

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE

Case No. 77797

Appellant

-VS-

THE STATE OF NEVADA, et al.

Respondent

FILED

JUL 19 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. J. Richard
DEPUTY CLERK

FILED

AUG 01 2019

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

MOTION TO TAKE JURISDICTION NOTICE
OF AFFIDAVIT WHERE QUESTION
OF LAW EXISTS DEMONSTRATING
DISTRICT COURT HAD NO BASIS OF
JURISDICTION TO CHARGE SIMPLE
BATTERY WHEN PARTIES COHABITATED
TRIGGERING A DOMESTIC RELATIONSHIP
FOR A ONLY BATTERY D.V. CHARGE (M)

COMES NOW, Brian O'Keefe, appellant pro per to provide
and humbly request this court to interject this point
of law which has absolute merit.

This action is made with the attached affidavit,
pursuant NRS 47.140, NRS 47.150 (2); and all papers on file.

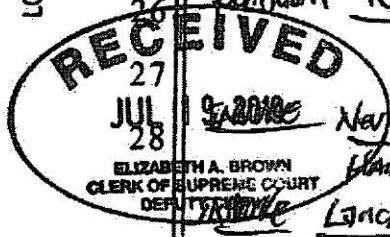
Dated this 16th day of July, 2019, by: Brian O'Keefe
pursuant NRS 208.165.

Brian K. O'Keefe
Lovelock Corr. Ctr.
1200 Prison Road
Lovelock, NV 89409
92264

See Court Article 15 & 2;
Blanca T. Keener, 404 US 59, 52 (ATL)
Lancheth v. Malik, 127 Nev. 175 (2011);
See 760 Susan T. Susan, 106 Nev. 464, (Lack of "SMS")

19-30614
19-32400

LCCLL FORM 28.014



AFFIDAVIT OF Brian O'Leary

STATE OF NEVADA)
) SS:
COUNTY OF PERKINS)

SCN. NO. 77797

I, Brian O'Leary, 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 O'Leary.

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.

LACK of "SINS"

3. I believe the state and court had no basis to add a charge to (F) Felony Count 1 NRS 200.400 BATTERY WITH INTENT TO COMMIT FELONY when parties cohabitated and were in a true dating relationship.

All police reports and subsequent state motions to INTRODUCE prior bad acts indicate truth that parties were a couple and lived together. (engaged)

Any lesser charge of simple battery was improper. At most, the charge should have been Battery Domestic Violence which would not work.

Plays of the state and abuse of power - SHAME SHAME. State could not charge Battery Domestic Violence for it would have been fatal to the wrongfully added Burglary Charge as Count 6. It would have killed the unlawful element.

4. State prosecutor Susan Krook and Ross Mitter allowed themselves to wrongfully prosecute a case that they knew evidence didn't support.

Moreover, the DART group came back with someone else's semen. Big cover up. Victoria was mentally ill and had many legal issues. Now Judge Cynthia Austin was aware of this and placed it on the court record to Judge V. Vega.

State placed on "Notice" O'Keefe pled guilty to Count 6 and had a new judge sentence me.

SHAMEFUL - WRONG - State made up cases and charged me one after another.

6. I'm very angry with the state judicial system.

Nobody will stand up and tell truth. Does not the "Rule of Law" mean anything?

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

Dated this 16th day of July, 2019

Bruce L. O'Keefe

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FN1: Allowed me to be extradited and called Fugitive when I was paying child support from Venetian Hotel and Las Vegas Hilton - others. Covering up placing on Notice I pled guilty to Burglary. See also # 78550 sent pending - See also # 71541 pending.

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: Subpoena Notice

to the below address(es) on this 16th day of July, 2012, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25:

Clerk of Court
Office of Clerk
200 N. Carson St.

Carm City, Nevada 89205

Attorney For _____

☐ and

_____, Nevada 89____

De K. O. K.
Prison Clerk # 90114
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant In Pro Se