

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORMAN KEITH FLOWERS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent

CASE NO. 55759 ✓

CASE NO. 53159

FILED

APR 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ameller*
DEPUTY CLERK

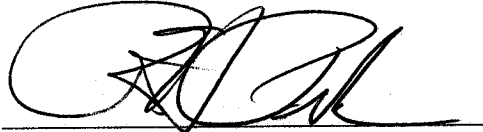
MOTION TO CONSOLIDATE APPEALS
FOR DECISION AND USE OF THE APPENDIX

Appellant Norman Flowers, by and through his counsel Randall H. Pike, Deputy Special Public Defender, hereby requests this Court consolidate the appeals docketed in this Court under Case No. 55759 and 53159 (both appeals from the same Eighth Judicial District Court Case C228755) for decision and use of the appendix. If granted, Mr. Flowers requests this court allow him to file a Supplemental Appendix.

This request is based on the Declaration of Counsel attached hereto.

Dated April 15, 2010.

RESPECTFULLY SUBMITTED:



RANDALL H. PIKE
Deputy Special Public Defender
Nevada Bar No. 1940
330 S. Third St., No. 800
Las Vegas NV 89101
702-455-6270

DECLARATION OF RANDALL H. PIKE

RANDALL H. PIKE makes the following declaration:

I am one of the attorneys who represented Mr. Flowers at his District Court trial (C228755) the subject of the direct appeal in Case No. 53159. JoNell Thomas represents Mr. Flowers on his direct appeal.

After a jury verdict, the Judgment of Conviction was filed on January 16, 2009. The

RECEIVED

APR 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

1 Notice of Appeal was filed on January 26, 2009, and the direct appeal was docketed in this Court
2 on January 27, 2009. The Opening Brief and Appendix, and the State's Answering Brief have
3 both been filed. The Reply Brief is due on May 3, 2010.

4 On March 4, 2010, the Defendant/Appellant Norman Flowers filed a motion for new trial
5 in the district court under Case No. C228755 and moved the district court pursuant to NRS
6 176.515 for a new trial based upon the conviction of George Brass, an alternate suspect and
7 witness against Mr. Flowers. On October 20, 2009, after the conviction and sentence of Mr.
8 Flowers, George Brass was convicted in the Eighth Judicial District Court by a jury of Murder
9 and related charges in an unrelated case (Case No. C253756). It is Mr. Flowers' contention that
10 this conviction, if available for impeachment, would have been a significant factor in the jury's
11 deliberations in Mr. Flowers' case and that the jury may have not found defendant Flowers guilty
12 beyond a reasonable doubt.

13 On March 17, 2010 the district court denied the Motion for New Trial. Mr. Flowers filed
14 a timely notice of appeal from the verbal order denying a motion for a new trial.

15 Mr. Flowers requests the appeals in Case No. 53159 and 55759 be consolidated for
16 decision, but not for briefing. He also requests that the Appendix of Record filed in Case No.
17 53159 be used for case No. 55759 so as to avoid the unnecessary duplication and expense of
18 providing a new appendix that would consist of almost all of the same documents and transcripts
19 that are already on file. He also requests that this Court, if the motion to consolidate is granted,
20 allow him to file a Supplemental Appendix, which includes documents concerning the motion
21 for a new trial.

22 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

23 EXECUTED this 15th day of April, 2010..

24
25
26 

27 RANDALL H. PIKE

CERTIFICATE OF SERVICE

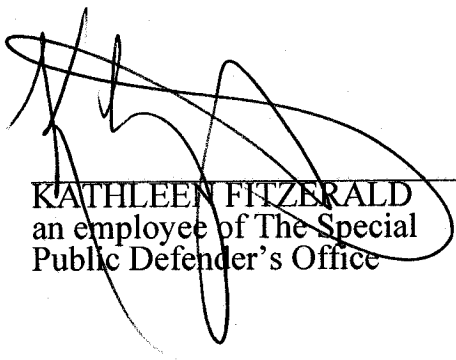
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The undersigned does hereby certify that on the 16 day of April, 2010, a copy of the foregoing Motion to Consolidate Appeals was served by depositing a copy in the United States Mails as follows:

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

DATED: 4-16, 2010.



KATHLEEN FITZERALD
an employee of The Special
Public Defender's Office