

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAR 08 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

BRIAN KERRY O'KEEFE
Appellant,

vs.

THE STATE OF NEVADA
Respondent.

Supreme Court No. 77797

District Court No. A-18-783689-W
8TH Judicial District Court
Dept. XXX Judge Jerry A. Wiese

CASE - OF - FIRST - IMPRESSION

APPELLANT'S INFORMAL BRIEF

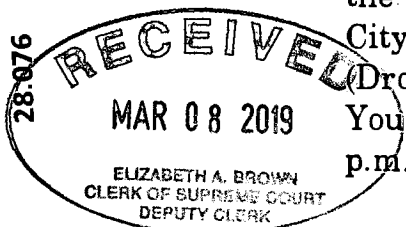
INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may file your brief in person or by mail.

To file your brief in person: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, or at the Regional Justice Center Clerk's Office (Drop Box), 200 Lewis Street, 17th Floor, Las Vegas, Nevada.

You can file your brief Monday through Friday, 8:00 a.m. to 4:00 p.m.



INVOKE HAINES v. KERNER, 404 U.S. 519, 520 (1972); 19-10532

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

1

Filed Date	Name of Judgment or Order
12/05/2018	ORAL PRONOUNCEMENT PETITION DENIED
	• see FN 1 Below

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 12/24/2018

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
3:18-cv-00071	42 USC § 1983	U.S.D.C. DISTRICT OF Nevada
3:14-cv-06411	ALL WRITS ACT, 28 USC § 1651, 2241	U.S. Dist Court Nevada
* Senior Federal	District Court Judge R.C. Jones.	

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

1.) Pursuant N.R.Civ.P 8, O'Keefe filed clear pleading as Petition for Writ of Coram Vobis.

2.) O'Keefe was expressly informed by Federal Judge R. Jones to seek relief in "8TH Judicial District Court," who wrongly sentenced O'Keefe by deception, collusion and moral turpitude. Chief Deputy D.A. Susan Kriokis committed fraud upon J. Stewart Bell with Judge Bell assuming O'Keefe pled guilty to Burglary as untruth!

Informal Brief Form October 2015 FN 1: INVOKING NRAP 4(b)(5)(B) (...The district court judge shall enter a written judgment or order ... within 20 days... oral pronouncement...)

- 3) The Court had no authority to sentence O'Keefe on Felony Burglary where as a "jurisdictional fact" O'Keefe had been acquitted of all felonious intent, in which Count 6 Burglary was based.
- * • see State v. Contreras, 118 Nev. 332, 338 (2002) (MAUPIN, C.J., concurring) *
- 4) Judge Sally Boehra failed to correct defective verdict allowing case to be transferred to Judge Bell who was unaware that based on the single INFORMATION (0202793) Charges (6) Felony Counts, O'Keefe was acquitted of the first (5) felonies, however on Count 1 only, the jury returned the lesser included simple misdemeanor battery subsequent the acquittal on Count 1 BATTERY WITH INTENT TO COMMIT A CRIME (F)
- 5) The State logged, at that time, in NOTIS that O'Keefe pled guilty to Felony Burglary to which the state lied on record.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed).

- 1) O'Keefe filed a petition, pursuant N.R.Civ.P. 8, to which this clear simple pleading warranted a WRIT to issue and hold a hearing, based on colorable claim. INVOKE Nev. Const., Article I § 8 (5) and Nev. Const., Art. 15 § 3.
- 2) The Court recognized, despite being properly served, that the state wished to be silent yet placed in the minute order issued he wasn't convinced to O'Keefe's claim.
- 3) Court should have ordered, subsequent issuing WRIT, the state to answer and possibly appoint Counsel based on colorable claim where O'Keefe also requested counsel.

- 4.) The Court is required to be equitable and if the Court was not convinced that a simple misdemeanor verdict, returned by a jury, can not supply the required felonious intent, then he should have ordered show cause or an answer by the state. O'Keefe has a protected liberty interest by N.R.Civ.P. 8 and U.S. 1st Amendment.
- 5.) The Court recognized a fundamental miscarriage of justice occurred yet got scared and simply disavowed the truth!
- PRAYER AND ACTION FOR SUPREME COURT TO TAKE!
- 1.) Obstinately, appoint counsel to verify truth of claims, for this court, based on absolute seriousness of allegation, by briefing.
- 2.) Alternatively, Reversal and Remand Back, and instruct Judge Wiese to issue writ for hearing where state answers or chooses ³ to waive where Judge Wiese must rule on the merits in the first instance, for any possible appeal by any party.

DATED this 5th day of March, 2019.

Brian L. O'Keefe #90244
Signature of Appellant

Brian L. O'Keefe
Print Name of Appellant

FN3: O'Keefe filed Judgment on the Pleadings, filed 11/30/18, where state already chose to remain silent, where O'Keefe invoked N.R.Civ.P. 8(d) and EDCR 2.20 with EDCR 3.20.

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

DATED this 5th day of March, 20 19.

Brian K. O'Keefe

Signature of Appellant

Brian K. O'Keefe

Print Name of Appellant

1200 Prison Road

Address

Lovelock, NV. 89419

City/State/Zip

Telephone