

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE ,)

Case No. 77797

Appellant ,)

-vs-

THE STATE OF NEVADA ,)

Respondent ,)

FILED

APR 6 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY DEPUTY CLERK

FILED

AUG 01 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

DEPUTY CLERK

AFFIDAVIT OF BRIAN O'KEEFE

MANIFESTING COHABITATION

SUPPORTED BY RECORD AND

A MYRIAD OF MOTIONS FILED

BY THE STATE HAVING KNOWLEDGE

NOTING THIS COURT ORDERED THE RECORD

Come Now, Brian O'Keefe, appellant pro se,
to humbly file this affidavit in support of this action.

Petitioner prays this Court will remember their
honorable role in corralling the district courts in
resolving true issues of the people in the Silver State.

Petitioner is only exercising his pro se right to the
courts via a true civil action to redress his rights by
the petition of certiorari filed 10/30/2018.

A true fundamental miscarriage of justice has occurred
where by the "Rule of Law" and "Judicial Branch" O'Keefe

this Court will remain equitable and honorable when
exercising their inherent power to decide this case.

Dated (this) 24th day of April 2019 pursuant NCS 208-165, Brian K. O'Keefe
in presence of James W. Kenzel, 404 U.S. 514, 520 (1972)

RECEIVED
APR 13 2019
CLERK OF SUPREME COURT
DEPUTY CLERK

19-165710
19-32398

AFFIDAVIT OF Brian Kerry O'Keefe

STATE OF NEVADA)

CASE No.

SCN 77797COUNTY OF PERSHING)

SS:

Btl Case No. A-18-783689-W

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. Affiant up to the time of the alleged event, police no. 040529-2232 (May 29, 2004 incident), lived with and had property at Victoria's Whitmarsh's and Brian O'Keefe's residence in cohabitation.

4. Affiant decided to move out later that day where O'Keefe packed all his belongings and was waiting on a friend who was called and stated he would be over after work. Police took photos of all property inside residence by door.

5. Affiant had no "TPO" filed against him at that time.

6. Chief Deputy District Attorney (AKA Assistant D.A.) Christopher Lalli filed Notice of Motion AND Motion in Limine to Admit Evidence of Other Bad Acts Pursuant NRS 48.045 AND EVIDENCE OF DOMESTIC VIOLENCE Pursuant NRS 48.041 on 01/06/2011 12:59:49 PM which specifically manifests on page 6 of motion, lines 23-28 that on May 29, 2004, Victoria and Defendant got into a verbal argument. The police were once again called to the "COUPLE'S" RESIDENCE and defendant left for a cooling off period. Later on May 29, 2004

(continued)

1 dispatch received a call from the Budget Suites management office
2 where Defendant and Victoria resided reporting a domestic incident
3 between the two (2). • (COPIED VERBATIM FROM STATE'S MOTION)
4 • INCORPORATE HERE BY REFERENCE STATE'S MOTION filed 1/06/2011

5 7.) Affiant never entered his residence with any intent to
6 commit any crime, on May 29, 2004. O'Keefe called Victoria
7 in the early hours and stated he was now coming home
8 and needed sleep. Victoria instantly concerned, asked
9 only whether I had notified my employer and requested
10 the day off to which I answered yes.

11 8.) Affiant and Victoria did not get into an argument,
12 verbal, until hours after I had entered our residence.

13 9.) Affiant didn't even tell Victoria he was leaving
14 and had called his friend until she came back
15 from the store where Victoria had herself bought
16 food and cigarettes, on May 29, 2004 after she opened
17 the door for me and returned from store which is in
18 the trial court records.
19

20 I declare under penalty of perjury that the foregoing is true and correct, and
21 that this document is executed without benefit of a notary pursuant to NRS 208.165
22 and/or 28 U.S.C.A § 1746 as I am a prisoner to state custody.

23 Dated this 6th day of April, 2019

24
25 Brian K. O'Keefe #90244
26 Brian K. O'Keefe
27
28
SEN NO. 77797

8CN 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: _____☐ Petition: _____☒ Other: AFFIDAVIT

to the below address(es) on this 9th day of April, 2019, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25:

Clerk of the CourtNevada Supreme Court201 S. Carson St.Ste. 201Carson City, Nevada 89701

Attorney For _____

☐ and _____

Brian L. Clark # 90244
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant In Pro Se

Brian O'Keefe

90244

Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

April 9th, 2019

SUPREME COURT OF NEVADA
CLERK OF THE COURT

Judicial District Court

2018 Carson St., Ste. 201
Carson City, Nevada 89701

RE: Amended INFORMAL BRIEF, Case No. 777797

Dear Clerk,

Please file and return me a filed/stamped copy.

* ~~See OTHER~~

I am in need of the following document(s) in the above case for my files:

___ Minutes of Hearing of ___

___ Judgment of Conviction, filed on ___

☒ Docket sheet listing all documents which have been filed.

___ ORDER ___
filed/entered on ___, 20__

* ☒ Other: *Please based now on my true indigency, humbly provide me a filed stamped copy of my AMENDED INFORMAL BRIEF. I would truly appreciate a copy returned.*

Would you please send me a copy of same at my address above? Thank you for your assistance in this matter. I await your response.

*Emphasis, this very Court * has approved clear indigency in the first instance.*

Sincerely,

*Bless and Thank /
You Very Much*

Brian O'Keefe
90244

