## ORIGINAL

1	IN THE SUPREME COURT OF THE STATE OF NEVADA
2	
3	NORMAN K. FLOWERS, Case No. <u>52733</u> 53/59
4	Appellant, (Dist. Ct. No. C228755)
5	vs. { FILED
6	THE STATE OF NEVADA, MAY 2 1 2009
7	Respondent.  TRACIE K. LINDEMAN CLERK OF SUPPEME COURT
8	BY S. Young
9	MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX
10	COMES NOW, Appellant, NORMAN K. FLOWERS, by and through his attorneys,
11	DAVID M. SCHIECK, Special Public Defender and JONELL THOMAS, Deputy Special
12	Public Defender, and moves this Court for an Order granting an extension of time of ninety
13	(90) days to file Appellant's Opening Brief and Appendix up to and including August 25,
14	2009.
15	This Motion is made and based upon NRAP 31, and the Declaration attached hereto.
16	DATED this 194 day of December, 200%.
17	SUBMITTED BY: DAVID M. SCHIECK
18	SPECIAL PUBLIC DEFENDER
19	To the second se
20	JoWell THOMAS Deputy Special Public Defender
<ul><li>21</li><li>22</li></ul>	330 S. Third St., Std. 800 Las Vegas, Nevada 89155 702-455-6265
22	Attorney for Appellant
24	STATEMENT OF FACTS
25	This appeal was docketed in the Nevada Supreme Court on January 27, 2009. The
σ 26	Opening Brief is due May 27, 2009. Appellant is requesting an extension of 90 days, up to
270	and including Angust 25, 2009, to file his Opening Brief and Appendix.
28	MAY 2 1 2009
`	TRACIE K. LINDEMAN GLERK OF BUPREME COURT DEPUTY GLERK  1 09-12644

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1	POINTS AND AUTHORITIES
2	NRAP 31 states in pertinent part as follows:
3	"RULE 31. FILING AND SERVICE OF BRIEFS
5	(a) Time for Serving and Filing Briefs. Unless otherwise specified in these or any other court rules, briefs shall be filed in accordance with the schedule set forth in this Rule.
6	
7	(1) All Appeals Except Child Custody, Visitation, or Capital Cases. The appellant shall serve and file the opening brief within one hundred and twenty (120) days after the date on which the appeal is docketed in the Supreme
8	CourtBy written stipulation timely filed with the Supreme Court, the parties may extend the time for filing any brief for a total of thirty (30) additional days
10	unless the court otherwise orders (see Rule 26(d)). Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored, and will be considered only on motion for good cause clearly shown,
11	or ex parte in cases of extreme and unforeseeable emergency"
12	CONCLUSION
13	An extension of time of 90 days is requested to file Appellant's Opening Brief, up to
14	and including August 25, 2009.
15	DATED this 19th day of May, 2009.
16	SUBMITTED BY: DAVID M. SCHIECK
17	SPECIAL PUBLIC DEFENDER
18	Hollan D
19	JONELL THOMAS / Nevada Bar No. 4771
20	330 S. Third St., Ste( 800 Las Vegas, Nevada 89155
21	702-455-6265 Attorney for Appellant
22	Attorney for Appenant
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## 11 **DECLARATION OF JONELL THOMAS** 2 JONELL THOMAS, hereby declares as follows: That I am an attorney duly licensed to practice law in the State of Nevada, and the 3 4 Deputy Special Public Defender assigned to handle Mr. Flowers's appeal. 5 That I am also assigned to handle an Opening Brief in the Ninth Circuit in Harrison v. <u>U.S.</u> which has set an expedited briefing schedule of June 2, 2009. In addition, I have to complete out-of-state mitigation investigation prior to the end of the County fiscal year of June 7 30, 2009 in Valdez adv. State; and have obligations in numerous other cases (I am currently 9 counsel in seven capital cases and nine other complex cases). That Flowers's Opening Brief is due May 27, 2009 and I am requesting a 90-day 10 extension. 11 I declare that I make this request in good faith and not for purposes of delay. 12 13 14 **LTHOMAS** 15 CERTIFICATE OF MAILING 16 day of May, 2009. I, KATHLEEN FITZGERALD, do hereby certify that on the 17 I did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and 18 foregoing Motion, enclosed in a sealed envelope upon which first class postage was fully 19 prepaid, addressed to the following: Clark County District Attorney, 200 Lewis Ave., 3rd 20 Floor, Las Vegas NV 89155; and Nevada Attorney General, 100 N. Carson St., Carson City 21 NV 89701-4717. 22 23 24 employee of the Special Public 25 26 27

28