

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85098-COA

FILED

JAN 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brian Kerry O'Keefe appeals from an order of the district court denying a motion to correct an illegal sentence filed on June 10, 2022.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his motion, O'Keefe claimed the State had admitted certain facts regarding the crimes in various filings; the Nevada Supreme Court's decision affirming the district court's denial of his postconviction petition for a writ of habeas corpus was erroneous; he was denied due process and equal protection under the law; he was subject to continuing collateral consequences; his conviction for misdemeanor battery could not legally support his burglary conviction; and he was factually innocent of burglary.

O'Keefe's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence.² *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without

¹O'Keefe's motion was titled "motion to vacate judgment (NRS 176.555)."

²To the extent O'Keefe attempts to raise new claims on appeal, we decline to consider them in the first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).

considering the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

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