

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3 NORMAN K. FLOWERS,                                   )  
4                                   Appellant,                                   )  
5                                   vs.                                   )  
6 THE STATE OF NEVADA,                                   )  
7                                   Respondent.                                   )

Case No. 53159  
(Dist. Ct. No. 628715) Electronically Filed  
Mar 17 2010 09:10 a.m.  
Tracie K. Lindeman

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9                                   **MOTION FOR EXTENSION OF TIME (FIRST)**  
                                 **TO FILE APPELLANT’S REPLY BRIEF**

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 forty-five  
13 (45) days to file Appellant's Reply Brief, up to and including May 3, 2010.

14           This Motion is made and based upon NRAP 31, and the Declaration attached hereto.

15           DATED this 17<sup>th</sup> day of March, 2010.

16                                   SUBMITTED BY:  
17                                   DAVID M. SCHIECK  
                                 SPECIAL PUBLIC DEFENDER

18                                   /s/ JONELL THOMAS

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20                                   \_\_\_\_\_  
                                 JoNell THOMAS  
                                 Deputy Special Public Defender  
                                 330 S. Third St., Ste. 800  
                                 Las Vegas, Nevada 89155  
                                 702-455-6265  
                                 Attorney for Appellant

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23                                   STATEMENT OF FACTS

24           This Reply Brief is due March 19, 2010. Due to the facts set forth in the declaration  
25 of attorney attached, an extension of 45 days is requested, up to and including May 3, 2010 to  
26 file the Reply Brief.

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## “RULE 31. FILING AND SERVICE OF BRIEFS

(1) All Appeals Except Child Custody, Visitation, or Capital Cases. The appellant shall serve and file the opening brief within one hundred and twenty (120) days after the date on which the appeal is docketed in the Supreme Court...By written stipulation timely filed with the Supreme Court, the parties may extend the time for filing any brief for a total of thirty (30) additional days unless the court otherwise orders (see Rule 26(d)). Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored, and will be considered only on motion for good cause clearly shown, or ex parte in cases of extreme and unforeseeable emergency.....”

An extension of time of 45 days is requested to file Appellant's Reply Brief, up to and including May 3, 2010.

SUBMITTED BY:  
DAVID M. SCHIECK  
SPECIAL PUBLIC DEFENDER

**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:

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.

I currently have 15 appellate cases and in the last several weeks I have had oral argument in Polk v. State before the Southern Panel of the Nevada Supreme Court; filed opening briefs in Pearce v. State and Dieudonne v. State; filed a Writ of Certiorari to the United States Supreme Court in Chappell v. State; and filed with this Court a Petition for Rehearing in Walker v. State.

Within the next 30 days I will be filing an Opening Brief in the capital case of Richardson v. State, which has already had a first request for extension of time granted. Also, in Harrison v. Sheriff, the State filed a Petition for Rehearing of the Ninth Circuit Order striking the sentence of death and remanding the case for a new penalty hearing. They have ordered my response to be filed by March 25, 2010.

In addition, part of my administrative duties as appellate counsel for the Special Public Defender has included handling interviews to fill a vacant attorney position which will be filled with an Associate to assist in both criminal defense and appellate defense. Within the last several weeks I have conducted approximately 20 interviews.

The Flowers's Reply is due March 19, 2010 and I am requesting a 30-day extension.

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

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JONELL THOMAS

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 17<sup>th</sup> day of March, 2010 a copy of the foregoing Motion for Extension of Time to file the Reply Brief was served as follows:

**BY ELECTRONIC FILING TO**

District Attorney’s Office  
200 Lewis Ave., 3<sup>rd</sup> Floor  
Las Vegas, NV 89155  
  
Nevada Attorney General  
100 N. Carson St.  
Carson City NV 89701

\_\_\_\_\_  
JONELL THOMAS