

Steven D. Grierson

NOAS

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

Petitioner In Pro Se

Electronically Filed
Jun 22 2023 03:37 PM
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

BRIAN KERRY O'KEEFE,)
)
Plaintiff,)
)
-vs-)
)
THE STATE OF NEVADA, et al.)
)
)
)
Defendant__)

Case No. 04C202793

Dept. No. XVIII

NOTICE OF APPEAL

1, 2

NOTICE IS GIVEN that Plaintiff, Brian O'Keefe,
in pro se, hereby appeals to the Nevada Supreme Court the
Castro Violation and Recharacterization² by "ORDER" denying without argument,
as filed/entered on the 31st day of May, 2023,
(complete if applicable) and the

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

Dated this 14th day of June, 2023.

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

FN 1 Castro v. United States, 540 U.S. 375 (2003)
FN 2 see Todd Ruben vs. THE STATE OF NEVADA DEPT. OF TAXATION, 451 P.3d 273
(Filed 2/13/2020, Case No. 79906-WA)
(ORDER DENYING PETITION FOR A WRIT OF CORAM VOBI¹⁸)

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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 14th day of June, 2023, by placing same in the U.S. Mail via prison law library staff:

INVOICE NEFOR 9(e)

Service List -

Clark County District Attorney

Brian O'Keefe - PAPER COPY
LOVELOCK, NV.

Brian L. O'Keefe

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

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. 640202793 does not contain the social security number of any person.

Dated this 14th day of June, 2023;

Brian L. O'Keefe
Brian L. O'Keefe

Petitioner In Pro Se

O'Keefe, Brian K. #90244
LOVELOCK CORR. CTR.
1200 Prison Road
LOVELOCK, NV. 89419

RENO NV 895
15 JUN 2023 PM 2 L



HAMATE LEGAL
MAN CONFIDENTIAL

Clerk of Court (8th Judicial Dist. Court)

Steven Grierken

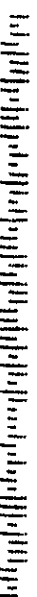
200 Lewis Ave., 3rd FL.

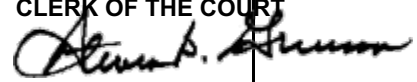
Las Vegas, Nevada 89155

ATTN: CONFIDENTIAL

OUT LEGAL MAIL

9910156300





1 ASTA

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

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 BRIAN KERRY OKEEFE,

14 Defendant(s),
15

Case No: 04C202793

Dept No: XVIII

16
17 **CASE APPEAL STATEMENT**
18

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

20 2. Judge: Mary Kay Holthus

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

22 Counsel:

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

25 4. Respondent: The State of Nevada

26 Counsel:

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

1 (702) 671-2700

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

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

6 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7 7. Appellant Represented by Appointed Counsel On Appeal: No

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

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

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

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 44372, 44644, 48673, 49329, 65040, 66785, 84511,
14 85098

15 12. Child Custody or Visitation: N/A

16 Dated This 22 day of June 2023.

17 Steven D. Grierson, Clerk of the Court

18
19 /s/ Cierra Borum

20 Cierra Borum, Deputy Clerk

21 200 Lewis Ave

22 PO Box 551601

23 Las Vegas, Nevada 89155-1601

24 (702) 671-0512

25 cc: Brian O'Keefe
26
27
28

CASE No. 04C202793

~~~~~

Location: **Department 18**  
Judicial Officer: **Holthus, Mary Kay**  
Filed on: **07/06/2004**  
Case Number History:  
Cross-Reference Case **C202793**  
Number:  
Defendant's Scope ID #: **1447732**  
Lower Court Case # Root: **04F09774**  
Lower Court Case Number: **04F09774X**  
Supreme Court No.: **65040**  
**66785**  
**84511**  
**85098**

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

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
















## CASE ASSIGNMENT

|                  |                   |
|------------------|-------------------|
| Case Number      | 04C202793         |
| Court            | Department 18     |
| Date Assigned    | 01/03/2023        |
| Judicial Officer | Holthus, Mary Kay |

**Wolfson, Steven B**

















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

702-671-2700(W)

| DATE       | EVENTS & ORDERS OF THE COURT                                                                                                                                                                                           | INDEX            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|            | <b><u>EVENTS</u></b>                                                                                                                                                                                                   |                  |
| 07/06/2004 |  Criminal Bindover - Confidential<br><i>[1] Criminal Bindover (Confidential)</i>                                                      | <i>Index #1</i>  |
| 07/06/2004 |  Information<br><i>[3] Information</i>                                                                                                | <i>Index #3</i>  |
| 07/12/2004 |  Reporters Transcript<br><i>[4] Transcript of Hearing Held on July 1, 2004</i>                                                        | <i>Index #4</i>  |
| 07/19/2004 |  Notice of Motion<br><i>[5] Notice of Motion and Motion to Admit Evidence of Other Crimes</i>                                         | <i>Index #5</i>  |
| 07/19/2004 |  Notice of Expert Witnesses<br><i>[6] Notice of Expert Witnesses [NRS 174.234 (2)]</i>                                                | <i>Index #6</i>  |
| 07/19/2004 |  Notice of Witnesses<br><i>[7] Notice of Witnesses [NRS 174.234(1)(b)]</i>                                                            | <i>Index #7</i>  |
| 08/10/2004 |  Notice of Expert Witnesses<br><i>[8] Notice of Expert Witnesses [NRS 174.234 (2)]</i>                                                | <i>Index #8</i>  |
| 08/31/2004 |  Opposition to Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[10] Opposition to Motion to Admit Evidence of Other Crimes</i> | <i>Index #10</i> |
| 08/31/2004 |  Notice of Witnesses<br>Party: Defendant O'Keefe, Brian K<br><i>[11] Defendant's Notice of Witnesses, pursuant to NRS 174.234</i>   | <i>Index #11</i> |
| 10/04/2004 |  Substitution of Attorney<br>Filed by: Defendant O'Keefe, Brian K<br><i>[13] Substitution of Attorneys</i>                          | <i>Index #13</i> |
| 10/18/2004 |  Certificate of Facsimile<br><i>[14] Certificate of Facsimile Transmission</i>                                                      | <i>Index #14</i> |
| 10/20/2004 |  Notice of Witnesses<br>Party: Defendant O'Keefe, Brian K<br><i>[17] Defendant's Notice of Witnesses</i>                            | <i>Index #17</i> |
| 10/25/2004 |  Order<br>Filed By: Defendant O'Keefe, Brian K<br><i>[19] Order for Medical Records</i>                                             | <i>Index #19</i> |
| 10/25/2004 |  Jury List<br><i>[21] Jury List</i>                                                                                                 | <i>Index #21</i> |
| 10/26/2004 |  Supplemental                                                                                                                       | <i>Index #20</i> |

# CASE SUMMARY

CASE NO. 04C202793

|            |                                                                                                                                                                                                                                      |            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | <i>[20] Defendant's Supplemental Notice of Witnesses</i>                                                                                                                                                                             |            |
| 10/28/2004 |  Receipt of Copy<br><i>[23] Receipt of Copy</i>                                                                                                     | Index #23  |
| 10/28/2004 |  Instructions to the Jury<br><i>[24] Receipt of Copy</i>                                                                                            | Index #24  |
| 10/28/2004 |  Verdict<br><i>[25] Verdict</i>                                                                                                                     | Index #25  |
| 10/28/2004 |  Proposed Jury Instructions Not Used At Trial<br><i>[26] Proposed Jury Instructions Not Used at Trial</i>                                           | Index #26  |
| 12/03/2004 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[28] Notice of Appeal</i>                                                   | Index #28  |
| 12/06/2004 |  Case Appeal Statement<br><i>[29] Case Appeal Statement</i>                                                                                         | Index #29  |
| 12/09/2004 |  PSI<br><i>[106] Presentence Investigation Report (Unfiled) Confidential</i>                                                                        | Index #106 |
| 01/03/2005 |  Judgment of Conviction<br><i>[32] Judgment of Conviction (Jury Trial)</i>                                                                         | Index #32  |
| 02/01/2005 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[33] Notice of Appeal</i>                                                 | Index #33  |
| 02/02/2005 |  Case Appeal Statement<br><i>[34] Case Appeal Statement</i>                                                                                       | Index #34  |
| 02/07/2005 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[36] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i> | Index #36  |
| 02/11/2005 |  Motion for Leave to Proceed in Forma Pauperis<br><i>[37] Motion to Proceed in Forma Pauperis (Confidential)</i>                                  | Index #37  |
| 02/11/2005 |  Receipt of Copy<br>Filed by: Defendant O'Keefe, Brian K<br><i>[38] Receipt of Copy</i>                                                           | Index #38  |
| 02/28/2005 |  Order to Proceed In Forma Pauperis<br>Granted for: Defendant O'Keefe, Brian K<br><i>[39] Order (Confidential)</i>                                | Index #39  |
| 03/02/2005 |  Notice of Entry of Order<br><i>[40] Notice of Entry of Order (Confidential)</i>                                                                  | Index #40  |
| 03/03/2005 |  Request                                                                                                                                          | Index #41  |






# CASE SUMMARY

CASE NO. 04C202793

|            |                                                                                                                                                                                                                                                             |           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|            | Filed by: Defendant O'Keefe, Brian K<br><i>[41] Request for Rough Draft Transcript</i>                                                                                                                                                                      |           |
| 04/05/2005 |  Reporters Transcript<br><i>[42] Transcript of Hearing Held on December 27, 2004</i>                                                                                       | Index #42 |
| 04/11/2005 |  Reporters Transcript<br><i>[43] Transcript of Hearing Held on October 28, 2004</i>                                                                                        | Index #43 |
| 04/11/2005 |  Reporters Transcript<br><i>[44] Transcript of Hearing Held on October 27, 2004</i>                                                                                        | Index #44 |
| 04/11/2005 |  Reporters Transcript<br><i>[45] Transcript of Hearing Held on October 26, 2004</i>                                                                                        | Index #45 |
| 04/22/2005 |  Reporters Transcript<br><i>[46] Transcript of Hearing Held on October 26, 2004</i>                                                                                        | Index #46 |
| 04/22/2005 |  Reporters Transcript<br><i>[47] Transcript of Hearing Held on October 25, 2004</i>                                                                                        | Index #47 |
| 06/13/2005 |  Reporters Transcript<br><i>[48] Transcript of Hearing Held on December 27, 2004</i>                                                                                       | Index #48 |
| 06/15/2005 |  Request<br>Filed by: Defendant O'Keefe, Brian K<br><i>[49] Request for Rough Draft Transcript</i>                                                                       | Index #49 |
| 07/20/2005 |  Order Admitting Defendant to Probation & Fixing Terms<br><i>[50] Probation Agreement and Rules; Order Admitting Defendant to Probation and Fixing the Terms Thereof</i> | Index #50 |
| 12/12/2005 |  Motion<br><i>[51] Motion to Discharge Counsel of Appointment</i>                                                                                                        | Index #51 |
| 12/21/2005 |  Motion for Clarification<br><i>[52] Motion for Sentence Clarification</i>                                                                                               | Index #52 |
| 02/22/2006 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[54] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                          | Index #54 |
| 02/27/2006 |  Motion<br><i>[55] Motion to Discharge Counsel</i>                                                                                                                       | Index #55 |
| 03/15/2006 |  Affidavit<br>Filed By: Defendant O'Keefe, Brian K<br><i>[56] Affidavit of Delivery</i>                                                                                  | Index #56 |
| 06/12/2006 |  Motion to Compel<br><i>[58] Proper Person Motion to Compel</i>                                                                                                          | Index #58 |
| 06/27/2006 |  Motion to Produce                                                                                                                                                       | Index #59 |

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

|            |                                                                                                                                                                                                                                               |                  |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|            | Filed By: Defendant O'Keefe, Brian K<br><i>[59] Proper Person Motion to Produce</i>                                                                                                                                                           |                  |
| 06/28/2006 |  Demand for Prior Discovery<br>Filed By: Defendant O'Keefe, Brian K<br><i>[60] Proper Person Demand for Prior Discovery</i>                                  | <i>Index #60</i> |
| 07/03/2006 |  Request<br>Filed by: Defendant O'Keefe, Brian K<br><i>[61] Request for Rough Draft Transcript</i>                                                           | <i>Index #61</i> |
| 07/13/2006 |  Affidavit of Mailing<br>Filed By: Defendant O'Keefe, Brian K<br><i>[62] Affidavit of Mailing</i>                                                            | <i>Index #62</i> |
| 07/19/2006 |  Petition for Writ of Mandamus<br><i>[63] Proper - Person Petition for Writ of Mandamus</i>                                                                  | <i>Index #63</i> |
| 07/19/2006 |  Notice<br>Filed By: Defendant O'Keefe, Brian K<br><i>[65] Notice of Writ of Mandamus</i>                                                                    | <i>Index #65</i> |
| 07/20/2006 |  Motion<br><i>[64] Motion for Transcripts at State Expense</i>                                                                                               | <i>Index #64</i> |
| 07/24/2006 |  Petition for Writ of Mandamus<br><i>[66] Proper - Person Petition for Writ of Mandamus</i>                                                                | <i>Index #66</i> |
| 08/07/2006 |  Opposition to Motion<br><i>[67] State's Opposition to Defendant's Pro Per Motion for Transcripts at State's Expense and Petition for Writ of Mandamus</i> | <i>Index #67</i> |
| 08/17/2006 |  Order Denying Motion<br><i>[69] Order Denying Defendant's Pro Per Motion for Transcripts at State's Expense and Petition for Writ of Mandamus</i>         | <i>Index #69</i> |
| 10/19/2006 |  Motion for New Trial<br><i>[70] Motion for a New Trial Based on New Evidence</i>                                                                          | <i>Index #70</i> |
| 11/14/2006 |  Opposition to Motion<br><i>[71] Opposition to Defenat's Motion for New Trial</i>                                                                          | <i>Index #71</i> |
| 11/17/2006 |  Order for Production of Inmate<br><i>[72] Order for Production of Inmate Brian Kerry O'Keefe, BAC # 90244</i>                                             | <i>Index #72</i> |
| 11/25/2006 |  Notice of Change of Address<br><i>[73] Notice of Change of Address</i>                                                                                    | <i>Index #73</i> |
| 12/06/2006 |  Order for Production of Inmate<br><i>[74] Order for Production of Inmate Brian Kerry O'Keefe, BAC # 90244</i>                                             | <i>Index #74</i> |
| 12/12/2006 |  Motion<br><i>[75] Motion to Notify Change of Address</i>                                                                                                  | <i>Index #75</i> |


# CASE SUMMARY

CASE NO. 04C202793

|            |                                                                                                                                                                                                                  |           |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 12/13/2006 |  Supplement<br>Filed by: Defendant O'Keefe, Brian K<br><i>[76] Supplement [to Motion for a New Trial Based on New Evidence]</i> | Index #76 |
| 12/26/2006 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[77] Notice of Appeal</i>                               | Index #77 |
| 12/27/2006 |  Case Appeal Statement<br>Filed By: Defendant O'Keefe, Brian K<br><i>[78] Case Appeal Statement</i>                             | Index #78 |
| 01/05/2007 |  Order<br><i>[79] Order</i>                                                                                                     | Index #79 |
| 02/05/2007 |  Petition for Writ of Habeas Corpus<br><i>[80] Petition for Writ of Habeas Corpus (Post Conviction) N.R.S. 34.720</i>           | Index #80 |
| 02/06/2007 |  Order for Petition for Writ of Habeas Corpus<br><i>[81] Order for Petition for Writ of Habeas Corpus</i>                       | Index #81 |
| 02/15/2007 |  Supplement<br><i>[82] Supplement to Petitioner's Petition for Writ of Habeas Corpus (Post Conviction) N.R.S. 34.720</i>        | Index #82 |
| 03/01/2007 |  Motion to Clarify<br><i>[83] Motion to Clarify Petitioner's Address [as Above] Official Change of Address Notification</i>   | Index #83 |
| 04/06/2007 |  Opposition<br><i>[84] State's Opposition to Defendant's Petition for Writ of Habeas Corpus</i>                               | Index #84 |
| 04/19/2007 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[85] Notice of Appeal</i>                             | Index #85 |
| 04/20/2007 |  Case Appeal Statement<br><i>[86] Case Appeal Statement</i>                                                                   | Index #86 |
| 05/17/2007 |  Findings of Fact, Conclusions of Law and Order<br><i>[87] Findings of Fact, Conclusions of Law and Order</i>                 | Index #87 |
| 05/21/2007 |  Notice of Entry of Decision and Order<br><i>[88] Notice of Entry of Decision and Order</i>                                   | Index #88 |
| 11/02/2007 |  Reporters Transcript<br><i>[89] Transcript of Hearing Held on July 13, 2004</i>                                              | Index #89 |
| 11/02/2007 |  Reporters Transcript<br><i>[90] Transcript of Hearing Held on October 8, 2004</i>                                            | Index #90 |
| 02/19/2008 |                                                                                                                                                                                                                  | Index #91 |













# CASE SUMMARY

CASE NO. 04C202793














|            |                                                                                                                                                                                                                                                                                                                  |            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            |  Reporters Transcript<br><i>[91] Transcript of Hearing Held on October 25, 2004</i>                                                                                                                                             |            |
| 04/21/2008 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[92] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                                                 | Index #92  |
| 04/21/2008 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[93] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                                                 | Index #93  |
| 09/10/2008 |  Petition<br><i>[94] Petition</i>                                                                                                                                                                                               | Index #94  |
| 10/17/2012 |  Order for Disposal of Exhibits<br><i>[95] Order for Disposal of Exhibits</i>                                                                                                                                                   | Index #95  |
| 12/06/2013 |  Petition for Writ of Mandamus<br>Filed by: Defendant O'Keefe, Brian K<br><i>[96] Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis</i>                                                               | Index #96  |
| 12/06/2013 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[97] Notice of Motion</i>                                                                                                                                       | Index #97  |
| 12/06/2013 |  Ex Parte Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[98] (Ex Parte) Motion to Appoint Counsel</i>                                                                                                                    | Index #98  |
| 12/06/2013 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[99] Notice of Motion Motion to Waive Filing Fees for Petition for Writ of Mandamus</i>                                                                       | Index #99  |
| 12/06/2013 |  Notice of Change of Hearing<br><i>[100] Notice of Change of Hearing</i>                                                                                                                                                      | Index #100 |
| 12/13/2013 |  Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[101] Motion for Erratum, to Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis (Mailed November 24, 2013)</i>                                 | Index #101 |
| 12/18/2013 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[102] State's Response to Defendant's Petition for a Writ of Mandamus or in the Alternative Writ of Coram Nobis and Response to Motion to Appoint Counsel</i>          | Index #102 |
| 12/19/2013 |  Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[103] Motion To Supplement Petition For A Writ Of Mandamus Or, In The Alternative, Writ of Coram Nobis With A Certified Copy of J.O.C To C202793</i>                    | Index #103 |
| 12/27/2013 |  Supplement<br>Filed by: Defendant O'Keefe, Brian K<br><i>[104] Supplement of Evidence of Suicides and Self Mutilations and Mental Health Along with Ninth COA on, Namely, A Double Jeopardy Violation, Case No. 12-15271</i> | Index #104 |

# CASE SUMMARY














CASE NO. 04C202793

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 12/27/2013 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[105] Notice of Motion</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Index #105 |
| 01/07/2014 |  Notice of Rescheduling<br><i>[107] Notice Resetting Date and Time of Hearing</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Index #107 |
| 01/10/2014 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[108] Notice of Motion</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Index #108 |
| 01/10/2014 |  Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[109] Motion for Default Judgment for State's Failure to Exercise Simple Reasonable Due Diligence to "Serve" Petitioner Copy of Opposition in "Conjunction" with "Filing" with Emphasis on A.G.O. No 2002-15 (March 21, 2002)</i>                                                                                                                                                                                                                                                                                                                                                                                       | Index #109 |
| 01/28/2014 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[110] Notice of Motion</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Index #110 |
| 01/28/2014 |  Reply<br>Filed by: Defendant O'Keefe, Brian K<br><i>[111] Reply to State's Response to Defendant's Petition for a Writ of Mandamus or, in the Alternative, Writ of (Error) Coram Nobis with Affidavit Attached Manifesting Exhibits A,B,C,D to Affidavit.</i>                                                                                                                                                                                                                                                                                                                                                                                                                | Index #111 |
| 01/30/2014 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>[112] State's Opposition to Defendant's Motion for Default Judgment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Index #112 |
| 02/12/2014 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[113] Notice of Appeal</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Index #113 |
| 02/13/2014 |  Case Appeal Statement<br>Filed By: Defendant O'Keefe, Brian K<br><i>[114] Case Appeal Statement</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Index #114 |
| 02/14/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[115] Order Denying Deft's Pro Per (Ex Parte) Motion to Appoint Counsel and Deft's Pro Per Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis and Deft's Pro Per Motion to Waive Filing Fees for Petition for Writ of Mandamus and Deft's Pro Per Motion to Supplement Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis with a Certified Copy of J.O.C. to C202793 and Deft's Pro Per Supplement of Evidence of Suicides and Self Mutilations and Mental Health along with Ninth COA on Namely, a Double Jeopardy Violation, Case No - 12- 15271</i> | Index #115 |
| 02/14/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[116] Order Denying Defendant's Pro Per Motion for Default Judgment for State's Failure to Exercise Simple Reasonable Due Diligence to "Serve" Petitioner Copy of Opposition in "Conjunction" with "Filing" with Emphasis on A.G.O. No 2005-15 (March 21, 2002)</i>                                                                                                                                                                                                                                                                                                                                      | Index #116 |
| 04/15/2014 |  Petition and Order to Destroy / Dispose of Exhibits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Index #117 |

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




|            |                                                                                                                                                                                                                                                                                                                                                                                         |            |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | <i>[117] Petition and Order to Destroy or Dispose of Exhibits</i>                                                                                                                                                                                                                                                                                                                       |            |
| 06/06/2014 |  Notice of Change of Address<br>Filed By: Defendant O'Keefe, Brian K<br><i>[118] Notice of Change of Address (For all (3) Cases)</i>                                                                                                                                                                   | Index #118 |
| 09/22/2014 |  Motion for Appointment of Attorney<br>Filed By: Defendant O'Keefe, Brian K<br><i>[119] Motion for Appointment of Counsel</i>                                                                                                                                                                          | Index #119 |
| 09/22/2014 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[120] Notice of Motion (Petition)</i>                                                                                                                                                                                                  | Index #120 |
| 09/30/2014 |  Notice<br>Filed By: Defendant O'Keefe, Brian K<br><i>[121] Notice of Petition and Petition for Writ of Coram Nobis Based on Acquittal of all Felonies Which Underpinned Count 6 Burglary Thereby Court in Want of Jurisdiction with New Sentencing Judge Lacking This Knowledge and Fact!</i>         | Index #121 |
| 10/10/2014 |  Opposition to Motion<br><i>[122] State's Opposition to Defendant's Motion for Appointment of Counsel</i>                                                                                                                                                                                              | Index #122 |
| 10/20/2014 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>[123] State's Response to Defendants Petition for Writ of Coram Nobis Based on Acquittal of All Felonies Which Underpinned Count 6 Burglary Thereby Court in Want of Jurisdiction with New Sentencing Judge Lacking this Knowledge and Fact</i> | Index #123 |
| 10/24/2014 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[124] Notice of Appeal</i>                                                                                                                                                                                                   | Index #124 |
| 10/27/2014 |  Case Appeal Statement<br>Filed By: Defendant O'Keefe, Brian K<br><i>[125] Case Appeal Statement</i>                                                                                                                                                                                                 | Index #125 |
| 10/29/2014 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>[126] Order Denying Defendant's Motion for Appointment of Counsel</i>                                                                                                                                                             | Index #126 |
| 12/11/2014 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[127] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                                                                                                                                                     | Index #127 |
| 01/06/2015 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[128] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>                                                                                                                                                   | Index #128 |
| 09/24/2019 |  Notice of Change of Address<br>Filed By: Defendant O'Keefe, Brian K<br><i>[129] Notice of Change of Address - (For Three Cases Above)</i>                                                                                                                                                           | Index #129 |
| 11/19/2019 |  Notice of Change of Address<br>Filed By: Defendant O'Keefe, Brian K<br><i>[130] Notice of Change of Address</i>                                                                                                                                                                                     | Index #130 |

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

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|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 03/04/2020 |  Request<br>Filed by: Defendant O'Keefe, Brian K<br><i>[131] Request for Submission of Motion</i>                                                                     | <i>Index #131</i> |
| 01/04/2021 | Case Reassigned to Department 24<br><i>Judicial Reassignment to Judge Erika D. Ballou</i>                                                                                                                                                              |                   |
| 04/04/2022 |  Notice of Appeal (Criminal)<br>Party: Defendant O'Keefe, Brian K<br><i>[132] (Omnibus - Notice of Appeal)</i>                                                        | <i>Index #132</i> |
| 04/05/2022 |  Case Appeal Statement<br><i>[133] Case Appeal Statement</i>                                                                                                          | <i>Index #133</i> |
| 06/10/2022 |  Motion to Vacate<br>Filed By: Defendant O'Keefe, Brian K<br><i>[134] Motion to Vacate Judgment (NRS 176.555)</i>                                                     | <i>Index #134</i> |
| 06/10/2022 |  Notice of Motion<br>Filed By: Defendant O'Keefe, Brian K<br><i>[135] Notice of Motion</i>                                                                            | <i>Index #135</i> |
| 06/21/2022 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>[136] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed; Rehearing Denied</i>  | <i>Index #136</i> |
| 06/30/2022 |  Opposition to Motion<br><i>[137] State's Opposition to Motion to Vacate Judgment</i>                                                                               | <i>Index #137</i> |
| 07/13/2022 |  Order Denying Motion<br><i>[138] Order Denying Defendant's Motion to Vacate Judgment</i>                                                                           | <i>Index #138</i> |
| 07/27/2022 |  Notice of Appeal (Criminal)<br><i>[139] Notice of Appeal</i>                                                                                                       | <i>Index #139</i> |
| 07/28/2022 |  Case Appeal Statement<br><i>[140] Case Appeal Statement</i>                                                                                                        | <i>Index #140</i> |
| 01/03/2023 | Case Reassigned to Department 18<br><i>Pursuant to Administrative Order 22-14 - Reassigned to Judge Mary Kay Holthus</i>                                                                                                                               |                   |
| 02/08/2023 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>[141] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>                    | <i>Index #141</i> |
| 03/28/2023 |  Petition<br>Filed by: Defendant O'Keefe, Brian K<br><i>[142] Petition for Writ of Coram Nobis</i>                                                                  | <i>Index #142</i> |
| 05/02/2023 |  Opposition<br>Filed By: Plaintiff State of Nevada; Defendant O'Keefe, Brian K<br><i>[143] State's Opposition to Defendant's Petition for A Writ of Coram Nobis</i> | <i>Index #143</i> |
| 05/17/2023 |                                                                                                                                                                                                                                                        | <i>Index #144</i> |

# CASE SUMMARY

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|            |  Reply<br>Filed by: Defendant O'Keefe, Brian K<br><i>[144] Reply and Countermotion to Strike and Dismiss State's Opposition</i> |            |
| 06/21/2023 |  Notice of Appeal (Criminal)<br><i>[145] Notice of Appeal</i>                                                                   | Index #145 |
| 06/22/2023 |  Case Appeal Statement<br><i>Case Appeal Statement</i>                                                                          | Index #146 |
|            | <b><u>DISPOSITIONS</u></b>                                                                                                                                                                                       |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>1. ASSAULT AND BATTERY<br>Not Guilty<br>PCN: Sequence:                                                                                                       |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>2. SEXUAL ASSAULT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>2. SEXUAL ASSUALT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>3. SEXUAL ASSAULT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>3. SEXUAL ASSUALT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>4. SEXUAL ASSAULT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>4. SEXUAL ASSUALT<br>Not Guilty<br>PCN: Sequence:                                                                                                            |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>5. ATTEMPT.<br>Not Guilty<br>PCN: Sequence:                                                                                                                  |            |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)                                                                                                                                                                 |            |



# CASE SUMMARY

CASE NO. 04C202793

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

# CASE SUMMARY

CASE NO. 04C202793

Not Guilty  
PCN: Sequence:

10/28/2004 **Disposition** (Judicial Officer: User, Conversion)  
5. SEXUAL ASSUALT  
Not Guilty  
PCN: Sequence:

12/27/2004 **Disposition** (Judicial Officer: User, Conversion)  
1. ASSAULT AND BATTERY  
Guilty  
PCN: Sequence:

12/27/2004 **Disposition** (Judicial Officer: User, Conversion)

12/27/2004 **Disposition** (Judicial Officer: User, Conversion)  
6. BURGLARY.  
Guilty  
PCN: Sequence:

12/27/2004 **Disposition** (Judicial Officer: User, Conversion)

12/27/2004 **Adult Adjudication** (Judicial Officer: User, Conversion)  
1. ASSAULT AND BATTERY  
01/01/1900 (F) 200.400 (200.400)  
PCN: Sequence:

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Converted Disposition:  
Sentence# 0001: CREDIT FOR TIME SERVED

12/27/2004 **Adult Adjudication** (Judicial Officer: User, Conversion)  
6. BURGLARY.  
01/01/1900 (F) 205.060 (205.060)  
PCN: Sequence:

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Converted Disposition:  
Sentence# 0001: SUSPENDED  
Minimum 24 Months to Maximum 120 Months  
Placement: NSP  
Converted Disposition:  
Sentence# 0002: PROBATION WITH CONDITIONS  
Minimum 5 Years to Maximum 5 Years  
Converted Disposition:  
Sentence# 0003: COUNSELING PROGRAM  
Converted Disposition:  
Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS  
Amount: \$150.00  
Converted Disposition:  
Sentence# 0005: ADMINISTRATION FEE  
Amount: \$25.00

## HEARINGS

07/13/2004 **Initial Arraignment** (9:00 AM)  
*INITIAL ARRAIGNMENT Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas  
Heard By: Jackie Glass*

## MINUTES

Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Georgette Byrd Reporter/Recorder:

# CASE SUMMARY

CASE NO. 04C202793

|            |                                                                                                                                                                                                                                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Dick Kangas Heard By: Jackie Glass                                                                                                                                                                                                                                                                                  |
| 08/31/2004 | <b>Calendar Call (9:00 AM)</b><br><i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Glass, Jackie</i><br>Matter Continued; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Glass, Jackie                                                     |
| 09/02/2004 | <b>Calendar Call (9:00 AM)</b><br><i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br>Matter Heard; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass                                                           |
| 09/07/2004 | <b>CANCELED Jury Trial (10:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                             |
| 09/09/2004 | <b>Status Check (9:00 AM)</b><br><i>STATUS CHECK: TRIAL SETTING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br>Matter Heard; STATUS CHECK: TRIAL SETTING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass                                |
| 09/24/2004 | <b>Conversion Hearing Type (9:00 AM)</b><br><i>PETROCELLI HEARING Heard By: Jackie Glass</i>                                                                                                                                                                                                                        |
| 10/08/2004 | <b>Conversion Hearing Type (9:00 AM)</b><br><i>PETROCELLI HEARING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br>Matter Heard; PETROCELLI HEARING Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass                                       |
| 10/19/2004 | <b>Calendar Call (9:00 AM)</b><br><i>CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br>Matter Heard; CALENDAR CALL Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass                                                           |
| 10/22/2004 | <b>CANCELED Overflow (9:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                                |
| 10/22/2004 | <b>Minute Order (9:30 AM)</b><br><i>MINUTE ORDER RE: OVERFLOW (V) Relief Clerk: Carole D'Aloia Reporter/Recorder: Diann Prock Heard By: Stewart Bell</i><br>Matter Heard; MINUTE ORDER RE: OVERFLOW (V) Relief Clerk: Carole D'Aloia Reporter/Recorder: Diann Prock Heard By: Stewart Bell                          |
| 10/22/2004 | <b>All Pending Motions (9:31 AM)</b><br><i>MINUTE ORDER RE: TRIAL GOING TO DEPT 15 Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br>Matter Heard; MINUTE ORDER RE: TRIAL GOING TO DEPT 15 Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass |
| 10/25/2004 | <b>CANCELED Jury Trial (10:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                             |
| 10/25/2004 | <b>Jury Trial (1:30 PM)</b><br><i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i><br>Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally                                                        |

# CASE SUMMARY

CASE No. 04C202793

|            |                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/26/2004 | <p><b>Status Check (9:00 AM)</b><br/> <i>STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</i><br/> Off Calendar; STATUS CHECK: TRIAL SETTING/BACK FROM OVERFLOW Court Clerk: Georgette Byrd Reporter/Recorder: Dick Kangas Heard By: Jackie Glass</p>                                                            |
| 10/26/2004 | <p><b>Jury Trial (10:30 AM)</b><br/> <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i><br/> Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</p>                                                                                                                         |
| 10/27/2004 | <p><b>Jury Trial (8:30 AM)</b><br/> <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</i><br/> Matter Continued; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Loehrer, Sally</p>                                                                                                                          |
| 10/28/2004 | <p><b>Jury Trial (8:30 AM)</b><br/> <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i><br/> Matter Heard; TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p>                                                                                                                                |
| 11/30/2004 | <p><b>Request (8:30 AM)</b><br/> <i>STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                                                             |
| 12/01/2004 | <p><b>Request (8:30 AM)</b><br/> <i>STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i><br/> Matter Heard; STATE'S REQUEST REMAND TO CUSTODY FOR SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p>                                                             |
| 12/27/2004 | <p><b>Sentencing (8:30 AM)</b><br/> <i>SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Cheryl Gardner Heard By: Stewart Bell</i><br/> Granted; SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Cheryl Gardner Heard By: Stewart Bell</p>                                                                                                                                           |
| 02/23/2005 | <p><b>Motion (8:30 AM)</b><br/> Events: 02/11/2005 Motion for Leave to Proceed in Forma Pauperis<br/> <i>DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/16 Relief Clerk: Carole D'Aloia Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</i><br/> Granted; DEFT'S MTN TO PROCEED IN FORMA PAUPERIS/16 Relief Clerk: Carole D'Aloia Reporter/Recorder: Lisa Makowski Heard By: Sally Loehrer</p> |
| 12/28/2005 | <p><b>Motion (8:30 AM)</b><br/> Events: 12/12/2005 Motion<br/> <i>DEFT'S PRO PER MTN TO DISCHARGE COUNSEL OF APPOINTMENT /17 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                     |
| 12/28/2005 | <p><b>Motion to Clarify (8:30 AM)</b><br/> Events: 12/21/2005 Motion for Clarification<br/> <i>DEFT'S PRO PER MTN TO CLARIFY /18 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                 |
| 12/28/2005 | <p><b>All Pending Motions (8:30 AM)</b><br/> <i>ALL PENDING MOTIONS (12/28/05) Court Clerk: Theresa Lee Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i><br/> Matter Heard; ALL PENDING MOTIONS (12/28/05) Court Clerk: Theresa Lee Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>                                                                                     |
| 03/13/2006 | <p><b>Motion (8:30 AM)</b></p>                                                                                                                                                                                                                                                                                                                                                                   |


# CASE SUMMARY

CASE No. 04C202793

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|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Events: 02/27/2006 Motion<br/> <i>DEFT'S PRO PER MTN TO DISCHARGE COUNSEL /20 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i><br/>           Granted; DEFT'S PRO PER MTN TO DISCHARGE COUNSEL /20 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>                                                                                                         |
| 04/12/2006 | <p><b>CANCELED Request of Court (8:30 AM)</b><br/> <i>Vacated - Set in Error</i><br/>           Matter Heard;</p>                                                                                                                                                                                                                                                                                                                                |
| 07/03/2006 | <p><b>Motion to Compel (8:30 AM)</b><br/>           Events: 06/12/2006 Motion to Compel<br/> <i>DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Loehrer, Sally</i><br/>           Matter Continued; DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Loehrer, Sally</p>                                                     |
| 07/05/2006 | <p><b>Motion to Compel (8:30 AM)</b><br/> <i>DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i><br/>           Matter Continued; DEFT'S PRO PER MOTION TO COMPEL/22 Court Clerk: Jennifer Kimmel Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>                                                                                                          |
| 08/14/2006 | <p><b>Petition for Writ of Mandamus (8:30 AM)</b><br/>           Events: 07/19/2006 Petition for Writ of Mandamus<br/> <i>DEFT'S PRO PER PTN FOR WRIT OF MANDAMUS /23 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                            |
| 08/14/2006 | <p><b>Motion (8:30 AM)</b><br/>           Events: 07/20/2006 Motion<br/> <i>DEFT'S PRO PER MTN FOR TRANSCRIPTS AT STATE EXPENSE /24 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                                                              |
| 08/14/2006 | <p><b>Petition for Writ of Mandamus (8:30 AM)</b><br/>           Events: 07/24/2006 Petition for Writ of Mandamus<br/> <i>DEFT'S PRO PER PETITION FOR WRIT OF MANDAMUS /25 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                       |
| 08/14/2006 | <p><b>All Pending Motions (8:30 AM)</b><br/> <i>ALL PENDING MOTIONS - 8/14/06 Court Clerk: Jennifer Kimmel/jk Relief Clerk: Phyllis Irby Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</i><br/>           Matter Heard; ALL PENDING MOTIONS - 8/14/06 Court Clerk: Jennifer Kimmel/jk Relief Clerk: Phyllis Irby Reporter/Recorder: Sharon Howard Heard By: Sally Loehrer</p>                                                         |
| 10/30/2006 | <p><b>Motion (8:30 AM)</b><br/>           Events: 10/19/2006 Motion for New Trial<br/> <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i><br/>           Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p> |
| 11/13/2006 | <p><b>Motion (8:30 AM)</b><br/> <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i><br/>           Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p>                                                        |
| 12/04/2006 | <p><b>Motion (8:30 AM)</b><br/> <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</i><br/>           Matter Continued; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Loehrer, Sally</p>                                                        |

# CASE SUMMARY

CASE No. 04C202793

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 12/18/2006 | <p><b>Motion</b> (8:30 AM)<br/> <i>DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i><br/> Denied; DEFT'S PRO PER MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE/27 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</p>                                                                                                                                                                                                                                                                                                                |           |
| 04/11/2007 | <p><b>Petition for Writ of Habeas Corpus</b> (8:30 AM)<br/> Events: 02/05/2007 Petition for Writ of Habeas Corpus<br/> <i>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Tia Everett/te Relief Clerk: Melissa Swinn Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i></p> <p><b>MINUTES</b><br/>  Petition for Writ of Habeas Corpus<br/> <i>[80] Petition for Writ of Habeas Corpus (Post Conviction) N.R.S. 34.720</i><br/> Denied; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Tia Everett/te Relief Clerk: Melissa Swinn Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</p> | Index #80 |
| 01/08/2014 | <p><b>CANCELED Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Vacated</i><br/> <i>Motion for Erratum, to Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis (Mailed November 24, 2013)</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |           |
| 01/13/2014 | <p><b>Petition for Writ of Mandamus</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <b>01/13/2014, 01/29/2014</b><br/> <i>Defendant's Pro Per Petition for a Writ of Mandamus or, in the Alternative, Writ of Coram Nobis</i><br/> Matter Continued;<br/> Motion Denied;<br/> Matter Continued;<br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                      |           |
| 01/13/2014 | <p><b>Motion for Appointment of Attorney</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <b>01/13/2014, 01/29/2014</b><br/> <i>Defendant's Pro Per (Ex Parte) Motion to Appoint Counsel</i><br/> Matter Continued;<br/> Motion Denied;<br/> Matter Continued;<br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                        |           |
| 01/13/2014 | <p><b>Petition to Proceed in Forma Pauperis</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <b>01/13/2014, 01/29/2014</b><br/> <i>Defendant's Pro Per Motion to Waive Filing Fees for Petition for Writ of Mandamus</i><br/> Matter Continued;<br/> Motion Denied;<br/> Matter Continued;<br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                            |           |
| 01/13/2014 | <p><b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <b>01/13/2014, 01/29/2014</b><br/> <i>Defendant's Pro Per Motion To Supplement Petition For A Writ Of Mandamus Or, In The Alternantive, Writ of Coram Nobis With A Certified Copy of J.O.C To C202793</i><br/> Matter Continued;<br/> Motion Denied;<br/> Matter Continued;<br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                             |           |
| 01/13/2014 | <p><b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <b>01/13/2014, 01/29/2014</b><br/> <i>Defendant's Pro Per Supplement of Evidence of Suicides and Self Mutilation and Mental Health Along with Ninth COA on, Namely, A Double Jeopardy Violation, Case 12-15271</i></p>                                                                                                                                                                                                                                                                                                                                                                                          |           |

# CASE SUMMARY

CASE No. 04C202793

Matter Continued;  
Motion Denied;  
Matter Continued;  
Motion Denied;

01/13/2014



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

Matter Heard;

Journal Entry Details:

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

01/29/2014



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

Matter Heard;

Journal Entry Details:

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

02/03/2014



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

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

Motion Denied;

Journal Entry Details:

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

02/19/2014

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

*Vacated*

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

10/13/2014



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

*Defendant's Pro Se Motion for Appointment of Counsel*

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

Journal Entry Details:

# CASE SUMMARY

CASE No. 04C202793

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

10/22/2014



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

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

Journal Entry Details:

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

07/05/2022



**Minute Order** (7:00 AM) (Judicial Officer: Ballou, Erika)

Minute Order - No Hearing Held;

Journal Entry Details:

It having come to the attention of the Court that Mr. O Keefe filed the instant Motion to Vacate Judgment (NRS 176.555) on June 10, 2022, and the State of Nevada filed its opposition to said motion on June 30, 2022, and the same being scheduled for hearing on July 6, 2022. The Court, having considered all papers and pleadings, hereby DENIES the motion and VACATES the hearing scheduled for July 6, 2022. It is unclear what type of pleading Mr. O Keefe intended. There was no statutorily recognized pleading known as Motion to Vacate Judgment when the judgment is the result of a jury trial. See NRS 176.515. Mr. O Keefe cites NRS 176.555 in the motion s title this statute permits a court to correct an illegal sentence. NRS 176.555 provides that the court may correct an illegal sentence at any time. The grounds to correct an illegal sentence are narrow. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1995). A motion to correct an illegal sentence is an appropriate vehicle for raising the claim that a sentence is facially illegal at any time. Such motion cannot be used for challenging the validity of a judgment of conviction or sentence based on alleged errors at trial. Id. Here, Mr. O Keefe does not allege that his sentence is at variance with the controlling statute, that the court was acting beyond its jurisdiction, or that his sentence is in excess of the statutory maximum. Therefore, the allegations at hand are out of the narrow scope allowed in this type of motion. Here, Mr. O Keefe s sentence is within the sentencing range set by the statute. The Motion fails on this front. If Mr. O Keefe intended the instant pleading to be a post-conviction petition for writ of habeas corpus, the motion does not conform with requirements of NRS Chapter 34. Even if the motion did comply with the requirements under the NRS, it would be procedurally barred as untimely under NRS 34.726 and successive under NRS 34.810. Mr. O Keefe must demonstrate good cause and prejudice before the claims could be considered on their merits. The pleading substantively appears to be most similar to a motion to establish factual innocence as Mr. O Keefe claims to be innocent of burglary. However, the pleading does not meet the required standards of NRS 34.900-990. First and foremost, Mr. O Keefe has previously filed such a petition before the Court and it was properly denied. NRS 34.920 defines factual innocence to mean that a person did not: 1. Engage in the conduct for which he or she was convicted; 2. Engage in conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted; 3. Commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted; and 4. Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information. Here, Mr. O Keefe s claims fail again as the conviction for misdemeanor Battery could have been a predicate offense for Burglary. The applicable statute was in effect from 1995-2005. Furthermore, pursuant to NRS 176.515, a motion for a new trial based on newly discovered evidence may be made only within two years after the verdict of guilt. Mr. O Keefe s case had a jury verdict on October 28, 2004. This Motion does not comply with the NRS 176.515 requirement and also fails for this reason. Due to the aforementioned reasons, Mr. O Keefe s Motion to Vacate Judgment (NRS 176.555) is DENIED. The hearing scheduled for July 6, 2022, is hereby VACATED. The State is to prepare the order. It is so ordered. CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Brian O'Keefe #90244, P.O.Box 650, Indian Springs, NV, 89070.//rh07.05.22;

07/06/2022


**CANCELED Motion to Vacate** (9:30 AM) (Judicial Officer: Ballou, Erika)



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. 04C202793**

|                   | <p><i>Vacated</i><br/><i>Motion to Vacate Judgment</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <p>04/19/2023</p> | <p> <b>Petition</b> (9:30 AM) (Judicial Officer: Holthus, Mary Kay)</p> <p><b>04/19/2023, 05/31/2023</b></p> <p><i>Petition for Writ of Coram Nobis</i><br/>Briefing Schedule Set;<br/>Denied;<br/>Journal Entry Details:<br/><i>Deft. not present. COURT ORDERED, Petition for Writ of Coram Nobis was hereby DENIED without argument as set forth in the State's Opposition. State to prepare findings. NDC CLERK'S NOTE: A copy of the minue order mailed to: Brian O'Keefe #90244- Lovelock Correctional Center- 1200 Prison Rd. -Lovelock, NV 89419. //6-1-23/ dy;</i><br/>Briefing Schedule Set;<br/>Denied;<br/>Journal Entry Details:<br/><i>Deft. not present. Court noted matter was on for Deft.'s Petition, in which the State was served, and requested 30 days. Ms. Reeves concurred. Colloquy regarding Response. Following colloquy, COURT ORDERED, the following briefing schedule SET: State to file Response by May 17, 2023 and argument SET. NDC 5/31/23 9:30 AM ARGUMENT: PETITION FOR WRIT OF CORAM NOBIS CLERK'S NOTE: A copy of the minute order mailed to: Brian O'Keefe #90244- Lovelock Correctional Center- 1200 Prison Rd. -Lovelock, NV 89419. //4-20-23/ dy;</i></p> |                                                |
| DATE              | FINANCIAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                |
|                   | <p><b>Defendant</b> O'Keefe, Brian K</p> <p>Total Charges</p> <p>Total Payments and Credits</p> <p><b>Balance Due as of 6/22/2023</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>175.00</p> <p>0.00</p> <p><b>175.00</b></p> |

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 13, 2014**

04C202793

The State of Nevada vs Brian K O'Keefe

**January 13, 2014**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Anntoinette Naumec-Miller

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

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

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

NDC

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

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

Brian O'Keefe #90244

HDSP

P.O. Box 650

**04C202793**

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2014

04C202793

The State of Nevada vs Brian K O'Keefe

January 29, 2014

9:30 AM

All Pending Motions

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

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

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

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

NDC

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

**04C202793**

Brian O'Keefe #90244

HDSP

P.O. Box 650

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2014**

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04C202793

The State of Nevada vs Brian K O'Keefe

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

**JOURNAL ENTRIES**

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

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

NDC

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

Brian O'Keefe # 90244

HDSP

P.O. Box 650

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

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

04C202793

The State of Nevada vs Brian K O'Keefe

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

State of Nevada

Plaintiff

Thoman, Charles W.

Attorney

**JOURNAL ENTRIES**

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

NIC (COC-FED)

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



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 22, 2014**

04C202793

The State of Nevada vs Brian K O'Keefe

**October 22, 2014**

**9:30 AM**

**Petition**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Jill Chambers

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**

Heap, Hilary  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 05, 2022

04C202793

The State of Nevada vs Brian K O'Keefe

July 05, 2022

7:00 AM

Minute Order

HEARD BY: Ballou, Erika

COURTROOM: Chambers

COURT CLERK:

Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- It having come to the attention of the Court that Mr. O Keefe filed the instant Motion to Vacate Judgment (NRS 176.555) on June 10, 2022, and the State of Nevada filed its opposition to said motion on June 30, 2022, and the same being scheduled for hearing on July 6, 2022. The Court, having considered all papers and pleadings, hereby DENIES the motion and VACATES the hearing scheduled for July 6, 2022.

It is unclear what type of pleading Mr. O Keefe intended. There was no statutorily recognized pleading known as Motion to Vacate Judgment when the judgment is the result of a jury trial. See NRS 176.515. Mr. O Keefe cites NRS 176.555 in the motion s title this statute permits a court to correct an illegal sentence. NRS 176.555 provides that the court may correct an illegal sentence at any time. The grounds to correct an illegal sentence are narrow. See *Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1995). A motion to correct an illegal sentence is an appropriate vehicle for raising the claim that a sentence is facially illegal at any time. Such motion cannot be used for challenging the validity of a judgment of conviction or sentence based on alleged errors at trial. *Id.* Here, Mr. O Keefe does not allege that his sentence is at variance with the controlling statute, that the court was acting beyond its jurisdiction, or that his sentence is in excess of the statutory maximum. Therefore, the allegations at hand are out of the narrow scope allowed in this type of motion. Here, Mr. O Keefe s sentence is within the sentencing range set by the statute. The Motion fails on this front.

If Mr. O Keefe intended the instant pleading to be a post-conviction petition for writ of habeas corpus, the motion does not conform with requirements of NRS Chapter 34. Even if the motion did comply with the requirements under the NRS, it would be procedurally barred as untimely under NRS 34.726 and successive under NRS 34.810. Mr. O Keefe must demonstrate good cause and prejudice before the claims could be considered on their merits.

The pleading substantively appears to be most similar to a motion to establish factual innocence as Mr. O Keefe claims to be innocent of burglary. However, the pleading does not meet the required standards of NRS 34.900-990. First and foremost, Mr. O Keefe has previously filed such a petition before the Court and it was properly denied. NRS 34.920 defines factual innocence to mean that a person did not:

1. Engage in the conduct for which he or she was convicted;
2. Engage in conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted;
3. Commit any other crime arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted; and
4. Commit the conduct charged by the State under any theory of criminal liability alleged in the indictment or information.

Here, Mr. O Keefe's claims fail again as the conviction for misdemeanor Battery could have been a predicate offense for Burglary. The applicable statute was in effect from 1995-2005.

Furthermore, pursuant to NRS 176.515, a motion for a new trial based on newly discovered evidence may be made only within two years after the verdict of guilt. Mr. O Keefe's case had a jury verdict on October 28, 2004. This Motion does not comply with the NRS 176.515 requirement and also fails for this reason.

Due to the aforementioned reasons, Mr. O Keefe's Motion to Vacate Judgment (NRS 176.555) is DENIED. The hearing scheduled for July 6, 2022, is hereby VACATED. The State is to prepare the order. It is so ordered.

CLERK'S NOTE: This Minute Order was electronically filed by Courtroom Clerk, Ro'Shell Hurtado, to all registered parties for Odyssey File & Serve: Mailed to: Brian O'Keefe #90244, P.O.Box 650, Indian Springs, NV, 89070.//rh07.05.22

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 19, 2023**

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04C202793

The State of Nevada vs Brian K O'Keefe

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**April 19, 2023****9:30 AM****Petition****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Connie Coll**REPORTER:****PARTIES****PRESENT:**Reeves, Taylor Renee  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Deft. not present. Court noted matter was on for Deft.'s Petition, in which the State was served, and requested 30 days. Ms. Reeves concurred. Colloquy regarding Response. Following colloquy, COURT ORDERED, the following briefing schedule SET: State to file Response by May 17, 2023 and argument SET.

NDC

5/31/23 9:30 AM ARGUMENT: PETITION FOR WRIT OF CORAM NOBIS

CLERK'S NOTE: A copy of the minute order mailed to: Brian O'Keefe #90244- Lovelock Correctional Center- 1200 Prison Rd. -Lovelock, NV 89419. // 4-20-23/ dy

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 31, 2023**

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04C202793

The State of Nevada vs Brian K O'Keefe

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**May 31, 2023****9:30 AM****Petition****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Ofelia Abrego**REPORTER:****PARTIES****PRESENT:**Jefferson, Tianna A  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Deft. not present. COURT ORDERED, Petition for Writ of Coram Nobis was hereby DENIED without argument as set forth in the State's Opposition. State to prepare findings.

NDC

CLERK'S NOTE: A copy of the minue order mailed to: Brian O'Keefe #90244- Lovelock Correctional Center- 1200 Prison Rd. -Lovelock, NV 89419. //6-1-23/ dy

States

EXHIBITS

CASE NO. 202793

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

States

EXHIBITS

CASE NO. C202793

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









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

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

**DATE: June 22, 2023**  
**CASE: 04C202793**

**RE CASE:** STATE OF NEVADA vs. BRIAN KERRY OKEEFE

NOTICE OF APPEAL FILED: June 21, 2023

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

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



Case Appeal Statement

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



Order



Notice of Entry of Order

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBIT LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

BRIAN KERRY OKEEFE,

Defendant(s).


Case No: 04C202793

Dept No: XVIII

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 22 day of June 2023.

Steven D. Grierson, Clerk of the Court

  
Cierra Borum, Deputy Clerk