



IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

NORMAN KEITH FLOWERS aka NORMAN HAROLD FLOWERS, III, Appellant, vs. THE STATE OF NEVADA, Respondent.

No. 55759

FILED

APR 19 2010

DOCKETING STATEMENT CRIMINAL APPEALS

TRACIE K. LINDEMAN CLERK OF SUPREME COURT BY N. Malone DEPUTY CLERK

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

GENERAL INFORMATION

1. Judicial District EIGHTH County CLARK Judge Linda Bell District Ct. Docket No. C228755

2. If the defendant was given a sentence, (a) what is the sentence?

COUNT 1: MAXIMUM OF 120 MONTHS WITH A MINIMUM PAROLE OF 48 MONTHS; COUNT 2: LIFE WITHOUT THE POSSIBILITY OF PAROLE (CONSECUTIVE TO CT.1) COUNT 3: LIFE WITH THE POSSIBILITY OF PAROLE WITH A MINIMUM PAROLE ELIGIBILITY OF 120 MONTHS (CONSECUTIVE TO CT.2); 761 DAYS CREDIT FOR TIME SERVED

(b) has the sentence been stayed pending appeal? NO

(c) was defendant admitted to bail pending appeal? NO

3. Was counsel in the district court appointed X or retained

4. Attorney filing this docketing statement:

Attorney DAVID M. SCHIECK Telephone (702)455-6265 Firm Clark County Special Public Defender's Office Address 330 S. Third St., Suite 800 Las Vegas, Nevada 89155 Client(s) Appellant

5. Is appellate counsel appointed XX or retained?



If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

6. Attorney(s) representing respondent(s):

Attorney David Roger Telephone (702)455-4741
Firm Clark County District Attorney's Office
Address 200 Lewis Ave., 3rd Floor
Las Vegas, Nevada 89155
Client(s) The State of Nevada

Attorney Catherine Cortez-Mastos Telephone (775)687-3538
Firm Nevada Attorney General's Office
Address 100 N. Carson Street
Carson City, NV 89701
Client(s) The State of Nevada

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

Judgment after bench trial	Grant of pretrial habeas
Judgment after jury verdict	Grant of motion to suppress evidence
Judgment upon guilty plea	
Grant of pretrial motion to dismiss	
Parole/Probation revocation	Post-conviction habeas (NRS ch. 34)
<input checked="" type="checkbox"/> Motion for new trial	grant denial
grant <input checked="" type="checkbox"/> denial	Other disposition (specify)
Motion to withdraw guilty plea	
grant denial	

8. Does this appeal raise issues concerning any of the following:

death sentence
 life sentence

juvenile offender
pretrial proceedings

9. **Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes _____

No xxx

10. **Pending and prior proceedings in this court:** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

Case No. 53159 Direct appeal

11. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

NONE

12. **Nature of action:** Briefly describe the nature of the action and the result below:

Flowers was charged with Burglary, Murder, Sexual Assault and Robbery. The State filed a Notice of Intent to Seek the Death Penalty. After a jury trial, the jury found Flowers guilty of Burglary, Murder and Sexual Assault but Not Guilty of Robbery. Flowers was sentenced to Life Without Parole for Count 2 (Murder) and Life with the Possibility of Parole for Count 3 (Sexual Assault).

On March 5, 2010, counsel for Flowers filed a Motion for New Trial in District Court based on the recent conviction in a non-related murder case of an alternate suspect in Mr. Flowers' case. The Court denied the Motion on March 17, 2010. This appeal follows.

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

1. The district court violated Flowers' constitutional rights by denying his motion for a new trial.

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A xx Yes _____ No _____
If not, explain

15. **Issues of first-impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes _____ No xx
Public interest: Yes _____ No xx

16. **Length of trial.** If this action proceeded trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

8 days TRIAL AND PENALTY HEARING

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes xx No _____

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from 3/17/2010

19. Date of entry of written judgment or order appealed NOT FILED YET

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

The State was direct to file the Order at the hearing denying the motion. This appeal is from the Court's denial in court of the Motion for New Trial.

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court N/A

(a) Was service by delivery _____ or by mail _____.

21. If the time for filing the notice of appeal was tolled by a post-judgment motion:

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment _____	Date filed _____
New trial _____	Date filed _____
(Newly discovered evidence)	
New trial _____	Date filed _____
(other grounds)	

(b) Date of entry of written order resolving motion _____

22. Date notice of appeal filed 4/1/2010

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1) (b) _____	NRS 34.560 _____
NRS 177.015(1) (c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) <u>xx</u> _____	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

NORMAN FLOWERS

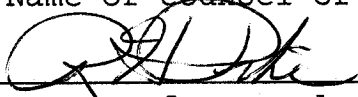
 Name of Appellant

4/14/10

 Date

RANDALL PIKE

 Name of counsel of record



 Signature of counsel of record

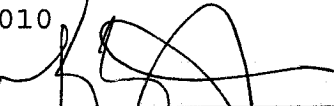
CERTIFICATE OF SERVICE

I certify that on the 15 day of April, 2010, I served a copy of this completed docketing statement upon all counsel of record:

by personally serving it upon him/her; or

by mailing it by first class mail with sufficient postage prepaid to the following address(es): District Attorney's Office, 200 Lewis Ave., Las Vegas NV 89155; Nevada Attorney General's Office 100 N. Carson Street, Carson City NV 89701-4717

Dated this 15 day of April, 2010



 KATHLEEN FITZGERALD
 Special Public Defender's Office