

NOAS

Brian Kerry O'Keefe # 90244  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

**FILED**

APR -4 2022

Elizabeth A. Brown  
CLERK OF COURT

Electronically Filed  
Apr 07 2022 08:49 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

EIGHTH  
DISTRICT COURT

CLARK COUNTY, NEVADA

\* \* \* \* \*

BRIAN KERRY O'KEEFE, )  
Plaintiff, )  
-vs- )  
THE STATE OF NEVADA )  
Defendant. )

\* Case of First Impression

Case No. A-18-783689-C202793

Dept. No. XXIV - 24

Judge Erik Ballou

( OMNIBUS - NOTICE OF APPEAL <sup>1</sup> )

NOTICE IS GIVEN that Plaintiff, Brian Kerry O'Keefe,  
in pro se, hereby appeals to the Nevada Supreme Court the denial  
of OMNIBUS MOTION NR8 176.555 / NRCVP 60 (b) on the issues on page 2,  
as filed/entered on the 17th day of March, 2022,  
(complete if applicable) and the

\_\_\_\_\_, as filed/entered on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, in the above-entitled Court.

Dated this 30th day of March, 2022.

Brian K. O'Keefe  
Brian K. O'Keefe # 90244  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

1 see issues on appeal on page 2  
hereby attached.

1 of 3

Docket 84511 Document 2022-10826

RECEIVED  
APR 04 2022  
090.42 WROFTTJST  
CLERK OF THE COURT

(ISSUES ON APPEAL) Case no.'s: A-18-783689  
04 CZ02793

1. Omnibus motions ultimately denied by district court and appealability.  
Case No. CZ02793 related A-18-783689-W.
2. The Nevada Legislature's intent of Nevada Revised Statute 176.555.  
Protected to body interests.
3. Courts to apply exception to the law of the case doctrine raised.  
Badly reasoned decisions on claims timely brought. (see NRS 48673)
4. "Judicial admissions" and application to claims. Confession of error.
5. Continuing collateral consequences, adverse daily to O'Keefe.
6. "En banc" decisions and statutory interpretations.
7. New constitutional rules - retroactive. Waiver of "Teague" defense, etc.
8. Fundamental Miscarriage of Justice standard of review, overcoming bars.
9. Inappropriate statute, misdemeanor, charged and conviction under  
NRS 200.481 versus appropriate NRS 33.018 (Dating Relationship).
10. "Due Process" mandates state's to provide corrective judicial  
process to correct fundamental manifest injustice and issues  
of fundamental miscarriage of justice.
11. District courts cannot raise defenses for State. (e.g. laches)  
Moreover, custody status is key affecting scope of statutes.

Case No. - A-18-783689 - 04C202793

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 30th day of March, 2022, by placing same in the U.S. Mail via prison law library staff:

01788 Slip No. 2671624  
Clerk All registered participants of cmlcc served by Clerk.  
NOTE: INVOICE EDOR 8.05 (a)(f) Registered Participants  
SERVICE LIST : Clark County District Attorney

• Paper copy to Non-Registered Participants

Brian Kerry O'Keefe  
1200 Prison Rd.  
Lovelock, NV 89419

Brian K. O'Keefe  
Brian K. O'Keefe # 90244  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. A-18-783689  
C202793 does not contain the social security number of any person.

Dated this 30th day of March, 2022.

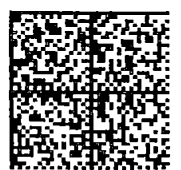
Brian K. O'Keefe  
Brian K. O'Keefe

Petitioner In Pro Se

Enma O'Heade #90244

Loc  
1200 Mission Rd.  
Cave Rock, NV 89419

LOVELOCK CORRECTIONAL CENTER



US POSTAGE  
ZIP 89419 \$ 000.53<sup>0</sup>  
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**INMATE LEGAL  
MAIL CONFIDENTIAL**

*Clerk of the Court (8<sup>th</sup> Judicial)*  
*Steven Overton*

200 Lewis Ave., 3RD FL

178 Vegas NV 89101

out 3/30/2022

CECA MAIL

RECEIVED  
APR - 4 2022

CLERK OF THE COURT  
*Steven Overton*  
CONFIDENTIAL



1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 BRIAN KERRY O'KEEFE,

14 Defendant(s),  
15

Case No: 04C202793

Dept No: XXIV

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Brian K. O'Keefe

20 2. Judge: Erika Ballou

21 3. Appellant(s): Brian K. O'Keefe

22 Counsel:

23 Brian K. O'Keefe #90244  
24 1200 Prison Rd.  
Lovelock, NV 89419

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: July 6, 2004

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 44372, 44644, 48673, 49329, 65040, 66785, 81867

12. Child Custody or Visitation: N/A

Dated This 5 day of April 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Brian K. O'Keefe

**CASE SUMMARY****CASE No. 04C202793****The State of Nevada vs Brian K O'Keefe**§  
§  
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§

Location: **Department 24**  
 Judicial Officer: **Ballou, Erika**  
 Filed on: **07/06/2004**  
 Case Number History:  
 Cross-Reference Case **C202793**  
 Number:  
 Defendant's Scope ID #: **1447732**  
 Lower Court Case # Root: **04F09774**  
 Lower Court Case Number: **04F09774X**  
 Supreme Court No.: **65040**  
**66785**

**CASE INFORMATION**

<b>Offense</b>	<b>Statute</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
1. ASSAULT AND BATTERY	200.400	F	01/01/1900	<b>Case Status:</b>	<b>07/15/2008 Closed</b>
2. SEXUAL ASSAULT	200.366	F	01/01/1900		
2. SEXUAL ASSAULT	200.364	F	01/01/1900		
3. SEXUAL ASSAULT	200.366	F	01/01/1900		
3. SEXUAL ASSAULT	200.364	F	01/01/1900		
4. SEXUAL ASSAULT	200.366	F	01/01/1900		
4. SEXUAL ASSAULT	200.364	F	01/01/1900		
5. ATTEMPT.	193.330	F	01/01/1900		
5. SEXUAL ASSAULT	200.366	F	01/01/1900		
5. SEXUAL ASSAULT	200.364	F	01/01/1900		
6. BURGLARY.	205.060	F	01/01/1900		

**Related Cases**

A-18-783689-W (Writ Related Case)

**Statistical Closures**

01/29/2008	USJR Reporting Statistical Closure
02/05/2007	USJR Reporting Statistical Closure
10/19/2006	USJR Reporting Statistical Closure
07/19/2006	USJR Reporting Statistical Closure
04/04/2006	USJR Reporting Statistical Closure
02/10/2005	USJR Reporting Statistical Closure
07/15/2008	USJR Reporting Statistical Closure
04/12/2006	USJR Reporting Statistical Closure
03/05/2005	USJR Reporting Statistical Closure
01/27/2006	USJR Reporting Statistical Closure

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	04C202793
Court	Department 24
Date Assigned	01/04/2021
Judicial Officer	Ballou, Erika

**PARTY INFORMATION**













<b>Defendant</b>	<b>O'Keefe, Brian K</b>	<i>Lead Attorneys</i>
		<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX**

# CASE SUMMARY

CASE No. 04C202793













## EVENTS

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07/19/2004	 Notice of Motion [5] Notice of Motion and Motion to Admit Evidence of Other Crimes	Index #5
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08/10/2004	 Notice of Expert Witnesses [8] Notice of Expert Witnesses [NRS 174.234 (2)]	Index #8
08/31/2004	 Opposition to Motion Filed By: Defendant O'Keefe, Brian K [10] Opposition to Motion to Admit Evidence of Other Crimes	Index #10
08/31/2004	 Notice of Witnesses Party: Defendant O'Keefe, Brian K [11] Defendant's Notice of Witnesses, pursuant to NRS 174.234	Index #11
09/02/2004	Hearing [9] STATUS CHECK: TRIAL SETTING	Index #9
09/09/2004	Hearing [12] PETROCELLI HEARING	Index #12
10/04/2004	 Substitution of Attorney Filed by: Defendant O'Keefe, Brian K [13] Substitution of Attorneys	Index #13
10/18/2004	 Certificate of Facsimile [14] Certificate of Facsimile Transmission	Index #14
10/20/2004	 Notice of Witnesses Party: Defendant O'Keefe, Brian K [17] Defendant's Notice of Witnesses	Index #17
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# CASE SUMMARY

CASE NO. 04C202793

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10/25/2004	 Jury List [21]	Index #21
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10/28/2004	 Proposed Jury Instructions Not Used At Trial [26]	Index #26
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12/03/2004	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K [28] Notice of Appeal	Index #28
12/06/2004	 Case Appeal Statement [29]	Index #29
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# CASE SUMMARY

CASE NO. 04C202793

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02/07/2005	 NV Supreme Court Clerks Certificate/Judgment - Dismissed [36] Nevada Supreme Court Clerk's Certificate Judgment - Dismissed	Index #36
02/11/2005	 Motion [37] Motion to Proceed in Forma Pauperis	Index #37
02/11/2005	 Receipt of Copy Filed by: Defendant O'Keefe, Brian K [38]	Index #38
02/28/2005	 Order Filed By: Defendant O'Keefe, Brian K [39]	Index #39
03/02/2005	 Notice of Entry of Order [40]	Index #40
03/03/2005	 Request Filed by: Defendant O'Keefe, Brian K [41] Request for Rough Draft Transcript	Index #41
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# CASE SUMMARY

CASE NO. 04C202793

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12/21/2005	 Motion for Clarification <i>[52] Motion for Sentence Clarification</i>	Index #52
12/30/2005	Motion <i>[53] ALL PENDING MOTIONS (12/28/05)</i>	Index #53
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06/27/2006	 Motion to Produce Filed By: Defendant O'Keefe, Brian K <i>[59] Proper Person Motion to Produce</i>	Index #59
06/28/2006	 Demand for Prior Discovery Filed By: Defendant O'Keefe, Brian K <i>[60] Proper Person Demand for Prior Discovery</i>	Index #60
07/03/2006	 Request Filed by: Defendant O'Keefe, Brian K <i>[61] Request for Rough Draft Transcript</i>	Index #61
07/13/2006	 Affidavit of Mailing Filed By: Defendant O'Keefe, Brian K <i>[62]</i>	Index #62
07/19/2006	 Petition for Writ of Mandamus <i>[63] Proper - Person Petition for Writ of Mandamus</i>	Index #63
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# CASE SUMMARY

CASE NO. 04C202793













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11/14/2006	 Opposition to Motion <i>[71] Opposition to Defendant's Motion for New Trial</i>	Index #71
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11/25/2006	 Notice of Change of Address <i>[73]</i>	Index #73
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12/12/2006	 Motion <i>[75] Motion to Notify Change of Address</i>	Index #75
12/13/2006	 Supplement Filed by: Defendant O'Keefe, Brian K <i>[76] Supplement [to Motion for a New Trial Based on New Evidence]</i>	Index #76
12/26/2006	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K <i>[77] Notice of Appeal</i>	Index #77
12/27/2006	 Case Appeal Statement Filed By: Defendant O'Keefe, Brian K <i>[78]</i>	Index #78
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# CASE SUMMARY













CASE NO. 04C202793

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04/06/2007	 Opposition [84] State's Opposition to Defendant's Petition for Writ of Habeas Corpus	Index #84
04/19/2007	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K [85] Notice of Appeal	Index #85
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05/21/2007	 Notice of Entry of Decision and Order [88]	Index #88
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09/10/2008	 Petition [94]	Index #94
10/17/2012	 Order for Disposal of Exhibits [95]	Index #95
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12/06/2013	 Notice of Motion Filed By: Defendant O'Keefe, Brian K	Index #97












**CASE SUMMARY****CASE No. 04C202793**

	[97]	
12/06/2013	 Ex Parte Motion Filed By: Defendant O'Keefe, Brian K <i>[98] (Ex Parte) Motion to Appoint Counsel</i>	Index #98
12/06/2013	 Notice of Motion Filed By: Defendant O'Keefe, Brian K <i>[99] Notice of Motion Motion to Waive Filing Fees for Petition for Writ of Mandamus</i>	Index #99
12/06/2013	 Notice of Change of Hearing <i>[100]</i>	Index #100
12/13/2013	 Motion Filed By: Defendant O'Keefe, Brian K <i>[101] Motion for Erratum, to Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis (Mailed November 24, 2013)</i>	Index #101
12/18/2013	 Response Filed by: Plaintiff State of Nevada <i>[102] State's Response to Defendant's Petition for a Writ of Mandamus or in the Alternative Writ of Coram Nobis and Response to Motion to Appoint Counsel</i>	Index #102
12/19/2013	 Motion Filed By: Defendant O'Keefe, Brian K <i>[103] Motion To Supplement Petition For A Writ Of Mandamus Or, In The Alternative, Writ of Coram Nobis With A Certified Copy of J.O.C To C202793</i>	Index #103
12/27/2013	 Supplement Filed by: Defendant O'Keefe, Brian K <i>[104] Supplement of Evidence of Suicides and Self Mutilations and Mental Health Along with Ninth COA on, Namely, A Double Jeopardy Violation, Case No. 12-15271</i>	Index #104
12/27/2013	 Notice of Motion Filed By: Defendant O'Keefe, Brian K <i>[105]</i>	Index #105
01/07/2014	 Notice of Rescheduling <i>[107] Notice Resetting Date and Time of Hearing</i>	Index #107
01/10/2014	 Notice of Motion Filed By: Defendant O'Keefe, Brian K <i>[108]</i>	Index #108
01/10/2014	 Motion Filed By: Defendant O'Keefe, Brian K <i>[109] Motion for Default Judgment for State's Failure to Exercise Simple Reasonable Due Diligence to "Serve" Petitioner Copy of Opposition in "Conjunction" with "Filing" with Emphasis on A.G.O. No 2002-15 (March 21, 2002)</i>	Index #109
01/28/2014	 Notice of Motion Filed By: Defendant O'Keefe, Brian K <i>[110]</i>	Index #110
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**CASE SUMMARY****CASE NO. 04C202793**

	 Reply Filed by: Defendant O'Keefe, Brian K <i>[111] Reply to State's Response to Defendant's Petition for a Writ of Mandamus or, in the Alternative, Writ of (Error) Coram Nobis with Affidavit Attached Manifesting Exhibits A,B,C,D to Affidavit.</i>	
01/30/2014	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[112] State's Opposition to Defendant's Motion for Default Judgment</i>	Index #112
02/12/2014	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K <i>[113] Notice of Appeal</i>	Index #113
02/13/2014	 Case Appeal Statement Filed By: Defendant O'Keefe, Brian K <i>[114]</i>	Index #114
02/14/2014	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[115] Order Denying Deft's Pro Per (Ex Parte) Motion to Appoint Counsel and Deft's Pro Per Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis and Deft's Pro Per Motion to Waive Filing Fees for Petition for Writ of Mandamus and Deft's Pro Per Motion to Supplement Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis with a Certified Copy of J.O.C. to C202793 and Deft's Pro Per Supplement of Evidence of Suicides and Self Mutilations and Mental Health along with Ninth COA on Namely, a Double Jeopardy Violation, Case No - 12- 15271</i>	Index #115
02/14/2014	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[116] Order Denying Defendant's Pro Per Motion for Default Judgment for State's Failure to Exercise Simple Reasonable Due Diligence to "Serve" Petitioner Copy of Opposition in "Conjunction" with "Filing" with Emphasis on A.G.O. No 2005-15 (March 21, 2002</i>	Index #116
04/15/2014	 Petition and Order to Destroy / Dispose of Exhibits <i>[117] Petition and Order to Destroy or Dispose of Exhibits</i>	Index #117
06/06/2014	 Notice of Change of Address Filed By: Defendant O'Keefe, Brian K <i>[118] Notice of Change of Address</i>	Index #118
09/22/2014	 Notice of Motion Filed By: Defendant O'Keefe, Brian K <i>[120] Notice of Motion (Petition)</i>	Index #120
09/22/2014	 Motion Filed By: Defendant O'Keefe, Brian K <i>[119] Motion for Appointment of Counsel</i>	Index #119
09/30/2014	 Notice Filed By: Defendant O'Keefe, Brian K <i>[121] Notice of Petition and Petition for Writ of Coram Nobis Based on Acquittal of all Felonies which Underpinned Count 6 Burglary Thereby Court in Want of Jurisdiction with New Sentencing Judge Lacking This Knowledge and Fact</i>	Index #121
10/10/2014	 Opposition	Index #122

**CASE SUMMARY****CASE NO. 04C202793**

	<i>[122] State's Opposition to defendant's Motion for Appointment of Counsel</i>	
10/20/2014	 Response Filed by: Plaintiff State of Nevada <i>[123] State's Response to Defendants Petition for Writ of Coram Nobis Based on Acquittal of All Felonies Which Underpinned Count 6 Burglary Thereby Court in Want of Jurisdiction with New Sentencing Judge Lacking this Knowledge and Fact</i>	Index #123
10/24/2014	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K <i>[124] Notice of Appeal</i>	Index #124
10/27/2014	 Case Appeal Statement Filed By: Defendant O'Keefe, Brian K <i>[125] Case Appeal Statement</i>	Index #125
10/29/2014	 Order Filed By: Plaintiff State of Nevada <i>[126] Order Denying Defendant's Motion for Appointment of Counsel</i>	Index #126
12/11/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[127] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	Index #127
01/06/2015	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[128] Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>	Index #128
09/24/2019	 Notice of Change of Address Filed By: Defendant O'Keefe, Brian K <i>[129] Notice of Change of Address</i>	Index #129
11/19/2019	 Notice of Change of Address Filed By: Defendant O'Keefe, Brian K <i>[130] Notice of Change of Address</i>	Index #130
03/04/2020	 Request Filed by: Defendant O'Keefe, Brian K <i>[131] Request for Submission of Motion</i>	Index #131
01/04/2021	Case Reassigned to Department 24 <i>Judicial Reassignment to Judge Erika D. Ballou</i>	
04/04/2022	 Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian K <i>[132] Notice of Appeal</i>	Index #132
04/05/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	Index #133
	<b><u>DISPOSITIONS</u></b>	
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. ASSAULT AND BATTERY Not Guilty PCN: Sequence:	



# CASE SUMMARY

CASE NO. 04C202793

01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. ATTEMPT. Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. SEXUAL ASSAULT Not Guilty PCN: Sequence:
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 6. BURGLARY. Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion)

**CASE SUMMARY****CASE NO. 04C202793**

	2. SEXUAL ASSAULT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. SEXUAL ASSUALT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSUALT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSAULT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. SEXUAL ASSUALT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. ATTEMPT. Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. SEXUAL ASSUALT Not Guilty PCN: Sequence:
10/28/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. SEXUAL ASSUALT Not Guilty PCN: Sequence:
12/27/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. ASSAULT AND BATTERY Guilty PCN: Sequence:
12/27/2004	<b>Disposition</b> (Judicial Officer: User, Conversion)

**CASE SUMMARY****CASE NO. 04C202793**

12/27/2004	<b>Disposition</b> (Judicial Officer: User, Conversion) 6. BURGLARY. Guilty PCN:   Sequence:
12/27/2004	<b>Disposition</b> (Judicial Officer: User, Conversion)
12/27/2004	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 1. ASSAULT AND BATTERY 01/01/1900 (F) 200.400 (200.400) PCN:   Sequence:
	<hr/> Converted Disposition: Sentence# 0001: CREDIT FOR TIME SERVED
12/27/2004	<b>Adult Adjudication</b> (Judicial Officer: User, Conversion) 6. BURGLARY. 01/01/1900 (F) 205.060 (205.060) PCN:   Sequence:
	<hr/> Converted Disposition: Sentence# 0001: SUSPENDED Minimum 24 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: PROBATION WITH CONDITIONS Minimum 5 Years to Maximum 5 Years Converted Disposition: Sentence# 0003: COUNSELING PROGRAM Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: ADMINISTRATION FEE Amount: \$25.00
	<b><u>HEARINGS</u></b>
07/13/2004	<b>Initial Arraignment</b> (9:00 AM) Events: 07/06/2004 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas</i> <i>Heard By: Jackie Glass</i>  <b>MINUTES</b> Hearing <i>[2] INITIAL ARRAIGNMENT</i> Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
08/31/2004	<b>Calendar Call</b> (9:00 AM) <i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Glass, Jackie</i> Matter Continued; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Glass, Jackie
09/02/2004	<b>Calendar Call</b> (9:00 AM) <i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Matter Heard; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
09/07/2004	<b>CANCELED Jury Trial</b> (10:00 AM)

Index #2

# CASE SUMMARY

CASE NO. 04C202793

	<i>Vacated</i>
09/09/2004	<b>Status Check (9:00 AM)</b> Events: 09/02/2004 Hearing <i>STATUS CHECK: TRIAL SETTING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Matter Heard; STATUS CHECK: TRIAL SETTING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
09/24/2004	<b>Conversion Hearing Type (9:00 AM)</b> Events: 09/09/2004 Hearing <i>PETROCELLI HEARING Heard By: Jackie Glass</i>
10/08/2004	<b>Conversion Hearing Type (9:00 AM)</b> <i>PETROCELLI HEARING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Matter Heard; PETROCELLI HEARING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
10/19/2004	<b>Calendar Call (9:00 AM)</b> <i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Matter Heard; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
10/22/2004	<b>CANCELED Overflow (9:00 AM)</b> <i>Vacated</i>
10/22/2004	<b>Minute Order (9:30 AM)</b> <i>MINUTE ORDER RE: OVERFLOW (V) Relief Clerk: Carole D'Aloia Reporter/Recorder: Diann Prock Heard By: Stewart Bell</i> Matter Heard; MINUTE ORDER RE: OVERFLOW (V) Relief Clerk: Carole D'Aloia Reporter/Recorder: Diann Prock Heard By: Stewart Bell
10/22/2004	<b>All Pending Motions (9:31 AM)</b> <i>MINUTE ORDER RE: TRIAL GOING TO DEPT 15 Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Matter Heard; MINUTE ORDER RE: TRIAL GOING TO DEPT 15 Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
10/25/2004	<b>CANCELED Jury Trial (10:00 AM)</b> <i>Vacated</i>
10/25/2004	<b>Jury Trial (1:30 PM)</b> <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i> Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally
10/26/2004	<b>Status Check (9:00 AM)</b> Events: 10/22/2004 Hearing <i>STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i> Off Calendar; STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass
10/26/2004	<b>Jury Trial (10:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i> Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally

# CASE SUMMARY

CASE NO. 04C202793

10/27/2004	<p><b>Jury Trial (8:30 AM)</b>  <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i>  Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</p>
10/28/2004	<p><b>Jury Trial (8:30 AM)</b>  <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i>  Matter Heard; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p>
11/30/2004	<p><b>Request (8:30 AM)</b>  Events: 11/24/2004 Hearing  <i>STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Heard By: Sally Loehrer</i></p>
12/01/2004	<p><b>Request (8:30 AM)</b>  <i>STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i>  Matter Heard; STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p>
12/27/2004	<p><b>Sentencing (8:30 AM)</b>  Events: 10/28/2004 Conversion Case Event Type  <i>SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Cheryl Gardner Heard By: Stewart Bell</i>  Granted; SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Cheryl Gardner Heard By: Stewart Bell</p>
02/23/2005	<p><b>Motion (8:30 AM)</b>  Events: 02/11/2005 Motion  <i>DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/16 Relief Clerk: Carole D'Aloia Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i>  Granted; DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/16 Relief Clerk: Carole D'Aloia Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p>
12/28/2005	<p><b>Motion (8:30 AM)</b>  Events: 12/12/2005 Motion  <i>DEFT'S PRO PER MTN TO DISCHARGE COUNSEL OF APPOINTMENT /17 Heard By: Sally Loehrer</i></p>
12/28/2005	<p><b>Motion to Clarify (8:30 AM)</b>  Events: 12/21/2005 Motion for Clarification  <i>DEFT'S PRO PER MTN TO CLARIFY /18 Heard By: Sally Loehrer</i></p>
12/28/2005	<p><b>All Pending Motions (8:30 AM)</b>  <i>ALL PENDING MOTIONS (12/28/05) Court Clerk: Theresa Lee Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i>  Matter Heard; ALL PENDING MOTIONS (12/28/05) Court Clerk: Theresa Lee Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>
03/13/2006	<p><b>Motion (8:30 AM)</b>  Events: 02/27/2006 Motion  <i>DEFT'S PRO PER MTN TO DISCHARGE COUNSEL /20 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i>  Granted; DEFT'S PRO PER MTN TO DISCHARGE COUNSEL /20 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>
04/12/2006	<p><b>CANCELED Request of Court (8:30 AM)</b>  Events: 04/05/2006 Hearing  <i>Vacated - Set in Error</i>  Matter Heard;</p>

# CASE SUMMARY

CASE No. 04C202793

07/03/2006	<p><b>Motion to Compel (8:30 AM)</b>  Events: 06/12/2006 Motion to Compel  <i>DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel</i>  Reporter/Recorder: Sharon Howard Heard By: Loehrer, Sally  Matter Continued; DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Loehrer, Sally</p>
07/05/2006	<p><b>Motion to Compel (8:30 AM)</b>  <i>DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel</i>  Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer  Matter Continued; DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>
08/14/2006	<p><b>Petition for Writ of Mandamus (8:30 AM)</b>  Events: 07/19/2006 Petition for Writ of Mandamus  <i>DEFT'S PRO PER PTN FOR WRIT OF MANDAMUS /23 Heard By: Sally Loehrer</i></p>
08/14/2006	<p><b>Motion (8:30 AM)</b>  Events: 07/20/2006 Motion  <i>DEFT'S PRO PER MTN FOR TRANSCRIPTS AT STATE EXPENSE /24 Heard By: Sally Loehrer</i></p>
08/14/2006	<p><b>Petition for Writ of Mandamus (8:30 AM)</b>  Events: 07/24/2006 Petition for Writ of Mandamus  <i>DEFT'S PRO PER PETITION FOR WRIT OF MANDAMUS /25 Heard By: Sally Loehrer</i></p>
08/14/2006	<p><b>All Pending Motions (8:30 AM)</b>  <i>ALL PENDING MOTIONS - 8/14/06 Court Clerk: Jennifer Kimmel/jk Relief Clerk: Phyllis Irby Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i>  Matter Heard; ALL PENDING MOTIONS - 8/14/06 Court Clerk: Jennifer Kimmel/jk Relief Clerk: Phyllis Irby Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>
10/30/2006	<p><b>Motion (8:30 AM)</b>  Events: 10/19/2006 Motion for New Trial  <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>  Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p>
11/13/2006	<p><b>Motion (8:30 AM)</b>  <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>  Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p>
12/04/2006	<p><b>Motion (8:30 AM)</b>  <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i>  Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p>
12/18/2006	<p><b>Motion (8:30 AM)</b>  <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>  Denied; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</p>
04/11/2007	<p><b>Petition for Writ of Habeas Corpus (8:30 AM)</b></p>

# CASE SUMMARY

CASE No. 04C202793

Events: 02/05/2007 Petition for Writ of Habeas Corpus  
PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Tia Everett/te Relief Clerk: Melissa Swinn Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

## MINUTES




Petition for Writ of Habeas Corpus

[80] Petition for Writ of Habeas Corpus (Post Conviction)

Denied; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Tia Everett/te Relief Clerk: Melissa Swinn Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer

Index #80

01/08/2014	<b>CANCELED Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated</i> <i>Motion for Erratum, to Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis (Mailed November 24, 2013)</i>
01/13/2014	<b>Petition for Writ of Mandamus</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>01/13/2014, 01/29/2014</b> <i>Defendant's Pro Per Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/13/2014	<b>Motion for Appointment of Attorney</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>01/13/2014, 01/29/2014</b> <i>Defendant's Pro Per (Ex Parte) Motion to Appoint Counsel</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/13/2014	<b>Petition to Proceed in Forma Pauperis</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>01/13/2014, 01/29/2014</b> <i>Defendant's Pro Per Motion to Waive Filing Fees for Petition for Writ of Mandamus</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/13/2014	<b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>01/13/2014, 01/29/2014</b> <i>Defendant's Pro Per Motion To Supplement Petition For A Writ Of Mandamus Or, In The Alternantive, Writ of Coram Nobis With A Certified Copy of J.O.C To C202793</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/13/2014	<b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>01/13/2014, 01/29/2014</b> <i>Defendant's Pro Per Supplement of Evidence of Suicides and Self Mutilation and Mental Health Along with Ninth COA on, Namely, A Double Jeopardy Violation, Case 12-15271</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/13/2014	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany) Matter Heard; Journal Entry Details:

# CASE SUMMARY

CASE No. 04C202793

DEFT'S PRO PER (EX PARTE) MOTION TO APPOINT COUNSEL...DEFT'S PRO PER PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS...DEFT'S PRO PER MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS...DEFT'S PRO PER MOTION TO SUPPLEMENT PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS WITH A CERTIFIED COPY OF J.O.C. TO C202793...DEFT'S PRO PER SUPPLEMENT OF EVIDENCE OF SUICIDES AND SELF MUTILATIONS AND MENTAL HEALTH ALONG WITH NINTH COA ON NAMELY, A DOUBLE JEOPARDY VIOLATION, CASE NO - 12- 15271 COURT ORDERED, matter CONTINUED as the JAVS system is malfunctioning. NDC CONTINUED TO: 1/29/14 9:30 AM CLERK'S NOTE: A copy of this Minute Order was placed in the District Attorney folder and mailed to Deft. at: Brian O'Keefe #90244 HDSP P.O. Box 650 Indian Springs, NV 89018. anm/1/13/14 ;

01/29/2014



**All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)

Matter Heard;

Journal Entry Details:

Gwynneth Smith, Deputy District Attorney, present for the State of Nevada. DEFT'S PRO PER (EX PARTE) MOTION TO APPOINT COUNSEL...DEFT'S PRO PER PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS...DEFT'S PRO PER MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS...DEFT'S PRO PER MOTION TO SUPPLEMENT PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS WITH A CERTIFIED COPY OF J.O.C. TO C202793...DEFT'S PRO PER SUPPLEMENT OF EVIDENCE OF SUICIDES AND SELF MUTILATIONS AND MENTAL HEALTH ALONG WITH NINTH COA ON NAMELY, A DOUBLE JEOPARDY VIOLATION, CASE NO - 12- 15271 Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the history of this case, stated its FINDINGS, and ORDERED, Motions DENIED. Court advised Deft. will need to file something with Judge Villani's court if he wants Judge Villani to take actions in his cases. State to prepare the order. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Brian O'Keefe #90244 HDSP P.O. Box 650 Indian Springs, NV 89018. anm/1/31/14 ;

02/03/2014



**Motion for Default Judgment** (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Pro Per Motion for Default Judgment for State's Failure to Exercise Simple Reasonable Due Diligence to "Serve" Petitioner Copy of Opposition in "Conjunction" with "Filing" with Emphasis on A.G.O. No 2002-15 (March 21, 2002)

Motion Denied;

Journal Entry Details:

Hilary Heap, Deputy District Attorney, present for the State of Nevada. Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of this case, stated its FINDINGS, and ORDERED, Motion DENIED. State to prepare the order. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Brian O'Keefe # 90244 HDSP P.O. Box 650 Indian Springs, NV 89018. anm/2/5/14 ;

02/19/2014

**CANCELED Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Vacated

Motion / Reply to State's Exhibits A.B.C.D. to Affidavit.

10/13/2014



**Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Defendant's Pro Se Motion for Appointment of Counsel

Motion Denied; Defendant's Pro Se Motion for Appointment of Counsel

Journal Entry Details:

Court noted State's Opposition filed October 10, 2014, pointed out Deft. gave no reason for the need of counsel, stated Deft. had no constitutional right to counsel in post-conviction proceedings and further stated motion lacks merit. Therefore, COURT ORDERED, motion DENIED. State to prepare the Order. NIC (COC-FED) CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244 c/o Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. 10/15/14 kls ;

10/22/2014



**Petition** (9:30 AM) (Judicial Officer: Miley, Stefany)



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE No. 04C202793**

*Defendant's Pro Per Notice of Petition and Petition for Writ of Coram Nobis Based on Acquittal of all Felonies which Underpinned Count 6 Burglary Thereby Court in Want of Jurisdiction with New Sentencing Judge Lacking This Knowledge and Fact Off Calendar;*

Journal Entry Details:

*Deft. not present Court ORDERED matter OFF CALENDAR as this Court has no jurisdiction due to Petitioner's previous Writ of Coram Nobis being on appeal. NDC;*

DATE

FINANCIAL INFORMATION

**Defendant** O'Keefe, Brian K

Total Charges

175.00

Total Payments and Credits

0.00

**Balance Due as of 4/5/2022**

**175.00**

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRIAN O'KEEFE,  
Petitioner #1447732

Defendant.

CASE NO: A-18-783689-W  
(C-04-202793)

DEPT NO: XXIV

**ORDER DENYING PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT**

DATE OF HEARING: March 17, 2022  
TIME OF HEARING: 2:30 A.M.

THIS MATTER was to have come on for hearing on March 17, 2022, however, the hearing date was vacated and there was no appearance by the State or the Petitioner. This Honorable Court took the matter under advisement and has issued the following ruling based on the pleadings and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Plaintiff's Motion for Relief from Judgment, shall  
2 be, and it is DENIED.

3 In his Motion, Petitioner seeks relief from a court order denying his Petition for Writ  
4 of Coram Nobis. Petitioner filed his Petition for Civil Writ of Coram Nobis Pursuant to  
5 Nevada Constitution Article 6, Section 6 based upon now recognized Trusillo vs. State, 310  
6 P.3d 594 (Nev. 2013) on October 30, 2018. The district court denied the petition on  
7 December 5, 2018.

8 O'Keefe filed a Notice of Appeal on December 24, 2018. The Nevada Court of  
9 Appeals affirmed the denial of his petition for coram nobis on September 20, 2019. Remittitur  
10 issued February 18, 2020. O'Keefe filed a Petition for Review, which the Nevada Supreme  
11 Court denied on January 24, 2020. The Court of Appeals held all of O'Keefe's claims were  
12 waived due to not being raised in a timely matter or outside the scope as they were legal  
13 claims and not factual ones and affirmed the district court's denial of the petition. Petitioner's  
14 petition has been heard, decided on its merits, appealed, affirmed, and denied rehearing and  
15 this Court cannot, nor would it, overturn the affirmance.

16 Additionally, Petitioner seeks that this court vacate his illegal sentence if this Court  
17 does not overturn the affirmance. However, Petitioner does not intend to get resentenced,  
18 which is what would occur if this Motion was granted.

19 Instead, Petitioner wants this Court to overturn his burglary conviction. A motion to  
20 correct a sentence presupposes a valid conviction, therefore, O'Keefe's conviction cannot be  
21 discredited or vacated in this manner. If O'Keefe wishes to file a motion to correct his  
22 sentence, he must do so under case number 04C202793, as A-18-783689-W refers to his  
23 petition for writ of coram nobis. However, even if O'Keefe were to file this motion to vacate

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1 an illegal sentence in the original case, it would still be the improper vehicle for the relief he  
2 seeks, which is overturning his sentence.

3 Dated this 23rd day of March, 2022

4   
5

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

888 8D8 D81D 8780  
Erika Ballou  
District Court Judge

9 BY /s/ PAMELA WECKERLY  
10 PAMELA WECKERLY  
11 Chief Deputy District Attorney  
12 Nevada Bar #006163

13 CERTIFICATE OF SERVICE

14 I certify that on the 22nd day of March, 2022, I mailed a copy of the foregoing Order  
15 to:

16 BRIAN O'KEEFE, BAC #90244  
17 LOVELOCK STATE PRISON  
18 1200 PRISON ROAD  
19 LOVELOCK, NEVADA 89419

20 BY /s/ J. HAYES  
21 Secretary for the District Attorney's Office  
22  
23  
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28 04F09774X/jh/MVU

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Brian O'Keefe, Plaintiff(s)

CASE NO: A-18-783689-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/23/2022

15 Department Law Clerk

dept30lc@clarkcountycourts.us

THE SEALED PORTION  
OF THESE MINUTES  
WILL FOLLOW VIA  
U.S. MAIL.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 13, 2014**

04C202793

The State of Nevada vs Brian K O'Keefe

**January 13, 2014**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Anntoinette Naumec-Miller

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- DEFT'S PRO PER (EX PARTE) MOTION TO APPOINT COUNSEL...DEFT'S PRO PER PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS...DEFT'S PRO PER MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS...DEFT'S PRO PER MOTION TO SUPPLEMENT PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORUM NOBIS WITH A CERTIFIED COPY OF J.O.C. TO C202793...DEFT'S PRO PER SUPPLEMENT OF EVIDENCE OF SUICIDES AND SELF MUTILATIONS AND MENTAL HEALTH ALONG WITH NINTH COA ON NAMELY, A DOUBLE JEOPARDY VIOLATION, CASE NO - 12- 15271

COURT ORDERED, matter CONTINUED as the JAVS system is malfunctioning.

NDC

CONTINUED TO: 1/29/14 9:30 AM

CLERK'S NOTE: A copy of this Minute Order was placed in the District Attorney folder and mailed to Deft. at:

Brian O'Keefe #90244

HDSP

P.O. Box 650

**04C202793**

Indian Springs, NV 89018. anm/1/13/14



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2014

04C202793

The State of Nevada vs Brian K O'Keefe

January 29, 2014

9:30 AM

All Pending Motions

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Gwynneth Smith, Deputy District Attorney, present for the State of Nevada.

DEFT'S PRO PER (EX PARTE) MOTION TO APPOINT COUNSEL...DEFT'S PRO PER PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS...DEFT'S PRO PER MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS...DEFT'S PRO PER MOTION TO SUPPLEMENT PETITION FOR A WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORUM NOBIS WITH A CERTIFIED COPY OF J.O.C. TO C202793...DEFT'S PRO PER SUPPLEMENT OF EVIDENCE OF SUICIDES AND SELF MUTILATIONS AND MENTAL HEALTH ALONG WITH NINTH COA ON NAMELY, A DOUBLE JEOPARDY VIOLATION, CASE NO - 12- 15271

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the history of this case, stated its FINDINGS, and ORDERED, Motions DENIED. Court advised Deft. will need to file something with Judge Villani's court if he wants Judge Villani to take actions in his cases. State to prepare the order.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:

**04C202793**

Brian O'Keefe #90244

HDSP

P.O. Box 650

Indian Springs, NV 89018. anm/1/31/14

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2014**

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04C202793

The State of Nevada vs Brian K O'Keefe

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**February 03, 2014****9:30 AM****Motion for Default  
Judgment****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Hilary Heap, Deputy District Attorney, present for the State of Nevada.

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of this case, stated its FINDINGS, and ORDERED, Motion DENIED. State to prepare the order.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Brian O'Keefe # 90244

HDSP

P.O. Box 650

Indian Springs, NV 89018. anm/2/5/14

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 13, 2014**

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04C202793

The State of Nevada vs Brian K O'Keefe

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**October 13, 2014****9:30 AM****Motion****Defendant's Pro Se  
Motion for  
Appointment of  
Counsel****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Thoman, Charles W.

Attorney

**JOURNAL ENTRIES**

- Court noted State's Opposition filed October 10, 2014, pointed out Deft. gave no reason for the need of counsel, stated Deft. had no constitutional right to counsel in post-conviction proceedings and further stated motion lacks merit. Therefore, COURT ORDERED, motion DENIED. State to prepare the Order.

NIC (COC-FED)

CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244 c/o Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. 10/15/14 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 22, 2014**

04C202793

The State of Nevada vs Brian K O'Keefe

**October 22, 2014**

**9:30 AM**

**Petition**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Jill Chambers

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**

Heap, Hilary  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Deft. not present Court ORDERED matter OFF CALENDAR as this Court has no jurisdiction due to Petitioner's previous Writ of Coram Nobis being on appeal.

NDC

States

EXHIBITS

CASE NO. 202793

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
1.	photograph	10/60	✓ no obj	✓	10/26
2.	photograph	10/60	✓ no obj	✓	10/26
3.	photograph		✓	✓	
4.	photograph		✓	✓	
5.	photograph		✓	✓	
6.	photograph		✓	✓	
7.	photograph		✓	✓	
8.	photograph		✓	✓	
9.	photograph		✓	✓	
10.	photograph		✓	✓	
11.	photograph	✓	✓	✓	✓
12.	photograph				
13.	photograph	10/60	✓ no obj	✓	10/26
14.	photograph	10/60	✓ no obj	✓	10/26
15.	photograph	10/26	✓ no obj	✓	10/26
16.	photograph	10/26	✓ no obj	✓	10/26
17.	photograph	10/26	✓ no obj	✓	10/26
18.	larger 8x10 photo - victim Victoria Whitman	10/27	✓	✓	10/27
19.	larger 8x10 photo. victim .. ..	10/27	✓ no obj	✓	10/27
20.	" " " victim " "	10/27	✓ no obj	✓	10/27
21.	" " " victim	10/26	✓ no obj	✓	10/26
22.	" " " victim	10/26	✓	✓	10/26

States

EXHIBITS

CASE NO. C202793

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
23.	Lazer photo - 8x10 Victim	10/27	✓ no obj	✓	10/27
24.	Lazer photo - 8x10 Victim	10/27	✓ no obj	✓	10/27
25.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
26.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
27.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
28.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
29.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
30.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
31.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
32.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
33.	Lazer photo - 8x10 - Victim	10/27	✓ no obj	✓	10/27
34.	Lazer photo - 8x10 Victim	10/27	✓ no obj	✓	10/27
35.	Lazer photo - 8x10 Victim	10/27	✓ obj	✓	10/27
36.	DNA test results	10/25	✓ strip	✓	10/25
37.	Evidence Bag	10/26	✓ strip	✓	10/26
38.	Evidence Bag		✓	✓	
39.	Evidence Bag		✓	✓	
40.	Evidence Bag		✓	✓	
41.	Evidence Bag		✓	✓	
42.	Evidence Bag		✓	✓	
43.	Evidence Bag	↓	✓	↓	↓
44.	photographs of Victim	10/26	✓ obj	✓	10/26









EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**BRIAN K. O'KEEFE #90244**  
**1200 PRISON RD.**  
**LOVELOCK, NV 89419**

**DATE: April 5, 2022**  
**CASE: 04C202793**

**RE CASE:** STATE OF NEVADA vs. BRIAN KERRY O'KEEFE

NOTICE OF APPEAL FILED: April 4, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

(OMNIBUS - NOTICE OF APPEAL); CASE APPEAL STATEMENT;  
DISTRICT COURT DOCKET ENTRIES; ORDER DENYING PETITIONER'S MOTION FOR RELIEF  
FROM JUDGMENT (FROM RELATED CASE A-18-783689-W); DISTRICT COURT MINUTES;  
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BRIAN KERRY O'KEEFE,

Defendant(s).

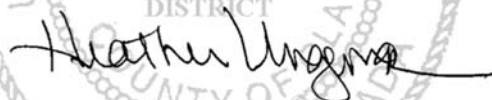
Case No: 04C202793

Dept No: XXIV

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 5 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

