

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE ,)

Case No. 77797

Appellant ,)

BTH Case No. A-18-783689-W

-VS-

THE STATE OF NEVADA, et al ,)

FILED

JUL 19 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

Respondent ,)

FILED

AUG 01 2019

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

Comes 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.

14th day of July, 2019 pursuant NRS 208.165, by
ARON HAINES vs KEENE, 406 U.S. 519, 520 (1972);
New Const. Article I & 2.

Brian K. O'Keefe
pro per #90244

LCC LL FORM 28.014

RECEIVED
20 JUL 2019
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-30566
19-32399

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

STATE OF NEVADA) Nov. Supreme Court Case NO. 77799

) SS:

COUNTY OF PERSHING

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 for which is undisputed;

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

1 SOX. No. 77297

CERTIFICATE OF SERVICE

2 I do certify that I mailed a true and correct copy of the foregoing

3 (check appropriate box)

4 ☐ Opening Brief

5 ☐ Reply Brief

6 ☒ Motion: Motion to Take Judicial Notice...

7 ☐ Petition: _____

8 ☒ Other: _____

9 to the below address(es) on this 15th day of July, 2011, by
10 placing same in the hands of prison staff for posting in the U.S. Mail, per

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

12 Nevada Supreme Court

13 OFFICE OF THE CLERK

14 200 S. Carson St.

Suite 201

Carson City, Nevada 89701-4202

15 Attorney For _____

16 ☐ and

17 _____

18 _____

19 _____

_____, Nevada 89_____

20 _____

21 B. K. O'Neil
22 Brian J. O'Neil # 90244
23 Lovelock Correctional Center

24 1200 Prison Road
Lovelock, Nevada 89419

25 Appellant

In Pro Se