

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA MAY 02 2019

BRIAN KERRY O'KEEFE  
Appellant,  
  
vs.  
THE STATE OF NEVADA, et al.  
Respondent.

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

Supreme Court No. 77797

District Court No. A-18-783609-W

● SUPPLEMENTAL - APPELLANT'S INFORMAL BRIEF <sup>1</sup>

**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 submit your brief for filing in person or by mail.

**To file your brief in person:** Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

**Carson City:** Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

**Las Vegas:** Place your brief in the Clerk's Office Drop Box at the Las Vegas Courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
INFORMAL BRIEF FORM, October 2017  
DEPUTY CLERK

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FN1: Supplemental based on district court's late Notice of Entry of Order filed 3/28/2019.  
Supplement to INFORMAL FILED 3/8/2019, 19-19312

28.076

**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.

Filed Date	Name of Judgment or Order
03/25/19	NOTICE OF ENTRY OF ORDER: ORDER

**Notice of Appeal.** Give the date you filed your notice of appeal in the district court: \_\_\_\_\_

**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

**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. O'Keefe filed INFORMAL Brief March 8, 2019 prior Judge's Order.
2. Judge Wiere finally Aiter and Enters ORDER Memorializing his December 5, 2018 decision of O'Keefe's Petition for Writ of Habeas Corpus based on collateral consequence where parole was denied on August 21, 2018 based on Void Burglar conviction entered as a fundamental miscarriage of justice.

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. District Court (Judge Wiese) incorrectly treated O'Keefe's CORAM NOBIS Petition as a post conviction petition for habeas corpus because O'Keefe is not in custody on this case. The Nevada Supreme Court delineated this fact already in • Trujillo v. State of Nevada, 310 P.3d 594 (Oct. 10, 2013 FRED) Opinion by C.J. Douglas. see DISCUSSION
2. SCOPE OF PROVISIONS INCLUSIVE (NRS 34.720 to NRS 34.830) do not apply to petition for CORAM NOBIS. see also • Jackson v. State, 118 Nev. 21, 23, 973 P.2d 241, 242 (1999)

3. Judge Wiese omits in procedural that O'Keefe timely filed and also served, "Judgment on the Pleadings" filed 11/30/2016 in which O'Keefe incorporated NE Civ P 8(d), EDCR 2.20, EDCR 3.20 with state filing no opposition. see NEAP 31(d)

4. O'Keefe filed for 59(e) relief where court removed from court docket ?!

8. ● PRAYER AND ACTION FOR SUPREME COURT TO TAKE: EXPEDITE.

- a) Retain case and resolve based on all "prejudice" O'Keefe has suffered where collateral consequences are occurring daily.
- b) Recognize "15" year extreme delay in having wrongful felony reported to the WORLD wrongly, unjustly.  
A Question of Law exists, truly needing nothing else.
- c) Honor your Oath of Office, with the Rule of Law to apply and digest O'Keefe only sought a fair trial in the first instance (CZCZB) and O'Keefe never asked anyone to commit simulated facts, favors or to let me go free.  
O'Keefe only exercised his Constitutional Right being denied by state.

DATED this 18th day of April, 2019.

FNZ: "Expedite Case" by retaining case. This case has been another "15" year matter of injustice.

Brian L. O'Keefe  
Signature of Appellant

Brian L. O'Keefe  
Print Name of Appellant

Subject-matter-jurisdiction claims can be raised at anytime, any stage and best raised in this court at a case-of-first-impression.

- see Landreth v. Malik, 127 Nev. 175 (2011 Filed) (... S.M.F. ... by Court of Review...)

### 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):

Office of the Clerk      By Brian O'Keefe No. 228567  
201 S. Carson St.  
Suite 201  
Carson City, NV 89701

DATED this 18<sup>th</sup> day of April, 2019.

Brian O'Keefe

Signature of Appellant

Brian O'Keefe

Print Name of Appellant

1201 Prison Road

Address

Cove Neck Nevada 89419

City/State/Zip

\_\_\_\_\_  
Telephone