

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

Brian Kerry O'Keefe,)

Case No. 73527

appellant,)

-vs-

THE STATE OF NEVADA, et al.)

PENE BAKER)

respondent.)

FILED

SEP 21 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY [Signature]
DEPUTY CLERK

MOTION TO APPOINT COUNSEL

Comes now, Brian K. O'Keefe, appellant in pro se, and moves the Court for an order appointing him counsel for the foregoing proceedings; Constitutional State Habeas under NR 34-360!

This motion is based upon all documents in the original record and/or appellate record herein, NRAP 46(c) and the following. Matter of first impression involving Nev. Const., Art. 1 § 5.¹

This Court may "appoint counsel to represent indigent criminal defendants and indigent habeas corpus petitioners in original proceedings" before it. NRAP 46(c). See also George v. State, 122 Nev. 1, 127 P.3d 1055 (2006) (Court may remand case to district court for appointment of counsel for appeal).

Appointment would properly promote justice herein, as (1) the issues at bar are complex, (2) the movant is financially unable to obtain counsel at his own expense, and (3) the issues presented in this matter are meritorious and entitle movant to relief. (Check if applicable) ☐ There are additional or

expanded reasons supporting appointment of counsel attached hereto on additional page(s), which are incorporated as if set

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

for Suspension of Habeas Corpus - (14th US Amend.)

17-32047

1 forth herein. These factors demonstrate the propriety of
2 appointment of counsel herein. See e.g. NRS 34.750(1) (examples
3 of criteria warranting appointment of counsel in habeas corpus
4 proceedings).

5 For the reasons set forth herein, the Court should order
6 the appointment of counsel for and in relation to the instant
7 proceedings.

8 Dated this 19th day of September, 2017.

9 Brian K. O'Keefe
10 Brian K. O'Keefe # 90244
11 Lovelock Correctional Center
12 1200 Prison Road
13 Lovelock, Nevada 89419

14 Appellant In Pro Se

15 CERTIFICATE OF SERVICE

16 I do certify that I mailed a true and correct copy of
17 the foregoing to the below address(es) on this 19th day of
18 Sept., 2017, by placing same in the U.S. Mail via
19 prison law library staff: By Bass Slip No. 2008133

20 Supreme Court of Nevada
21 Office of the Clerk
22 201 S. Carson St., Suite 201
23 Carson City, NV 89701

24
25
26 Brian K. O'Keefe
27 Brian K. O'Keefe
28 Appellant In Pro Se