

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 69036

FILED

APR 01 2016

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

**ORDER DENYING MOTION FOR RECONSIDERATION AND
RESOLVING MOTION REGARDING RECORD**

We previously entered an order denying appellant's pro se motion to take judicial notice of a docket sheet in another case. We explained that if that document was not part of the district court record, it was not appropriately considered on appeal. *See Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). Appellant has now filed a pro se motion for reconsideration. Appellant asserts that this court is required to take judicial notice of the document pursuant to NRS 47.150(2) and that the document is part of the record but is "intentionally being omitted." To the extent the document is not part of the record on appeal, we remain unconvinced that judicial notice is appropriate at this time.¹ *See id.*; *Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009) (this court will generally "not take judicial notice of records in another and different case, even though the cases are connected"). If however, during resolution of this appeal, it is determined

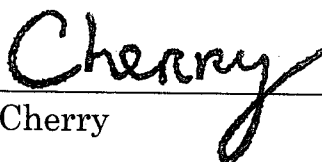
¹If the document is part of the record on appeal, judicial notice is unnecessary.

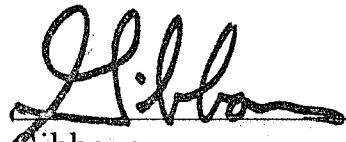
that judicial notice of the docket sheet is appropriate, we will exercise our discretion to do so at that time.

Appellant has also filed, in pro se, a motion for leave to use the original record pursuant to NRAP 24(c). Based on appellant's citation to NRAP 24(c), it appears he requests that he be permitted to proceed without reproducing any part of the record. But appellant has since filed an appendix to his opening brief. Accordingly, the nature of the relief requested is unclear. To the extent appellant seeks to rely on the appendix filed by his previous counsel and on the record on appeal, the motion is granted. Any other relief requested in the motion is denied.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

cc: Brian Kerry O'Keefe
Attorney General/Carson City
Clark County District Attorney