

*Steven D. Grierson*

NOAS  
Brian Kerry O'Keefe # 90244  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

Electronically Filed  
Jan 03 2019 02:11 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

BRIAN KERRY O'KEEFE, )  
Plaintiff, )  
-vs- )  
THE STATE OF NEVADA )  
Defendant\_\_ )

Case No. A-18-783689-W  
Dept. No. XXX

• SEE ATTACHED APPLICATION TO PROCEED IN  
FORMA PAUPERIS WITH FINANCIAL CERTIFICATE

CIVIL - NOTICE OF APPEAL 1

NOTICE IS GIVEN that Plaintiff, Brian Kerry O'Keefe,  
in pro se, hereby appeals to the Nevada Supreme Court the  
denial of the unopposed noticed served petition despite N.R.Civ.P. 12(c) Motion  
as filed/entered on the 5<sup>th</sup> day of December, 2018,  
(complete if applicable) and the \_\_\_\_\_

\_\_\_\_\_, as filed/entered on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, in the above-entitled Court.

Dated this 18<sup>th</sup> day of December, 2018.

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

Plaintiff In Pro Se

FN1: Court failed to address that  
Count 1 conviction returned by jury  
was on the lesser included simple misdemeanor battery and that the State  
used one INFORMATION that charged (6) six counts INVOKED N.R.Civ.P. 8(d).  
STATE FILED NO OPPOSITION ALSO INVOKING EDCR 2.20.

090-24 FORM 17CCT  
CLERK OF THE COURT

DEC 24 2018

RECEIVED

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**CERTIFICATE OF SERVICE**

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 18<sup>th</sup> day of December, 2018, by placing same in the U.S. Mail via prison law library staff: Prison Slip No. 2273779

Steven Garrison, Clerk of Court (8TH JUD.)  
200 Lewis Avenue, 3RD Floor  
Las Vegas, Nevada 89155

Brian L. O'Keefe  
Brian L. O'Keefe # 90244  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

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**AFFIRMATION PURSUANT TO NRS 239B.030**

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. A783689-W does not contain the social security number of any person.

Dated this 18<sup>th</sup> day of December, 2018,

Brian L. O'Keefe  
Brian L. O'Keefe

Petitioner In Pro Se



1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 BRIAN KERRY O'KEEFE,

10 Plaintiff(s),

11 vs.

12 STATE OF NEVADA,

13 Defendant(s),  
14

Case No: A-18-783689-W

Dept No: XXX

15  
16 **CASE APPEAL STATEMENT**  
17

18 1. Appellant(s): Brian K. O'Keefe

19 2. Judge: Jerry A. Wiese

20 3. Appellant(s): Brian K. O'Keefe

21 Counsel:

22 Brian K. O'Keefe 90244  
23 1200 Prison Rd.  
24 Lovelock, NV 89419

25 4. Respondent (s): State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, October 30, 2018

8 \*\*Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: N/A

10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: October 30, 2018

12 10. Brief Description of the Nature of the Action: Civil Writ

13 Type of Judgment or Order Being Appealed: Dismissal

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 29 day of December 2018.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk

22 200 Lewis Ave

23 PO Box 551601

24 Las Vegas, Nevada 89155-1601

25 (702) 671-0512

26 cc: Brian K. O'Keefe

# CASE SUMMARY

## CASE NO. A-18-783689-W

**Brian O'Keefe, Plaintiff(s)**  
**vs.**  
**Nevada State of, Defendant(s)**

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§

Location: **Department 30**  
 Judicial Officer: **Wiese, Jerry A.**  
 Filed on: **10/30/2018**  
 Cross-Reference Case Number: **A783689**  
 Defendant's Scope ID #: **1447732**

### CASE INFORMATION

Case Type: **Other Civil Writ**

Case Status: **10/30/2018 Open**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-18-783689-W  
 Court Department 30  
 Date Assigned 10/30/2018  
 Judicial Officer Wiese, Jerry A.

### PARTY INFORMATION

**Plaintiff** **O'Keefe, Brian Kerry**

**Pro Se**







**Defendant** **Nevada State of**

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

|            |   |
|------------|---|
| 10/19/2018 |  Application to Proceed in Forma Pauperis<br>Filed By: Plaintiff O'Keefe, Brian Kerry  |
| 10/30/2018 |  Inmate Filed - Petition for Writ of Habeas Corpus<br>Party: Plaintiff O'Keefe, Brian Kerry<br><i>Petition for Writ of Coram Nobis</i>   |
| 10/30/2018 |  Order to Proceed In Forma Pauperis<br>Granted for: Plaintiff O'Keefe, Brian Kerry   |
| 10/30/2018 |  Notice of Motion<br>Filed By: Plaintiff O'Keefe, Brian Kerry<br><i>Petition for Civil Writ</i>  |
| 10/30/2018 |  Filed Under Seal<br>Filed By: Plaintiff O'Keefe, Brian Kerry  |
| 11/30/2018 |  Motion<br>Filed By: Plaintiff O'Keefe, Brian Kerry<br><i>Motion for Judgment on the Pleadings with Notice Provided by Affidavit that the State failed to File any Type of Response Despite Service of Said Petition as a Matter of Law with Consequences as Admission Under NRCIVP. 8 (d)</i> |

## CASE SUMMARY

CASE NO. A-18-783689-W

12/24/2018



Notice of Appeal

Filed By: Plaintiff O'Keefe, Brian Kerry  
*Civil - Notice of Appeal*

12/29/2018



Case Appeal Statement

Filed By: Plaintiff O'Keefe, Brian Kerry  
*Case Appeal Statement*

### **HEARINGS**

12/05/2018



**Petition** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Events: 10/30/2018 Notice of Motion

*Notice of Petition for Civil Writ of Coram Nobis*

Denied;

Journal Entry Details:

*No parties present. Court ADVISED, it appeared the State was properly noticed with the Motion, no opposition was filed, however, in reading the petition, Court NOTED, Plaintiff was convicted of counts 1 and 6 and found not guilty on all of the sexual assault charges.*

*Furthermore, the Court, was not convinced the acquittal on counts 2 to 5 required an acquittal on counts 1 and 6, as they were independent charges, consequently, ORDERED, Petition DENIED.;*

## CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A-18-783689-W

XXX

## I. Party Information

Plaintiff(s) (name/address/phone):

Brian O'Keefe Lovebeck Corr. Ctr.  
1200 Prison Road  
Lovebeck, Nevada 89419

Defendant(s) (name/address/phone):

THE STATE OF NEVADA et al.  
200 LEWIS AVE  
Las Vegas NV. 89155-2212

Attorney (name/address/phone):

SAME

Attorney (name/address/phone):

Clark County District Attorney  
SAME AS ABOVE

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

## Civil Cases

## Real Property

- ☐ Landlord/Tenant  
☐ Unlawful Detainer  
☐ Title to Property  
☐ Foreclosure  
☐ Liens  
☐ Quiet Title  
☐ Specific Performance  
☐ Condemnation/Eminent Domain  
☐ Other Real Property  
☐ Partition  
☐ Planning/Zoning

## Torts

## Negligence

- ☐ Negligence - Auto  
☐ Negligence - Medical/Dental  
☐ Negligence - Premises Liability (Slip/Fall)  
☐ Negligence - Other

- ☐ Product Liability  
☐ Product Liability/Motor Vehicle  
☐ Other Torts/Product Liability  
☐ Intentional Misconduct  
☐ Torts/Defamation (Libel/Slander)  
☐ Interfere with Contract Rights  
☐ Employment Torts (wrongful termination)  
☐ Other Torts  
☐ Anti-trust  
☐ Fraud/Misrepresentation  
☐ Insurance  
☐ Legal Tort  
☐ Unfair competition

## Probate

- ☐ Summary Administration  
☐ General Administration  
☐ Special Administration  
☐ Set Aside Estates  
☐ Probate Trust/Conservatorships  
☐ Other Probate

## Other Civil Filing Types

- ☐ Construction Defect  
☐ Breach of Contract  
☐ Building & Construction  
☐ Insurance Carrier  
☐ Commercial Instrument  
☐ Other Contracts/Acct/Judgment  
☐ Collection of Actions  
☐ Employment Contract  
☐ Guarantee  
☐ Sale Contract  
☐ Uniform Commercial Code  
☐ Civil Petition for Judicial Review  
☐ Other Administrative Law  
☐ Department of Motor Vehicles  
☐ Employer's Insurance of Nevada  
☐ Appeal from Lower Court (also check applicable civil case box)  
☐ Transfer from Justice Court  
☐ Justice Court Civil appeal  
☒ Civil Writ CORAM NOBIS  
☐ Other Special Proceeding  
☐ Other Civil Filing  
☐ Compromise of Minor's Claim  
☐ Conversion of Property  
☐ Damage to Property  
☐ Employment Security  
☐ Enforcement of Judgment  
☐ Foreign Judgment - Civil  
☐ Other Personal Property  
☐ Recover of Property  
☐ Stockholder Suit  
☐ Other Civil Matters

## III. Business Court Requested (Please check applicable category; for Clark and Washoe Counties only.)

- ☐ NRS Chapters 78-88  
☐ Investments (NRS 104B)  
☐ Enhanced Case Mgmt/Business  
☐ Commodities (NRS 90)  
☐ Deceptive Trade Practices (NRS 598)  
☐ Other Business Court Matters  
☐ Securities (NRS 90)  
☐ Trademarks (NRS 600A)

September 27, 2018

Date

Brian O'Keefe

Signature of initiating party

#90244 per NRS 208.165

RECEIVED

OCT 04 2018

Nevada AOC - Planning and Analysis Division

CLERK OF THE COURT

See other side for family-related case filings.

A-18-783689-W  
 CCS  
 Civil Cover Sheet  
 4792668

Form PA 201  
 Rev 2.0



Other Civil Writ

COURT MINUTES

December 05, 2018

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A-18-783689-W      Brian O'Keefe, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

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December 05, 2018      09:00 AM      Notice of Petition for Civil Writ of Coram Nobis

HEARD BY:      Wiese, Jerry A.      COURTROOM: RJC Courtroom 14A

COURT CLERK: Medina, Vanessa

RECORDER:

REPORTER:      Farkas, Kimberly

PARTIES PRESENT:

### JOURNAL ENTRIES

No parties present. Court ADVISED, it appeared the State was properly noticed with the Motion, no opposition was filed, however, in reading the petition, Court NOTED, Plaintiff was convicted of counts 1 and 6 and found not guilty on all of the sexual assault charges. Furthermore, the Court, was not convinced the acquittal on counts 2 to 5 required an acquittal on counts 1 and 6, as they were independent charges, consequently, ORDERED, Petition DENIED.





**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**BRIAN K. O'KEEFE #90244**  
**1200 PRISON RD.**  
**LOVELOCK, NV 89419**

**DATE: December 29, 2018**  
**CASE: A-18-783689-W**

**RE CASE: BRIAN KERRY O'KEEFE vs. STATE OF NEVADA**

NOTICE OF APPEAL FILED: December 24, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

CIVIL - NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

BRIAN KERRY O'KEEFE,

Plaintiff(s),

vs.

STATE OF NEVADA,

Defendant(s),

Case No: A-18-783689-W

Dept No: XXX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 29 day of December 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk