

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHAEL VILLANI, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 89798

FILED

APR 17 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

* This is a pro se original petition for writ relief challenging the district court's jurisdiction to enter a judgment of conviction. Petitioner Brian Kerry O'Keefe styles the petition as seeking a "writ of error." Given that the petition challenges a judgment of conviction, we treat it as a postconviction petition for a writ of habeas corpus. *

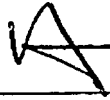
A postconviction petition for a writ of habeas corpus must comply with the procedural requirements set forth in NRS Chapter 34, including being filed in the district court in the first instance.¹ See NRS 34.738(1). In filing the petition with this court, O'Keefe has failed to comply with the provisions governing a postconviction challenge to a judgment of conviction. "[T]his court will not exercise its original jurisdiction to consider

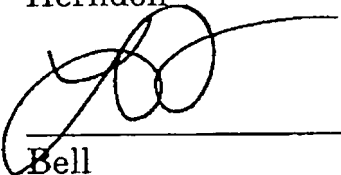
¹We express no opinion whether O'Keefe can satisfy the procedural requirements for a postconviction habeas petition considering that remittitur issued on direct appeal on July 23, 2013. *O'Keefe v. State*, No. 61631, 2013 WL 1501038 (Nev. Apr. 10, 2013) (Order of Affirmance).

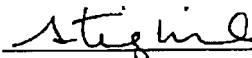
a writ petition in a criminal case raising claims that could or should have been raised in an appeal or in an appropriate post-conviction proceeding in the district court." *Hosier v. State*, 121 Nev. 409, 411, 117 P.3d 212, 213 (2005).

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Chief Judge, Eighth Judicial District Court
Brian Kerry O'Keefe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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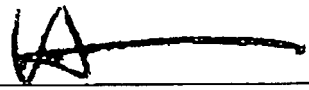
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

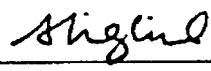
ORDER DENYING REHEARING

Rehearing denied. NRAP 40(a),(h).

It is so ORDERED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Michael Villani, District Judge
Brian Kerry O'Keefe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**