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CONCLUSION

DATED this ____ day of August, 2009.

JONELL THOMAS
Nevada Bar No. 4771
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

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JONELL THOMAS, hereby declares as follows:

That I am an attorney duly licensed to practice law in the State of Nevada, and the Deputy Special Public Defender assigned to handle Mr. Flowers's appeal.

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. State; and also completed research and preparation of Jury Instructions and/or objections to the State’s instructions in 2 capital trials: Nunnery adv. State and Duarte-Herrera adv. State.

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 assisting in trial preparation for issues that may need to be raised in appeals on sixteen open capital cases. I am personally assigned to eight capital appeals, one capital case set for trial, and several other appeals in murder cases. Due to this caseload I have not been able to draft Mr. Flowers' Opening Brief.

That Flowers's Opening Brief is due August 25, 2009 and I am requesting a 45-day extension.

I declare that I make this request in good faith and not for purposes of delay.

JONELL THOMAS

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 24th day of August, 2009. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO, Nevada Attorney General

STEVE OWENS, Deputy District Attorney

an employee of the Special Public Defender's Office