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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

NORMAN KEITH FLOWERS,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent)

CASE NO. 53159
CASE NO. 55759
Electronically Filed
Jul 19 2011 11:59 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTICE REGARDING STATUS OF SENTENCING

This Court filed an Order on June 15, 2011, in response to Appellant’s Motion to Voluntarily Dismiss Appeals pursuant to negotiations in case no. C216032. This Court agreed to take no action in the instant matter at this time and further ordered Appellant file a written report with the clerk of this court on or before July 21, 2011, regarding the status of the proceedings and sentencing in the lower court. Norman Flowers (“Flowers”) filed a proper person motion to withdraw his guilty plea agreement. At the hearing on the motion, the Court appointed an attorney to represent Flowers for the motion and set a hearing to consider testimony of the trial attorneys for Flowers should Flowers agree to waive his attorney/client privilege. The hearing has been set for July 27, 2011, and the sentencing date of July 20, 2011 was continued to July 27, 2011. See Declaration of Counsel attached hereto.

Counsel for Appellant requests that no action be taken on the appeals until after the

...
...

1 hearing on July 27, 2011. Undersigned counsel will file an updated status report on that date.

2 Dated this 19th day of July, 2011.

3 RESPECTFULLY SUBMITTED:

4 /s/ *DAVID M. SCHIECK*

5
6 _____
7 DAVID M. SCHIECK
8 Special Public Defender
9 JONELL THOMAS
10 Deputy Special Public Defender
11 Nevada Bar No. 4771
12 330 S. Third St., No. 800
13 Las Vegas NV 89101
14 702-455-6270

11 DECLARATION OF CLARK W. PATRICK

12 CLARK W. PATRICK makes the following declaration:

13 I am an attorney duly licensed to practice law in the State of Nevada. I am one of the
14 Deputy Special Public Defender's assigned to handle Mr. Flowers' capital trial which was set
15 to commence June 13, 2011 (Eighth Judicial District Case No. C216032). Randall H. Pike, the
16 other Deputy assigned, was out of town on the day of the calendar call, June 10, 2011, and
17 therefore I appeared along with Mr. Schieck. Prior to the calendar call, Mr. Flowers indicated
18 he was amenable to entering a guilty plea agreement, but requested a meeting with defense
19 counsel and the prosecutors at the prison to discuss the matter further. Therefore, Mr. Schieck
20 accompanied me when I went to meet with Mr. Flowers at High Desert State Prison on June 9,
21 2011, to discuss negotiations and the consequences of waiving his appeals should he plead guilty
22 and the consequences of dismissing the consolidated appeals in the instant matter. .

23 At the prison meeting on June 9, 2011, an agreement was not reached on the negotiations.
24 However, Mr. Flowers indicated he would accept a negotiation that included waiving his direct
25 appeals in case numbers 53159 and 55759. A counter-offer was made to the District Attorney
26 prior to Court, additional discussion occurred, and Mr. Flowers was allowed to talk with his
27 mother. After talking to his mother, Mr. Flowers made the decision to accept the negotiations.
28

1 I believed that Mr. Flowers understood the negotiations and that his agreement to plead guilty
2 was voluntary. The Court accepted Mr. Flowers Guilty Plea Agreement and set sentencing for
3 July 20, 2011. A Motion to Voluntarily Dismiss the Appeals was filed to stay the appellate
4 proceedings until after the sentencing date. On June 15, 2011, this Court issued its Order staying
5 any action in the appellate cases until after the sentencing date.

6 Meanwhile, on June 14, 2011, Mr. Flowers called our office and stated that he was
7 reconsidering his agreement to plead guilty and wanted to speak with Mr. Pike before going
8 forward.

9 Randy Pike, myself, and JoNell Thomas, went to High Desert State Prison on June 21,
10 2011, to meet with Mr. Flowers to discuss this matter further. At the meeting Mr. Flowers
11 informed us that he was going to file a Motion to Withdraw Guilty Plea.

12 On or about June 30, 2011, we received filed copies of his Motion to Withdraw Guilty
13 Plea and Motion to Dismiss Counsel. The hearing was set for July 13, 2011.

14 At the hearing on July 13, 2011, the Court appointed James Oronoz, Esq. to represent Mr.
15 Flowers on his motion to withdraw the plea. The Court set a hearing for July 27, 2011, based
16 on the State's request to hear testimony from David Schieck and myself regarding the Guilty
17 Plea Agreement. The Court agreed to hear the testimony only if Mr. Flowers agreed to waive
18 attorney/client privilege prior to the hearing. In addition, the Court vacated the sentencing date
19 until after the hearing on the Motion to Withdraw Guilty Plea.

20 We are requesting that this Court continue the stay currently in effect until after the new
21 sentencing date.

22 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).
23 EXECUTED this 19th day of July, 2011.

24 /s/ CLARK W. PATRICK

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26 CLARK W. PATRICK
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 19th day of July, 2011 a copy of the foregoing Notice Regarding Status of Sentencing was served as follows:

BY ELECTRONIC FILING TO

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

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

/s/ DAVID M. SCHIECK

David M. Schieck