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 Dec 09 2009 01:30 p.m.
8	FOURTH MOTION FOR EX	<sup>7</sup> Tracie K. Lindeman
9	FILE APPELLANT'S OPENING	
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 Oro	der granting an extension of time of 10 days
13	to file Appellant's Opening Brief and Appendix u	up to and including December 19, 2009.
14	This Motion is made and based upon NRA	AP 31, and the Declaration attached hereto.
15	DATED this $9^{TH}$ day of December, 2009.	
16		SUBMITTED BY: DAVID M. SCHIECK
17		SPECIAL PUBLIC DEFENDER
18		/s/ JONELL THOMAS
19		JoNell THOMAS
20		Deputy Special Public Defender 330 S. Third St., Ste. 800
21		Las Vegas, Nevada 89155 702-455-6265
22		Attorney for Appellant
23	STATEMENT (	<u>DF FACTS</u>
24	The third request for an extension of tim	ne was granted and the Opening Brief and
25	Appendix are due December 9, 2009.	
26	POINTS AND AU	
27		otion for extension of time for filing a brief
28	may be made no later than the due date for the b	rief"

1

1	CONCLUSION	
2	A fourth extension of time is requested of 10 days to file Appellant's Opening Brief,	
3	up to and including December 19, 2009 based on the reasons set forth in the declaration of	
4	attorney attached hereto.	
5	DATED this 9 <sup>th</sup> day of December, 2009.	
6	SUBMITTED BY: DAVID M. SCHIECK	
7	SPECIAL PUBLIC DEFENDER	
8	/s/ JONELL THOMAS	
9	JONELL THOMAS	
10	Nevada Bar No. 4771 330 S. Third St., Ste. 800	
11	Las Vegas, Nevada 89155 702-455-6265	
12	Attorney for Appellant	
13		
14		
15	I am an attorney duly licensed to practice law in the State of Nevada, and the Deputy	
16	Special Public Defender assigned to handle Mr. Flowers' appeal.	
17	I have been granted previous extensions of time and the brief and appendix are due	
18	December 9, 2009.	
19	While finalizing the brief in the instant appeal, I discovered a need to include trial	
20	exhibits in the appendix. There has been some difficulty in obtaining the exhibits, including	
21	photographs and the defendant's statement. Due to cost containment issues with Clark	
22	County, the evidence vault for the Clark County District Court has been unable to fill vacant	
23	positions and is currently staffed by only 1 person. Due to this limitation, she is allowing only	
24	one visit per day on the days she is working and is attempting to fill requests for copies of	
25	exhibits during the rest of the day. She was out of the office most of last week and upon her	
26	return has been attempting to fulfill all the requests made in her absence. In addition, she does	
27	not have access to a color scanner or printer which has made requests for color photographs	
28	rather difficult. We have been notified that the he documents are now ready to be picked up.	

We would still need to have another volume of the appendix containing the exhibits batestamped and sent to Central Services for copying. Depending on the backlog at Central
Services, this may take several days to prepare. The difficulties with the appendix have held
up the preparation of the opening brief as I am unable to complete a brief without the final
bate-stamped appendix to cite to in the brief.

In addition, 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
eighteen open capital cases. I am personally assigned to seven capital appeals, one capital case
set for trial, and ten other appeals in murder cases.

Within the last 60 days, I have prepared an Opening Brief in *Rose v. State* which was
received by this Court on October 26, 2009, but was returned in order to re-submit within 20
days with a limit of 30 pages. I have filed a Petition for Reconsideration of an En Banc
decision in *Chappell v. State*. I also prepared for and appeared before this Court in Carson
City for oral argument in two capital cases: *Walker v. State* and *Dozier v. State*. I had to be
out of town attending a seminar in Arizona for 2 days, November 18, 2009 and November 19,
2009, which was being funded with Federal Grant money and was therefore mandatory.

Also, this month I will be filing the Opening Brief in Flowers v. State. A Reply Brief
is due in Nunnery v. State, a capital case, on December 28, 2009.

I am requesting that this Court grant a short extension of time, up to and including
December 19, 2009, in order to allow me to complete putting together the appendix and
finishing the brief.

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

3

1	CERTIFICATE OF SERVICE		
2	I hereby certify that this document was filed electronically with the Nevada Supreme		
3 4	Court on the 9 <sup>th</sup> day of December, 2009. Electronic Service of the foregoing document shall		
5	be made in accordance with the Master Service List as follows:		
6	CATHERINE CORTEZ MASTO, Nevada Attorney General		
7	STEVE OWENS, Deputy District Attorney		
8			
9	/s/ JONELL THOMAS		
10	JONELL THOMAS		
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25 26			
20			
28			