1	IN THE SUPREME COURT OF THE STATE OF NEVADA
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3	NORMAN K. FLOWERS,) Case No. 53159
4	Appellant, (Dist. Ct. No. C228755)
5	vs.
6	THE STATE OF NEVADA,
7 8	Respondent. Oct 09 2009 01:37 p.m. Tracie K. Lindeman
9	THIRD 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 60 days
13	to file Appellant's Opening Brief and Appendix up to and including December 9, 2009.
14	This Motion is made and based upon NRAP 31, and the Declaration attached hereto.
15	DATED this 9th day of October, 2009.
16 17	SUBMITTED BY: DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER
18	/s/ JONELL THOMAS
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20	JoNell THOMAS Deputy Special Public Defender
21	330 S. Third St., Ste. 800 Las Vegas, Nevada 89155
22	702-455-6265 Attorney for Appellant
23	STATEMENT OF FACTS
24	The second request for an extension of time was granted and the Opening Brief and
25	Appendix are due October 9, 2009.
26	POINTS AND AUTHORITIES
27	NRAP 31 states in pertinent part that a "motion for extension of time for filing a brief
28	may be made no later than the due date for the brief"

1 CONCLUSION 2 A third extension of time is requested of 60 days to file Appellant's Opening Brief, up 3 to and including December 9, 2009 based on the reasons set forth in the declaration of attorney attached hereto. 5 DATED this 9th day of October, 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 **DECLARATION OF JONELL THOMAS** 14 JONELL THOMAS, hereby declares as follows: 15 That I am an attorney duly licensed to practice law in the State of Nevada, and the 16 Deputy Special Public Defender assigned to handle Mr. Flowers's appeal. 17 That while the Opening brief is close to being complete, I have discovered 2 additional 18 issues, one of which I believe to be a matter of first impression in Nevada. The issues will 19 require extensive research. 20 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 23 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 25 writ proceedings and several additional appeals in murder cases. Although these cases do not 26 have deadlines in the next two months, they require monitoring, client contact and other tasks. 27 ||In addition, I must attend a two day out-of-state training program during this time period as

28 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	/s/ JONELL THOMAS
14	/S/ SOVELE THOMAS
15	JONELL THOMAS
16	CERTIFICATE OF SERVICE
17	I hereby certify that this document was filed electronically with the Nevada Supreme
18	Court on the 9 th day of October, 2009. Electronic Service of the foregoing document shall be
19	made in accordance with the Master Service List as follows:
20	CATHERINE CORTEZ MASTO, Nevada Attorney General
21	STEVE OWENS, Deputy District Attorney
22	/s/ JONELL THOMAS
23	/S/ JONELE THOMAS
24	JONELL THOMAS
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