE OF NEVADA

[] vs O'Keefe, Brian K

[]

0001 D1 Brian K O'Keefe
P O Box 650
Indian Springs, NV 89018

Pro Se

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|----------------|---|------|----|----------|---|
| 0001 | 07/06/04 | CBO /CRIMINAL BINDOVER Fee \$0.00 | | | | |
| 0002 | 07/06/04 | ARRN/INITIAL ARRAIGNMENT | 0001 | | 07/13/04 | |
| 0003 | 07/06/04 | INFO/INFORMATION | 0001 | | 07/06/04 | |
| 0004 | 07/06/04 | CBOR/CRIMINAL BINDOVER RECEIPT | 0001 | | | |
| 0005 | 07/13/04 | CALC/CALENDAR CALL | 0001 | | 09/02/04 | |
| 0006 | 07/13/04 | JURY/TRIAL BY JURY VJ 09/02/04 | 0001 | VC | 09/07/04 | |
| 0007 | 07/12/04 | TRAN/REPORTER'S TRANSCRIPT PRELIMINARY HEARING | 0001 | | 07/01/04 | |
| 0008 | 07/19/04 | REQT/NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF OTHER CRIMES | 0001 | SH | 08/31/04 | |
| 0009 | 07/19/04 | LIST/NOTICE OF EXPERT WITNESSES | 0001 | | | |
| 0010 | 07/19/04 | LIST/NOTICE OF WITNESSES | 0001 | | | |
| 0011 | 08/10/04 | LIST/NOTICE OF EXPERT WITNESSES | 0001 | | | |
| 0012 | 09/02/04 | OCAL/STATUS CHECK: TRIAL SETTING | 0001 | | 09/09/04 | |
| 0013 | 08/31/04 | OPPS/OPPOSITION TO MOTION TO ADMIT EVIDENCE OF OTHER CRIMES | 0001 | | | |
| 0014 | 08/31/04 | LIST/DEFENDANTS NOTICE OF WITNESSES | 0001 | | | |
| 0015 | 09/09/04 | OCAL/PETROCELLI HEARING | 0001 | MH | 10/08/04 | |
| 0016 | 09/09/04 | CALC/CALENDAR CALL | 0001 | | 10/19/04 | |
| 0017 | 09/09/04 | JURY/TRIAL BY JURY Vj 10/19/04 | 0001 | VC | 10/25/04 | |
| 0018 | 10/04/04 | SUBT/SUBSTITUTION OF ATTORNEY | 0001 | | | |
| 0019 | 10/19/04 | JURY/OVERFLOW (5)/KRISKO//BUCHANAN 3 DAYS VJ 10-12 WITNESSES NO OUT OF STATE 10/22/04 | 0001 | VC | 10/22/04 | |
| 0020 | 10/18/04 | CRTF/CERTIFICATE OF FACSIMILE TRANSMISSION | 0001 | | | |
| 0021 | 10/22/04 | OCAL/STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW | 0001 | OC | 10/26/04 | |
| 0022 | 10/22/04 | OCAL/MINUTE ORDER RE: OVERFLOW (V) | 0001 | | 10/22/04 | |
| 0023 | 10/20/04 | LIST/DEFENDANTS NOTICE OF WITNESSES | 0001 | | | |
| 0024 | 10/22/04 | MOT /MINUTE ORDER RE: TRIAL GOING TO DEPT 15 | 0001 | | 10/22/04 | |
| 0025 | 10/22/04 | JURY/TRIAL BY JURY | 0001 | | 10/28/04 | |
| 0026 | 10/25/04 | TRB /TRIAL BEGINS | 0001 | | | |
| 0027 | 10/25/04 | ORDR/ORDER FOR MEDICAL RECORDS | 0001 | | 10/25/04 | |
| 0028 | 10/26/04 | LIST/DEFENDANTS SUPPLEMENTAL NOTICE OF WITNESSES | 0001 | | | |
| 0029 | 10/25/04 | JLST/DISTRICT COURT JURY LIST | 0001 | | | |
| 0030 | 10/28/04 | SENT/SENTENCING | 0001 | GR | 12/27/04 | |
| 0031 | 10/28/04 | TRE /TRIAL ENDS | 0001 | | | |
| 0032 | 10/28/04 | ASSG/REASSIGNMENT OF JUDGE Glass TO JUDGE Loehrer | | | | |
| 0033 | 10/28/04 | ROC /RECEIPT OF COPY | 0001 | | 10/27/04 | |
| 0034 | 10/28/04 | INST/INSTRUCTIONS TO THE JURY | 0001 | | | |
| 0035 | 10/28/04 | JMNT/VERDICT | 0001 | | 11/02/04 | |
| 0036 | 10/28/04 | PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL | 0001 | | | |
| 0037 | 11/04/04 | NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT | | | 10/25/04 | |

(Continued to page 2)

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER C |
|------|----------------|--|------|----|-----------|
| 0038 | 11/24/04 | HEAR/STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING | 0001 | | 12/01/04 |
| | | | 0001 | | |
| 0040 | 12/03/04 | NOAS/NOTICE OF APPEAL | 0001 | AP | 12/03/04 |
| 0041 | 12/06/04 | STAT/CASE APPEAL STATEMENT | 0001 | | |
| 0042 | 01/03/05 | JMNT/ADMINISTRATION/ASSESSMENT FEE | 0001 | | 01/04/05 |
| 0043 | 01/03/05 | JMNT/GENETIC TESTING FEE | 0001 | | 01/04/05 |
| 0044 | 01/03/05 | JUDG/JUDGMENT OF CONVICTION - JURY TRIAL | 0001 | | 01/03/05 |
| 0045 | 01/11/05 | APCL/APPEAL TO SUPREME COURT: CLOSED 44372 | | GR | 01/07/05 |
| 0046 | 02/01/05 | NOAS/NOTICE OF APPEAL | 0001 | AP | 02/01/05 |
| 0047 | 02/02/05 | STAT/CASE APPEAL STATEMENT | 0001 | | |
| 0048 | 02/07/05 | JMNT/CLERK'S CERTIFICATE APPEAL DISMISSED | 0001 | | 02/08/05 |
| 0049 | 02/07/05 | NSCO/NEVADA SUPREME COURT JUDGMENT / ORDERED APPEAL DISMISSED | 0001 | | 02/07/05 |
| | | | 0001 | | |
| 0050 | 02/11/05 | CASO/CASE (RE)OPENED | | | 02/11/05 |
| 0051 | 02/11/05 | MOT /DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/16 | 0001 | GR | 02/23/05 |
| | | | 0001 | | |
| 0052 | 02/11/05 | ROC /RECEIPT OF COPY | 0001 | | 02/11/05 |
| 0053 | 02/28/05 | ORDR/ORDER | 0001 | | 02/28/05 |
| 0054 | 03/05/05 | CSCL/CASE CLOSED | | | 02/23/05 |
| 0055 | 03/02/05 | NOTC/NOTICE OF ENTRY OF ORDER | 0001 | | 02/28/05 |
| 0056 | 03/03/05 | REQT/REQUEST FOR ROUGH DRAFT TRANSCRIPT | 0001 | | |
| 0057 | 04/05/05 | TRAN/REPORTER'S TRANSCRIPT SENTENCING | 0001 | | 12/27/04 |
| 0058 | 04/11/05 | TRAN/REPORTER'S TRANSCRIPT VERDICT | 0001 | | 10/28/04 |
| 0059 | 04/11/05 | TRAN/REPORTER'S TRANSCRIPT JURY TRIAL | 0001 | | 10/27/04 |
| 0060 | 04/11/05 | TRAN/REPORTER'S TRANSCRIPT JURY TRIAL VOLUME II | 0001 | | 10/26/04 |
| | | | 0001 | | |
| 0061 | 04/22/05 | TRAN/REPORTER'S TRANSCRIPT ON APPEAL | 0001 | | 10/26/04 |
| 0062 | 04/22/05 | TRAN/REPORTER'S TRANSCRIPT ON APPEAL | 0001 | | 10/25/04 |
| 0063 | 06/13/05 | TRAN/REPORTER'S TRANSCRIPT SENTENCING | 0001 | | 12/27/04 |
| 0064 | 06/15/05 | REQT/REQUEST FOR ROUGH DRAFT TRANSCRIPT | 0001 | | |
| 0065 | 07/20/05 | ORDR/ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF CORRECTED | 0001 | | 07/20/05 |
| | | | 0001 | | |
| 0066 | 12/12/05 | CASO/CASE (RE)OPENED | | | 12/12/05 |
| 0067 | 12/12/05 | MOT /DEFT'S PRO PER MTN TO DISCHARGE COUNSEL OF APPOINTMENT /17 | 0001 | OC | 12/28/05 |
| | | | 0001 | | |
| 0068 | 12/21/05 | MOT /DEFT'S PRO PER MTN TO CLARIFY /18 | 0001 | OC | 12/28/05 |
| 0069 | 12/30/05 | MOT /ALL PENDING MOTIONS (12/28/05) | 0001 | | 12/28/05 |
| 0070 | 01/26/06 | APCL/APPEAL TO SUPREME COURT: CLOSED 44644 | | AP | 01/23/06 |
| 0071 | 01/27/06 | CCPD/CASE CLOSED PER DEPARTMENT | | | 01/27/06 |
| 0072 | 02/22/06 | JMNT/CLERK'S CERTIFICATE JUDGMENT AFFIRMED | 0001 | | 02/23/06 |
| 0073 | 02/27/06 | CASO/CASE (RE)OPENED | | | 02/27/06 |
| 0074 | 02/27/06 | MOT /DEFT'S PRO PER MTN TO DISCHARGE COUNSEL /20 | 0001 | GR | 03/13/06 |
| | | | 0001 | | |
| 0075 | 03/15/06 | AFFT/AFFIDAVIT OF DELIVERY | 0001 | | |
| 0076 | 04/05/06 | CASO/CASE (RE)OPENED | | | 04/05/06 |
| 0077 | 04/05/06 | HEAR/AT THE REQUEST OF THE COURT APPOINT COUNSEL | 0001 | VA | 04/12/06 |
| | | | 0001 | | |
| 0078 | 04/12/06 | CSCL/CASE CLOSED | | | 04/12/06 |
| 0079 | 06/13/06 | CASO/CASE (RE)OPENED | | | 06/13/06 |
| 0080 | 06/12/06 | MOT /DEFT'S PRO PER MOTION TO COMPEL/22 | 0001 | GR | 07/05/06 |
| 0081 | 06/27/06 | REQT/PROPER PERSON MOTION TO PRODUCE | 0001 | SH | 07/03/06 |
| 0082 | 06/28/06 | DEMD/PROPER PERSON DEMAND FOR PRIOR DISCOVERY | 0001 | | |

(Continued to page 3)

| NO. | FILED/REC CODE | REASON/DESCRIPTION | FOR | OC | SCH/PER | C |
|------|----------------|--|------|----|----------|---|
| 0083 | 07/03/06 | REQT/REQUEST FOR ROUGH DRAFT TRANSCRIPT | 0001 | | | |
| 0084 | 07/13/06 | AFFT/AFFIDAVIT OF MAILING | 0001 | | 07/13/06 | |
| 0085 | 07/20/06 | CASO/CASE (RE)OPENED | | | 07/20/06 | |
| 0086 | 07/19/06 | PET /DEFT'S PRO PER PTN FOR WRIT OF MANDAMUS | 0001 | DN | 08/14/06 | |
| | | /23 | 0001 | | | |
| 0087 | 07/20/06 | MOT /DEFT'S PRO PER MTN FOR TRANSCRIPTS AT | 0001 | DN | 08/14/06 | |
| | | STATE EXPENSE /24 | 0001 | | | |
| 0088 | 07/19/06 | NOTC/NOTICE OF WRIT OF MANDAMUS | 0001 | | | |
| 0089 | 07/24/06 | PET /DEFT'S PRO PER PETITION FOR WRIT OF | 0001 | DN | 08/14/06 | |
| | | MANDAMUS /25 | 0001 | | | |
| 0090 | 08/07/06 | OPPS/STATES OPPOSITION TO DEFENDANTS PRO PER | 0001 | | | Y |
| | | MOTION FOR TRANSCRIPTS AT STATES | 0001 | | | |
| | | EXPENSE AND PETITION FOR WRIT OF MANDAMUS | | | | |
| 0091 | 08/14/06 | MOT /ALL PENDING MOTIONS - 8/14/06 | 0001 | | 08/14/06 | |
| 0092 | 08/17/06 | ORDR/ORDER DENYING DEFENDANTS PRO PER MOTION | 0001 | HG | 08/14/06 | Y |
| | | FOR TRANSCRIPTS AT STATES EXPENSE AND | 0001 | | | |
| | | PETITION FOR WRIT OF MANDAMUS | | | | |
| 0093 | 10/20/06 | CASO/CASE (RE)OPENED | | | 10/20/06 | |
| 0094 | 10/19/06 | MOT /DEFT'S PRO PER MOTION FOR A NEW TRIAL | 0001 | | 12/18/06 | |
| | | BASED ON NEW EVIDENCE/27 | 0001 | | | |
| 0095 | 11/14/06 | OPPS/OPPOSITION TO DEFENDANTS MOTION FOR | 0001 | | | |
| | | NEW TRIAL | 0001 | | | |
| 0096 | 11/17/06 | ORDR/ORDER FOR PRODUCTION OF INMATE | 0001 | SH | 12/04/06 | |
| 0097 | 11/25/06 | COA /NOTICE OF CHANGE OF ADDRESS | 0001 | | | |
| 0098 | 12/06/06 | ORDR/ORDER FOR PRODUCTION OF INMATE | 0001 | SH | 12/18/06 | |
| 0099 | 12/12/06 | COA /MOTION TO NOTIFY CHANGE OF ADDRESS | 0001 | | | |
| 0100 | 12/13/06 | SUPP/SUPPLEMENT TO MOTION FOR A NEW TRIAL | 0001 | | | |
| | | BASED ON NEW EVIDENCE | 0001 | | | |

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA vs O'Keefe, Brian K

07/13/04 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
008190 Miller, Ross J.

0001 D1 O'Keefe, Brian K
PUBDEF Public Defender
005686 Khamsi, Bitu

Y
Y

Y
Y
Y

DEFT. OKEEFE ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

08/31/04 9:00 AM CALENDAR CALL

09/07/04 10:00 AM TRIAL BY JURY

08/31/04 09:00 AM 00 CALENDAR CALL

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.

0001 D1 O'Keefe, Brian K
PUBDEF Public Defender
005686 Khamsi, Bitu

Y
Y

Y
Y
Y

State's ready for three day trial, ten to thirteen witnesses, no out of state witnesses. Upon Courts inquiry if Ms. Khamsi is ready for trial, Ms. Khamsi stated it depends on Courts ruling of her motion for petrocelli hearing. Ms. Krisko stated she has a guilty plea from the incident in November if the defendant wants to take the plea. Ms. Khamsi argued that it out ways the probative value. Arguments by counsel as to case history and other charges. COURT ORDERED, there needs to be a petrocelli hearing before the trial and matter passed to Thursday to check Courts availability.

CUSTODY

CONTINUED TO: 09/02/04 09:00 AM 01

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 001

09/02/04 09:00 AM 01 CALENDAR CALL

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/RecorderPARTIES: STATE OF NEVADA
006024 Krisko, Susan R.0001 D1 O'Keefe, Brian K
PUBDEF Public Defender
005686 Khamsi, BituY
Y
Y
Y
Y

Counsel approached the bench. COURT ORDERED, trial date vacated and matter will trail the trial set for next week in case it negotiates.

CUSTODY

09/09/04 9:00 AM TRIAL BY JURY

09/09/04 09:00 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/RecorderPARTIES: STATE OF NEVADA
008190 Miller, Ross J.0001 D1 O'Keefe, Brian K
PUBDEF Public Defender
005686 Khamsi, BituY
Y
Y
Y
Y

COURT ORDERED, matter set for trial in October with Petrocelli hearing at the end of the month.

CUSTODY

09/24/04 9:00 PETROCELLI HEARING

10/19/04 9:00 AM CALENDAR CALL

10/25/04 10:00 AM TRIAL BY JURY

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 002

10/08/04 09:00 AM 01 PETROCELLI HEARING

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.
0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y
Y
Y

Mr. Buchanan stated he just received the case and wants to know what the Court ruled on the other bad acts.

Ms. Krisko stated she agreed to one battery and did not ask for the other ones to come in because of resolution or dismissal. Court ruled the burglary admissible under the bad acts and set this matter for a petrocelli hearing. Ms. Krisko stated she made an offer of proof under case law to that case (03M25901X), involving the same victim occurring in 2003 and the conviction in 2004. The State withdrew all other events of domestic violence and agreed to the one case the defendant plead guilty to. COURT ORDERED, it will allow the one misdemeanor conviction from 2/12/04 in, the rest will not come in. If during trial Mr. Buchanan wants to bring the other cases up he can however, he will be subject to rebuttal witnesses by the State.

State made an offer of proof to the record; Selgado v State 114 NV (1998).

Mr. Buchanan objected to it coming in at this point as the probative outweighs the prejudicial effect. Due to Courts ruling defense is forced to bring out other bad acts to prove this did not result in a sexual assault.

Ms. Krisko stated she asked Mr. Buchanan to come up with some of these things before the court even if he wanted to do an in camera review before trial.

Mr. Buchanan stated the Defense is going to show every time the victim was drunk she would Metro and sometimes she was so drunk Metro would not even talk to her. COURT ORDERED, as far as it ruling, the probative value does not outweigh the probative because it is the same victim, similar circumstances at the same time and it is admissible by the State as to prior bad acts.

Mr. Buchanan requested bail with stay away order.

Objection by Ms. Krisko due to prior domestic violence battery charge, warrants, failures to appear and numerous sexual assaults. Ms. Krisko requested no changes be made in defendants the custody status.

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 003

Mr. Buchanan stated the victim let the defendant back into her home after she drank and used drugs. COURT ORDERED, due to the nature of the charges, failures to appear, prior misdemeanor domestic violence charges involving the victim the Court will not change bail status, case will remain status quo.

CUSTODY

10/19/04 09:00 AM 00 CALENDAR CALL

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.

Y
Y

0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y

Mr. Buchanan stated the matter is not negotiated as he just substituted in as counsel on this case, however he will probably go to trial. COURT ORDERED, due to Courts congestion matter referred to overflow.

CUSTODY

10/22/04 9:30 AM OVERFLOW

KIRSKO//BUCKY

3 DAY TRIAL/10-12 WITNESSES

NO OUT OF STATE WITNESSES

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA vs O'Keefe, Brian K
CONTINUED FROM PAGE: 004

10/22/04 09:30 AM 00 MINUTE ORDER RE: OVERFLOW (V)

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Carole D'Aloia, Relief Clerk
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.

0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y
N
Y

Ms. Krisko advised this matter was sent to Overflow from Department V on Tuesday of this week. Court advised this matter does not appear on the Overflow calendar and Clerk noted that when she checked the computer, this matter was set on Overflow, however, the Department V Clerk did not change the judge code in the computer. Ms. Krisko expressed her frustration, since this matter is now being continued for the second time. Mr. Buchanan stated he was going to ask for a continuance since he just substituted in as attorney of record. Ms. Krisko advised this is a sexual assault case and there is a prior bad acts motion that needs to be heard prior to trial. Court advised counsel it will refer the matter back to Department V for resetting of the trial. COURT ORDERED, matter set for STATUS CHECK.

CUSTODY

10/26/04 9:00 AM STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW

10/22/04 09:31 AM 00 MINUTE ORDER RE: TRIAL GOING
TO DEPT 15

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

Judicial Executive Assistant informed the clerk this case would be heard in Department XV for trial on Monday.

CUSTODY

10/25/04 10:00 AM TRIAL BY JURY

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 005

10/25/04 01:30 PM 00 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Lisa Makowski, Reporter/Recorder

| | | |
|----------|------------------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| | 006024 Krisko, Susan R. | Y |
| | 008190 Miller, Ross J. | Y |
| | 0001 D1 O'Keefe, Brian K | Y |
| | 000754 Buchanan II, James L. | Y |

OUTSIDE PRESENCE OF JURY, Deft STIPULATED to the DNA testing, that it was him, SO ORDERED. Ms. Krisko stated she has a motion re discovery. Defense is going to bring in medical records that she has not been able to obtain. Mr. Buchanan stated there are employment security records on the alleged victim that she defrauded the system. Objection by Ms. Krisko, defense did not bring a bad acts motion. Court stated it goes to credibility and to truthfulness and honesty. Mr. Buchanan requested the Court sign an order for release of the Monte Vista medical records signed by the Court, they will not accept a subpoena, SO ORDERED, Order for Release of Medical records from Monte Vista with regard to the victim signed and FILED IN OPEN COURT. Arguments by counsel re the content of the medical records. Court noted deft and the victim met at Monte Vista, they were not strangers. Further arguments by counsel. Court noted the Monte Vista records are four years old. COURT ORDERED, the medical records are too remote in time and will not be admitted, however, they will be marked and accompany the record for appellate purposes. Further arguments by counsel. Mr. Buchanan stated he wants to call Dr. Roitman as a rebuttal witness to rebut the Pltf's testimony. Court stated the State listed their Expert in a timely manner, and ORDERED, Dr. Roitman will not be called as a witness, he was listed too late. Mr. Buchanan stated he substituted in this case one week ago. Ms. Krisko stated a petrocelli hearing was held and a prior Domestic Violence was allowed in which deft pled guilty. Further arguments by counsel. COURT ORDERED, the domestic violence is a misdemeanor and will not be allowed. Court advised Mr. Buchanan the Court needs to know if he intends to mention the prior domestic violence charge in front of the jury. Mr. Buchanan stated he and his client have not discussed same, however, he will inform the Court prior to his opening statement. COURT ORDERED, until that decision is made, counsel are not to mention it. JURY PANEL PRESENT AND SWORN. Jury selection commenced. At the hour of 4:41 P.M. Jury and two Alternates selected and sworn. Introduction by the Court. Clerk read Information stated deft's pleas thereto. Mr. Buchanan INVOKED EXCLUSIONARY RULE. Ms. Krisko stated she would like to give her opening statement today. Mr. Buchanan reserved his opening statement until tomorrow morning. Opening statement by Ms. Krisko. Mr. Buchanan stated based upon the opening statement given by the State, he will make his opening statement this evening. Opening statement by Mr. Buchanan. Jury EXCUSED 5:24 P.M. until

CONTINUED ON PAGE: 007

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 006

10:30 A.M. on 10/26/04. ADJOURNED 5:27 P.M.

CUSTODY

CONTINUED TO: 10/26/04 10:30 AM 01

10/26/04 09:00 AM 00 STATUS CHECK: TRIAL SETTING/BACK FROM
OVERFLOW

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Georgette Byrd, Court Clerk
Dick Kangas, Reporter/Recorder

| | | |
|----------|----------------------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| | 007442 McFetridge Jr., George W. | Y |
| | 0001 D1 O'Keefe, Brian K | N |
| | 000754 Buchanan II, James L. | Y |

Mr. Buchanan appeared and advised this matter is currently in department XV for trial. COURT ORDERED, matter on in error and off calendar.

CUSTODY

10/26/04 10:30 AM 01 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Lisa Makowski, Reporter/Recorder

| | | |
|----------|------------------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| | 006024 Krisko, Susan R. | Y |
| | 008190 Miller, Ross J. | Y |
| | 0001 D1 O'Keefe, Brian K | Y |
| | 000754 Buchanan II, James L. | Y |

OUTSIDE PRESENCE OF JURY, Ms. Krisko requested permission to approach the Bench, SO ORDERED. Thereafter, counsel presented their arguments in support of their positions re the victim's drug usage. The Court does not feel the victim's medical history prior to meeting the deft is not relevant and ORDERED, counsel will not be allowed to go into that area. Further arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) State's Exhibit #36 marked and admitted, wherein deft will STIPULATE to the DNA results being his. Testimony CONTINUED (see attached worksheets) Jury EXCUSED 4:50 P.M. until 10:30 A.M. on 10/27/04. Jury

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 007

Instruction SETTLED in open court on the record. Court advised Mr. Buchanan if he is proposing lesser included offense verdicts he is to present them in the morning along with their cites. The Court will continue to resolve jury instructions during the noon recess tomorrow. ADJOURNED 4:55 P.M.

CUSTODY

CONTINUED TO: 10/27/04 10:30 AM 02

10/27/04 10:30 AM 02 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.
008190 Miller, Ross J.

0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y
Y

Y
Y

OUTSIDE PRESENCE OF JURY. Mr. Buchanan presented three additional Jury Instructions to the Court. Court inquired re the case cites. Arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) STATE RESTED 11:38 P.M. Mr. Buchanan called Mr. Welch as a witness. Ms. Krisko requested a CONFERENCE AT THE BENCH, SO ORDERED. Jury EXCUSED for arguments outside presence of Jury. COURT ORDERED, Deft's motion to admit Deft's Exhibit E, the medical records is DENIED. Mr. Buchanan requested the exhibit made a Court's Exhibit. Court stated the exhibit will be a defense exhibit and accompany the record on appeal. Jury Instruction SETTLED in open court on the record. JURY PRESENT. Testimony and exhibits presented. (See worksheets.) DEFT RESTED 3:43 P.M. Court instructed the jury and listened to closing arguments by counsel. At the hour of 5:19 P.M. the Jury retired to DELIBERATE. Jury EXCUSED for the evening to return at 8:30 A.M. to continue deliberating.

CUSTODY

CONTINUED TO: 10/28/04 08:30 AM 03

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 008

10/28/04 08:30 AM 03 TRIAL BY JURY

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA

008190 Miller, Ross J.

Y

Y

0001 D1 O'Keefe, Brian K

Y

000754 Buchanan II, James L.

Y

JURY PRESENT. At the hour of 11:58 A.M. the Jury returned with a VERDICT as follows; CT 1 - GUILTY of BATTERY (M), CT 2 - NOT GUILTY of Sexual Assault, CT 3 - NOT GUILTY of Sexual Assault, CT 4 - NOT GUILTY of Sexual Assault, CT 5 - NOT GUILTY of Attempt Sexual Assault, and CT 6 - GUILTY of BURGLARY (F). Upon inquiry by the Court, neither side requested the jury polled. Court thanked and excused the jury. Mr. Buchanan requested permission to argue for bail, SO ORDERED. Court stated its' concerns regarding deft and the victim getting in contact with one another. The Court will only consider releasing deft if the Court can be assured there will not be any telephone contact, letters, and no personal contact. Deft. concurred. Deft will reside with his father. COURT ORDERED, matter referred to the Division of Parole and Probation for a Pre-Sentence Investigation and Report. COURT ORDERED, O.R. RELEASE is GRANTED with a NO CONTACT ORDER WITH THE VICTIM. Court ADMONISHED Deft re no telephone calls, letters, mail, and no personal contact whatsoever. Deft. required to report to P & P the Monday following his release from custody on 11/1/04, and to bring \$25 in the correct denominations of cash next court date for payment of fees.

O.R.

12/27/04 8:30 A.M. SENTENCING

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 009

12/01/04 08:30 AM 01 STATE'S REQUEST REMAND TO CUSTODY FOR
SENTENCING

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA
007480 Pate, Susan
0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y
Y
Y

Mr. Buchanan stated the Court granted deft an O.R. release after trial, however, he has a Ohio Child Support case that has a hold on him which is coming up in Justice Court the beginning of this month. He spoke to L.J. O'Neale, and he is putting it on calendar to extradite to Ohio, and Ohio will have to come pick him up. Deft has not been out-of-custody since the trial date. COURT ORDERED, Deft is REMANDED into custody and held WITHOUT BAIL, sentencing date STANDS.

CUSTODY (COC/OHIO)

12/27/04 08:30 AM 00 SENTENCING

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Theresa Lee, Court Clerk
Cheryl Gardner, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.
0001 D1 O'Keefe, Brian K
000754 Buchanan II, James L.

Y
Y
Y
Y

DEFT. O'KEEFE ADJUDGED GUILTY of CT 1 - BATTERY (M), and CT 6 - BURGLARY (F). Arguments by counsel. Court inquired re the victim speaker. Ms. Krisko stated she chose not to appear. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150 DNA Analysis Fee, and submit to testing to determine genetic markers; Deft. SENTENCED on CT 6 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE-HUNDRED AND TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS, and on CT 1 - Deft SENTENCED to CREDIT TIME SERVED. CONDITIONS:

1/ No contact with the victim initiated by deft. (Mr. Buchanan argued the love/hate nature of their relationship and how the victim called deft to

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 010

pick him up when released from jail. Court advised deft any contact that the victim initiates will not be a problem for him.

- 2/ Search clause / burglary tools.
- 3/ Complete Domestic Violence counseling.
- 4/ Secure and maintain full time employment.
- 5/ Mental Health counseling as deemed necessary by P & P.
- 6/ Resolve the warrant from the State of Ohio within the next 120 days.
- 7/ Four (4) hours of community service work each week.

COC (OHIO)

CLERK'S NOTE: 12/27/04 Clerk contacted Judge Bell and spoke to him re CT 1 and no sentence having been imposed. COURT ORDERED, as to CT 1 - Deft. SENTENCED to CREDIT TIME SERVED. CASE CLOSED.

02/23/05 08:30 AM 00 DEFT'S MTN TO PROCEED IN FORMA
PAUPERIS/16

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Carole D'Aloia, Relief Clerk
Lisa Makowski, Reporter/Recorder

PARTIES: STATE OF NEVADA
006246 Campbell, Cara L.
0001 D1 O'Keefe, Brian K
008140 Kelly, James P.

Y
Y
N
Y

Court noted the absence of the Defendant as he is currently serving his sentence in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court advised Defendant wants his attorney to get transcripts and file a fast-track appeal. Court inquired if Defendant has run out of money and Mr. Kelly responded yes. COURT ORDERED, motion GRANTED. Court instructed Mr. Kelly to prepare an Order and submit it to the Court for transcripts at the State's expense.

CUSTODY

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 011

12/28/05 08:30 AM 00 ALL PENDING MOTIONS (12/28/05)

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Theresa Lee, Court Clerk
Sharon Howard, Reporter/Recorder

| | | |
|----------|-------------------------|---|
| PARTIES: | STATE OF NEVADA | Y |
| 005043 | Laurent, Christopher J. | Y |
| 0001 D1 | O'Keefe, Brian K | Y |
| 000754 | Buchanan II, James L. | Y |

DEFT'S PRO PER MOTION TO DISCHARGE COUNSEL FOR DEFENDANT...DEFT'S PRO PER
MOTION FOR SENTENCE CLARIFICATION

COURT ORDERED, Deft's motion to discharge counsel is GRANTED. Court advised deft based upon his pro per motion, the Court cannot tell what he wants and asked deft to clarify. Argument by deft in support of his motion. COURT ORDERED, motion to sentence clarification is OFF CALENDAR as this Court does not have jurisdiction to hear this matter, this case is on Appeal with the Supreme Court. Court noted deft received 2-10 years. Deft does not believe he should have been convicted of burglary which is part of his direct appeal. LATER, COURT ORDERED, previous order VACATED, deft's motion to discharge counsel is DENIED at this time, matter OFF CALENDAR, this Court has no jurisdiction while this matter is on Direct Appeal with the Supreme Court. Mr. Buchanan stated on a Direct Appeal, the Supreme Court will not let him out of the case, and they have not decided this case yet. Deft advised the Court his Appeal was denied as pre-mature. Court advised deft the Supreme Court will need to hear his motions. The Supreme Court is the only one that can discharge his attorney. This Court is divested of authority at this time.

NDC

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA vs O'Keefe, Brian K

CONTINUED FROM PAGE: 012

03/13/06 08:30 AM 00 DEFT'S PRO PER MTN TO DISCHARGE COUNSEL
/20

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
008610 Pieper, Danielle K.

0001 D1 O'Keefe, Brian K
008140 Kelly, James P.

Y
Y

Y
Y

Statement by Deft. COURT ORDERED, Deft's Pro Per Motion to Discharge Counsel is GRANTED. Deft. moved for appointment of counsel, post conviction. COURT FURTHER ORDERED, request is DENIED. Court directed Mr. Kelly to photocopy Deft's file, send a copy to Deft. and do a Certificate of Mailing specifying all items provided within TWO (2) WEEKS.

NDC (COC)

04/12/06 08:30 AM 00 AT THE REQUEST OF THE COURT APPOINT
COUNSEL

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

COURT STATED, matter on in error, therefore COURT ORDERED, matter OFF
CALENDAR.

NDC (COC)

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA vs O'Keefe, Brian K

CONTINUED FROM PAGE: 013

07/03/06 08:30 AM 00 DEFT'S PRO PER MOTION TO COMPEL/22

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA
007480 Pate, SusanY
Y

Court reviewed Deft's Motion and NOTED, Deft's prior counsel, Mr. Kelly has filed an Affidavit of Delivery itemizing specific documents sent to the Deft. COURT ORDERED, Deft's Motion to compel shall be GRANTED in that the Preliminary Hearing Transcript, copy of statement made by Victoria Whitmarsh and medical record(s) shall be copied and sent to Deft. FURTHER ORDERED, matter CONTINUED. Court's Law Clerk is directed to contact Mr. Kelly and advise him that his presence will be required next date.

NDC (COC)

CONTINUED TO: 07/05/06 08:30 AM 01

07/05/06 08:30 AM 01 DEFT'S PRO PER MOTION TO COMPEL/22

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA
007480 Pate, SusanY
Y0001 D1 O'Keefe, Brian K
008140 Kelly, James P.N
Y

Court directed Mr. Kelly to mail a copy of Deft's Preliminary Hearing Transcript, copy of statement made by Victoria Whitmarsh and medical record(s) to the Deft. and prepare a Certificate of Mailing itemizing the items sent.

NDC

CLERK'S NOTE: A copy of this minute order mailed to Deft. 7/7/06. jk

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 014

08/14/06 08:30 AM 00 ALL PENDING MOTIONS - 8/14/06

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel/jk, Court Clerk
Phyllis Irby, Relief Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
007480 Pate, Susan

Y
Y

DEFENDANT'S PRO PER MOTION FOR TRANSCRIPTS AT STATE EXPENSE...DEFENDANT'S
PRO PER PETITION FOR WRIT OF MANDAMUS

COURT reviewed the Certificate of Mailing wherein Deft's former counsel's
Staff, Debra Collin hand delivered the requested transcripts to the Deft.
while at Clark County Detention Center (CCDC). COURT STATED there is no
requirement for these records to be sent again therefore COURT FINDS the
Motion for Transcripts to be MOOT and therefore DENIED. Court stated its
findings and FURTHER ORDERED, Deft's Petition for Writ of Mandamus is
DENIED. Court directed the State to prepare the Order.

NDC

CLERK'S NOTE: A copy of this minute order mailed to Deft. 8/15/06 jk.

10/30/06 08:30 AM 00 DEFT'S PRO PER MOTION FOR A NEW TRIAL
BASED ON NEW EVIDENCE/27

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA
007439 Martinovsky, Charles

Y
Y

COURT NOTED, the State has requested matter be CONTINUED. COURT SO ORDERED.

NDC

CONTINUED TO: 11/13/06 08:30 AM 01

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 015

11/13/06 08:30 AM 01 DEFT'S PRO PER MOTION FOR A NEW TRIAL
BASED ON NEW EVIDENCE/27

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA
009182 Scow, Richard H.

Y

Y

Court entertained no argument this date. Mr. Scow advised Ms. Krisko has requested more time to prepare a Response to this Motion. COURT ORDERED, request is GRANTED, State to prepare and file Response by 11/17/06 and Deft. shall have until 11/27/06 to Respond to same. FURTHER ORDERED, matter CONTINUED. Court directed the State to prepare an Order for Transport for Deft. to be present next date.

NDC (COC)

CLERK'S NOTE: A copy of this minute order mailed to Deft. 11/14/06 jk.

CONTINUED TO: 12/04/06 08:30 AM 02

12/04/06 08:30 AM 02 DEFT'S PRO PER MOTION FOR A NEW TRIAL
BASED ON NEW EVIDENCE/27

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.

Y

Y

0001 D1 O'Keefe, Brian K
PRO SE Pro Se

Y

Y

Argument by counsel. COURT NOTED, Opening Statements by Mr. Ross Miller may have violated a prior Motion in Limine, therefore Court will review this issue. COURT ORDERED, matter CONTINUED. Court directed Ms. Krisko to prepare another Order to Transport.

NDC

CONTINUED TO: 12/18/06 08:30 AM 03

CRIMINAL COURT MINUTES

04-C-202793-C STATE OF NEVADA

vs O'Keefe, Brian K

CONTINUED FROM PAGE: 016

12/18/06 08:30 AM 03 DEFT'S PRO PER MOTION FOR A NEW TRIAL
BASED ON NEW EVIDENCE/27

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA
006024 Krisko, Susan R.
0001 D1 O'Keefe, Brian K
PRO SE Pro Se

Y
Y
Y
Y

COURT STATED it reviewed the transcript of the opening statements and does not find the State violated any of the Pre Trial Motions. Accordingly, COURT ORDERED, Deft's Motion is DENIED. Court directed Ms. Krisko to prepare the Order.

NDC (COC)

12/26/06

E X H I B I T S

2:19 PM

CASE NO. 04-C-202793-C

CASE STATUS: REOPENED

STATE OF NEVADA

[] vs O'Keefe, Brian K

[]

| NO. | CODE | EXHIBIT DESCRIPTION | SUB | OF/OB | DATE | S |
|------|--------|------------------------------|------|-------|----------|---|
| 0001 | P1-11 | /PHOTOS | S | AD/NO | 10/26/04 | V |
| 0002 | P12 | /PHOTO | S | / | 99/99/99 | V |
| 0003 | P13-17 | /PHOTOS | S | AD/NO | 10/26/04 | V |
| 0004 | P18 | /PHOTO | S | AD/ | 10/27/04 | V |
| 0005 | P19-20 | /PHOTO | S | AD/NO | 10/27/04 | V |
| 0006 | P21 | /PHOTO | S | AD/OB | 10/26/04 | V |
| 0007 | P22 | /PHOTO | S | AD/NO | 10/26/04 | V |
| 0008 | P23-34 | /PHOTOS | S | AD/NO | 10/27/04 | V |
| 0009 | P35 | /PHOTO | S | AD/OB | 10/27/04 | V |
| 0010 | P36 | /DNA TEST RESULTS | S | AD/ST | 10/25/04 | V |
| 0011 | P37 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0012 | P38 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0013 | P39 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0014 | P40 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0015 | P41 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0016 | P42 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0017 | P43 | /EVIDENCE BAG (SEALED) | S | AD/ST | 10/26/04 | V |
| 0018 | P44 | /PHOTO | S | AD/OB | 10/26/04 | V |
| 0019 | P45 | /VHS TAPE FROM TEXAS HOTEL | S | AD/ | 10/27/04 | V |
| 0020 | D/A | /LETTER | 0001 | AD/NO | 10/26/04 | V |
| 0021 | D/B | /LETTER | 0001 | AD/NO | 10/26/04 | V |
| 0022 | D/C | /MEDICAL REPORT | 0001 | AD/ | 10/27/04 | V |
| 0023 | D/D | /FACE SHEET | 0001 | AD/ | 10/27/04 | V |
| 0024 | D/E | /DICTATION RPT NURSE | 0001 | AD/NO | 10/27/04 | V |
| 0025 | D/F | /MONTE VISTA MEDICAL RECORDS | 0001 | OF/OB | 99/99/99 | V |

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**BRIAN KERRY O'KEEFE #90244
P.O. BOX 650
INDIAN SPRINGS, NV 89018**

**DATE: December 27, 2006
CASE: C202793**

RE CASE: STATE OF NEVADA vs. BRIAN KERRY O'KEEFE

NOTICE OF APPEAL FILED: 12/26/06

RULE 3(e) DOCUMENTS TRANSMITTED: 12/27/06

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:

ORDER

NOTICE OF ENTRY OF ORDER

EXPLANATION OF POSSIBLE DEFICIENCIES:

DOCUMENTS/FEEES:

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:

Lists information necessary for
docketing in the supreme court:
district court case number; party
names; counsel names; trial judge;
whether trial or appellate counsel was
appointed; whether appellant is
proceeding in forma pauperis; date the
proceedings commenced in the district
court {NRAP Form 2}.*

*May be filed directly with the Supreme Court if not submitted with the Notice of Appeal.

State of Nevada

County of Clark

SS:

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; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BRIAN KERRY O'KEEFE,

Defendant(s),


Case No: C202793

Dept No: XV

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 27 day of December 2006.**

Shirley B. Parraguirre, Clark County Clerk


Robin J. Mills, Deputy Clerk

Robin J. Mills, Deputy Clerk

FILED

DEC 20 10 47 AM '66
flm

MICHAEL R. DULIN-EVANS,
Petitioner,
vs.

CASE NO. *100-45114*
DEPT. NO. XIV CLERK

THE STATE OF NEVADA,
Respondent.

C210081

FILED

No. 48671

NOTICE OF APPEAL

DEC 30 2006

TO: ALL CONCERNED PARTYS!

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

PLEASE TAKE NOTICE that the Petitioner, MICHAEL R. DULIN-EVANS, hereby gives notice that he is appealing to the Nevada Supreme Court the Honorable District Court Judge, Donald Mosely's order dismissing Petitioner's Motion to Withdraw Guilty Plea and Petition for Writ of Habeas Corpus on December 8, 2006. Petitioner will be raising the following issues on appeal:

1. That the district court failed to comply with this Court's order of remand to conduct an evidentiary hearing.
2. That the district court failed to have Petitioner present at the December 8, 2006 hearing, wherein testimony was required from Petitioner concerning his claims.
3. That the district court has continually refused to notify and/or serve Petitioner and/or permit Petitioner to be present during any hearings conducted by the court, said hearings of August 9, 2006 and December 8, 2006.
4. That the district court appointed counsel, Gregory Denux on August 9, 2006, however, said counsel has failed to contact Petitioner and/or communicate with Petitioner in any manner over a five (5) months. ~~He~~ he has been appointed and even though Petitioner notified the district court of Mr. Denux's failure to contact Petitioner concerning the hearing of December 8, 2006.

RECEIVED
JAN 17 2006
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEC 20 2005

RECEIVED
DEC 27 2006

COMMITTEE ON EDUCATION

COUNTY CLERK

06-26747

5. That the district court has totally disregarded the order of remand directing the lower court to do specific things by delaying, hindering and depriving Petitioner of his day in court to prove his claims.

6. That Petitioner has never been provided the transcripts records and files of Ms. Border, even though she has been dismissed as counsel for over a year.

Dated this 14th day of December, 2006.

Respectfully submitted,
Michael R. Dolin-Evans
Michael R. Dolin-Evans
In Pro Se

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I placed a true and correct copy of the foregoing in the United States mail, postage prepaid, addressed as follows:

David Roger
District Attorney
200 Lewis Ave
Las Vegas, Nev 89155

Attorney for Respondent

Dated this 14th day of December, 2006

Michael R. Dolin-Evans
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