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BRIAN O'KEEFE

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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Case No: 61631
District Court Case No.:
C250630

MOTION TO WITHDRAW

COMES NOW LANCE A. MANINGO, ESQ., Attorney for
Appellant, and moves this Court for its Order authorizing him to withdraw
as attorney of record for Appellant Brian O'Keefe.

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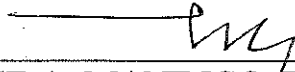
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2 This Motion is made and based upon the foregoing Points and
3 Authorities, all the papers and pleadings on file herein, the Affidavits
4 attached hereto, and any oral argument adduced at the time of the hearing
5 in this matter.
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7 DATED this 31st day of July, 2013.

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9 
10 LANCE A. MANINGO, ESQ.
11 Nevada Bar No. 006405
12 Attorney for Appellant
13 BRIAN O'KEEFE

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I.**

16 **STATEMENT OF FACTS**

17 The undersigned counsel was appointed to represent Appellant in his
18 appeal to this Court. Appellant filed his First Amended Fast Track
19 Statement on November 2, 2012. The State filed its Response on
20 November 26, 2012. Appellant then filed his Reply to State's Response on
21 December 11, 2012. This Court filed an Order of Affirmance on April 10,
22 2013. Appellant then filed a Motion for Rehearing which this Court denied
23 on June 13, 2013. Remittitur issued on July 23, 2013.

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II.

LEGAL ARGUMENT

The undersigned was appointed to represent Appellant, Brian O'Keefe, to prepare and file his Fast Track Appeal to the Nevada Supreme Court.

The scope of counsel's representation has now ended since a final determination has been made by this Court, and as such, counsel is seeking to withdraw as attorney of record for Appellant.

Nevada Rule of Appellate Procedure 46(3) states as follows:

The attorney shall file a motion to withdraw with the clerk of the Supreme Court and serve a copy of the motion on the attorney's client and any adverse party. The motion shall clearly state whether counsel was appointed or retained and the reasons for the motion. Unless the motion is filed after judgment or final determination as provided in SCR 46, the motion shall be accompanied by:

(A) In a direct appeal from a judgment of conviction in which the defendant is represented by retained counsel, an affidavit or signed statement from the defendant stating that the defendant has discharged retained counsel, the grounds for that discharge, and whether the defendant qualifies for appointment of new counsel; or

(B) In a direct appeal from a judgment of conviction in which the defendant is represented by appointed counsel, an affidavit or signed statement from the defendant stating that the defendant consents to appointed counsel's being

1
2 relieved and requesting appointment of
3 substitute counsel; or

4 (C) In a post-conviction appeal, a motion by
5 defendant to proceed in proper person or with
6 substitute counsel retained by defendant.

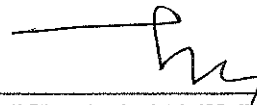
7 Further, SCR 46 states, in relevant part, that "after judgment or final
8 determination, an attorney may withdraw as attorney of record at any time
9 upon the attorney's filing a withdrawal, with or without the client's
10 consent."

11 In the present situation, the Court ruled on Appellant's Fast Track
12 Appeal and Remittitur issued on July 23, 2013. Additionally, Appellant
13 filed a Motion for Rehearing that was denied on June 13, 2013. As such,
14 time for a Motion for Rehearing has expired.

15 Therefore, the undersigned is requesting that the Court grant this
16 Motion to Withdraw since a final determination has been made in this
17 matter.
18
19

20 DATED this 31st day of July, 2013.
21

22 BELLON & MANINGO, LTD.

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25 LANCE A. MANINGO, ESQ.
26 Nevada Bar No. 006405
27 Attorney for Appellant
28 BRIAN O'KEEFE

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 3C(h)(2) and NRAP 40(b)(3) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and does not exceed 10 pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 31st day of July, 2013.



LANCE A. MANINGO, ESQ.
Nevada Bar No. 006405

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CERTIFICATE OF MAILING

I, hereby certify that on the 31st day of July, 2013, I did serve a true and correct copy of the foregoing MOTION TO WITHDRAW by depositing same in the United States mail, first-class postage fully prepaid, addressed as follows:

Clark County District Attorney
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Brian O'Keefe
High Desert State Prison
Inmate ID #: 90244
P.O. Box 650
Indian Springs, Nevada 89070-0650



An Employee of Bellon & Maningo