

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

FEB 23 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Shacarr*
DEPUTY CLERK

BRIAN KERRY O'KEEFE,

Case No. 69036

Appellant,

vs.

Eighth Judicial Dist. Court No. C250630

THE STATE OF NEVADA,

Dept. No. XVII

Respondent.

NOTICE OF SUPPLEMENTAL AUTHORITIES PURSUANT NRAP 31(e)
TO "Subject-Matter" JURISDICTION POINT OF ERROR, FATAL
VARIANCE IN INFORMATION AT TIME OF PLEA; ALTERNATIVELY
COURTS OBLIGATION TO CONSIDER, EVEN ON APPEAL. 1

(see U.S. v. Coker, 535 U.S. 625, 630)

Comes Now humbly, Brian O'Keefe, appellant in pro se, to timely
raise this supplemental in aid of this Honorable Court to
take up the "matter of substance" in EUA SPONTE.

In all three trials to this very date, appellant pled one time to
a charging document supporting only manslaughter, involuntary.
Emphasis this point of error can be raised anytime.

This
action is made under the Nevada Constitution, article 1 § 8,
U.S. Constitution, 5th, 6th, 14th U.S. Amendments and following authorities,
to include all papers on file in their entirety.

Wood v. Kerner, 464 U.S. 519 (1972)

Edwell v. Nevada, 118 Nev. 807, 812, Citing Suan v. Suan, 106 Nev. 464

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16-05774

I.

SUPPLEMENTAL AUTHORITIES CITATIONS (NRAP 31(e))

CRAIN v. United States, 40 LED 1097, 162 U.S. 625, 644 (1896)

RUSSELL v. United States, 369 U.S. 749, 763-64, 82 S.Ct. 1038 (1962)

II.

OPENING BRIEF PAGES SUPPLEMENTED (NRAP 31(e))

Page 2, lines 15-23. (state files amended in formation... NO REPLEAD.)

Page 1, lines 18-22. (... sua sponte power ... raise anytime ...)

Page 2, lines 10-23. (... subject-matter jurisdiction ... anytime ...)

Page 3, lines 12-23. (... Information lacking all elements ...)

Page 10, lines 15-27. (... Ineffective Assistance of Counsel ...)

Page 17, lines 16-27. (... Fatal Variance / U.S. v. Cotton, 535 U.S. 625, 630 ...)

Page 19, lines 22-23. (... State fails to AVER... Benton, 395 U.S. 784, 787 ...)

Page 24, lines 5-27. (... theory of proof in indictment, inter-2/12 ...)

III.

SUPPLEMENTAL AUTHORITIES LEGAL PROPOSITION (NRAP 31(e))

CRANE v. U.S., 162 U.S. 625, 644 (sufficiency of indictment - plea by defendant necessary - due process of law - recitals.) (Due process of law cannot be dispensed with or affected by the consent of the accused, much less his mere failure to object to unauthorized methods.)

RUSSELL v. U.S., 369 U.S. 749, 763-64 (U.S. SIXTH AMENDMENT requires information to AVER all critical elements, matter-of-substance, for plea.) (Due Process 5th Amendment violation when conviction stands on facts, critical elements, not alleged in charging document pled to.)

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing
(check appropriate box)

☐ Opening Brief

☐ Reply Brief

☐ Motion: _____

☐ Petition: _____

☒ Other: Supplemental Authorities to Opening Brief

to the below address(es) on this 18th day of February, 2016, by
placing same in the hands of prison staff for posting in the U.S. Mail, per

Nev.R.App.P. 25: Brass Slip No. 1997335

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Appellant

In Pro Se

Pursuant NRS 208.165

and 28 U.S.C. § 1746

Dated February 19, 2016