

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE

Case No. 77797

Appellant

EIGHTH JUDICIAL CASE NO. A-18-783689-W

-VS-

THE STATE OF NEVADA

FILED

MAY 03 2019

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

Respondent

MOTION FOR LEAVE OF COURT TO FILE THE
FOLLOWING SUPPLEMENTAL INFORMAL BRIEF,
BASED ON THE DISTRICT COURT'S SUBSEQUENT
ACT OF FILING ORDER ON 03/25/2019,
WHICH THIS COURT ONLY STAMPED RECEIVED 4/22/19

• (supplemental Informal Brief (5) pages following separately)

Comes Now, Brian O'Keefe, Appellant proper, who humbly submits
thereby requests "leave of court" to have the following supplement FILED.

Where this Supreme Court has ordered the district court to
file his final decision by memorializing his 12/05/18 denial and
ordered the certified record in which appellants supplement is needed.

This supplemental authorities, pursuant NRAP 31(e), provides this Courts
precedent where the scope of provisions NR 34.720 to NR 34.830 inclusive
are not applicable to expired cases and petitions of Writs of
Coram Nobis with "Trujillo" citing Jackson v. State, 115 Nev. 21, 23 (1999).
Additional clarification expressed in appellants supplemental prayer for relief.

Dated this April 29, 2019 pursuant NR 200.165 by: Brian K. O'Keefe

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
D. [Signature]

DAVID HARNES v. KERNER, 404 U.S. 518, 520 (1972) (per curiam)
Brian K. O'Keefe
Lovelock Correctional Center
1200 Prison Road
Lovelock Nevada 89409
18-19570

LCC IL FORM 28.014

RECEIVED

MAY 27

28

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing MOTION FOR LEAVE OF COURT to the below address(es) on this 29th day of April, 2019, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b): No. 228 4843, B208 Slip.

Supreme Court of Nevada
Office of the Clerk
201 S. Carson St.
Ste. 201
Carson City, Nv. 89701

Brian K. O'Leary
Brian K. O'Leary # 90244
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Appellant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION FOR LEAVE OF COURT -- filed in District Court Case No. 77297 does not contain the social security number of any person.

Dated this 29th day of April, 2019.

Brian K. O'Leary
Brian K. O'Leary
Appellant In Pro Se

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 77797

District Court No. A-18-783689-W

● SUPPLEMENTAL - 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 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.

RECEIVED
APR 25 2019
CLERK OF APPELLATE COURTS
DEPUTY CLERK

FN1: Supplemental, based on district court's late Notice of Entry of Order filed 3/25/2019.

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 Coram Nobis based on collaterals consequences where parole was denied on August 21, 2018 based on Void Burglary conviction entered as a fundamental miscarriage of justice.

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

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

5. ● 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 delay reported to the WORLD wrongly, unjustly.

A Question of Law exists, truly needing nothing else.

c) Honor your Oaths of Office, with the Rule of Law to apply and digest O'Keefe only sought a fair trial in the first instance (case 2013) 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 10th day of April, 2019.

FN2: "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 Broker Slip No. 2285617
201 S. Carson St.
Suite 201
Carson City, NV 89701

DATED this 18th day of April, 20 19.

Brian O'Keefe
Signature of Appellant

Brian O'Keefe
Print Name of Appellant

1200 Prison Road
Address

Cove Neck Nevada 89419
City/State/Zip

Telephone