



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

INDICATE FULL CAPTION:

FEB 11 2009

NORMAN KEITH FLOWERS aka NORMAN
HAROLD FLOWERS, III,No. 53159TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

Appellant,

vs.

DOCKETING STATEMENT
CRIMINAL APPEALS

THE STATE OF NEVADA,

Respondent.

(Including appeals from pretrial and
post-conviction rulings and other
requests for post-conviction relief)

GENERAL INFORMATION

- Judicial District EIGHTH County CLARK
Judge KATHY HARDCASTLE District Ct. Docket No. C228755
- If the defendant was given a sentence,
(a) what is the sentence?

COUNT 1: MAXIMUM OF 120 MONTHS WITH A MINIMUM PAROLE OF 48 MONTHS;
COUNT 2: LIFE WITHOUT THE POSSIBILITY OF PAROLE (CONSECUTIVE TO CT.1)
COUNT 3: LIFE WITHOUT THE POSSIBILITY OF PAROLE WITH A MINIMUM PAROLE
ELIGIBILITY OF 120 MONTHS (CONSECUTIVE TO CT.2);
761 DAYS CREDIT FOR TIME SERVED

(b) has the sentence been stayed pending appeal? NO

(c) was defendant admitted to bail pending appeal? NO

- Was counsel in the district court appointed X or retained _____

- Attorney filing this docketing statement:

Attorney DAVID M. SCHIECK Telephone (702)455-6265
Firm Clark County Special Public Defender's Office
Address 330 S. Third St., Suite 800
Las Vegas, Nevada 89155
Client(s) Appellant

Is appellate counsel appointed XX or retained _____?

RECEIVED

FEB 11 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

09-03653

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

6. Attorney(s) representing respondent(s):

Attorney David Roger Telephone (702)455-4741
Firm Clark County District Attorney's Office
Address 200 Lewis Ave., 3rd Floor
Las Vegas, Nevada 89155
Client(s) The State of Nevada

Attorney Catherine Cortez-Mastos Telephone (775)687-3538
Firm Nevada Attorney General's Office
Address 100 N. Carson Street
Carson City, NV 89701
Client(s) The State of Nevada

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

<input checked="" type="checkbox"/> Judgment after bench trial	Grant of pretrial habeas
Judgment after jury verdict	Grant of motion to suppress evidence
Judgment upon guilty plea	
Grant of pretrial motion to dismiss	
Parole/Probation revocation	Post-conviction habeas (NRS ch. 34)
Motion for new trial	grant denial
grant denial	Other disposition (specify)
Motion to withdraw guilty plea	
grant denial	

8. Does this appeal raise issues concerning any of the following:

death sentence
X life sentence

juvenile offender
pretrial proceedings

9. **Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes _____

No xxx

10. **Pending and prior proceedings in this court:** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

NONE

11. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

State filed a Motion to Clarify the Sentence. The hearing was held on 1/29/2009. The Court corrected the Judgement of Conviction to read COUNT 3: LIFE WITH THE POSSIBILITY OF PAROLE WITH A MINIMUM PAROLE ELIGIBILITY OF 120 MONTHS (CONSECUTIVE TO CT.2) (emphasis added). The Amended Judgement of Conviction has not been filed and Appellant will be filing a Notice of Appeal from said sentence to be consolidated with this appeal.

12. **Nature of action:** Briefly describe the nature of the action and the result below:

Flowers was charged with Burglary, Murder, Sexual Assault and Robbery. The State filed a Notice of Intent to Seek the Death Penalty. After a jury trial, the jury found Flowers guilty of Burglary, Murder and Sexual Assault but Not Guilty of Robbery. Flowers was sentenced to Life Without Parole for Count 2 (Murder) and Life with the Possibility of Parole for Count 3 (Sexual Assault).

The Judgement of Conviction stated Life Without the Possibility of Parole for Count 3 and at a hearing on January 29, 2009 the Court corrected the sentence but the Amended Judgement of Conviction has not been filed yet.

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

1. Denial of defendant's motion to prevent the introduction of other bad acts.
2. The Court did not allow proposed instructions on Manslaughter.
3. The State was allowed to admit a portion of defendant's statement; the Court did not allow defendant to publish the full statement.
4. The Court erroneously admitted unreliable hearsay evidence during the penalty phase.
5. Detective Long was allowed to give improper commentary" regarding the veracity of a witness.

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A xx

Yes _____

No _____

If not, explain

15. **Issues of first-impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes _____ No xx

Public interest: Yes _____ No xx

16. **Length of trial.** If this action proceeded trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

8 days TRIAL AND PENALTY HEARING

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes xx No _____

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from JANUARY 13, 2009

19. Date of entry of written judgment or order appealed JANUARY 16, 2009

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court N/A

(a) Was service by delivery _____ or by mail _____.

21. If the time for filing the notice of appeal was tolled by a post-judgment motion: N/A

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment _____	Date filed _____
New trial _____	Date filed _____
(Newly discovered evidence)	
New trial _____	Date filed _____
(other grounds)	

The State filed a Motion to Clarify sentence and the Judgement of Conviction was amended to read Life "With" on Count 3 and not Life "Without". There has been no Amended Judgement of Conviction filed yet.

(b) Date of entry of written order resolving motion _____

22. Date notice of appeal filed January 26, 2009

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) <u>xx</u> _____	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

NORMAN FLOWERS

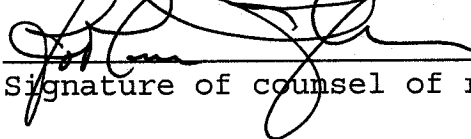
Name of Appellant

1/9/09

Date

JONELL THOMAS

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 9th day of February, 2009, I served a copy of this completed docketing statement upon all counsel of record:

by personally serving it upon him/her; or

by mailing it by first class mail with sufficient postage prepaid to the following address(es): District Attorney's Office, 200 Lewis Ave., Las Vegas NV 89155; Nevada Attorney General's Office 100 N. Carson Street, Carson City NV 89701-4717

Dated this 9 day of February, 2009.


KATHLEEN FITZGERALD

Special Public Defender's Office