

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case Nos. 53159 & 55759

Electronically Filed
May 11 2018 04:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Norman Keith Flowers,

Appellant,

v.

The State of Nevada,

Respondent.

**Motion for Extension of Time to File Reply to State's
Opposition to Appellant's Motion to Reinstate Appeals**

Rene L. Valladares
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*Counsel for Petitioner Norman Flowers

The reply should be accepted as timely filed because Appellant was never served with, or notified of, the State's Opposition.

The State's Opposition was filed on April 25, 2018. NRAP 27 (4) gives Appellant five days "after service of the response" to file a reply. However, Appellant was not notified of the State's response via email by the court's electronic service system, or served by the State via US Postal Service or any other manner.

Appellant discovered the State's Opposition by happenstance on May 7, 2018, while checking the website for the Supreme Court of Nevada. The reply is being filed within five days of Appellant learning about the State's response. Therefore, Appellant respectfully requests this Court accept the reply as timely filed.

Counsel for Appellant notes that the Notice of Appearance she attempted to file simultaneously with the filing of the Motion to Reinstate Appeals on April 18, 2018 was rejected by the clerk's office. Consequently, prior counsel was still incorrectly listed in the docket as counsel of record for Mr. Flowers. However, current counsel's contact information, for service purposes, was available to the State in the Motion itself. Current counsel for Appellant has refiled the Notice of

Appearance, which was accepted on this date (it remains unclear why it was rejected on April 18th).

For these reasons, Mr. Flowers respectfully requests this Court grant him an extension of time to file the reply or accept the reply as timely filed.

Dated this 11th day of May, 2018.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

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

VERIFICATION

Pursuant to NRAP 21(a)(5), and under penalty of perjury, the undersigned declares that she is counsel for the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of her own knowledge except as to those matters stated on information and belief and as to such matters she believes them to be true. Petitioner personally authorized undersigned counsel to commence this action.

Dated this 11th day of May, 2018.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

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

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this petition complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6), as required by NRAP 21(d) because:

This petition has been prepared in a proportionally spaced typeface using Microsoft Word in Century, 14 point font: or

This petition has been prepared in a monospaced typeface using Word Perfect with Times New Roman, 14 point font.

Dated this 11th day of May, 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 May 11, 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:

Charles Thoman
Clark County District Attorney's Office
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