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VS.

Electronically Filed
Oct 09 2009 01:37 p.m.
Tracie K. Lindeman

DATED this 9th day of October, 2009.

/s/ JONELL THOMAS

NRAP 31 states in pertinent part that a “motion for extension of time for filing a brief may be made no later than the due date for the brief.....”

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DATED this 9th day of October, 2009.

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

JONELL THOMAS, hereby declares as follows:

That while the Opening brief is close to being complete, I have discovered 2 additional issues, one of which I believe to be a matter of first impression in Nevada. The issues will require extensive research.

That in the next 30 days I must prepare for oral argument in the capital case of *Walker v. State* (November 3, 2009); complete an Opening Brief in *Rose v. State*; an Opening Brief in *Hazelwood v. State*; and a Reply Brief in *Nunnery v. State*, a capital case. I will be using the next 30 days to complete these tasks and will not be able to complete the opening brief in the instant case. I am also counsel in three other capital appeals, one capital trial, two capital writ proceedings and several additional appeals in murder cases. Although these cases do not have deadlines in the next two months, they require monitoring, client contact and other tasks. In addition, I must attend a two day out-of-state training program during this time period as the federal government is paying for all costs associated with this CLE program and there are

1 no other opportunities for such CLE due to County budget restrictions. I do not have a law
2 clerk or other assistance with these appeals.

3 That Mr. Flowers is facing the death penalty in a district court case which is not
4 scheduled for trial until August 2010. It is my belief that the issues raised in this brief
5 including the 2 additional issues which are the basis of this request, are relevant to his defense
6 in that case. Mr. Flowers has begun serving his life sentence without parole in High Desert
7 State Prison on the charges in the instant case and he is facing the death penalty on the charges
8 in his related case, and he therefore is not prejudiced by a slight delay in filing the Opening
9 Brief and Appendix.

10 That Flowers's Opening Brief is due October 9, 2009 and I am requesting a 60-day
11 extension.

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

13
14 /s/ JONELL THOMAS

15 _____
JONELL THOMAS

16
17 CERTIFICATE OF SERVICE

18 I hereby certify that this document was filed electronically with the Nevada Supreme
19 Court on the 9th day of October, 2009. Electronic Service of the foregoing document shall be
20 made in accordance with the Master Service List as follows:

21 CATHERINE CORTEZ MASTO, Nevada Attorney General

22 STEVE OWENS, Deputy District Attorney

23 /s/ JONELL THOMAS

24 _____
JONELL THOMAS