1	IN THE SUPREME COURT OF	THE STATE OF NEVADA
2		
3	NORMAN K. FLOWERS,) Case No. 53159
4	Appellant,) (Dist. Ct. No. C228755)
5	vs.)
6	THE STATE OF NEVADA,))
7	Respondent.) Electronically Filed) Aug 24 2009 04:01 p.m. Tracie K. Lindeman
8	SECOND MOTION FOR EX	
9	FILE APPELLANT'S OPENING	
10	COMES NOW, Appellant, NORMAN K	. FLOWERS, by and through his attorneys,
11	DAVID M. SCHIECK, Special Public Defender	r and JONELL THOMAS, Deputy Special
12	Public Defender, and moves this Court for an Ord	er granting an extension of time of forty-five
13	(45) days to file Appellant's Opening Brief and Ap	opendix up to and including October 9, 2009.
14	This Motion is made and based upon NR.	AP 31, and the Declaration attached hereto.
15	DATED this day of August, 2009.	
16		SUBMITTED BY: DAVID M. SCHIECK
17		SPECIAL PUBLIC DEFENDER
18		
19		JoNell THOMAS Deputy Special Public Defender
20		330 S. Third St., Ste. 800 Las Vegas, Nevada 89155
21		702-455-6265 Attorney for Appellant
22	STATEMENT.	
23	STATEMENT (
24	-	was granted, up to and including August 25,
25	2009, to file Appellant's Opening Brief and App	endix.
26		
27		
28		

1	POINTS AND AUTHORITIES
2	NRAP 31 states in pertinent part that a "motion for extension of time for filing a brief
3	may be made no later than the due date for the brief"
4	CONCLUSION
5	A second extension of time is requested of 45 days to file Appellant's Opening Brief,
6	up to and including October 9, 2009 based on the reasons set forth in the declaration of
7	attorney attached hereto.
8	DATED this day of August, 2009.
9 10	SUBMITTED BY: DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER
11	
12	
13	JONELL THOMAS Nevada Bar No. 4771
14	330 S. Third St., Ste. 800 Las Vegas, Nevada 89155
15	702-455-6265 Attorney for Appellant
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

1 **DECLARATION OF JONELL THOMAS** 2 JONELL THOMAS, hereby declares as follows: 3 That I am an attorney duly licensed to practice law in the State of Nevada, and the 4 Deputy Special Public Defender assigned to handle Mr. Flowers's appeal. 5 That in the last 30 days I have had to prepare for and argue before the Ninth Circuit in the capital case of Harrison v. U.S. which was set on expedited schedule; I filed an emergency motion to stay district court proceedings (remanded penalty hearing) for this Court to make a decision on the Writ of Mandamus in the capital case of Haberstroh v. State of Nevada; I filed a Petition for Rehearing in Barraza v. State; a Petition for Writ of Certiorari in the United States Supreme Court in Lobtao v. State of Nevada; a Fast Track Statement in O'Keefe v. 11 State; and also completed research and preparation of Jury Instructions and/or objections to 12 the State's instructions in 2 capital trials: Nunnery adv. State and Duarte-Herrera adv. State. 13 While counsel is mindful that this Court does not usually accept caseload as adequate reason for an extension of time, it is requested that this Court be aware that the office of the Special Public Defender has only one appellate attorney to handle appeals in addition to 15 16 assisting in trial preparation for issues that may need to be raised in appeals on sixteen open 17 capital cases. I am personally assigned to eight capital appeals, one capital case set for trial, 18 and several other appeals in murder cases. Due to this caseload I have not been able to draft 19 Mr. Flowers' Opening Brief. 20 That Flowers's Opening Brief is due August 25, 2009 and I am requesting a 45-day 21 extension. 22 I declare that I make this request in good faith and not for purposes of delay. 23 24 JONELL THOMAS 25 26 27 28

1	CERTIFICATE OF SERVICE
2	I hereby certify that this document was filed electronically with the Nevada Supreme
3	Court on the 24thd day of August, 2009. Electronic Service of the foregoing document shall
4	be made in accordance with the Master Service List as follows:
5	CATHERINE CORTEZ MASTO, Nevada Attorney General
6	STEVE OWENS, Deputy District Attorney
7	
8	an employee of the Special Public Defender's Office
9	an employee of the special rubble belender's office
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	