

COURT OF APPEALS
IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

BRIAN KERRY O'KEEFE,)
Appellant,)

Case No. 77797-COA

-vs-

THE STATE OF NEVADA)
Respondent.)

FILED

SEP 09 2019

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

MOTION TO TAKE JUDICIAL NOTICE OF
LEGISLATIVE FACT THAT CRIMINAL
STATUTE NRS 205.060 (F) BURGLARY
IS AN IMPERMISSABLE CHARGE TO AN
OCCUPANT LIVING IN COHABITATION WHICH
IS AN UNDISPUTED FACT AND FACT IN EVIDENCE
AS A PUBLIC FACT, UNCONTESTED 1

Comes now, Brian O'Keefe, Appellant pro per, to
humbly provide this action, via "affidavit," as
a means to aid this COURT OF ERRORS & COURT
OF APPEALS OF THE STATE OF NEVADA. • (NRS 7.140(2) (statutes))
NRS 205.060 also provides and becomes
a protected liberty interest enforceable
by Nev. Const., article I § 8(s) with the
U.S. XIV Amendment's due process clause, with
equal protection of the law.
State chose not to file any opposition!
This 5th day of September, 2019 pursuant NRS 208.165-89070

Respectfully,
[Signature]
Brian K. O'Keefe
pro per #90244
High Desert State Prison
P.O. Box 70
Indian Springs, NV.
NRS 208.165-89070

LCCLL FORM 28.014

RECEIVED
SEP 09 2019

INVOLVED HAINES v. KEMNER, 404 U.S. 819, 820 (1972)
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-37699

AFFIDAVIT OF Brian O'Keefe

STATE OF NEVADA)

SCA (COA case No. 77797)

SS:

COUNTY OF CLARK)

I, Brian 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 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. Rule of Law and the law of the State of Nevada prohibits a person from the legal injury and impermissible conviction of felony Burglary where it was established, undisputed, uncontested and a fact in evidence, as a public fact, that Victoria Whitmarsh and Brian O'Keefe were a couple, living as married, together at the time charged.

4. The "Rule", "do no harm first" made no difference to the state, becoming an act of malfeasance, when covering the fact, by placing on Nevada Offender Tracking System ("NOTIS"), that O'Keefe, back in 2004, plead guilty to Burglary independently, having a new court, at penalty phase, sentence me (Judge S. Bell) unaware of the simulated facts.

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 5th day of September, 2019

Brian O'Keefe

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: Judicial Notice

☐ Petition: _____

☐ Other: _____

to the below address(es) on this 5th day of September, 2019, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25: Prepaid Postage

Clerk of the Court

COURT OF APPEALS

201 S. Carson St.

Ste. 201

Carson City, Nevada 89701

Attorney For _____

☐ and

_____, Nevada 89_____

High Desert O.P.

P.O. Box 70

Indian Springs, Nev.

89670

Brian O'Keefe # 90244

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

Appellant

In Pro Se