

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,

Case No. 77797

Appellant,

(Case of First Impression). ARE WE SEEKING
TO REALLY ADJUDICATE THE TRUTH UNDER LAW
ORDER STATE TO ADMIT TRUTH OF THE MATTER

-VS-

THE STATE OF NEVADA

FILED

JAN 31 2020

Respondent

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

MOTION FOR LEAVE OF COURT TO FILE
THIS CONTROLLING SUPPLEMENTAL
AUTHORITY ON AFFIRMATIVE DEFENSE
OF WAIVER WHERE STATE MUST RAISE
WAIVER EXPRESSED IN PHELPS, 104 Nev. at 659,
764 P.2d at 1305 (1988) JUST LEARNED

COMES NOW, Brian O'Keefe, pro per, to humbly file this action in
all hopes and prayers that this Supreme Court will exercise its
inherent authority and apply the "Rule of Law" where this court
has delineated in Mazzan vs. State, 112 Nev. 838, at 840-41 (1996)

"the State must raise waiver of abuse of the writ as affirmative
defenses before a petitioner is required to show cause for failure
to raise claims earlier. Id. at 659, 764 P.2d at 1305."

Where the Clark County District Attorney failed to "oppose" O'Keefe's
proper Petition for a Writ of Coram Nobis, despite proper service of
petition, the State continues their scheme of manifest injustice
where a proven case of "actual innocence" exists by "actual innocence"
contrary to the "Rule of Law" with O'Keefe suffering collateral
consequences daily as fundamental unfairness and a miscarriage of justice!
Date: this 27th day of January 2020, pursuant Nev 208.165, by Brian L. O'Keefe
CLERK OF SUPREME COURT
DEPUTY CLERK

FN1 (Despite fact O'Keefe "factually" lived at residence.)

Loveless Court, P.O.
1200 Preston Road
Loveless, Nev. 89419

20-04414

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 FOR LEAVE - - -

☐ Petition: _____

☐ Other: _____

to the below address(es) on this 27th day of January, 2020, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25:

Clark County Dist. Attorney
200 Lewis Ave.

Las Vegas, Nevada 89188

Attorney For _____

☐ and

_____, Nevada 89_____

Brian K. O'Leary # 90244

Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant In Pro Se