

1 NOAS
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3 SPECIAL PUBLIC DEFENDER
4 Nevada Bar No. 0824
5 RANDALL H. PIKE
6 Deputy Special Public Defender
7 Nevada Bar No. 1940
8 CLARK W. PATRICK
9 Deputy Special Public Defender
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11 330 South Third Street, Ste. 800
12 Las Vegas, NV 89155-2316
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17 Attorneys for Defendant

FILED
FEB 20 3 03 PM '09
Ed [Signature]
CLERK OF THE COURT

Electronically Filed
Feb 23 2009 02:43 p.m.
Tracie K. Lindeman

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,
13 Plaintiff,

14 vs.

15 NORMAN FLOWERS,
16 Defendant.

CASE NO. C228755
DEPT. NO. IV
DOCKET NO. N/A

17 AMENDED NOTICE OF APPEAL

18 DATE: N/A
19 TIME: N/A


20 TO: THE STATE OF NEVADA, Plaintiff;
21 TO: DAVID ROGER, DISTRICT ATTORNEY; and
22 TO: DEPARTMENT IV OF THE EIGHTH JUDICIAL DISTRICT COURT
23 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

24 NOTICE is hereby given Defendant NORMAN FLOWERS, presently incarcerated in the
25 Nevada State Prison, appeals to the Supreme Court of the State of Nevada from his conviction
26 and sentence entered from his trial in this matter. (Amended Judgement of Conviction (Jury
27
28

1 Trial) was filed on February 12, 2009).¹

2 DATED this 19th day of February, 2009.


3 DAVID M. SCHIECK
4 CLARK COUNTY SPECIAL PUBLIC DEFENDER

5 
6 JONALL THOMAS
7 DEPUTY SPECIAL PUBLIC DEFENDER
8 NEVADA BAR #4771
9 330 S. THIRD ST., STE. 800
10 LAS VEGAS, NEVADA 89155-2316
11 (702) 455-6265

12 **CERTIFICATE OF MAILING**

13 The undersigned employee with the Clark County Special Public Defender's Office,
14 hereby certifies that on the 19th day of February, 2009, a copy of the Amended Notice of Appeal
15 was deposited in the United States mail at Las Vegas, Nevada, enclosed in a sealed envelope
16 upon which first class postage was fully prepaid, addressed to District Attorney's Office, 200
17 Lewis Ave., 3rd Floor, Las Vegas NV 89155; the Nevada Attorney General's Office, 100 N.
18 Carson, Carson City, NV 89701; and Norman Flowers, No. 1179383, Clark County Detention
19 Center, 330 S. Casino Center Blvd., Las Vegas NV 89101, that there is a regular communication
20 by mail between the place of mailing and the place so addressed.

21 DATED: 2/19, 2009.

22 
23 KATHLEEN FITZGERALD
24 An employee of The Special Public Defender

25 ¹Judgement of Conviction (Jury Trial) was filed on January 16, 2009. The Notice of Appeal
26 was filed on January 26, 2009. Due to a clerical error in the Judgement of Conviction, the District
27 Attorney's Office requested a hearing to clarify Mr. Flowers sentence and correct the Judgement of
28 Conviction. This appeal is from the Amended Judgement of Conviction.

DATE: 02/23/09
CASE NO. 06-C-228755-C

I N D E X

TIME 10:30 AM
JUDGE: Hardcastle, Kathy

STATE OF NEVADA

[] vs Flowers III, Norman H

[]

0001 D1 Norman H Flowers III

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	12/13/06	IND	/(GRAND JURY) INDICTMENT Fee \$0.00				
0002	12/13/06	ARRN	/INITIAL ARRAIGNMENT	0001		12/20/06	
0003	12/13/06	HEAR	/GRAND JURY INDICTMENT	0001	BW	12/13/06	
0004	12/13/06	BNCH	/NO BAIL BENCH WARRANT ISSUED	0001	QU	12/13/06	
0005	12/13/06	ORDR	/ORDER OF INTENT TO FORFEIT	0001		12/13/06	
0006	12/13/06	WARR	/INDICTMENT WARRANT	0001		12/13/06	
0007	12/19/06	BNCH	/BENCH WARRANT RETURN /05	0001	GR	12/20/06	
0008	12/20/06	MOT	/ALL PENDING MOTIONS	0001		12/20/06	
0009	12/20/06	CALC	/CALENDAR CALL (#3) (VJ 2/5/07)	0001	VC	02/13/07	
0010	12/20/06	JURY	/TRIAL BY JURY (#3) (VJ 2/5/07)	0001	VC	02/20/07	
0011	12/26/06	REQT	/NOTICE OF MOTION AND MOTION TO CONSOLIDATE	0001	SH	01/17/07	
0012	12/26/06	MOT	/STATE'S MTN TO CONSOLIDATE WITH C216032/9 Vj 1-8-07	0001	VC	01/17/07	
0013	01/02/07	OPPS	/OPPOSITION TO STATES MOTION TO CONSOLIDATE	0001			
0014	01/08/07	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 1	0001		12/05/06	
0015	01/08/07	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 2	0001		12/13/06	
0016	01/11/07	NISD	/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0017	01/23/07	MOT	/DEFT'S MTN IN LIMINE PRECLUDE EVID OF OTHER BAD ACTS/MTN TO CONFIRM COUNSEL/10	0001	MH	02/05/07	
0018	01/25/07	ROC	/RECEIPT OF COPY	0001		01/05/07	
0019	02/05/07	OCAL	/STATUS CHECK: TRANSCRIPT	0001	MH	02/13/07	
0020	02/05/07	OCAL	/STATUS CHECK: DISCOVERY	0001	OC	10/04/07	
0021	02/05/07	CALC	/CALENDAR CALL	0001	RS	11/20/07	
0022	02/05/07	JURY	/TRIAL BY JURY (VJ 11-15-07)	0001	VC	11/26/07	
0023	02/02/07	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF	0001			Y
			OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL				
0024	02/13/07	MOT	/DEFT'S MOTION TO SUPPRESS	0001	MT	04/13/07	
0025	03/01/07	NOEV	/NOTICE OF EXHIBITS IN THE VAULT			03/01/07	
0026	08/18/07	ASSG	/Reassign Case From Judge Mosley To Judge Bell				
0027	10/04/07	MOT	/PD'S MTN TO WITHDRAW AS COUNSEL /16	0001	DN	10/17/07	
0028	10/04/07	ROC	/RECEIPT OF COPY	0001		10/04/07	
0029	10/16/07	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW AS ATTORNEY OF RECORD	0001			
0030	10/30/07	ORDR	/EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS	0001		10/30/07	
0031	11/02/07	TRAN	/REPORTER'S TRANSCRIPT OF STATUS CHECK DISCOVERY	0001		10/04/07	
0032	11/02/07	NOTC	/NOTICE OF EXPERT WITNESSES	0001		11/02/07	
0033	11/05/07	MOT	/STATE'S MTN TO CLARIFY /17	0001	GP	11/15/07	
0034	11/06/07	OPPS	/OPPOSITION TO STATES MTN FOR CLARIFICATION OF COURTS RULING	0001		11/07/07	

(Continued to page 2)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0035	11/07/07	ROC	/RECEIPT OF COPY EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS	0001			
0036	11/07/07	TRAN	/REPORTER'S TRANSCRIPT ARRAIGNMENT BENCH WARRANT RETURN	0001		12/20/06	
0037	11/08/07	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		12/13/06	
0038	11/09/07	NOTC	/NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001			
0039	11/20/07	HEAR	/PETROCELLI HEARING (VR 5-21-08)	0001	VC	05/23/08	
0040	11/20/07	CALC	/CALENDAR CALL	0001	MH	09/11/08	
0041	11/20/07	JURY	/TRIAL BY JURY (VJ 9-11-08)	0001	VC	09/15/08	
0042	11/28/07	TRAN	/REPORTER'S TRANSCRIPT DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF	0001		02/05/07	Y
OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL							
0043	01/02/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		03/30/07	
0044	01/02/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		02/13/07	
0045	02/14/08	ORDR	/STIPULATION AND ORDER	0001		02/14/08	
0046	03/25/08	ORDR	/STIPULATION AND ORDER TO RE SET PETROCELLI HEARING	0001		03/25/08	
0047	03/28/08	NOTC	/NOTICE OF ENTRY OF ORDER TO RESET PETROCELLI HEARING	0001		03/28/08	
0048	06/24/08	MOT	/DEFT'S MTN FOR MEDICAL TREATMENT & TRANSPORTATION	0001	GR	07/07/08	
0049	06/24/08	ROC	/RECEIPT OF COPY	0001		06/24/08	
0050	06/30/08	MOT	/DEFT'S MTN TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY	0001	DN	07/10/08	
0051	06/30/08	ROC	/RECEIPT OF COPY	0001		06/30/08	
0052	07/07/08	OPPS	/OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY	0001			
0053	07/15/08	ROC	/RECEIPT OF COPY	0001		07/15/08	
0054	07/21/08	MOT	/DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23	0001	DN	08/01/08	
0055	07/21/08	ROC	/RECEIPT OF COPY	0001		07/21/08	
0056	07/23/08	HEAR	/PETROCELLI HEARING	0001	DN	08/01/08	
0057	07/24/08	MOT	/DEFT'S MTN TO DISMISS /MTN IN LIMINE RE DNA EVIDENCE/25	0001	DN	08/01/08	
0058	07/24/08	ROC	/RECEIPT OF COPY	0001		07/24/08	
0059	08/01/08	MOT	/ALL PENDING MOTIONS 8-1-08	0001		08/01/08	
0060	07/30/08	TRAN	/REPORTER'S TRANSCRIPT CALENDAR CALL			11/20/07	
0061	07/30/08	TRAN	/REPORTER'S TRANSCRIPT PUBLIC DEFENDERS MOTION TO WITHDRAW AS ATTORNEY OF	0001		10/17/07	Y
RECORD							
0062	07/30/08	ORDR	/ORDER DENYING DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE	0001		07/30/08	Y
DEATH PENALTY							
0063	07/30/08	TRAN	/REPORTER'S TRANSCRIPT STATES MOTION FOR CLARIFICATION OF COURTS RULING	0001			
0064	07/30/08	BREF	/BENCH BRIEF	0001		08/01/08	
0065	08/01/08	OPPS	/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO ADMIT EVIDENCE OF	0001			Y
CONTENTS OF CRIME STOPPERS REPORT							
0066	08/18/08	NWEW	/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001			

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0067	08/21/08	MOT	/DEFT'S MTN FOR INDIVIDUAL & SEQUESTERED VOIR DIRE /27	0001	OC	09/08/08	
0068	08/21/08	ROC	/RECEIPT OF COPY	0001		08/21/08	
0069	08/22/08	NWEW	/NOTICE OF DEFENDANTS EXPERT WITNESS	0001			
0070	08/26/08	TRAN	/RECORDER'S TRANSCRIPT PETROCELLI HEARING AND ALL PENDING MOTIONS	0001		08/01/08	
0071	08/26/08	TRAN	/RECORDER'S TRANSCRIPT DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY	0001		07/10/08	Y
0072	08/26/08	TRAN	/RECORDER'S TRANSCRIPT DEFENDANTS MOTION FOR MEDICAL TREATMENT AND	0001		07/07/08	
0073	08/28/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		04/13/08	
0074	09/11/08	OCAL	/FURTHER PROCEEDINGS: STIPULATED CONSOLIDATION	0001	MH	09/15/08	
0075	09/11/08	CALC	/CALENDAR CALL	0001	MH	10/09/08	
0076	09/11/08	JURY	/TRIAL BY JURY (VH 10/9/08)	0001	VC	10/13/08	
0077	09/10/08	TRAN	/REPORTER'S TRANSCRIPT OF ALL PENDING MOTIONS	0001		07/31/08	
0078	09/10/08	NWEW	/NOTICE OF DEFENDANTS WITNESSES	0001			
0079	09/16/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS CALENDAR CALL	0001		09/11/08	
0080	09/16/08	TRAN	/REPORTER'S TRANSCRIPT OF FURTHER PROCEEDINGS STIPULATED	0001		09/15/08	Y
0081	09/19/08	NWEW	/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0082	09/19/08	NWEW	/SUPPLEMENTAL NOTICE OF WITNESSES	0001		09/19/08	
0083	09/25/08	ORDR	/ORDER GRANTING MTN FOR MEDICAL FEES AND COSTS AND ORDER GRANTING MTN TO	0001	HG	07/07/08	Y
0084	09/29/08	MOT	/DEFT'S MTN TO RECONSIDER DEFT'S MTN IN LIMINE /31	0001	DN	10/15/08	
0085	09/29/08	SUPP	/SUPPLEMENTAL NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	0001			
0086	09/30/08	ROC	/RECEIPT OF COPY	0001		09/30/08	
0087	10/02/08	NWEW	/SUPPLEMENTAL NOTICE OF DEFENDANTS WITNESSES	0001			
0088	10/09/08	MOT	/ALL PENDING MOTIONS - 10/9/08	0001		10/09/08	
0089	10/09/08	JURY	/TRIAL BY JURY	0001	MH	10/24/08	
0090	10/09/08	ORDR	/ORDER TO TRANSPORT INMATE WITNESS	0001		10/09/08	
0091	10/09/08	TRAN	/REPORTER'S TRANSCRIPT OF CALENDAR CALL	0001		10/09/08	
0092	10/09/08	ORDR	/ORDER TO TRANSPORT INMATE WITNESS	0001		10/09/08	
0093	10/15/08	TRB	/TRIAL BEGINS	0001			
0094	10/15/08	NWEW	/SUPPLEMENTAL NOTICE OF WITNESSES	0001			
0095	10/15/08	IND	/AMENDED (GRAND JURY) INDICTMENT	0001		10/15/08	
0096	10/16/08	TRAN	/REPORTER'S TRANSCRIPT OF JURY VOIR DIRE	0001		10/15/08	
0097	10/16/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME 1-A	0001		10/15/08	
0098	10/16/08	JLST	/DISTRICT COURT JURY LIST	0001			
0099	10/17/08	TRAN	/REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 2-A	0001		10/16/08	
0100	10/17/08	TRAN	/REPORTER'S TRANSCRIPT OF JURY TRIAL	0001		10/16/08	
0101	10/20/08	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL	0001		10/17/08	

(Continued to page 4)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0102	10/20/08	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 3-B	0001			10/17/08	
0103	10/20/08	ORDR/ORDER	0001			10/20/08	
0104	10/20/08	ORDR/ORDER TO TRANSPORT INMATE WITNESS	0001			10/20/08	
0105	10/21/08	INST/DEFENDANTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	0001				
0106	10/21/08	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 4-A	0001			10/20/08	
0107	10/21/08	JLST/AMENDED DISTRICT COURT JURY LIST	0001				
0108	10/22/08	TRAN/REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 5	0001			10/21/08	
0109	10/22/08	JMNT/VERDICT (COUNTS 1 2 3)	0001			10/24/08	
0110	10/22/08	JMNT/VERDICT (COUNT 4)	S			10/24/08	
0111	10/21/08	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL	0001			10/20/08	
0112	10/24/08	SENT/SENTENCING	0001			01/13/09	
0113	10/24/08	TRE /TRIAL ENDS	0001				
0114	10/23/08	TRAN/REPORTER'S TRANSCRIPT OF VERDICT - VOLUME 6	0001			10/22/08	
0115	10/22/08	INST/INSTRUCTIONS TO THE JURY INSTRUCTION NO 1	0001				
0116	10/27/08	NOEV/NOTICE OF EXHIBITS IN THE VAULT				10/15/08	
0117	10/24/08	TRAN/REPORTER'S TRANSCRIPT OF PENALTY PHASE - VOLUME 7-A	0001			10/23/08	
0118	10/24/08	TRAN/REPORTER'S TRANSCRIPT OF PENALTY HEARING	0001			10/23/08	
0119	10/23/08	REQT/MOTION TO BIFURCATE PENALTY PHASE	0001				
0120	10/24/08	VER /SPECIAL VERDICT MITIGATING CIRCUMSTANCES	0001			10/24/08	
0121	10/24/08	JMNT/VERDICT (COUNT 2 SENTENCE)	0001			10/28/08	
0122	10/24/08	JMNT/SPECIAL VERDICT (COUNT 2)	0001			10/28/08	
0123	10/27/08	TRAN/REPORTER'S TRANSCRIPT OF PENALTY PHASE - VOLUME 8	0001			10/24/08	
0124	10/24/08	INST/INSTRUCTIONS TO THE JURY	0001				
0125	10/30/08	MOT /DEFT'S MTN FOR NEW TRIAL /35	0001	DN		11/12/08	
0126	10/30/08	ROC /RECEIPT OF COPY	0001			10/30/08	
0127	11/10/08	OPPS/STATES OPPOSITION TO DEFTS MTN FOR NEW TRIAL	0001	SH		11/12/08	
0128	11/18/08	ORDR/ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL	0001	HG		11/12/08	
0129	12/28/08	ASSG/Reassign Case From Judge Bell To Judge Hardcastle					
0130	01/16/09	TRAN/RECORDER'S TRANSCRIPT OF HEARING REGARDING SENTENCING	0001				
0131	01/16/09	JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001			01/21/09	
0132	01/16/09	JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0001			01/21/09	
0133	01/26/09	CASO/CASE (RE)OPENED				01/26/09	
0134	01/26/09	HEAR/STATES REQUEST CLARIFICATION ON THE SENTENCE	0001			01/29/09	
0135	01/26/09	NOAS/NOTICE OF APPEAL (SC 53159)	0001	AP			
0136	01/26/09	STAT/CASE APPEAL STATEMENT	0001				
0137	01/30/09	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATES REQUEST CLARIFICATION	0001				Y
ON THE SENTENCE - HEARD 1-29-09							

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0138	02/12/09	JMNT/AMENDED JUDGMENT OF CONVICTION	0001		02/13/09	
0139	02/12/09	TRAN/RECORDER'S TRANSCRIPT OF MTN FOR NEW TRIAL - HEARD 11-12-08	0001			
0140	02/17/09	TRAN/RECORDER'S TRANSCRIPT OF STATES REQUEST - CLARIFICATION ON THE SENTENCE - HEARD	0001			Y
01-29-09						

JOC

FILED

2009 FEB 12 A 7 19

DISTRICT COURT
CLARK COUNTY, NEVADA

E. J. Smith
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

-vs-

NORMAN KEITH FLOWERS
aka Norman Harold Flowers III
#1179383

Defendant.

CASE NO. C228755

DEPT. NO. IV

AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 - MURDER (Category A Felony) in violation of NRS 200.010, 200.030, COUNT 3 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 4 - ROBBERY (Category B Felony) in violation of NRS 200.380; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - BURGLARY ((Category B Felony) in violation of NRS 205.060, COUNT 2 - FIRST DEGREE MURDER (Category A Felony) in violation of NRS 200.010, 200.030, COUNT 3 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 4 - FOUND NOT GUILTY; thereafter, on the 13TH day of January, 2009, the Defendant was present in court for sentencing with his counsel, RANDY

1 PIKE, Deputy Special Public Defender and CLARK PATRICK, Deputy Special Public
2 Defender, and good cause appearing,

3 THE DEFENDANT WAS ADJUDGED guilty of said offenses and, in addition to
4 the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including
5 testing to determine genetic markers, the Defendant was SENTENCED to the Nevada
6 Department of Corrections (NDC) as follows: AS TO COUNT 1 - TO A MAXIMUM of
7 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of
8 FORTY-EIGHT (48) MONTHS; AS TO COUNT 2 - TO LIFE WITHOUT THE
9 POSSIBILITY OF PAROLE, to run CONSECUTIVE to COUNT 1; AS TO COUNT 3 -
10 TO LIFE WITHOUT THE POSSIBILITY OF PAROLE with a MINIMUM Parole Eligibility
11 of ONE HUNDRED TWENTY (120) MONTHS, to run CONSECUTIVE to COUNT 2;
12 with SEVEN HUNDRED SIXTY-ONE (761) DAYS credit for time served.

13 THEREAFTER, on the 29th day of January, 2009, the Defendant appeared in
14 court with his counsel, CLARK W. PATRICK, Special Deputy Public Defender, and
15 pursuant to the State's request for clarification of the sentence, and good cause
16 appearing to amend the Judgment of Conviction; now therefore,

17 IT IS HEREBY ORDERED that the Defendant's sentence be amended to reflect:
18 AS TO COUNT 3 - TO LIFE WITH THE POSSIBILITY OF PAROLE with a MINIMUM
19 Parole Eligibility of ONE HUNDRED TWENTY (120) MONTHS, to run CONSECUTIVE
20 to COUNT 2.

21 DATED this 10th day of February, 2009

22 
23 KATHY HARDCASTLE
24 DISTRICT JUDGE
25 

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA vs Flowers III, Norman H

12/13/06 01:30 PM 00 GRAND JURY INDICTMENT

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Sandra Anderson, Relief Clerk
Paula Walsh, Reporter/Recorder

PARTIES: STATE OF NEVADA
 006700 Jorgenson, Catherine
 005056 Luzaich, Elissa

N
Y
Y

Mary Jane Burkhalter, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 06AGJ103X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C228755, Department II. Mr. Jorgenson requested warrant issued. Arguments by Ms. Luzaich regarding no bail. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL. Exhibit(s) 1-2 lodged with Clerk of District Court. Matter set for initial arraignment.

B.W.

12-20-06 3:00 PM INITIAL ARRAIGNMENT

12/20/06 03:00 PM 00 ALL PENDING MOTIONS

HEARD BY: Kevin V Williams, Hearing Master; Dept. AA

OFFICERS: Connie Gleason, Court Clerk
Lore Vanderbusse/lv, Relief Clerk
Kiara Schmidt, Reporter/Recorder

PARTIES: STATE OF NEVADA
 009877 Nance, Aaron M.

 0001 D1 Flowers III, Norman H
 006168 Whipple, Bret O.

Y
Y

Y
Y

ARRAIGNMENT...BENCH WARRANT RETURN

DEFT. FLOWERS ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. FURTHER ORDERED, bench warrant QUASHED.

CUSTODY

02/13/07 9:00 AM CALENDAR CALL (DEPT XIV)

02/20/07 1:30 PM JURY TRIAL (DEPT XIV)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 001

02/05/07 09:00 AM 00 DEFT'S MTN IN LIMINE PRECLUDE EVID OF
OTHER BAD ACTS/MTN TO CONFIRM COUNSEL/10

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Maureen Schorn, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Flowers III, Norman H	Y
	009451 Patrick, Clark W.	Y

Mr. Pike advised the Special Public Defender's Office is willing to take on this case. Ms. Luzaich stated Mr. Whipple had appeared, however, he has not been appointed and there is no need to do so. Defendant's family would need to pay for Mr. Whipple if they want him to represent Defendant. Ms. Luzaich advised they are trying to consolidate this case with the one in Dept. 6 wherein Mr. Pike and Mr. Patrick represent Defendant. Further, this is a 250 case and Mr. Pike and Mr. Patrick are 250 qualified. Mr. Whipple should not be appointed because Defendant can not get along with his attorneys. Following colloquy, Court directed Defendant to get along with his attorneys and that Mr. Pike and Mr. Patrick from the Special Public Defender's Office are APPOINTED. As they can not be ready for trial in two weeks, COURT ORDERED, trial date VACATED and RESET with a status check date 60 days prior to calendar call for discovery. Mr. Pike advised they have not received the Grand Jury Transcript yet either. At request of counsel, COURT ORDERED, matter set for status check next week as to the transcript.

CUSTODY

2/13/07 9:00 AM STATUS CHECK: TRANSCRIPT

9/20/07 9:00 AM STATUS CHECK: DISCOVERY

11/20/07 9:00 AM CALENDAR CALL (#2)

11/26/07 1:30 PM JURY TRIAL (#2)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 002

02/13/07 09:00 AM 00 STATUS CHECK: TRANSCRIPT

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Linda Skinner, Court Clerk
Joe D'Amato, Reporter/Recorder

PARTIES: STATE OF NEVADA

008213 Nyikos, Noreen

0001 D1 Flowers III, Norman H

SPD Special Public Defender

001940 Pike, Randall H.

009451 Patrick, Clark W.

Y

Y

Y

Y

Y

Y

Mr. Patrick advised they have received the transcript and the matter needs to be set for a hearing on the Motion to Suppress. Upon Court's inquiry, Mr. Pike advised they want to exclude any information coming out of the Dept. 6 case into this trial. Following additional colloquy, COURT ORDERED, matter set for hearing on Motion to Suppress.

CUSTODY

3/30/07 9:00 AM DEFT'S MOTION TO SUPPRESS

03/30/07 09:00 AM 00 DEFT'S MOTION TO SUPPRESS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Kathy Klein, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES: STATE OF NEVADA

005056 Luzaich, Elissa

0001 D1 Flowers III, Norman H

SPD Special Public Defender

000824 Schieck, David M.

Y

Y

Y

Y

Y

At request of counsel, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 04/13/07 09:00 AM 01

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 003

04/13/07 09:00 AM 01 DEFT'S MOTION TO SUPPRESS

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: Katherine Streuber, Relief Clerk
Joe D'Amato, Reporter/Recorder

PARTIES: STATE OF NEVADA

005056 Luzaich, Elissa

0001 D1 Flowers III, Norman H

SPD Special Public Defender

001940 Pike, Randall H.

009451 Patrick, Clark W.

Y

Y

Y

Y

Y

Y

Court inquired whether it should be suppressed if there was successful prior bad acts and questioned why this case was not consolidated for trial. Ms. Luzaich advised they were under the impression that Judge Bonaventure was going to consolidate them and when the Motion to Consolidate was filed, it was denied. Mr. Pike advised the Motion to suppress was filed due to the death penalty and Deft. had invoked his right to speedy trial and requested these cases be tried separately as they are not related. Mr. Pike further advised if these cases were consolidated there would be prejudice and it would not benefit the State to have them consolidated. Ms. Luzaich noted DNA had been found and was excluded. State further noted a Clark County Detention Center informant testified that Deft. stated he had participated in the crimes. Mr. Patrick argued these cases are not similar and that is reason they were not consolidated. Argument by State. Parties advised Judge Bonaventure has the lower case number however, Judge Villani will be taking his case load. Court advised Judge Villani will have to make the determination of consolidation and ORDERED, motion MOOT and parties to place on calendar in front of appropriate Court. Trial date STANDS.

CUSTODY

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA vs Flowers III, Norman H
CONTINUED FROM PAGE: 004

10/04/07 09:00 AM 01 STATUS CHECK: DISCOVERY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Sandra Anderson, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
006639	Fattig, John T	Y
0001 D1	Flowers III, Norman H	N
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

COURT ORDERED, matter OFF CALENDAR.

10/17/07 08:30 AM 00 PD'S MTN TO WITHDRAW AS COUNSEL /16

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y

Court advised he spoke with Mr. Pike and co-counsel in chambers. Court advised there is a potential conflict of interest in this case. It has not ripened into a conflict as yet, but it may. Court stated he believes they are good to go forward at this time and Mr. Pike may put a motion back on calendar if it becomes a legitimate conflict. COURT ORDERED, motion DENIED; trial date STANDS.

CUSTODY (COC)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 005

11/15/07 08:30 AM 00 STATE'S MTN TO CLARIFY /17

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

Court advised he is not sure if this is a request for reconsideration of the consolidation or the ruling on the Petrocelli Hearing. Ms. Weckerly advised the Petrocelli Hearing. Court inquired why they are not entitled to a Petrocelli Hearing on bad acts. Colloquy. COURT ORDERED, motion GRANTED to the extent he will have a Petrocelli Hearing, however, that does not mean he will admit the bad acts. Colloquy regarding the length of the hearing. Mr. Patrick advised they have some experts they want to call for the Petrocelli Hearing and they will be requesting a continuance. Ms. Weckerly advised they can do the hearing just before trial. COURT ORDERED, trial date VACATED, however, the Calendar Call date will STAND to set a new trial date and set the Petrocelli Hearing; counsel to confer as to a date.

CUSTODY (COC)

11/20/07 09:00 AM 00 CALENDAR CALL

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

Colloquy regarding a trial date and Petrocelli Hearing. COURT ORDERED, matter set for trial.

CUSTODY (COC)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 006

2-15-08 9:00 AM PETROCELLI HEARING

9-11-08 8:30 AM CALENDAR CALL

9-15-08 9:30 AM JURY TRIAL

07/07/08 08:30 AM 00 DEFT'S MTN FOR MEDICAL TREATMENT &
TRANSPORTATION

HEARD BY: JOSEPH BONAVENTURE, Senior Judge; Dept. VJ46

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y

Mr. Pike advised the jail has approved it but has not taken Deft. down there. Ms. Weckerly submitted to the Court's discretion. Court stated he believes Deft. Flowers should be transported and ORDERED, motion GRANTED. Mr. Pike to prepare the order with a certain time limit in which Deft. is to be transported.

CUSTODY (COC)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 007

07/10/08 08:30 AM 00 DEFT'S MTN TO STRIKE NOTICE OF INTENT TO
SEEK THE DEATH PENALTY

HEARD BY: JOSEPH BONAVENTURE, Senior Judge; Dept. VJ46

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Flowers III, Norman H	N
	SPD Special Public Defender	Y
	000824 Schieck, David M.	Y
	001940 Pike, Randall H.	Y

Deft. Flowers not present. Mr. Pike argued it is all circumstantial evidence and there is the potential for a wrongful conviction. Ms. Weckerly argued this is not a recognized legal basis for striking it. Further arguments by counsel. COURT ORDERED, motion DENIED.

CUSTODY (COC)

07/31/08 08:30 AM 00 DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE
OF CRIME STOPPERS REPORT /23

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009492 Albritton, Alicia A.	Y
	0001 D1 Flowers III, Norman H	Y

Court advised he spoke with counsel yesterday and they requested this motion be continued to tomorrow with the other motions. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 08/01/08 09:15 AM 01

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 008

08/01/08 09:15 AM 00 ALL PENDING MOTIONS 8-1-08

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	001940 Pike, Randall H.	Y
	009451 Patrick, Clark W.	Y

State's Opposition to Deft's Motion in Limine to Admit Evidence of Contents of Crime Stoppers Report FILED IN OPEN COURT. Kristina Paulette sworn and testified. Mr. Pike advised they have no witnesses and advised the Court has been provided the transcripts and has read the testimony; he would just like to make an offer of proof and argue. Mr. Pike argued they went and interviewed the jail snitches that testified and their statements changed at that time.

PETROCELLI HEARING...Court stated Department 11 apparently granted the bad acts and said they could come in. Ms. Luzaich advised Judge Gonzalez said the bad acts were relevant and were admitted. Court stated the State is asking to admit evidence from the Coote and Gonzales cases. Ms. Luzaich concurred and argued it goes to intent and absence of mistake or accident. This crime was a violent sexual assault and there was semen present which would not normally be present as the victim was actively involved in a lesbian relationship. Mr. Patrick argued there is zero probative value and argued there is no evidence Coote was drowned in the tub that was full of water. Coote was manually strangled and Gonzales was a ligature strangulation; Quarles was drowned. Mr. Patrick argued it is a de facto joinder and the joinder was previously denied. Ms. Luzaich argued, if the defense brings in consent in any way, she believes that allows the State to bring in Gonzales. Mr. Patrick argued George Dunlap is a career snitch that makes a living getting out of trouble by snitching and got ahold of Deft. Flowers' discovery while at CCDC. Further arguments by counsel. Court FINDS the Coote case is sufficiently similar in nexus and time and the DNA is 100 per cent. As to the rape and killing of Ms. Coote, there is clear and convincing evidence a crime occurred and Deft. Flowers did it. It is relevant to both intent and identity in the killing in this case and the probative value outweighs the prejudice. The similarities between Coote and Quarles WILL BE ALLOWED. However, as to the killing of Ms. Gonzales, the evidence this Deft. did it is barely clear and convincing, it has marginal relevance as to intent or identity and the prejudice outweighs the probative value. The Gonzales case will NOT be allowed.

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CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 009

DEFT'S MOTION IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT...Mr. Pike argued it is an anonymous third party that they cannot find. Court advised the information given to police by an anonymous call has zero inherent credibility. Colloquy. After seeing the report, COURT ORDERED, motion DENIED.

DEFT'S MOTION TO DISMISS / MOTION IN LIMINE RE DNA EVIDENCE...Ms. Luzaich advised she was never served this motion, she pulled it off the computer. Mr. Pike advised, after filing the motion, he received notice of a ruling in California that addresses the cold hit issue. Colloquy regarding procedure. COURT ORDERED, motion DENIED.

10:33 A.M.--Hearing concluded.

CUSTODY (COC)

09/08/08 08:30 AM 00 DEFT'S MTN FOR INDIVIDUAL & SEQUESTERED
VOIR DIRE /27

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

Mr. Pike advised they are moving to take the matter off calendar. Colloquy. COURT ORDERED, matter OFF CALENDAR.

CUSTODY (COC)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA vs Flowers III, Norman H
CONTINUED FROM PAGE: 010

09/11/08 08:30 AM 00 CALENDAR CALL

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Cheryl Carpenter, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006955 Di Giacomo, Marc P.	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	001940 Pike, Randall H.	Y
	009451 Patrick, Clark W.	Y
	006168 Whipple, Bret O.	Y

Mr. Pike advised, on August 12, the State obtained the name of another witness which they provided to the defense, however, it affects the defense's ability to be ready for trial. Further, counsel, Deft. Flowers and Judge Gonzalez met and have reached a stipulation regarding the conjoining of Deft's two cases for trial and being heard before this Court. Mr. Pike requested a continuance to Monday as all counsel have not yet signed the stipulation. Colloquy. COURT ORDERED, trial date VACATED AND RESET; matter CONTINUED to Monday for further proceedings regarding the stipulation. Court advised counsel this trial will go forward in October. Mr. Whipple advised Deft. cannot see and they have set aside monies for Deft. to have an eye exam and obtain glasses, however, CCDC has not transported him yet. Court suggested counsel speak with the Lieutenant at the jail or with the provider and arrange a time.

CUSTODY (COC)

9-15-08 8:30 AM FURTHER PROCEEDINGS: STIPULATED CONSOLIDATION

10-9-08 8:30 AM CALENDAR CALL

10-13-08 9:30 AM JURY TRIAL

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 011

09/15/08 08:30 AM 00 FURTHER PROCEEDINGS: STIPULATED
CONSOLIDATION

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
006168	Whipple, Bret O.	Y
009451	Patrick, Clark W.	Y

Mr. Pike advised they have gone over the stipulation with everyone, however, Deft. Flowers does not want conjoined trials. Mr. Pike requested to keep the trial date in this case. Ms. Luzaich advised she may file a motion to reconsider consolidation. Court advised he did not find both of the other cases were cross-admissible, only one, and advised he will not force Deft. to try them together. Colloquy. COURT ORDERED, trial date STANDS. Court advised he has no objection if Deft. changes his mind as long as Ms. Luzaich is noticed and has time to prepare. Ms. Luzaich advised she intends to prepare as if the cases are being tried together.

CUSTODY (COC)

10/09/08 08:30 AM 00 ALL PENDING MOTIONS - 10/9/08

HEARD BY: Sally Loehrer, Judge; Dept. 15

OFFICERS: Jennifer Kimmel, Court Clerk
Mary Beth Cook, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
009219	Watson, Michael J.	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
009451	Patrick, Clark W.	Y
001940	Pike, Randall H.	Y

DEFENDANT'S MOTION TO RECONSIDER THE RULING ON DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER BAD ACTS...CALENDAR CALL

Regarding Deft's Motion to reconsider. COURT ORDERED, matter is CONTINUED and shall be heard before the trial starts.

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 012

Regarding the Calendar Call, Mr. Watson advised Ms. Weckerly and Mr. Kephart will be trial counsel. COURT NOTED, they are not present to advise the Court how much time is needed for Trial or the number of witnesses. COURT NOTED Deft's counsel will call six witnesses, one being from Out of State and should matter go into the penalty phase they have eight witnesses, two being from Out of State. COURT ORDERED, TRIAL DATE RESET - FIRM and shall commence at 9:30 A.M..

CUSTODY (COC)

10/15/08 9:30 A.M. DEFT'S MOTION TO RECONSIDER THE RULING ON DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER BAD ACTS//TRIAL BY JURY

10/15/08 09:30 AM 01 DEFT'S MTN TO RECONSIDER DEFT'S MTN IN
LIMINE /31

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tia Everett / Susan Jovanovich /sj, Relief Clerk
Joanna Orduno, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
009451	Patrick, Clark W.	Y
001940	Pike, Randall H.	Y

Matter argued and submitted. Court stated his findings and ordered, Motion DENIED.

CUSTODY (COC)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA vs Flowers III, Norman H
CONTINUED FROM PAGE: 013

10/15/08 09:30 AM 00 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tia Everett/te, Relief Clerk
Joana Orduna/Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

PROSPECTIVE JURORS PRESENT:

Voir dire. Jury selected and sworn. Clerk read the Amended Indictment to the jury and stated the Defendant's plea thereto.

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify .

Court recessed for the evening.

CONTINUED TO: 10/16/08 09:30 AM 01

10/16/08 09:30 AM 01 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tia Everett/te, Relief Clerk
Joana Orduna/Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

JURY PRESENT:

Opening statements by counsel. Testimony and exhibits presented. (See worksheets.)

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 014

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Pike informed the Court it has come to the State's attention from the victim's advocate she observed a witness speaking to a juror on a break. State provided the note from the advocate to the Court. Witness Quines Toney sworn. Upon Court's inquiry of the witness, Ms. Toney advised the Court she did not speak to the juror and her friend spoke to the juror and only asked how she became a juror. Counsel advised they were satisfied with the witnesses testimony.

JURY PRESENT:

Further testimony and exhibits presented. (See worksheets.)

Court recessed for the evening.

CONTINUED TO: 10/17/08 09:30 AM 02

10/17/08 09:30 AM 02 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tia Everett/te, Relief Clerk
Joana Orduna/Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006163	Weckerly, Pamela C.	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

JURY PRESENT:

Further testimony and exhibits presented. (See worksheets.)

Court recessed for the evening.

CONTINUED TO: 10/20/08 09:30 AM 03

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA vs Flowers III, Norman H
CONTINUED FROM PAGE: 015

10/20/08 09:30 AM 03 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tia Everett/te, Relief Clerk
Joana Orduna/Renee Silvaggio, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006163 Weckerly, Pamela C.	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	001940 Pike, Randall H.	Y
	009451 Patrick, Clark W.	Y

OUTSIDE THE PRESENCE OF THE JURY:

Jury instructions settled.

JURY PRESENT:

Further testimony and exhibits presented (see worksheet). Jury instructed.

Court recessed for the evening.

CONTINUED TO: 10/21/08 09:30 AM 04

10/21/08 09:30 AM 04 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd/th, Court Clerk
Susan Jovanovich, Relief Clerk
JoAnn Orduna, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	001940 Pike, Randall H.	Y
	009451 Patrick, Clark W.	Y

9:25 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Pike advised he submitted a clean copy of Deft. Flowers' voluntary statement that is not to go to the Jury but has been marked as a proposed exhibit. 9:29 a.m.--Jury present. Further testimony and exhibits presented. (See worksheets.) Closing

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 016

arguments by counsel. 12:41 p.m.--Jury retired to deliberate.

4:45 P.M.--Court admonished the Jury and excused them for the evening, to return at 9:30 a.m. tomorrow morning.

CUSTODY (COC)

CONTINUED TO: 10/22/08 09:30 AM 05

10/22/08 09:30 AM 05 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
JoAnn Orduna, Reporter/Recorder

PARTIES: STATE OF NEVADA
005056 Luzaich, Elissa
006163 Weckerly, Pamela C.

0001 D1 Flowers III, Norman H
SPD Special Public Defender
001940 Pike, Randall H.
009451 Patrick, Clark W.

Y
Y
Y
Y
Y
Y
Y

9:30 A.M.--Jury retired to continue deliberations.

1:36 P.M.--Court reconvened with all present as before. Jury returned with VERDICTS as follow:

- COUNT 1 - GUILTY of BURGLARY (F);
- COUNT 2 - GUILTY of FIRST DEGREE MURDER (F);
- COUNT 3 - GUILTY of SEXUAL ASSAULT (F);
- COUNT 4 - NOT guilty.

Jury polled at request of Mr. Pike; 12 affirmed. Court thanked the Jury. Court admonished the Jury and excused them for the day, to return at 10:00 a.m. tomorrow morning to commence the penalty phase of trial. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding jury instructions. Court advised Deft. of his right to take the stand and make an unsworn statement and the guidelines for such statement. Deft. Flowers acknowledged.

Mr. Pike advised he forgot to make a record regarding Detective Long's statements regarding people cooperating with the investigation though he did approach the bench and make an objection. Mr. Pike made his record. Court advised counsel timely approached the bench and made a timely objection and the record is preserved.

Mr. Pike advised, in order to save time tomorrow, the State is going to bring in certified copies of prison records and he would object to them as hearsay. Court advised hearsay is allowed in these type of hearings. Colloquy. COURT ORDERED, OBJECTION OVERRULED. In reference to the prior violent Felonies, Mr. Pike objected to those on the basis of due process and

CONTINUED ON PAGE: 018

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 017

the narrowing parameters of Witherspoon. In reference to the other arrests and Misdemeanors, Mr. Pike argued it is not appropriate to bring in anything other than violent Felonies. Court advised, under the law, the State can put in any of these.

2:00 P.M.--Court adjourned.

CUSTODY (COC)

CONTINUED TO: 10/23/08 10:00 AM 06

10/23/08 10:00 AM 06 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd/th, Court Clerk
Susan Jovanovich, Relief Clerk
JoAnn Orduna - A.m. / Renee Silvaggio - P., Reporter/R

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	001940 Pike, Randall H.	Y
	009451 Patrick, Clark W.	Y

9:55 A.M.--PENALTY HEARING--OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding jury instructions. Deft's Motion to Bifurcate Penalty Phase FILED IN OPEN COURT. Court advised Deft. he can be sworn and make a statement and it would still be limited, however, if he is sworn, the State may cross-examine. Deft. Flowers acknowledged. 10:03 a.m.--Jury present. Opening statements by Ms. Weckerly and Mr. Patrick. Testimony and exhibits presented. (See worksheets.) 12:02 p.m.--Jury admonished and excused for lunch, to return at 1:00 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding remaining witnesses. Ms. Weckerly provided the Court with a copy of the Redeker case. Colloquy regarding whether the Arson is a violent crime and therefore an aggravator. As to his motion regarding hearsay, Mr. Pike stated he understands hearsay is admissible but moved for a mistrial regarding hearsay that is continuing to come in. COURT ORDERED, DENIED. Court stated he would be surprised if the Supreme Court extends that to this case. Deft. Flowers has a number of violent crimes that are years old and, if Crawford is applied, it would tie the State's hands and not present an accurate picture of Deft's past. Court advised the State was able to articulate that Deft. confessed in the other cases and that would be admissible. Further colloquy. 12:11 p.m.--Court adjourned for lunch.

1:05 P.M.--OUTSIDE THE PRESENCE OF THE JURY, Ms. Weckerly advised she has not found a case on point regarding allowing victim impact testimony

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 018

pertaining to a victim from another case. Colloquy. COURT ORDERED, that witness will NOT be allowed to testify, only victim impact statements as they relate to the victim in this case for which Deft. Flowers has been found guilty. 1:07 p.m.--Jury present. Further testimony and exhibits presented. Conference at the bench. Court advised how they will proceed from here. 3:45 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:10 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding the Redeker case and whether Arson is a violent Felony. Court stated he believes it is situational and depends on whether the Deft. intended to hurt people. Jury Instructions settled on the record. 4:02 p.m.--Court adjourned.

CUSTODY (COC)

CONTINUED TO: 10/24/08 09:10 AM 07

10/24/08 09:10 AM 07 TRIAL BY JURY

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
JoAnn Orduna, Reporter/RecorderPARTIES: STATE OF NEVADA
005056 Luzaich, Elissa
006163 Weckerly, Pamela C.0001 D1 Flowers III, Norman H
SPD Special Public Defender
001940 Pike, Randall H.
009451 Patrick, Clark W.Y
Y
Y
Y
Y
Y
Y

9:03 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Court advised he informed Deft. of his rights to allocution yesterday. Upon Court's inquiry, Deft. Flowers advised he understands his options. 9:09 a.m.--Jury present. Further testimony and exhibits presented. (See worksheets.) Statement in allocution by Deft. Flowers. Court instructed the Jury. Closing arguments by counsel. 11:45 a.m.--Jury retired to deliberate.

12:54 P.M.--Court reconvened with all present as before. Jury returned with a VERDICT of LIFE IN NEVADA STATE PRISON WITHOUT THE POSSIBILITY OF PAROLE as to Count 2. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, matter set for sentencing; Deft. Flowers to REMAIN IN CUSTODY WITHOUT BAIL pending sentencing. Court adjourned.

CUSTODY (COC)

12-9-08 8:30 AM SENTENCING

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 019

11/12/08 08:30 AM 00 DEFT'S MTN FOR NEW TRIAL /35

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
009158	Rachiele, Andrea M.	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y
009451	Patrick, Clark W.	Y

COURT ORDERED, motion DENIED for the same reasons as set forth when the bad acts motion was heard.

CUSTODY (COC)

12/09/08 08:30 AM 00 SENTENCING

HEARD BY: Stewart L. Bell, Judge; Dept. 7

OFFICERS: Tina Hurd, Court Clerk
Renee Vincent, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Flowers III, Norman H	Y
SPD	Special Public Defender	Y
001940	Pike, Randall H.	Y

Court advised P&P needs until January 13 to complete the PSI report and ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 01/13/09 09:00 AM 01

CRIMINAL COURT MINUTES

06-C-228755-C STATE OF NEVADA

vs Flowers III, Norman H

CONTINUED FROM PAGE: 020

01/13/09 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Trujillo, Court Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	009451 Patrick, Clark W.	Y
	001940 Pike, Randall H.	Y

COURT ADJUDGED DEFT. FLOWERS GUILTY OF CT I - BURGLARY (F); CT II - FIRST DEGREE MURDER (F) and CT III - SEXUAL ASSAULT (F). Statements by Deft. and counsel. Debra Quarles, mother of victim, sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED as to CT I - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to CT II - to LIFE IN PRISON (NDC) WITHOUT THE POSSIBILITY OF PAROLE CONSECUTIVE TO CT I; CT III - to LIFE in PRISON (NDC) WITHOUT THE POSSIBILITY OF PAROLE, with a minimum parole eligibility of 120 MONTHS to run CONSECUTIVE to CT II, with 761 DAYS CREDIT for time served.

NDC

01/29/09 09:00 AM 00 STATES REQUEST CLARIFICATION ON THE SENTENCE

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: Denise Trujillo, Court Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Flowers III, Norman H	Y
	SPD Special Public Defender	Y
	009451 Patrick, Clark W.	Y

COURT ORDERED, SENTENCE CORRECTED to reflect on CT III - Deft. is SENTENCED to LIFE WITH THE POSSIBILITY OF PAROLE. Amended JOC to be prepared.

CUSTODY (COC)

02/23/09
CASE NO. 06-C-228755-C

E X H I B I T S

10:30 AM
CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Flowers III, Norman H

[]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	PG	/GRAND JURY EXHIBITS (2)		/	03/01/07	V
0002	P1-50	/1-50 PHOTOS		AD/NO	10/16/08	V
0003	P51-90	/51-90 PHOTO		AD/ST	10/17/08	V
0004	P91-10	/91- 108 PHOTOS		AD/OB	10/16/08	V
0005	P109-	/109- 123 PHOTO		AD/NO	10/16/08	V
0006	P124	/PHONE REC OF SHEILA QUARLES		AD/ST	10/17/08	V
0007	P125	/TIME SHEET OF G BRASS FRM WAL-MART		AD/NO	10/17/08	V
0008	P126	/PHOTO		AD/NO	10/20/08	V
0009	P127	/AERIAL MAP		AD/NO	10/20/08	V
0010	P128	/PHOTO		AD/NO	10/20/08	V
0011	P129	/PHOTO		AD/NO	10/20/08	V
0012	P130	/PHOTO		AD/NO	10/20/08	V
0013	P131	/PHOTO LINE-UP		AD/NO	10/20/08	V
0014	P133	/SPREADSHEET		AD/NO	10/20/08	V
0015	P134	/SPREADSHEET		AD/NO	10/20/08	V
0016	P135	/MIRANDA RIGHTS CARD		AD/NO	10/20/08	V
0017	P136	/STEREO MANUAL		AD/NO	10/20/08	V
0018	P137	/SPREADSHEET		AD/NO	10/20/08	V
0019	P138	/CHILD DETAIL RPT		AD/NO	10/20/08	V
0020	P139	/LG COLOR PHOTO		AD/NO	10/21/08	V
0021	P140	/140- 142 PHOTO		AD/NO	10/21/08	V
0022	P143	/PHOTO (GONZALES CRIME SCENE)		AD/NO	10/23/08	V
0023	P144	/144- 155 PHOTO		AD/NO	10/23/08	V
0024	P156	/JOC C109523		AD/NO	10/23/08	V
0025	P157	/JOC C109622		AD/NO	10/23/08	V
0026	P158	/JOC C110585		AD/NO	10/23/08	V
0027	P159	/LG COLOR PHOTO		AD/ST	10/23/08	V
0028	P160	/LG COLOR PHOTO		AD/ST	10/23/08	V
0029	DA	/PHOTO		AD/OB	10/17/08	V
0030	DB	/PHOTO		AD/OB	10/17/08	V
0031	DC	/PHOTO		/	99/99/99	V
0032	DD	/PHOTO		AD/OB	10/17/08	V
0033	DE	/PHOTO		/	99/99/99	V
0034	DF	/PHOTO		/	99/99/99	V
0035	DG	/JOC C228820 A CULVERSON		AD/NO	10/17/08	V
0036	DH	/JOC C229146 A CULVERSON		AD/NO	10/17/08	V
0037	DI	/CHILD DETAIL RPT		AD/OB	10/20/08	V
0038	DJ	/VOL STMNT OF NORMAN "KEITH" FLOWERS		/	99/99/99	V
0039	DK	/CD- VIDEO		AD/NO	10/23/08	V
0040	DL	/PHOTO		AD/NO	10/23/08	V
0041	DM	/PHOTO		AD/NO	10/23/08	V
0042	DN	/PHOTO		AD/NO	10/23/08	V
0043	DO	/PHOTO		AD/NO	10/24/08	V
0044	DP	/PHOTO		AD/NO	10/24/08	V
0045	DQ	/PHOTO		AD/NO	10/24/08	V
0046	DR	/PHOTO		AD/NO	10/24/08	V
0047	DS	/PHOTO		AD/NO	10/24/08	V
0048	DT	/PHOTO		AD/NO	10/24/08	V
0049	DU	/PHOTO		AD/NO	10/24/08	V
0050	DV	/PHOTO		AD/NO	10/24/08	V
0051	DW	/PHOTO		AD/NO	10/24/08	V
0052	DX	/PHOTO		AD/NO	10/24/08	V

02/23/09
CASE NO. 06-C-228755-C

E X H I B I T S

10:30 AM
CASE STATUS: CLOSED

STATE OF NEVADA

[] vs Flowers III, Norman H

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0053	DY	/PHOTO		AD/NO	10/24/08	V
0054	PZ	/PHOTO		AD/NO	10/24/08	V
0055	DAA	/PHOTO		/	99/99/99	V
0056	DBB	/PHOTO		/	99/99/99	V
0057	DCC	/PHOTO		/	99/99/99	V
0058	DDD	/PHOTO		/	99/99/99	V
0059	DEE	/PHOTO		/	99/99/99	V
0060	DFE	/PCKT OF SM PHOTOS (12)		AD/NO	10/23/08	V
0061	PCT1	/JURY QUEST FOR WTNSS LARRY SIMMS A + A		AD/	10/16/08	V
0062	PCT2	/JUROR QUEST FOR WTNSS D QUARTES A + A		AD/	10/16/08	V
0063	PCT3	/JUROR QUEST FOR WTNSS R LEWIS A+A		AD/	10/16/08	V
0064	PCT4	/JUROR QUEST FOR WTNSS R LEWIS A+A		AD/	10/16/08	V
0065	PCT5	/JUROR QUEST FOR WITNESS J VACCARO		AD/	10/16/08	V
0066	PCT6	/JUROR QUEST FOR WTNSS J VACCARO		AD/	10/16/08	V
0067	PCT7	/NTE FRM VCTM ADVCTE		AD/	10/16/08	V
0068	PCT8	/JUROR QUEST FOR L SINNS		AD/	10/16/08	V
0069	PCT9	/JUROR QUEST FOR C GREEN A		AD/	10/17/08	V
0070	PCT10	/JUROR QUEST FOR DAN LONG		AD/	10/17/08	V
0071	PCT11	/JUROR QUEST FOR GEORGE BRASS		AD/	10/17/08	V
0072	PCT12	/JUROR QUEST FOR G SHERWOOD		AD/	10/20/08	V
0073	PCT13	/JUROR QUEST FOR G SHERWOOD		AD/	10/20/08	V
0074	PCT14	/JUROR QUEST FOR K PAULETTE		AD/	10/20/08	V
0075	PCT15	/JUROR QUEST FOR R QUARLES		AD/	10/21/08	V

Certification of Copy

State of Nevada } **SS:**
County of Clark }

I, Edward A. Friedland, 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):

AMENDED NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES;
AMENDED JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES;
EXHIBITS LIST

STATE OF NEVADA.

Plaintiff(s),

vs.

NORMAN FLOWERS.

Defendant(s),

Case No: C228755

Dept No: IV

now on file and of record in this office.

IN WITNESS THEREOF, I have hercunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of February 2009.

Edward A. Friedland, Clerk of the Court

Heather Lofquist, Deputy Clerk