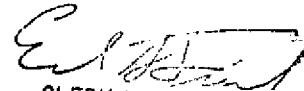


1 NOAS
2 DAVID M. SCHIECK
3 SPECIAL PUBLIC DEFENDER
4 Nevada Bar #0824
5 JONELL THOMAS
6 DEPUTY SPECIAL PUBLIC DEFENDER
7 Nevada Bar #4771
8 330 South Third Street, Ste. 800
9 Las Vegas, Nevada 89155-2316
10 (702) 455-6265
11 Fax: 455-6273
12 thomasjn@co.clark.nv.us
13 Attorneys for Defendant

FILED

MAY 21 1 49 PM '09


CLERK OF THE COURT

Electronically Filed
May 26 2009 08:47 a.m.
Tracie K. Lindeman

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,
13 Plaintiff,

14 vs.

15 BRIAN KERRY O'KEEFE,
16 Defendant.

CASE NO. C 250630
DEPT. NO. XVII

NOTICE OF APPEAL

DATE: N/A
TIME: N/A

20 TO: THE STATE OF NEVADA, Plaintiff;

21 TO: Clark County District Attorney, Plaintiff's attorney; and

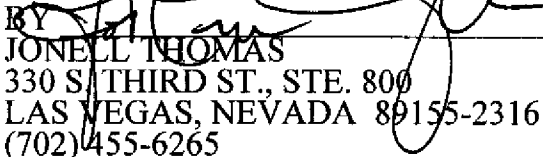
22 TO: DEPARTMENT XVII OF THE EIGHTH JUDICIAL DISTRICT COURT
23 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK:

24 NOTICE is hereby given that Brian Kerry O'Keefe, appeals to the Nevada Supreme Court

1 from the judgement of conviction and sentence entered against said Defendant on the 8TH day
2 of May, 2009.

3 DATED this 20th day of May, 2009.

4 DAVID M. SCHIECK
5 SPECIAL PUBLIC DEFENDER

6 BY 
7 JONELL THOMAS
8 330 S. THIRD ST., STE. 800
9 LAS VEGAS, NEVADA 89155-2316
10 (702) 455-6265

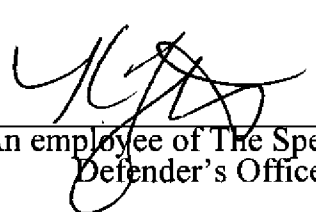
11 **CERTIFICATE OF MAILING**

12 The undersigned does hereby certify that on the 21 day of May, 2009, I deposited in the
13 United States Post Office at Las Vegas, Nevada, a copy of the Notice of Appeal, postage
14 prepaid, addressed to the following:

15 District Attorney's Office
16 200 Lewis Ave., Ste. 800
17 Las Vegas NV 89155

18 Nevada Attorney General
19 100 N. Carson
20 Carson City, NV 89701-4717

21 Brian O'Keefe, No. 1447732
22 Clark County Detention Center
23 330 S. Casino Center Blvd.
24 Las Vegas NV 89101

25 
26 An employee of The Special Public
27 Defender's Office
28

1 CAS
2 DAVID M. SCHIECK
3 SPECIAL PUBLIC DEFENDER
4 Nevada Bar #0824
5 JONELL THOMAS
6 DEPUTY SPECIAL PUBLIC DEFENDER
7 Nevada Bar #4771
8 330 South Third Street, Ste. 800
9 Las Vegas, Nevada 89155-2316
10 (702) 455-6265
11 Fax: 455-6273
12 thomasjn@co.clark.nv.us
13 Attorneys for Defendant

FILED

MAY 21 1 49 PM '09

E. J. [Signature]
CLERK OF THE COURT

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 ***

17 THE STATE OF NEVADA,
18
19 Plaintiff,

CASE NO. C 250630
DEPT. NO. XVII

20 vs.

21 BRIAN KERRY O'KEEFE,
22
23 Defendant.

24 CASE APPEAL STATEMENT

- 25 1. Appellant filing this case appeal statement: BRIAN KERRY O'KEEFE
- 26 2. Judge issuing the decision, judgment, or order appealed from: MICHAEL
- 27 VILLANI
- 28 3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): State of Nevada, Plaintiff; Brian O'Keefe, Defendant
- 29 4. All parties involved in this appeal (the use of et al. to denote parties is prohibited): Brian O'Keefe, Appellant; The State of Nevada, Respondent.
- 30 5. Name, law firm, address, and telephone number of all counsel

...

1 on appeal and party or parties whom they represent:

2 DAVID M. SCHIECK
3 Clark County, Nevada
4 Special Public Defender
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155

DAVID ROGER
Clark County, Nevada
District Attorney
Las Vegas, Nevada 89155

5 Counsel for Appellant

CATHERINE CORTEZ-MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

8 Counsel for Respondent

9
10 6. Whether appellant was represented by appointed or retained counsel in the
11 district court: Appointed

12 7. Whether appellant is represented by appointed or retained counsel on appeal:
13 Appointed.

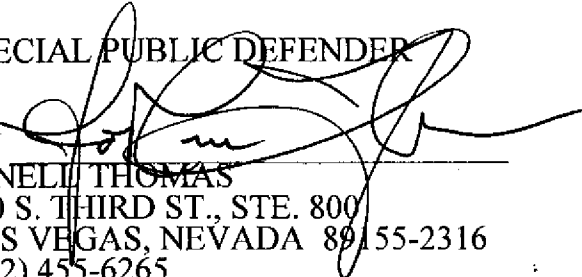
14 8. Whether appellant was granted leave to proceed in forma pauperis, and the
15 date of entry of the district court order granting such leave: Initial Arraignment was January
16 6, 2009

17 9. Date proceedings commenced in the district court (e.g., date complaint,
18 indictment, information, or petition was filed): Information filed December 19, 2008

19 Dated: 5/20/09

20 DAVID M. SCHIECK

21 SPECIAL PUBLIC DEFENDER

22 BY 
23 JONELL THOMAS
24 330 S. THIRD ST., STE. 800
25 LAS VEGAS, NEVADA 89155-2316
26 (702) 455-6265
27
28

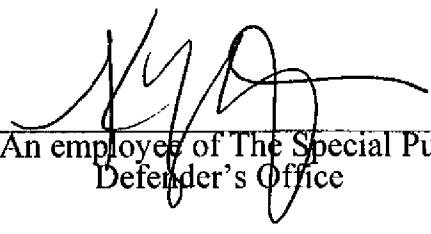
CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 24 day of May, 2009, I deposited in the United States Post Office at Las Vegas, Nevada, a copy of the Case Appeal Statement, postage prepaid, addressed to the following:

District Attorney's Office
200 Lewis Ave., Ste. 800
Las Vegas NV 89155

Nevada Attorney General
100 N. Carson
Carson City, NV 89701-4717

Brian O'Keefe, No. 1447732
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas NV 89101


An employee of The Special Public
Defender's Office

ORIGINAL

FILED

MAY 21 1 49 PM '09

CLERK OF DISTRICT COURT

REOT
DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
Nevada Bar #0824
JONELL THOMAS
DEPUTY SPECIAL PUBLIC DEFENDER
Nevada Bar #4771
330 South Third Street, Ste. 800
Las Vegas, Nevada 89155-2316
(702) 455-6265
Fax: 455-6273
thomasjn@co.clark.nv.us
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

BRIAN KERRY O'KEEFE,
Defendant.

CASE NO. C 250630
DEPT. NO. XVII

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: MICHELLE RAMSEY, Court Reporter, Department 17:

Defendant, BRIAN ROSE, by and through his attorney, DAVID M. SCHIECK, Special Public Defender, and JONELL THOMAS, Deputy Special Public Defender, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

Date or dates of proceeding:

DATE	Proceeding	Reporter/Recorder
1/20/2009	Entry of Plea/Trial Setting	Michelle Ramsey
2/10/2009	All Pending Motions	Michelle Ramsey
3/10/2009	All Pending Motions	Michelle Ramsey
3/16/2009	All Pending Motions	Michelle Ramsey
3/17/2009	Trial by Jury	Michelle Ramsey
3/18/2009	Trial by Jury	Michelle Ramsey

RECEIVED
MAY 21 2009
CLERK OF THE COURT

SPECIAL PUBLIC
DEFENDER
CLARK COUNTY
NEVADA

1 3/19/2009 Trial by Jury
2 3/20/2009 Trial by Jury
3 4/7/2009 Deft's Motion to Settle Record
4 5/5/2009 Sentencing

Michelle Ramsey
Michelle Ramsey
Michelle Ramsey
Michelle Ramsey

5 **Portions of the transcript requested:** All proceedings of all hearings, including voir
6 dire, opening statements and closing statements.

7 This notice requests a transcript of only those portions of the district court proceedings
8 which counsel reasonably and in good faith believes are necessary to determine whether
9 appellate issues are present. Voir dire examination of jurors, opening statements and closing
10 arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless
11 specifically requested above.

12 I recognize that I must personally serve a copy of this form on the above named court
13 reporter and opposing counsel.


14 That the above named court reporter shall have twenty (20) days from the date of filing
15 the Notice of Appeal, to prepare an original plus three copies at State expense and file in the
16 district court clerk the original rough draft transcript(s) requested herein.

17 Further, pursuant to NRAP 3C(d)(3)(iii), the court reporter shall also deliver copies
18 of the rough draft transcript to the Supreme Court clerk, to appellant's counsel and
19 respondent counsel no more than twenty(20)days after the date of the appellant's request.

20 Dated this 20th day of May, 2009

21 DAVID M. SCHIECK

22 SPECIAL PUBLIC DEFENDER

23 
24 JONELL THOMAS
25 330 S. THIRD ST., STE. 800
26 LAS VEGAS, NEVADA 89155-2316
27 (702) 455-6265
28

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

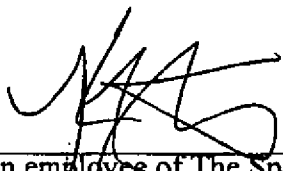
CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 21 day of May, 2009, I deposited in the United States Post Office at Las Vegas, Nevada, a copy of the Request for Rough Draft Transcript, postage prepaid, addressed to the following:

District Attorney's Office
200 Lewis Ave., Ste. 800
Las Vegas NV 89155

Nevada Attorney General
100 N. Carson
Carson City, NV 89701-4717

Michelle Ramsey, Court Reporter/Recorder
District Court Department 17
200 Lewis Ave.
Las Vegas NV 89155



An employee of The Special Public
Defender's Office

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

DATE: 05/22/09
CASE NO. 08-C-250630-C

I N D E X

TIME 12:08 PM
JUDGE: Villani, Michael

STATE OF NEVADA

[] vs Okeefe, Brian K

[]

0001 D1 Brian K Okeefe

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	12/19/08		INFO/INFORMATION Fee \$0.00			12/19/08	
0002	12/19/08		ARRN/INITIAL ARRAIGNMENT	0001	MH	01/06/09	
0003	12/26/08		CBO /CRIMINAL BINDOVER	0001			
0004	12/26/08		NOEV/NOTICE OF EXHIBITS IN THE VAULT			12/26/08	
0005	12/28/08		ASSG/Reassign Case From Judge Glass To Judge Villani				
0006	12/26/08		CBOR/CRIMINAL BINDOVER RECEIPT	0001		12/26/08	
0007	12/31/08		NCA /DEFENDANTS SUBMISSION TO CLARK COUNTY DISTRICT ATTORNEYS DEATH REVIEW	0001			Y
COMMITTEE							
0008	01/02/09		TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001			
0009	01/07/09		ARRN/ENTRY OF PLEA/TRIAL SETTING	0001	MH	01/20/09	
0010	01/20/09		CALC/CALENDAR CALL	0001		03/10/09	
0011	01/20/09		JURY/TRIAL BY JURY	0001		03/20/09	
0012	01/26/09		PET /PTN FOR WRIT OF HABEAS CORPUS	0001		02/10/09	
0013	01/28/09		EIE /ENTRY IN ERROR				
0014	01/27/09		ROC /RECEIPT OF COPY	0001			
0015	01/29/09		WRIT/RETURN TO WRIT OF HABEAS CORPUS	0001			
0016	01/30/09		ROC /RECEIPT OF COPY	0001			
0017	01/30/09		WRIT/WRIT OF HABEAS CORPUS	0001			
0018	01/30/09		ORDR/ORDER	0001			
0019	02/02/09		NOTC/NOTICE OF MTN AND MTN TO ADMIT EVIDENCE OF OTHER CRIMES	0001			
0020	02/02/09		MOT /STATES MTN: ADMIT EVIDENCE OF OF OTHER CRIMES/06	0001		02/10/09	
0021	02/03/09		NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001			
0022	02/06/09		ROC /RECEIPT OF COPY	0001			
0023	02/06/09		OPPS/OPPOSITION TO STATES MTN TO ADMIT EVIDENCE OF OTHER BAD ACTS	0001			
0024	02/10/09		MOT /ALL PENDING MOTIONS 2-10-09	0001		02/10/09	
0025	02/10/09		HEAR/EVIDENTIARY HRG: STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS	0001		03/16/09	
0026	02/10/09		ORDR/STIPULATION AND ORDER	0001		02/10/09	
0027	02/10/09		INFO/AMENDED INFORMATION	0001		02/10/09	
0028	02/17/09		NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001			
0029	02/20/09		NWEW/NOTICE OF DEFENDANTS EXPERT WITNESS	0001			
0030	03/04/09		MOT /DEFT'S MTN TO REQUIRE COURT TO ADVISE JURORS AS TO MANDATORY SENTENCES /9	0001		03/10/09	
0031	03/04/09		ORDR/ORDER AUTHORIZING CONTACT VISIT	0001			
0032	03/04/09		ROC /RECEIPT OF COPY	0001			
0033	03/05/09		NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001			
0034	03/06/09		NWEW/NOTICE OF DEFENDANTS WITNESSES	0001			
0035	03/10/09		MOT /ALL PENDING MOTIONS 3-10-09	0001		03/10/09	
0036	03/10/09		NWEW/SUPPLEMENTAL NOTICE OF WITNESSES	0001			

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0037	03/10/09		ORDR/ORDER REQUIRING MATERIAL WITNESS TO POST BAIL OR BE COMMITTED TO CUSTODY	0001			
0038	03/10/09		EXPT/EX PARTE APPLICATION FOR ORDER REQUIRING MATERIAL WITNESS TO POST BAIL	0001			
0039	03/11/09		NWEW/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0040	03/16/09		TRB /TRIAL BEGINS				
0041	03/16/09		MOT /ALL PENDING MOTIONS 3-16-09	0001		03/16/09	
0042	03/16/09		JLST/DISTRICT COURT JURY LIST	0001			
0043	03/18/09		TRAN/RECORDER'S PARTIAL TRANSCRIPT OF THE JURY TRIAL - DAY 2	0001			
0044	03/19/09		JLST/DISTRICT COURT AMENDED JURY LIST	0001			
0045	03/23/09		SENT/SENTENCING	0001		05/05/09	
0046	03/20/09		INST/INSTRUCTIONS TO THE JURY	0001			
0047	03/20/09		JMNT/VERDICT	0001		03/24/09	
0048	03/24/09		MOT /DEFT'S MTN TO SETTLE RECORD/13	0001		04/07/09	
0049	03/20/09		SUPP/DEFTS SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS	0001			
0050	03/20/09		BREF/DEFTS BRIEF ON ADMISSIBILITY OF EVIDENCE OF ALLEGED VICTIMS HISTORY OF SUICIDE	0001			Y
ATTEMPTS, ANGER OUTBURSTS, ANGER MANAGEMENT THERAPY, SELF-MULTILATION (WITH KNIVES AND SCISSORS), AND ERRATIC BEHAVIOR							
0051	03/20/09		INST/DEFENDANTS PROPOSED JURY INSTRUCTIONS	0001			
0052	03/24/09		ROC /RECEIPT OF COPY	0001			
0053	03/20/09		TRE /TRIAL ENDS				
0054	05/04/09		NCA /LETTERS IN AID OF SENTENCING	0001			
0055	05/08/09		JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001		05/12/09	
0056	05/08/09		JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0001		05/12/09	

JOC

FILED

2009 MAY -8 A 11:46

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRIAN KERRY OKEEFE
#1447732

Defendant.

CASE NO. C250630

DEPT. NO. XVII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER) (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; thereafter, on the 5TH day of May, 2009, the Defendant was present in court for sentencing with his counsel RANDALL PIKE, Special Deputy Public Defender and PATRICIA PALM, Special Deputy Public Defender, and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in
2 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00
3 DNA Analysis Fee including testing to determine genetic markers, the Defendant is
4 SENTENCED as follows: TO A MAXIMUM of TWENTY-FIVE (25) YEARS with a
5 MINIMUM parole eligibility of TEN (10) YEARS plus a CONSECUTIVE term of TWO
6 HUNDRED FORTY (240) MONTHS MAXIMUM with a MINIMUM parole eligibility of
7 NINETY-SIX (96) MONTHS for the Use of a Deadly Weapon in the Nevada Department
8 of Corrections (NDC), with ONE HUNDRED EIGHTY-ONE (181) DAYS credit for time
9 served.
10
11

12
13 DATED this 8th day of May, 2009.

14
15 

16 MICHAEL VILLANI
17 DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28

KB

CRIMINAL COURT MINUTES

08-C-250630-C STATE OF NEVADA vs Okeefe, Brian K

01/06/09 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kevin V Williams, Hearing Master; Dept. AA

OFFICERS: Nora Pena/np, Court Clerk
Dameda Scott, Relief Clerk
Kiara Schmidt, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004353	Pace, Barter G.	Y
0001 D1	Okeefe, Brian K	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
000824	Schieck, David M.	Y

Mr. Schieck asked to let the District Court 17 set the trial date. COURT ORDERED, matter set for entry of plea and trial date.

CUSTODY

1/20/09 8:00 AM ENTRY OF PLEA/TRIAL SETTING - DEPT 17

01/20/09 08:00 AM 00 ENTRY OF PLEA/TRIAL SETTING

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
010233	Smith, Phillip N.	Y
0001 D1	Okeefe, Brian K	Y
SPD	Special Public Defender	Y
006009	Palm, Patricia A.	Y
001940	Pike, Randall H.	Y

DEFT. OKEEFE ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. Mr. Smith stated the State is going to INVOKE the 60 day rule as well. COURT ORDERED, matter set for trial.

CUSTODY

3/10/09 8:00 AM CALENDAR CALL

3/16/09 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 001

02/10/09 08:00 AM 00 ALL PENDING MOTIONS 2-10-09

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/RecorderPARTIES: STATE OF NEVADA
010233 Smith, Phillip N.0001 D1 Okeefe, Brian K
SPD Special Public Defender
001940 Pike, Randall H.
006009 Palm, Patricia A.Y
Y
Y
Y
YPETITION FOR WRIT OF HABEAS CORPUS...STATE'S MOTION TO ADMIT EVIDENCE OF
OTHER CRIMES, WRONGS OR ACTSArguments by counsel. COURT ORDERED, Deft's Petition for Writ of Habeas
Corpus DENIED; State's Motion to Admit Evidence of Other Crimes will be set
for a Petrocelli Hearing. Amended Information FILED IN OPEN COURT.

NDC

2/26/09 10:00 AM EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF
OTHER CRIMES, WRONGS OR ACTS02/26/09 10:00 AM 00 EVIDENTIARY HRG: STATE'S MTN TO ADMIT
EVIDENCE OF OTHER CRIMES WRONGS OR ACTS

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 03/16/09 09:30 AM 01

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 002

03/10/09 08:00 AM 00 ALL PENDING MOTIONS 3-10-09

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:

STATE OF NEVADA
010233 Smith, Phillip N.Y
Y0001 D1 Okeefe, Brian K
SPD Special Public Defender
001940 Pike, Randall H.
006009 Palm, Patricia A.Y
Y
Y
YCALENDAR CALL...DEFT'S MOTION TO REQUIRE COURT TO ADVISE JURORS AS TO
MANDATORY SENTENCES

Counsel stated they are ready to proceed to trial which will take 3-4 days. Mr. Pike stated that he has 5 witnesses in addition to the State's witnesses and one is out of state; further, has a signed Stipulation and Order Waiving the Penalty Hearing but will withhold filing it until after the jury is seated. Arguments by counsel regarding Deft's Motion. COURT ORDERED, Deft's Motion to Require Court to Advise Juror's as to Mandatory Sentences DENIED; Trial date STANDS.

NDC

03/16/09 09:30 AM 00 ALL PENDING MOTIONS 3-16-09

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:

STATE OF NEVADA
010233 Smith, Phillip N.
010058 Graham, StephanieY
Y
Y0001 D1 Okeefe, Brian K
SPD Special Public Defender
006009 Palm, Patricia A.
001940 Pike, Randall H.Y
Y
Y
YEVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES,
WRONGS OR ACTS...TRIAL BY JURY

Arguments by counsel. COURT ORDERED, Motion GRANTED. Jury and 2 alternates selected and sworn. Court Clerk read the Amended Information and stated the

CRIMINAL COURT MINUTES

08-C-250630-C STATE OF NEVADA vs Okeefe, Brian K

CONTINUED FROM PAGE: 003

deft's plea thereto. Opening statements by counsel. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.

03/17/09 09:30 AM 01 TRIAL BY JURY

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown/A.M., Court Clerk
Shelly Landwehr/P.M., Relief Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES: STATE OF NEVADA
010233 Smith, Phillip N.
010058 Graham, Stephanie

Y
Y
Y

0001 D1 Okeefe, Brian K
SPD Special Public Defender
006009 Palm, Patricia A.
001940 Pike, Randall H.

Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel Juror #12's apartment flooded and will not be able to return as he has to be present to solve the problem.

JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal. Arguments by counsel. COURT ORDERED, Motion DENIED.

JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal regarding testimony from Officer Hutchinson. Arguments by counsel. COURT ORDERED, Motion DENIED, Court finds statement was not a Discovery violation, it was memorialized, not undue prejudice.

CONTINUED TO: 03/18/09 09:30 AM 02

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 004

03/18/09 09:30 AM 02 TRIAL BY JURY

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:

STATE OF NEVADA

010233 Smith, Phillip N.

010058 Graham, Stephanie

0001 D1 Okeefe, Brian K

SPD Special Public Defender

006009 Palm, Patricia A.

001940 Pike, Randall H.

Y
Y
Y
Y
Y
Y
Y

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel. Ms. Palm moved for a mistrial and dismissal. Further argument by counsel. COURT ORDERED, Motion DENIED but will allow the defense to call the officer's back and question them about the report.

JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the note by witness Hutchison. COURT ORDERED, the report is not coming in at this point.

JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel that it observed a few of the jurors speaking with one of the witnesses. Jurors 3, 6 & 7 questioned.

JURY PRESENT: Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/19/09 09:45 AM 03

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 005

03/19/09 09:45 AM 03 TRIAL BY JURY

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
010233	Smith, Phillip N.	Y
010058	Graham, Stephanie	Y
0001 D1	Okeefe, Brian K	Y
SPD	Special Public Defender	Y
006009	Palm, Patricia A.	Y
001940	Pike, Randall H.	Y

JURY PRESENT: State rests. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY: Court advised the Deft. of his rights not to testify.

CONTINUED TO: 03/20/09 09:00 AM 04

03/20/09 09:00 AM 04 TRIAL BY JURY

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
010233	Smith, Phillip N.	Y
010058	Graham, Stephanie	Y
0001 D1	Okeefe, Brian K	Y
SPD	Special Public Defender	Y
006009	Palm, Patricia A.	Y
001940	Pike, Randall H.	Y

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the victims medical records. Court stated its findings and ORDERED, Motion to Allow the Medical Records be Introduced DENIED but will allow testimony that the victim attempted to commit suicide two days prior to the incident.

JURY PRESENT: Testimony and exhibits presented (See worksheets). Defense rests.

OUTSIDE THE PRESENCE OF THE JURY: Instructions settled on the record.

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 006

JURY PRESENT: Court instructed the jury. Closing arguments by counsel. At the hour of 4:10 pm, the jury retired to deliberate. At the hour of 7:15 pm, the jury returned with a VERDICT of GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON. Court THANKED and EXCUSED the jury. COURT ORDERED, Deft. REMANDED TO CUSTODY and matter referred to Parole and Probation and set for sentencing.

CUSTODY

5/05/09 8:00 AM SENTENCING

04/07/09 08:00 AM 00 DEFT'S MTN TO SETTLE RECORD/13

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES: STATE OF NEVADA
010233 Smith, Phillip N.

Y
Y

0001 D1 Okeefe, Brian K
SPD Special Public Defender
006009 Palm, Patricia A.
001940 Pike, Randall H.

Y
Y
Y
Y

Arguments by counsel. Court stated the record is clear.

NDC

CRIMINAL COURT MINUTES

08-C-250630-C

STATE OF NEVADA

vs Okeefe, Brian K

CONTINUED FROM PAGE: 007

05/05/09 08:00 AM 00 SENTENCING

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Dameda Scott/ds, Relief Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES: STATE OF NEVADA
010233 Smith, Phillip N.
0001 D1 Okeefe, Brian K
001940 Pike, Randall H.
006009 Palm, Patricia A.

Y
Y
Y
Y
Y

Argument by State. Statements by Defendant and counsel. Ms. Palm requested corrections to the original Pre-Sentence Investigation Report. COURT ORDERED, Pre-Sentence Investigation Report amended by interlineation and incorporated into the court file copy as follows: Page 1, 20 years; Page 4, Juvenile Offense; Page 7, deleted sentence regarding a knife; Page 8, Section 9, Paragraph 2. COURT NOTED, those items were not considered by this Court.

DEFT. O'KEEFE ADJUDGED GUILTY of COUNT 1 - 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED ON COUNT 1 - 2ND DEGREE MURDER (F) to a MINIMUM of TEN (10) YEARS and a MAXIMUM of TWENTY-FIVE (25) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE MINIMUM OF NINETY-SIX (96) MONTHS and a MAXIMUM of TWO-HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC) for the USE OF A DEADLY WEAPON, to run CONSECUTIVE TO COUNT 1, with 181 DAYS credit for time served. BOND, if any, EXONERATED.

NDC

05/22/09

CASE NO. 08-C-250630-C

E X H I B I T S

12:08 PM

CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Okeefe, Brian K

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	PJ	/JUSTICE COURT EXHIBITS		/	12/26/08	V

Certification of Copy

State of Nevada } **SS:**
County of Clark }

I, Edward A. Friedland, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF
CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA.

Plaintiff(s),

vs.

BRIAN KERRY O'KEEFE,

Defendant(s),

Case No: C250630

Dept No: XVII

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 22 day of May 2009.

Edward A. Friedland, Clerk of the Court

Heather Eofquist, Deputy Clerk