

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,)

Case No. 77797

Appellant,)

8TH Case No. A-18-783689-W

-VS-

THE STATE OF NEVADA, et al,)

FILED

JUL 19 2019

Respondent,)

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. Richards
DEPUTY CLERK

MOTION TO TAKE JUDICIAL NOTICE OF
MATTERS OF LAW AND OF FACT
ATTACHED VIA AFFIDAVIT PURSUANT
NRS 47.140 AND NRS 47.150 (2)
AND ORDER STATE TO ANSWER ON MERITS

COME NOW, Brian O'Keefe, Appellant proper, to humbly provide this court with relevant material in aid and interest of justice, tantamount to a fundamental right and liberty interest.

This "affidavit" is necessary to provide this court with concise points for a righteous judicial ruling under the "Rule of Law."

This action is appellant's last attempt to only present the "TRUTH" thereby placing all my faith in this Court's power to uphold the law with "Equity and Fairness" when at all times petitioner O'Keefe invoked his rights to jury trials and placed the truth as facts in the court records for appellate review.

This action is made with all papers already on file and attached affidavit.

Dated 14th day of July, 2019 pursuant NRS 208.165, by Jim W. [Signature]

HAINEY vs KERNER, 404 U.S. 519, 520 (1972);

New Const. Article I § 2.

Brian K. O'Keefe
pro per #90296

RECEIVED

28 JUL 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-30566

AFFIDAVIT OF Mr. Brian O'Keefe (#90244)

STATE OF NEVADA) Nev. Supreme Court Case NO. 77797

) SS:
COUNTY OF PERKINS)

I, Brian Kerry O'Keefe, the undersigned, do hereby swear that all the following statements are true and correct, to the best of my own knowledge and of my own volition.

1. My name is Brian Kerry O'Keefe.

2. I am over 18 years of age, I reside at Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 89419. I am fully competent to make this affidavit and I have personal knowledge of the facts stated herein.

3. Recognizing as a matter-of-law the factual allegations are to be taken as true when never addressed on the merits.

• INVOKE Nev. R. Civ. P. 8(d), EDCR 2.20, EDCR 3.20 and NRAP 31(d);

4. When a petitioner's claim is denied on procedural grounds, courts take the petitioner's factual allegations as true and therefore petitioner is entitled to the benefit of all averments;

• INVOKE Conley v. Gibson, 355 U.S. 41, 45-46 (1957);

5. As a confession of error and a consent to granting of the same the consequences of the state who not once forfeited and waived petitioner's averments but twice failed to OPPOSE or answer in any fashion both the Petition of CORAM NOBIS filed October 30, 2018 and Petitioner's MOTION FOR A Judgment on the Pleadings served and filed on November 30, 2018 to which is undisputed;

• INVOKE Nev. R. Civ. P. 8(d); EDCR 2.20 and EDCR 3.20;

Box No. 77797

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing
(check appropriate box)

☐ Opening Brief

☐ Reply Brief

☒ Motion: MOTION TO TAKE JUDICIAL NOTICE...

☐ Petition: _____

☒ Other: _____

to the below address(es) on this 15th day of July, 2019, by
placing same in the hands of prison staff for posting in the U.S. Mail, per

Nev.R.App.P. 25: By Brass Slip No. 2281819

Nevada Supreme Court

OFFICE OF THE CLERK

200 S. Carson St.

Suite 201

Carson City, Nevada 89201 (-972)

Attorney For _____

☐ and

_____, Nevada 89_____

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

Appellant In Pro Se