

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 69036

**FILED**

JAN 13 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

*ORDER GRANTING MOTION TO DISMISS COUNSEL, DIRECTING  
TRANSMISSION OF RECORD ON APPEAL, AND REGARDING PRO  
SE MOTIONS*

Appellant has submitted a motion to dismiss his counsel.<sup>1</sup> Cause appearing, the motion is granted. NRAP 46A. The clerk of this court shall remove Matthew Carling as counsel of record for appellant. Appellant shall have 30 days from the date of this order to file and serve an opening brief. NRAP 46A(a). Respondent is not required to file a response unless ordered by this court. NRAP 46A(c).

This court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 60 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

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<sup>1</sup>We direct the clerk to file the motion received on December 15, 2015.

Appellant has also submitted pro se motions requesting a copy of the fast track statement filed by Mr. Carling and asking that this court take judicial notice of a docket sheet from the United State Supreme Court relating to appellant's underlying judgment of conviction. The clerk of this court shall file the pro se motions received on December 23 and 29, 2015. NRAP 46A(a). Mr. Carling filed a certificate in this court on December 28, 2015, certifying that a copy of the fast track statement was mailed to appellant on December 15, 2015. Accordingly, we take no action on the motion for a copy of the fast track statement. This court may only consider matters appearing in the record when considering this appeal. *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). As indicated above, we have ordered the record on appeal, and decline to take judicial notice of any documents not included in that record at this time. The motion for judicial notice is denied.

It is so ORDERED.

 C.J.

cc: Matthew D. Carling  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Brian Kerry O'Keefe