

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE ,)

Case No. 69036

Appellant ,)

-VS-

E.S.D.O. Case No. C250630

THE STATE OF NEVADA ,)

Dept. No. XVII

- (1) One EXHIBIT ATTACHED / INCORPORATED

Respondent .)

APR 07 2016

- MOTION TO CLARIFY APPELLANT'S RECORD HEREBY INCORPORATING BY REFERENCE THIS COURT'S SUBSEQUENT ORDER DATED 01/27/16 BECOMING DISPOSITIVE BY ORDERING APPELLANT TO FILE AND SERVE (see NRAP 31(a)) HIS OPENING BRIEF WHICH NATURALLY INCLUDES AN APPENDIX (see NRAP 31(d)) TO UNDERPIN THE OPENING BRIEF BOTH ACCEPTED AND ALREADY FILED ON 02/09/16.
- (see DOCKET SHEET ATTACHED INCORPORATED BY REFERENCE.)
- see NRAP 31(a) Briefing schedule by court order.

COMES NOW, Brian O'Keefe, appellant, to clarify the record to be utilized in support of his opening brief, both filed on 02/09/16. (see attached docket incorporated.)

Clearly, this court will recognize their order was subsequent the order filed 01/13/16 and appellant's request on 01/26/16 to utilize original record pursuant NRAP 24(c).

Emphasis, this court can easily understand this action.

Accepted HANDED BY KERNER, 464 US 519

By: Respectfully Submitted,
Brian K. O'Keefe - #90244
Brian O'Keefe

APR 07 2016
208-105

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

16-10945

Nevada Supreme Court Docket Sheet

Docket: 69036 O'KEEFE (BRIAN) VS. STATE

Page 4

✱	<p>01/13/16 Filed 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. The clerk of this court shall remove Matthew Carling as counsel of record for appellant. Opening Brief due: 30 days. Record on Appeal due: 30 days. The clerk of this court shall file the pro se motions received on December 23 and 29, 2015. 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. 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. fn1[We direct the clerk to file the motion received on December 15, 2015.]</p>	16-01111
	<p>01/13/16 Filed Proper Person Motion to Dismiss Counsel on Appeal Pursuant to Order Filed December 3, 2015.</p>	15-38154
	<p>01/13/16 Filed Proper Person Motion this Court for Copy of Fast Track Statement Filed December 9, 2015 in which Attorney and Court Clerks will not Provide After Several Requests.</p>	15-39436
	<p>01/13/16 Filed Proper Person Motion to take Judicial Notice Pursuant N.R.S. 47.150(2) of Rules (9;15) of the U.S Supreme Court N.R.S. 47.140(8) Pertaining to Notice of Appearance and Waiver Filed by (Rule 18) Solicitor General of Nevada C. Wayne Howle.</p>	15-39872
	<p>01/15/16 Filed Proper Person Motion for Leave of Court to File Pro-Se Fast Track Reply (NRAP 46(b)) Noting Fast Track Response was Filed Jan 06, 2016 (Disputed Facts With Legal Argument and Authorities)</p>	16-01460
	<p>01/15/16 Received Reply to Fast Track Response. (RETURNED UNFILED PER 01/27/16 ORDER.)</p>	
	<p>01/26/16 Filed Proper Person Motion; "Petition for Rehearing (Denial of Judicial Notice) 1/13/16"</p>	16-02725
	<p>01/26/16 Filed Proper Person Motion for Leave to use Original Record Pursuant NRAP 24(c).</p>	16-02727
✱	<p>01/27/16 Filed Order Denying Motion. Appellant has filed a pro se motion to file a reply to the fast track response. However, on January 13, 2016, this court entered an order granting appellant's motion to dismiss his counsel. That order gave appellant 30 days to file an opening brief. Accordingly, we deny the motion for leave to file a fast track reply. The clerk shall return, unfiled, the fast track reply received on January 15, 2016. Per our January 13 order, appellant shall have until February 12, 2016, to file and serve an opening brief that complies with the requirements of NRAP 32.</p>	16-02809
	<p>02/09/16 Filed Proper Person Appellant's Opening Brief.</p>	16-04286
✱	<p>02/09/16 Filed Proper Person Appellant's Appendix.</p>	16-04287
	<p>02/23/16 Filed Proper Person 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.</p>	16-05774

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing MOTION TO CLARIFY APPELLANT'S RECORD ... 02/09/16 to the below address(es) on this 5th day of April, 2016, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Supreme Court of Nevada
Office of the Clerk
201 S. Carson Street, Suite 201
Carson City, NV. 89701

PLEASE NOTE: All registered participants of the appellate electronic filing system, CM/ECF, will be served by the clerk using that perspective system. (MASTER LIST.)
Attorney General / Carson City
Clark County District Attorney

c/c: file-appellants.

Brian K. O'Leary
Brian K. O'Leary # 90244
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION TO CLARIFY APPELLANT'S RECORD ... 02/09/16 filed in Nevada Supreme Court (District Court Case No. C250630) does not contain the social security number of any person.

Dated this 5th day of April, 2016.

Brian K. O'Leary
Brian K. O'Leary
Appellant In Pro Se