

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53859

FILED

JUN 04 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

This appeal is subject to the provisions of Nevada Rule of Appellate Procedure 3C. On May 29, 2009, appellant's counsel filed a motion for full briefing of this appeal. Appellant's counsel informs this court that appellant was convicted after a four-day trial of second-degree murder with the use of a deadly weapon. Appellant's counsel informs this court that "the trial issues and evidence were more complicated than a standard felony prosecution" and counsel will need "additional time to cull out only the necessary portions of the record on appeal." Counsel further informs this court that the 10-page limit imposed by NRAP 3C would be "unduly restrictive and burdensome" in this case. Although appellant's counsel has demonstrated that additional time will be necessary to adequately brief this appeal, appellant has not identified any issues to be raised on appeal that would warrant full briefing. Accordingly, we deny the motion for full briefing.

Appellant shall have 60 days from the date of this order to file and serve the fast track statement and appendix. Appellant's counsel may file a motion for leave to file a fast track statement in excess of 10 pages, if deemed necessary. Appellant's counsel may renew the motion for full

briefing if, upon review of the record, appellant's counsel identifies specific issues that would warrant full briefing.

It is so ORDERED.

/s/ [Signature], C.J.

cc: Special Public Defender David M. Schieck
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger