



SUPREME COURT OF NEVADA
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CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

June 6, 2023

Brian Kerry O'Keefe
Inmate ID: 90244
1200 Prison Road
Lovelock, NV 89419-5110

Re: O'Keefe (Brian) vs. State, 61631

Dear Mr. O'Keefe,

We received your document entitled "Motion to Correct Clerical Mistake" on June 5, 2023.

A decision has been reached in your case and the remittitur has issued. The time for filing a motion into this case has expired. Therefore, we are returning the documents, unfiled. Do not resubmit these documents to this office. No action will be taken on them.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa F.", written over a horizontal line.

Melissa F.
Deputy Clerk

RETURNED
UNFILED

JUN 06 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY M. J. [Signature]
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,

Petitioner,

SCN Case No. 61631

- VS -

8TH Dist. Case No. CB0250630

THE STATE OF NEVADA,

Respondent.

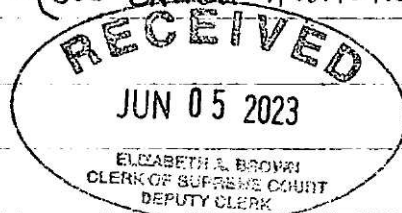
MOTION TO CORRECT CLERICAL MISTAKE

Comes Now, Brian Kerry O'Keefe, Petitioner pro per, who hereby moves this Honorable Court to correct said clerical mistake where direct criminal "appeal by right" was exercised for criminal case C250630 all the way to the U.S. Supreme Court - case no. 13-6031 - and direct appeal remittitur was not amended to reflect true conclusion of direct review.

Said motion is made and based on the following Points & Authorities to SCN case no. 61631.

Dated this 1st day of June 2023 pursuant NRS 208.165 by :

(see EXHIBIT ATTACHED, SCOTUS DOCKET)



Brian K. O'Keefe

Brian K. O'Keefe
LOVELOCK CORR. CTR.
1200 PRISON ROAD
LOVELOCK, NV-89419

90244

23-17702

STATEMENT OF THE CASE
POINTS AND AUTHORITIES

Despite motion to stay remittitur being filed on SCN docket no. 61631 on 7/16/2013, an error was made where remittitur issued before the U.S. Supreme Court had denied certiorari on 10/15/2013. • see O'KEEFE v. NEVADA, 134 S.Ct. 444 (Cert denied 10/15/2013) (13-6031) • (Solicitor General C. Wayne Houshe participated in certiorari) NRS 176.568 permits correction of clerical mistakes... in other parts of the record at any time, as the court orders.

Therefore, under WHITE v. Nevada, 427 P.3d 1044 (SCN 10/9/2018) this Court recognized that direct appeal "concludes" when, SCOTUS denies a timely sought Petition For A writ of Certiorari!

LEGAL DISCUSSION

• (SEE ATTACHED EXHIBIT SCOTUS DOCKET NO. 13-6031 OF 61631) As the law permits in a criminal case, "appeal by right" to a higher court of this Court's ORDER OF AFFIRMANCE was guaranteed where fundamental fairness demands procedural due process and equal protection of the law. O'Keefe pursued diligently pro se certiorari review after rehearing was denied. SCOTUS lodged pro per certiorari 13-6031 of SCN case 61631 vesting jurisdiction denying on 10/15/2013. Pursuant procedural rule NRS 41(b)(3)(D) only then could remittitur issue.

CONCLUSION

Correct remittitur date via amended to 10/15/2013 via an "Order" directing their Clerk to correct mistake. • (SEE EXHIBIT ATTACHED)



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No. 13-6031

Title: Brian Kerry O'Keefe, Petitioner

v.

Nevada

Docketed: August 26, 2013

* Lower Ct: Supreme Court of Nevada *

* Case Nos.: (61631)

Decision Date: April 10, 2013

Rehearing Denied: June 13, 2013

---Date--- ~~~~~Proceedings and Orders~~~~~

Aug 19 2013 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed.
(Response due September 25, 2013)

Sep 13 2013 Waiver of right of respondent Nevada to respond filed.

Sep 26 2013 DISTRIBUTED for Conference of October 11, 2013.

* Oct 15 2013 Petition DENIED.

---Name-----

-----Address-----

---Phone---

EXHIBIT-5
028

31

Attorneys for Petitioner:

Brian K. O'Keefe

#90244

P.O. Box 650

Indian Springs, NV 89070-0650

Party name: Brian Kerry O'Keefe

Attorneys for Respondent:

C. Wayne Howle

Counsel of Record

Solicitor General

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Office of Attorney General

State of Nevada

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Carson City, NV 89701-4717

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Party name: Nevada

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Supreme Court of the United StatesEXHIBIT 5
029

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CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the
 foregoing MOTION TO CORRECT CLERICAL MISTAKE
 to the below address(es) on this 1st day of June,
 2023, by placing same in the U.S. Mail via prison law library
 staff, pursuant to NRCP 5(b):

Clark County Dist. Attorney
 200 Lewis Ave.
 Las Vegas, Nv. 89158

Brian K. O'Keefe
Brian K. O'Keefe # 90244
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419
Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding
MOTION TO CORRECT CLERICAL MISTAKE filed in
 District Court Case No. 61631 does not contain the
 social security number of any person.

Dated this 1st day of June, 2023.

Brian K. O'Keefe
Brian K. O'Keefe
Petitioner In Pro Se