

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

BRIAN KERRY O'KEEFE,)
)
Appellant,)
)
-VS-)
)
THE STATE OF NEVADA)
)
)
Respondent.)

Case No. 77797

FILED

FEB 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

* CASE-OF- FIRST- IMPRESSION

* I.F.P. GRANTED

MOTION TO APPOINT COUNSEL

Comes now, Brian Kerry O'Keefe, appellant in pro
se, and moves the Court for an order appointing him counsel for
the foregoing proceedings.

This motion is based upon all documents in the original
record and/or appellate record herein, NRAP 46(c) and the
following; "New precedent under Petition of Coram Nobis."

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) 1 There are additional or

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

FEB 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

FN1: A FUNDAMENTAL "MISCARRIAGE OF JUSTICE" with Count 1 simple
battery failing to sustain Count 6, felonious intent. see also Nev. Const. Art. 15 § 3
19-08888

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). ~~Coram no his~~

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 21st day of February, 2019.

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

14 Petitioner 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 21st day of
18 February, 2019, by placing same in the U.S. Mail via
19 prison law library staff:

20 Clerk of Court
21 201 S. Carson St.
22 Ste. 201
23 Carson City, NV. 89701

24
25
26 Brian K. O'Keefe
27 Brian K. O'Keefe

28 Petitioner In Pro Se