

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Case Nos. 53159 & 55759

Electronically Filed  
Apr 18 2018 02:41 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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NORMAN KEITH FLOWERS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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APPELLANT'S APPENDIX TO  
MOTION TO REINSTATE APPEALS  
VOLUME III OF III

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Dated March 19, 2018

Dated this 18<sup>th</sup> day of April, 2018.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

*/s/ CB Kirschner*  
C.B. KIRSCHNER  
Assistant Federal Public Defender

## CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2018, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

I served a true and accurate copy of the foregoing by placing it in the United States mail, first-class, postage pre-paid, addressed to:

Steve Wolfson  
Clark County District Attorney  
200 Lewis Avenue  
Las Vegas, NV 89101

Adam Laxalt  
Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89104

I further certify that I have mailed the foregoing document by first-class mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following people:

Norman Flowers  
#39975  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

*/s/ Dayron Rodriguez*  
An Employee of the  
Federal Public Defender, District of  
Nevada

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 19, 2018

05C216032            State of Nevada  
                              vs  
                              Norman Flowers

March 19, 2018            9:00 AM            Evidentiary Hearing

HEARD BY: Herndon, Douglas W.            COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

**PARTIES**

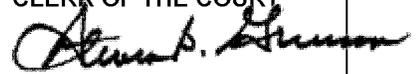
<b>PRESENT:</b>	Connolly, Karen Ann	Attorney for Defendant
	Flowers, Norman K	Defendant
	Luzaich, Elissa	Attorney for State
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

Upon Court's inquiry, defendant waived his right to his attorney/client privilege. James Oronez and Norman Flowers sworn and testified. Arguments by counsel. Court stated FINDINGS and ORDERED, Motion to Withdraw Plea GRANTED. COURT ORDERED, matter SET for Status Check.

NDC

4/11/18 9:00 AM STATUS CHECK: TRIAL SETTING



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DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

NORMAN K. FLOWERS,

Defendant.

CASE NO. 05C216032

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

MONDAY, MARCH 19, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS  
EVIDENTIARY HEARING**

APPEARANCES:

For the State:

ELISSA LUZAICH  
Chief Deputy District Attorney

For the Defendant:

KAREN A. CONNOLLY, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 LAS VEGAS, NEVADA, MONDAY, MARCH 19, 2018, 9:27 A.M.

2 \* \* \* \* \*

3 THE COURT: All right. We will be on the record. Mr. Flowers is present  
4 with his attorney, Ms. Connolly. This is 216032. You-all can be seated.  
5 Thank you. This is the time set for our evidentiary hearing. We have  
6 Mr. Oronoz here to testify.

7 So, Jim, if you could raise your right hand for me, please.

8 **JAMES ORONOZ,**

9 [having been called as a witness and first duly sworn, testified as follows:]

10 THE CLERK: Will you please state and spell your name for the record.

11 THE WITNESS: Yeah, my name is James Oronoz, J-A-M-E-S, last name  
12 Oronoz, O-R-O-N-O-Z.

13 THE COURT: Okay. Who wanted to go first?

14 **DIRECT EXAMINATION OF JAMES ORONOZ**

15 BY MS. CONNOLLY:

16 Q How are you employed, Mr. Oronoz?

17 A I'm sorry?

18 Q How are you employed?

19 A I'm -- I'm in -- I work for myself in the practice of law.

20 Q Okay. And what's the nature of your practice?

21 A I do criminal defense and personal injury cases.

22 Q When were you first admitted to practice law in the state of  
23 Nevada?

24 A 1998.

25 Q Do you represent -- or do you recognize the gentleman seated to my

1 right?

2 A I do.

3 Q And how do you recognize him?

4 A Well, that is my former client, Norman Flowers.

5 MS. LUZAICH: Oh, and I'm sorry, he needs to waive the privilege.

6 THE COURT: You are correct. I'm sorry.

7 Karen, did you have those conversations with Mr. Flowers?

8 MS. CONNOLLY: He understands.

9 THE COURT: All right. So, Mr. Flowers, you understand that in order for  
10 your attorney to testify to certain things, and we're just talking about things  
11 that -- that revolved around the plea that you entered, but in order for him to  
12 answer questions about that, you need to waive your right to attorney-client  
13 privilege just in regard to those kinds of conversations, okay?

14 THE DEFENDANT: Yes.

15 THE COURT: And you're willing to do that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Thank you.

18 BY MS. CONNOLLY:

19 Q So you -- you were appointed to represent Mr. Flowers back in  
20 2011, 2010, 2011; does that sound familiar?

21 A Yes, it does.

22 Q Okay. And do you remember the circumstances under which you  
23 were appointed on the case, like, what you were appointed to do?

24 A I think it was just the appeal.

25 Q Okay. Were you involved in filing a motion to withdraw the guilty

1 plea?

2 A I -- I believe I was.

3 Q Okay. Would it be fair to say that Mr. Flowers had pled guilty to  
4 two counts of first degree murder, indicated to the Court that he wanted --

5 A Yes.

6 Q -- to withdraw his plea, and then you were appointed to assist in  
7 that regard?

8 A Yes. Yes, that's correct.

9 Q And so you filed a motion to withdraw the guilty plea in district  
10 court and there was an evidentiary hearing?

11 A Correct.

12 Q And after the evidentiary hearing his request was denied and then it  
13 was appealed up to the Nevada Supreme Court and you were the attorney that  
14 did the appeal?

15 A That's correct.

16 Q There was -- there was essentially a singular issue that you raised;  
17 do you recall what that was?

18 A I do not.

19 Q Okay. Would it be fair to say that it was an issue of that his plea  
20 was coerced by counsel?

21 A Okay. Yeah, that -- that sounds right.

22 Q Okay. You never raised -- or you never made a claim that the plea  
23 was coerced based upon the District Court's involvement in the plea  
24 negotiations, did you?

25 A That's correct. I did not.

1 Q Are you familiar with what's commonly known in the legal  
2 community as a Cripps violation?

3 A I am.

4 Q And what is your understanding of what that -- what is a Cripps  
5 violation?

6 A My understanding of a Cripps is essentially that a judge becomes  
7 unduly involved in trying to persuade a client to do something, to plead guilty  
8 or -- or whatnot and --

9 Q Okay. Now, you never raised that as an issue in this particular  
10 case, did you?

11 A I did not.

12 Q Was there any strategic reason for your failure to do that?

13 A No. I -- no, there wasn't.

14 MS. CONNOLLY: I don't have anything further.

15 THE COURT: Ms. Luzaich.

16 **CROSS-EXAMINATION OF JAMES ORONoz**

17 BY MS. LUZAICH:

18 Q Did you think there was a Cripps violation?

19 A For me it's -- it's -- there have been many times where I've believed  
20 it's been helpful that -- when judges have addressed clients and explained  
21 things, and I think quite frankly it's saved some of my clients a lot of time. But  
22 I understand the Supreme Court's ruling and I respect it. And at the time I just  
23 didn't -- I didn't think it was a significant issue.

24 Q Right. So based on your training and experience and all of your  
25 experience in criminal law has been as a defense attorney, correct?

1 A That's true.

2 Q So based on your training and experience, you did not believe at the  
3 time that it was a Cripps violation?

4 A I -- I -- I did not see it as a violation.

5 Q And when you say that very often when a judge at least talks to a  
6 client it saves a lot of time, you just said that, correct?

7 A Well --

8 Q No, that's what you just said, correct?

9 A It saves time in the sense that sometimes the client does things that  
10 I -- that I think assists their cause.

11 Q Right. And in fact in this case it saved the defendant from the  
12 death penalty, right, a plea?

13 A Yeah, that's -- that's true.

14 MS. LUZAICH: Okay. I have nothing further.

15 THE COURT: Anything further?

16 **REDIRECT EXAMINATION OF JAMES ORONoz**

17 BY MS. CONNOLLY:

18 Q You're familiar with Cripps means essentially the Court can't get  
19 involved in plea negotiations?

20 A Yes, yes, I do. I --

21 Q And in this particular case from reviewing the transcript, it's evident  
22 that the Court got involved in plea negotiations and that's in fact what the  
23 Supreme Court has determined?

24 A Yes, correct. That's true.

25 Q So was it -- it wasn't really an issue of you not believing it was a

1 Cripps violation, it's just not an issue you raised?

2 A Correct. I mean, it -- I believe I was wrong and the Supreme Court,  
3 you know, they're obviously, they get to decide, so.

4 MS. CONNOLLY: Okay. Thank you.

5 THE COURT: Were there --

6 Did you have anything further?

7 Were there any discussions you had with Mr. Flowers after the  
8 District Court's comments to him about the plea, if you remember at all?

9 THE WITNESS: You know, Judge, I don't -- I don't remember. I'm sorry.

10 THE COURT: Okay. Okay. Thank you, Jim, I appreciate it.

11 THE WITNESS: Thank you.

12 THE COURT: Tell Judge Smith I appreciate you --

13 THE WITNESS: Okay. All right.

14 THE COURT: -- him -- him releasing you to come down here.

15 THE WITNESS: All righty, thanks.

16 THE COURT: Okay. Ms. Connolly.

17 MS. CONNOLLY: Norman Flowers.

18 THE COURT: Okay. Mr. Flowers, you can come on up here to the  
19 witness stand, sir.

20 Go ahead and raise your right hand as best you can for me, if you  
21 would, please, sir.

22 **NORMAN FLOWERS,**

23 [having been called as a witness and first duly sworn, testified as follows:]

24 THE CLERK: You may be seated. Will you please state and spell your  
25 name for the record?

1 THE WITNESS: Norman Flowers, N-O-R-M-A-N, F-L-O-W-E-R-S.

2 THE COURT: All right. Thank you.

3 Ms. Connolly.

4 **DIRECT EXAMINATION OF NORMAN FLOWERS**

5 BY MS. CONNOLLY:

6 Q Okay. Mr. Flowers, you're in custody on a case in which you pled  
7 guilty to two counts of first degree murder, correct?

8 A Yes.

9 Q And initially on those cases you were charged with the death  
10 penalty?

11 A Yes.

12 Q Now, your case -- and -- and your -- both those cases were set for  
13 calendar call on June 10<sup>th</sup>, 2011, right?

14 A Yes.

15 Q Okay. And at the calendar call, let's talk about early in the morning  
16 on calendar call when the hearing first started. The District Court or do you  
17 recall your attorney advising the District Court that the case had not been  
18 negotiated?

19 A Can you repeat that please?

20 Q Do you recall your -- your attorney at that time was  
21 Mr. Clark Patrick, right?

22 A Yes.

23 Q Okay. And in the beginning of calendar call Mr. Patrick indicated to  
24 the Court that there was no -- that you had not accepted any negotiations that  
25 had been extended?

1 A Yes.

2 Q And then shortly thereafter it was indicated that you wanted to talk  
3 to your mom?

4 A Yes.

5 Q And your mom was brought into the courtroom and everybody left  
6 the courtroom except for officials and you were permitted to talk with your  
7 mom in privacy, right?

8 A Yes.

9 Q And you talked to your mom for about an hour?

10 A Yes.

11 Q And after that discussion the judge came back in and asked if the  
12 case was resolved and your attorney indicated the case was not resolved?

13 A Yes.

14 Q Okay. And after that there was some --

15 MS. LUZAICH: Objection. Leading. This is direct.

16 MS. CONNOLLY: I'm just trying --

17 THE COURT: Well, I'll sustain the objection.

18 BY MS. CONNOLLY:

19 Q At some point in time you changed your mind during the process of  
20 that hearing, right?

21 A Yes.

22 Q At the start of calendar call what was your position in regard to  
23 pleading guilty?

24 A I didn't want to plead guilty.

25 Q And at the end of calendar call did you plead guilty?

1 A Yes.

2 Q And why did you do that?

3 A Because the judge mentioned to me, his statement was, Once he  
4 leave there will be no other offers, are you aware you're facing death penalty  
5 twice, once I leave, that's it, you know, and I basically felt nervous and scared  
6 like if I didn't accept this then I wouldn't have a fair shot at trial.

7 Q And why did you think you would not have a fair shot at trial if you  
8 didn't accept the negotiation?

9 A Him being a judge -- it just felt, the way he said it, it's like either I  
10 take that or he wasn't -- he wasn't gonna be fair at trial.

11 Q So you thought because the Court was talking from the bench and  
12 encouraging you to take the plea that if you didn't he wouldn't give you a fair  
13 trial?

14 A Yes.

15 MS. CONNOLLY: I don't have anything else.

16 THE COURT: Ms. Luzaich.

17 **CROSS-EXAMINATION OF NORMAN FLOWERS**

18 BY MS. LUZAICH:

19 Q You understand that whether or not any other offers are made are  
20 up to the State, correct? The State is the one who makes the offers not the  
21 judge.

22 A I do now.

23 Q Okay. Prior to your calendar call you had been through the criminal  
24 justice system on, what, six prior criminal cases?

25 A They were all put in one deal. It's not like I went to six different

1 courtrooms.

2 Q All of your priors were put in one deal?

3 A Yes.

4 Q Okay. You pled in separate cases all at the same time, but you had  
5 six separate cases in the system?

6 A Yes.

7 Q So it's not like you were new to the system, you knew that it was  
8 only the State, the D.A., who decides whether or not to make an offer, not a  
9 judge?

10 A I was young then, I just took the deal to get it over with. I mean, I  
11 don't know exactly the chain of who has authority or whatnot. The judge made  
12 it very clear as if he had the authority, he was like, hey, you know, the State --  
13 there will be no better deals, you're not getting another deal --

14 Q And in fact, the judge said --

15 A -- and once I leave, that's it.

16 Q -- this was the --

17 MS. CONNOLLY: Judge, I would ask she let him finish his --

18 THE COURT: Hold on. Hold on. Hold on. Go ahead, finish your answer.

19 THE WITNESS: I finished it.

20 THE COURT: Okay.

21 BY MS. LUZAICH:

22 Q The reason the judge said there would be no other chances was  
23 because the State said this is the one and final that we are making and we are  
24 ready for trial because we wanted to go to trial --

25 MS. CONNOLLY: Objection. Judge, object --

1 BY MS. LUZAICH:

2 Q -- isn't that --

3 A I don't recall the State saying that.

4 MS. CONNOLLY: Objection.

5 THE COURT: Hold on, hold on, hold on. What's your --

6 MS. CONNOLLY: She can't talk about why the judge did what the judge  
7 did. I object to that question. Speculation.

8 THE COURT: Well, overruled. You can ask the question. Go ahead,  
9 repeat your question.

10 BY MS. LUZAICH:

11 Q He said that because the State had indicated that that was the only  
12 offer we were ever going to make and that we wanted to go to trial; isn't that  
13 correct?

14 A I don't recall that.

15 Q So you thought that because the judge said no more offers are  
16 going to be made you were not going to get a fair trial?

17 A Yes. I felt -- I felt nervous, I felt intimidated. Then I also had Clark  
18 pressuring me saying, well, hey, you know, as -- pressuring me into taking a  
19 deal saying, hey, you're not -- there's no way you're going to get any action on  
20 your appeal like I should just take the deal.

21 Q Okay. But that's got nothing to do with the judge, does it?

22 A I had -- the judge wasn't stopping them, so I felt it was all on the  
23 judge. I mean, if I didn't go ahead and do this he was going to be hard on me.  
24 They were standing right there --

25 Q He was going to be hard on you?

1 A -- saying what they wanted to say like I don't have a chance in hell  
2 and the judge didn't stop 'em, the judge didn't say nothing to 'em, so, I mean --

3 Q What was the judge supposed to say?

4 A I just felt --

5 MS. CONNOLLY: Objection. Objection to --

6 THE COURT: Well, I'll sustain that.

7 BY MS. LUZAICH:

8 Q In fact, the judge said that --

9 A I don't know what he was supposed to say or what he wasn't  
10 supposed to say.

11 MS. CONNOLLY: -- speculation.

12 THE COURT: Hold on. Hold on. I'm gonna sustain the objection.

13 BY MS. LUZAICH:

14 Q In fact, the judge said that that other case had nothing to do with  
15 him, didn't he?

16 A When I was trying to explain that you guys wanted me to waive my  
17 rights, the judge didn't want to hear any of that. That's what he made clear,  
18 that's up to you, I -- I -- basically, like he didn't care. You're going to, you  
19 know, take a deal or that's gonna be it. And --

20 Q The judge said to you when Mr. Patrick said, Norman, there's no  
21 chance you're going to get any action on the direct appeal, okay; isn't -- the  
22 judge said, I don't have a dog in that fight, I don't care one way or another. I'm  
23 here for the next three weeks anyway, but you've gotta make the decision; do  
24 you understand? Do you remember that?

25 A Yeah, it was like --

1 Q Yeah, the judge said he had nothing to do with that other case.

2 MS. CONNOLLY: Objection. Statement speaks for itself. She's asking  
3 him --

4 THE WITNESS: That's what I was trying to say, the judge wasn't trying  
5 to hear anything I had to say.

6 THE COURT: Overruled.

7 BY MS. LUZAICH:

8 Q Well, the judge just didn't want to hear that you were saying they  
9 wanted you to waive your --

10 MS. CONNOLLY: Objection.

11 THE WITNESS: And that was part of the plea negotiation was all in the  
12 package.

13 MS. CONNOLLY: I'm going to object to her keep saying --

14 THE COURT: Yeah, I'll sustain the -- I'll sustain the objection about  
15 anything the judge was thinking. I mean, it's inappropriate to ask him what the  
16 judge was thinking. You can reference what was stated in the transcript.

17 MS. LUZAICH: That's what I'm doing.

18 THE COURT: And ask him what his opinion of those -- those statements  
19 were.

20 BY MS. LUZAICH:

21 Q You were trying to tell him that the State wanted you to waive your  
22 right to -- or waive your appeal in the other case, right?

23 A Yes.

24 Q And he said that he's got no dog in that fight, he doesn't care one  
25 way or another, correct?

1 A Yes. I -- I tried to speak several times and I got cut off several  
2 times, which led me to believe he wasn't trying to hear anything I had to say.

3 MS. LUZAICH: I have nothing further.

4 THE COURT: Ms. Connolly.

5 MS. CONNOLLY: Yes.

6 **REDIRECT EXAMINATION OF NORMAN FLOWERS**

7 BY MS. CONNOLLY:

8 Q When the judge said -- after your lawyer indicated the case wasn't  
9 resolved then the judge says, Okay, we'll, go to trial, you understand you're  
10 looking at the death penalty, what was your opinion of what he was  
11 communicating to you?

12 A Can you say that again please?

13 Q When the judge said, And once we walk out the door there's no  
14 negotiation, we're going to trial; what did you think about -- what did you feel  
15 when he said that to you?

16 A That I was -- I basically felt screwed. If I -- if I took the deal that it  
17 was -- he was going to be harsh on me, if I didn't take the deal.

18 Q And when he said later, when he said a couple more times and  
19 finally said, No deals once I leave this room, that's when you then decided you  
20 were going to plead guilty, right?

21 A Say it again, I got a buzzing in my ear.

22 Q Okay. And when he finally said, No deals once I leave this room;  
23 what did you think about that statement?

24 A That I better take it, if I doesn't take it I was screwed and it  
25 didn't --

1 MS. CONNOLLY: I don't have anything further, thank you.

2 THE COURT: Lisa, anything more?

3 MS. LUZAICH: No.

4 THE COURT: All right, Mr. Flowers, you can go ahead and step down.

5 Thank you.

6 Ms. Connolly.

7 MS. CONNOLLY: I don't have any other witnesses.

8 THE COURT: Okay. State?

9 MS. LUZAICH: No.

10 THE COURT: Any argument?

11 MS. CONNOLLY: We submit it, Judge.

12 MS. LUZAICH: You know, I'm sorry, I just think that by his own  
13 testimony the motion should be with -- denied. He's been through the system  
14 pretty much his entire life. He knows the system. He knows it's the State who  
15 makes the offers not the judge. And he said he thought the judge would be  
16 hard on him. It's not the judge who sentences either, it's the jury who  
17 sentences. So I just think his own testimony demonstrated that his plea was  
18 free and voluntary and it wasn't because the judge had anything to do with it.

19 THE DEFENDANT: Can I say something real quick, Your Honor?

20 THE COURT: No, no, no.

21 MS. CONNOLLY: Wait, no.

22 He didn't say the judge would be hard on him in sentencing, he  
23 indicated he didn't think he would get a fair trial and the judge was going to be  
24 hard upon him during trial, which is a fair position or a fair belief for him to have  
25 given the repeated comments from the Court which were improper as indicated

1 by the Nevada Supreme Court.

2 THE COURT: Well, so, look, this is one where I think the Supreme Court  
3 has really, really, really narrowed, narrowed, narrowed down the issue here  
4 today and it's an issue that I think justifies the granting of the -- the petition to  
5 withdraw the pleas.

6 The law of the case that the Court's operating under, to begin with,  
7 is that neither trial or appellate counsel raise -- on direct appeal, raise any issue  
8 of a Cripps violation. And then the District Court, when it was in  
9 Department 8, erroneously concluded that that issue had been raised on direct  
10 appeal and the Supreme Court said, nope, that wasn't raised on direct appeal  
11 which is why we're here today. Thereafter, the Supreme Court said there was  
12 clearly a Cripps violation. So there's not any dispute or any ability of this Court  
13 to find that there wasn't a Cripps violation, and quite frankly, I agree that there  
14 was a Cripps violation.

15 The only issue left over is the Supreme Court, at least in my mind,  
16 the Supreme Court's use of the word "may" on page 4 of their opinion where  
17 they say, The statements, i.e., the statements of the Court, Judge Smith, may  
18 reasonably be viewed as having been a material fact or affecting Flowers's  
19 decision to plead guilty. So really it's just, for me to decide today based on  
20 what evidence is available is do I think that reasonably affected -- was a  
21 material factor affecting the decision to plead guilty. And I think that they  
22 were.

23 Look, I don't think that there was much left over in that regard.  
24 There wasn't really much of a hurdle to overcome in that regard after the Court  
25 said that there was a Cripps violation. And I agree with Ms. Connolly that it's

1 not just about the penalty since the jury would be deciding the penalty versus  
2 the Court, it's about the idea of whether I'm going to get a fair trial in front of  
3 the judge or he's pissed off at me basically because I won't plead guilty and is  
4 going to treat me unfairly during the course of the trial.

5           The Supreme Court, when they said that there were Cripps  
6 violations, they didn't really parcel out certain things, but I think they are worth  
7 commenting on in light of what Mr. Flowers said today that he was nervous and  
8 scared, he felt like if he didn't accept the deal that he was not going to get a  
9 fair trial from the judge, and I say that because some of the things that  
10 Judge Smith was saying about no deals once I leave the room, and once we  
11 walk out the door there's no negations, we're going to trial, you know, the  
12 reason those things are inappropriate is because the Court kind of aligns itself  
13 with the attorneys almost adversarially against the defendant, meaning, hey,  
14 we're all in over here and if you don't do anything, we're all leaving and we're  
15 going to trial, and -- and you're basically going to be left as, you know, with an  
16 empty basket so to speak. So I do think it's reasonable for Mr. Flowers to have  
17 felt the way he did as he expressed in his testimony such that it would have  
18 affected his decision to plead guilty.

19           Look, it's very easy to say with the death penalty on the table that  
20 somebody could have decided to plead guilty anyway regardless of those  
21 statements. But, I mean, that's not the state of our record or the state of our  
22 evidence. So I think it's -- it's appropriate to allow him to withdraw the pleas.

23           So that leaves us in a position, and I don't know, Karen, if you had  
24 conversations with Drew's office about just being appointed to move forward  
25 with the resetting of the trial.

1 MS. CONNOLLY: I'm sure I will be. Yeah.

2 THE COURT: Okay. What I'll do is go ahead --

3 MS. CONNOLLY: We need to figure out if we need -- if we have to have  
4 250 counsel.

5 THE COURT: I'm going to have to get another attorney involved. So  
6 we'll set it over for a status check to get a second Rule 250 attorney involved  
7 with Mr. Flowers's case and allow you-all, Lisa, to refile the original charges in  
8 the case with the death penalty notice I'm assuming.

9 MS. LUZAICH: Yeah. We need to file an amended notice. There's  
10 been -- well, he's been convicted of murder in another case and there are new  
11 cold hit sexual assaults.

12 THE COURT: Okay.

13 MS. LUZAICH: Three that I'm aware of, they're still testing.

14 THE COURT: Okay. So why don't we, let's see here, when would be the  
15 next date that we would be doing --

16 MS. CONNOLLY: You have to go to the committee again, right?

17 THE CLERK: We have April 11<sup>th</sup>, April 25<sup>th</sup>.

18 MS. LUZAICH: No, it's death.

19 MS. CONNOLLY: You don't have to?

20 THE COURT: Okay.

21 MS. LUZAICH: It's death.

22 THE COURT: You want April 11<sup>th</sup> --

23 MS. CONNOLLY: Well, I'm just --

24 THE COURT: -- or April 25<sup>th</sup>?

25 MS. CONNOLLY: April 25<sup>th</sup>?

1 THE COURT: April 11<sup>th</sup> --

2 MS. LUZAICH: 25<sup>th</sup>.

3 THE COURT: -- or 25<sup>th</sup>?

4 MS. LUZAICH: 25<sup>th</sup>.

5 MS. CONNOLLY: I -- 25<sup>th</sup> I have -- well, I have something at 9:00, but  
6 it's -- it's downstairs.

7 THE COURT: Well, look, let's just do the 11<sup>th</sup> in terms of filing -- refiling  
8 the original charges and making sure we get another attorney involved, and at  
9 that point we can set another status check on getting the renote of death filed  
10 and talk about trial dates.

11 THE CLERK: April 11<sup>th</sup> at 9:00 a.m.

12 MS. LUZAICH: Thank you.

13 THE COURT: All right, guys, thank you.

14 MS. LUZAICH: Thank you.

15 THE DEFENDANT: Thank you, sir.

16 PROCEEDING CONCLUDED AT 9:49 A.M.

17 \* \* \* \* \*

18  
19  
20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio-video recording of this proceeding in the above-entitled case.

23 

24 SARA RICHARDSON  
25 Court Recorder/Transcriber