Electronically Filed
10/4/2022 2:37 PM
Steven D. Grierson
CLERK OF THE COURT

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

Petitioner In Pro Se

Electronically Filed
Oct 12 2022 03:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

BRIAN KERRY O'KEEFE, Petitioner,	Case No. 08C250630
-vs-	Dept. No. VI
THE STATE OF NEVADA, Respondent.	

* See attached Case Summary Manifesting hearing 9/22/2022 at 9:30AM - STATE WAS DIRECTED TO FILE RESPONSE BY 9/13/2022.

NOTICE OF APPEAL

NOTICE IS GIVEN that Petitioner, Brian Kerry O'Keefe, 1 in pro se, hereby appeals to the Nevada Supreme Court the ORDER granting, nine days subsequent the directed response of 9/13/2023, another extension without providing O'Keefe procedural due process of law on or about the 22nd day of September, 2022, in the above-entitled Court. The State forfeited and waived all defenses.

Dated this 29th day of September, 2022.

See EXHIBIT ATTACHED.
VIOLATING EDCR 2.20, 3.20.
NO TIMELY RESPONSE WAS FILED

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

FN 1: The State via Clark County District Attorney's office failed to file a timely response despite the ORDER directing them 56 extra days to file a response due 9/13/2023. See SCN No. 85149, ORDER DISMISSING APPEAL FILED August 22, 2023, document no. 23-26189.

RECEIVED
OCT - 4 2022
CLERK OF THE COURT
CCLL FORM 24.064

Does Not Apply is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is DENIED. NDC CLERK'S NOTE: A copy of this minute order was electronically mailed to: John Afshar, Deputy District Attorney and a copy mailed to the Deft. in the Nevada Department of Corrections.;

06/28/2022 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
Vacated
Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law Scotus Announced Filed 10/2/2015

07/19/2022 **Motion** (9:30 AM) (Judicial Officer: Kierny, Carli)
07/19/2022, 09/22/2022
Motion for Leave of Court to File Motion to Vacate Sentence Enhancement Based on Constitutional Sudden Change in Law Where Reckless Conduct Addressed
Matter Continued;

07/19/2022 **Motion** (9:30 AM) (Judicial Officer: Kierny, Carli)
07/19/2022, 09/22/2022
Ex Parte Motion for Leave of Court and Order to Have Clerk of the Court to File New Action Pursuant to NRS 176.555 Mailed 12/28/2021 By Brass Slip No. 2329642 as First Class Mail
Matter Continued;

07/19/2022 **Motion to Vacate Sentence** (9:30 AM) (Judicial Officer: Kierny, Carli)
07/19/2022, 09/22/2022
Motion to Vacate Facially Illegal Sentence of Deadly Weapon Enhancement Based on Constitutional Sudden Change in Law Announced June 10, 2021 Effecting Substantive Law
Matter Continued;

07/19/2022 **All Pending Motions** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
Matter Heard;
Journal Entry Details:
EX PARTE MOTION FOR LEAVE OF COURT AND ORDER TO HAVE CLERK OF THE COURT TO FILE NEW ACTION PURSUANT TO NRS 176.555 MAILED 12/28/2021 BY BRASS SLIP NO. 2329642 AS FIRST CLASS MAIL...MOTION FOR LEAVE OF COURT TO FILE MOTION TO VACATE SENTENCE ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW WHERE RECKLESS CONDUCT ADDRESSED...MOTION TO VACATE FACIALLY ILLEGAL SENTENCE OF DEADLY WEAPON ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW ANNOUNCED June 10, 2021 EFFECTING SUBSTANTIVE LAW Court stated the State is requesting additional time to respond to the motions, therefore, ORDERED, Motions CONTINUED. Court directed the State to file its responses by September 13, 2022. NDC CONTINUED TO: 9/22/22 9:30 AM;

DATE	FINANCIAL INFORMATION	
	Defendant O'Keefe, Brian Kerry	
	Total Charges	195.00
	Total Payments and Credits	195.00
	Balance Due as of 9/21/2022	**0.00**

NOTE:
ON Sept. 15, 2022, Brass Slip No. 2671606, Petitioner O'Keefe mailed a MOTION FOR A JUDGMENT ON THE PLEADINGS PURSUANT NRCIVP 12(c) INVOKING NRCIVP 8 WHERE THE STATE MAILED OR FILED NO RESPONSE TO INITIAL MOTION DESPITE BEING DIRECTED TO TO FILE RESPONSE DUE BY Sept. 13, 2022.

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 29th day of September, 2022, by placing same in the U.S. Mail via prison law library staff:

Clerk of the Court
Steven Grierson
200 Lewis Ave. 3RD Fl.
Las Vegas NV 89101

• Pursuant EDCR 8.05 (1)(f)
All Registered participants of the CM/ECF system will be served by the court clerk.

Service List
Clark County D.A.

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

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

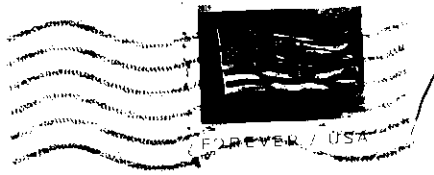
The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. 08 C250630 does *not* contain the social security number of any person.

Dated this 28th day of September, 2022.

Brian K. O'Kieff
Brian K. O'Kieff
Petitioner In Pro Se

Brian O'Keefe #90244
Lovelock Corr. Ctr.
1200 Prison Road
Lovelock, NV. 89419

RENO NV 895
30 SEP 2022 PM 3 T



RECEIVED
OCT - 4 2022
CLERK OF THE COURT

Clerk of Court (8th Judicial)
Steven Grierson
200 Lewis Ave., 3rd Fl
Las Vegas, NV. 89101

ATTN: CONFIDENTIAL

INMATE LEGAL
MAIL CONFIDENTIAL

89101$6300

OUT LEGAL MAIL
9/29/2022

Electronically Filed
10/7/2022 8:56 AM
Steven D. Grierson
CLERK OF THE COURT

ASTA

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

STATE OF NEVADA, Plaintiff(s), vs. BRIAN KERRY O'KEEFE, Defendant(s),	Case No: 08C250630 Dept No: VI

CASE APPEAL STATEMENT

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

2. Judge: Jacqueline M. Bluth

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

Counsel:

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

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
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: Yes

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: December 19, 2008

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): 53859, 58109, 61631, 65217, 65436, 66416, 66956, 68560, 68623, 68739, 69036, 69121, 73527, 74878, 77541, 78680, 78721, 85141, 85149, 85190

12. Child Custody or Visitation: N/A

Dated This 7 day of October 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

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 08C250630

State of Nevada	§	Location:	**Department 6**
vs	§	Judicial Officer:	**Bluth, Jacqueline M.**
Brian O'Keefe	§	Filed on:	**12/19/2008**
	§	Case Number History:	
	§	Cross-Reference Case Number:	**C250630**
	§	Defendant's Scope ID #:	**1447732**
	§	ITAG Booking Number:	**800091294**
	§	ITAG Case ID:	**996896**
	§	Lower Court Case # Root:	**08F23348**
	§	Lower Court Case Number:	**08F23348X**
	§	Supreme Court No.:	**61631**
	§		**65217**
	§		**65436**
	§		**66416**
	§		**66956**
	§		**68560**
	§		**68623**
	§		**69036**
	§		**69121**
	§		**73527**
	§		**77541**
	§		**78721**
	§		**85149**
			85190

CASE INFORMATION

Offense	Statute	Deg	Date		
1. MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON	200.010	F	01/01/1900	Case Type:	**Felony/Gross Misdemeanor**
				Case Status:	**07/31/2013 Closed**

Related Cases
A-20-820374-W (Writ Related Case)

Statistical Closures
07/31/2013 Jury Trial - Conviction - Criminal
05/05/2009 USJR Reporting Statistical Closure

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	08C250630
Court	Department 6
Date Assigned	09/07/2021
Judicial Officer	Bluth, Jacqueline M.

PARTY INFORMATION

		Lead Attorneys
Defendant	**O'Keefe, Brian Kerry**	**Pro Se**
Plaintiff	**State of Nevada**	**Wolfson, Steven B** 702-671-2700(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

12/19/2008	Information	*Index #1*

	[1]	
12/26/2008	Criminal Bindover *[3]*	*Index #3*
12/31/2008	Document Filed *[4] Defendant's Submission to Clark County District Attorney's Death Review Committee*	*Index #4*
01/02/2009	Reporters Transcript *[5] Transcript of Hearing Held on December 17, 2008*	*Index #5*
01/26/2009	Petition for Writ of Habeas Corpus *[7] Petition for Writ of Habeas Corpus or in the Alternative Motion to Preclude Prosecution from Seeking First Degree Murder Conviction Based Upon the Failure to Collect Evidence*	*Index #7*
01/27/2009	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[8]*	*Index #8*
01/29/2009	Return to Writ of Habeas Corpus *[9]*	*Index #9*
01/30/2009	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[10]*	*Index #10*
01/30/2009	Writ of Habeas Corpus *[11]*	*Index #11*
01/30/2009	Order *[12]*	*Index #12*
02/02/2009	Notice of Motion *[13] Notice of Motion and Motion to Admit Evidence of Other Crimes*	*Index #13*
02/03/2009	Notice of Witnesses and/or Expert Witnesses *[15] Notice of Witnesses and/or Expert Witnesses [NRS 174.234(1)(a)]*	*Index #15*
02/06/2009	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[16]*	*Index #16*
02/06/2009	Opposition to Motion Filed By: Defendant O'Keefe, Brian Kerry *[17] Opposition to State's Motion to Admit Evidence of Other Bad Acts*	*Index #17*
02/10/2009	Stipulation and Order *[20]*	*Index #20*
02/10/2009	Amended Information *[21]*	*Index #21*
02/17/2009		*Index #22*

	Notice of Witnesses and/or Expert Witnesses *[22] Notice of Witnesses and/or Expert Witness [NRS 174.234(1)(a)]*	
02/20/2009	Notice of Expert Witnesses Filed By: Defendant O'Keefe, Brian Kerry *[23] Notice of Defendant's Expert Witness [NRS 174.089(2)]*	*Index #23*
03/04/2009	Motion *[24] Defendant's Motion to Require the Court to Advise the Prospective Jurors as to the Mandatory Sentences Required if the Defendant is Convicted of Second Degree Murder.*	*Index #24*
03/04/2009	Order Filed By: Defendant O'Keefe, Brian Kerry *[25] Order Authorizing Contact Visit*	*Index #25*
03/04/2009	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[26]*	*Index #26*
03/05/2009	Notice of Expert Witnesses *[27] Notice of Expert Witnesses [NRS 174.234(2)]*	*Index #27*
03/06/2009	Notice of Witnesses Party: Defendant O'Keefe, Brian Kerry *[28] Notice of Defendant's Witnesses [NRS 174.234(1)(b)]*	*Index #28*
03/10/2009	Supplemental *[30] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]*	*Index #30*
03/10/2009	Order *[31] Order Requiring Material Witness to Post Bail or be Committed to Custody*	*Index #31*
03/10/2009	Ex Parte Application *[32] Ex Parte Application for Order Requiring Material Witness to Post Bail*	*Index #32*
03/11/2009	Supplemental *[33] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]*	*Index #33*
03/16/2009	Jury List *[35]*	*Index #35*
03/18/2009	Reporters Transcript *[36] Transcript of Hearing Held on March 17, 2009*	*Index #36*
03/19/2009	Amended Jury List *[37]*	*Index #37*
03/20/2009	Instructions to the Jury *[39]*	*Index #39*
03/20/2009	Verdict *[40]*	*Index #40*

03/20/2009	Supplemental Filed by: Defendant O'Keefe, Brian Kerry *[42] Defendant's Supplemental Proposed Jury Instructions*	*Index #42*
03/20/2009	Brief Filed By: Defendant O'Keefe, Brian Kerry *[43] Defendant's Brief on Admissibility of Evidence of Alleged Victim's History of Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation (with knives and scissors), and Erratic Behavior*	*Index #43*
03/20/2009	Jury Instructions *[44] Defendant's Proposed Jury Instructions*	*Index #44*
03/24/2009	Motion *[41] Defendant's Motion to Settle Record*	*Index #41*
03/24/2009	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[45]*	*Index #45*
04/29/2009	PSI *[314] Pre-Sentence Investigation Report (Unfiled) Confidential*	*Index #314*
05/04/2009	Document Filed Filed by: Defendant O'Keefe, Brian Kerry *[46] Letters in Aid of Sentencing*	*Index #46*
05/08/2009	Judgment of Conviction *[47] Judgment of Conviction (Jury Trial)*	*Index #47*
05/21/2009	Request Filed by: Defendant O'Keefe, Brian Kerry *[49] Request for Rough Draft Transcript*	*Index #49*
05/21/2009	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[50] Notice of Appeal*	*Index #50*
05/21/2009	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[51]*	*Index #51*
07/10/2009	Reporters Transcript *[52] Transcript of Hearing Held on May 5, 2009*	*Index #52*
07/10/2009	Reporters Transcript *[53] Transcript of Hearing Held on April 7, 2009*	*Index #53*
07/10/2009	Reporters Transcript *[54] Transcript of Hearing Held on March 10, 2009*	*Index #54*
07/10/2009	Reporters Transcript	*Index #55*

	[55] Transcript of Hearing Held on February 10, 2009	
07/10/2009	Reporters Transcript *[56] Transcript of Hearing Held on January 20, 2009*	*Index #56*
07/10/2009	Reporters Transcript *[57] Transcript of Hearing Held on March 20, 2009*	*Index #57*
07/10/2009	Reporters Transcript *[58] Transcript of Hearing Held on March 19, 2009*	*Index #58*
07/10/2009	Reporters Transcript *[59] Transcript of Hearing Held on March 18, 2009*	*Index #59*
07/10/2009	Reporters Transcript *[60] Transcript of Hearing Held on March 17, 2009*	*Index #60*
07/10/2009	Reporters Transcript *[61] Transcript of Hearing Held on March 16, 2009*	*Index #61*
07/10/2009	Reporters Transcript *[62] Transcript of Hearing Held on March 16, 2009*	*Index #62*
09/09/2009	Request *[63] Request for Certified Transcript of Proceeding*	*Index #63*
10/14/2009	Reporters Transcript *[64] Transcript of Hearing Held on March 16, 2009*	*Index #64*
05/06/2010	NV Supreme Court Clerks Certificate/Judgment - Reversed *[66] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remanded*	*Index #66*
05/24/2010	Motion *[68] Motion for Judicial Ruling*	*Index #68*
05/24/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[69]*	*Index #69*
05/26/2010	Order for Production of Inmate *[70] Order for Production of Inmate Brian O'Keefe, BAC # 129208*	*Index #70*
06/29/2010	Substitution of Attorney Filed by: Defendant O'Keefe, Brian Kerry *[72]*	*Index #72*
06/30/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[73]*	*Index #73*
06/30/2010	Ex Parte Motion	*Index #74*

[74] Ex Parte Motion for Defense Costs

07/01/2010 Order Granting — *Index #75*
[75] Order Granting Ex Parte Motion for Defense Costs

07/01/2010 Receipt — *Index #76*
[76] Receipt of File

07/21/2010 Notice of Motion — *Index #80*
Filed By: Defendant O'Keefe, Brian Kerry
[80] Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Other Act or Character Evidence and Other Evidence Which is Unfairly Prejudicial or Would Violate his Constitutional Rights

07/21/2010 Notice of Motion — *Index #81*
Filed By: Defendant O'Keefe, Brian Kerry
[81] Notice of Motion and Motion by Defendant O'Keefe to Admit Evidence Pertaining to the Alleged Victim's Mental Health Condition and History, Including Prior Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation and Erratic Behavior

07/21/2010 Notice of Motion — *Index #82*
Filed By: Defendant O'Keefe, Brian Kerry
[82] Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Other Act or Character Evidence and Other Evidence Which is Unfairly Prejudicial or Would Violate his Constitutional Rights

07/21/2010 Notice of Motion — *Index #83*
Filed By: Defendant O'Keefe, Brian Kerry
[83] Notice of Motion and Motion by Defendant O'Keefe to Admit Evidence Pertaining to the Alleged Victim's Mental Health Condition and History, Including Prior Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation and Erratic Behavior

07/29/2010 Supplemental — *Index #84*
Filed by: Defendant O'Keefe, Brian Kerry
[84] Supplemental Notice of Defendant's Expert Witnesses [NRS 174.234(2)]

08/02/2010 Notice of Motion — *Index #85*
Filed By: Defendant O'Keefe, Brian Kerry
[85] Notice of Motion and Motion by Defendant O'Keefe to Suppress his Statements to Police, or, Alternatively, to Preclude the State from Introducing Portions of his Interrogation

08/02/2010 Notice of Motion — *Index #86*
Filed By: Defendant O'Keefe, Brian Kerry
[86] Notice of Motion and Motion by Defendant O'Keefe to Admit Evidence Showing LVMPD Homicide Detectives have Preserved Blood/Breath Alcohol Evidence in Another Recent Case

08/02/2010 Notice of Motion — *Index #87*
Filed By: Defendant O'Keefe, Brian Kerry
[87] Notice of Motion and Motion by Defendant O'Keefe for Discovery

08/02/2010 Notice of Motion — *Index #88*
Filed By: Defendant O'Keefe, Brian Kerry
[88] Notice of Motion and Motion by Defendant O'Keefe for Evidentiary Hearing on Whether the State and CCDC have Complied with their Obligations with Respect to the Recording of a Jail Visit Between O'Keefe and State Witness Cheryl Morris

08/02/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[89]*	*Index #89*
08/02/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[90]*	*Index #90*
08/02/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[91]*	*Index #91*
08/02/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[92]*	*Index #92*
08/10/2010	Opposition to Motion *[236] State's Opposition to Motion for Evidentiary Hearing on Whether the State and CCDC Have Complied with their Obligations with Respect to the Recording of a Jail Visit Between O'Keefe and State Witness Cheryl Morris*	*Index #236*
08/10/2010	Opposition to Motion *[237] State's Opposition to Motion to Admit Evidence Showing LVMPD Homicide Detectives Have Preserved Blood/Breath Alcohol Evidence in Another Recent Case*	*Index #237*
08/10/2010	Opposition to Motion *[315] State's Opposition to Motion for Discovery*	*Index #315*
08/12/2010	Order Filed By: Defendant O'Keefe, Brian Kerry *[93] Order Authorizing Contact Visit*	*Index #93*
08/13/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[94]*	*Index #94*
08/13/2010	Reply to Opposition Filed by: Defendant O'Keefe, Brian Kerry *[95] O'Keefe's Reply to State's Opposition to Motion to Admit Evidence Showing LVMPD Homicide Detectives Have Preserved Blood/Breath Alcohol Evidence in Another Recent Case*	*Index #95*
08/13/2010	Supplemental Filed by: Plaintiff State of Nevada *[96] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]*	*Index #96*
08/16/2010	Response Filed by: Plaintiff State of Nevada *[97] State's Response to Defendant's Motion to Preclude the State from Introducing at Trial Other Bad Acts or Character Evidence and Other Evidence that is Unfairly Prejudicial or Would Violate his Constitutional Rights*	*Index #97*
08/16/2010	Opposition to Motion Filed By: Plaintiff State of Nevada *[98] State's Opposition to Defendant's Motion to Admit Evidence Pertaining to the Alleged Victim's Mental Health Condition and History, Including Prior Suicide Attempts, Anger*	*Index #98*

	Outbursts, Anger Management Therapy, Self-Mutilation and Erratic Behavior.	
08/16/2010	Order Shortening Time *[99]*	*Index #99*
08/16/2010	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[100] Notice of Motion and Motion by Defendant O'Keefe to Preclude Expert Testimony*	*Index #100*
08/16/2010	Ex Parte Motion Filed By: Defendant O'Keefe, Brian Kerry *[101] Ex Parte Motion for an Order Shortening Time*	*Index #101*
08/16/2010	Supplemental Filed by: Defendant O'Keefe, Brian Kerry *[102] Defendant's Supplemental Notice of Witnesses*	*Index #102*
08/16/2010	Supplemental Filed by: Plaintiff State of Nevada *[104] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]*	*Index #104*
08/17/2010	Opposition to Motion Filed By: Plaintiff State of Nevada *[103] State's Opposition to Defendant's Motion to Suppress his Statements to Police, or, Alternatively, to Preclude the State from Introducing Portions of his Interrogation*	*Index #103*
08/18/2010	Opposition to Motion Filed By: Plaintiff State of Nevada *[105] State's Opposition to Motion to Preclude Expert Testimony*	*Index #105*
08/19/2010	Amended Information Filed By: Plaintiff State of Nevada *[106] Second Amended Information*	*Index #106*
08/19/2010	Motion Filed By: Attorney Palm, Patricia A. *[154] Motion by Defendant O'Keefe to Preclude Late Noticed Expert Testimony from Dr. Dutra*	*Index #154*
08/23/2010	Proposed Jury Instructions Not Used At Trial *[107] Defendant's Proposed Jury Instructions*	*Index #107*
08/23/2010	Order Granting Filed By: Defendant O'Keefe, Brian Kerry *[108] Order Granting, in Part, and Denying, in Part, Motion by Defendant O'Keefe for Discovery*	*Index #108*
08/25/2010	Jury List *[110]*	*Index #110*
09/02/2010	Verdict Submitted to the Jury But Returned Unsigned *[109] Verdict Submitted to Jury but Returned Unsigned*	*Index #109*
09/02/2010	Instructions to the Jury	*Index #111*

	[111]	
09/09/2010	Order Granting Filed By: Defendant O'Keefe, Brian Kerry *[112] Order Granting, in Part, and Denying, in Part, Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Other Act or Character Evidence and Other Evidence Which is Unfairly Prejudicial or Would Violate his Constitutional Rights*	*Index #112*
09/14/2010	Order Granting Filed By: Defendant O'Keefe, Brian Kerry *[113] Order Granting Request for Transcripts*	*Index #113*
09/14/2010	Receipt of Copy *[114]*	*Index #114*
09/14/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[115]*	*Index #115*
09/14/2010	Motion Filed By: Attorney Palm, Patricia A. *[155] Motion to Withdraw*	*Index #155*
09/16/2010	Order Granting Filed By: Defendant O'Keefe, Brian Kerry *[116] Order Granting Request for Transcripts*	*Index #116*
09/21/2010	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[117]*	*Index #117*
09/24/2010	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[118] Notice of Motion and Motion by Defendant O'Keefe for a Reasonable Bail*	*Index #118*
09/27/2010	Opposition to Motion *[119] State's Opposition to Defendant's Motion for a Reasonable Bail*	*Index #119*
11/06/2010	Order *[120]*	*Index #120*
11/23/2010	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[121] Transcript of Hearing Held on August 12, 2010*	*Index #121*
11/23/2010	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[122] Transcript of Hearing Held on September 1, 2010*	*Index #122*
11/23/2010	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[123] Transcript of Hearing Held on September 2, 2010*	*Index #123*
11/23/2010	Transcript of Proceedings	*Index #124*

	Party: Plaintiff State of Nevada *[124] Transcript of Hearing Held on August 17, 2010*	
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[125] Transcript of Hearing Held on August 19, 2010*	*Index #125*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[126] Transcript of Hearing Held on August 20, 2010*	*Index #126*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[127] Transcript of Hearing Held on August 23, 2010*	*Index #127*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[128] Transcript of Hearing Held on August 24, 2010*	*Index #128*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[129] Transcript of Hearing Held on August 25, 2010*	*Index #129*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[130] Transcript of Hearing Held on August 26, 2010*	*Index #130*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[131] Transcript of Hearing Held on August 27, 2010*	*Index #131*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[132] Transcript of Hearing Held on August 30, 2010*	*Index #132*
11/23/2010	Transcript of Proceedings Party: Plaintiff State of Nevada *[133] Transcript of Hearing Held on August 31, 2010*	*Index #133*
01/03/2011	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[134] Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Improper Evidence and Argument*	*Index #134*
01/03/2011	Supplemental *[135] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]*	*Index #135*
01/03/2011	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[136]*	*Index #136*
01/06/2011	Notice of Motion *[138] Notice of Motion and Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to NRS 48.061*	*Index #138*

01/07/2011	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[137] Notice of Motion and Motion by Defendant O'Keefe to Dismiss on Grounds of Double Jeopardy Bar and Speedy Trial Violation and, Alternatively, to Preclude State's New Expert Witness, Evidence and Argument Relating to the Dynamics or Effects of Domestic Violence and Abuse*	*Index #137*
01/12/2011	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[140]*	*Index #140*
01/12/2011	Receipt of Copy Filed by: Defendant O'Keefe, Brian Kerry *[141]*	*Index #141*
01/12/2011	Opposition to Motion *[142] State's Opposition to Defendant's Motion to Preclude the State from Introducing at Trial Improper Evidence and Argument*	*Index #142*
01/13/2011	Filed Under Seal *[143] Exhibit to the Notice of Motion and Motion by Defendant O'Keefe to Dismiss on Grounds of Double Jeopardy Bar and Speedy Trial Violation, and, Alternatively, to Preclude State's New Expert Witness, Evidence and Argument Relating to the Dynamics or Effects of Domestic Violence and Abuse (Filed Under Seal) (Sealed)*	*Index #143*
01/13/2011	Filed Under Seal *[144] Ex Parte Application and Order to File Under Seal (Filed Under Seal) (Sealed)*	*Index #144*
01/14/2011	Supplemental *[147] Supplemental Notice of Witnesses [NRS 174.234(1)(a)]*	*Index #147*
01/18/2011	Receipt of Copy *[145]*	*Index #145*
01/18/2011	Opposition to Motion *[146] Defendant O'Keefe's Opposition to Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to 48.061*	*Index #146*
01/18/2011	Opposition to Motion *[148] State's Opposition to Motion to Dismiss and, Alternatively, to Preclude Expert and Argument Regarding Domestic Violence*	*Index #148*
01/20/2011	Order Granting Filed By: Defendant O'Keefe, Brian Kerry *[149] Order Granting Request for Transcripts*	*Index #149*
02/04/2011	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[150] Transcript of Hearing Held on January 18, 2011*	*Index #150*
02/04/2011	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[151] Transcript of Hearing Held on January 13, 2011*	*Index #151*

02/04/2011	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[152] Transcript of Hearing Held on September 16, 2010*	*Index #152*
02/04/2011	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[153] Transcript of Hearing Held on January 20, 2011*	*Index #153*
04/08/2011	Order to Release Medical Records *[156] Order Releasing Medical Records*	*Index #156*
04/08/2011	Ex Parte Motion *[157] Ex Parte Motion for Release of Medical Records*	*Index #157*
04/27/2011	Order Granting *[158] Order Granting Request for Transcripts*	*Index #158*
04/29/2011	Motion to Withdraw As Counsel Filed By: Defendant O'Keefe, Brian Kerry *[159]*	*Index #159*
05/03/2011	Certificate of Mailing Filed By: Defendant O'Keefe, Brian Kerry *[160]*	*Index #160*
05/19/2011	Recorders Transcript of Hearing Party: Plaintiff State of Nevada *[161] Transcript of Hearing Held on April 27, 2011*	*Index #161*
06/13/2011	Receipt of Copy *[162]*	*Index #162*
10/03/2011	Motion to Dismiss Counsel Party: Defendant O'Keefe, Brian Kerry *[163] Motion to Dismiss Appointed Counsel and for Faretta Hearing*	*Index #163*
10/26/2011	Motion Filed By: Defendant O'Keefe, Brian Kerry *[164] Motion to Place on Calendar*	*Index #164*
11/10/2011	Order Filed By: Defendant O'Keefe, Brian Kerry *[165] Order for Return of Fees*	*Index #165*
11/28/2011	Motion *[166] Motion to Place on Calendar*	*Index #166*
11/28/2011	Motion to Withdraw As Counsel Filed By: Defendant O'Keefe, Brian Kerry *[167] Motion to Withdraw Counsel and Faretta Canvass*	*Index #167*
03/13/2012	Order Granting Filed By: Plaintiff State of Nevada	*Index #168*

[168] Order Granting, in Part, the State's Motion to Admit Evidence of Other Bad Acts

03/16/2012 Notice of Motion *Index #169*
Filed By: Defendant O'Keefe, Brian Kerry
[169] Notice of Motion and Motion to Dismiss Based Upon Violation(s) of the Fifth Amendment Component of the Double Jeopardy Clause, Constitutional Collateral Estoppel and, Alternatively, Claiming Res Judicata, Enforceable by the Fourteenth Amendment Upon the States Precluding State's Theory of Prosecution by Unlawful Intentional Stabbing with Knife, the Alleged Battery Act Described in the Amended Information.

03/16/2012 Appendix *Index #170*
Filed By: Defendant O'Keefe, Brian Kerry
[170] Appendix of Exhibits for; Motion to Dismiss Based Upon Violation(s) of the Fifth Amendment Component of the Double Jeopardy Clause, Constitutional Collateral Estoppel and, Alternatively, Claiming Res Judicata, Enforceable by the Fourteenth Amendment Upon the States Precluding State's Theory of Prosecution by Unlawful Intentional Stabbing with Knife, the Alleged Battery Act Described in the Amended Information.

03/21/2012 Opposition to Motion to Dismiss *Index #171*
Filed By: Plaintiff State of Nevada
[171] State's Opposition to Motion to Dismiss

03/22/2012 Notice of Motion *Index #172*
Filed By: Defendant O'Keefe, Brian Kerry
[172] Notice of Motion and Motion to Seal Records

03/29/2012 Notice of Motion *Index #173*
Filed By: Defendant O'Keefe, Brian Kerry
[173] Notice of Motion and Motion to Admit Evidence of Polygraph Examination Results.

04/03/2012 Motion *Index #174*
Filed By: Defendant O'Keefe, Brian Kerry
[174] Motion for Complete Rough Draft Transcript

04/05/2012 Opposition to Motion *Index #175*
Filed By: Plaintiff State of Nevada
[175] State's Opposition to Motion to Seal Records

04/11/2012 Order Denying Motion *Index #176*
Filed By: Plaintiff State of Nevada
[176] Order Denying Defendant's Motion to Dismiss

04/17/2012 Supplemental *Index #177*
Filed by: Plaintiff State of Nevada
[177] State's Supplemental Opposition to Motion to Seal Records

04/19/2012 Filing *Index #178*
Filed By: Defendant O'Keefe, Brian Kerry
[178] Filing in Support of Motion to Seal Records as Ordered by Judge

04/30/2012 Order *Index #179*
Filed By: Defendant O'Keefe, Brian Kerry
[179] Order for Transcripts

05/17/2012 Supplemental *Index #180*

	Filed by: Plaintiff State of Nevada *[180] Supplemental Notice of Expert Witnesses [NRS 174.234(2)]*	
05/24/2012	Order Denying Motion *[181] Order Denying Defendant's Motion to Seal Records & Defendant's Motion to Admit Evidence of Polygraph Examination*	*Index #181*
06/01/2012	Motion to Continue Trial Filed By: Defendant O'Keefe, Brian Kerry *[182]*	*Index #182*
06/12/2012	Jury List *[183]*	*Index #183*
06/15/2012	Verdict *[234]*	*Index #234*
07/17/2012	Request *[184] Request for Rough Draft Transcripts*	*Index #184*
08/01/2012	PSI *[185] Pre-Sentence Investigation Report (Unfiled) Confidential*	*Index #185*
08/30/2012	Recorders Transcript of Hearing *[186] Transcript of Hearing Held on December 16, 2011*	*Index #186*
08/30/2012	Recorders Transcript of Hearing *[187] Transcript of Hearing Held on February 17, 2012*	*Index #187*
08/30/2012	Recorders Transcript of Hearing *[188] Transcript of Hearing Held on March 29, 2012*	*Index #188*
08/30/2012	Recorders Transcript of Hearing *[189] Transcript of Hearing Held on June 5, 2012*	*Index #189*
08/31/2012	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[190] Notice of Appeal*	*Index #190*
09/04/2012	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[191]*	*Index #191*
09/04/2012	Transcript of Proceedings Party: Plaintiff State of Nevada *[192] Transcript of Hearing Held on June 15, 2012*	*Index #192*
09/04/2012	Transcript of Proceedings Party: Plaintiff State of Nevada *[193] Transcript of Hearing Held on June 14, 2012*	*Index #193*
09/04/2012	Transcript of Proceedings Party: Plaintiff State of Nevada	*Index #194*

[194] Transcript of Hearing Held on June 13, 2012

09/04/2012 Transcript of Proceedings *Index #195*
Party: Plaintiff State of Nevada
[195] Transcript of Hearing Held on June 12, 2012

09/04/2012 Transcript of Proceedings *Index #196*
Party: Plaintiff State of Nevada
[196] Transcript of Hearing Held on June 11, 2012

09/05/2012 Judgment of Conviction *Index #197*
[197] Judgment of Conviction (Jury Trial)

09/13/2012 Notice of Appeal (Criminal) *Index #198*
Party: Defendant O'Keefe, Brian Kerry
[198] Notice of Appeal

09/24/2012 Case Appeal Statement *Index #199*
Filed By: Defendant O'Keefe, Brian Kerry
[199]

11/20/2012 Request *Index #200*
Filed by: Defendant O'Keefe, Brian Kerry
[200] Request for Rough Draft Transcripts

12/03/2012 Recorders Transcript of Hearing *Index #201*
[201] Transcript of Hearing Held on August 16, 2012

12/03/2012 Recorders Transcript of Hearing *Index #202*
[202] Transcript of Hearing Held on August 28, 2012

07/26/2013 NV Supreme Court Clerks Certificate/Judgment - Affirmed *Index #203*
[203] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied

07/31/2013 Criminal Order to Statistically Close Case *Index #204*
[204]

12/06/2013 Petition for Writ of Mandamus *Index #205*
Filed by: Defendant O'Keefe, Brian Kerry
[205] Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis

12/06/2013 Notice of Motion *Index #206*
Filed By: Plaintiff State of Nevada
[206] Notice of Motion Motion to Waive Filing Fees for Petition for Writ of Mandamus

12/06/2013 Ex Parte Motion *Index #207*
Filed By: Defendant O'Keefe, Brian Kerry
[207] (Ex Parte) Motion to Appoint Counsel

12/13/2013 Ex Parte Motion *Index #208*
Filed By: Defendant O'Keefe, Brian Kerry
[208] Ex Parte Motion for Reimbursement of Legal Cost of Faretta Canvassea Defendant to

Above Instant Case.

12/31/2013	Response Filed by: Plaintiff State of Nevada *[209] 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*	*Index #209*
01/13/2014	Ex Parte Motion Filed By: Defendant O'Keefe, Brian Kerry *[210] Ex Parte Motion for Production of Documents, (Specific) Papers, Pleadings and Tangible Property of Defendant*	*Index #210*
01/13/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[211]*	*Index #211*
01/21/2014	Ex Parte Motion Filed By: Defendant O'Keefe, Brian Kerry *[212] Ex-Parte Motion for Reimbursement of Incidental Costs Subsequent the Court Declaring Defendant Indigent and Granting Forma Pauperis (Confidential)*	*Index #212*
01/21/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[213]*	*Index #213*
01/27/2014	Motion to Modify Sentence *[214] Motion to Modify and/or Correct Illegal Sentence*	*Index #214*
01/27/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[215]*	*Index #215*
01/28/2014	Order Denying Filed By: Plaintiff State of Nevada *[216] Order Denying Defendant's Petition for Writ of Mandamus or, in the Alternative, Writ of Coram Nobis Order Denying Defendant's Motion to Waive Filing Fees for Petition for Writ of Mandamus Order Denying Defendant's Motion to Appoint Counsel*	*Index #216*
01/28/2014	Ex Parte Motion Filed By: Defendant O'Keefe, Brian Kerry *[217] Ex-Parte Motion to Extend Prison Copywork Limit*	*Index #217*
02/07/2014	Opposition to Motion Filed By: Plaintiff State of Nevada *[218] State's Opposition to Defendant's (Ex-Parte) "Motion for Reimbursement of Incidental Costs Subsequent the Court Declaring Defendant Indigent and Granting Forma Pauperis" (Confidential)*	*Index #218*
02/24/2014	Reply to Opposition Filed by: Defendant O'Keefe, Brian Kerry *[219] ProSe "Reply" to State's Opposition to Defendant's (Ex-Parte) "Motion for Reimbursement of Incidental Costs Subsequent the Court Declaring Defendant Indigent and Granting Forma Pauperis (Confidential)*	*Index #219*
02/24/2014	Motion	*Index #220*

	Filed By: Defendant O'Keefe, Brian Kerry *[220] Motion for Judicial Notice-the State's Failure to File and Serve Response in Opposition*	
02/24/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[221]*	*Index #221*
02/24/2014	Opposition to Motion Filed By: Plaintiff State of Nevada *[222] State's Opposition to Defendant's Pro Per Motion to Modify and/or Correct Illegal Sentence*	*Index #222*
02/28/2014	Order Granting Filed By: Plaintiff State of Nevada *[223] Order Granting and Denying in Part Defendant's Ex-Parte Motion for Production of Documents (Specific) Papers, Pleadings, and Tangible Property of Defendant*	*Index #223*
03/04/2014	Reply to Opposition Filed by: Defendant O'Keefe, Brian Kerry *[224] Pro Se "Reply" to State's Opposition to Defendant's Pro Se Motion to Modify and/or Correct Illegal Sentence*	*Index #224*
03/04/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[225]*	*Index #225*
03/10/2014	Opposition to Motion Filed By: Plaintiff State of Nevada *[226] State's Opposition to Defendant's Motion for Judicial Notice - the State's Failure to File and Serve Response in Opposition*	*Index #226*
03/11/2014	Order Denying Filed By: Plaintiff State of Nevada *[227] Order Denying Defendant's Ex-Parte Motion for Reimbursement of Incidental Costs Declaring Defendant Indigent and Granting Forma Pauperis*	*Index #227*
03/13/2014	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[228] Notice of Appeal*	*Index #228*
03/14/2014	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[229]*	*Index #229*
03/25/2014	Order Denying Filed By: Plaintiff State of Nevada *[230] Order Denying Defendant's Pro Per Motion to Modify and/or Correct Illegal Sentence*	*Index #230*
04/01/2014	Order Denying Filed By: Plaintiff State of Nevada *[231] Order Denying Defendant's Pro Per Motion for Judifical Notice-the State's Failure to File and Serve Response in Opposition*	*Index #231*
04/11/2014	Notice of Appeal (Criminal) *[232] Notice of Appeal*	*Index #232*

04/11/2014	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[233]*	*Index #233*
06/06/2014	Notice of Change of Address Filed By: Defendant O'Keefe, Brian Kerry *[238] Notice of Change of Address for all (3) Cases*	*Index #238*
06/18/2014	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[239] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*Index #239*
07/23/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[241] Notice of Motion*	*Index #241*
07/23/2014	Motion for Relief Filed By: Defendant O'Keefe, Brian Kerry *[240] Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued any Remand, Mandate, or Remittitur*	*Index #240*
08/07/2014	Response Filed by: Plaintiff State of Nevada *[242] State's Response and Motion to Dismiss Defendant's Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issues any Remand, Mandare or Remittatture*	*Index #242*
08/28/2014	Ex Parte Filed By: Defendant O'Keefe, Brian Kerry *[243] Ex Parte and/or Notice of Motion and Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- CV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear " Want of Jurisdiction" Thereby Losing Immunity, Absolutely!*	*Index #243*
08/28/2014	Ex Parte Filed By: Defendant O'Keefe, Brian Kerry *[244] Exparte and/or Notice of Motion*	*Index #244*
08/29/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[245] Notice of Motion and Motion for Leave of Court to File - Motion for Rehearing - Pursuant to EDCR, Rule 2.24*	*Index #245*
08/29/2014	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[246]*	*Index #246*
08/29/2014	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[247] Notice of Appeal*	*Index #247*
09/02/2014	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[248]*	*Index #248*
09/04/2014		*Index #249*

Order Denying Motion
Filed By: Plaintiff State of Nevada
[249] Order Denying Defendant's Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issues any Remand, Mandare or Remittatture

09/12/2014 — Opposition to Motion — *Index #250*
Filed By: Plaintiff State of Nevada
[250] State's Opposition to Defendant's Pro Per Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit Against Judge Michael Villani for Proceeding in Clear "Want of Jurisdiction" Thereby Losing Immunity, Absolutely!

09/12/2014 — Opposition to Motion — *Index #251*
Filed By: Plaintiff State of Nevada
[251] State's Opposition to Defendant's Pro Per Motion for Leave of Court to File Motion. . . Rule 2.4

09/15/2014 — Petition for Writ of Habeas Corpus — *Index #252*
Filed by: Defendant O'Keefe, Brian Kerry
[252] Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive Based on Subject-Matter of Amended Information Vested in Ninth Circuit by Notice of Appeal then "COA" Granted on a Double-Jeopardy Violation with no Remand Issued Since.

09/15/2014 — Motion for Appointment of Attorney — *Index #253*
Filed By: Defendant O'Keefe, Brian Kerry
[253] Motion for Appointment of Counsel Pursuant to NRS 34.750

09/15/2014 — Notice of Motion — *Index #254*
Filed By: Defendant O'Keefe, Brian Kerry
[254]

09/15/2014 — Exhibits — *Index #255*
Filed By: Defendant O'Keefe, Brian Kerry
[255] Exhibits to Petition for Writ of Habeas Corpus by a True Pretrial Detainee

09/24/2014 — Affidavit — *Index #256*
[256] Affidavit of the Honorable Michael P. Villani

10/01/2014 — Supplement — *Index #257*
Filed by: Defendant O'Keefe, Brian Kerry
[257] Petitioner's Supplement with Exhibit of Oral Argument Scheduled by the Ninth Circuit Court of Appeals for November 17, 2014, Courtroom #1 at 9:00 A.M. in San Francisco California.

10/01/2014 — Reply to Opposition — *Index #258*
Filed by: Defendant O'Keefe, Brian Kerry
[258] "True Pretrial Detainee's" Reply to State's Opposition(s) Admitting the State has a Jurisdictional Defect by the Filing of a Notice of Appeal which Divests Jurisdiction of the Matter Appealed, i.e., O'Keefe's Pretrial Habeas Matter Appealed to the 9th Circuit on the Subject Matter of the Amended Information Already Named a Double Jeopardy Violation (1)

10/03/2014 — Amended Petition — *Index #259*
Filed By: Defendant O'Keefe, Brian Kerry
[259] "Evidentiary Hearing Request" (Amended Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive Based on Subject-Matter of Amended Information Vested in Ninth Circuit by Notice of Appeal then "COA" Granted on a Double Jeopardy Violation with No Remand Issued Since)

10/03/2014	Exhibits Filed By: Defendant O'Keefe, Brian Kerry *[260] Exhibits to "Amended" Petition for Writ of Habeas Corpus by a True Pretrial Detainee*	*Index #260*
10/06/2014	Order Denying Motion Filed By: Plaintiff State of Nevada *[261] Order Denying Motion to Disqualify*	*Index #261*
10/10/2014	Response Filed by: Plaintiff State of Nevada *[262] State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive Based on Subject-Matter of Amended Information Vested In Ninth Circuit by Notice of Appeal then "COA" Granted on a Double Jeopardy Violation with no Remand Issued Since (Post Conviction), Amended Petition and Accompanying Exhibits, Opposition to Request For Evidentiary Hearing, and Opposition to Pro Per Motion to Appoint Counsel*	*Index #262*
10/15/2014	Order for Petition for Writ of Habeas Corpus *[263]*	*Index #263*
10/27/2014	Reply Filed by: Defendant O'Keefe, Brian Kerry *[264] "Reply" to State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus Pursuant to NRS 34.360...Since*	*Index #264*
10/29/2014	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[265] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*Index #265*
11/21/2014	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[266] Notice of Appeal*	*Index #266*
11/24/2014	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[267]*	*Index #267*
02/06/2015	NV Supreme Court Clerks Certificate/Judgment - Affirmed *[268] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied*	*Index #268*
02/25/2015	Notice Filed By: Defendant O'Keefe, Brian Kerry *[269] Judicial Notice Pursuant NRS 47.140(1)-NRS 47.150(2) Supporting Pro-Se Petition Pursuant NRS 34.360 See NRS 47.140(1) Federal Statutes 1291.2253 See NRS 47.150(2) Ninth Circuit Memorandum Filed Feb 02 2015*	*Index #269*
03/12/2015	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[270] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*Index #270*
04/08/2015	Supplemental Filed by: Defendant O'Keefe, Brian Kerry *[271] Supplemental Petition for Writ of Habeas Corpus (Post Conviction)*	*Index #271*
06/02/2015	Response	*Index #272*

	Filed by: Plaintiff State of Nevada *[272] State's Response to Defendant's Pro Per Post-Conviction Petition for Writ of Habeas Corpus*	
06/08/2015	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[273]*	*Index #273*
06/08/2015	Motion to Withdraw As Counsel *[274] Motion to Withdraw Counsel for Conflict and Failure to Present Claims when I.A.C. Claims must be Raised per Statute in the First Petition Pursuant Chapter 34*	*Index #274*
06/12/2015	Supplemental Filed by: Defendant O'Keefe, Brian Kerry *[275] Supplemental Appendix of Exhibits to Petition for a Writ of Habeas Corpus Exhibits One (1) Through Twenty-Five (25)*	*Index #275*
06/15/2015	Supplemental Filed by: Defendant O'Keefe, Brian Kerry *[276] Supplemental Petition for Writ of Habeas Corpus (Post-Conviction Relief - NRS 34.735 Petition: Form)*	*Index #276*
06/15/2015	Motion Filed By: Defendant O'Keefe, Brian Kerry *[277] Motion for Leave to File Supplemental Petition Addressing All Claims in the First Instance Required by Statute for Judicial Economy with Affidavit.*	*Index #277*
06/16/2015	Reply Filed by: Defendant O'Keefe, Brian Kerry *[278] Reply to State's Response to Defendant's Pro Per Post Conviction Petition for Habeas Corpus*	*Index #278*
06/17/2015	Supplement Filed by: Defendant O'Keefe, Brian Kerry *[279] Supplement with Notice Pursuant NRS 47.150 (2); NRS 47.140 (1), That the United States Supreme Court has Docketed (#14 -10093) the Pretrial Habeas Corpus Matter Pursuant 28 U.S.C. 2241 (c) (3) from the Mooting of Petitioner's Section 2241 Based on a Subsequent Judgment Obtained in want of Jurisdiction while Appeal Pending.*	*Index #279*
06/24/2015	Ex Parte Motion Filed By: Defendant O'Keefe, Brian Kerry *[280] Ex Parte Motion to Extend Prison Copywork Limit*	*Index #280*
06/25/2015	Opposition to Motion Filed By: Plaintiff State of Nevada *[281] State's Opposition to Defendant's Motion to Withdraw Counsel for Conflict and Failure to Present Claims when I.A.C. Claims must be Raised per Statute in the First Petition Pursuant to Chapter 34*	*Index #281*
06/29/2015	Affidavit Filed By: Defendant O'Keefe, Brian Kerry *[282] Affidavit of Matthew D. Carling, Esq.*	*Index #282*
06/29/2015	Certificate of Service Filed by: Defendant O'Keefe, Brian Kerry *[283]*	*Index #283*

07/09/2015	Response Filed by: Plaintiff State of Nevada *[284] State's Response to Defendant's Pro Per Supplemental Petition for Writ of Habeas Corpus and Evidentiary Hearing Request, "Motion for Leave to File Supplemental Petition Addressing all Claims in the First Instance Required by Statute for Judicial Economy with Affidavit," "Reply to State's Response to Defendant's Pro Per Post Conviction Petition for Habeas Corpus," and "Supplement with Notice Pursuant NRS 47.150(2); NRS 47.140(1), that the United States Supreme Court has Docketed (#14 - 10093) the Pretrial Habeas Corpus Matter Pursuant 28 USC 2241(C)(3) from the Mooting of Petitioner's Section 2241 Based on a Subsequent Judgment Obtained in want of Jurisdiction While Appeal Pending"*	*Index #284*
07/13/2015	Supplement Filed by: Defendant O'Keefe, Brian Kerry *[285] Supplement to Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*	*Index #285*
07/15/2015	Order Denying Motion Filed By: Plaintiff State of Nevada *[286] Order Denying Defendant's Pro Per Motion to Withdraw Counsel for Conflict and Failure to Present Claims when I.A.C. Claims must be Raised per Statute in the First Petition Pursuant to Chapter 34*	*Index #286*
07/15/2015	Order Denying Motion Filed By: Plaintiff State of Nevada *[287] Order Denying Defendant's Pro Per Motion for Leave to File Supplemental Petition Addressing all Claims in the First Instance Required by Statute for Judicial Economy with Affidavit*	*Index #287*
07/31/2015	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[288] Notice of Appeal*	*Index #288*
07/31/2015	Response Filed by: Plaintiff State of Nevada *[289] State's Response to Defendant's Supplement to Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*	*Index #289*
08/04/2015	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[290]*	*Index #290*
08/11/2015	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[291] Notice of Appeal*	*Index #291*
08/12/2015	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[292]*	*Index #292*
08/13/2015	Order Denying Motion Filed By: Plaintiff State of Nevada *[293] Order Denying Defendant's Ex Parte Motion to Extend Prison Copywork Limit*	*Index #293*
08/24/2015	Reply Filed by: Defendant O'Keefe, Brian Kerry *[294] Reply to State's Response to Defendant's Supplemental Petition for Writ of Habeas*	*Index #294*

	Corpus	
08/25/2015	Reply Filed by: Defendant O'Keefe, Brian Kerry *[295] Reply in Support of Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)*	*Index #295*
09/03/2015	Response Filed by: Plaintiff State of Nevada *[296] State's Response to Defendant's Reply in Support of Supplemental Post-Conviction Petition for Writ of Habeas Corpus*	*Index #296*
09/23/2015	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[297] Notice of Motion and Motion to Withdraw as Attorney of Record*	*Index #297*
09/28/2015	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[298] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*Index #298*
09/29/2015	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[299] Notice of Motion and Motion to Withdraw as Attorney of Record*	*Index #299*
10/02/2015	Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada *[300]*	*Index #300*
10/06/2015	Notice of Entry Filed By: Plaintiff State of Nevada *[301] Notice of Entry of Findings of Fact, Conclusions of Law and Order*	*Index #301*
10/07/2015	Notice of Appeal (Criminal) *[302] (Notice of Appeal Pursuant NRAP 4(c))*	*Index #302*
10/20/2015	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[303]*	*Index #303*
10/21/2015	Request Filed by: Defendant O'Keefe, Brian Kerry *[304] Request for Rough Draft Transcripts*	*Index #304*
10/21/2015	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[305] Notice of Appeal*	*Index #305*
10/21/2015	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[306] Case Appeal Statement (NRAP 3(d)(4))*	*Index #306*
10/29/2015	Recorders Transcript of Hearing *[307] Transcript of Hearing Held on October 20, 2015*	*Index #307*
10/29/2015	Recorders Transcript of Hearing	*Index #308*

	[308] Transcript of Hearing Held on September 4, 2015	
10/29/2015	Amended Notice of Appeal (Criminal) *[311] Amended Notice of Appeal to Comply with NRAP Rule 4(a)(7) to Amend Appeal to be Characterized as Appeal Pursuant N.R.A.P. 4(b) (*See Rule 4(e))(If Applicable)*	*Index #311*
11/03/2015	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[309] Notice of Appeal Pursuant N.R.A.P 4(b) of Judge Bixler's Denial of Counsel's Motion to Withdraw Held October 20, 2015*	*Index #309*
11/04/2015	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[310]*	*Index #310*
11/19/2015	Order Denying Motion Filed By: Plaintiff State of Nevada *[312] Order Denying Matthew D. Carling's Motion to Withdraw as Attorney of Record for Defendant*	*Index #312*
01/07/2016	NV Supreme Court Clerks Certificate/Judgment - Dismissed *[313] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed*	*Index #313*
12/21/2016	NV Supreme Court Clerks Certificate/Judgment - Affirmed *[316] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied*	*Index #316*
04/28/2017	Application to Proceed in Forma Pauperis Filed By: Defendant O'Keefe, Brian Kerry *[317] Application to Proceed in Forma Pauperis (from 11th Judicial Court Pershing County) (Confidential)*	*Index #317*
04/28/2017	Order to Proceed In Forma Pauperis Granted for: Defendant O'Keefe, Brian Kerry *[318] Order to Proceed in Forma Pauperis (from 11th Judicial District Court Pershing County) (Confidential)*	*Index #318*
05/02/2017	Petition for Writ of Habeas Corpus *[319] Order Transferring Case from 11th Judicial District Court Pershing County*	*Index #319*
05/15/2017	Order for Petition for Writ of Habeas Corpus *[320]*	*Index #320*
05/17/2017	Notice Filed By: Defendant O'Keefe, Brian Kerry *[321] Notice of Supplemental Authority by the Court of Appeals of Nevada Now Relevant; Ramirez vs. Nevada 2016 Nev. App. Unpub. Lexis 553, Alleging Due Process Rights Involving Loss of Liberty Challenged Under NRS 34.360 by NRS 34.500 Filed Two Weeks Subsequent O'Keefe's PI16-7070 (Exhibit "A" Attached Incorporated by Reference) Judicial (NRS 47.140, 47.150)*	*Index #321*
05/31/2017	Motion *[322] Motion to Transfer to Chief Judge Based on Trial Court Served as Defendant*	*Index #322*
06/09/2017	Motion for Clarification	*Index #323*

[323] Plaintiff's Motion of Clarification that Complaint PI 16-1070 was Filed on 12/14/16 Under Protected Liberty Interest State Created by Statute - NRS 34.360 - Thereby Protected by Procedural Due Process Under the U.S. 14th Constitutional Amendment and Nevada Constitution. Article 1 & 8 Inwhich Plaintiff, as Master of His Suit, Prosecuted Writ to Only be Reviewed Under by Law [See Exhibits A & B Attached]

06/20/2017	Response Filed by: Plaintiff State of Nevada *[324] State's Response to Defendant's Petition for Writ of Habeas Corpus and Motion to Transfer to Chief Judge*	*Index #324*
07/03/2017	Order Denying Motion Filed By: Plaintiff State of Nevada *[325] Order Denying Defendant's Pro Per Motion to Transfer to Chief Judge Based on Trial Court Served as Defendant*	*Index #325*
07/11/2017	Objection Filed By: Defendant O'Keefe, Brian Kerry *[326] Objection to the State Judiciarys Unlawful Conversion of Petitioner's NRS 34.360 Habeas Corpus, Also the Petitioner Reply and Objection to the State's Response to Defendants Petition for Writ of Habeas Corpus and Motion to Transfer to Chief Judge. Also Objection to the States' False Return of the Writ Serving to Overthrow the Function of NRS 34.360 Without Legislative Approval*	*Index #326*
07/13/2017	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[327] Plaintiff's Notice of Appeal Pursuant - NRS 34.575 - of Conversion of State Constitutional Writ Under NRS 34.360 to a Post Writ, NRS 34.724, Wrongfully Applying Limitations*	*Index #327*
07/17/2017	Case Appeal Statement *[328]*	*Index #328*
07/20/2017	Notice of Appeal (Criminal) *[332] Notice of Appeal - Suspension of the State Constitutional Writ, No. PI 16-1070, Pursuant NRS 34.360 and Unlawful Conversion to a State Post Writ Pursuant to NRS 34.724 to Apply Time Bar*	*Index #332*
07/26/2017	Order Denying Motion Filed By: Plaintiff State of Nevada *[329] Order Denying Defendant's Pro Per Motion of Clarification that Complaint PI 16-1070 was Filed on 12/14/16 Under Protected Liberty Interest State Created by Statute - NRS 34.360 - Thereby Protected by Procedural Due Process Under the U.S. 14th Constitutional Amendment and Nevada Constitution, Article I 8 in Which Plaintiff, as Master of His Suit, Prosecuted Writ to Only be Reviewed Under By Law [sic]*	*Index #329*
07/26/2017	Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada *[330]*	*Index #330*
08/02/2017	Notice of Entry *[331] Notice of Entry of Findings of Fact, Conclusions of Law and Order*	*Index #331*
08/08/2017	Case Appeal Statement *[333]*	*Index #333*
08/15/2017	Petition for Writ of Habeas Corpus	*Index #334*

Filed by: Defendant O'Keefe, Brian Kerry
[334] Petition for Writ of Habeas Corpus Under NRS 34.360 - See NRS 34.500 - Based on Violations of Federal and State Due Process (Procedural) by Depriving Protected Liberty Interest of O'Keefe's Briefing Schedule Set by Order to Hold Pretrial Hearing of O'Keefe's "Abney" Appeal When the State, Despite Being Noticed of Writ Order (2252), Disavowed Sub - Silentio the Declaratory Judgment Issued (2253) that Provided a Binding Adjudication Thereby Establishing O'Keefe's Constitutional Rights as an Equitable Remedy Expressing the Circuit Court's Exercise of (2241) Jurisdiction of O'Keefe's (2241) Pretrial Petition Determined by the Merits (COA) Panel to Manifest a Colorable Double Jeopardy Clause Affirmative Constitutional Pretrial Defense Before the Third Trial and Wrongful Conviction Which Under the Law Said Order (2253) Acted as a Direct Injunction and Can Never be Waved or Forfeited and Attached as Exhibit "A" Incorporated Here by Reference to Include all Scotus Authorities, Federal Statues and Federal Law

08/16/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[335]*	*Index #335*
08/16/2017	Motion to Correct Sentence Filed by: Defendant O'Keefe, Brian Kerry *[336] Motion to Correct Illegal Sentence*	*Index #336*
08/22/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[337] Notice of Motion and Motion to Set Hearing of Plaintiff's Motion to Correct Illegal Sentence as to Afford Proper Procedural Due Process with Time for Plaintiff's Reply to State's Response*	*Index #337*
08/22/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[338]*	*Index #338*
08/24/2017	Order for Petition for Writ of Habeas Corpus *[339]*	*Index #339*
08/29/2017	Application to Proceed in Forma Pauperis Filed By: Defendant O'Keefe, Brian Kerry *[340] Application to Proceed in Forma Pauperis for NRS 34.360 Petition. (Confidential)*	*Index #340*
08/30/2017	Opposition to Motion Filed By: Plaintiff State of Nevada *[341] State's Opposition to Defendant's Motion to Correct Illegal Sentence*	*Index #341*
08/31/2017	Order to Proceed In Forma Pauperis *[342] Order to Proceed In Forma Pauperis (Confidential)*	*Index #342*
09/06/2017	Notice of Motion *[343] Notice of Motion and Motion to Strike and Object to Direct Case Number Assigned and Request Independent Habeas Corpus No. Under NRS 34.360 Pursuant Liberty Interest and Due Process of Law Under XIV Amendment*	*Index #343*
09/06/2017	Notice of Motion *[344] Notice of Motion and Motion to Waive Any Ostensible Oral Argument, By Personal Appearance, Thereby Requesting any Pro Se Appearance to be Conducted Via Telephonically*	*Index #344*
09/06/2017	Notice of Motion	*Index #345*

[345] Notice of Motion and Motion to Object...NRS 34.360

09/07/2017	Notice of Motion *[346] Notice of Motion and Motion to Object to Court Clerk Filing Petition for Habeas Corpus Under NRS 34.360 as a Direct Action Thereby Unlawfully Recharacterizing New Independent Civil Suit as a Proceeding in The Original Action Denying The "Liberty Clause"*	*Index #346*
09/07/2017	Notice of Motion *[347]*	*Index #347*
09/07/2017	Supplemental *[348] Supplemental Sentencing Exhibit as "C" Incorporated Herein By Reference to Defendant's Motion to Correct Illegal Sentence Tentatively Scheduled 9/07/2017 08:30am*	*Index #348*
09/07/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[349]*	*Index #349*
09/12/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[350] Notice of Motion and Motion to Strike State's Untimely Opposition to Defendant's Motion to Correct Illegal Sentence*	*Index #350*
09/12/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[351]*	*Index #351*
09/14/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[352]*	*Index #352*
09/14/2017	Notice Filed By: Defendant O'Keefe, Brian Kerry *[353] Notice and Reply to State's Opposition to Defendant's Motion to Correct Illegal Sentence Untimely Served and Filed Supported by Incoming Legal Mail Log as Exhibit "A"*	*Index #353*
09/21/2017	Inmate Filed - Petition for Writ of Habeas Corpus Party: Defendant O'Keefe, Brian Kerry *[380]*	*Index #380*
09/25/2017	Response Filed by: Plaintiff State of Nevada *[354] State's Response to Defendant's Petition for Writ of Habeas Corpus*	*Index #354*
10/03/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[355]*	*Index #355*
10/03/2017	Notice of Motion *[356] Notice of Motion and Motion to Demand Upon Request by Law to Place Defendant's Motion Under Protected Liberty Interest - NRS 176.555, Back on Calendar Based on Motion Being Incidental and Can be Filed at Anytime in Accordance with O'Keefe's Procedural Due Process Protected by the Due Process Clause of the U.S. Fourteenth Constitutional Amendment*	*Index #356*

10/11/2017	Order Denying Motion *[357] Order Denying Defendant's All Pending Motions*	*Index #357*
10/31/2017	Request Filed by: Defendant O'Keefe, Brian Kerry *[383] Request for Submission of Petition*	*Index #383*
11/08/2017	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[358]*	*Index #358*
11/08/2017	Motion for Order Filed By: Defendant O'Keefe, Brian Kerry *[359] Motion for Order to Have P. and P. File Amended PSI to Reflect Criminal Non-Support of Defendants Correctly as Misdemeanors in PSI Based on Sentence Adjudicated of (9) Months Pursuant (JOC) Entry of Sentence Attached and Incorporated Here As Exhibit 1*	*Index #359*
11/21/2017	Opposition to Motion Filed By: Plaintiff State of Nevada *[360] State's Opposition to Defendant's Motion to Demand*	*Index #360*
12/04/2017	Opposition to Motion Filed By: Plaintiff State of Nevada *[361] State's Opposition to Defendant's Motion for Corrected PSI*	*Index #361*
01/11/2018	Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada *[362]*	*Index #362*
01/18/2018	Notice of Entry *[363] Notice of Entry of Findings of Fact, Conclusions of Law and Order*	*Index #363*
02/06/2018	Order Denying Motion *[364] Order Denying Defendant's Motion to Demand Upon Request By Law to Place Defendant's Motion Under Protected Liberty Interest - NRS 176.555 Back on Calendar Based on Motion Being Incidental and Can be Filed at Anytime in Accordance With O'Keefe Procedural Due Process Protected by the Due Process Cause of the US Fourteenth Constitutional Amendment*	*Index #364*
02/14/2018	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[365]*	*Index #365*
02/14/2018	Motion to Reconsider Filed By: Defendant O'Keefe, Brian Kerry *[366] Motion for Reconsideration to Amend the Order Which Denied Defendant's Motion the State Admits Does Not Attack Facial Legality of Sentence, But Rather Clearly Only Argues This Court Lacked Jurisdiction to Sentence Based on "COA" Issued Pursuant Guidelines Set by Congress Delineated by SCOTUS in Barefoot v. Estelle, 463 U.S. 880, AT 892 FN3*	*Index #366*
02/21/2018	Notice of Intent Filed By: Defendant O'Keefe, Brian Kerry *[367] Notice of Intent to Sue Within Statutory Timelimit for Failure to Enforce Rights Created by Federal Statutes, i.e. - 28 U.S.C. 2241, 2252, 2253 Despite Actual and Constructive Notice Being Provided*	*Index #367*

03/02/2018	Opposition to Motion Filed By: Plaintiff State of Nevada *[368] State's Opposition to Defendant's Motion for Reconsideration*	*Index #368*
03/06/2018	Opposition to Motion *[369] State's Opposition to Defendant's Motion for Reconsideration*	*Index #369*
03/14/2018	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[370] Notice of Motion (By Affidavit)*	*Index #370*
03/14/2018	Motion Filed By: Defendant O'Keefe, Brian Kerry *[371] Motion Court to Order Clerk of Court to File Motion Pursuant Rule 59(e) and Send Back Additional Copy That Was Noticed and Provided and Schedule Hearing Providing Minimum Procedural Due Process-Notice and Hearing. [See Affidavit Enclosed]*	*Index #371*
03/27/2018	Order Denying Motion *[372] Order Denying Defendant's Motion for Reconsideration*	*Index #372*
05/11/2018	NV Supreme Court Clerks Certificate/Judgment - Affirmed *[373] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed*	*Index #373*
10/02/2018	Motion to Correct Sentence Filed by: Defendant O'Keefe, Brian Kerry *[374] Motion to Correct "Facially" Illegal Sentence*	*Index #374*
10/02/2018	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[375]*	*Index #375*
10/18/2018	Opposition to Motion Filed By: Plaintiff State of Nevada *[376] State's Opposition to Defendant's Motion to Correct "Facially" Illegal Sentence*	*Index #376*
10/29/2018	Motion Filed By: Defendant O'Keefe, Brian Kerry *[381] Omnibus Motion (One- Notice of Memorandum of Points and Authorities to Support NRS 34.360 Petition Not a Motion as Erratum and Notice of Supplemental Authority to Memorandum as Ex Parte DELA 25 Nev. 346(1900))*	*Index #381*
10/31/2018	Order Denying Motion Filed By: Plaintiff State of Nevada *[377] Order Denying Defendant's Motion to Correct "Facially" Illegal Sentence*	*Index #377*
11/21/2018	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[378] (Civil)- Notice of Appeal "Res Nova"; Matter of First Impression for a Claim that Works Under NRS 176.555*	*Index #378*
11/27/2018	Case Appeal Statement Filed By: Defendant O'Keefe, Brian Kerry *[379]*	*Index #379*

11/29/2018	Order Filed By: Defendant O'Keefe, Brian Kerry *[382] Order Transferring Petition for Writ of Habeas Corpus and All Subsequent Fillings*	*Index #382*
12/12/2018	Order for Petition for Writ of Habeas Corpus *[384]*	*Index #384*
12/31/2018	Response Filed by: Plaintiff State of Nevada *[385] State's Response to Defendant's Petition for Writ of Habeas Corpus*	*Index #385*
12/31/2018	Motion for Relief Filed By: Defendant O'Keefe, Brian Kerry *[386] Motion for Relief from PPOW Filed Dec 12 2018 Pursuant to NevR Civ. P. 60(b)(3)(4)*	*Index #386*
12/31/2018	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[387]*	*Index #387*
01/28/2019	Notice of Motion Filed By: Plaintiff State of Nevada *[388] Notice of Motion and Motion to Declare Vexatious Litigant and to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits*	*Index #388*
02/08/2019	Motion Filed By: Defendant O'Keefe, Brian Kerry *[389] Urgent Motion for Enlargement of Time (NRCP 6) to File Opposition and Continue Hearing Scheduled for 02/12/2019 of State's Motion to Declare Vexatious Litigant ... Credits, Providing Equitable Procedural Due Process ota Pro per Inmate Without Direct Access to Law Library Who Requires Copies and Research for Pro Per Objection*	*Index #389*
02/12/2019	Demand Filed By: Defendant O'Keefe, Brian Kerry *[390] Defendant's Demand for Trial by Jury Pursuant to N.R. CIV 38(b) and Nevada Constitution , Article I Section 3 Concerning State's Charge of Violation NRS 209-451(i)(d) with Service Complete by Rule 5 (b) Affidavit of Service*	*Index #390*
02/12/2019	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[391]*	*Index #391*
02/19/2019	Opposition Filed By: Defendant O'Keefe, Brian Kerry *[392] Defendant's Opposition to States Retaliatory Motion to Declare Vexatious Litigant... Where Federal Counsel Appointed by Order of 9th Cir Declared in Full Briefing O'Keefe to be Prolific*	*Index #392*
02/25/2019	Supplement to Opposition Filed By: Defendant O'Keefe, Brian Kerry *[393]*	*Index #393*
02/25/2019	Reply Filed by: Plaintiff State of Nevada *[394] Reply to Defendant's Opposition to the State's Motion to Declare Vexatious Litigant and*	*Index #394*

	to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits	
04/04/2019	Findings of Fact, Conclusions of Law and Judgment *[395] Findings of Fact, Conclusions of Law and Order*	*Index #395*
04/30/2019	Notice of Appeal (Criminal) Party: Defendant O'Keefe, Brian Kerry *[396] Notice of Appeal*	*Index #396*
05/01/2019	Notice of Entry *[397] Notice of Entry of Findings of Fact, Conclusions of Law and Order*	*Index #397*
05/01/2019	Case Appeal Statement *[398] Case Appeal Statement*	*Index #398*
05/03/2019	Petition for Writ of Mandamus Filed by: Defendant O'Keefe, Brian Kerry *[399] Petition for Writ of Mandamus Challenging Order Signed and Never Served Pursuant to NRAP4(c)(2)*	*Index #399*
05/29/2019	Response Filed by: Plaintiff State of Nevada *[400] State's Response to Defendant's "Petition for Writ of Mandamus"*	*Index #400*
07/02/2019	Order Filed By: Plaintiff State of Nevada *[401] Order Denying Defendant's Petition for Writ of Mandamus and Motion for Reconsideration*	*Index #401*
09/23/2019	Motion Filed By: Defendant O'Keefe, Brian Kerry *[402] Motion for Leave of Court to File New Action as to Motion to Vacate Sentence as Means For Relief from Judgment*	*Index #402*
09/23/2019	Notice of Motion Filed By: Defendant O'Keefe, Brian Kerry *[404]*	*Index #404*
09/24/2019	Notice of Change of Address *[405] Notice of Change of Address*	*Index #405*
11/19/2019	Notice of Change of Address Filed By: Defendant O'Keefe, Brian Kerry *[406] Notice of Change of Address*	*Index #406*
12/20/2019	NV Supreme Court Clerks Certificate/Judgment - Affirmed *[407] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied*	*Index #407*
09/07/2021	Case Reassigned to Department 6 *From Judge Michael Villani to Judge Jacqueline Bluth*	
06/01/2022	Motion Filed By: Defendant O'Keefe, Brian Kerry	*Index #408*

[408] Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law Scotus Announced Filed 10/2/2015

06/01/2022 Notice of Motion — *Index #409*
Filed By: Defendant O'Keefe, Brian Kerry
[409]

06/10/2022 Opposition — *Index #411*
Filed By: Plaintiff State of Nevada
[411] State's Opposition to Defendants Motion for Relief from Judgment or Order, Pursuant to Rule 60(b) of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law SCOTUS Announced, Filed 10/02/2015 Where No Petition Had Reached Merits and Successive Does Not Apply and States Countermotion to Strike

06/27/2022 Motion — *Index #412*
Filed By: Defendant O'Keefe, Brian Kerry
[412] Motion for Leave of Court to File Motion to Vacate Sentence Enhancement Based on Constitutional Sudden Change in Law Where Reckless Conduct Addressed

06/27/2022 Motion — *Index #413*
Filed By: Defendant O'Keefe, Brian Kerry
[413] Ex Parte Motion for Leave of Court and Order to Have Clerk of the Court to File New Action Pursuant to NRS 176.555 Mailed 12/28/2021 By Brass Slip No. 2329642 as First Class Mail

06/27/2022 Motion to Vacate Sentence — *Index #414*
Filed by: Defendant O'Keefe, Brian Kerry
[414] Motion to Vacate Facially Illegal Sentence of Deadly Weapon Enhancement Based on Constitutional Sudden Change in Law Announced June 10, 2021 Effecting Substantive Law

06/27/2022 Notice of Motion — *Index #415*
Filed By: Defendant O'Keefe, Brian Kerry
[415] Notice of Motion

06/30/2022 Order — *Index #416*
[416] Order Denying Defendant's Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law Filed 10/2/2015

08/09/2022 Notice of Appeal (Criminal) — *Index #417*
[417] Notice of Appeal

08/09/2022 Case Appeal Statement — *Index #418*
[418] Case Appeal Statement

08/12/2022 Notice of Appeal (Criminal) — *Index #419*
Party: Defendant O'Keefe, Brian Kerry
[419] Notice of Appeal (Criminal)

08/15/2022 Case Appeal Statement — *Index #420*
[420] Case Appeal Statement

09/19/2022 NV Supreme Court Clerks Certificate/Judgment - Dismissed — *Index #421*
[421] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

09/27/2022 NV Supreme Court Clerks Certificate/Judgment - Dismissed *Index #422*
[422] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

09/27/2022 Opposition *Index #423*
[423] State's Opposition to Defendant's Motion to Vacate Factually Illegal Sentence of Deadly Weapon enhancement Based on Constitutional Sudden change in Law Announced June 10, 2021 Effecting Substantive Law

10/04/2022 Notice of Appeal (Criminal) *Index #424*
[424] Notice of Appeal

10/07/2022 Case Appeal Statement *Index #425*
Case Appeal Statement

DISPOSITIONS

01/01/1900 **Plea** (Judicial Officer: User, Conversion)
1. MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON
Not Guilty
PCN: Sequence:

05/05/2009 **Disposition** (Judicial Officer: User, Conversion)
1. MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:

05/05/2009 **Disposition** (Judicial Officer: User, Conversion)

05/05/2009 **Adult Adjudication** (Judicial Officer: User, Conversion)
1. MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON
01/01/1900 (F) 200.010 (200.010)
PCN: Sequence:

Converted Disposition:
Sentence# 0001:
Minimum 10 Years to Maximum 25 Years
Placement: NSP
Converted Disposition:
Sentence# 0002:
Minimum 96 Months to Maximum 240 Months
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0001
and Sentence#: 0001
Converted Disposition:
Sentence# 0003: CREDIT FOR TIME SERVED
Minimum 181 Days to Maximum 181 Days

08/28/2012 **Amended Adult Adjudication** (Judicial Officer: User, Conversion) Reason: Amended
1. MURDER OF THE SECOND DEGREE WITH USE OF A DEADLY WEAPON
01/01/1900 (F) 200.010 (200.010)
PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
Term: Minimum:120 Months, Maximum:300 Months
Consecutive Enhancement: Minimum:8 Years, Maximum:20 Years
Credit for Time Served: 1394 Days
Comments: $25 ADM Fee, Waived if Already Paid, and the $150 DNA Analysis Fee including testing to determine genetic markes, Waived if already paid.

HEARINGS

01/06/2009 **Initial Arraignment** (9:00 AM)
INITIAL ARRAIGNMENT Court Clerk: Nora Pena/np Relief Clerk: Dameda Scott Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams
Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Nora Pena/np Relief Clerk: Dameda Scott Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams
Journal Entry Details:
Mr. Schieck asked to let the District Court 17 set the trial date. COURT ORDERED, matter set for entry of plea and trial date. CUSTODY 1/20/09 8:00 AM ENTRY OF PLEA/TRIAL SETTING - DEPT 17 ;

01/20/2009 **Entry of Plea** (8:00 AM)
ENTRY OF PLEA/TRIAL SETTING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; ENTRY OF PLEA/TRIAL SETTING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
DEFT. OKEEFE ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. Mr. Smith stated the State is going to INVOKE the 60 day rule as well. COURT ORDERED, matter set for trial. CUSTODY 3/10/09 8:00 AM CALENDAR CALL 3/16/09 10:00 AM JURY TRIAL ;

02/10/2009 **Petition for Writ of Habeas Corpus** (8:00 AM)
Events: 01/26/2009 Petition for Writ of Habeas Corpus
PTN FOR WRIT OF HABEAS CORPUS Heard By: Michael Villani

02/10/2009 **Motion to Admit Evidence** (8:00 AM)
STATES MTN: ADMIT EVIDENCE OF OF OTHER CRIMES/06 Heard By: Michael Villani

02/10/2009 **All Pending Motions** (8:00 AM)
ALL PENDING MOTIONS 2-10-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; ALL PENDING MOTIONS 2-10-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
PETITION FOR WRIT OF HABEAS CORPUS...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS Arguments by counsel. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus DENIED; State's Motion to Admit Evidence of Other Crimes will be set for a Petrocelli Hearing. Amended Information FILED IN OPEN COURT. NDC 2/26/09 10:00 AM EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS ;

02/26/2009 **Evidentiary Hearing** (10:00 AM)
EVIDENTIARY HRG: STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Matter Continued; EVIDENTIARY HRG: STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Journal Entry Details:
COURT ORDERED, matter CONTINUED. NDC ;

03/10/2009 **Calendar Call** (8:00 AM)
CALENDAR CALL

03/10/2009 **Motion** (8:00 AM)
Events: 03/04/2009 Motion
DEFT'S MTN TO REQUIRE COURT TO ADVISE JURORS AS TO MANDATORY SENTENCES /9 Heard By: Michael Villani

03/10/2009 **All Pending Motions** (8:00 AM)
ALL PENDING MOTIONS 3-10-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani

Matter Heard; ALL PENDING MOTIONS 3-10-09 Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
CALENDAR CALL...DEFT'S MOTION TO REQUIRE COURT TO ADVISE JURORS AS TO MANDATORY SENTENCES Counsel stated they are ready to proceed to trial which will take 3-4 days. Mr. Pike stated that he has 5 witnesses in addition to the State's witnesses and one is out of state; further, has a signed Stipulation and Order Waiving the Penalty Hearing but will withhold filing it until after the jury is seated. Arguments by counsel regarding Deft's Motion. COURT ORDERED, Deft's Motion to Require Court to Advise Juror's as to Mandatory Sentences DENIED; Trial date STANDS. NDC ;

03/16/2009 **Evidentiary Hearing** (9:30 AM)
EVIDENTIARY HRG: STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS

03/16/2009 **All Pending Motions** (9:30 AM)
ALL PENDING MOTIONS 3-16-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; ALL PENDING MOTIONS 3-16-09 Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS...TRIAL BY JURY Arguments by counsel. COURT ORDERED, Motion GRANTED. Jury and 2 alternates selected and sworn. Court Clerk read the Amended Information and stated the deft's plea thereto. Opening statements by counsel. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED. ;

03/16/2009 **Jury Trial** (10:00 AM)
TRIAL BY JURY Heard By: Michael Villani

03/17/2009 **Jury Trial** (9:30 AM)
TRIAL BY JURY Court Clerk: Kristen Brown/A.M. Relief Clerk: Shelly Landwehr/P.M. Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Matter Continued; TRIAL BY JURY Court Clerk: Kristen Brown/A.M. Relief Clerk: Shelly Landwehr/P.M. Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel Juror #12's apartment flooded and will not be able to return as he has to be present to solve the problem. JURY PRESENT: Testimony and exhibits presented (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal. Arguments by counsel. COURT ORDERED, Motion DENIED. JURY PRESENT: Testimony and exhibits presented (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal regarding testimony from Officer Hutchinson. Arguments by counsel. COURT ORDERED, Motion DENIED, Court finds statement was not a Discovery violation, it was memorialized, not undue prejudice. ;

03/18/2009 **Jury Trial** (9:45 AM)
TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Matter Continued; TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel. Ms. Palm moved for a mistrial and dismissal. Further argument by counsel. COURT ORDERED, Motion DENIED but will allow the defense to call the officer's back and question them about the report. JURY PRESENT: Testimony and exhibits presented (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the note by witness Hutchison. COURT ORDERED, the report is not coming in at this point. JURY PRESENT: Testimony and exhibits presented (See worksheets). OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel that it observed a few of the jurors speaking with one of the witnesses. Jurors 3, 6 & 7 questioned. JURY PRESENT: Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED. ;

03/19/2009 **Jury Trial** (9:00 AM)

TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Matter Continued; TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Journal Entry Details:
JURY PRESENT: State rests. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED. OUTSIDE THE PRESENCE OF THE JURY: Court advised the Deft. of his rights not to testify. ;

03/20/2009 **Jury Trial** (9:00 AM)
TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; TRIAL BY JURY Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the victims medical records. Court stated its findings and ORDERED, Motion to Allow the Medical Records be Introduced DENIED but will allow testimony that the victim attempted to commit suicide two days prior to the incident. JURY PRESENT: Testimony and exhibits presented (See worksheets). Defense rests. OUTSIDE THE PRESENCE OF THE JURY: Instructions settled on the record. JURY PRESENT: Court instructed the jury. Closing arguments by counsel. At the hour of 4:10 pm, the jury retired to deliberate. At the hour of 7:15 pm, the jury returned with a VERDICT of GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON. Court THANKED and EXCUSED the jury. COURT ORDERED, Deft. REMANDED TO CUSTODY and matter referred to Parole and Probation and set for sentencing. CUSTODY 5/05/09 8:00 AM SENTENCING ;

04/07/2009 **Motion** (8:00 AM)
Events: 03/24/2009 Motion
DEFT'S MTN TO SETTLE RECORD/13 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; DEFT'S MTN TO SETTLE RECORD/13 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
Arguments by counsel. Court stated the record is clear. NDC ;

05/05/2009 **Sentencing** (8:00 AM)
SENTENCING Court Clerk: Kristen Brown Relief Clerk: Dameda Scott/ds Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Granted; SENTENCING Court Clerk: Kristen Brown Relief Clerk: Dameda Scott/ds Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
Argument by State. Statements by Defendant and counsel. Ms. Palm requested corrections to the original Pre-Sentence Investigation Report. COURT ORDERED, Pre-Sentence Investigation Report amended by interlineation and incorporated into the court file copy as follows: Page 1, 20 years; Page 4, Juvenile Offense; Page 7, deleted sentence regarding a knife; Page 8, Section 9, Paragraph 2. COURT NOTED, those items were not considered by this Court. DEFT. O'KEEFE ADJUDGED GUILTY of COUNT 1 - 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, and a $150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED ON COUNT 1 - 2ND DEGREE MURDER (F) to a MINIMUM of TEN (10) YEARS and a MAXIMUM of TWENTY-FIVE (25) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE MINIMUM OF NINETY-SIX (96) MONTHS and a MAXIMUM of TWO-HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC) for the USE OF A DEADLY WEAPON, to run CONSECUTIVE TO COUNT 1, with 181 DAYS credit for time served. BOND, if any, EXONERATED. NDC ;

04/29/2010 **Status Check** (8:15 AM)
STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Matter Continued; STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael
Journal Entry Details:

Deft. O'Keefe incarcerated in the Nevada Department of Corrections (NDC) and not present. Mr. Schieck advised the Remittitur has not been issued by the Supreme Court yet; further, Randall Pike, SPD, will be handling this matter and he is still recovering from surgery. Mr. Schieck requested the matter be CONTINUED. COURT SO ORDERED. NDC ;

05/20/2010 **Status Check** (8:15 AM)
STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
Deft. O'Keefe incarcerated in the Nevada Department of Corrections (NDC) and not present. Court Services advised Deft. was not transported; Ms. Jackson advised Deft. should really be present. Therefore, COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 06/10/10 8:15 AM ;

06/10/2010 **Status Check** (8:15 AM)
STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Heard By: Michael Villani

06/10/2010 **Motion** (8:15 AM)
Events: 05/24/2010 Motion
MOTION FOR JUDICIAL RULING Heard By: Michael Villani

06/10/2010 **All Pending Motions** (8:15 AM)
ALL PENDING MOTIONS (6/10/10) Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Matter Heard; ALL PENDING MOTIONS (6/10/10) Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
Journal Entry Details:
STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL...MOTION FOR JUDICIAL RULING Michael Hyte, Deputy Special Public Defender (Bar # 10088), also present. Ms. Lavell advised she was just assigned onto the case this morning. Colloquy regarding additional subpoenas to be served for additional medical records, and HIPPA protection guidelines. Arguments by Mr. Pike. Matter submitted by State. COURT ORDERED, Motion GRANTED. Court advised counsel to have redactions of sensitive information done on medical records. Ms. Lavell requested an in-camera view be done on these records upon being received by counsel. Colloquy regarding resetting trial date. Statements by Deft. MATTER TRAILED for Court to review current trial schedule. RECALLED. Mr. Pike advised this matter is overflow eligible, and requested additional time to prepare pre-trial briefs. COURT SO ORDERED. FURTHER, trial date SET. At request of counsel, COURT ORDERED, Deft. REMANDED into CUSTODY on this matter. CUSTODY 8-17-10 8:15 AM CALENDAR CALL 8-23-10 10:00 AM TRIAL BY JURY ;

08/03/2010 *CANCELED* **Motion** (8:15 AM)
Vacated

08/12/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
08/12/2010, 08/17/2010, 08/19/2010-08/20/2010
Events: 08/02/2010 Notice of Motion
Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Matter Continued; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Matter Continued;
Matter Heard; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Journal Entry Details:

Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Colloquy regarding the statement made by Deft. to Officer Ballejos. Deft. was in custody but had not been given the Miranda warning. COURT FINDS, that due to the nature of the statements and what the Police Officer knew at the time, the statements do not fall within the public safety exception. Therefore, COURT ORDERED, the statement is excluded. Ms. Palm is requesting

that Deft.'s statement made during the recorded interrogation by homicide detectives be stricken in its entirety. COURT FINDS, that even though Deft. was intoxicated, under the totality of the circumstances, his statement was freely and voluntarily given. Court and counsel proceed and discuss the particular portions of Deft.'s statement, which must be suppressed. The ruling as to each specific statement is as stated on the record in open court. Ms. Palm advised there are a few other issues that need to be resolved. With regard to Detective Wildemann, Mr. Lalli advised the State is withdrawing the Notice of Expert; however, he will still be testifying. The Detective will say that in homicides he has investigated, it is not uncommon for the stabber to cut himself; colloquy. Court will allow the testimony but the Detective cannot say "and that is what happened here." With regard to any reference to the prior trial, counsel have stipulated to using the words, "prior testimony" or "prior proceedings." Court noted Jury Trial will begin Monday, August 23, 2010, at 10:00 a.m. ;
Matter Continued; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Matter Continued;
Matter Heard; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Matter Continued; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation
Matter Continued;
Matter Heard; Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation

08/12/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
08/12/2010, 08/17/2010
Events: 08/02/2010 Notice of Motion
Notice Of Motion And Motion By Defendant O'Keefe To Admit Evidence Showing LVMPD Homicide Detectives Have Preserved Blood/Breath Alcohol Evidence in Another Recent Case
Matter Continued; Notice Of Motion And Motion By Defendant O'Keefe To Admit Evidence Showing LVMPD Homicide Detectives Have Preserved Blood/Breath Alcohol Evidence in Another Recent Case

08/12/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 08/02/2010 Notice of Motion
Notice Of Motion And Motion By Defendant O'Keefe For Discovery
Granted in Part; Notice Of Motion And Motion By Defendant O'Keefe For Discovery

08/12/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 08/02/2010 Notice of Motion
Notice Of Motion And Motion By Defendant O'Keefe For Evidentiary Hearing On Whether The State And CCDC Have Complied With Their Obligations With Respect To The Recording Of A Jail Visit Between O'Keefe And State Witness Cheryl Morris
Withdrawn; Notice Of Motion And Motion By Defendant O'Keefe For Evidentiary Hearing On Whether The State And CCDC Have Complied With Their Obligations With Respect To The Recording Of A Jail Visit Between O'Keefe And State Witness Cheryl Morris

08/12/2010 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR, ALTERNATIVELY, TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION . . . NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE TO ADMIT EVIDENCE SHOWING LVMPD HOMICIDE DETECTIVES HAVE PRESERVED BLOOD/BREATH ALCOHOL EVIDENCE IN ANOTHER RECENT CASE Christopher Lalli, Asst DA, present on behalf of the State and Patricia Palm. Esq., present on behalf of Deft. O'Keefe, who is also present. At counsels request, COURT ORDERED, the two (2) above-named Motions shall be CONTINUED to August 19, 2010. NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE FOR DISCOVERY: Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART; the last known addresses of any lay witnesses and any information that would help identify any Felony convictions for those witnesses shall be provided. NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE FOR EVIDENTIARY HEARING ON WHETHER THE STATE AND CCDC HAVE COMPLIED WITH THEIR OBLIGATIONS WITH RESPECT TO THE RECORDING OF A JAIL VISIT BETWEEN O KEEFE AND STATE WITNESS CHERYL

MORRIS: Ms. Palm advised this matter is resolved and, therefore, stated she would WITHDRAW said Motion. COURT ORDERED, Motion WITHDRAWN. Colloquy regarding the trial. Counsel expect the trial will take five (5) days. Ms. Palm to prepare the Order approved as to form and content by Mr. Lalli. ;

08/12/2010 *CANCELED* **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Vacated

08/17/2010 **Calendar Call** (8:15 AM) (Judicial Officer: Villani, Michael)

08/17/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
08/17/2010, 08/19/2010
Motion By Defendant O'Keefe To Preclude The State From Introduction At Trial Other Act Or Character Evidence And Other Evidence Which Is Unfairly Prejudicial Or Would Violate His Constitutional Rights

Motion By Defendant O'Keefe To Preclude The State From Introduction At Trial Other Act Or Character Evidence And Other Evidence Which Is Unfairly Prejudicial Or Would Violate His Constitutional Rights
Granted in Part;

08/17/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
08/17/2010, 08/19/2010
Motion By Defendant O'Keefe To Admit Evidence Pertaining To The Alleged Victim's Mental Health Condition And History, Including Prior Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation And Erratic Behavior

Motion By Defendant O'Keefe To Admit Evidence Pertaining To The Alleged Victim's Mental Health Condition And History, Including Prior Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation And Erratic Behavior
Matter Heard;

08/17/2010 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Continued;
Journal Entry Details:
MOTION BY DEFENDANT O'KEEFE TO ADMIT EVIDENCE PERTAINING TO THE ALLEGED VICTIM'S MENTAL HEALTH CONDITION AND HISTORY, INCLUDING PRIOR SUICIDE ATTEMPTS, ANGER OUTBURSTS, ANGER MANAGEMENT THERAPY, SELF-MUTILIZATION AND ERRATIC BEHAVIOR...MOTION BY DEFENDANT O'KEEFE TO PRECLUDE THE STATE FROM INTORDUCTION AT TRIAL OTHER ACT OR CHARACTER EVIDENCE AND OTHER EVIDENCE WHICH IS UNFAIRLY PREJUDICIAL OR WOULD VIOLATE HIS CONSTITUTIONAL RIGHTS...MOTION BY DEFENDANT O'KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR ALTERNATIVELY TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION...MOTION BY DEFENDANT OKEEFE TO ADMIT EVIDENCE SHOWING LVMPD HOMICIDE DETECTIVES HAVE PRESERVED BLOOD/BREATH ALCOHOL EVIDENCE IN ANOTHER RECENT CASE As to the first three (3) motions on the calendar, Court advised that it did not receive courtesy copies and, therefore, is not ready to make a ruling and, ORDERED, matter CONTINUED to Thursday. Court directed counsel to provide coutesy copies of all their pleadings to Court because although they have been filed, they have not been imaged and, therefore, are not accessible to the Court. As to Defendant's motion to admit evidence showing LVMPD homicide detectives have preseerved blood/breath alcohol evidence in another recent case, following arguments by counsel, COURT ORDERED, motion DENIED, noting its' original ruling stands. Mr. Lalli advised;

08/17/2010 *CANCELED* **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Vacated
duplicate entry

08/19/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 08/16/2010 Order Shortening Time
Order Shortening Time To Preclude Expert Testimony
Matter Heard;

08/19/2010 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)

Status Check: Availability Of Dr. Benjamin For Trial
Matter Heard;

08/19/2010 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Conference at the Bench. MOTION BY DEFT. O'KEEFE TO PRECLUDE THE STATE FROM INTRODUCTION AT TRIAL OTHER ACT OR CHARACTER EVIDENCE AND OTHER EVIDENCE WHICH IS UNFAIRLY PREJUDICIAL OR WOULD VIOLATE HIS CONSTITUTIONAL RIGHTS: This Motion has nine parts and is GRANTED in part and DENIED in part as follows: a. The State should be precluded from introducing evidence showing that O'Keefe had claimed to Cheryl Morris that he could kill anyone with a knife and had demonstrated how he would kill with knives - Arguments by counsel. Court noted that it previously ruled that the statement is admissible and it is relevant. Therefore, COURT ORDERED, Motion DENIED. b. The State should be limited to presenting the Judgment of Conviction for Felony Domestic Violence with the redaction to omit the reference to a concurrent sentence - Arguments by counsel. COURT ORDERED, Motion GRANTED. c. The State should be precluded from introducing any evidence of a sexual assault allegation related to O'Keefe's prior burglary conviction - Arguments by counsel. Mr. Lalli advised the State does not intend to admit this evidence unless the door is opened. COURT ORDERED, Motion GRANTED. d. The State should be precluded from introducing the term "Sexual Assault Kit" with reference to the DNA collection here or referring to any sexual assault - Arguments by counsel. Mr. Palm advised the parties have agreed to call the Sexual Assault Kit a DNA Collection Kit. COURT ORDERED, Motion GRANTED. e. The State should be precluded from introducing photographs of Whitmarsh's bruises, which cannot be linked to the time of the incident here - Arguments by counsel. COURT ORDERED, Motion DENIED. f. The State should be precluded from introducing any reference to racial slurs allegedly made by O'Keefe - Arguments by counsel. COURT ORDERED, Motion GRANTED. g. The State should be precluded from introducing the hearsay statement of Charles Tolliver that O'Keefe killed Whitmarsh - Arguments by counsel. COURT ORDERED, Motion GRANTED; the statement "Baby, he done killed that Girl" shall be excluded. MOTION BY DEFT. O'KEEFE TO PRECLUDE EXPERT TESTIMONY: Ms. Palm advised this is related to letter "H" of the above-referenced Motion. COURT ORDERED, this issue will be CONTINUED as the Court would like to review the Case Law. FURTHER, letter "I" of the above-referenced Motion will also be CONTINUED. MOTION BY DEFT. O'KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR, ALTERNATIVELY, TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION: COURT ORDERED, Motion CONTINUED. Mr. Lalli requested leave of Court to file a Second Amended Information. There being no objection by Ms. Palm, COURT ORDERED, request GRANTED; Second Amended Information FILED IN OPEN COURT. STATUS CHECK: AVAILABILITY OF DR. BENJAMIN FOR TRIAL: Ms. Palm presented a Motion by Deft. O'Keefe to Preclude Late Noticed Expert Testimony from Dr. Dutra, which was FILED IN OPEN COURT. Mr. Lalli advised that if they cannot get Dr. Benjamin here to testify, the State would like to call Dr. Dutra. Arguments by counsel. COURT FINDS, the State has exercised due diligence in trying to locate Dr. Benjamin in order to obtain her testimony at trial. Of paramount importance in this case is the analysis of the injuries, how they were sustained, and whether they were self-inflicted. Mr. Lalli advised he would continue to try and contact Dr. Benjamin but if the State cannot locate her, the State would like to call Dr. Dutra. MOTION BY DEFT. O'KEEFE TO ADMIT EVIDENCE PERTAINING TO THE ALLEGED VICTIM'S MENTAL HEALTH CONDITION AND HISTORY, INCLUDING PRIOR SUICIDE ATTEMPTS, ANGER OUTBURSTS, ANGER MANAGEMENT THERAPY, SELF-MUTILATION, AND ERRATIC BEHAVIOR: Arguments by counsel. Court directed counsel to go through the records to see if there are any agreements. Counsel to provide the Court with the records they agree upon as well as the records they disagree on. The Court will then rule on said records during the trial. CUSTODY CONTINUED TO: 08/20/10 8:15 AM ;

08/23/2010 **Jury Trial** (10:00 AM) (Judicial Officer: Villani, Michael)
08/23/2010-08/27/2010, 08/30/2010-09/02/2010
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
9:30 a.m Jurors returned to continue deliberations. At the hour of 10:15 p.m. the Jury presented a note to the Court indicating that they were still deadlocked. The Note was marked for identification as Court's Exhibit 18 and ADMITTED. 10:43 a.m. OUTSIDE THE PRESENCE OF THE JURY: Robert Daskas, Chf Dep DA, present on behalf of Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Court advised counsel of the notes it had received from the Jury. JURY PRESENT: Court gave an Allen Charge to the Jury. At the hour of 10:55 a.m. the Jury returned to the Jury room to continue their deliberations. At the hour of 11:38 a.m. the Jury indicated that they were still deadlocked. The Note was marked for identification as Court's Exhibit 20 and ADMITTED. JURY PRESENT: Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Court noted the Jury is deadlocked at 10 to 2. It is fruitless to continue deliberations at this time. Therefore, COURT FINDS, that due to the hopeless deadlock of the Jury, it is a manifest necessity to declare a MISTRIAL. Court thanked and excused the Jury and ORDERED, matter set for status check; Deft. REMANDED to custody. CUSTODY 09/14/10 8:15 AM STATUS CHECK: NEW TRIAL DATE ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
9:00 a.m. Jury returned to deliberate. At the hour of 3:45 p.m. the Jury presented a note with a question to the Court. Court held a telephonic conference with Christopher Lalli, Chf Dep DA, and Patricia Palm, Esq., regarding the note. An answer was provided to the Jury. The Question and Answer provided was marked for identification as Court's Exhibit 16 and ADMITTED. At the hour of 4:55 p.m. the Jury presented another note to the Court indicating that they were still deadlocked. The Court again held a telephonic conference with counsel regarding the note. Court and counsel agreed to release the Jury for the evening with the understanding that they would return at 9:00 a.m., September 2, 2010, to continue deliberations. Court noted there is a possibility of an Allen Charge being given after further deliberations. The Note was marked for identification as Court's Exhibit 17 and ADMITTED. Court thanked and excused the alternates and ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 09/02/10 9:00 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 10:00 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Court and counsel questions Juror No. 6 as to what she may have observed on the elevator when reporting to Court to resume the trial this morning. Court canvassed Deft. with regard to his right not to testify. JURY PRESENT: Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict forms settled on the record. JURY PRESENT: Court instructed the Jury. Closing arguments by Ms. Graham and Ms. Palm; rebuttal by Mr. Lalli. OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm orally moved the Court for a mistrial. Arguments by counsel. COURT ORDERED, Motion DENIED; the totality of the circumstances do not warrant a mistrial at this time. JURY PRESENT: At the hour of 5:45 p.m., the Jury retired to deliberate; however, due to the lateness of the hour, the Jury

elected to go home and return in the morning to begin deliberations. COURT ORDERED, trial continued. CUSTODY CONTINUED TO: 09/01/10 9:00 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 9:43 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm is requesting a limited Jury Instruction regarding the testimony by the witness, Cheryl Morris, where she mentioned the killing of a person by cutting them in the sternum area. The medical records of the victim were also discussed. The parties have reached an agreement with regard to the said records and a stipulation will be read to the Jury by the Court. Stipulation marked as Court's Exhibit 14 and ADMITTED. JURY PRESENT: Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: Juror No. 2 requested to address the Court regarding a procedural issue. The Juror presented his question to the Court and it was answered by the Court and counsel. JURY PRESENT: Testimony and exhibits presented (see worksheets). 5:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 08/31/10 9:45 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 11:45 a.m. Jury Trial resumed. Testimony and evidence presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: State is objecting to a demonstration by the witness, George Schiro, and Ms. Palm as to how the wound to the victim may have been inflicted. COURT ORDERED, the demonstration may continue. JURY PRESENT: Testimony and evidence presented (see worksheets). 6:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CONTINUED TO: 08/30/10 9:30 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dept DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 10:00 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Court and counsel discuss the issues surrounding the video of Deft.'s interview with the police and the redactions made by the State. Ms. Palm would like to have certain information added back to the disc. JURY PRESENT; Testimony and exhibits presented (see worksheets). 5:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 08/27/10 11:00 AM ;

Trial Continues;
Trial Continues;
Trial Continues;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dept DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 9:43 a.m. Jury Trial commenced. Court and counsel continue Voir Dire examination of the prospective Jurors. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Colloquy regarding redaction issues with regard to the video of Deft.'s interview with the police. PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continues. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Prospective Juror No. 0210. For the reasons stated on the record, COURT ORDERED, Prospective Juror No. 0210 shall be EXCUSED. PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continues. Jury and two (2) alternates selected and sworn. Clerk read the Second Amended Information to the Jury and stated the Deft.'s plea thereto. Opening statements by Mr. Lalli and Ms. Palm. Testimony and exhibits presented (see worksheets). 5:35 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 08/26/10 10:00 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 10:30 a.m. Jury Trial resumed. Court and counsel continue Voir Dire examination of the prospective Jurors. 5:00 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 08/25/10 9:30 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Mistrial;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. 10:21 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the prospective Jurors. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Juror No. 0229 for the reasons stated on the record. PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continued. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Ms. Palm is seeking to admit evidence pertaining to the victim's Mental Health condition and history. Colloquy regarding the excerpts from the victim's medical records. Excerpts from Medical Records of Victim marked for identification and ADMITTED as Court's Exhibit 1. Deft.'s Proposed Jury Instructions FILED IN OPEN COURT. PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continued. 5:35 a.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED. CUSTODY CONTINUED TO: 08/24/10 10:00 AM ;

09/14/2010 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
09/14/2010, 09/16/2010
Matter Continued; New Trial Date
Matter Heard;

Journal Entry Details:
Upon inquiry, counsel noted today is only on to reset the trial. State did indicate Court had previously approved them to speak with Dr. Benjamin which they have not, but still reserve the right to do so. Colloquy regarding dates as Deft. did reserve his speedy trial rights. COURT ORDERED, trial RESET. CUSTODY (NDC) 1/18/10 8:15 AM CALENDAR CALL 1/24/10 10:00 AM TRIAL BY JURY;
Matter Continued; New Trial Date
Matter Heard;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is not present. Motion to Withdraw FILED IN OPEN COURT. Conference at the Bench. Court directed the Court Clerk to contact Drew Christensen for appointment of counsel. Ms. Palm advised she has already been in contact with him; colloquy. COURT ORDERED, Motion to Withdraw GRANTED; Patricia Palm is APPOINTED as counsel of record on this case. COURT FURTHER ORDERED, matter set for status check. Court noted Ms. Palm has requested the trial transcripts. CUSTODY CONTINUED TO: 09/16/10 8:15 AM ;

09/28/2010 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 09/24/2010 Notice of Motion
Notice of Motion and Motion by Defendant O'Keefe for a Reasonable Bail
Granted; Notice of Motion and Motion by Defendant O'Keefe for a Reasonable Bail
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. For the reasons stated on the record, Ms. Palm is requesting that bail be set for Deft. in a reasonable amount. Argument by Mr. Lalli. Court noted that Deft. was denied his right to a speedy trial due to scheduling issues so there was good cause for the delay. However, due to the nature of this case, this Court will not grant Deft. an O.R. Release but will instead set bail. COURT ORDERED, Bail set in the amount of $500,000.00 with House Arrest (H.A.). If Deft. violates any portion of the H.A., he shall be immediately REMANDED until trial. Mr. Lalli to prepare the Order. CUSTODY ;

01/13/2011 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 01/03/2011 Notice of Motion
Notice of Motion and Motion by Defendant O'keefe to Preclude the State from Introducing at Trial Improper Evidence and Argument
Matter Heard; Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Improper Evidence and Argument
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Ms. Palm advised there are five different arguments. 1. State should be precluded from introducing evidence of argument to show that the alleged victim, Victoria Whitmarsh, testified against O'Keefe in the prior felony domestic battery case (C207835): Arguments by counsel. COURT ORDERED, Motion DENIED as to this issue. 2. Based upon the most recent and much expanded testimony of Cheryl Morris and argument relating thereto, this Court should reconsider its previous ruling and preclude or limit the testimony and argument: Arguments by counsel regarding this issue and more specifically, regarding the previous testimony that O'Keefe killed people, that O'Keefe was kicked out of the trailer, and that the victim slept behind a locked door. COURT ORDERED, with regard to the last two issues, they will be excluded. All other issues are areas of impeachment. 3. The State should be precluded from introducing evidence of the costs related to the expert witnesses and improperly disparaging these experts: Arguments by counsel. COURT ORDERED, the Court will allow the testimony; however, counsel are to make sure the Jurors know there were prior hearing, which added to the experts' costs. 4. This Court should preclude the State from arguing or introducing evidence related to domestic violence syndromes, effects, or dynamics or the general cause of fighting against domestic violence: Arguments by counsel. COURT ORDERED, decision DEFERRED until the hearing on the other motions. 5. This Court should preclude the State from inquiring about O'Keefe's 2005 convictions for non-support of his children, as these do not qualify for admission under NRS 50.095: Ms. Palm advised that the State agrees with her on this issue, the convictions are inadmissible. CUSTODY ;

01/18/2011 **Calendar Call** (8:15 AM) (Judicial Officer: Villani, Michael)

01/18/2011, 01/20/2011
Matter Continued;
Matter Heard;
Matter Continued;
Matter Heard;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. State announced ready. Ms. Palm advised she could not announce ready at this time as she has some Motions pending. The Motion are set to be heard on January 20, 2011, and depending on the outcome, she may or may not be ready for trial; colloquy. COURT ORDERED, Calendar Call CONTINUED. CUSTODY CONTINUED TO: 01/20/11 8:15 AM ;

01/20/2011 **Motion to Dismiss** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 01/07/2011 Notice of Motion
Notice of Motion and Motion by Defendant O'Keefe to Dismiss on Grounds of Double Jeopardy bar and Speedy Trial Violation and, Alternatively, to Preclude State's New Expert Witness, Evidence and Argument Relating to the Dynamics or Effects of Domestic Violence and Abuse
Denied in Part;

01/20/2011 **Motion in Limine** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 01/06/2011 Notice of Motion
Notice of Motion and Motion In Limine To Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 And Evidence of Domestic Violence Pursuant to 48.061
Deferred Ruling;

01/20/2011 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, Elizabeth Mercer, Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Ms. Palm requested a continuance for the purpose of preparing a Writ. Arguments by counsel. COURT ORDERED, Request DENIED. Notice of Motion and Motion by Deft. O'Keefe to Dismiss on Grounds of Double Jeopardy Bar and Speedy Trial Violation and, Alternatively, to Preclude State's New Expert Witness, Evidence, and Argument Relating to the Dynamics or Effects of Domestic Violence and Abuse: There are three (3) parts to this Motion . . . 1. Double Jeopardy Bars Must Apply to Prevent Retrial: Arguments by counsel. COURT ORDERED, Motion DENIED; the Court does not find any intentional misconduct on behalf of the State. 2 The State must be Precluded from Introducing New Evidence and Expert Witness Testimony which was not Previously Timely Noticed and which is Otherwise Inadmissible: Arguments by counsel. COURT FINDS, that as far as the timeliness of the notice, it was timely. 3. O'Keefe is Entitled to a Dismissal Based on the Violations of his Constitutional and Statutory Speedy Trial Rights: Arguments by counsel. COURT FINDS, no violation of Deft.'s speedy trial rights in this case and, therefore, ORDERED, Motion DENIED. State's Notice of Motion and Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to 48.061: Colloquy regarding a discovery issue. Arguments by counsel. COURT ORDERED, decision DEFERRED. Matter set for Petrocelli Hearing. Calendar Call: COURT ORDERED, Trial date VACATED and RESET. Court noted it DEFERRED ruling on Item No. 4 of Deft.'s Motion to Preclude the State from Introducing at Trial Improper Evidence and Argument , which was heard on January 13, 2011, No. 3 above, and the Motion in Limine. CUSTODY 04/12/11 10:00 AM PETROCELLI HEARING 05/31/11 8:15 AM CALENDAR CALL 06/06/11 1:00 PM JURY TRIAL ;

01/24/2011 *CANCELED* **Jury Trial** (1:00 PM) (Judicial Officer: Villani, Michael)
Vacated - per Judge

04/07/2011 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Trial Preparation
Matter Heard;
Journal Entry Details:

Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Upon Court's inquiry regarding whether or not

there were any impediments that would keep this case from proceeding to trial on June 6, 2011, other than a STAY by the Supreme Court. Mr. Lalli and Ms. Palm advised this all issues are resolved and they are ready to go. Mr. Lalli advised there is a Petrocelli Hearing on April 12; he anticipates twelve (12) to fifteen (15) witnesses. Mr. Lalli is requesting, for purposes of the Petrocelli Hearing, that the Court accept an offer of proof in lieu of live testimony. Some of the witnesses live out of State and due to the State's economic situation, it makes more sense to have them present at the trial. Ms. Palm advised she was not prepared to argue this issue today; colloquy. If the witnesses are out-of-state, they do not need to appear at this time; however, if there is an offer of proof issue, those witnesses will be heard at a continued Petrocelli hearing. CUSTODY ;

04/27/2011 **Hearing** (9:30 AM) (Judicial Officer: Villani, Michael)
04/27/2011, 05/11/2011
Motion In Limine To Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 And Evidence of Domestic Violence Pursuant to 48.061 . . . Petrocelli Hearing
Matter Heard; Motion In Limine To Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 And Evidence of Domestic Violence Pursuant to 48.061
Reserve Ruling;

Matter Heard; Motion In Limine To Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 And Evidence of Domestic Violence Pursuant to 48.061
Reserve Ruling;

Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Ms. Palm presented a Request for Transcripts for today's proceedings; the Order was SIGNED and FILED in open court. 9:51 a.m. Petrocelli Hearing commenced. Ms. Palm indicated there was an issue with an expert; colloquy. Court noted a hearing with regard to the expert shall be set in the near future. Exclusionary Rule INVOKED; testimony and exhibits presented (see worksheets). 1:46 p.m. Hearing concluded. COURT ORDERED, Argument on the Bad Acts Motion shall be CONTINUED to May 11, 2011. The Court will also hear argument on Ms. Palms Motion for Expert at that date. CUSTODY CONTINUED TO: 05/11/11 9:30 AM ;

05/11/2011 **Motion to Withdraw as Counsel** (9:30 AM) (Judicial Officer: Villani, Michael)
Events: 04/29/2011 Motion to Withdraw As Counsel
Granted;

05/11/2011 **All Pending Motions** (9:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
NOTICE OR MOTION AND MOTION IN LIMINE TO ADMIT EVIDENCE OF OTHER BAD ACTS PURSUANT TO NRS 48.045 AND EVIDENCE OF DOMESTIC VIOLENCE PURSUANT TO 48.061 . . . PETROCELLI HEARING . . . PALM'S MOTION TO WITHDRAW AS COUNSEL Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Ms. Palm advised there has been an irremediable breakdown in the attorney-client relationship and, therefore, she is seeking to withdraw as counsel of record; colloquy. Conference at the Bench. COURT ORDERED, Motion to Withdraw as Counsel GRANTED. Upon Court's inquiry, Deft. stated that he would like to contact his family to see if he can retain counsel. In the meantime, Court Clerk to contact Drew Christensen. COURT FURTHER ORDERED, matter set for status check. The Bad Acts Motion and the Petrocelli Hearing will be re-scheduled after confirmation of Deft.'s new counsel. COURT ORDERED, trial dates VACATED. CUSTODY 06/02/11 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL ;

05/31/2011 *CANCELED* **Calendar Call** (8:15 AM) (Judicial Officer: Villani, Michael)
Vacated - per Judge

06/02/2011 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Confirmation of Counsel
Matter Heard; Confirmation of Counsel
Journal Entry Details:
Liz Mercer, Dep DA, present on behalf of the State and Lance Maningo, Esq., present on

behalf of Deft. O'Keefe, who is also present. Mr. Maningo CONFIRMED as counsel of record; he advised that he has not received the file from Ms. Palm yet but has spoke to her. Colloquy regarding a trial date. The file in this matter is voluminous; therefore, Mr. Maningo would like to quickly glance through the files and speak with Deft. before setting a trial date. COURT ORDERED, matter set for status check. COURT ORDERED, trial date VACATED. CUSTODY 07/21/11 8:15 AM STATUS CHECK: RESET TRIAL DATE ;

06/06/2011 *CANCELED* **Jury Trial** (1:00 PM) (Judicial Officer: Villani, Michael)
Vacated - per Judge

07/21/2011 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: File/Reset Trial Date and Date for Petrocelli Hearing
Hearing Set; Status Check: File; Reset Trial Date; and Date for Petrocelli Hearing
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present. This is the time set for the status check to reset the trial; Mr. Maningo advised he is prepared to set a trial date. Court noted the trial is expected to last a week and a half. COURT ORDERED, matter set for trial; this will be a FIRM setting. Mr. Lalli advised a date also needs to be set for argument on the State's Motion for Bad Acts; colloquy. COURT ORDERED, matter set for hearing. CUSTODY 09/23/11 10:00 AM STATE'S MOTION FOR BAD ACTS 06/05/12 8:15 AM CALENDAR CALL 06/11/12 1:00 PM JURY TRIAL ;

10/13/2011 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 10/03/2011 Motion to Dismiss Counsel
Pro Se Motion to Dismiss Appointed Counsel and for Faretta Hearing
Off Calendar; Pro Se Motion to Dismiss Appointed Counsel and for Faretta Hearing
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, present on behalf of Deft. O'Keefe, who is also present. Court noted that Deft. is seeking to have Mr. Maningo removed from his case. Upon Court's inquiry, Deft. stated that he an Mr. Maningo have reached an agreement on two (2) issues that he feels are very relevant and important to his case; he would like Mr. Maningo to file a motion so the issues can be argued. Mr. Maningo's assistant has met with Deft. and advised something will be filed within the next two (2) weeks. Mr. Maningo advised he and the Deft. have had some disagreements on how to defend the case. The parties have reached an agreement on how they are going to proceed. Deft. has agreed to WITHDRAW his motion. Therefore, COURT ORDERED, motion OFF CALENDAR. CUSTODY ;

11/08/2011 **Motion to Clarify** (8:15 AM) (Judicial Officer: Brennan, James)
Motion to Place on Calendar
Granted; Motion to Place on Calendar
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Jennifer Amelburu, Esq., present on behalf of Deft. O'Keefe, who is also present. Court noted that the Clark County Detention Center (CCDC) forwarded $175.00 to the Clark County Clerk. Ms. Amelburu advised there is no order on file with the Clark County Clerk for the return of fees; therefore, she has prepared one. There being no objection by the State, COURT ORDERED, Motion GRANTED; Order signed in open court. CUSTODY ;

12/08/2011 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 11/28/2011 Motion
Motion to Place on Calendar
Matter Heard;

12/08/2011 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
12/08/2011, 12/16/2011
Events: 11/28/2011 Motion to Withdraw As Counsel
Pro Se Motion to Withdraw Counsel and Faretta Canvass
Matter Continued;
Granted;
Matter Continued;

Granted;

12/08/2011 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Deft.'s Motion to Place on Calendar . . . Deft.'s Motion to Withdraw Counsel
Matter Heard;
Journal Entry Details:
DEFT.'S MOTION TO PLACE ON CALENDAR . . . DEFT.'S PRO PER MOTION TO WITHDRAW COUNSEL Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present. DEFT.'S MOTION TO PLACE ON CALENDAR: This Motion was filed by Mr. Maningo for the purpose of addressing Deft.'s Motion to Withdraw Counsel and Faretta Canvass. Court acknowledged said Motion. DEFT.'S MOTION TO WITHDRAW COUNSEL: Court advised it reviewed Deft.'s Motion. Colloquy regarding the Motion and the reasons Deft. wishes to proceed pro se. Mr. Lalli advised that Deft. does have a right to represent himself and the State would request that the Court complete a Faretta canvass. COURT ORDERED, matter set for Faretta Canvass; motion CONTINUED. COURT FURTHER ORDERED, the Bad Acts Motion is VACATED and will be re-set after the Faretta Canvass. CUSTODY 12/16/11 8:45 AM FARETTA CANVASS ;

12/16/2011 **Faretta Canvass** (8:45 AM) (Judicial Officer: Villani, Michael)
Matter Heard;

12/16/2011 **All Pending Motions** (8:45 AM) (Judicial Officer: Villani, Michael)
Deft.'s Motion to Withdraw Counsel . . . Faretta Canvass
Matter Heard;
Journal Entry Details:
DEFT.'S MOTION TO WITHDRAW COUNSEL AND FARETTA CANVASS . . . FARETTA CANVASS Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present. Upon Court's inquiry, Deft. stated that he still wants to represent himself in this matter. Court conducted a Faretta Canvass and FINDS, Deft. competent to WAIVE his constitutional right to be represented by counsel. COURT FURTHER FINDS, that Deft. is WAIVING such right, freely, knowingly, and voluntarily. Colloquy regarding stand-by counsel and an investigator. COURT ORDERED, Deft.'s pro se Motion to Withdraw Counsel is GRANTED. Mr. Maningo shall be APPOINTED as STAND-BY COUNSEL; he advised Investigator, Craig Retke, has already been appointed and approved in this matter. Deft. indicated that he would like to keep Retke as his investigator. Deft. requested the Court sign an Order for copies from inmate's account, which was presented to the Court for consideration; colloquy. Court directed Deft. to file the appropriate motion. Mr. Lalli advised the hearing on the Bad Acts motion needs to be finished. The hearing was started back on April 27, 2011, and continued to May 11, 2011. On May 11, 2011, Patricia Palm, Esq., withdrew so the Motion now needs to be rescheduled. COURT ORDERED, motion set for hearing. CUSTODY 02/17/12 8:45 AM CONTINUED HEARING: MOTION IN LIMINE TO PRESENT EVIDENCE OF OTHER BAD ACTS ;

02/17/2012 **Hearing** (8:45 AM) (Judicial Officer: Villani, Michael)
Continued Hearing: Motion in Limine to Present Evidence of Other Bad Acts (Filed 01/06/11)
Deferred Ruling; Motion in Limine to Present Evidence of Other Bad Acts (Filed 01/06/11)
Journal Entry Details:
Liz Mercer, Dep DA, and Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se with stand-by counsel, Lance Maningo. Court noted this is the continued hearing on State's Motion in Limine to present Evidence of Other Bad Acts. Argument by Ms. Mercer and Deft. COURT ORDERED, decision DEFERRED as the Court would like to review this matter further. Deft. advised that he needs to have an investigator appointed; colloquy. Skye Campbell is present today to be appointed. There being no opposition by the State, COURT ORDERED, request GRANTED, Skye Campbell shall be appointed as the investigator in this case. Court directed Deft. to submit an Order. CUSTODY ;

03/01/2012 **Decision** (8:15 AM) (Judicial Officer: Villani, Michael)
Decision: Motion in Limine to Present Evidence of Other Bad Acts
Decision Made;
Journal Entry Details:

Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to NRS 48.061 came before this Court on February 17, 2012. The Court deferred the matter, In accordance with NRS 48.045, evidence of other bad acts is only admissible where three requirements are met: (1) the incident is related to the crime charged; (2) the act is proven by clear and convincing evidence; and (3) the evidence is more probative than prejudicial. Cipriano v. State, 111 Nev. 534, 894 P.2d 347 (1995). The COURT FINDS that the State established by clear and convincing evidence the facts and circumstances of the offense occurring on or about April 2, 2004, to which Defendant received a felony conviction in C207835. The COURT FURTHER FINDS that the admission of facts and circumstances of the other cases (03M00410X, 03M25901X, 03M26791X, C581783A, and C202793) State requested would have a prejudicial effect which would outweigh the probative value. Therefore, COURT ORDERED Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to NRS 48.061 is GRANTED IN PART and DENIED IN PART. The State is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved pursuant to EDCR 5.90(e). Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. CUSTODY 03/15/12 8:15 AM STATUS CHECK CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Chief Deputy D.A., Christopher Lalli and Deputy D.A., Liz Mercer. ;

03/15/2012

Status Check (8:15 AM) (Judicial Officer: Villani, Michael)

Status Check: Order (Decision 03/01/12)
Matter Heard; Order (Decision 03/01/12)
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se. Court noted that it received the Order Granting, in Part, the State's Motion to Admit Evidence of Other Bad Acts on March 12, 2012; it was filed on March 13, 2012. MATTER RECALLED: Only Deft. is present. Court provided Deft. with a copy of the above-mentioned Order. CUSTODY ;

03/29/2012

Motion to Dismiss (8:15 AM) (Judicial Officer: Villani, Michael)

Events: 03/16/2012 Notice of Motion
Notice of Motion and Motion to Dismiss Based Upon Violation(s) of the Fifth Amendment Component of the Double Jeopardy Clause, Constitutional Collateral Estoppel and Alternatively, Claiming Bes Judicata, Enforceable by the Fourteenth Amendment Upon the States Precluding State's Theory of Prosecution by Unlawful Intentional Stabbing with Knife, the Alleged Battery Act Described in the Amended Information
Denied; Deft.'s Motion to Dismiss Based upon Violations
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se. Deft. filed a Motion to Seal Records on March 22, 2012; hearing is set for April 10, 2012. Court noted there is a Receipt of Copy but it is unsigned and there is no Certificate of Mailing. Mr. Lalli advised that since the State is now aware of said Motion, he will file the appropriate response; he requested that he be given until April 5, 2012, to file a response. COURT SO ORDERED. Further, Deft. advised he did not receive a filed stamped copy of the State's Opposition to his Motion to Dismiss Based upon Violations within the seven (7)-day time period specified in EDCR 3.20. Court noted the Motion to Dismiss was filed on March 16, 2012, and the Opposition was filed by the State on March 21, 2012. Argument by Deft. Mr. Lalli submitted the matter on his Opposition. COURT FINDS, there is no issue of double jeopardy in this particular matter and the State is not precluded from introducing bad-act evidence under NRS 48.045. The Nevada Supreme Court reversal does not preclude a retrial. Therefore, COURT ORDERED, motion DENIED. State to prepare the Order. ;

04/10/2012

Motion (8:15 AM) (Judicial Officer: Villani, Michael)

04/10/2012, 04/26/2012
Events: 03/22/2012 Notice of Motion
Notice of Motion and Motion to Seal Records
Matter Continued; Deft.'s Motion to Seal Records
Denied;
Matter Continued; Deft.'s Motion to Seal Records
Denied;
Journal Entry Details:

Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se.

This is the time set for hearing on Deft.'s Motion to Seal Records. Court noted it was just handed a copy of the State's Opposition, which it has not had an opportunity to review. Mr. Lalli advised that Deft. has also filed a Motion to Admit Evidence of Polygraph Examination it is set for hearing on April 12; he wants the examination to be admitted during the upcoming trial. Mr. Lalli advised that he cannot take a position on this issue until he is able to review the examination, which he just received. During the examination Deft. made a couple of statements which need further investigation. Mr. Lalli would like some of the supporting documentation and would also like to speak with Deft.'s former counsel, Randall Pike, Asst. SPD, regarding the examination. However, Deft. would need to WAIVE the attorney-client privilege. Deft. makes statements regarding the Polygraph Examination; he stated there was also a video. Mr. Lalli requested a copy of same. Court advised it needs additional time to review the State's Opposition to the Motion to Seal. Therefore, COURT ORDERED, Motion to Seal Records CONTINUED; the hearing date (April 12, 2012) on the Motion to Admit Evidence of Polygraph is VACATED and the Motion shall be set for a status check. Deft. shall file a supplement to his Motion to Seal by April 17, 2012; Court directed him to specifically address NRS 179.245(4). State may then supplement its Opposition. COURT FURTHER ORDERED, Deft. to provide a release to his Investigator so the video of the polygraph can be provided to Mr. Lalli. Upon Court inquiry as to whether or not Deft. would waive the attorney-client privilege, Deft. stated he was not prepared to make a decision on that issue at this time. Court urged Deft. to consult with stand-by counsel, Lance Maningo, regarding the above-named motions before making a decision. CUSTODY CONTINUED TO: 04/26/12 8:15 AM 04/26/12 8:15 AM STATUS CHECK: MOTION TO ADMIT EVIDENCE OF POLYGRAPH ;

04/17/2012 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 04/03/2012 Motion
Motion for Complete Rough Draft Transcript
Granted; Deft.'s Motion for Complete Rough Draft Transcript
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se. This is the time set for hearing on Deft.'s Motion for Complete Rough Transcript. Court noted Deft. is requesting a transcript of the March 29, 2012, hearing. Mr. Lalli advised the State does not oppose said Motion. COURT ORDERED, moton GRANTED; Deft. to prepare an Order. Court noted it was provided an Order from the Nineth Circuit Court of Appeals; the signature page is missing. Deft. stated that on the last page of the Order, which the Court does not have, the Attorney General's office has been contacted, a briefing schedule has been set, and if he so choses, a Federal attorney will be appointed for him. Colloquy regarding same. Mr. Lalli advised that he does not believe the Order pertains to the instant case. Deft. has another case with a Feberal Writ of Habeas Corpus on an underlying conviction. CUSTODY ;

04/26/2012 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 03/29/2012 Notice of Motion
Pro Se Notice of Motion and Motion to Admit Evidence of Polygraph Examination Results
Denied;

04/26/2012 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Deft.'s Motion to Seal Records . . . Deft.'s Motion to Admit Evidence of Polygraph Examination Results
Matter Heard;
Journal Entry Details:

DEFT.'S MOTION TO SEAL RECORDS . . . DEFT.'S MOTION TO ADMIT EVIDENCE OF POLYGRAPH EXAMINATION Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se. MOTION TO SEAL RECORDS: Deft. advised that he is seeking to seal his dismissed and acquitted cases; argument. Mr. Lalli advised that he wanted to correct some things in Deft.'s motion; Deft. represented that C202793 was dismissed but he was found guilty, in 03M00410X Deft. represented that it was dismissed but he pled guilty to one of the Counts, and in 03M26791X the case was dismissed pursuant to negations. Argument by Mr. Lalli; based on the Cavaricci case, Mr. Lalli believes it would be an abuse of discretion for the District Court to seal the records of an individual who has an active current criminal record. COURT ORDERED, motion DENIED. State to prepare the Order. Court noted that an Order from the Ninth Circuit Court of Appeals, dated April 13, 2012, was provided to it last date. Colloquy regarding said Order and whether or not Deft. believes said Order STAYS the instant case. Mr. Lalli advised the Order is from a Pre-Trial Habeas Petition in Federal Court, which challenges the instant case and may be considered a collateral attack. Therefore, the instant case would not be STAYED. MOTION TO ADMIT EVIDENCE OF POLYGRAPH

EXAMINATION: Court noted that Polygraph Examinations are typically not admitted into evidence because there is a dispute as to the reliability of said examinations and, therefore, this Court does not think the admission of such an examination would not be appropriate. Further, the Court believes that entering said examination results would adversely affect Deft.'s constitutional rights for a fair trial in this case. COURT ORDERED, motion DENIED. CUSTODY ;

05/29/2012 **Request** (8:15 AM) (Judicial Officer: Villani, Michael)
State's Request: Trial Ready
Matter Heard; Status Check: Trial Readiness
Journal Entry Details:
Christopher Lalli, Chf Dep DA, present on behalf of the State and Deft. O'Keefe, present pro se. Mr. Lalli advised he had this matter placed on calendar because the trial is less than two (2) weeks away and he would like to obtain some assurance from Deft. that he will be ready for trial. The State is ready to go. Mr. Lalli has another case that is also set for the same day, but his preference is to go ahead with this one. Upon Court's inquiry as to whether Deft. was ready to proceed to trial, Deft. stated some important mail from the Ninth Circuit has been lost; colloquy. Court advised barring any unforeseen circumstances, this case will proceed to trial as scheduled. CUSTODY ;

06/05/2012 **Calendar Call** (8:15 AM) (Judicial Officer: Villani, Michael)
Matter Heard;

06/05/2012 **Motion to Continue Trial** (8:15 AM) (Judicial Officer: Villani, Michael)
Events: 06/01/2012 Motion to Continue Trial
Deft's Motion to Continue Trial
Denied;

06/05/2012 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Calendar Call . . . Deft.'s Motion to Continue Trial
Matter Heard;
Journal Entry Details:
CALENDAR CALL . . . DEFT.'S MOTION TO CONTINUE TRIAL Christopher Lalli, Chf Def. DA, present on behalf of the State and Deft. O'Keefe present pro se. Also present: Lance Maningo, Esq., Deft.'s stand-by counsel and Ryan Norwood, Asst Fed PD. Upon Court's inquiry as to whether or not the parties were ready for trial, Mr. Lalli advised the State is ready. However, Deft. stated that he is claiming a Federal violation of his Constitutional Rights and has an open case in the Ninth Circuit Court of Appeals and would like the instant case STAYED until the conclusion of his Federal case. Further, Deft. is not totally prepared for trial at this time because he devoted much of his time to his Federal case; therefore, Deft. orally moved for a continuance of the trial. Colloquy regarding same. Statement by Mr. Maningo; he advised he has nothing to add only that Mr. Norwood is present today to inform the Court about what is going on in Deft.'s Federal case. Mr. Lalli advised that he had this matter placed on calendar last week to inform Deft. and the Court that he had two trials set for the same day and that if Deft. was ready to proceed to trial in the instant case, Mr. Lalli would have his other trial continued. Deft. stated that he was ready and the Court advised that absent a STAY from the Ninth Circuit, this matter would be proceeding to trial. The State has been meeting with witnesses and subpoenas have been served. Therefore, the State is opposed to a continuance at this time for the reasons stated on the record. Statements by Mr. Norwood and colloquy about the case before the Ninth Circuit. COURT ORDERED, Deft.'s oral motion to continue the trial is DENIED. If the Ninth Circuit issues a stay on or before Friday, June 8, 2012, this case will be stayed. If not, the matter will proceed to trial on Monday, June 11, 2012, at 9:30 a.m. With regard to the Motion to Continue Trial filed by Mr. Maningo, which was set for June 19, 2012, the Court advised it reviewed said Motion. There being no good cause to continue the trial, COURT ORDERED, Motion ADVANCED and DENIED. CUSTODY ;

06/11/2012 **Jury Trial** (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)
06/11/2012-06/15/2012
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Verdict;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. 9:15 a.m. Jury Trial resumed. JURY PRESENT: Court instructed the Jury. Closing arguments by Ms. Mercer and Deft.; rebuttal by Mr. Lalli. At the hour of 11:09 a.m., the Jury retired to deliberate. Court thanked and excused the alternates. At the hour of 1:58 p.m., the Jury RETURNED. Ms. Mercer, Deft, and Mr. Maningo are present. The verdict is as follows: GUILTY of MURDER of the SECOND DEGREE with USE OF A DEADLY WEAPON (F). Court thanked and excused the Jury. COURT ORDERED, matter set for sentencing. 2:05 p.m. Court ADJOURNED. CUSTODY 08/16/12 8:15 AM SENTENCING ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. 10:04 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: The State is requesting that a Stipulation pertaining to the excerpts from the medical records of the victim, that was read to the Jury at the previous trial and remarked for identification as Court's Exhibit No. 9, be read to this Jury. Deft. has his own version of the Stipulation that he would like read to the Jury and also requested that it be marked as a Defense Exhibit so the Jury can take it back to the Jury room with them; it is marked for identification as Court's Exhibit No. 6. The parties cannot agree on which one should be read; Mr. Lalli objects to it being admitted as a Defense Exhibit. Arguments by Mr. Lalli and Deft. COURT ORDERED decision DEFERRED. Deft. would like to play a 911 call, he presented the disc to the Court and it was marked for identification as Court's Exhibit No 7. Mr. Lalli advised he has a 911 call from a witness they could not locate, State's Exhibit No. 129. will not be played because he cannot lay the proper foundation. It was played at the first trial so he will play it if there is a Stipulation; however, with regard to Court's Exhibit No. 7, the person who made the call was not called as a witness so it is hearsay and, therefore, cannot be played. Arguments by Mr. Lalli and Deft. COURT ORDERED, neither of the above-mentioned 911 calls will be played for the Jury as there is no foundation. 10:21 a.m. the JURY is PRESENT. Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: The Court received a note from Juror No. 12. The note was marked for identification as Court's Exhibit No. 8. Juror No. 12 was questioned outside the presence of the Jury. COURT ORDERED, this Juror shall remain. Further discussion about the Stipulation; Court advised he could either read it to the Jury or it can be admitted as a Defense Exhibit but it cannot do both. Deft. agreed to have it read to the Jury at the appropriate time. JURY PRESENT: Testimony and exhibits presented (see worksheets). Stipulation read to the Jury. 2:30 p.m. Jury dismissed for the day. OUTSIDE THE PRESENCE OF THE JURY: Deft. orally moved for a directed verdict. Arguments by Mr. Lalli and Deft. COURT ORDERED, motion DENIED. Jury Instructions and Verdict form settled on the record. 3:36 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED. CUSTODY CONTINUED TO: 06/15/12 9:00 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. 9:50 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets). 4:03 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED. CUSTODY CONTINUED TO: 06/14/12 9:30 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Journal Entry Details:
Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. 10:02 a.m. Jury Trial resumed. PROSPECTIVE JURORS PRESENT: Court and Deft. continued Voir Dire examination of the

Prospective Jurors. Jury and two (2) alternates selected and sworn. Clerk read the Second Amended Information to the Jury and stated the Deft.'s plea thereto. OUTSIDE THE PRESENCE OF THE JURY: Deft. stated for the record that he believes that proceeding to trial at this time constitutes a true double jeopardy violation and is also in violation of the laws and treaties of the United States of America on double jeopardy, due process, and collateral estoppel is implied. Court noted for the record Deft.'s continuing objection with regard to the above. Deft. further objected to the battery domestic violence evidence and testimony. Court again noted for the record Deft.'s continuing objection with regard to this issue as well. JURY PRESENT: Opening Statements by Mr. Lalli and Deft. Exclusionary Rule INVOKED. Testimony and exhibits presented (see worksheets). OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify. 5:00 a.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED. CUSTODY CONTINUED TO: 06/13/12 9:30 AM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Journal Entry Details:

Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. 10:00 a.m. Trial commenced. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Argument by Mr. Lalli regarding Judge Villani's ruling on the State's Bad Acts Motion. Deft. requested the Court take Judicial Notice of certain documents, which were marked for identification as Court's Exhibit No. 2 and ADMITTED. Argument by Deft. with regard to the Bad Acts; he orally moved the Court for a dismissal for the reasons stated on the record. COURT ORDERED, Motion DENIED. Deft. then requested that all objections be Federalized; colloquy. COURT FURTHER ORDERED, request DENIED. 10:27 a.m. the PROSPECTIVE JURORS PRESENT: Court and Deft. begin Voir Dire examination of the prospective Jurors. Court received a note from Prospective Juror 079, he is ill. COURT ORDERED, this Prospective Juror is RELEASED; the note was marked for identification as Court's Exhibit No. 1 and ADMITTED. 5:14 a.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED. CUSTODY CONTINUED TO: 06/12/12 9:30 AM ;

08/16/2012 **Sentencing** (8:15 AM) (Judicial Officer: Villani, Michael)
08/16/2012, 08/28/2012

Matter Continued;
Defendant Sentenced;
Journal Entry Details:

Christopher Lalli, Chf Dep DA, present on behalf of the State and Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo. Pursuant to the Jury's verdict, DEFT. ADJUDGED GUILTY OF MURDER OF THE SECOND DECREE WITH USE OF A DEADLY WEAPON (F). Mr. Lalli provided some pictures to the Court of the victim; the pictures were marked for identification as State's Exhibit 1 and ADMITTED. Arguments by Mr. Lalli and Deft. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, WAIVED if already paid, and the $150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED if already paid, Deft. SENTENCED to a MAXIMUM of THREE (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MAXIMUM of TWENTY (20) YEARS and a MINIMUM of EIGHT (8) YEARS for use of a deadly weapon, with ONE THOUSAND THREE HUNDRED NINETY-FOUR (1,394) DAYS credit for time served. Colloquy regarding a possible appeal and the appointing of Mr. Maningo as appellate counsel. Mr. Maningo advised he would like to speak to Deft. regarding the basis for his appeal before he accepts the appointment. COURT ORDERED, matter set for status check; BOND, if any, EXONERATED. NDC (CUSTODY) 09/06/12 8:15 STATUS CHECK: APPOINTMENT OF APPELLATE COUNSEL ;

Matter Continued;
Defendant Sentenced;
Journal Entry Details:

Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se and Lance Maningo, Esq., present as stand-by counsel. Upon Court's inquiry, Deft. stated he just received a copy of the Presentence Investigation (PSI) report this morning and has not had a opportunity to review it; further, he has some questions about the PSI and would like to talk with Mr. Maningo. Therefore, he requested that the matter be continued. Mr. Lalli has no objection to the continuance. COURT ORDERED, matter CONTINUED. CUSTODY

CONTINUED TO: 08/28/12 8:15 AM ;

09/06/2012 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Appointment of Appellate Counsel
Matter Heard; Appointment of Appellate Counsel
Journal Entry Details:
Colleen Brown, Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is not present. Mr. Maningo advised that Deft.'s presence was WAIVED for today last court date; he has received the transcripts for this matter and can CONFIRM as Appellate Counsel. COURT ORDERED, Mr. Maningo is APPOINTED as Appellate Counsel for Deft. NDC ;

01/07/2014 **Petition for Writ of Mandamus** (8:15 AM) (Judicial Officer: Villani, Michael)
Defendant - Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis
Denied Without Prejudice;

01/07/2014 **Petition to Proceed in Forma Pauperis** (8:15 AM) (Judicial Officer: Villani, Michael)
Defendant - Motion to Waive Filing Fees for Petition for Writ of Mandamus
Denied Without Prejudice;

01/07/2014 **Motion for Appointment of Attorney** (8:15 AM) (Judicial Officer: Villani, Michael)
Defendant - (Ex Parte) Motion to Appoint Counsel
Denied Without Prejudice;

01/07/2014 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)
Deft.'s Petition for Writ of Mandamus or, in the Althernative, Writ of Coram Nobis . . . Deft.'s Motion to Waive Filing Fees for Petition for Writ of Mandamus . . . Deft.'s Motion to Appoint Counsel
Matter Heard;
Journal Entry Details:
DEFT.'S PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS . . . DEFT.'S MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS . . . DEFT.'S MOTION TO APPOINT COUNSEL Gwynneth Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. Court noted the Deft. filed the above-named pleadings, pro se. The allegations complained of in Deft.'s Petition relate to C202793; therefore, the Petition and the Motions were filed under the wrong case number and Deft. will need to re-file said pleadings in Department XXIII so they may be heard before the appropriate Judge. COURT ORDERED, Petition and Motions DENIED, without prejudice. NDC CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89070-0650. ;

02/04/2014 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Ex-Parte Motion for Production of Documents, (Specific) Papers, Pleadings, and Tangible Property of Deft.
Granted in Part; Ex-Parte Motion for Production of Documents, (Specific) Papers, Pleadings, and Tangible Property of Deft.
Journal Entry Details:
Gwynneth Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on the Deft.'s Ex-Parte Motion for Production of Documents, (Specific) Papers, Pleading, and Tangible Property, which he filed pro se. Within Deft.'s pleading he is requesting various documents; COURT ORDERED, Motion GRANTED as it pertains to Deft.'s general request for the documents in counsel's file. However, Deft.'s list of specific requests is DENIED, without prejudice, as he has not set forth the precise reason as to why he needs said documents. NDC CLERK'S NOTE: A copy of this minute order e-mailed to Lance Maningo, Esq. and mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018. ;

02/11/2014 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)

Deft.'s Ex-Parte Motion for Reimbursement of Incidental Costs Declaring Defendant Indigent

and Granting Forma Pauperis
Denied; Deft.'s Ex-Parte Motion for Reimbursement of Incidental Costs Declaring Defendant Indigent and Granting Forma Pauperis
Journal Entry Details:
Emily Montgomery, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for hearing on Deft.'s E-Parte Motion for Reimbursement of Incidental Costs Declaring Deft. Indigent and Granting Forma Pauperis, which he filed pro se. COURT ORDERED, Motion DENIED. Court noted that the Court minutes do not reflect any promise by this Court, or anyone else, to reimburse the Deft. for his costs; NRS 12.015(2)(a) does not allow for reimbursement of copy expenses but only court fees. State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is submitted prior to the status check date, it will be VACATED. NDC 03/06/14 8:15 AM STATUS CHECK: ORDER (02/11/14) CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018. ;

02/27/2014 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Motion to Modify and/or Correct Illegal Sentence
Denied;
Journal Entry Details:
Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC). Court advised it is not hearing oral argument on this motion, noting it reviewed all pleadings. COURT ORDERED, procedural history as set forth by the State ADOPTED. Court finds Defendant is not entitled to a modification of sentence as the sentence imposed was not an illegal sentence and, ORDERED, motion DENIED; State to prepare and submit Order, and matter set for STATUS CHECK. NDC 3/20/14 8:15 AM STATUS CHECK: ORDER OF 2/27/14 ;

03/06/2014 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Order (02/11/14)
Off Calendar; Order (02/11/14)
Journal Entry Details:
Tyler Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for the Status Check on the Order from the February 11, 2014, hearing. Court noted the Order was filed on February 28, 2014, and ORDERED, matter OFF CALENDAR. NDC ;

03/18/2014 **Motion** (8:15 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion for Judicial Notice-the State's Failure to File and Serve Response in Opposition
Denied; Deft.'s Motion for Judicial Notice - The State's Failure to File and Serve Response in Opposition
Journal Entry Details:
Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on Deft.'s Motion for Judicial Notice - the State's Failure to File and Serve Response in Opposition. The Court noted that the Deft. is incorrect, the State did file an opposition to his previous motion. The Opposition was filed on February 24, 2014, and the hearing was held on February 27, 2014. Therefore, COURT ORDERED, Deft.'s Motion is DENIED as MOOT. State to prepare the Order; COURT FURTHER ORDERED, matter set for Status Check. If the Order is submitted prior to the status check date, it will be VACATED. NDC 04/03/14 8:15 AM STATUS CHECK: ORDER (03/18/14) CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018.;

03/20/2014 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Order of 2/27/14
Off Calendar; Order (02/27/14)
Journal Entry Details:

Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for the Status Check regarding the Order from the February 27, 2014, hearing. Court noted that the Order

was filed on March 11, 2014, and, therefore, ORDERED, matter OFF CALENDAR. NDC ;

04/03/2014

Status Check (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Order (03/18/14)
Off Calendar; Order (03/18/14)
Journal Entry Details:
Giancarlo Pesci, Chf Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for the Status Check on the Order from March 18, 2014. Court noted the Order was filed on March 26, 2014, and, therefore, ORDERED, matter OFF CALENDAR. NDC ;

08/14/2014

Motion for Relief (8:15 AM) (Judicial Officer: Villani, Michael)
Defendant's Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued Any Remand, Mandate or Remittitur
Denied; Deft.'s Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued Any Remand, Mandate, or Remittitur
Journal Entry Details:
Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for hearing on Deft.'s Motion for Relief from Judgment based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued any Remand, Mandate, or Remittitur, which he filed pro se. Court will hear no oral argument, it will base its decision on the pleadings submitted by the parties. The Deft. is alleging that his case was on appeal with the Federal Court when this Court went forward with his trial in District Court. Deft. had filed a Motion to Stay the State Court proceedings; however, said Motion was DENIED on May 9, 2012. The Deft. renewed said Motion and the Motion was again DENIED by the Federal Court on June 5, 2012. Since there was no STAY in place in the instant case, this Court proceeded with trial on June 11, 2012. Therefore, COURT ORDERED, Motion DENIED. State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is filed prior to the next court date, the status check will be VACATED. NDC 09/04/14 8:15 AM STATUS CHECK: Order (09/04/14) CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 89419. ;

09/04/2014

Status Check (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Order (08/14/14)
Off Calendar; Order (08/14/14)
Journal Entry Details:
Christopher Hamner, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the time set for Status Check on the Order from the August 14, 2014, hearing. Court noted that the Order has been submitted for this Court's signature and ORDERED, matter OFF CALENDAR. NDC ;

09/18/2014

Motion (8:15 AM) (Judicial Officer: Togliatti, Jennifer)
09/18/2014, 10/03/2014
Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- CV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear " Want of Jurisdiction" Thereby Losing Immunity, Absolutely
Matter Heard; Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- CV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear " Want of Jurisdiction" Thereby Losing Immunity, Absolutely
Off Calendar;
Journal Entry Details:
Matter taken OFF CALENDAR before Court.;
Matter Heard; Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- CV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear " Want of Jurisdiction" Thereby Losing Immunity, Absolutely
Off Calendar;
Journal Entry Details:

- Christopher Hamner, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for hearing on Deft.'s Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- EV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in

Clear "Want of Jurisdiction" Thereby Losing Immunity, Absolutely. Court noted the Deft. alleged that he has filed a new lawsuit against this Judge as well as some other people in the courthouse. Therefore, COURT ORDERED, matter REFERRED to Judge Togliatti for review. Court noted Deft. has another motion set for hearing on this Court's calendar for September 23, 2014; that motion will also be set on Judge Togliatti's calendar the same day as the instant motion. NDC 10/03/14 9:00 EX-PARTE MOTION TO CHIEF JUDGE TO REASSIGN CASE/MOTION FOR LEAVE OF COURT TO FILE MOTION FOR REHEARING CLERK S NOTE: A copy of this minute order was mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193. ;

09/23/2014 **Minute Order** (8:15 AM) (Judicial Officer: Villani, Michael)
Stayed;
Journal Entry Details:
Defendant's Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit and Defendant's Motion For Leave of Court to File Motion For Rehearing came before this Court on the September 18, 2014, Oral Calendar. This Court referred the Motions to Judge Jennifer Togliatti, Chief Judge, for determination. Now, Defendant has filed a Petition for Writ of Habeas Corpus. Pursuant to NRS 1.235(5), this Department cannot proceed on the Defendant's Petition until Judge Togliatti has ruled on Defendant's Motion to Reassign. Therefore, COURT ORDERED, Defendant's Petition for Writ of Habeas Corpus and any other motions set in Department XVII shall be STAYED until Judge Togliatti makes a determination on Defendant's Motion to Reassign the case. A status check will be set on October 16, 2014. 10/16/14 8:15 AM STATUS CHECK: STAY CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of the District Attorney and mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193. ;

10/02/2014 *CANCELED* **Motion** (3:00 AM) (Judicial Officer: Villani, Michael)
Vacated - per Law Clerk
Notice of Motion and Motion for Leave of Court to File Motion for Rehearing - Pursuant to EDCR, Rule 2.24

10/16/2014 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Stay
Matter Heard; Stay
Journal Entry Details:
Nicole Cannizzaro, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present. This is the set for the Status Check on the Stay. Court noted that the Deft. previously filed a Motion requesting that this Court be recused from his case. Chief Judge Togliatti reviewed this matter and DENIED the Deft.'s request. Therefore, this case will remain in Department XVII. COURT ORDERED, all Deft.'s pending motions shall be set for hearing on November 6, 2014. NDC 11/06/14 8:15 AM ALL PENDING MOTIONS CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193. ;

11/06/2014 **Petition for Writ of Habeas Corpus** (8:15 AM) (Judicial Officer: Villani, Michael)
Amended Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive Based on Subject Matter of Amended Information Vested in Ninth Circuit by Notice of Appeal then "COA" Granted on a Double Jeopardy Violation with No Remand Issued Since
Set Status Check;

11/06/2014 **Response and Countermotion** (8:15 AM) (Judicial Officer: Villani, Michael)
State's Response And Motion To Dismiss To Defendant's Pro Per Petition For Writ Of Habeas Corpus Pursuant To NRS 34.360 Exclusive Based On Subject-Matter Of Amended Information Vested In Ninth Circuit By Notice Of Appeal Then "COA" Granted On A Double Jeopardy Violation With No Remand Issued Since (Post Conviction), Amended Petition And Accompanying Exhibits, Opposition To Request For Evidentiary Hearing, And Opposition To Pro Per Motion To Appoint Counsel
Set Status Check;

11/06/2014 **All Pending Motions** (8:15 AM) (Judicial Officer: Villani, Michael)

Amended Petition for Writ of Habeas Corpus . . . State's Response and Motion to Dismiss

Deft.'s Petition for Writ of Habeas Corpus
Matter Heard;
Journal Entry Details:
AMENDED PETITION FOR WRIT OF HABEAS CORPUS . . . STATE'S RESPONSE AND MOTION TO DISMISS DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS Hilary Heap, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present. Court noted that Deft. has filed various motions but this is the Deft.'s first habeas petition. It is this Court's policy to appoint counsel on all first petitions. Therefore, COURT ORDERED, counsel shall be appointed for the Deft. This Court's staff will contact the Office of Appointed Counsel. COURT FURTHER ORDERED, matter set for status check. NDC 11/20/14 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL CLERK'S NOTE: Court Clerk telephonically contacted Drew Christensen regarding the above. ;

11/20/2014 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: Confirmation of Counsel
Matter Heard; Confirmation of Counsel
Journal Entry Details:
Hilary Heap, Dep DA, present on behalf of the State and Matthew Carling, Esq., present on behalf of Deft. O'Keefe, who is not present; he is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for the Status Check on Confirmation of Counsel. Mr. Carling advised that he could CONFIRM as counsel of record and requested thirty (30) days to obtain the file and review it. COURT ORDERED, matter set for status check. NDC 01/08/15 8:15 AM STATUS CHECK: FILE/SET BRIEFING SCHEDULE ;

01/08/2015 **Status Check** (8:15 AM) (Judicial Officer: Villani, Michael)
Status Check: File/Set Briefing Schedule
Hearing Set; File/Set Briefing Schedule
Journal Entry Details:
Caroline Bateman, Dep DA, present on behalf of the State and Alissa Engler, Esq., appearing on behalf of Matthew Carling, Esq., for Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for the Status Check on the file; a briefing schedule needs to be set. Ms. Engler advised that Mr. Carling has received the file and is requesting ninety (90) days to file his supplemental petition. The Court set the following briefing schedule: 04/07/15 - Supplemental Petition 06/08/15 - State's Response COURT ORDERED, matter set for hearing. NDC 07/10/15 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) ;

06/30/2015 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Villani, Michael)
Deft.'s Motion to Withdraw Counsel for Conflict and Failure to Present Claims ...
Denied; Deft.'s Motion to Withdraw Counsel for Conflict and Failure to Present Claims ...
Journal Entry Details:
Erika Wiborg, Dep DA, present on behalf of the State; neither Deft. O'Keefe nor his counsel, Matthew Carling, are present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for hearing on Deft.'s Motion to Withdraw Counsel for Conflict, which the Deft. filed pro se. The Court did not receive an unequivocal statement from the Deft. as to whether or not he wishes to represent himself in this matter. The Court, however, is not going to appoint another attorney just because the Deft. does not like Mr. Carling. Although Mr. Carling could not be present today, he filed an Affidavit on July 29, 2015, stating his position on Deft.'s Motion. In said Affidavit, Mr. Carling advised that he been working on this case and can work with the Deft. Therefore, COURT ORDERED, Deft.'s Motion is DENIED, without prejudice. State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is submitted prior to status check date, it will be VACATED. NDC 07/30/15 8:30 AM STATUS CHECK: ORDER (06/30/15) ;

07/10/2015 **Hearing** (9:30 AM) (Judicial Officer: Villani, Michael)
07/10/2015, 09/04/2015
Hearing: Petition for Writ of Habeas Corpus (Post-Conviction)
Continued; Hearing: Petition for Writ of Habeas Corpus (Post-Conviction)
Denied; Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction)
Journal Entry Details:

Christopher Lalli, Asst DA, present on behalf of the State and Matthew Carling, Esq., present

on behalf of Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction). Court noted there is a disagreement as to when the Remittitur issued; the Defense claims it was issued on June 24, 2014, and the State claims it was issued on July 23, 2013. The Court pulled the Remittitur and it is dated July 23, 2013, and was issued on July 26, 2013; Supreme Court No. 61631. Mr. Carling advised that the Deft. moved to STAY the Remittitur in this case. With regard to the appeal, Deft. had Appellate counsel and he was trying to fire him but could not so he tried to do things on his own while he still had counsel of record but his requests were denied by the Supreme Court. Therefore, if the Court finds that Deft.'s Petition was not timely filed, Mr. Carling believes there is good cause. Additionally, Mr. Carling represented that the State's Response was just on the time-bar issue, it did not address any of the merits so Mr. Carling filed a Reply specifically addressing that. This matter has been well briefed, so Mr. Carling will submit the matter. The Court adopts the procedural history set forth by the State. The Notice of Remittitur was issued in July 2013 and Deft.'s Petition was filed in September 2014; therefore, COURT FINDS, the Deft. is time bared, pursuant to NRS 34.726, and good cause has not been shown. COURT ORDERED, Deft.'s Petition for Writ of Habeas Corpus is DENIED. Additionally, Deft.'s request for an Evidentiary Hearing is also DENIED because there is a jurisdictional bar on this particular matter. Mr. Lalli to prepare the appropriate Order approved as to form and content by Mr. Carling. NDC ;

Continued; Hearing: Petition for Writ of Habeas Corpus (Post-Conviction)
Denied; Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction)

07/10/2015 **Motion for Leave** (9:30 AM) (Judicial Officer: Hardcastle, Kathy)

Motion for Leave to File Supplemental Petition Addressing All Claims in the First Instance Required by Statute for Judicial Economy with Affidavit

Motion Denied; Motion for Leave to File Supplemental Petition Addressing All Claims in the First Instance Required by Statute for Judicial Economy with Affidavit

07/10/2015 **All Pending Motions** (9:30 AM) (Judicial Officer: Hardcastle, Kathy)

Matter Heard;
Journal Entry Details:
DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ..... DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL PETITION ADDRESSING ALL CLAIMS IN THE FIRST INSTANCE REQURIED BY STATUTE FOR JUDICIAL ECONOMY WITH AFFIDAVIT Deft. not present. COURT ORDERED, motion for leave to file supplemental petition DENIED as a fugitive document; NOTED Deft. was represented by counsel. Mr. Carling noted in his pleading he didn't address the State's response regarding the time bar; additionally, as to Mr. Maningo, who was prior trial counsel, the State may need time to respond thereto. Mr. Carling provided a timeline for the Court's review. Colloquy regarding the date the remittitur was referenced as being filed and the date the petition was filed. Mr. Villani requested 30 days to respond. Mr. Carling requested 2 weeks to reply. COURT ORDERED, matter CONTINUED; State's supplement due 8/10/15 and Defense reply due 8/24/15. NDC CONTINUED TO: 9/4/15 9:30 AM ;

07/16/2015 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)

07/16/2015, 07/30/2015

Defendant's Ex Parte Motion to Extend Prison Copywork Limit

Matter Continued; Deft.'s Ex-Parte Motion to Extend Prison Copywork Limit
Denied Without Prejudice; Deft.'s Motion to Extend Prison Copywork Limit
Journal Entry Details:

Nicole Cannizzaro, Dep DA, present on behalf of the State and Alissa Engler, Esq., appearing on behalf of Matthew Carling, Esq., for Deft. O'Keefe, who is not present; he is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for hearing on Deft.'s Motion to Extend Prison Copywork Limit. Court noted that the Deft. is represented by Mr. Carling; Ms. Engler advised that Mr. Carling has no representations to make; he did not receive a copy of Deft.'s ex-parte motion. Court represented that since the Deft. is dealing with the prison system, there are rules and regulations he must follow. This is an issue for the Attorney General's office; therefore, his motion should have been sent to them. Additionally, Deft. has counsel. Therefore, COURT ORDERED, Motion DENIED, without prejudice. If Mr. Carling believes the Motion has merit, he can refile it with the Court. State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is filed prior to the status check date, it will be VACATED. NDC 08/27/15 8:30 AM STATUS CHECK:

ORDER (07/30/15) ;
Matter Continued; Deft.'s Ex-Parte Motion to Extend Prison Copywork Limit
Denied Without Prejudice; Deft.'s Motion to Extend Prison Copywork Limit
Journal Entry Details:
Nicole Cannizzaro, Dep DA, present on behalf of the State; neither Deft. O'Keefe or his counsel, Matthew Carling, are present. This is the time set for hearing on Deft.'s Ex-Parte Motion to Extend Prison Copywork Limit, which he filed pro se. Court noted that Mr. Carling is not able to be present today and has requested this matter be continued. COURT SO ORDERED. NDC CONTINUED TO: 07/30/15 8:30 AM ;

07/30/2015 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated
Status Check: Order (06/30/15)

08/27/2015 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated
Status Check: Order (07/30/15)

10/20/2015 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Bixler, James)
Matthew D. Carling's Motion to Withdraw as Attorney of Record for Deft.
Denied; Matthew D. Carling's Motion to Withdraw as Attorney of Record for Deft.
Journal Entry Details:
Michelle Sudano, Dep DA, present on behalf of the State and Matthew Carling, Esq., present on behalf of Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for the hearing on Matthew D. Carling's Motion to Withdraw as Attorney of Record for Deft. Upon Court's inquiry as to whether the Deft. was opposed to Mr. Carling's withdrawal, Mr. Carling advised that he contacted the Deft. but he has not responded; his only concern is that the Notice of Appeal has not been filed and it tolls this week. Mr. Carling has everything ready but he needs to hear from the Deft.; colloquy. COURT ORDERED, Motion DENIED; the Court directed Mr. Carling to file the appeal and then he can withdraw at the Supreme Court level. NDC ;

06/22/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Transfer to Chief Judge Based on Trial Court Served as Defendant
Denied;
Journal Entry Details:
Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. COURT ADOPTED the Procedural History as set forth by the State. Court stated the petition was time barred pursuant to NRS 34.726 and successive under NRS 34.810. Court further stated Defendant had not shown good cause to get over the time barred nor the successive petition issue. Court stated Defendant's request to have the petition transferred was meritless and did not cite any authority. Court noted Defendant alleged the Court has some favoritism or antagonism toward him, that's without any bases therefore, COURT ORDERED, Motion DENIED; State to prepare the Order. COURT FURTHER ORDERED, Status Check SET for filing of the Order. NDC 07/20/17 8:30 AM STATUS CHECK: FILING OF ORDER CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/06/23/17;

06/27/2017 **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Villani, Michael)
Events: 05/15/2017 Order for Petition for Writ of Habeas Corpus
Deft's Pro per Petition for Writ of Habeas Corpus

MINUTES

Order for Petition for Writ of Habeas Corpus *Index #320*
[320]
Denied;
Journal Entry Details:
Defendant not present. Court noted it was basing its decision on the pleadings on file and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated the petition was time barred pursuant to NRS 34.726 and successive under NRS 34.810. Court further stated Defendant had not shown good cause to get over the time barred

nor the successive nature of this petition. Court stated Defendant's petition was meritless as if failed to cite any authority regarding the switching on judicial officers. Court noted Defendant alleged the Court has some favoritism or antagonism toward him. Court stated all rulings have been based upon the law and facts of the case, not based on any bias by the Court. COURT ORDERED, petition DENIED; Status Check SET for filing of the Order. NDC 07/20/17 8:30 AM STATUS CHECK: FILING OF ORDER CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/07/05/17 ;

07/06/2017 **Motion for Clarification** (8:30 AM) (Judicial Officer: Villani, Michael)
Deft's Pro Per Motion of Clarification that Complaint PI 16-1070 was Filed on 12/14/16 Under Protected Liberty Interest State Created by Statute NRS 34.360 Thereby Protected by Procedural Due Process Under the U.S. 14th Constitutional Amendment and Nevada Constitution Article I & 8 in Which Plaintiff, as Master of His Suit, Prosecuted Writ to Only be Reviewed Under By-Law
Denied;
Journal Entry Details:
Defendant not present. Court noted it was basing its decision on the pleadings filed. COURT ADOPTED the Procedural History as set forth by the State and ORDERED, motion DENIED. Court stated the motion failed to state any legal bases and it was a non-cognizable claim. COURT FURTHER ORDERED, Status Check SET for filing of the Order. NDC 07/27/17 8:30 AM STATUS CHECK: FILING OF ORDER CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/07/06/17;

07/20/2017 **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Status Check: Filing of Order
Off Calendar;

07/20/2017 **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Status Check: Filing of Order
Off Calendar;

07/20/2017 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard; Status Check: Filing of Order
Journal Entry Details:
STATUS CHECK: FILING OF ORDER The Court noted the Order has been received by the Court. COURT ORDERED, OFF CALENDAR NDC ;

07/27/2017 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated - per Law Clerk
Status Check: Filing of Order

09/07/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Correct Illegal Sentence
Off Calendar;
Journal Entry Details:
Defendant not present. Court noted Defendant appealed the Court's previous ruling as it is on appeal with the Nevada Supreme Court this Court lacked jurisdiction until there was a remitter from the Nevada Supreme Court. COURT ORDERED, matter OFF CALENDAR until the Court received a remitter from the Nevada Supreme Court. COURT FURTHER ORDERED, Defendant's Pro Per Motion to Set Hearing of Plaintiff's Motion to Correct Illegal Sentence as to Affords Proper Procedure Due Process with Time for Plaintiffs Reply to States Response ADVANCED and OFF CALENDAR. NDC CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/09/11/17;

09/07/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Set Hearing of Plaintiff's Motion to Correct Illegal Sentence as to Affords Proper Procedure Due Process with Time for Plaintiffs Reply to States Response
Off Calendar;

09/28/2017 **Motion to Strike** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Strike and Object to Direct Case Number Assigned and Request Independent Habeas Corpus No. Under NRS 34.360 Pursuant Liberty Interest and Due Process of Law Under XIV Amendment
Denied Without Prejudice;

09/28/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Waive Any Ostensible Oral Argument By Personal Appearance Thereby Requesting any Pro Se Appearance to be Conducted Via Telephonically
Denied Without Prejudice;

09/28/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Object NRS 34.360
Denied Without Prejudice;

09/28/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Object to Court Clerk Filing Petition for Habeas Corpus Under NRS 34.360 as a Direct Action Thereby Unlawfully Rechoracterizing New Independent Civil Suit as a Proceeding in The Original Action Denying The "Liberty Clause"
Denied Without Prejudice;

09/28/2017 **Motion to Correct Sentence** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Correct Illegal Sentence With New Hearing DAte
Denied Without Prejudice;

09/28/2017 **Motion to Strike** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Strike State's Untimely Opposition to Defendant's Motion to Correct Illegal Sentence
Denied Without Prejudice;

09/28/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Reply to State's Opposition to Defendant's Motion to Correct Illegal Sentence Untimely Served and Filed Supported by Incoming Legal Mailing as Exhibit "A"
Denied Without Prejudice;

09/28/2017 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
Defendant not present. Court stated Defendant had filed various motions and his case was pending with the Nevada Supreme Court. COURT ORDERED, Motions DENIED WITHOUT PREJUDICE. Court noted upon remitter from the Nevada Supreme Court, Defendant could re-notice his motions. DEFENDANT'S PRO PER MOTION TO STRIKE AND OBJECT TO DIRECT CASE NUMBER ASSIGNED AND REQUEST INDEPENDENT HABEAS CORPUS NO. UNDER NRS 34.360 PURSUANT LIBERTY INTEREST AND DUE PROCESS OF LAW UNDER XIV AMENDMENT: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFENDANT'S PRO PER MOTION TO WAIVE ANY OSTENSIBLE ORAL ARGUMENT BY PERSONAL APPEARANCE THEREBY REQUESTING ANY PRO SE APPEARANCE TO BE CONDUCTED VIA TELEPHONICALLY: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFENDANT'S PRO PER MOTION TO OBJECT NRS 34.360: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFENDANT'S PRO PER MOTION TO OBJECT TO COURT CLERK FILING PETITION FOR HABEAS CORPUS UNDER NRS 34.360 AS A DIRECT ACTION THERE BY UNLAWFULLY RECHARACTERIZING NEW INDEPENDENT CIVIL SUIT AS A PROCESSING IN THE ORIGINAL ACTION DENYING THE "LIBERTY CLAUSE": COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE WITH NEW HEARING DATE: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. COURT FURTHER ORDERED, Defendant's Pro Per Motion to Strike State's Untimely Opposition to Defendant's Motion to Correct Illegal Sentence and Defendant's Pro Per Reply to State's Opposition to Defendant's Motion to Correct Illegal Sentence Untimely Served and Filed Supported by Incoming Legal Mailing as Exhibit "A" ADVANCED and DENIED WITHOUT PREJUDICE. CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE # 90244 1200 PRISON ROAD LOVELOCK, NV 89419 ob/09/29/17;

10/24/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
10/24/2017, 01/11/2018
Defendant's Pro Per Motion to Demand Upon Request by Law to Place Defendant's Motion Under Protected Liberty Interest- NRS 176.555 back on Calendar Based on Motion Being Incidental and Can be Filed at Anytime in Accordance with O'Keefe Procedural Due Process Protected by the Due Process Cause of the US Fourteenth Constitutional Amendment
Matter Continued;
Motion Denied;
Journal Entry Details:
Defendant not present. Court noted it was basing its decision on the pleadings on file and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated it appeared Defendant stated the sentence was illegal. Court further stated Defendant was sentenced within statutory guidelines. COURT FINDS it was not facially illegal and ORDERED, Motion DENIED; Status Check SET. NDC 02/01/18 8:30 AM STATUS CHECK: FILING OF ORDER CLERK'S NOTE: The above minute order has been distributed to Brian O'keefe #90244 1200 Prison Rd Lovelock NV 89419 //ob/1/16/18;
Matter Continued;
Motion Denied;
Journal Entry Details:
Defendant not present. Upon Court's inquiry, Ms. Graham advised the State was not served and needed more time. COURT ORDERED, Briefing Schedule SET as follows: State's Reply due by November 21, 2017 and hearing SET. NDC 01/11/18 8:30 AM DEFENDANT'S PRO PER MOTION TO DEMAND UPON REQUEST BY LAW TO PLACE DEFENDANT'S MOTION UNDER PROTECTED LIBERTY INTEREST- NRS 176.555 BACK ON CALENDAR BASED ON MOTION BEING INCIDENTAL AND CAN BE FILED AT ANYTIME IN ACCORDANCE WITH O'KEEFE PROCEDURAL DUE PROCESS PROTECTED BY THE DUE PROCESS CAUSE OF THE US FOURTEENTH CONSTITUTIONAL AMENDMENT CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/10/24/17.;

10/26/2017 **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Villani, Michael)
10/26/2017, 11/30/2017
Defendant's Pro Per Petition for Writ of Habeas Corpus
Matter Continued;
Denied;
Matter Continued;
Denied;
Journal Entry Details:
Defendant not present. Upon Court's inquiry, Mr. Smith advised the State had not filed an opposition. Colloquy regarding the State's opposition. COURT ORDERED, Briefing Schedule SET as follows: State's Reply due by November 16, 2017; matter CONTINUED. NDC CONTINUED TO: 11/30/17 8:30 AM CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/10/26/17;

11/30/2017 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion for Order to Have P&P File Amended PSI
Motion Denied;

11/30/2017 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S PRO PER MOTION FOR ORDER TO HAVE P&P FILE AMENDED PSI Defendant not present. Court stated it would base its decision on the pleadings filed and ORDERED, Decision DEFERRED. The Court will prepare a written decision. NDC CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/11/30/17;

12/05/2017 **Minute Order** (4:00 PM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Petition for Writ of Habeas Corpus
Decision Made;

Journal Entry Details:
Defendant's Pro Per Petition for Writ of Habeas Corpus came before this Court on the November 30, 2017 Calendar. The Court deferred its decision and now rules as follows: Defendant filed his Post-Conviction Petition for Writ of Habeas Corpus on 8/15/17 alleging a double jeopardy violation. The Judgment of Conviction was entered in this case on 9/5/12. First, the Court adopts the State's procedural history. Second, the Petition is time-barred under NRS 34.726(1) with no good cause shown for the delay. Under NRS 34.726(1), the Petition must be filed within one (1) year of the filing of the Judgment of Conviction, unless good cause is shown for the delay. Here, all of the information was available to Defendant regarding his allegation of a double jeopardy violation at the time the Judgement of Conviction was filed. Finally, the Petition is successive pursuant to NRS 34.810 because Defendant failed to raise this issue in previously filed Petitions, and the alleged issue existed at the time the previous Petitions were filed. Good cause has not been established to overcome the time bar or the fact that this Petition is successive. Therefore, COURT ORDERED Defendant's Pro Per Petition for Writ of Habeas Corpus DENIED. Counsel for the State to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel. A status check has been set for January 9, 2018 at 8:30 a.m. for the filing of the Findings of Fact and Conclusions of Law. If the same is received prior to that date, the status check will be vacated. NDC 01/09/18 8:30 AM STATUS CHECK: FILING OF THE FINDINGS OF FACT AND CONCLUSION OF LAW CLERK'S NOTE: The above minute order has been distributed to the District Attorney and BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/12/5/17 ;

12/20/2017 **Minute Order** (4:00 PM) (Judicial Officer: Villani, Michael)
Defendant s Pro Per Motion for Order to Have P&P File Amended PSI
Decision Made;
Journal Entry Details:
Defendant's Pro Per Motion for Order to Have P&P File Amended PSI to Reflect Criminal Non-Support of Defendants Correctly as Misdemeanors in PSI Based on Sentence Adjudication of (9) Months Pursuant (JOC) Entry of Sentence Attached and Incorporated Here As Exhibit 1 came before this Court on the November 30, 2017 Calendar. The Court deferred its decision and now rules as follows: The Court adopts the State's procedural history. Regardless of whether or not the Ohio conviction in question only provided for nine (9) months, it was still considered a felony. Accordingly, Defendant was properly sentenced. Therefore, COURT ORDERED Defendant's Pro Per Motion for Order to Have P&P File Amended PSI to Reflect Criminal Non-Support of Defendants Correctly as Misdemeanors in PSI Based on Sentence Adjudication of (9) Months Pursuant (JOC) Entry of Sentence Attached and Incorporated Here As Exhibit 1 DENIED. Counsel for the State to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel. A status check has been set for January 30, 2018 at 8:30 a.m. for the filing of the Findings of Fact and Conclusions of Law. If the same is received prior to that date, the status check will be vacated. NDC 01/30/18 8:30 AM STATUS CHECK: FILING OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CLERK'S NOTE: The above minute order has been distributed to the District Attorney and Brian O'keefe #90244 1200 Prison Rd Lovelock NV 89419 //ob/12/20/17 ;

01/05/2018 *CANCELED* **Minute Order** (4:00 PM) (Judicial Officer: Villani, Michael)
Vacated - On in Error
Defendant's Pro Per Motion for Order to Have P&P File Amended PSI

01/09/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated
STATUS CHECK: FILING OF THE FINDINGS OF FACT AND CONCLUSION OF LAW

01/30/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated - per Law Clerk
Status Check: Filing of the Findings of Fact and Conclusions of Law

02/01/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - Duplicate Entry
Status Check: Filing of Order

02/01/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated - per Law Clerk
Status Check: Filing of Order

03/08/2018 **Motion to Reconsider** (8:30 AM) (Judicial Officer: Villani, Michael)
Motion for Reconsideration to Amend the Order Which Denied Defendant's Motion the State Admits Does Not Attack Facial Legality of Sentence
Motion Denied;
Journal Entry Details:
Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. Court stated it was basing its decision on the pleadings filed and not accepting oral argument. COURT ADOPTED the Procedural History as set forth by the State's motion. Court further stated Defendant's motion did not comply with EDCR 2.34 and ORDERED, Motion DENIED. Court stated Defendant had appeals pending therefore the Court did not have jurisdiction to the extent that the appeal issue was unrelated to this matter. Court further stated if the Court did have jurisdiction, Defendant had not set forth any evidence that he that he filed a federal appeal, COURT FURTHER ORDERED, Motion DENIED; State to prepare the Order. COURT ORDERED, Status Check SET for filing of the Order. Court stated the status check date would be vacated if the Order was signed and filed. NDC 03/29/18 8:30 AM STATUS CHECK: FILING OF ORDER CLERK'S NOTE: The above minute order has been distributed to: Brian O'keefe #90244 1200 Prison Rd Lovelock NV 89419 //ob/03/08/18;

03/29/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Becker, Nancy)
Vacated - per Law Clerk
Status Check: Filing of Order

04/05/2018 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Notice of Motion Motion Court to Order Clerk of Court to File Motion Pursuant Rule 59(e) and Send Back Additional Copy that was Noticed and Provided and Schedule Hearing Providing Mimimum Procedural Due Process Notice and Hearing
Matter Heard;
Journal Entry Details:
Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. Court further noted this was Defendant's motion to order the Clerk of the Court to file a motion he filed January 26th; however, the Court stated Defendant did not attach a copy of motion and there had been no Order from this Court precluding the Clerk's office from filing something. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Defendant needed to resubmit and it would be re-filed. CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/04/05/18;

10/25/2018 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Defendant's Pro Per Motion to Correct Facially Illegal Sentence
Denied; Defendant's Pro Per Motion to Correct Facially Illegal Sentence
Journal Entry Details:
Defendant not present. Court noted the decision is being made based upon the pleadings and is not accepting oral argument. Court stated this is the Defendant's 3rd Motion to correct illegal sentence and attacks the legality of the sentence which is not a proper form to do such; therefore, ORDERED, Motion DENIED; State to prepare the Order; matter SET for Status Check regarding Order. NDC 11/15/18 8:30 AM STATUS CHECK: ORDER;

11/15/2018 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated
Status Check: Order

01/22/2019 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
01/22/2019, 02/12/2019, 03/12/2019
Events: 12/31/2018 Notice of Motion

Defendant's Notice of Motion
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Journal Entry Details:
Defendant not present. Court stated as to Defendant's motion it was difficult to figure out what Defendant was requesting. Court further stated there was a upcoming Petition for Writ of Habeas Corpus and ORDERED, matter CONTINUED to hear the matters at the same time. NDC CLERK'S NOTE: A copy of the Minute Order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419//ob/01/22/19;

02/12/2019 **Petition for Writ of Habeas Corpus** (8:30 AM) (Judicial Officer: Villani, Michael)
02/12/2019, 03/12/2019
Events: 12/12/2018 Order for Petition for Writ of Habeas Corpus
Matter Continued;

02/12/2019 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
02/12/2019, 03/12/2019
Events: 01/28/2019 Notice of Motion
State's Notice of Motion and Motion to Declarre Vexatious Litigant and to Refer Defendant to Department of Corrections for Forfeiture of Statutory Credits
Matter Continued;

02/12/2019 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
Deputy District Attorney Ashley Lacher, present on behalf of the State. PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS Defendant not present. Court noted the Motion was filed on or about January 28th, the Court was uncertain as to how long it took to deliver it to Defendant who was in the Nevada Department of Corrections (NDC). Court further noted Defendant's request for more time didn't set forth the reasons that he needed more time to file an opposition; however, the Court stated it wanted to make certain Defendant had enough time to file an opposition. Court further stated Defendant needed to file an opposition within two weeks from today. COURT ORDERED, Briefing Schedule SET as follows: Defendant's opposition due by February 26, 2019; States Reply due by March 5, 2019 and hearing SET; Petition for Writ of Habeas and Defendant's Notice of Motion CONTINUED. NDC 03/12/19 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS CLERK'S NOTE: A copy of this Minute Order has been distributed to: Brian O'Keefe # 90244 1200 Prison Rd Lovelock, NV 89419//ob/02/12/19;

03/05/2019 *CANCELED* **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)
Vacated - per Law Clerk
Defendant's Urgent Motion for Enlargement of Time (NRCP 6) to File Opposition and Continue Hearing Scheduled for 02/12/2019 of State's Motion to Declare Vexatious Litigant ... Credits, Providing Equitable Procedural Due Process ota Pro per Inmate Without Direct Access to Law Library Who Requires Copies and Research for Pro Per Objection

03/12/2019 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARRE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS Defendant not present. Court noted this was the State's motion to declare Defendant a vexatious litigant. Court further noted it was basing its decision on the pleadings that had been filed and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated the State previously

file this motion and the Court continued to give Defendant an opportunity to file a opposition. COURT FINDS, Defendant had filed numerous successive petitions that had not had any merit and also filed some motions that were nonsequential. COURT FINDS, Defendant's previous motions had been frivolous and both of a harassing nature toward the State, those motions have been without arguable or legal or factual bases. Court stated Defendant allowed to present to the Court any future pleadings for the Court to determine whether or not there was any legal bases for those motions thereafter the Court would allow them to be filed and heard in due course. COURT ORDERED, Motion GRANTED; Status Check SET for State to prepare the formal findings, facts and conclusion of law. COURT FURTHER ORDERED, Defendant to referred to the Department of Corrections for Forfeiture of Statutory Credits GRANTED. NDC 04/04/19 8:30 AM STATUS CHECK: FINDINGS, FACTS AND CONCLUSION OF LAW CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/03/13/19.;

03/19/2019 **Opposition** (8:30 AM) (Judicial Officer: Villani, Michael)

Defendant's Opposition to States Retaliatory Motion to Declare Vexatious Litigant... Where Federal Counsel Appointed by Order of 9th Cir Declared in Full Briefing O'Keefe to be Prolific

Matter Heard;

Journal Entry Details:

Defendant not present. Court noted it previously declare Defendant a vexatious litigant. COURT ORDERED, Motion DENIED as being Moot. Court noted the State was to prepare a Findings, Facts and Conclusion of Law by April 4, 2019. NDC CLERK'S NOTE: A copy of this Minute Order has been distributed to: BRIAN O'KEEFE #90244 1200 PRISON ROAD LOVELOCK, NV 89419 //ob/03/20/19;

04/04/2019 *CANCELED* **Status Check** (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Law Clerk

Status Check: Findings, Facts and Conclusion of Law

05/21/2019 *CANCELED* **Petition for Writ of Mandamus** (8:30 AM) (Judicial Officer: Bell, Linda Marie)

Vacated - On In Error

Petition for Writ of Mandamus Challenging Order Signed and Never Served Pursuant to NRAP4(c)(2)

05/22/2019 **Petition for Writ of Mandamus** (9:00 AM) (Judicial Officer: Leavitt, Michelle)

05/22/2019, 06/26/2019

Petition for Writ of Mandamus Challenging Order Signed and Never Served Pursuant to NRAP4(c)(2)

Matter Continued;

Denied;

Journal Entry Details:

Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated based on her review of the record, Defendant received notice of the motion and filed an opposition to the motion as well as the fact that a Certificate of Mailing filed on 3/25/2019 regarding the order from the motion. Additionally, Court stated on 5/01/2019 the Certificate of Mailing of the Notice of Entry of Order was filed as well. COURT ORDERED, Petition shall be DENIED. Further, Court stated even if the Court were to construe the petition as a motion for reconsideration there is no basis for them modification and FURTHER ORDERED, motion for reconsideration DENIED. NDC;

Matter Continued;

Denied;

Journal Entry Details:

Defendant not present. Court noted this was Defendant's Petition for Writ of Mandamus which stated Defendant did not get the findings and Order that was signed by the Court. Upon Court's inquiry, Ms. Fleck confirmed it was mailed to Defendant. Ms. Fleck advised she had a note from appeals which stated they needed two weeks to respond. COURT ORDERED, Briefing Schedule SET as follows: State's reply due by June 4, 2019 and hearing SET. Court noted there would not be any argument as Defendant would not be transported. NDC 06/26/19 9:00 AM HEARING: PETITION FOR WRIT OF MANDAMUS CHALLENGING ORDER SIGNED AND NEVER SERVED PURSUANT TO NRAP4 (C)(2) CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE # 90244 1200 Prison Rd Lovelock, NV 89419 CLERK'S NOTE: Court clerk gave the incorrect date in court, this minute order has

been amended to reflect the correct date. A copy of this Minute Order has been placed in the attorney folder of the District Attorney and distributed to Defendant.//ob/05/24/19.;

10/23/2019 **Motion** (9:00 AM) (Judicial Officer: Villani, Michael)
Motion for Leave of Court to File New Action as to Motion to Vacate Sentence as Means For Relief from Judgment
Motion Denied;

10/23/2019 **Motion** (9:00 AM) (Judicial Officer: Villani, Michael)
Motion to Vacate Sentence as Means and or for Relief from Judgment
Stricken;

10/23/2019 **All Pending Motions** (9:00 AM) (Judicial Officer: Villani, Michael)
Matter Heard;
Journal Entry Details:
MOTION FOR LEAVE OF COURT TO FILE NEW ACTION AS TO MOTION TO VACATE SENTENCE AS MEANS FOR RELIEF FROM JUDGMENT...MOTION TO VACATE SENTENCE AS MEANS AND OR FOR RELIEF FROM JUDGMENT Defendant not present. Court stated it appeared Defendant motions were not served to the State. Ms. Fleck advised it appeared from history of the case, the Court would first determine if the State was required to respond due to the history of Defendant's filing of motions. Upon Court's inquiry, Ms. Fleck confirmed Defendant was deemed a vexatious litigant. Court stated it would review the matter, if the Court deemed the motions had merit the matters would be placed on Calendar. NDC CLERK'S NOTE: The above minute order has been distributed to: BRIAN O'KEEFE #90244 P O BOX 650 INDIAN SPRINGS, NV 89070;

01/13/2020 **Minute Order** (3:40 PM) (Judicial Officer: Villani, Michael)
Minute Order Re: Motion for Leave of Court to File New Action as to Motion to Vacate Sentence as Means For Relief from Judgment
Minute Order - No Hearing Held; Minute Order Re: Motion for Leave of Court to File New Action as to Motion to Vacate Sentence as Means For Relief from Judgment
Journal Entry Details:
On March 12, 2019, this Court found Defendant O'Keefe to be a vexatious litigant in the Court's Pre-Filing Injunction Order. In said Order, this Court enjoined Defendant and/or Defendant's agents from filing any action before the Court arising out of or materially involving his criminal conviction and/or custody status in this case without first obtaining leave of this Court. Findings of Facts, Conclusions of Law, and Order, filed April 4, 2019, at p. 13. The purpose of this Court's Order was to prevent "Defendant's continued filing of duplicative and baseless pleadings." Id. Pursuant to the April 4, 2019 Order, Defendant moved this Court for leave to file "New Action as Motion to Vacate Sentence as Means for Relief from Judgment C250630, Rule 60(b)...Under Remedial Law on Substantive Issues of Fraud and Void Judgment." Having reviewed the pleadings and papers on file herein, the COURT FINDS that Defendant's motion attempts to litigate matters previously ruled on by this Court and otherwise are without merit. Therefore, COURT ORDERED Defendant's Motions for Leave to File Motion DENIED. This Court ADMONISHES Defendant that the Court will NOT grant leave to permit him to file any pleadings addressing issues that it has previously decided. CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw;

01/14/2020 **Minute Order** (12:50 PM) (Judicial Officer: Villani, Michael)
Minute Order Re: Motion to Vacate Sentence as Means and or for Relief from Judgment
Minute Order - No Hearing Held; Minute Order Re: Motion to Vacate Sentence as Means and or for Relief from Judgment
Journal Entry Details:
On March 12, 2019, this Court found Defendant O'Keefe to be a vexatious litigant in the Court's Pre-Filing Injunction Order. In said Order, this Court enjoined Defendant and/or Defendant's agents from filing any action before the Court arising out of or materially involving his criminal conviction and/or custody status in this case without first obtaining leave of this Court. Findings of Facts, Conclusions of Law, and Order, filed April 4, 2019, at p. 13. The purpose of this Court's Order was to prevent Defendant's continued filing of duplicative and baseless pleadings. Id. On September 23, 2019, Defendant filed a "Motion to Vacate Sentence as Means and or Relief from Judgment" to be heard on October 23, 2019. Defendant was not given leave to file this motion. Therefore, COURT ORDERED Defendant's

Motion be STRICKEN from the record of this case. This Court ADMONISHES Defendant that the Court will NOT grant leave to permit him to file any pleadings addressing issues that it has previously decided. CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw;

06/27/2022 **Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)
Minute Order re: Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law Scotus Announced Filed 10/2/2015
Minute Order - No Hearing Held;
Journal Entry Details:
COURT ORDERED, Defendant's Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law SCOTUS Announced Filed 10/2/2015 Where No Petition Has Reached Merits and Successive Does Not Apply is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is DENIED. NDC CLERK'S NOTE: A copy of this minute order was electronically mailed to: John Afshar, Deputy District Attorney and a copy mailed to the Deft. in the Nevada Department of Corrections.;

06/28/2022 *CANCELED* **Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
Vacated
Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law Scotus Announced Filed 10/2/2015

07/19/2022 **Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
07/19/2022, 09/22/2022, 10/11/2022
Motion for Leave of Court to File Motion to Vacate Sentence Enhancement Based on Constitutional Sudden Change in Law Where Reckless Conduct Addressed
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;

07/19/2022 **Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
07/19/2022, 09/22/2022, 10/11/2022
Ex Parte Motion for Leave of Court and Order to Have Clerk of the Court to File New Action Pursuant to NRS 176.555 Mailed 12/28/2021 By Brass Slip No. 2329642 as First Class Mail
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;

07/19/2022 **Motion to Vacate Sentence** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
07/19/2022, 09/22/2022, 10/11/2022
Motion to Vacate Facially Illegal Sentence of Deadly Weapon Enhancement Based on Constitutional Sudden Change in Law Announced June 10, 2021 Effecting Substantive Law

MINUTES
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;

SCHEDULED HEARINGS
All Pending Motions (09/22/2022 at 9:30 AM) (Judicial Officer: Kierny, Carli)

07/19/2022 **All Pending Motions** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
Matter Heard;
Journal Entry Details:

EX PARTE MOTION FOR LEAVE OF COURT AND ORDER TO HAVE CLERK OF THE COURT TO FILE NEW ACTION PURSUANT TO NRS 176.555 MAILED 12/28/2021 BY BRASS SLIP NO. 2329642 AS FIRST CLASS MAIL...MOTION FOR LEAVE OF COURT TO

	FILE MOTION TO VACATE SENTENCE ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW WHERE RECKLESS CONDUCT ADDRESSED...MOTION TO VACATE FACIALLY ILLEGAL SENTENCE OF DEADLY WEAPON ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW ANNOUNCED June 10, 2021 EFFECTING SUBSTANTIVE LAW Court stated the State is requesting additional time to respond to the motions, therefore, ORDERED, Motions CONTINUED. Court directed the State to file its responses by September 13, 2022. NDC CONTINUED TO: 9/22/22 9:30 AM;	
09/22/2022	**All Pending Motions** (9:30 AM) (Judicial Officer: Kierny, Carli) Matter Heard;	

DATE	FINANCIAL INFORMATION	
	Defendant O'Keefe, Brian Kerry	
	Total Charges	195.00
	Total Payments and Credits	195.00
	Balance Due as of 10/7/2022	**0.00**

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 06, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

January 06, 2009 **9:00 AM** **Initial Arraignment** **INITIAL ARRAIGNMENT Court Clerk: Nora Pena/np Relief Clerk: Dameda Scott Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams**

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Pace, Barter G.	Attorney
Pike, Randall H.	Attorney
Schieck, David M.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Mr. Schieck asked to let the District Court 17 set the trial date. COURT ORDERED, matter set for entry of plea and trial date.
CUSTODY
1/20/09 8:00 AM ENTRY OF PLEA/TRIAL SETTING - DEPT 17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 20, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

January 20, 2009 **8:00 AM** **Entry of Plea** **ENTRY OF PLEA/TRIAL SETTING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani**

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- DEFT. OKEEFE ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. Mr. Smith stated the State is going to INVOKE the 60 day rule as well. COURT ORDERED, matter set for trial. CUSTODY
3/10/09 8:00 AM CALENDAR CALL
3/16/09 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 10, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

February 10, 2009 **8:00 AM** **All Pending Motions** **ALL PENDING MOTIONS 2-10-09**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS
Arguments by counsel. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus DENIED; State's Motion to Admit Evidence of Other Crimes will be set for a Petrocelli Hearing. Amended Information FILED IN OPEN COURT.
NDC
2/26/09 10:00 AM EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF

OTHER CRIMES, WRONGS OR ACTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 26, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

February 26, 2009 **10:00 AM** **Evidentiary Hearing** **EVIDENTIARY HRG: STATE'S MTN TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR ACTS**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Villani, Michael

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 10, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 10, 2009 **8:00 AM** **All Pending Motions** **ALL PENDING MOTIONS 3-10-09**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- CALENDAR CALL...DEFT'S MOTION TO REQUIRE COURT TO ADVISE JURORS AS TO MANDATORY SENTENCES
Counsel stated they are ready to proceed to trial which will take 3-4 days. Mr. Pike stated that he has 5 witnesses in addition to the State's witnesses and one is out of state; further, has a signed Stipulation and Order Waiving the Penalty Hearing but will withhold filing it until after the jury is seated. Arguments by counsel regarding Deft's Motion. COURT ORDERED, Deft's Motion to Require Court to Advise Juror's as to Mandatory Sentences DENIED; Trial date STANDS.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 16, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 16, 2009 **9:30 AM** **All Pending Motions** **ALL PENDING MOTIONS 3-16-09**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS...TRIAL BY JURY
Arguments by counsel. COURT ORDERED, Motion GRANTED. Jury and 2 alternates selected and sworn. Court Clerk read the Amended Information and stated the deft's plea thereto. Opening statements by counsel. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 17, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 17, 2009 **9:30 AM** **Jury Trial** **TRIAL BY JURY**
Court Clerk: Kristen Brown/A.M. Relief Clerk: Shelly Landwehr/P.M.
Reporter/Recorder: Michelle Ramsey
Heard By: Villani, Michael

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel Juror #12's apartment flooded and will not be able to return as he has to be present to solve the problem.
JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal. Arguments

by counsel. COURT ORDERED, Motion DENIED.
JURY PRESENT: Testimony and exhibits presented (See worksheets).
OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm moved for a mistrial and dismissal regarding testimony from Officer Hutchinson. Arguments by counsel. COURT ORDERED, Motion DENIED, Court finds statement was not a Discovery violation, it was memorialized, not undue prejudice.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 18, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 18, 2009 **9:45 AM** **Jury Trial** **TRIAL BY JURY**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Villani, Michael

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel. Ms. Palm moved for a mistrial and dismissal. Further argument by counsel. COURT ORDERED, Motion DENIED but will allow the defense to call the officer's back and question them about the report.
JURY PRESENT: Testimony and exhibits presented (See worksheets).
OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the note by witness Hutchison. COURT ORDERED, the report is not coming in at this point.
JURY PRESENT: Testimony and exhibits presented (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court advised counsel that it observed a few of the jurors speaking with one of the witnesses. Jurors 3, 6 & 7 questioned.
JURY PRESENT: Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 19, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 19, 2009 **9:00 AM** **Jury Trial** **TRIAL BY JURY**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Villani, Michael

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- JURY PRESENT: State rests. Testimony and exhibits presented (See worksheets). COURT ORDERED, matter CONTINUED.
OUTSIDE THE PRESENCE OF THE JURY: Court advised the Deft. of his rights not to testify.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 20, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

March 20, 2009 **9:00 AM** **Jury Trial** **TRIAL BY JURY**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel regarding the victims medical records. Court stated its findings and ORDERED, Motion to Allow the Medical Records be Introduced DENIED but will allow testimony that the victim attempted to commit suicide two days prior to the incident.
JURY PRESENT: Testimony and exhibits presented (See worksheets). Defense rests.
OUTSIDE THE PRESENCE OF THE JURY: Instructions settled on the record.
JURY PRESENT: Court instructed the jury. Closing arguments by counsel. At the hour of 4:10 pm,

the jury retired to deliberate. At the hour of 7:15 pm, the jury returned with a VERDICT of GUILTY of SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON. Court THANKED and EXCUSED the jury. COURT ORDERED, Deft. REMANDED TO CUSTODY and matter referred to Parole and Probation and set for sentencing.
CUSTODY
5/05/09 8:00 AM SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 07, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

April 07, 2009 **8:00 AM** **Motion** **DEFT'S MTN TO SETTLE RECORD/13**
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court stated the record is clear.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 05, 2009**

08C250630 State of Nevada
vs
Brian O'Keefe

May 05, 2009 **8:00 AM** **Sentencing** **SENTENCING**
Court Clerk: Kristen Brown Relief Clerk: Dameda Scott/ds
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
Pike, Randall H.	Attorney
Smith, Phillip N.	Attorney

JOURNAL ENTRIES

- Argument by State. Statements by Defendant and counsel. Ms. Palm requested corrections to the original Pre-Sentence Investigation Report. COURT ORDERED, Pre-Sentence Investigation Report amended by interlineation and incorporated into the court file copy as follows: Page 1, 20 years; Page 4, Juvenile Offense; Page 7, deleted sentence regarding a knife; Page 8, Section 9, Paragraph 2. COURT NOTED, those items were not considered by this Court.
DEFT. O'KEEFE ADJUDGED GUILTY of COUNT 1 - 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, and a $150.00 DNA Analysis fee including testing to determine genetic markers, Deft.

SENTENCED ON COUNT 1 - 2ND DEGREE MURDER (F) to a MINIMUM of TEN (10) YEARS and a MAXIMUM of TWENTY-FIVE (25) YEARS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE MINIMUM OF NINETY-SIX (96) MONTHS and a MAXIMUM of TWO-HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC) for the USE OF A DEADLY WEAPON, to run CONSECUTIVE TO COUNT 1, with 181 DAYS credit for time served. BOND, if any, EXONERATED.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 29, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

April 29, 2010 **8:15 AM** **Status Check** **STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael**

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Hendricks, Craig L.	Attorney
Schieck, David M.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Deft. O'Keefe incarcerated in the Nevada Department of Corrections (NDC) and not present. Mr. Schieck advised the Remittitur has not been issued by the Supreme Court yet; further, Randall Pike, SPD, will be handling this matter and he is still recovering from surgery. Mr. Schieck requested the matter be CONTINUED. COURT SO ORDERED.
NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 20, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

May 20, 2010 **8:15 AM** **Status Check** **STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL Court Clerk: Carol Donahoo Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani**

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Graham, Stephanie	Attorney
Jackson, Alzora B.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- Deft. O'Keefe incarcerated in the Nevada Department of Corrections (NDC) and not present. Court Services advised Deft. was not transported; Ms. Jackson advised Deft. should really be present. Therefore, COURT ORDERED, matter CONTINUED.
NDC
CONTINUED TO: 06/10/10 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 10, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

June 10, 2010 **8:15 AM** **All Pending Motions** **ALL PENDING MOTIONS (6/10/10) Relief Clerk: Susan Jovanovich /sj Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani**

HEARD BY: **COURTROOM:** No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES PRESENT:

Lavell, Maria	Attorney
O'Keefe, Brian K	Defendant
Pike, Randall H.	Attorney
Special Public Defender	Attorney

JOURNAL ENTRIES

- STATUS CHECK: SUPREME COURT REMAND / RESET TRIAL...MOTION FOR JUDICIAL RULING

Michael Hyte, Deputy Special Public Defender (Bar # 10088), also present.
Ms. Lavell advised she was just assigned onto the case this morning. Colloquy regarding additional subpoenas to be served for additional medical records, and HIPPA protection guidelines. Arguments by Mr. Pike. Matter submitted by State. COURT ORDERED, Motion GRANTED. Court advised counsel to have redactions of sensitive information done on medical records. Ms. Lavell requested an in-camera view be done on these records upon being received by counsel. Colloquy regarding

resetting trial date. Statements by Deft. MATTER TRAILED for Court to review current trial schedule. RECALLED. Mr. Pike advised this matter is overflow eligible, and requested additional time to prepare pre-trial briefs. COURT SO ORDERED. FURTHER, trial date SET. At request of counsel, COURT ORDERED, Deft. REMANDED into CUSTODY on this matter.
CUSTODY
8-17-10 8:15 AM CALENDAR CALL
8-23-10 10:00 AM TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 12, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 12, 2010 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR, ALTERNATIVELY, TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION . . . NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE TO ADMIT EVIDENCE SHOWING LVMPD HOMICIDE DETECTIVES HAVE PRESERVED BLOOD/BREATH ALCOHOL EVIDENCE IN ANOTHER RECENT CASE

Christopher Lalli, Asst DA, present on behalf of the State and Patricia Palm. Esq., present on behalf of Deft. O'Keefe, who is also present.

At counsels request, COURT ORDERED, the two (2) above-named Motions shall be CONTINUED to August 19, 2010.

NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE FOR DISCOVERY: Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART; the last known addresses of any lay witnesses and any information that would help identify any Felony convictions for those witnesses shall be provided.

NOTICE OF MOTION AND MOTION BY DEFENDANT O KEEFE FOR EVIDENTIARY HEARING

ON WHETHER THE STATE AND CCDC HAVE COMPLIED WITH THEIR OBLIGATIONS WITH RESPECT TO THE RECORDING OF A JAIL VISIT BETWEEN O KEEFE AND STATE WITNESS CHERYL MORRIS: Ms. Palm advised this matter is resolved and, therefore, stated she would WITHDRAW said Motion. COURT ORDERED, Motion WITHDRAWN.

Colloquy regarding the trial. Counsel expect the trial will take five (5) days.

Ms. Palm to prepare the Order approved as to form and content by Mr. Lalli.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 17, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 17, 2010 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carole D'Aloia

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

Lalli, Christopher J	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- MOTION BY DEFENDANT O'KEEFE TO ADMIT EVIDENCE PERTAINING TO THE ALLEGED VICTIM'S MENTAL HEALTH CONDITION AND HISTORY, INCLUDING PRIOR SUICIDE ATTEMPTS, ANGER OUTBURSTS, ANGER MANAGEMENT THERAPY, SELF-MUTILIZATION AND ERRATIC BEHAVIOR...MOTION BY DEFENDANT O'KEEFE TO PRECLUDE THE STATE FROM INTORDUCTION AT TRIAL OTHER ACT OR CHARACTER EVIDENCE AND OTHER EVIDENCE WHICH IS UNFAIRLY PREJUDICIAL OR WOULD VIOLATE HIS CONSTITUTIONAL RIGHTS...MOTION BY DEFENDANT O'KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR ALTERNATIVELY TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION...MOTION BY DEFENDANT OKEEFE TO ADMIT EVIDENCE SHOWING LVMPD HOMICIDE DETECTIVES HAVE PRESERVED BLOOD/BREATH ALCOHOL EVIDENCE IN ANOTHER RECENT CASE

As to the first three (3) motions on the calendar, Court advised that it did not receive courtesy copies and, therefore, is not ready to make a ruling and, ORDERED, matter CONTINUED to Thursday. Court directed counsel to provide coutesy copies of all their pleadings to Court because although

they have been filed, they have not been imaged and, therefore, are not accessible to the Court. As to Defendant's motion to admit evidence showing LVMPD homicide detectives have preseerved blood/breath alcohol evidence in another recent case, following arguments by counsel, COURT ORDERED, motion DENIED, noting its' original ruling stands. Mr. Lalli advised

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 19, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 19, 2010 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Conference at the Bench. MOTION BY DEFT. O'KEEFE TO PRECLUDE THE STATE FROM INTRODUCTION AT TRIAL OTHER ACT OR CHARACTER EVIDENCE AND OTHER EVIDENCE WHICH IS UNFAIRLY PREJUDICIAL OR WOULD VIOLATE HIS CONSTITUTIONAL RIGHTS: This Motion has nine parts and is GRANTED in part and DENIED in part as follows:

a. The State should be precluded from introducing evidence showing that O'Keefe had claimed to Cheryl Morris that he could kill anyone with a knife and had demonstrated how he would kill with knives - Arguments by counsel. Court noted that it previously ruled that the statement is admissible and it is relevant. Therefore, COURT ORDERED, Motion DENIED.

b. The State should be limited to presenting the Judgment of Conviction for Felony Domestic Violence with the redaction to omit the reference to a concurrent sentence - Arguments by counsel. COURT ORDERED, Motion GRANTED.

c. The State should be precluded from introducing any evidence of a sexual assault allegation related

to O'Keefe's prior burglary conviction - Arguments by counsel. Mr. Lalli advised the State does not intend to admit this evidence unless the door is opened. COURT ORDERED, Motion GRANTED.

d. The State should be precluded from introducing the term "Sexual Assault Kit" with reference to the DNA collection here or referring to any sexual assault - Arguments by counsel. Mr. Palm advised the parties have agreed to call the Sexual Assault Kit a DNA Collection Kit. COURT ORDERED, Motion GRANTED.

e. The State should be precluded from introducing photographs of Whitmarsh's bruises, which cannot be linked to the time of the incident here - Arguments by counsel. COURT ORDERED, Motion DENIED.

f. The State should be precluded from introducing any reference to racial slurs allegedly made by O'Keefe - Arguments by counsel. COURT ORDERED, Motion GRANTED.

g. The State should be precluded from introducing the hearsay statement of Charles Tolliver that O'Keefe killed Whitmarsh - Arguments by counsel. COURT ORDERED, Motion GRANTED; the statement "Baby, he done killed that Girl" shall be excluded.

MOTION BY DEFT. O'KEEFE TO PRECLUDE EXPERT TESTIMONY: Ms. Palm advised this is related to letter "H" of the above-referenced Motion. COURT ORDERED, this issue will be CONTINUED as the Court would like to review the Case Law. FURTHER, letter "I" of the above-referenced Motion will also be CONTINUED.

MOTION BY DEFT. O'KEEFE TO SUPPRESS HIS STATEMENTS TO POLICE OR, ALTERNATIVELY, TO PRECLUDE THE STATE FROM INTRODUCING PORTIONS OF HIS INTERROGATION: COURT ORDERED, Motion CONTINUED.

Mr. Lalli requested leave of Court to file a Second Amended Information. There being no objection by Ms. Palm, COURT ORDERED, request GRANTED; Second Amended Information FILED IN OPEN COURT.

STATUS CHECK: AVAILABILITY OF DR. BENJAMIN FOR TRIAL: Ms. Palm presented a Motion by Deft. O'Keefe to Preclude Late Noticed Expert Testimony from Dr. Dutra, which was FILED IN OPEN COURT. Mr. Lalli advised that if they cannot get Dr. Benjamin here to testify, the State would like to call Dr. Dutra. Arguments by counsel. COURT FINDS, the State has exercised due diligence in trying to locate Dr. Benjamin in order to obtain her testimony at trial. Of paramount importance in this case is the analysis of the injuries, how they were sustained, and whether they were self-inflicted. Mr. Lalli advised he would continue to try and contact Dr. Benjamin but if the State cannot locate her, the State would like to call Dr. Dutra.

MOTION BY DEFT. O'KEEFE TO ADMIT EVIDENCE PERTAINING TO THE ALLEGED VICTIM'S MENTAL HEALTH CONDITION AND HISTORY, INCLUDING PRIOR SUICIDE ATTEMPTS,

ANGER OUTBURSTS, ANGER MANAGEMENT THERAPY, SELF-MUTILATION, AND ERRATIC BEHAVIOR: Arguments by counsel. Court directed counsel to go through the records to see if there are any agreements. Counsel to provide the Court with the records they agree upon as well as the records they disagree on. The Court will then rule on said records during the trial.

CUSTODY

CONTINUED TO: 08/20/10 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 20, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 20, 2010 **8:15 AM** **Motion** **Motion By Defendant O'Keefe To Suppress His Statements To Police Or Alternatively To Preclude The State From Introducing Portions Of His Interrogation**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Colloquy regarding the statement made by Deft. to Officer Ballejos. Deft. was in custody but had not been given the Miranda warning. COURT FINDS, that due to the nature of the statements and what the Police Officer knew at the time, the statements do not fall within the public safety exception. Therefore, COURT ORDERED, the statement is excluded.

Ms. Palm is requesting that Deft.'s statement made during the recorded interrogation by homicide detectives be stricken in its entirety. COURT FINDS, that even though Deft. was intoxicated, under

the totality of the circumstances, his statement was freely and voluntarily given. Court and counsel proceed and discuss the particular portions of Deft.'s statement, which must be suppressed. The ruling as to each specific statement is as stated on the record in open court.

Ms. Palm advised there are a few other issues that need to be resolved. With regard to Detective Wildemann, Mr. Lalli advised the State is withdrawing the Notice of Expert; however, he will still be testifying. The Detective will say that in homicides he has investigated, it is not uncommon for the stabber to cut himself; colloquy. Court will allow the testimony but the Detective cannot say "and that is what happened here."

With regard to any reference to the prior trial, counsel have stipulated to using the words, "prior testimony" or "prior proceedings."

Court noted Jury Trial will begin Monday, August 23, 2010, at 10:00 a.m.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 23, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 23, 2010 **10:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

10:21 a.m. Jury Trial commenced.

Court and counsel begin Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Juror No. 0229 for the reasons stated on the record.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Ms. Palm is seeking to admit evidence pertaining to the victim's Mental Health condition and history. Colloquy regarding the excerpts from the victim's medical records. Excerpts from Medical Records of Victim marked for identification and ADMITTED as Court's Exhibit 1. Deft.'s Proposed Jury Instructions FILED IN OPEN COURT.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continued.

5:35 a.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 08/24/10 10:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 24, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 24, 2010 **10:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

10:30 a.m. Jury Trial resumed. Court and counsel continue Voir Dire examination of the prospective Jurors.

5:00 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 08/25/10 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 25, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 25, 2010 **9:30 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dept DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

9:43 a.m. Jury Trial commenced. Court and counsel continue Voir Dire examination of the prospective Jurors. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Colloquy regarding redaction issues with regard to the video of Deft.'s interview with the police.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continues.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court canvassed Prospective Juror No. 0210. For the reasons stated on the record, COURT ORDERED, Prospective Juror No. 0210 shall be EXCUSED.

PROSPECTIVE JURORS PRESENT: Voir Dire examination of the prospective Jurors continues.

Jury and two (2) alternates selected and sworn. Clerk read the Second Amended Information to the Jury and stated the Deft.'s plea thereto. Opening statements by Mr. Lalli and Ms. Palm. Testimony and exhibits presented (see worksheets).

5:35 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 08/26/10 10:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 26, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 26, 2010 **10:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dept DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

10:00 a.m. Jury Trial resumed.

OUTSIDE THE PRESENCE OF THE JURY: Court and counsel discuss the issues surrounding the video of Deft.'s interview with the police and the redactions made by the State. Ms. Palm would like to have certain information added back to the disc.

JURY PRESENT; Testimony and exhibits presented (see worksheets).

5:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 08/27/10 11:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 27, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 27, 2010 **11:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

11:45 a.m. Jury Trial resumed.

Testimony and evidence presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: State is objecting to a demonstration by the witness, George Schiro, and Ms. Palm as to how the wound to the victim may have been inflicted. COURT ORDERED, the demonstration may continue.

JURY PRESENT: Testimony and evidence presented (see worksheets).

6:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CONTINUED TO: 08/30/10 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 30, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 30, 2010 **9:30 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

9:43 a.m. Jury Trial resumed.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm is requesting a limited Jury Instruction regarding the testimony by the witness, Cheryl Morris, where she mentioned the killing of a person by cutting them in the sternum area. The medical records of the victim were also discussed. The parties have reached an agreement with regard to the said records and a stipulation will be read to the Jury by the Court. Stipulation marked as Court's Exhibit 14 and ADMITTED.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Juror No. 2 requested to address the Court regarding a procedural issue. The Juror presented his question to the Court and it was answered by the Court and counsel.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

5:30 p.m. Jury Trial concluded for the day. COURT ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 08/31/10 9:45 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 31, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

August 31, 2010 **9:45 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

10:00 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: Court and counsel questions Juror No. 6 as to what she may have observed on the elevator when reporting to Court to resume the trial this morning. Court canvassed Deft. with regard to his right not to testify.

JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict forms settled on the record.

JURY PRESENT: Court instructed the Jury. Closing arguments by Ms. Graham and Ms. Palm; rebuttal by Mr. Lalli.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Palm orally moved the Court for a mistrial. Arguments by counsel. COURT ORDERED, Motion DENIED; the totality of the circumstances do not warrant a mistrial at this time.

JURY PRESENT: At the hour of 5:45 p.m., the Jury retired to deliberate; however, due to the lateness of the hour, the Jury elected to go home and return in the morning to begin deliberations. COURT ORDERED, trial continued.

CUSTODY

CONTINUED TO: 09/01/10 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 01, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

September 01, 2010 **9:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- 9:00 a.m. Jury returned to deliberate.

At the hour of 3:45 p.m. the Jury presented a note with a question to the Court. Court held a telephonic conference with Christopher Lalli, Chf Dep DA, and Patricia Palm, Esq., regarding the note. An answer was provided to the Jury. The Question and Answer provided was marked for identification as Court's Exhibit 16 and ADMITTED.

At the hour of 4:55 p.m. the Jury presented another note to the Court indicating that they were still deadlocked. The Court again held a telephonic conference with counsel regarding the note. Court and counsel agreed to release the Jury for the evening with the understanding that they would return at 9:00 a.m., September 2, 2010, to continue deliberations. Court noted there is a possibility of an Allen Charge being given after further deliberations. The Note was marked for identification as Court's Exhibit 17 and ADMITTED.

Court thanked and excused the alternates and ORDERED, trial CONTINUED.

CUSTODY

CONTINUED TO: 09/02/10 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 02, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

September 02, 2010 **9:00 AM** **Jury Trial**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- 9:30 a.m Jurors returned to continue deliberations.

At the hour of 10:15 p.m. the Jury presented a note to the Court indicating that they were still deadlocked. The Note was marked for identification as Court's Exhibit 18 and ADMITTED.

10:43 a.m. OUTSIDE THE PRESENCE OF THE JURY: Robert Daskas, Chf Dep DA, present on behalf of Christopher Lalli, Chf Dep DA, and Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Court advised counsel of the notes it had received from the Jury.

JURY PRESENT: Court gave an Allen Charge to the Jury. At the hour of 10:55 a.m. the Jury returned to the Jury room to continue their deliberations.

At the hour of 11:38 a.m. the Jury indicated that they were still deadlocked. The Note was marked for identification as Court's Exhibit 20 and ADMITTED.

JURY PRESENT: Stephanie Graham, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present. Court noted the Jury is deadlocked at 10 to 2.

It is fruitless to continue deliberations at this time. Therefore, COURT FINDS, that due to the hopeless deadlock of the Jury, it is a manifest necessity to declare a MISTRIAL. Court thanked and excused the Jury and ORDERED, matter set for status check; Deft. REMANDED to custody.

CUSTODY

09/14/10 8:15 AM STATUS CHECK: NEW TRIAL DATE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 14, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

September 14, 2010 **8:15 AM** **Status Check** **New Trial Date**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is not present.

Motion to Withdraw FILED IN OPEN COURT. Conference at the Bench. Court directed the Court Clerk to contact Drew Christensen for appointment of counsel. Ms. Palm advised she has already been in contact with him; colloquy. COURT ORDERED, Motion to Withdraw GRANTED; Patricia Palm is APPOINTED as counsel of record on this case. COURT FURTHER ORDERED, matter set for status check. Court noted Ms. Palm has requested the trial transcripts.

CUSTODY

CONTINUED TO: 09/16/10 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 16, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

September 16, 2010 **8:15 AM** **Status Check**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Melissa Benson

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES PRESENT:

Lalli, Christopher J	Attorney
O'Keefe, Brian K	Defendant
Palm, Patricia A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon inquiry, counsel noted today is only on to reset the trial. State did indicate Court had previously approved them to speak with Dr. Benjamin which they have not, but still reserve the right to do so. Colloquy regarding dates as Deft. did reserve his speedy trial rights. COURT ORDERED, trial RESET.

CUSTODY (NDC)

1/18/10 8:15 AM CALENDAR CALL

1/24/10 10:00 AM TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 28, 2010**

08C250630 State of Nevada
vs
Brian O'Keefe

September 28, 2010 **8:15 AM** **Motion** **Notice of Motion and Motion by Defendant O'Keefe for a Reasonable Bail**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

For the reasons stated on the record, Ms. Palm is requesting that bail be set for Deft. in a reasonable amount. Argument by Mr. Lalli. Court noted that Deft. was denied his right to a speedy trial due to scheduling issues so there was good cause for the delay. However, due to the nature of this case, this Court will not grant Deft. an O.R. Release but will instead set bail. COURT ORDERED, Bail set in the amount of $500,000.00 with House Arrest (H.A.). If Deft. violates any portion of the H.A., he shall be immediately REMANDED until trial.

Mr. Lalli to prepare the Order.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 13, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

January 13, 2011 **8:15 AM** **Motion** **Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Improper Evidence and Argument**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Ms. Palm advised there are five different arguments.

1. State should be precluded from introducing evidence of argument to show that the alleged victim, Victoria Whitmarsh, testified against O'Keefe in the prior felony domestic battery case (C207835): Arguments by counsel. COURT ORDERED, Motion DENIED as to this issue.

2. Based upon the most recent and much expanded testimony of Cheryl Morris and argument relating thereto, this Court should reconsider its previous ruling and preclude or limit the testimony and argument: Arguments by counsel regarding this issue and more specifically, regarding the

previous testimony that O'Keefe killed people, that O'Keefe was kicked out of the trailer, and that the victim slept behind a locked door. COURT ORDERED, with regard to the last two issues, they will be excluded. All other issues are areas of impeachment.

3. The State should be precluded from introducing evidence of the costs related to the expert witnesses and improperly disparaging these experts: Arguments by counsel. COURT ORDERED, the Court will allow the testimony; however, counsel are to make sure the Jurors know there were prior hearing, which added to the experts' costs.

4. This Court should preclude the State from arguing or introducing evidence related to domestic violence syndromes, effects, or dynamics or the general cause of fighting against domestic violence: Arguments by counsel. COURT ORDERED, decision DEFERRED until the hearing on the other motions.

5. This Court should preclude the State from inquiring about O'Keefe's 2005 convictions for non-support of his children, as these do not qualify for admission under NRS 50.095: Ms. Palm advised that the State agrees with her on this issue, the convictions are inadmissible.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 18, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

January 18, 2011 **8:15 AM** **Calendar Call**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

State announced ready. Ms. Palm advised she could not announce ready at this time as she has some Motions pending. The Motion are set to be heard on January 20, 2011, and depending on the outcome, she may or may not be ready for trial; colloquy. COURT ORDERED, Calendar Call CONTINUED.

CUSTODY

CONTINUED TO: 01/20/11 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 20, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

January 20, 2011 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, Elizabeth Mercer, Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Ms. Palm requested a continuance for the purpose of preparing a Writ. Arguments by counsel. COURT ORDERED, Request DENIED.

Notice of Motion and Motion by Deft. O'Keefe to Dismiss on Grounds of Double Jeopardy Bar and Speedy Trial Violation and, Alternatively, to Preclude State's New Expert Witness, Evidence, and Argument Relating to the Dynamics or Effects of Domestic Violence and Abuse: There are three (3) parts to this Motion . . .

1. Double Jeopardy Bars Must Apply to Prevent Retrial: Arguments by counsel. COURT ORDERED, Motion DENIED; the Court does not find any intentional misconduct on behalf of the State.

2 The State must be Precluded from Introducing New Evidence and Expert Witness Testimony which was not Previously Timely Noticed and which is Otherwise Inadmissible: Arguments by counsel. COURT FINDS, that as far as the timeliness of the notice, it was timely.

3. O'Keefe is Entitled to a Dismissal Based on the Violations of his Constitutional and Statutory Speedy Trial Rights: Arguments by counsel. COURT FINDS, no violation of Deft.'s speedy trial rights in this case and, therefore, ORDERED, Motion DENIED.

State's Notice of Motion and Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to 48.061: Colloquy regarding a discovery issue. Arguments by counsel. COURT ORDERED, decision DEFERRED. Matter set for Petrocelli Hearing.

Calendar Call: COURT ORDERED, Trial date VACATED and RESET.

Court noted it DEFERRED ruling on Item No. 4 of Deft.'s Motion to Preclude the State from Introducing at Trial Improper Evidence and Argument , which was heard on January 13, 2011, No. 3 above, and the Motion in Limine.

CUSTODY

04/12/11 10:00 AM PETROCELLI HEARING

05/31/11 8:15 AM CALENDAR CALL

06/06/11 1:00 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 07, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

April 07, 2011 **8:15 AM** **Status Check**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Upon Court's inquiry regarding whether or not there were any impediments that would keep this case from proceeding to trial on June 6, 2011, other than a STAY by the Supreme Court. Mr. Lalli and Ms. Palm advised this all issues are resolved and they are ready to go.

Mr. Lalli advised there is a Petrocelli Hearing on April 12; he anticipates twelve (12) to fifteen (15) witnesses. Mr. Lalli is requesting, for purposes of the Petrocelli Hearing, that the Court accept an offer of proof in lieu of live testimony. Some of the witnesses live out of State and due to the State's economic situation, it makes more sense to have them present at the trial. Ms. Palm advised she was not prepared to argue this issue today; colloquy. If the witnesses are out-of-state, they do not need to appear at this time; however, if there is an offer of proof issue, those witnesses will be heard at a continued Petrocelli hearing.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 27, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

April 27, 2011 **9:30 AM** **Hearing** **Motion In Limine To Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 And Evidence of Domestic Violence Pursuant to 48.061**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Ms. Palm presented a Request for Transcripts for today's proceedings; the Order was SIGNED and FILED in open court.

9:51 a.m. Petrocelli Hearing commenced. Ms. Palm indicated there was an issue with an expert; colloquy. Court noted a hearing with regard to the expert shall be set in the near future.

Exclusionary Rule INVOKED; testimony and exhibits presented (see worksheets).

1:46 p.m. Hearing concluded. COURT ORDERED, Argument on the Bad Acts Motion shall be

CONTINUED to May 11, 2011. The Court will also hear argument on Ms. Palms Motion for Expert at that date.

CUSTODY

CONTINUED TO: 05/11/11 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 11, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

May 11, 2011 **9:30 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- NOTICE OR MOTION AND MOTION IN LIMINE TO ADMIT EVIDENCE OF OTHER BAD ACTS PURSUANT TO NRS 48.045 AND EVIDENCE OF DOMESTIC VIOLENCE PURSUANT TO 48.061 . . . PETROCELLI HEARING . . . PALM'S MOTION TO WITHDRAW AS COUNSEL

Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Patricia Palm, Esq., present on behalf of Deft. O'Keefe, who is also present.

Ms. Palm advised there has been an irremediable breakdown in the attorney-client relationship and, therefore, she is seeking to withdraw as counsel of record; colloquy. Conference at the Bench. COURT ORDERED, Motion to Withdraw as Counsel GRANTED. Upon Court's inquiry, Deft. stated that he would like to contact his family to see if he can retain counsel. In the meantime, Court Clerk to contact Drew Christensen. COURT FURTHER ORDERED, matter set for status check.

The Bad Acts Motion and the Petrocelli Hearing will be re-scheduled after confirmation of Deft.'s new counsel. COURT ORDERED, trial dates VACATED.

CUSTODY

06/02/11 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 02, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

June 02, 2011 **8:15 AM** **Status Check** **Confirmation of Counsel**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Liz Mercer, Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present.

Mr. Maningo CONFIRMED as counsel of record; he advised that he has not received the file from Ms. Palm yet but has spoke to her. Colloquy regarding a trial date. The file in this matter is voluminous; therefore, Mr. Maningo would like to quickly glance through the files and speak with Deft. before setting a trial date. COURT ORDERED, matter set for status check. COURT ORDERED, trial date VACATED.

CUSTODY

07/21/11 8:15 AM STATUS CHECK: RESET TRIAL DATE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 21, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

July 21, 2011 **8:15 AM** **Status Check** **Status Check: File; Reset Trial Date; and Date for Petrocelli Hearing**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present.

This is the time set for the status check to reset the trial; Mr. Maningo advised he is prepared to set a trial date. Court noted the trial is expected to last a week and a half. COURT ORDERED, matter set for trial; this will be a FIRM setting.

Mr. Lalli advised a date also needs to be set for argument on the State's Motion for Bad Acts; colloquy. COURT ORDERED, matter set for hearing.

CUSTODY

09/23/11 10:00 AM STATE'S MOTION FOR BAD ACTS

06/05/12 8:15 AM CALENDAR CALL

06/11/12 1:00 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 13, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

October 13, 2011 **8:15 AM** **Motion** **Pro Se Motion to Dismiss Appointed Counsel and for Faretta Hearing**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, present on behalf of Deft. O'Keefe, who is also present.

Court noted that Deft. is seeking to have Mr. Maningo removed from his case. Upon Court's inquiry, Deft. stated that he an Mr. Maningo have reached an agreement on two (2) issues that he feels are very relevant and important to his case; he would like Mr. Maningo to file a motion so the issues can be argued. Mr. Maningo's assistant has met with Deft. and advised something will be filed within the next two (2) weeks.

Mr. Maningo advised he and the Deft. have had some disagreements on how to defend the case. The parties have reached an agreement on how they are going to proceed. Deft. has agreed to WITHDRAW his motion. Therefore, COURT ORDERED, motion OFF CALENDAR.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 08, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

November 08, 2011 **8:15 AM** **Motion to Clarify** **Motion to Place on Calendar**

HEARD BY: Brennan, James **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Jennifer Amelburu, Esq., present on behalf of Deft. O'Keefe, who is also present.

Court noted that the Clark County Detention Center (CCDC) forwarded $175.00 to the Clark County Clerk. Ms. Amelburu advised there is no order on file with the Clark County Clerk for the return of fees; therefore, she has prepared one. There being no objection by the State, COURT ORDERED, Motion GRANTED; Order signed in open court.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 08, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

December 08, 2011 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION TO PLACE ON CALENDAR . . . DEFT.'S PRO PER MOTION TO WITHDRAW COUNSEL

Christopher Lalli, Chf Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present.

DEFT.'S MOTION TO PLACE ON CALENDAR: This Motion was filed by Mr. Maningo for the purpose of addressing Deft.'s Motion to Withdraw Counsel and Faretta Canvass. Court acknowledged said Motion.

DEFT.'S MOTION TO WITHDRAW COUNSEL: Court advised it reviewed Deft.'s Motion. Colloquy regarding the Motion and the reasons Deft. wishes to proceed pro se. Mr. Lalli advised that Deft. does have a right to represent himself and the State would request that the Court complete a Faretta canvass. COURT ORDERED, matter set for Faretta Canvass; motion CONTINUED. COURT FURTHER ORDERED, the Bad Acts Motion is VACATED and will be re-set after the Faretta Canvass.

CUSTODY

12/16/11 8:45 AM FARETTA CANVASS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 16, 2011**

08C250630 State of Nevada
vs
Brian O'Keefe

December 16, 2011 **8:45 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION TO WITHDRAW COUNSEL AND FARETTA CANVASS . . . FARETTA CANVASS

Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is also present.

Upon Court's inquiry, Deft. stated that he still wants to represent himself in this matter. Court conducted a Faretta Canvass and FINDS, Deft. competent to WAIVE his constitutional right to be represented by counsel. COURT FURTHER FINDS, that Deft. is WAIVING such right, freely, knowingly, and voluntarily. Colloquy regarding stand-by counsel and an investigator. COURT ORDERED, Deft.'s pro se Motion to Withdraw Counsel is GRANTED. Mr. Maningo shall be APPOINTED as STAND-BY COUNSEL; he advised Investigator, Craig Retke, has already been appointed and approved in this matter. Deft. indicated that he would like to keep Retke as his investigator.

Deft. requested the Court sign an Order for copies from inmate's account, which was presented to the Court for consideration; colloquy. Court directed Deft. to file the appropriate motion. Mr. Lalli

advised the hearing on the Bad Acts motion needs to be finished. The hearing was started back on April 27, 2011, and continued to May 11, 2011. On May 11, 2011, Patricia Palm, Esq., withdrew so the Motion now needs to be rescheduled. COURT ORDERED, motion set for hearing.

CUSTODY

02/17/12 8:45 AM CONTINUED HEARING: MOTION IN LIMINE TO PRESENT EVIDENCE OF OTHER BAD ACTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 17, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

February 17, 2012 **8:45 AM** **Hearing** **Motion in Limine to Present Evidence of Other Bad Acts (Filed 01/06/11)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Liz Mercer, Dep DA, and Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se with stand-by counsel, Lance Maningo.

Court noted this is the continued hearing on State's Motion in Limine to present Evidence of Other Bad Acts. Argument by Ms. Mercer and Deft. COURT ORDERED, decision DEFERRED as the Court would like to review this matter further.

Deft. advised that he needs to have an investigator appointed; colloquy. Skye Campbell is present today to be appointed. There being no opposition by the State, COURT ORDERED, request GRANTED, Skye Campbell shall be appointed as the investigator in this case. Court directed Deft. to submit an Order.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 01, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

March 01, 2012 **8:15 AM** **Decision**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Lorna Shell

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to NRS 48.061 came before this Court on February 17, 2012. The Court deferred the matter, In accordance with NRS 48.045, evidence of other bad acts is only admissible where three requirements are met: (1) the incident is related to the crime charged; (2) the act is proven by clear and convincing evidence; and (3) the evidence is more probative than prejudicial. Cipriano v. State, 111 Nev. 534, 894 P.2d 347 (1995).

The COURT FINDS that the State established by clear and convincing evidence the facts and circumstances of the offense occurring on or about April 2, 2004, to which Defendant received a felony conviction in C207835.

The COURT FURTHER FINDS that the admission of facts and circumstances of the other cases (03M00410X, 03M25901X, 03M26791X, C581783A, and C202793) State requested would have a prejudicial effect which would outweigh the probative value.

Therefore, COURT ORDERED Motion in Limine to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of Domestic Violence Pursuant to NRS 48.061 is GRANTED IN PART and DENIED IN PART.

The State is directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved pursuant to EDCR 5.90(e). Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CUSTODY

03/15/12 8:15 AM STATUS CHECK

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Chief Deputy D.A., Christopher Lalli and Deputy D.A., Liz Mercer.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 15, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

March 15, 2012 **8:15 AM** **Status Check** **Order (Decision 03/01/12)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se.

Court noted that it received the Order Granting, in Part, the State's Motion to Admit Evidence of Other Bad Acts on March 12, 2012; it was filed on March 13, 2012.

MATTER RECALLED: Only Deft. is present. Court provided Deft. with a copy of the above-mentioned Order.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 29, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

March 29, 2012 **8:15 AM** **Motion to Dismiss** **Deft.'s Motion to Dismiss Based upon Violations**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se.

Deft. filed a Motion to Seal Records on March 22, 2012; hearing is set for April 10, 2012. Court noted there is a Receipt of Copy but it is unsigned and there is no Certificate of Mailing. Mr. Lalli advised that since the State is now aware of said Motion, he will file the appropriate response; he requested that he be given until April 5, 2012, to file a response. COURT SO ORDERED.

Further, Deft. advised he did not receive a filed stamped copy of the State's Opposition to his Motion to Dismiss Based upon Violations within the seven (7)-day time period specified in EDCR 3.20. Court noted the Motion to Dismiss was filed on March 16, 2012, and the Opposition was filed by the State on March 21, 2012. Argument by Deft. Mr. Lalli submitted the matter on his Opposition. COURT FINDS, there is no issue of double jeopardy in this particular matter and the State is not precluded from introducing bad-act evidence under NRS 48.045. The Nevada Supreme Court reversal does not preclude a retrial. Therefore, COURT ORDERED, motion DENIED.

State to prepare the Order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 10, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

April 10, 2012 **8:15 AM** **Motion** **Deft.'s Motion to Seal Records**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se.

This is the time set for hearing on Deft.'s Motion to Seal Records. Court noted it was just handed a copy of the State's Opposition, which it has not had an opportunity to review.

Mr. Lalli advised that Deft. has also filed a Motion to Admit Evidence of Polygraph Examination it is set for hearing on April 12; he wants the examination to be admitted during the upcoming trial. Mr. Lalli advised that he cannot take a position on this issue until he is able to review the examination, which he just received. During the examination Deft. made a couple of statements which need further investigation. Mr. Lalli would like some of the supporting documentation and would also like to speak with Deft.'s former counsel, Randall Pike, Asst. SPD, regarding the examination. However, Deft. would need to WAIVE the attorney-client privilege.

Deft. makes statements regarding the Polygraph Examination; he stated there was also a video. Mr. Lalli requested a copy of same.

Court advised it needs additional time to review the State's Opposition to the Motion to Seal.

Therefore, COURT ORDERED, Motion to Seal Records CONTINUED; the hearing date (April 12, 2012) on the Motion to Admit Evidence of Polygraph is VACATED and the Motion shall be set for a status check. Deft. shall file a supplement to his Motion to Seal by April 17, 2012; Court directed him to specifically address NRS 179.245(4). State may then supplement its Opposition. COURT FURTHER ORDERED, Deft. to provide a release to his Investigator so the video of the polygraph can be provided to Mr. Lalli.

Upon Court inquiry as to whether or not Deft. would waive the attorney-client privilege, Deft. stated he was not prepared to make a decision on that issue at this time. Court urged Deft. to consult with stand-by counsel, Lance Maningo, regarding the above-named motions before making a decision.

CUSTODY

CONTINUED TO: 04/26/12 8:15 AM

04/26/12 8:15 AM STATUS CHECK: MOTION TO ADMIT EVIDENCE OF POLYGRAPH

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 17, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

April 17, 2012 **8:15 AM** **Motion** **Deft.'s Motion for Complete Rough Draft Transcript**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe present pro se.

This is the time set for hearing on Deft.'s Motion for Complete Rough Transcript. Court noted Deft. is requesting a transcript of the March 29, 2012, hearing. Mr. Lalli advised the State does not oppose said Motion. COURT ORDERED, moton GRANTED; Deft. to prepare an Order.

Court noted it was provided an Order from the Nineth Circuit Court of Appeals; the signature page is missing. Deft. stated that on the last page of the Order, which the Court does not have, the Attorney General's office has been contacted, a briefing schedule has been set, and if he so choses, a Federal attorney will be appointed for him. Colloquy regarding same. Mr. Lalli advised that he does not believe the Order pertains to the instant case. Deft. has another case with a Feberal Writ of Habeas Corpus on an underlying conviction.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 26, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

April 26, 2012 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S MOTION TO SEAL RECORDS . . . DEFT.'S MOTION TO ADMIT EVIDENCE OF POLYGRAPH EXAMINATION

Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se.

MOTION TO SEAL RECORDS: Deft. advised that he is seeking to seal his dismissed and acquitted cases; argument. Mr. Lalli advised that he wanted to correct some things in Deft.'s motion; Deft. represented that C202793 was dismissed but he was found guilty, in 03M00410X Deft. represented that it was dismissed but he pled guilty to one of the Counts, and in 03M26791X the case was dismissed pursuant to negations. Argument by Mr. Lalli; based on the Cavaricci case, Mr. Lalli believes it would be an abuse of discretion for the District Court to seal the records of an individual who has an active current criminal record. COURT ORDERED, motion DENIED. State to prepare the Order.

Court noted that an Order from the Ninth Circuit Court of Appeals, dated April 13, 2012, was provided to it last date. Colloquy regarding said Order and whether or not Deft. believes said Order STAYS the instant case. Mr. Lalli advised the Order is from a Pre-Trial Habeas Petition in Federal Court, which challenges the instant case and may be considered a collateral attack. Therefore, the

instant case would not be STAYED.

MOTION TO ADMIT EVIDENCE OF POLYGRAPH EXAMINATION: Court noted that Polygraph Examinations are typically not admitted into evidence because there is a dispute as to the reliability of said examinations and, therefore, this Court does not think the admission of such an examination would not be appropriate. Further, the Court believes that entering said examination results would adversely affect Deft.'s constitutional rights for a fair trial in this case. COURT ORDERED, motion DENIED.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 29, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

May 29, 2012 **8:15 AM** **Request** **Status Check: Trial Readiness**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Deft. O'Keefe, present pro se.

Mr. Lalli advised he had this matter placed on calendar because the trial is less than two (2) weeks away and he would like to obtain some assurance from Deft. that he will be ready for trial. The State is ready to go. Mr. Lalli has another case that is also set for the same day, but his preference is to go ahead with this one.

Upon Court's inquiry as to whether Deft. was ready to proceed to trial, Deft. stated some important mail from the Ninth Circuit has been lost; colloquy. Court advised barring any unforeseen circumstances, this case will proceed to trial as scheduled.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 05, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 05, 2012 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- CALENDAR CALL . . . DEFT.'S MOTION TO CONTINUE TRIAL

Christopher Lalli, Chf Def. DA, present on behalf of the State and Deft. O'Keefe present pro se.

Also present: Lance Maningo, Esq., Deft.'s stand-by counsel and Ryan Norwood, Asst Fed PD.

Upon Court's inquiry as to whether or not the parties were ready for trial, Mr. Lalli advised the State is ready. However, Deft. stated that he is claiming a Federal violation of his Constitutional Rights and has an open case in the Ninth Circuit Court of Appeals and would like the instant case STAYED until the conclusion of his Federal case. Further, Deft. is not totally prepared for trial at this time because he devoted much of his time to his Federal case; therefore, Deft. orally moved for a continuance of the trial. Colloquy regarding same. Statement by Mr. Maningo; he advised he has nothing to add only that Mr. Norwood is present today to inform the Court about what is going on in Deft.'s Federal case.

Mr. Lalli advised that he had this matter placed on calendar last week to inform Deft. and the Court that he had two trials set for the same day and that if Deft. was ready to proceed to trial in the instant case, Mr. Lalli would have his other trial continued. Deft. stated that he was ready and the Court advised that absent a STAY from the Ninth Circuit, this matter would be proceeding to trial. The

State has been meeting with witnesses and subpoenas have been served. Therefore, the State is opposed to a continuance at this time for the reasons stated on the record. Statements by Mr. Norwood and colloquy about the case before the Ninth Circuit.

COURT ORDERED, Deft.'s oral motion to continue the trial is DENIED. If the Ninth Circuit issues a stay on or before Friday, June 8, 2012, this case will be stayed. If not, the matter will proceed to trial on Monday, June 11, 2012, at 9:30 a.m.

With regard to the Motion to Continue Trial filed by Mr. Maningo, which was set for June 19, 2012, the Court advised it reviewed said Motion. There being no good cause to continue the trial, COURT ORDERED, Motion ADVANCED and DENIED.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 11, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 11, 2012 **9:30 AM** **Jury Trial**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

10:00 a.m. Trial commenced. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Argument by Mr. Lalli regarding Judge Villani's ruling on the State's Bad Acts Motion. Deft. requested the Court take Judicial Notice of certain documents, which were marked for identification as Court's Exhibit No. 2 and ADMITTED. Argument by Deft. with regard to the Bad Acts; he orally moved the Court for a dismissal for the reasons stated on the record. COURT ORDERED, Motion DENIED. Deft. then requested that all objections be Federalized; colloquy. COURT FURTHER ORDERED, request DENIED.

10:27 a.m. the PROSPECTIVE JURORS PRESENT: Court and Deft. begin Voir Dire examination of the prospective Jurors.

Court received a note from Prospective Juror 079, he is ill. COURT ORDERED, this Prospective Juror is RELEASED; the note was marked for identification as Court's Exhibit No. 1 and ADMITTED.

5:14 a.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 06/12/12 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 12, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 12, 2012 **9:30 AM** **Jury Trial**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

10:02 a.m. Jury Trial resumed. PROSPECTIVE JURORS PRESENT: Court and Deft. continued Voir Dire examination of the Prospective Jurors.

Jury and two (2) alternates selected and sworn. Clerk read the Second Amended Information to the Jury and stated the Deft.'s plea thereto.

OUTSIDE THE PRESENCE OF THE JURY: Deft. stated for the record that he believes that proceeding to trial at this time constitutes a true double jeopardy violation and is also in violation of the laws and treaties of the United States of America on double jeopardy, due process, and collateral estoppel is implied. Court noted for the record Deft.'s continuing objection with regard to the above.

Deft. further objected to the battery domestic violence evidence and testimony. Court again noted for the record Deft.'s continuing objection with regard to this issue as well.

JURY PRESENT: Opening Statements by Mr. Lalli and Deft. Exclusionary Rule INVOKED. Testimony

and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify.

5:00 a.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 06/13/12 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 13, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 13, 2012 **9:30 AM** **Jury Trial**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

9:50 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

4:03 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 06/14/12 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 14, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 14, 2012 **9:30 AM** **Jury Trial**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

10:04 a.m. Jury Trial resumed. OUTSIDE THE PRESENCE OF THE JURY: The State is requesting that a Stipulation pertaining to the excerpts from the medical records of the victim, that was read to the Jury at the previous trial and remarked for identification as Court's Exhibit No. 9, be read to this Jury. Deft. has his own version of the Stipulation that he would like read to the Jury and also requested that it be marked as a Defense Exhibit so the Jury can take it back to the Jury room with them; it is marked for identification as Court's Exhibit No. 6. The parties cannot agree on which one should be read; Mr. Lalli objects to it being admitted as a Defense Exhibit. Arguments by Mr. Lalli and Deft. COURT ORDERED decision DEFERRED.

Deft. would like to play a 911 call, he presented the disc to the Court and it was marked for identification as Court's Exhibit No 7. Mr. Lalli advised he has a 911 call from a witness they could not locate, State's Exhibit No. 129. will not be played because he cannot lay the proper foundation. It was played at the first trial so he will play it if there is a Stipulation; however, with regard to Court's Exhibit No. 7, the person who made the call was not called as a witness so it is hearsay and, therefore, cannot be played. Arguments by Mr. Lalli and Deft. COURT ORDERED, neither of the above-

mentioned 911 calls will be played for the Jury as there is no foundation.

10:21 a.m. the JURY is PRESENT. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: The Court received a note from Juror No. 12. The note was marked for identification as Court's Exhibit No. 8. Juror No. 12 was questioned outside the presence of the Jury. COURT ORDERED, this Juror shall remain.

Further discussion about the Stipulation; Court advised he could either read it to the Jury or it can be admitted as a Defense Exhibit but it cannot do both. Deft. agreed to have it read to the Jury at the appropriate time.

JURY PRESENT: Testimony and exhibits presented (see worksheets). Stipulation read to the Jury.

2:30 p.m. Jury dismissed for the day. OUTSIDE THE PRESENCE OF THE JURY: Deft. orally moved for a directed verdict. Arguments by Mr. Lalli and Deft. COURT ORDERED, motion DENIED. Jury Instructions and Verdict form settled on the record.

3:36 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 06/15/12 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 15, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

June 15, 2012 **9:00 AM** **Jury Trial**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, and Liz Mercer, Dep DA, present on behalf of the State; Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

9:15 a.m. Jury Trial resumed. JURY PRESENT: Court instructed the Jury. Closing arguments by Ms. Mercer and Deft.; rebuttal by Mr. Lalli.

At the hour of 11:09 a.m., the Jury retired to deliberate. Court thanked and excused the alternates.

At the hour of 1:58 p.m., the Jury RETURNED. Ms. Mercer, Deft, and Mr. Maningo are present. The verdict is as follows: GUILTY of MURDER of the SECOND DEGREE with USE OF A DEADLY WEAPON (F). Court thanked and excused the Jury. COURT ORDERED, matter set for sentencing.

2:05 p.m. Court ADJOURNED.

CUSTODY

08/16/12 8:15 AM SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 16, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

August 16, 2012 **8:15 AM** **Sentencing**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State; Deft. O'Keefe, present pro se and Lance Maningo, Esq., present as stand-by counsel.

Upon Court's inquiry, Deft. stated he just received a copy of the Presentence Investigation (PSI) report this morning and has not had a opportunity to review it; further, he has some questions about the PSI and would like to talk with Mr. Maningo. Therefore, he requested that the matter be continued. Mr. Lalli has no objection to the continuance. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 08/28/12 8:15 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 28, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

August 28, 2012 **8:15 AM** **Sentencing**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Chf Dep DA, present on behalf of the State and Deft. O'Keefe present pro se with stand-by counsel, Lance Maningo.

Pursuant to the Jury's verdict, DEFT. ADJUDGED GUILTY OF MURDER OF THE SECOND DECREE WITH USE OF A DEADLY WEAPON (F). Mr. Lalli provided some pictures to the Court of the victim; the pictures were marked for identification as State's Exhibit 1 and ADMITTED. Arguments by Mr. Lalli and Deft. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, WAIVED if already paid, and the $150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED if already paid, Deft. SENTENCED to a MAXIMUM of THREE (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MAXIMUM of TWENTY (20) YEARS and a MINIMUM of EIGHT (8) YEARS for use of a deadly weapon, with ONE THOUSAND THREE HUNDRED NINETY-FOUR (1,394) DAYS credit for time served.

Colloquy regarding a possible appeal and the appointing of Mr. Maningo as appellate counsel. Mr. Maningo advised he would like to speak to Deft. regarding the basis for his appeal before he accepts the appointment. COURT ORDERED, matter set for status check; BOND, if any, EXONERATED.

NDC (CUSTODY)

09/06/12 8:15 STATUS CHECK: APPOINTMENT OF APPELLATE COUNSEL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 06, 2012**

08C250630 State of Nevada
vs
Brian O'Keefe

September 06, 2012 **8:15 AM** **Status Check** **Appointment of Appellate Counsel**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Colleen Brown, Dep DA, present on behalf of the State and Lance Maningo, Esq., present on behalf of Deft. O'Keefe, who is not present.

Mr. Maningo advised that Deft.'s presence was WAIVED for today last court date; he has received the transcripts for this matter and can CONFIRM as Appellate Counsel. COURT ORDERED, Mr. Maningo is APPOINTED as Appellate Counsel for Deft.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 07, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

January 07, 2014 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DEFT.'S PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, WRIT OF CORAM NOBIS . . . DEFT.'S MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS . . . DEFT.'S MOTION TO APPOINT COUNSEL

Gwynneth Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted the Deft. filed the above-named pleadings, pro se. The allegations complained of in Deft.'s Petition relate to C202793; therefore, the Petition and the Motions were filed under the wrong case number and Deft. will need to re-file said pleadings in Department XXIII so they may be heard before the appropriate Judge. COURT ORDERED, Petition and Motions DENIED, without prejudice.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89070-0650.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 04, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

February 04, 2014 **8:15 AM** **Motion** **Ex-Parte Motion for Production of Documents, (Specific) Papers, Pleadings, and Tangible Property of Deft.**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Gwynneth Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on the Deft.'s Ex-Parte Motion for Production of Documents, (Specific) Papers, Pleading, and Tangible Property, which he filed pro se.

Within Deft.'s pleading he is requesting various documents; COURT ORDERED, Motion GRANTED as it pertains to Deft.'s general request for the documents in counsel's file. However, Deft.'s list of specific requests is DENIED, without prejudice, as he has not set forth the precise reason as to why he needs said documents.

NDC

CLERK'S NOTE: A copy of this minute order e-mailed to Lance Maningo, Esq. and mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 11, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

February 11, 2014 **8:15 AM** **Motion** **Deft.'s Ex-Parte Motion for Reimbursement of Incidental Costs Declaring Defendant Indigent and Granting Forma Pauperis**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Emily Montgomery, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for hearing on Deft.'s E-Parte Motion for Reimbursement of Incidental Costs Declaring Deft. Indigent and Granting Forma Pauperis, which he filed pro se. COURT ORDERED, Motion DENIED.

Court noted that the Court minutes do not reflect any promise by this Court, or anyone else, to reimburse the Deft. for his costs; NRS 12.015(2)(a) does not allow for reimbursement of copy expenses but only court fees.

State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is submitted prior to the status check date, it will be VACATED.

NDC

03/06/14 8:15 AM STATUS CHECK: ORDER (02/11/14)

CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 27, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

February 27, 2014 **8:15 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carole D'Aloia

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

Beverly, Leah C	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC). Court advised it is not hearing oral argument on this motion, noting it reviewed all pleadings. COURT ORDERED, procedural history as set forth by the State ADOPTED. Court finds Defendant is not entitled to a modification of sentence as the sentence imposed was not an illegal sentence and, ORDERED, motion DENIED; State to prepare and submit Order, and matter set for STATUS CHECK.

NDC

3/20/14 8:15 AM STATUS CHECK: ORDER OF 2/27/14

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 06, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

March 06, 2014 **8:15 AM** **Status Check** **Order (02/11/14)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Tyler Smith, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for the Status Check on the Order from the February 11, 2014, hearing. Court noted the Order was filed on February 28, 2014, and ORDERED, matter OFF CALENDAR.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 18, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

March 18, 2014 **8:15 AM** **Motion** **Deft.'s Motion for Judicial Notice - The State's Failure to File and Serve Response in Opposition**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on Deft.'s Motion for Judicial Notice - the State's Failure to File and Serve Response in Opposition. The Court noted that the Deft. is incorrect, the State did file an opposition to his previous motion. The Opposition was filed on February 24, 2014, and the hearing was held on February 27, 2014. Therefore, COURT ORDERED, Deft.'s Motion is DENIED as MOOT.

State to prepare the Order; COURT FURTHER ORDERED, matter set for Status Check. If the Order is submitted prior to the status check date, it will be VACATED.

NDC

04/03/14 8:15 AM STATUS CHECK: ORDER (03/18/14)

CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, Nevada 89018.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 20, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

March 20, 2014 **8:15 AM** **Status Check** **Order (02/27/14)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for the Status Check regarding the Order from the February 27, 2014, hearing. Court noted that the Order was filed on March 11, 2014, and, therefore, ORDERED, matter OFF CALENDAR.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 03, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

April 03, 2014 **8:15 AM** **Status Check** **Order (03/18/14)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Giancarlo Pesci, Chf Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for the Status Check on the Order from March 18, 2014. Court noted the Order was filed on March 26, 2014, and, therefore, ORDERED, matter OFF CALENDAR.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 14, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

August 14, 2014 **8:15 AM** **Motion for Relief** **Deft.'s Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued Any Remand, Mandate, or Remittitur**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Charles Thoman, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for hearing on Deft.'s Motion for Relief from Judgment based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued any Remand, Mandate, or Remittitur, which he filed pro se.

Court will hear no oral argument, it will base its decision on the pleadings submitted by the parties. The Deft. is alleging that his case was on appeal with the Federal Court when this Court went forward with his trial in District Court. Deft. had filed a Motion to Stay the State Court proceedings; however, said Motion was DENIED on May 9, 2012. The Deft. renewed said Motion and the Motion

was again DENIED by the Federal Court on June 5, 2012. Since there was no STAY in place in the instant case, this Court proceeded with trial on June 11, 2012. Therefore, COURT ORDERED, Motion DENIED.

State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is filed prior to the next court date, the status check will be VACATED.

NDC

09/04/14 8:15 AM STATUS CHECK: Order (09/04/14)

CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 89419.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 04, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

September 04, 2014 **8:15 AM** **Status Check** **Order (08/14/14)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the time set for Status Check on the Order from the August 14, 2014, hearing. Court noted that the Order has been submitted for this Court's signature and ORDERED, matter OFF CALENDAR.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 18, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

September 18, 2014 **8:15 AM** **Motion** **Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- CV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear " Want of Jurisdiction" Thereby Losing Immunity, Absolutely**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- - Christopher Hamner, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for hearing on Deft.'s Ex Parte Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit 3:14- EV-00385-RCJ-WGC Against Judge Michael Villani for Proceeding in Clear "Want of Jurisdiction" Thereby Losing Immunity, Absolutely. Court noted the

Deft. alleged that he has filed a new lawsuit against this Judge as well as some other people in the courthouse. Therefore, COURT ORDERED, matter REFERRED to Judge Togliatti for review. Court noted Deft. has another motion set for hearing on this Court's calendar for September 23, 2014; that motion will also be set on Judge Togliatti's calendar the same day as the instant motion.

NDC

10/03/14 9:00 EX-PARTE MOTION TO CHIEF JUDGE TO REASSIGN CASE/MOTION FOR LEAVE OF COURT TO FILE MOTION FOR REHEARING

CLERK S NOTE: A copy of this minute order was mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 23, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

September 23, 2014 **8:15 AM** **Minute Order**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Defendant's Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit and Defendant's Motion For Leave of Court to File Motion For Rehearing came before this Court on the September 18, 2014, Oral Calendar. This Court referred the Motions to Judge Jennifer Togliatti, Chief Judge, for determination. Now, Defendant has filed a Petition for Writ of Habeas Corpus. Pursuant to NRS 1.235(5), this Department cannot proceed on the Defendant's Petition until Judge Togliatti has ruled on Defendant's Motion to Reassign. Therefore, COURT ORDERED, Defendant's Petition for Writ of Habeas Corpus and any other motions set in Department XVII shall be STAYED until Judge Togliatti makes a determination on Defendant's Motion to Reassign the case. A status check will be set on October 16, 2014.

10/16/14 8:15 AM STATUS CHECK: STAY

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of the District Attorney and mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 03, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

October 03, 2014 **9:00 AM** **Motion**

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Matter taken OFF CALENDAR before Court.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 16, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

October 16, 2014 **8:15 AM** **Status Check** **Stay**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Nicole Cannizzaro, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and is not present.

This is the set for the Status Check on the Stay. Court noted that the Deft. previously filed a Motion requesting that this Court be recused from his case. Chief Judge Togliatti reviewed this matter and DENIED the Deft.'s request. Therefore, this case will remain in Department XVII. COURT ORDERED, all Deft.'s pending motions shall be set for hearing on November 6, 2014.

NDC

11/06/14 8:15 AM ALL PENDING MOTIONS

CLERK'S NOTE: A copy of this minute order was mailed to Brian O'Keefe, #90244, Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 894193.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 06, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

November 06, 2014 **8:15 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- AMENDED PETITION FOR WRIT OF HABEAS CORPUS . . . STATE'S RESPONSE AND MOTION TO DISMISS DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS

Hilary Heap, Dep DA, present on behalf of the State; Deft. O'Keefe is incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted that Deft. has filed various motions but this is the Deft.'s first habeas petition. It is this Court's policy to appoint counsel on all first petitions. Therefore, COURT ORDERED, counsel shall be appointed for the Deft. This Court's staff will contact the Office of Appointed Counsel. COURT FURTHER ORDERED, matter set for status check.

NDC

11/20/14 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk telephonically contacted Drew Christensen regarding the above.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 20, 2014**

08C250630 State of Nevada
vs
Brian O'Keefe

November 20, 2014 **8:15 AM** **Status Check** **Confirmation of Counsel**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Hilary Heap, Dep DA, present on behalf of the State and Matthew Carling, Esq., present on behalf of Deft. O'Keefe, who is not present; he is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check on Confirmation of Counsel. Mr. Carling advised that he could CONFIRM as counsel of record and requested thirty (30) days to obtain the file and review it. COURT ORDERED, matter set for status check.

NDC

01/08/15 8:15 AM STATUS CHECK: FILE/SET BRIEFING SCHEDULE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 08, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

January 08, 2015 **8:15 AM** **Status Check** **File/Set Briefing Schedule**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Caroline Bateman, Dep DA, present on behalf of the State and Alissa Engler, Esq., appearing on behalf of Matthew Carling, Esq., for Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check on the file; a briefing schedule needs to be set.

Ms. Engler advised that Mr. Carling has received the file and is requesting ninety (90) days to file his supplemental petition. The Court set the following briefing schedule:
04/07/15 - Supplemental Petition
06/08/15 - State's Response

COURT ORDERED, matter set for hearing.

NDC

07/10/15 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 30, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

June 30, 2015	**8:30 AM**	**Motion to Withdraw as Counsel**	**Deft.'s Motion to Withdraw Counsel for Conflict and Failure to Present Claims ...**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Erika Wiborg, Dep DA, present on behalf of the State; neither Deft. O'Keefe nor his counsel, Matthew Carling, are present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion to Withdraw Counsel for Conflict, which the Deft. filed pro se. The Court did not receive an unequivocal statement from the Deft. as to whether or not he wishes to represent himself in this matter. The Court, however, is not going to appoint another attorney just because the Deft. does not like Mr. Carling. Although Mr. Carling could not be present today, he filed an Affidavit on July 29, 2015, stating his position on Deft.'s Motion. In said Affidavit, Mr. Carling advised that he been working on this case and can work with the Deft. Therefore, COURT ORDERED, Deft.'s Motion is DENIED, without prejudice.

State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is submitted prior to status check date, it will be VACATED.

NDC

07/30/15 8:30 AM STATUS CHECK: ORDER (06/30/15)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 10, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

July 10, 2015 **9:30 AM** **All Pending Motions**

HEARD BY: Hardcastle, Kathy **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Andrea Natali

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES PRESENT:

Carling, Matthew D.	Attorney
State of Nevada	Plaintiff
Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ..... DEFENDANT'S PRO PER MOTION FOR LEAVE TO FILE SUPPLEMENTAL PETITION ADDRESSING ALL CLAIMS IN THE FIRST INSTANCE REQURIED BY STATUTE FOR JUDICIAL ECONOMY WITH AFFIDAVIT

Deft. not present. COURT ORDERED, motion for leave to file supplemental petition DENIED as a fugitive document; NOTED Deft. was represented by counsel. Mr. Carling noted in his pleading he didn't address the State's response regarding the time bar; additionally, as to Mr. Maningo, who was prior trial counsel, the State may need time to respond thereto. Mr. Carling provided a timeline for the Court's review. Colloquy regarding the date the remittitur was referenced as being filed and the date the petition was filed. Mr. Villani requested 30 days to respond. Mr. Carling requested 2 weeks to reply. COURT ORDERED, matter CONTINUED; State's supplement due 8/10/15 and Defense reply due 8/24/15.

NDC

CONTINUED TO: 9/4/15 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 16, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

July 16, 2015 **8:30 AM** **Motion** **Deft.'s Ex-Parte Motion to Extend Prison Copywork Limit**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Nicole Cannizzaro, Dep DA, present on behalf of the State; neither Deft. O'Keefe or his counsel, Matthew Carling, are present.

This is the time set for hearing on Deft.'s Ex-Parte Motion to Extend Prison Copywork Limit, which he filed pro se. Court noted that Mr. Carling is not able to be present today and has requested this matter be continued. COURT SO ORDERED.

NDC

CONTINUED TO: 07/30/15 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 30, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

July 30, 2015 **8:30 AM** **Motion** **Deft.'s Motion to Extend Prison Copywork Limit**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Nicole Cannizzaro, Dep DA, present on behalf of the State and Alissa Engler, Esq., appearing on behalf of Matthew Carling, Esq., for Deft. O'Keefe, who is not present; he is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion to Extend Prison Copywork Limit. Court noted that the Deft. is represented by Mr. Carling; Ms. Engler advised that Mr. Carling has no representations to make; he did not receive a copy of Deft.'s ex-parte motion.

Court represented that since the Deft. is dealing with the prison system, there are rules and regulations he must follow. This is an issue for the Attorney General's office; therefore, his motion should have been sent to them. Additionally, Deft. has counsel. Therefore, COURT ORDERED, Motion DENIED, without prejudice. If Mr. Carling believes the Motion has merit, he can refile it with the Court.

State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is filed prior to the status check date, it will be VACATED.

NDC

08/27/15 8:30 AM STATUS CHECK: ORDER (07/30/15)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 04, 2015**

08C250630 State of Nevada
vs
Brian O'Keefe

September 04, 2015 **9:30 AM** **Hearing** **Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction)**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Christopher Lalli, Asst DA, present on behalf of the State and Matthew Carling, Esq., present on behalf of Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction). Court noted there is a disagreement as to when the Remittitur issued; the Defense claims it was issued on June 24, 2014, and the State claims it was issued on July 23, 2013. The Court pulled the Remittitur and it is dated July 23, 2013, and was issued on July 26, 2013; Supreme Court No. 61631.

Mr. Carling advised that the Deft. moved to STAY the Remittitur in this case. With regard to the appeal, Deft. had Appellate counsel and he was trying to fire him but could not so he tried to do things on his own while he still had counsel of record but his requests were denied by the Supreme Court. Therefore, if the Court finds that Deft.'s Petition was not timely filed, Mr. Carling believes there is good cause. Additionally, Mr. Carling represented that the State's Response was just on the time-bar issue, it did not address any of the merits so Mr. Carling filed a Reply specifically

addressing that. This matter has been well briefed, so Mr. Carling will submit the matter.

The Court adopts the procedural history set forth by the State. The Notice of Remittitur was issued in July 2013 and Deft.'s Petition was filed in September 2014; therefore, COURT FINDS, the Deft. is time bared, pursuant to NRS 34.726, and good cause has not been shown. COURT ORDERED, Deft.'s Petition for Writ of Habeas Corpus is DENIED. Additionally, Deft.'s request for an Evidentiary Hearing is also DENIED because there is a jurisdictional bar on this particular matter.

Mr. Lalli to prepare the appropriate Order approved as to form and content by Mr. Carling.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	October 20, 2015

08C250630	State of Nevada vs Brian O'Keefe

October 20, 2015	**8:30 AM**	**Motion to Withdraw as Counsel**	**Matthew D. Carling's Motion to Withdraw as Attorney of Record for Deft.**

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State and Matthew Carling, Esq., present on behalf of Deft. O'Keefe, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the hearing on Matthew D. Carling's Motion to Withdraw as Attorney of Record for Deft. Upon Court's inquiry as to whether the Deft. was opposed to Mr. Carling's withdrawal, Mr. Carling advised that he contacted the Deft. but he has not responded; his only concern is that the Notice of Appeal has not been filed and it tolls this week. Mr. Carling has everything ready but he needs to hear from the Deft.; colloquy. COURT ORDERED, Motion DENIED; the Court directed Mr. Carling to file the appeal and then he can withdraw at the Supreme Court level.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 22, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

June 22, 2017 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Graham, Elana L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. COURT ADOPTED the Procedural History as set forth by the State. Court stated the petition was time barred pursuant to NRS 34.726 and successive under NRS 34.810. Court further stated Defendant had not shown good cause to get over the time barred nor the successive petition issue. Court stated Defendant's request to have the petition transferred was meritless and did not cite any authority. Court noted Defendant alleged the Court has some favoritism or antagonism toward him, that's without any bases therefore, COURT ORDERED, Motion DENIED; State to prepare the Order. COURT FURTHER ORDERED, Status Check SET for filing of the Order.

NDC

07/20/17 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD

LOVELOCK, NV 89419 //ob/06/23/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 27, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

June 27, 2017 **8:30 AM** **Petition for Writ of Habeas Corpus**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT: Holthus, Mary Kay Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted it was basing its decision on the pleadings on file and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated the petition was time barred pursuant to NRS 34.726 and successive under NRS 34.810. Court further stated Defendant had not shown good cause to get over the time barred nor the successive nature of this petition. Court stated Defendant's petition was meritless as if failed to cite any authority regarding the switching on judicial officers. Court noted Defendant alleged the Court has some favoritism or antagonism toward him. Court stated all rulings have been based upon the law and facts of the case, not based on any bias by the Court. COURT ORDERED, petition DENIED; Status Check SET for filing of the Order.

NDC

07/20/17 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/07/05/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 06, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

July 06, 2017 **8:30 AM** **Motion for Clarification**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Smith, Tyler D.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted it was basing its decision on the pleadings filed. COURT ADOPTED the Procedural History as set forth by the State and ORDERED, motion DENIED. Court stated the motion failed to state any legal bases and it was a non-cognizable claim. COURT FURTHER ORDERED, Status Check SET for filing of the Order.

NDC

07/27/17 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/07/06/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 20, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

July 20, 2017 **8:30 AM** **All Pending Motions** **Status Check: Filing of Order**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Phyllis Irby

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- STATUS CHECK: FILING OF ORDER

The Court noted the Order has been received by the Court. COURT ORDERED, OFF CALENDAR

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 07, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

September 07, 2017 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Graham, Elana L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted Defendant appealed the Court's previous ruling as it is on appeal with the Nevada Supreme Court this Court lacked jurisdiction until there was a remitter from the Nevada Supreme Court. COURT ORDERED, matter OFF CALENDAR until the Court received a remitter from the Nevada Supreme Court. COURT FURTHER ORDERED, Defendant's Pro Per Motion to Set Hearing of Plaintiff's Motion to Correct Illegal Sentence as to Affords Proper Procedure Due Process with Time for Plaintiffs Reply to States Response ADVANCED and OFF CALENDAR.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/09/11/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **September 28, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

September 28, 2017 **8:30 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

LoGrippo, Frank R.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court stated Defendant had filed various motions and his case was pending with the Nevada Supreme Court. COURT ORDERED, Motions DENIED WITHOUT PREJUDICE. Court noted upon remitter from the Nevada Supreme Court, Defendant could re-notice his motions.

DEFENDANT'S PRO PER MOTION TO STRIKE AND OBJECT TO DIRECT CASE NUMBER ASSIGNED AND REQUEST INDEPENDENT HABEAS CORPUS NO. UNDER NRS 34.360 PURSUANT LIBERTY INTEREST AND DUE PROCESS OF LAW UNDER XIV AMENDMENT: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFENDANT'S PRO PER MOTION TO WAIVE ANY OSTENSIBLE ORAL ARGUMENT BY PERSONAL APPEARANCE THEREBY REQUESTING ANY PRO SE APPEARANCE TO BE CONDUCTED VIA TELEPHONICALLY: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFENDANT'S PRO PER MOTION TO OBJECT NRS 34.360: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFENDANT'S PRO PER MOTION TO OBJECT TO COURT CLERK FILING PETITION FOR HABEAS CORPUS UNDER NRS 34.360 AS A DIRECT ACTION THERE BY UNLAWFULLY RECHARACTERIZING NEW INDEPENDENT CIVIL SUIT AS A PROCESSING IN THE ORIGINAL ACTION DENYING THE "LIBERTY CLAUSE": COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE WITH NEW HEARING DATE: COURT ORDERED, Motion DENIED WITHOUT PREJUDICE.

COURT FURTHER ORDERED, Defendant's Pro Per Motion to Strike State's Untimely Opposition to Defendant's Motion to Correct Illegal Sentence and Defendant's Pro Per Reply to State's Opposition to Defendant's Motion to Correct Illegal Sentence Untimely Served and Filed Supported by Incoming Legal Mailing as Exhibit "A" ADVANCED and DENIED WITHOUT PREJUDICE.

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE # 90244
1200 PRISON ROAD
LOVELOCK, NV 89419 ob/09/29/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 24, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

October 24, 2017 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Graham, Elana L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Upon Court's inquiry, Ms. Graham advised the State was not served and needed more time. COURT ORDERED, Briefing Schedule SET as follows: State's Reply due by November 21, 2017 and hearing SET.

NDC

01/11/18 8:30 AM DEFENDANT'S PRO PER MOTION TO DEMAND UPON REQUEST BY LAW TO PLACE DEFENDANT'S MOTION UNDER PROTECTED LIBERTY INTEREST- NRS 176.555 BACK ON CALENDAR BASED ON MOTION BEING INCIDENTAL AND CAN BE FILED AT ANYTIME IN ACCORDANCE WITH O'KEEFE PROCEDURAL DUE PROCESS PROTECTED BY THE DUE PROCESS CAUSE OF THE US FOURTEENTH CONSTITUTIONAL AMENDMENT

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/10/24/17.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 26, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

October 26, 2017 **8:30 AM** **Petition for Writ of Habeas Corpus**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:
Smith, Tyler D. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. Upon Court's inquiry, Mr. Smith advised the State had not filed an opposition. Colloquy regarding the State's opposition. COURT ORDERED, Briefing Schedule SET as follows: State's Reply due by November 16, 2017; matter CONTINUED.

NDC

CONTINUED TO: 11/30/17 8:30 AM

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/10/26/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **November 30, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

November 30, 2017 **8:30 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

PORTZ, KENNETH	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S PRO PER MOTION FOR ORDER TO HAVE P&P FILE AMENDED PSI

Defendant not present. Court stated it would base its decision on the pleadings filed and ORDERED, Decision DEFERRED. The Court will prepare a written decision.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/11/30/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 05, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

December 05, 2017 **4:00 PM** **Minute Order**

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Defendant's Pro Per Petition for Writ of Habeas Corpus came before this Court on the November 30, 2017 Calendar. The Court deferred its decision and now rules as follows:

Defendant filed his Post-Conviction Petition for Writ of Habeas Corpus on 8/15/17 alleging a double jeopardy violation. The Judgment of Conviction was entered in this case on 9/5/12.

First, the Court adopts the State's procedural history. Second, the Petition is time-barred under NRS 34.726(1) with no good cause shown for the delay. Under NRS 34.726(1), the Petition must be filed within one (1) year of the filing of the Judgment of Conviction, unless good cause is shown for the delay. Here, all of the information was available to Defendant regarding his allegation of a double jeopardy violation at the time the Judgement of Conviction was filed. Finally, the Petition is successive pursuant to NRS 34.810 because Defendant failed to raise this issue in previously filed Petitions, and the alleged issue existed at the time the previous Petitions were filed. Good cause has not been established to overcome the time bar or the fact that this Petition is successive.

Therefore, COURT ORDERED Defendant's Pro Per Petition for Writ of Habeas Corpus DENIED. Counsel for the State to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved

pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel.

A status check has been set for January 9, 2018 at 8:30 a.m. for the filing of the Findings of Fact and Conclusions of Law. If the same is received prior to that date, the status check will be vacated.

NDC

01/09/18 8:30 AM STATUS CHECK: FILING OF THE FINDINGS OF FACT AND CONCLUSION OF LAW

CLERK'S NOTE: The above minute order has been distributed to the District Attorney and

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/12/5/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **December 20, 2017**

08C250630 State of Nevada
vs
Brian O'Keefe

December 20, 2017 **4:00 PM** **Minute Order**

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Defendant's Pro Per Motion for Order to Have P&P File Amended PSI to Reflect Criminal Non-Support of Defendants Correctly as Misdemeanors in PSI Based on Sentence Adjudication of (9) Months Pursuant (JOC) Entry of Sentence Attached and Incorporated Here As Exhibit 1 came before this Court on the November 30, 2017 Calendar. The Court deferred its decision and now rules as follows:

The Court adopts the State's procedural history. Regardless of whether or not the Ohio conviction in question only provided for nine (9) months, it was still considered a felony. Accordingly, Defendant was properly sentenced.

Therefore, COURT ORDERED Defendant's Pro Per Motion for Order to Have P&P File Amended PSI to Reflect Criminal Non-Support of Defendants Correctly as Misdemeanors in PSI Based on Sentence Adjudication of (9) Months Pursuant (JOC) Entry of Sentence Attached and Incorporated Here As Exhibit 1 DENIED. Counsel for the State to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel.

A status check has been set for January 30, 2018 at 8:30 a.m. for the filing of the Findings of Fact and Conclusions of Law. If the same is received prior to that date, the status check will be vacated.

NDC

01/30/18 8:30 AM STATUS CHECK: FILING OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW

CLERK'S NOTE: The above minute order has been distributed to the District Attorney and

Brian O'keefe #90244
1200 Prison Rd
Lovelock NV 89419 //ob/12/20/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 11, 2018**

08C250630 State of Nevada
vs
Brian O'Keefe

January 11, 2018 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Smith, Tyler D.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted it was basing its decision on the pleadings on file and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated it appeared Defendant stated the sentence was illegal. Court further stated Defendant was sentenced within statutory guidelines. COURT FINDS it was not facially illegal and ORDERED, Motion DENIED; Status Check SET.

NDC

02/01/18 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to

Brian O'keefe #90244
1200 Prison Rd
Lovelock NV 89419 //ob/1/16/18

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 08, 2018**

08C250630 State of Nevada
vs
Brian O'Keefe

March 08, 2018 **8:30 AM** **Motion to Reconsider**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black
Vanessa Medina

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT: Holthus, Mary Kay Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. Court stated it was basing its decision on the pleadings filed and not accepting oral argument. COURT ADOPTED the Procedural History as set forth by the State's motion. Court further stated Defendant's motion did not comply with EDCR 2.34 and ORDERED, Motion DENIED. Court stated Defendant had appeals pending therefore the Court did not have jurisdiction to the extent that the appeal issue was unrelated to this matter. Court further stated if the Court did have jurisdiction, Defendant had not set forth any evidence that he that he filed a federal appeal, COURT FURTHER ORDERED, Motion DENIED; State to prepare the Order. COURT ORDERED, Status Check SET for filing of the Order. Court stated the status check date would be vacated if the Order was signed and filed.

NDC

03/29/18 8:30 AM STATUS CHECK: FILING OF ORDER

CLERK'S NOTE: The above minute order has been distributed to:

Brian O'keefe #90244
1200 Prison Rd
Lovelock NV 89419 //ob/03/08/18

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 05, 2018**

08C250630 State of Nevada
vs
Brian O'Keefe

April 05, 2018 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

State of Nevada	Plaintiff
Turner, Robert B.	Attorney

JOURNAL ENTRIES

- Defendant not present. Court noted Defendant was in the Nevada Department of Corrections. Court further noted this was Defendant's motion to order the Clerk of the Court to file a motion he filed January 26th; however, the Court stated Defendant did not attach a copy of motion and there had been no Order from this Court precluding the Clerk's office from filing something. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Defendant needed to resubmit and it would be re-filed.

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/04/05/18

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 25, 2018**

08C250630 State of Nevada
vs
Brian O'Keefe

October 25, 2018 **8:30 AM** **Motion** **Defendant's Pro Per Motion to Correct Facially Illegal Sentence**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Haly Pannullo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT: Albright, Brandon B. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted the decision is being made based upon the pleadings and is not accepting oral argument. Court stated this is the Defendant's 3rd Motion to correct illegal sentence and attacks the legality of the sentence which is not a proper form to do such; therefore, ORDERED, Motion DENIED; State to prepare the Order; matter SET for Status Check regarding Order.

NDC

11/15/18 8:30 AM STATUS CHECK: ORDER

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 22, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

January 22, 2019 **8:30 AM** **Motion**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

State of Nevada	Plaintiff
Turner, Robert B.	Attorney

JOURNAL ENTRIES

- Defendant not present. Court stated as to Defendant's motion it was difficult to figure out what Defendant was requesting. Court further stated there was a upcoming Petition for Writ of Habeas Corpus and ORDERED, matter CONTINUED to hear the matters at the same time.

NDC

CLERK'S NOTE: A copy of the Minute Order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419//ob/01/22/19

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **February 12, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

February 12, 2019 **8:30 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Deputy District Attorney Ashley Lacher, present on behalf of the State.

PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS

Defendant not present. Court noted the Motion was filed on or about January 28th, the Court was uncertain as to how long it took to deliver it to Defendant who was in the Nevada Department of Corrections (NDC). Court further noted Defendant's request for more time didn't set forth the reasons that he needed more time to file an opposition; however, the Court stated it wanted to make certain Defendant had enough time to file an opposition. Court further stated Defendant needed to file an opposition within two weeks from today. COURT ORDERED, Briefing Schedule SET as follows: Defendant's opposition due by February 26, 2019; States Reply due by March 5, 2019 and hearing SET; Petition for Writ of Habeas and Defendant's Notice of Motion CONTINUED.

NDC

03/12/19 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS

CLERK'S NOTE: A copy of this Minute Order has been distributed to:
Brian O'Keefe # 90244
1200 Prison Rd
Lovelock, NV 89419//ob/02/12/19

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 12, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

March 12, 2019 **8:30 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Lacher, Ashley A.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S NOTICE OF MOTION...STATE'S NOTICE OF MOTION AND MOTION TO DECLARRE VEXATIOUS LITIGANT AND TO REFER DEFENDANT TO DEPARTMENT OF CORRECTIONS FOR FORFEITURE OF STATUTORY CREDITS

Defendant not present. Court noted this was the State's motion to declare Defendant a vexatious litigant. Court further noted it was basing its decision on the pleadings that had been filed and not taking oral argument. COURT ADOPTED the Procedural History as set forth by the State. Court stated the State previously file this motion and the Court continued to give Defendant an opportunity to file a opposition. COURT FINDS, Defendant had filed numerous successive petitions that had not had any merit and also filed some motions that were nonsequential. COURT FINDS, Defendant's previous motions had been frivolous and both of a harassing nature toward the State, those motions have been without arguable or legal or factual bases. Court stated Defendant allowed to present to the Court any future pleadings for the Court to determine whether or not there was any legal bases for those motions thereafter the Court would allow them to be filed and heard in due course. COURT ORDERED, Motion GRANTED; Status Check SET for State to prepare the formal findings,

facts and conclusion of law. COURT FURTHER ORDERED, Defendant to referred to the Department of Corrections for Forfeiture of Statutory Credits GRANTED.

NDC

04/04/19 8:30 AM STATUS CHECK: FINDINGS, FACTS AND CONCLUSION OF LAW

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/03/13/19.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 19, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

March 19, 2019 **8:30 AM** **Opposition**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Getler, Stephanie M.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted it previously declare Defendant a vexatious litigant. COURT ORDERED, Motion DENIED as being Moot. Court noted the State was to prepare a Findings, Facts and Conclusion of Law by April 4, 2019.

NDC

CLERK'S NOTE: A copy of this Minute Order has been distributed to:

BRIAN O'KEEFE #90244
1200 PRISON ROAD
LOVELOCK, NV 89419 //ob/03/20/19

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 22, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

May 22, 2019 **9:00 AM** **Petition for Writ of Mandamus**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Fleck, Michelle	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Court noted this was Defendant's Petition for Writ of Mandamus which stated Defendant did not get the findings and Order that was signed by the Court. Upon Court's inquiry, Ms. Fleck confirmed it was mailed to Defendant. Ms. Fleck advised she had a note from appeals which stated they needed two weeks to respond. COURT ORDERED, Briefing Schedule SET as follows: State's reply due by June 4, 2019 and hearing SET. Court noted there would not be any argument as Defendant would not be transported.

NDC

06/26/19 9:00 AM HEARING: PETITION FOR WRIT OF MANDAMUS CHALLENGING ORDER SIGNED AND NEVER SERVED PURSUANT TO NRAP4 (C)(2)

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE # 90244
1200 Prison Rd

Lovelock, NV 89419

CLERK'S NOTE: Court clerk gave the incorrect date in court, this minute order has been amended to reflect the correct date. A copy of this Minute Order has been placed in the attorney folder of the District Attorney and distributed to Defendant.//ob/05/24/19.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 26, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

June 26, 2019 **9:00 AM** **Petition for Writ of Mandamus**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Tia Everett

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Hamner, Christopher S.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Further, Court stated based on her review of the record, Defendant received notice of the motion and filed an opposition to the motion as well as the fact that a Certificate of Mailing filed on 3/25/2019 regarding the order from the motion. Additionally, Court stated on 5/01/2019 the Certificate of Mailing of the Notice of Entry of Order was filed as well. COURT ORDERED, Petition shall be DENIED. Further, Court stated even if the Court were to construe the petition as a motion for reconsideration there is no basis for them modification and FURTHER ORDERED, motion for reconsideration DENIED.

NDC

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 23, 2019**

08C250630 State of Nevada
vs
Brian O'Keefe

October 23, 2019 **9:00 AM** **All Pending Motions**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES PRESENT:

Fleck, Michelle	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- MOTION FOR LEAVE OF COURT TO FILE NEW ACTION AS TO MOTION TO VACATE SENTENCE AS MEANS FOR RELIEF FROM JUDGMENT...MOTION TO VACATE SENTENCE AS MEANS AND OR FOR RELIEF FROM JUDGMENT

Defendant not present. Court stated it appeared Defendant motions were not served to the State. Ms. Fleck advised it appeared from history of the case, the Court would first determine if the State was required to respond due to the history of Defendant's filing of motions. Upon Court's inquiry, Ms. Fleck confirmed Defendant was deemed a vexatious litigant. Court stated it would review the matter, if the Court deemed the motions had merit the matters would be placed on Calendar.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

BRIAN O'KEEFE #90244
P O BOX 650
INDIAN SPRINGS, NV 89070

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 13, 2020**

08C250630 State of Nevada
vs
Brian O'Keefe

January 13, 2020 **3:40 PM** **Minute Order** **Minute Order Re: Motion for Leave of Court to File New Action as to Motion to Vacate Sentence as Means For Relief from Judgment**

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- On March 12, 2019, this Court found Defendant O'Keefe to be a vexatious litigant in the Court's Pre-Filing Injunction Order. In said Order, this Court enjoined Defendant and/or Defendant's agents from filing any action before the Court arising out of or materially involving his criminal conviction and/or custody status in this case without first obtaining leave of this Court. Findings of Facts, Conclusions of Law, and Order, filed April 4, 2019, at p. 13. The purpose of this Court's Order was to prevent "Defendant's continued filing of duplicative and baseless pleadings." Id.

Pursuant to the April 4, 2019 Order, Defendant moved this Court for leave to file "New Action as Motion to Vacate Sentence as Means for Relief from Judgment C250630, Rule 60(b)...Under Remedial Law on Substantive Issues of Fraud and Void Judgment." Having reviewed the pleadings and papers on file herein, the COURT FINDS that Defendant's motion attempts to litigate matters previously ruled on by this Court and otherwise are without merit. Therefore, COURT ORDERED Defendant's

Motions for Leave to File Motion DENIED.

This Court ADMONISHES Defendant that the Court will NOT grant leave to permit him to file any pleadings addressing issues that it has previously decided.

CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 14, 2020**

08C250630 State of Nevada
vs
Brian O'Keefe

January 14, 2020 **12:50 AM** **Minute Order** **Minute Order Re: Motion to Vacate Sentence as Means and or for Relief from Judgment**

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- On March 12, 2019, this Court found Defendant O'Keefe to be a vexatious litigant in the Court's Pre-Filing Injunction Order. In said Order, this Court enjoined Defendant and/or Defendant's agents from filing any action before the Court arising out of or materially involving his criminal conviction and/or custody status in this case without first obtaining leave of this Court. Findings of Facts, Conclusions of Law, and Order, filed April 4, 2019, at p. 13. The purpose of this Court's Order was to prevent Defendant's continued filing of duplicative and baseless pleadings. Id.

On September 23, 2019, Defendant filed a "Motion to Vacate Sentence as Means and or Relief from Judgment" to be heard on October 23, 2019. Defendant was not given leave to file this motion. Therefore, COURT ORDERED Defendant's Motion be STRICKEN from the record of this case.

This Court ADMONISHES Defendant that the Court will NOT grant leave to permit him to file any pleadings addressing issues that it has previously decided.

CLERK'S NOTE: The above minute order has been distributed to: Brian K. O'Keefe #90244, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 27, 2022**

08C250630 State of Nevada
vs
Brian O'Keefe

June 27, 2022 **3:00 AM** **Minute Order**

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion for Relief from Judgment or Order Pursuant to Rule 60 of the Nevada Rules of Civil Procedure Based on New and Equitable Rules of Law SCOTUS Announced Filed 10/2/2015 Where No Petition Has Reached Merits and Successive Does Not Apply is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was electronically mailed to: John Afshar, Deputy District Attorney and a copy mailed to the Deft. in the Nevada Department of Corrections.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 19, 2022**

08C250630 State of Nevada
vs
Brian O'Keefe

July 19, 2022 **9:30 AM** **All Pending Motions**

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown
LaCarol Kelley

RECORDER: De'Awna Takas

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- EX PARTE MOTION FOR LEAVE OF COURT AND ORDER TO HAVE CLERK OF THE COURT TO FILE NEW ACTION PURSUANT TO NRS 176.555 MAILED 12/28/2021 BY BRASS SLIP NO. 2329642 AS FIRST CLASS MAIL...MOTION FOR LEAVE OF COURT TO FILE MOTION TO VACATE SENTENCE ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW WHERE RECKLESS CONDUCT ADDRESSED...MOTION TO VACATE FACIALLY ILLEGAL SENTENCE OF DEADLY WEAPON ENHANCEMENT BASED ON CONSTITUTIONAL SUDDEN CHANGE IN LAW ANNOUNCED June 10, 2021 EFFECTING SUBSTANTIVE LAW

Court stated the State is requesting additional time to respond to the motions, therefore, ORDERED, Motions CONTINUED. Court directed the State to file its responses by September 13, 2022.

NDC

CONTINUED TO: 9/22/22 9:30 AM

2009

State's Exhibit List

CASE # C250630

		OFFERED DATE		OBJ	ADMITTED	DATE
1.	Large Diagram of Apartment	3/17	X	NO	X	3/17
2. 0	CD - 911 call Todd	3/16	X	NO	X	3/16
3. 0	CD - 911 call Robin	3/16	X	NO	X	3/16
4. 0	Photo of ID of victim			STIP	X	3/16
5. 0	Declaration of Research Assistant					
6. 0	Photo	3/16	X	NO	X	3/16
7. 0	Photo	3/16	X	NO	X	3/16
8. 0	Photo	3/16	X	NO	X	3/16
9. 0	Photo	3/16	X	NO	X	3/16
10. 0	Photo	3/16	X	NO	X	3/16
11. 0	Photo	3/16	X	NO	X	3/16
12. 0	Photo					
13. 0	Photo	3/16	X	NO	X	3/16
14. 0	Photo					
15. 0	Photo	3/16	X	NO	X	3/16
16. 0	Photo	3/16	X	NO	X	3/16
17. 0	Photo	3/16	X	NO	X	3/16
18. 0	Photo	3/16	X	NO	X	3/16
19. 0	Photo	3/16	X	NO	X	3/16
20. 0	Photo	3/16	X	NO	X	3/16
21. 0	Photo	3/16	X	NO	X	3/16
22. 0	Photo	3/16	X	NO	X	3/16
23. 0	Photo	3/16	X	NO	X	3/16
24. 0	Photo	3/16	X	NO	X	3/16
25. 0	Photo	3/16	X	NO	X	3/16
26. 0	Photo	3/16	X	NO	X	3/16
27. 0	Photo	3/16	X	NO	X	3/16
28. 0	Photo	3/16	X	NO	X	3/16
29. 0	Photo	3/16	X	NO	X	3/16
30. 0	Photo	3/16	X	NO	X	3/16

31. 0	Photo	3/16	X	NO	X	3/16
32. 0	Photo	3/18	X	NO	X	3/18
33. 0	Photo	3/18	X	NO	X	3/18
34. 0	Photo	3/18	X	NO	X	3/18
35. 0	Photo	3/18	X	NO	X	3/18
36. 0	Photo	3/18	X	NO	X	3/18
37. 0	Photo	3/18	X	NO	X	3/18
38. 0	Photo	3/18	X	NO	X	3/18
39. 0	Photo	3/16	X	NO	X	3/16
40. 0	Photo	3/18	X	NO	X	3/18
41. 0	Photo	3/16	X	NO	X	3/16
42. 0	Photo	3/16	X	NO	X	3/16
43. 0	Photo	3/16	X	NO	X	3/16
44. 0	Photo	3/18	X	NO	X	3/18
45. 0	Photo	3/18	X	NO	X	3/18
46. 0	Photo	3/18	X	NO	X	3/18
47. 0	Photo	3/18	X	NO	X	3/18
48. 0	Photo	3/18	X	NO	X	3/18
49. 0	Photo	3/16	X	NO	X	3/16
50. 0	Photo	3/16	X	NO	X	3/16
51. 0	Photo	3/16	X	NO	X	3/16
52. 0	Photo	3/18	X	NO	X	3/16
53. 0	Photo	3/18	X	NO	X	3/16
54. 0	Photo	3/16	X	NO	X	3/16
55. 0	Photo	3/18	X	NO	X	3/18
56. 0	Photo	3/18	X	NO	X	3/18
57. 0	Photo	3/18	X	NO	X	3/18
58. 0	Photo	3/18	X	NO	X	3/18
59. 0	Photo	3/18	X	NO	X	3/18
60. 0	Photo	3/16	X	NO	X	3/16
61. 0	Photo	3/16	X	NO	X	3/16
62. 0	Photo	3/16	X	NO	X	3/16
63. 0	Photo	3/16	X	NO	X	3/16

64. 6	Photo	3/16	X	NO	X	3/16
65. 5	Small Photo	3/18	X	NO	X	3/18
66. 0	Body Diagram	3/18	X	NO	X	3/18
67. 0	Judgment of Conviction for Deft.	3/18	X	NO	X	3/18
68. 0	CD	3/18	X	NO	X	3/18
69. 0	CD	3/18	X	NO	X	3/18

2009

Deft's Exhibit List

CASE # C250630

		OFFERED DATE		OBJ	ADMITTED	DATE
A.	Mines & Associates			STIP	X	3/19
B.	Medical Records - Victoria Whitmarsh					
C.	Las Vegas Fire and Rescue Records					
D.	AMR Records					
E.	Military Records - O'Keefe					
F.	CCDC Visitation Records - Cheryl Morris **(NOT PROVIDED)**					
G.	Photo	3/16	X	NO	X	3/16
H.	Photo	3/16	X	NO	X	3/16
I.	Photo	3/16	X	NO	X	3/16
J.	Photo	3/16	X	NO	X	3/16
K.	Photo	3/16	X	NO	X	3/16
L.	Photo	3/16	X	NO	X	3/16
M.	Photo	3/16	X	NO	X	3/16
N.	Photo	3/16	X	NO	X	3/16
O.	Photo	3/16	X	NO	X	3/16
P.	Photo	3/16	X	NO	X	3/16
Q.	Photo	3/16	X	NO	X	3/16
R.	Photo	3/16	X	NO	X	3/16
S.	Photo	3/16	X	NO	X	3/16
T.	Photo	3/16	X	NO	X	3/16
U.	Photo	3/16	X	NO	X	3/16
V.	Photo	3/16	X	NO	X	3/16
W.	Photo	3/16	X	NO	X	3/16
X.	Photo	3/16	X	NO	X	3/16
Y.	Photo	3/16	X	NO	X	3/16
Z.	Photo	3/16	X	NO	X	3/16
AA.	Photo	3/16	X	NO	X	3/16
BB.	Photo	3/19	X	NO	X	3/19
CC.	Photo	3/19	X	NO	X	3/19
DD.	Photo	3/19	X	NO	X	3/19

EE.	Photo	3/19	X	NO	X	3/19
FF.	Photo	3/16	X	NO	X	3/16
GG.	Photo	3/16	X	NO	X	3/16
HH.	Photo	3/16	X	NO	X	3/16
II.	Photo	3/16	X	NO	X	3/16
JJ.	Photo	3/16	X	NO	X	3/16
KK.	Photo	3/16	X	NO	X	3/16
LL.	Photo	3/16	X	NO	X	3/16
MM.	Photo	3/16	X	NO	X	3/16
NN.	Photo	3/16	X	NO	X	3/16
OO.	Photo	3/16	X	NO	X	3/16
PP.	Photo	3/16	X	NO	X	3/16
QQ.	Photo	3/16	X	NO	X	3/16
RR.	Photo	3/17	X	NO	X	3/17
SS.	Photo	3/16	X	NO	X	3/16
TT.	Photo	3/16	X	NO	X	3/16
UU.	Photo	3/16	X	NO	X	3/16
VV.	Photo	3/18	X	NO	X	3/18
WW.	Photo	3/16	X	NO	X	3/16
XX.	Photo	3/16	X	NO	X	3/16
YY.	Copy of Receipt and Note with Names and Phone Numbers					
ZZ.	Photo	3/16	X	NO	X	3/16
AAA.	Photo	3/16	X	NO	X	3/16
BBB.	Photo	3/16	X	NO	X	3/16
CCC.	Photo	3/16	X	NO	X	3/16
DDD.	Photo	3/16	X	NO	X	3/16
EEE.	Photo	3/16	X	NO	X	3/16
FFF.	Photo	3/16	X	NO	X	3/16
GGG.	Photo	3/16	X	NO	X	3/16
HHH.	Photo	3/16	X	NO	X	3/16
III.	Photo	3/16	X	NO	X	3/16
JJJ.	Photo	3/16	X	NO	X	3/16
KKK.	Photo	3/16	X	NO	X	3/16

LLL.0	Photo	3/16	X	NO	X	3/16
MMM.0	Photo	3/17	X	NO	X	3/17
NNN.0	Photo	3/17	X	NO	X	3/17
OOO.0	Photo	3/17	X	NO	X	3/17
PPP.0	Photo	3/17	X	NO	X	3/17
QQQ.0	Photo	3/17	X	NO	X	3/17
RRR.0	Photo	3/17	X	NO	X	3/17
SSS.0	Photo	3/17	X	NO	X	3/17
TTT.0	Photo	3/17	X	NO	X	3/17
UUU.0	Photo	3/17	X	NO	X	3/17
VVV.0	Photo	3/17	X	NO	X	3/17
WWW.0	Photo	3/17	X	NO	X	3/17
XXX.	SKIPPED					
YYY.0	Photo	3/17	X	NO	X	3/17
ZZZ.0	Small Photo	3/18	X	NO	X	3/18
AAAA.0	Photo	3/19	X	NO	X	3/19
BBBB.0	Photo	3/19	X	NO	X	3/19
CCCC.0	Photo	3/19	X	NO	X	3/19
DDDD.0	Photo	3/19	X	NO	X	3/19
EEEE.0	Photo	3/19	X	NO	X	3/19
FFFF.0	Photo	3/19	X	NO	X	3/19
GGGG.0	Photo	3/19	X	NO	X	3/19
HHHH.0	Photo	3/19	X	NO	X	3/19
IIII.00	Photo	3/19	X	NO	X	3/19
JJJJ.0	Photo	3/19	X	NO	X	3/19
KKKK.0	Photo	3/19	X	NO	X	3/19
LLLL.0	Documents	3/20	✓	NO	✓	3/20

Court's Exhibit List

CASE # C222052

		OFFERED DATE	OBJ	ADMITTED	DATE
1.	Question from Juror #3			X	3/16
2.	Question from Juror #10			X	3/16
3.	Question from Juror #7			X	3/17
4.	Question from Juror #4			X	3/17
5.	Question from Juror #6			X	3/17
6.	Question from Juror #3			X	3/17
7.	Question from Juror #7			X	3/17
8.	Question from Juror #6			X	3/17
9.	Email			X	3/18
10.	Emails			X	3/18
11.	Copy of note			X	3/18
12.	Question from Juror #10			X	3/18
13.	Question from Juror #7				3/19
14.	Question from Juror #7				3/19
15.	Question from Juror #7				3/19
16.	Instruction not given				3/19
17.	Instruction not given				3/19
18.	Instruction not given				3/19
19.	Question from Juror #7				3/19
20.	Question from Juror #7				3/19
21.	Question from Juror #7				3/19
22.	Question from Juror #7				3/19
23.	Question from Juror #7				3/19
24.	Question from Juror #7				3/20
25.	Question from Juror #10				3/20
25a.	Question from Juror #10				3/20
26.	Question from Juror #3				3/20
27.	Question and answer from Jurors during deliberation				3/20

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Diagram of Apartment	8/26	✓	no	8/26	✓
2. Photograph	8/26	✓	no	8/26	✓
3. Photograph	8/26	✓	no	8/26	✓
4. Photograph		✓			✓
5. Photograph		✓			✓
6. Photograph		✓			✓
7. Photograph	8/26	✓	no	8/26	✓
8. Photograph	8/27	✓	no	8/27	✓
9. Photograph	8/27	✓	no	8/27	✓
10. Photograph	8/27	✓	no	8/27	✓
11. Photograph		✓			✓
12. Photograph		✓			✓
13. Photograph		✓			✓
14. Photograph		✓			✓
15. Photograph		✓			✓
16. Photograph		✓			✓
17. Photograph		✓			✓
18. Photograph		✓			✓
19. Photograph		✓			✓
20. Photograph		✓			✓
21. Photograph	8/27	✓	no	8/27	✓
22. Photograph	8/26	✓	no	8/26	✓
23. Photograph	8/27	✓	no	8/27	✓
24. Photograph	8/27	✓	no	8/27	✓
25. Photograph	8/27	✓	no	8/27	✓
26. Photograph		✓			✓
27. Photograph	8/27	✓	no	8/27	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
28. Photograph	8/27	✓	no	8/27	✓
29. Photograph		✓			✓
30. Photograph		✓			✓
31. Photograph		✓			✓
32. Photograph		✓			✓
33. Photograph		✓			✓
34. Photograph		✓			✓
35. Photograph		✓			✓
36. Photograph		✓			✓
37. Photograph		✓			✓
38. Photograph		✓			✓
39. Photograph		✓			✓
40. Photograph		✓			✓
41. Photograph		✓			✓
42. Photograph		✓			✓
43. Photograph		✓			✓
44. Photograph		✓			✓
45. Photograph		✓			✓
46. Photograph		✓			✓
47. Photograph		✓			✓
48. Photograph		✓			✓
49. Photograph		✓			✓
50. Photograph		✓			✓
51. Photograph		✓			✓
52. Photograph		✓			✓
53. Photograph		✓			✓
54. Photograph		✓			✓
55. Photograph	8/27	✓	no	8/27	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
56. Photograph	8/27	✓	no	8/27	✓
57. Photograph	8/27	✓	no	8/27	✓
58. Photograph	8/30	✓	no	8/30	✓
59. Photograph	8/30	✓	no	8/30	✓
60. Photograph	8/27	✓	no	8/27	✓
61. Photograph	8/26	✓	no	8/26	✓
62. Photograph	8/30	✓	no	8/30	✓
63. Photograph		✓			✓
64. Photograph		✓			✓
65. Photograph		✓			✓
66. Photograph		✓			✓
67. Photograph		✓			✓
68. Photograph		✓			✓
69. Photograph		✓			✓
70. Photograph		✓			✓
71. Photograph		✓			✓
72. Photograph		✓			✓
73. Photograph		✓			✓
74. Photograph		✓			✓
75. Photograph		✓			✓
76. Photograph	8/30	✓	no	8/30	✓
77. Photograph	8/30	✓	no	8/30	✓
78. Photograph		✓			✓
79. Photograph		✓			✓
80. Photograph	8/30	✓	no	8/30	✓
81. Photograph	8/25	✓	no	8/25	✓
82. Photograph		✓			✓
83. Photograph	8/25	✓	no	8/25	✓

STATE'S EXHIBITS CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
84. Photograph	8/25	✓	no	8/25	✓
85. Photograph		✓			✓
86. Photograph		✓			✓
87. Photograph		✓			✓
88. Photograph		✓			✓
89. Photograph		✓			✓
90. Photograph		✓			✓
91. Photograph		✓			✓
92. Photograph		✓			✓
93. Photograph		✓			✓
94. Photograph		✓			✓
95. Photograph		✓			✓
96. Photograph		✓			✓
97. Photograph		✓			✓
98. Photograph		✓			✓
99. Photograph		✓			✓
100. Photograph		✓			✓
101. Photograph		✓			✓
102. Photograph		✓			✓
103. Photograph		✓			✓
104. Photograph		✓			✓
105. Photograph		✓			✓
106. Photograph		✓			✓
107. Photograph		✓			✓
108. Photograph		✓			✓
109. Photograph		✓			✓
110. Photograph		✓			✓
111. Photograph	8/25	✓	no	8/25	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
112. Photograph	8/25	✓	no	8/25	✓
113. Photograph		✓			✓
114. Photograph		✓			✓
115. Photograph		✓			✓
116. Photograph		✓			✓
117. Photograph		✓			✓
118. Evidence Bag		✓			✓
119. Photograph		✓			✓
120. Photograph	8/25	✓	no	8/25	✓
121. Photocopy of Knife	8/30	✓	no	8/30	✓
121. Photocopy of Knife	8/30	✓	no	8/30	✓
123. Photocopy of Clothes	8/30	✓	no	8/30	✓
124. Evidence Bag	8/30	✓	no	8/30	✓
124-A. Bag Not opened					
125. Evidence Bag	8/30	✓	no	8/30	✓
125-A. Bag Not opened					
125-B. " "					
126. Evidence Bag	8/27	✓	no	8/27	✓
126-A. Bag Not opened					
127. Evidence Bag	8/30	✓	no	8/30	✓
127-A. Bag Not opened					
127-B " "					
128. Evidence Box	8/30	✓	no	8/30	✓
128-A Knife	8/30	✓	no	8/30	✓
129. 911 Call Disc	8/26	✓	no	8/26	✓
130. Photograph	8/25	✓	no	8/25	✓
131. Photograph.	8/30	✓	no	8/30	✓
132. Photograph	8/30	✓	no	8/30	✓

STATE'S **EXHIBITS** **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
133. Judgment of Conviction	8/30	✓	no	8/30	✓
134. O'Keefe Interview (Disc)	8/30	✓	no	8/30	✓

DEFENDANT'S EXHIBITS CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
A. Autopsy Diagram	8/25	✓	no	8/25	✓
B. Photograph	8/30	✓	no	8/30	✓
C. Photograph	8/25	✓	no	8/25	✓
D. Photograph		✓			✓
E. Photograph		✓			✓
F. Photograph		✓			✓
G. Photograph		✓			✓
H. Photograph		✓			✓
I. Photograph		✓			✓
J. Photograph	8/25	✓	no	8/25	✓
K. Records (Bank)	8/31	✓	no	8/31	✓
L. LVMPD Subpoena	8/30	✓	no	8/30	✓
M. Records from DETR					
~~N. Disc of Interview (withdrawn)~~					
O. Photograph	8/26	✓	no	8/26	✓
P. "		✓			✓
Q. "		✓			✓
R. "		✓			✓
S. "		✓			✓
T. "		✓			✓
U. "		✓			✓
V. "		✓			✓
W. "		✓			✓
X Photograph	8/26	✓	no	8/26	✓
Y. "	8/30	✓	no	8/30	✓
Z. "	8/30	✓	no	8/30	✓
AA. Photograph	8/30	✓	no	8/30	✓

DEFENDANT'S EXHIBITS CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
BB. Photograph	8/30	✓	no	8/30	✓
CC. "	8/30	✓	no	8/30	✓
DD. "	8/30	✓	no	8/30	✓
EE. "	8/30	✓	no	8/30	✓
FF. "	8/30	✓	no	8/30	✓
GG. "	8/30	✓	no	8/30	✓
HH. "	8/27	✓	no	8/27	✓
II. "	8/27	✓	no	8/27	✓
JJ. Photograph	8/27	✓	no	8/27	✓
KK. Photograph	8/27	✓	no	8/27	✓
LL. Photograph	8/27	✓	no	8/27	✓
MM. Photograph	8/30	✓	no	8/30	✓
NN. "	8/30	✓	no	8/30	✓
OO. "		✓			✓
PP. "		✓			✓
QQ "		✓			✓
RR. "		✓			✓
SS "		✓			✓
TT "		✓			✓
UU. "		✓			✓
VV. "		✓			✓
WW. "		✓			✓
XX. "		✓			✓
YY. Photograph	8/30	✓	no	8/30	✓
ZZ Xerox Copy of Emergency nos.	8/30	✓	no	8/30	✓
AAA Photograph	8/30	✓	no	8/30	✓
BBB Photograph	8/30	✓	no	8/30	✓

DEFENDANT'S EXHIBITS CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
CCC Photograph	8/30	✓	no	8/30	✓
DDD "		✓			✓
EEE "		✓			✓
FFF "		✓			✓
GGG "		✓			✓
HHH "		✓			✓
III "		✓			✓
JJJ "		✓			✓
KKK "	8/30	✓	no	8/30	✓
LLL "		✓			✓
MMM "		✓			✓
NNN "		✓			✓
OOO "		✓			✓
PPP "		✓			✓
QQQ "		✓			✓
RRR "		✓			✓
SSS "		✓			✓
TTT "		✓			✓
UUU "		✓			✓
VVV "		✓			✓
WWW "		✓			✓
XXX "	8/30	✓	no	8/30	✓
YYY "	8/30	✓	no	8/32	✓
222 "	8/30	✓	no	8/30	✓
AAAA "	8/30	✓	no	8/32	✓
BBBB "		✓			✓
CCCC Photograph	8/30	✓	no	8/32	✓

DEFENDANT'S EXHIBITS CASE NO. C250630

		DATE	OFFERED	OBJ	DATE	ADMITTED
DDDD	Photograph	8/30	✓	no	8/30	✓
EEEE	"		✓			✓
FFFF	"		✓			✓
GGGG	"		✓			✓
HHHH	"		✓			✓
IIII	"	8/30	✓	no	8/30	✓
JJJJ	"					
KKKK	"	8/30	✓	no	8/30	✓
LLLL	"					
MMMM	"	8/30	✓	no	8/30	✓
NNNN	"		✓			✓
OOOO	"		✓			✓
PPPP	"		✓			✓
QQQQ	"	8/30	✓	no	8/30	✓
RRRR	"					
SSSS	"	8/30	✓	no	8/30	✓
TTTT	"					
UUUU	"	8/30	✓	no	8/30	✓
VVVV	"		✓			✓
WWWW	"	8/30	✓	no	8/30	✓
XXXX	"	8/31	✓	no	8/31	✓
YYYY	"	8/31	✓	no	8/31	✓
2222	Photograph	8/31	✓	no	8/31	✓
AAAAA	Photograph	8/31	✓	no	8/31	✓
BBBBB	Nash Cone					
CCCCC	Mmo & Associates	8/31	✓	no	8/31	✓
DDDDD	Military Records	8/31	✓	no	8/31	✓

DEFENDANT'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
EEEEE Photograph	8/31	✓	no	8/31	✓

Court's **EXHIBITS** **CASE NO.** C250630

	DATE OFFERED	OBJ	DATE ADMITTED
1. Excerpts from Medical Records			AUG 23 2010
2. Question from Juror # 8			AUG 26 2010
3 Question from Juror # 2			AUG 26 2010
4. Question from Juror # 7			AUG 26 2010
5. Question from Juror #4			AUG 27 2010
6. Question from Juror # 3			AUG 27 2010
7 Question from Juror #4			AUG 27 2010
8. Question from Juror #7			AUG 30 2010
9 Question from Juror #7			AUG 30 2010
10 Question from Juror # 6			AUG 30 2010
11. Question from Juror # 13			AUG 30 2010
12. Question from Juror # 8			AUG 30 2010
13. Question from Juror # 13			AUG 30 2010
14 Stipulation as to Medical Records.			AUG 30 2010
15. DVD of Interview			AUG 30 2010
16. Question from Jury			SEP 01 2010
17 Note from Jury			SEP 01 2010
18 Note from Jury			SEP 02 2010
19 Note from Juror #5			SEP 02 2010
20. Note from Jury			SEP 02 2010
21 Note from Juror # 5			SEP 02 2010
22 Interrogatories of Dept.			SEP 02 2010
23 Powerpoint Presentation by DA			SEP 02 2010

STATE'S EXHIBITS

CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Disc	4/27	✓	no	4/27	✓
2. Las Vegas Justice Court Record Search Information	4/27	✓	no	4/27	✓
3. Photographs	4/27	✓	no	4/27	✓
4. Las Vegas Justice Court Record Search Information	4/27	✓	no	4/27	✓
5. Las Vegas Justice Court Record Search Information	4/27	✓	no	4/27	✓
6. Photographs	4/27	✓	no	4/27	✓
7. UMC Medical Records					
8. Judgment of Conviction	4/27	✓	no	4/27	✓
9. Judgment (Las Vegas Municipal Court)	4/27	✓	no	4/27	✓
10. Judgment of Conviction	4/27	✓	no	4/27	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Diagram of Apartment	6/12	✓	no	6/12	✓
2. Photograph	6/12	✓	no	6/12	✓
3. Photograph	6/12	✓	no	6/12	✓
4. Photograph		✓			✓
5. Photograph		✓			✓
6. Photograph	6/12	✓	no	6/12	✓
7. Photograph	6/13	✓	no	6/13	✓
8. Photograph	6/13	✓	no	6/13	✓
9. Photograph	6/12	✓	no	6/12	✓
10. Photograph	6/13	✓	no	6/13	✓
11. Photograph		✓			✓
12. Photograph		✓			✓
13. Photograph		✓			✓
14. Photograph		✓			✓
15. Photograph		✓			✓
16. Photograph		✓			✓
17. Photograph		✓			✓
18. Photograph		✓			✓
19. Photograph		✓			✓
20. Photograph		✓			✓
21. Photograph	6/13	✓	no	6/13	✓
22. Photograph	6/12	✓	no	6/12	✓
23. Photograph	6/12	✓	no	6/12	✓
24. Photograph	6/13	✓	no	6/13	✓
25. Photograph		✓			✓
26. Photograph		✓			✓
27. Photograph		✓			✓
28. Photograph	6/13	✓	no	6/13	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
29. Photograph	6/13	✓	no	6/13	✓
30. Photograph		✓			✓
31. Photograph		✓			✓
32. Photograph		✓			✓
33. Photograph		✓			✓
34. Photograph		✓			✓
35. Photograph		✓			✓
36. Photograph		✓			✓
37. Photograph		✓			✓
38. Photograph		✓			✓
39. Photograph		✓			✓
40. Photograph		✓			✓
41. Photograph		✓			✓
42. Photograph		✓			✓
43. Photograph		✓			✓
44. Photograph		✓			✓
45. Photograph		✓			✓
46. Photograph		✓			✓
47. Photograph		✓			✓
48. Photograph		✓			✓
49. Photograph		✓			✓
50. Photograph		✓			✓
51. Photograph		✓			✓
52. Photograph		✓			✓
53. Photograph		✓			✓
54. Photograph		✓			✓
55. Photograph		✓			✓
56. Photograph	6/13	✓	no	6/13	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
57. Photograph	6/13	✓	no	6/13	✓
58. Photograph	6/13	✓	no	6/13	✓
59. Photograph					
60. Photograph	6/13	✓	no	6/13	✓
61. Photograph		✓			✓
62. Photograph		✓			✓
63. Photograph	6/13	✓	no	6/13	✓
64. Photograph	6/13	✓	no	6/13	✓
65. Photograph	6/13	✓	no	6/13	✓
66. Photograph		✓			✓
67. Photograph		✓			✓
68. Photograph		✓			✓
69. Photograph		✓			✓
70. Photograph		✓			✓
71. Photograph		✓			✓
72. Photograph		✓			✓
73. Photograph		✓			✓
74. Photograph		✓			✓
75. Photograph		✓			✓
76. Photograph	6/13	✓	no	6/13	✓
77. Photograph	6/13	✓	no	6/13	✓
78. Photograph		✓			✓
79. Photograph		✓			✓
80. Photograph	6/13	✓	no	6/13	✓
81. Photograph	6/13	✓	no	6/13	✓
82. Photograph		✓			✓
83. Photograph		✓			✓
84. Photograph	6/13	✓	no	6/13	✓

STATE'S **EXHIBITS** **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
85. Photograph	6/13	✓	no	6/13	✓
86. Photograph		✓			✓
87. Photograph		✓			✓
88. Photograph		✓			✓
89. Photograph		✓			✓
90. Photograph		✓			✓
91. Photograph		✓			✓
92. Photograph		✓			✓
93. Photograph		✓			✓
94. Photograph		✓			✓
95. Photograph		✓			✓
96. Photograph		✓			✓
97. Photograph		✓			✓
98. Photograph		✓			✓
99. Photograph		✓			✓
100. Photograph		✓			✓
101. Photograph		✓			✓
102. Photograph		✓			✓
103. Photograph		✓			✓
104. Photograph		✓			✓
105. Photograph		✓			✓
106. Photograph		✓			✓
107. Photograph		✓			✓
108. Photorgraph		✓			✓
109. Photograph		✓			✓
110. Photograph		✓			✓
111. Photograph		✓			✓
112. Photograph	6/13	✓	no	6/13	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
113. Photograph	6/13	✓	no	6/13	✓
114. Photograph		✓			✓
115. Photograph		✓			✓
116. Photograph		✓			✓
117. Photograph		✓			✓
118. Photograph		✓			✓
119. Photograph		✓			✓
120. Photograph	6/13	✓	no	6/13	✓
121. Photograph of Knife	6/13	✓	no	6/13	✓
122. Photograph of Knife	6/13	✓	no	6/13	✓
123. Photograph of Clothes	6/13	✓	no	6/13	✓
124. Evidence Bag	6/13	✓	no	6/13	✓
124-A. Contents (Not opened)					
125. Evidence Bag	6/13	✓	no	6/13	✓
125-A. Contents (Not opened)					
125-B. Contents (Not opened)					
126. Evidence Bag	6/13	✓	no	6/13	✓
126-A. Contents (Not opened)					
127. Evidence Bag	6/13	✓	no	6/13	✓
127-A. Contents (Not opened)					
127-B. Contents (Not opened)					
128. Evidence Box	6/13	✓	no	6/13	✓
128-A. Knife	6/13	✓	no	6/13	✓
129. 911 Call Disc					
130. Photograph	6/13	✓	no	6/13	✓
131. Photograph					
132. Photograph	6/13	✓	no	6/13	✓
133. Judgment of Conviction	6/12	✓	Yes	6/12	✓

STATE'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
133-A. Verdict	6/12	✓	Yes	6/12	✓
133-B. Information	6/12	✓	Yes	6/12	✓
134. O'Keefe Interview Disc	6/14	✓	no	6/14	✓

COURT'S EXHIBITS CASE NO. C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Note from Prospective Juror					6/11
2. Deft's Request for Newly Assigned Judge					6/11
3. Question from Juror #2					6/12
4. Question from Juror #1					6/13
5. Question from Juror #					6/13
6. Deft's proposed Stipulation					6/14
7. 911 Call (Not played)					6/14
8 Note from Juror # 12					6/14
9 Stipulation (Victoria Whitmarsh)					6/14
10. Defts proposed Jury Instructions					6/14
11. Question from Juror # 8					6/14

DEFENDANT'S EXHIBITS **CASE NO.** C250630

	DATE	OFFERED	OBJ	DATE	ADMITTED
A. Photograph	6/13	✓	no	6/13	✓
B. "		✓			✓
C. "		✓			✓
D. "		✓			✓
E Photograph	6/13	✓	no	6/13	✓

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: October 7, 2022
CASE: 08C250630

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

NOTICE OF APPEAL FILED: October 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

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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA, Plaintiff(s), vs. BRIAN KERRY O'KEEFE, Defendant(s).	Case No: 08C250630 Dept No: VI

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 7 day of October 2022.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd Fl.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

October 7, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. BRIAN KERRY O'KEEFE
D.C. CASE: 08C250630

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed October 7, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

September 22, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk