

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,  
Petitioner,

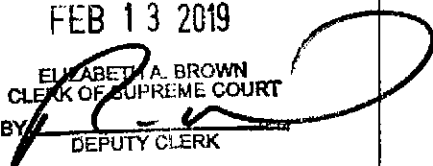
vs.

NEVADA BOARD OF PAROLE  
COMMISSIONERS; CHRISTOPHER  
DERRICO, CHAIRMAN; AND DARLA  
FOLEY, EXECUTIVE SECRETARY,  
Respondents.

No. 77300-COA

**FILED**


FEB 13 2019

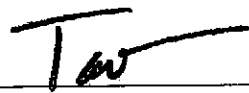
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

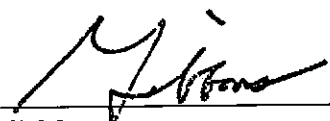
*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges the Nevada Board of Parole Commissioners' denial of parole for Brian Kerry O'Keefe. O'Keefe asserts the Board applied an inapplicable aggravating factor when considering him for parole and relied upon that aggravating factor when denying him parole. O'Keefe seeks an order directing the Board to reverse and vacate its order denying parole and directing the Board to conduct a new parole hearing. We are not satisfied this court's intervention by way of extraordinary relief is warranted at this time. Because O'Keefe's claim involves issues of fact, he should seek relief in the district court in the first instance. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, A.C.J.  
Douglas

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Brian Kerry O'Keefe  
Attorney General/Dep't of Public Safety/Carson City