

CLERK OF THE COURT

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Tracie K. Lindeman  
Clerk of Supreme Court

**NOT**  
JAMES A. ORONoz, ESQ.  
Nevada Bar No. 6769  
ORONoz & ERICSSON LLC  
700 South Third Street  
Las Vegas, Nevada 89101  
Telephone: (702) 878-2889  
Facsimile: (702) 522-1542  
jim@oronozlawyers.com  
*Attorney for Appellant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

NORMAN FLOWERS,	)	
	)	
Appellant,	)	CASE NO. 06C228755
	)	
v.	)	DEPT. NO. XI
	)	
THE STATE OF NEVADA,	)	
	)	<b>NOTICE OF APPEAL</b>
Respondent.	)	

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NOTICE is hereby given that NORMAN FLOWERS, above-named appellant, hereby appeals to the Nevada Supreme Court from District Court's decision rendered in this action, the 28<sup>th</sup> day of May, 2015.

DATED this 3<sup>rd</sup> day of June, 2015.

ORONoz & ERICSSON LLC

/s/ James A. Oronoz  
JAMES A. ORONoz, ESQ.  
Nevada Bar No. 6769  
700 South Third Street  
Las Vegas, Nevada 89101  
Telephone: (702) 878-2889  
*Attorney for Appellant*

1 **CSERV**

2 JAMES A. ORONoz, ESQ.

3 Nevada Bar No. 6769

4 ORONoz & ERICSSON LLC

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6 Las Vegas, Nevada 89101

7 Telephone: (702) 878-2889

8 Facsimile: (702) 522-1542

9 jim@oronozlawyers.com

10 *Attorney for Appellant*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 NORMAN FLOWERS,

14 Appellant,

15 v.

16 THE STATE OF NEVADA,

17 Respondent.

CASE NO. 06C228755

DEPT. NO. XI

18 **CERTIFICATE OF SERVICE**

19 The undersigned hereby certifies that electronic service was completed via the Wiznet  
20 Filing System and emailed to the following recipient(s) on this 3<sup>rd</sup> day of June, 2015.

21 STEVEN B. WOLFSON

22 Clark County District Attorney

23 PDMotions@clarkcountyda.com

24 LISA LUZAICH

25 Chief Deputy District Attorney

26 PDMotions@clarkcountyda.com

27 /s/ Rachael Stewart

28 An Employee of Oronoz & Ericsson LLC

  
CLERK OF THE COURT

CAS  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
ORONOZ & ERICSSON LLC  
700 South 3rd Street  
Las Vegas, Nevada 89101  
Telephone: (702) 878-2889  
Facsimile: (702) 522-1542  
jim@oronozlawyers.com  
*Attorney for Appellant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

NORMAN FLOWERS,  
Appellant,  
vs.

THE STATE OF NEVADA,  
Respondent.

CASE NO.: 06C228755  
Supreme Court No: \_\_\_\_\_

**CASE APPEAL STATEMENT**

1. Appellant filing this case appeal statement: **Norman Flowers.**

2. The name of the judge who entered the order or judgment that is being appealed:

**The Honorable Elizabeth Gonzalez.**

3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): **The State of Nevada, Plaintiff; Norman Flowers, Defendant.**

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited): **Norman Flowers, Appellant; The State of Nevada, Respondent.**

5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:

**JAMES A. ORONOZ, ESQ.**  
**ORONOZ & ERICSSON LLC**  
700 South Third Street  
Las Vegas, Nevada 89101  
(702) 878-2889

**STEVEN B. WOLFSON**  
**Clark County District Attorney**  
200 Lewis Avenue  
Las Vegas, Nevada 89155

1 ***Attorney for Appellant***

***Attorney for Respondent***

2 6. Whether an attorney identified in response to paragraph 5 is not licensed to  
3 practice law in Nevada, and if so, whether the district court granted that attorney permission to  
4 appear under SCR 42, including a copy of any district court order granting that permission:  
5 **N/A.**

6 7. Whether appellant was represented by appointed or retained counsel in the  
7 district court: **Appointed.**

8 8. Whether appellant is represented by appointed or retained counsel on appeal:  
9 **Appointed.**

10 9. Whether appellant was granted leave to proceed in forma pauperis, and the date  
11 of entry of the district court order granting such leave: **N/A.**

12 10. Date proceedings commenced in the district court (e.g., date complaint,  
13 indictment, information, or petition was filed): **Grand Jury Indictment filed December 13,**  
14 **2006.**

15 11. A brief description of the nature of the action and result in the district court,  
16 including the type of judgment or order being appealed and the relief granted by the district  
17 court: **This is an appeal of the district court's denial of a Petition for Writ of Habeas**  
18 **Corpus (Post-Conviction).**

19 12. Whether the case has previously been the subject of an appeal to or original writ  
20 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of  
21 the prior proceeding: **Direct Appeal, Docket 53159, and Direct Appeal, Docket 55759.**

22 13. Whether the appeal involves child custody or visitation: **N/A.**

23 14. In civil cases, whether the appeal involves the possibility of settlement. **N/A.**

24 ///

///

1 DATED this 3<sup>rd</sup> day of June, 2015.

2 Respectfully submitted,

3 By: /s/ James A. Oronoz  
4 JAMES A. ORONoz, ESQ.  
5 Nevada Bar No. 6769  
6 ORONoz & ERICSSON LLC  
7 700 South 3rd Street  
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9 Telephone: (702) 878-2889  
10 *Attorney for Appellant*  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with the Nevada  
3 Supreme Court on June 3, 2015. Electronic Service of the foregoing document shall be made in  
4 accordance with the Master Service List as follows:

5 STEVEN S. OWENS  
6 Chief Deputy District Attorney  
7 [pdmotions@clarkcountyda.com](mailto:pdmotions@clarkcountyda.com)

8 RYAN MACDONALD  
9 Deputy District Attorney  
10 [Ryan.macdonald@clarkcountyda.com](mailto:Ryan.macdonald@clarkcountyda.com)

11 By: /s/ Rachael Stewart  
12 An employee of Oronoz & Ericsson LLC

13 I hereby certify and affirm that this document was filed electronically with the Nevada  
14 Supreme Court on June 3, 2015. Service via United States Postal Service of the foregoing  
15 document shall be made as follows:

16 ADAM PAUL LAXALT  
17 Nevada Attorney General  
18 555 E. Washington Ave., Ste. 3900  
19 Las Vegas, NV 89101

20 By: /s/ Rachael Stewart  
21 An employee of Oronoz & Ericsson LLC  
22  
23  
24

  
CLERK OF THE COURT

**REQT**  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
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jim@oronozlawyers.com  
*Attorney for Appellant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

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

CASE NO.: 06C228755  
Supreme Court No:  
  
DEPT. NO.: XI

**REQUEST FOR ROUGH DRAFT TRANSCRIPT**

TO: Court Recorder, Jill Hawkins  
District Court, Department No. XI

NORMAN FLOWERS, Defendant named above, requests a preparation of a rough draft transcript of certain portions of the proceedings before the District Court, as follows:

**Dates or dates of proceedings: March 6, 2013.**

**Portion of the transcript requested:** Entire Hearing, including word index.

This Notice requests a transcript of only those portions of the District Court proceedings that counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present.

I recognize that I must personally serve a copy of this form on the above-named court reporter and opposing counsel.

1 That the above-named court reporter shall have twenty (20) days from the date of  
2 service of this document to prepare an original plus three copies and file with the District Court  
3 Clerk the original rough draft transcript(s) requested herein.

4 Further, pursuant to NRAP 3C(d)(3)(iii), **the court reporter shall also deliver copies of**  
5 **the rough draft transcript to the Supreme Court Clerk, to appellant's counsel and**  
6 **respondent counsel** no more than twenty (20) days after the date of the appellant's request.

7  
8 DATED this 3<sup>rd</sup> day of June, 2015.

9 Respectfully submitted,

10 By: /s/ James A. Oronoz  
11 JAMES A. ORONoz, ESQ.  
12 Nevada Bar No. 6769  
13 ORONoz & ERICSSON LLC  
14 700 South Third Street  
15 Las Vegas, Nevada 89101  
16 Telephone: (702) 878-2889  
17 *Attorney for Appellant*  
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Jill Hawkins  
Court Recorder  
District Court, Dept. XI  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
[hawkinsj@clarkcountycourts.us](mailto:hawkinsj@clarkcountycourts.us)  
Fax: 702-671-4377

/s/ Rachael Stewart  
An employee of Oronoz & Ericsson LLC

1 **ORD**

2 JAMES A. ORONOZ, ESQ.  
3 Nevada Bar No. 6769  
4 ORONOZ & ERICSSON LLC  
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10 *Attorney for Appellant*

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 NORMAN FLOWERS,

9 Appellant,

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.

CASE NO.: 06C228755

Supreme Court No:

DEPT. NO.: XI

13 **ORDER**

14 Upon application of the Appellant and the Court being fully advised in the premises, and  
15 good cause appearing therefore,

16 IT IS HEREBY ORDERED that the transcript **March 6, 2013**, on entire hearing,  
17 recorded by Jill Hawkins, be transcribed at State's expense.

18 DATED AND DONE this \_\_\_\_ day of \_\_\_\_\_, 2015.

20 \_\_\_\_\_  
DISTRICT COURT JUDGE

21 Respectfully submitted,

22 \_\_\_\_\_  
23 JAMES A. ORONOZ, ESQ.  
24 *Attorney for Appellant*

DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

**The State of Nevada vs Norman H Flowers III**

§ Location: **Department 11**  
§ Judicial Officer: **Gonzalez, Elizabeth**  
§ Filed on: **12/13/2006**  
§ Case Number History:  
§ Cross-Reference Case **C228755**  
§ Number:  
§ Defendant's Scope ID #: **1179383**  
§ Lower Court Case Number: **06GJ00103**

**CASE INFORMATION**

Offense	Deg	Date	Case Type:
1. BURGLARY.	F	01/01/1900	<b>Felony/Gross Misdemeanor</b>
2. MURDER.	F	01/01/1900	Case Flags: <b>Appealed to Supreme Court</b>
2. DEGREES OF MURDER	F	01/01/1900	<b>Custody Status - Nevada</b>
3. SEXUAL ASSAULT	F	01/01/1900	<b>Department of Corrections</b>
3. SEXUAL ASSUALT	F	01/01/1900	
4. ROBBERY	F	01/01/1900	

**Statistical Closures**

03/04/2010 USJR Reporting Statistical Closure  
03/26/2010 USJR Reporting Statistical Closure

**Warrants**

Bench Warrant - Flowers III, Norman H (Judicial Officer: Bell, Linda Marie )  
12/20/2006 Quashed  
12/13/2006 Issued  
Fine: \$0 Bond: \$0

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number 06C228755  
Court Department 11  
Date Assigned 01/22/2013  
Judicial Officer Gonzalez, Elizabeth

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Flowers III, Norman H</b>	<b>Oronoz, James A.</b> <i>Retained</i> 702-878-2889(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)





**DATE**

**EVENTS & ORDERS OF THE COURT**







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01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty





DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

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12/26/2006	 Request <i>NOTICE OF MOTION AND MOTION TO CONSOLIDATE</i>	06C2287550011.tif pages
12/26/2006	Motion <i>STATE'S MTN TO CONSOLIDATE WITH C216032/9 Vj 1-8-07</i>	06C2287550012.tif pages

DEPARTMENT 11  
**CASE SUMMARY**  
**CASE No. 06C228755**










01/02/2007	 Opposition Filed By: Defendant Flowers III, Norman H <i>OPPOSITION TO STATES MOTION TO CONSOLIDATE</i>	06C2287550013.tif pages
01/08/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 1</i>	06C2287550014.tif pages
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01/11/2007	 Notice of Intent to Seek Death Penalty <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	06C2287550016.tif pages
01/17/2007	<b>CANCELED Motion to Consolidate (8:30 AM)</b> Events: 12/26/2006 Motion <i>Vacated</i>	
01/23/2007	 Motion <i>DEFT'S MTN IN LIMINE PRECLUDE EVID OF OTHER BAD ACTS/MTN TO CONFIRM COUNSEL/10</i>	06C2287550017.tif pages
01/25/2007	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550018.tif pages
02/02/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL</i>	06C2287550023.tif pages
02/05/2007	<b>Motion in Limine (9:00 AM)</b> Events: 01/23/2007 Motion <i>DEFT'S MTN IN LIMINE PRECLUDE EVID OF OTHER BAD ACTS/MTN TO CONFIRM COUNSEL/10 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i>	
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DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

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DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

*REPORTER'S TRANSCRIPT ARRAIGNMENT BENCH WARRANT RETURN*

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11/15/2007	<b>Motion to Clarify</b> (8:30 AM) Events: 11/05/2007 Motion <i>STATE'S MTN TO CLARIFY /17 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
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06/24/2008	 <b>Motion</b>	06C2287550048.tif pages









DEPARTMENT 11  
**CASE SUMMARY**  
**CASE No. 06C228755**

*DEFT'S MTN FOR MEDICAL TREATMENT & TRANSPORTATION*

06/24/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550049.tif pages
06/30/2008	 Motion <i>DEFT'S MTN TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>	06C2287550050.tif pages
06/30/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550051.tif pages
07/07/2008	<b>Motion (8:30 AM)</b> Events: 06/24/2008 Motion <i>DEFT'S MTN FOR MEDICAL TREATMENT &amp; TRANSPORTATION Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: JOSEPH BONAVENTURE</i>	
07/07/2008	 Opposition <i>OPPOSITION TO MOTION TO STRIKE NOTICE OF INTENT TOSEEK THE DEATH PENALTY</i>	06C2287550052.tif pages
07/10/2008	<b>Motion to Strike (8:30 AM)</b> Events: 06/30/2008 Motion <i>DEFT'S MTN TO STRIKE NOTICE OF INTENT TOSEEK THE DEATH PENALTY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: JOSEPH BONAVENTURE</i>	
07/15/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550053.tif pages
07/21/2008	 Motion <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23</i>	06C2287550054.tif pages
07/21/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550055.tif pages
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07/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PUBLIC DEFENDERS MOTION TO WITHDRAW AS ATTORNEY OF RECORD RECORD</i>	06C2287550061.tif pages







DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

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07/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION FOR CLARIFICATION OF COURTS RULING</i>	06C2287550063.tif pages
07/30/2008	 Brief <i>BENCH BRIEF</i>	06C2287550064.tif pages
07/31/2008	<b>Motion in Limine</b> (8:30 AM) Events: 07/21/2008 Motion <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.</i>	
08/01/2008	<b>Motion in Limine</b> (9:15 AM) <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23 Heard By: Stewart Bell</i>	
08/01/2008	<b>Hearing</b> (9:15 AM) Events: 07/23/2008 Hearing <i>PETROCELLI HEARING Heard By: Stewart Bell</i>	
08/01/2008	<b>Motion to Dismiss</b> (9:15 AM) <i>DEFT'S MTN TO DISMISS /MTN IN LIMINE RE DNA EVIDENCE/25 Heard By: Stewart Bell</i>	
08/01/2008	<b>All Pending Motions</b> (9:15 AM) <i>ALL PENDING MOTIONS 8-1-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
08/01/2008	Motion <i>ALL PENDING MOTIONS 8-1-08</i>	06C2287550059.tif pages
08/01/2008	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO ADMIT EVIDENCE OF CONTENTS OF CRIME STOPPERS REPORT CONTENTS OF CRIME STOPPERS REPORT</i>	06C2287550065.tif pages
08/04/2008	<b>Motion to Dismiss</b> (9:15 AM) Events: 07/24/2008 Motion <i>DEFT'S MTN TO DISMISS /MTN IN LIMINE RE DNA EVIDENCE/25 Heard By: Stewart Bell</i>	
08/18/2008	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	06C2287550066.tif pages
08/21/2008	 Motion <i>DEFT'S MTN FOR INDIVIDUAL &amp; SEQUESTERED VOIR DIRE /27</i>	06C2287550067.tif pages
08/21/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550068.tif pages
08/22/2008	 Notice of Witnesses and/or Expert Witnesses	06C2287550069.tif pages




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	Filed By: Defendant Flowers III, Norman H <i>NOTICE OF DEFENDANTS EXPERT WITNESS</i>	
08/26/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT PETROCELLI HEARING AND ALL PENDING MOTIONS</i>	06C2287550070.tif pages
08/26/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY DEATH PENALTY</i>	06C2287550071.tif pages
08/26/2008	 Reporters Transcript <i>RECORDER'S TRANSCRIPT DEFENDANTS MOTION FOR MEDICAL TREATMENT AND</i>	06C2287550072.tif pages
08/28/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	06C2287550073.tif pages
09/08/2008	<b>Motion (8:30 AM)</b> Events: 08/21/2008 Motion <i>DEFT'S MTN FOR INDIVIDUAL &amp; SEQUESTERED VOIR DIRE /27 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
09/10/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF ALL PENDING MOTIONS</i>	06C2287550077.tif pages
09/10/2008	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Flowers III, Norman H <i>NOTICE OF DEFENDANTS WITNESSES</i>	06C2287550078.tif pages
09/11/2008	<b>Calendar Call (8:30 AM)</b> <i>CALENDAR CALL Court Clerk: Tina Hurd Reporter/Recorder: Cheryl Carpenter Heard By: Stewart Bell</i>	
09/11/2008	Hearing <i>FURTHER PROCEEDINGS: STIPULATED CONSOLIDATION</i>	06C2287550074.tif pages
09/15/2008	<b>Further Proceedings (8:30 AM)</b> Events: 09/11/2008 Hearing <i>FURTHER PROCEEDINGS: STIPULATED CONSOLIDATION Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
09/15/2008	<b>CANCELED Jury Trial (9:30 AM)</b> <i>Vacated</i>	
09/16/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS CALENDAR CALL</i>	06C2287550079.tif pages
09/16/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF FURTHER PROCEEDINGS STIPULATED CONSOLIDATION CONSOLIDATION</i>	06C2287550080.tif pages
09/19/2008	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	06C2287550081.tif pages
09/19/2008	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	06C2287550082.tif pages











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09/25/2008	 Order Filed By: Defendant Flowers III, Norman H <i>ORDER GRANTING MTN FOR MEDICAL FEES AND COSTS AND ORDER GRANTING MTN TO TRANSPORT DEFENDANT TRANSPORT DEFENDANT</i>	06C2287550083.tif pages
09/29/2008	 Motion <i>DEFT'S MTN TO RECONSIDER DEFT'S MTN IN LIMINE /31</i>	06C2287550084.tif pages
09/29/2008	 Supplement <i>SUPPLEMENTAL NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	06C2287550085.tif pages
09/30/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550086.tif pages
10/02/2008	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Flowers III, Norman H <i>SUPPLEMENTAL NOTICE OF DEFENDANTS WITNESSES</i>	06C2287550087.tif pages
10/09/2008	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL Heard By: Stewart Bell</i>	
10/09/2008	<b>Motion to Reconsider</b> (8:30 AM) Events: 09/29/2008 Motion <i>DEFT'S MTN TO RECONSIDER DEFT'S MTN IN LIMINE /31 Heard By: Stewart Bell</i>	
10/09/2008	<b>All Pending Motions</b> (8:30 AM) <i>ALL PENDING MOTIONS - 10/9/08 Court Clerk: Jennifer Kimmel Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer</i>	
10/09/2008	Motion <i>ALL PENDING MOTIONS - 10/9/08</i>	06C2287550088.tif pages
10/09/2008	 Order Filed By: Defendant Flowers III, Norman H <i>ORDER TO TRANSPORT INMATE WITNESS</i>	06C2287550090.tif pages
10/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF CALENDAR CALL</i>	06C2287550091.tif pages
10/09/2008	 Order Filed By: Defendant Flowers III, Norman H <i>ORDER TO TRANSPORT INMATE WITNESS</i>	06C2287550092.tif pages
10/13/2008	<b>CANCELED Jury Trial</b> (9:30 AM) <i>Vacated</i>	
10/15/2008	<b>Motion to Reconsider</b> (9:30 AM) <i>DEFT'S MTN TO RECONSIDER DEFT'S MTN IN LIMINE /31 Relief Clerk: Tia Everett / Susan Jovanovich /sj Reporter/Recorder: Joanna Orduno Heard By: Stewart Bell</i>	
10/15/2008	<b>Jury Trial</b> (9:30 AM) <i>TRIAL BY JURY Relief Clerk: Tia Everett/te Reporter/Recorder: Joana Orduna/Renee Silvaggio Heard By: Bell, Stewart L.</i>	










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10/15/2008	 Notice of Witnesses and/or Expert Witnesses <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	06C2287550094.tif pages
10/15/2008	 Indictment <i>AMENDED (GRAND JURY) INDICTMENT</i>	06C2287550095.tif pages
10/16/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Relief Clerk: Tia Everett/te Reporter/Recorder: Joana Orduna/Renee Silvaggio Heard By: Bell, Stewart L.</i>	
10/16/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY VOIR DIRE</i>	06C2287550096.tif pages
10/16/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VOLUME 1-A</i>	06C2287550097.tif pages
10/16/2008	 Jury List <i>DISTRICT COURT JURY LIST</i>	06C2287550098.tif pages
10/17/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Relief Clerk: Tia Everett/te Reporter/Recorder: Joana Orduna/Renee Silvaggio Heard By: Bell, Stewart L.</i>	
10/17/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 2-A</i>	06C2287550099.tif pages
10/17/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL</i>	06C2287550100.tif pages
10/20/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Relief Clerk: Tia Everett/te Reporter/Recorder: Joana Orduna/Renee Silvaggio Heard By: Bell, Stewart L.</i>	
10/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	06C2287550101.tif pages
10/20/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 3-B</i>	06C2287550102.tif pages
10/20/2008	 Order <i>ORDER</i>	06C2287550103.tif pages
10/20/2008	 Order Filed By: Defendant Flowers III, Norman H <i>ORDER TO TRANSPORT INMATE WITNESS</i>	06C2287550104.tif pages
10/21/2008	<b>Jury Trial (9:30 AM)</b> <i>TRIAL BY JURY Court Clerk: Tina Hurd/th Relief Clerk: Susan Jovanovich Reporter/Recorder: JoAnn Orduna Heard By: Bell, Stewart L.</i>	
10/21/2008	 Instructions to the Jury <i>DEFENDANTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	06C2287550105.tif pages
10/21/2008	 Reporters Transcript	06C2287550106.tif pages




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	<i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 4-A</i>	
10/21/2008	 Jury List <i>AMENDED DISTRICT COURT JURY LIST</i>	<i>06C2287550107.tif pages</i>
10/21/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	<i>06C2287550111.tif pages</i>
10/22/2008	<b>Jury Trial</b> (10:00 AM) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: JoAnn Orduna Heard By: Bell, Stewart L.</i>	
10/22/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 5</i>	<i>06C2287550108.tif pages</i>
10/22/2008	 Judgment <i>VERDICT (COUNTS 1 2 3)</i>	<i>06C2287550109.tif pages</i>
10/22/2008	Judgment Filed By: Defendant Flowers III, Norman H <i>VERDICT (COUNT 4)</i>	<i>06C2287550110.tif pages</i>
10/22/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY INSTRUCTION NO 1</i>	<i>06C2287550115.tif pages</i>
10/22/2008	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. ROBBERY Not Guilty	
10/23/2008	<b>Jury Trial</b> (9:10 AM) <i>TRIAL BY JURY Court Clerk: Tina Hurd/th Relief Clerk: Susan Jovanovich Reporter/Recorder: JoAnn Orduna - A.m. / Renee Silvaggio - P. Heard By: Bell, Stewart L.</i>	
10/23/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF VERDICT - VOLUME 6</i>	<i>06C2287550114.tif pages</i>
10/23/2008	 Request Filed by: Defendant Flowers III, Norman H <i>MOTION TO BIFURCATE PENALTY PHASE</i>	<i>06C2287550119.tif pages</i>
10/24/2008	<b>Jury Trial</b> (9:10 AM) <i>TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: JoAnn Orduna Heard By: Stewart Bell</i>	
10/24/2008	Conversion Case Event Type <i>SENTENCING</i>	<i>06C2287550112.tif pages</i>
10/24/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE - VOLUME 7-A</i>	<i>06C2287550117.tif pages</i>
10/24/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY HEARING</i>	<i>06C2287550118.tif pages</i>
10/24/2008	 Verdict <i>SPECIAL VERDICT MITIGATING CIRCUMSTANCES</i>	<i>06C2287550120.tif pages</i>













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10/24/2008	 Judgment <i>VERDICT (COUNT 2 SENTENCE)</i>	06C2287550121.tif pages
10/24/2008	 Judgment <i>SPECIAL VERDICT (COUNT 2)</i>	06C2287550122.tif pages
10/24/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	06C2287550124.tif pages
10/27/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE - VOLUME 8</i>	06C2287550123.tif pages
10/30/2008	 Motion <i>DEFT'S MTN FOR NEW TRIAL /35</i>	06C2287550125.tif pages
10/30/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550126.tif pages
11/10/2008	 Opposition <i>STATES OPPOSITION TO DEFTS MTN FOR NEW TRIAL</i>	06C2287550127.tif pages
11/12/2008	<b>Motion for New Trial (8:30 AM)</b> Events: 10/30/2008 Motion <i>DEFT'S MTN FOR NEW TRIAL /35 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
11/18/2008	 Order <i>ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL</i>	06C2287550128.tif pages
12/09/2008	<b>Sentencing (8:30 AM)</b> Events: 10/24/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.</i>	
12/30/2008	 PSI <i>PSI Dated 12/30/08</i>	
01/13/2009	<b>Sentencing (9:00 AM)</b> <i>SENTENCING Court Clerk: Denise Trujillo Reporter/Recorder: Kristen Lunkwitz Heard By: Kathy Hardcastle</i>	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Guilty	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion)	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. MURDER. Guilty	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion)	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion)	

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	2. DEGREES OF MURDER Guilty	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion)	
01/13/2009	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty	
01/13/2009	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. BURGLARY. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 48 Months Placement: NSP Converted Disposition: Sentence# 0002: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0003: ADMINISTRATION FEE Amount: \$25.00	
01/13/2009	<b>Sentence</b> (Judicial Officer: User, Conversion) 2. MURDER. Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001	
01/13/2009	<b>Sentence</b> (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001	
01/16/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF HEARING REGARDING SENTENCING</i>	06C2287550130.tif pages
01/16/2009	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	06C2287550131.tif pages
01/16/2009	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	06C2287550132.tif pages
01/26/2009	Hearing <i>STATES REQUEST CLARIFICATION ON THE SENTENCE</i>	06C2287550134.tif pages
01/26/2009	 Notice of Appeal Filed By: Defendant Flowers III, Norman H <i>NOTICE OF APPEAL (SC 53159)</i>	06C2287550135.tif pages















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01/26/2009	 <b>Statement</b> Filed by: Defendant Flowers III, Norman H <i>CASE APPEAL STATEMENT</i>	06C2287550136.tif pages
01/29/2009	<b>Request (9:00 AM)</b> Events: 01/26/2009 Hearing <i>STATES REQUEST CLARIFICATION ON THE SENTENCE Court Clerk: Denise Trujillo Reporter/Recorder: Kristen Lunkwitz Heard By: Kathy Hardcastle</i>	
01/30/2009	 <b>Reporters Transcript</b> <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATES REQUEST CLARIFICATION ON THE SENTENCE - HEARD 1-29-09 ON THE SENTENCE - HEARD 1-29-09</i>	06C2287550137.tif pages
02/12/2009	 <b>Judgment</b> <i>AMENDED JUDGMENT OF CONVICTION</i>	06C2287550138.tif pages
02/12/2009	 <b>Reporters Transcript</b> <i>RECORDER'S TRANSCRIPT OF MTN FOR NEW TRIAL - HEARD 11-12-08</i>	06C2287550139.tif pages
02/17/2009	 <b>Reporters Transcript</b> <i>RECORDER'S TRANSCRIPT OF STATES REQUEST - CLARIFICATION ON THE SENTENCE - HEARD 01-29-09 01-29-09</i>	06C2287550140.tif pages
02/20/2009	 <b>Notice of Appeal</b> Filed By: Defendant Flowers III, Norman H <i>AMENDED NOTICE OF APPEAL</i>	06C2287550141.tif pages
05/19/2009	 <b>Opposition</b> Filed By: Defendant Flowers III, Norman H <i>OPPOSITION TO STATES MOTION TO STRIKE DEFENSE NOTICE OF EXPERTS</i>	06C2287550142.tif pages
03/05/2010	 <b>Motion</b> <i>DEFT'S MTN FOR NEW TRIAL BASED UPON NEWLY AVAILABE EVID/37</i>	06C2287550145.tif pages
03/05/2010	 <b>Receipt of Copy</b> Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550147.tif pages
03/09/2010	 <b>Opposition</b> <i>OPPOSITION TO DEFTS MTN FOR NEW TRIAL</i>	06C2287550148.tif pages
03/17/2010	<b>Motion (8:45 AM)</b> Events: 03/05/2010 Motion <i>DEFT'S MTN FOR NEW TRIAL BASED UPON NEWLY AVAILABE EVID/37 Court Clerk: Tina Hurd Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Renee Vincent Heard By: Linda Bell</i>	
03/23/2010	 <b>Ex Parte Order</b> Filed By: Defendant Flowers III, Norman H <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>	06C2287550149.tif pages
03/23/2010	 <b>Reporters Transcript</b> <i>RECORDER'S TRANSCRIPT OF DEFTS MTN FOR NEW TRIAL BASED UPON NEWLY</i>	06C2287550150.tif pages
















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*AVAILABLE EVIDENCE - HEARD 03-17-10 EVIDENCE - HEARD 03-17-10*

04/01/2010	 Notice of Appeal Filed By: Defendant Flowers III, Norman H <i>NOTICE OF APPEAL (SC 55759)</i>	06C2287550152.tif pages
04/01/2010	 Certificate Filed By: Defendant Flowers III, Norman H <i>CERTIFICATE OF NO REQUEST FOR TRANSCRIPT</i>	06C2287550153.tif pages
04/01/2010	 Statement Filed by: Defendant Flowers III, Norman H <i>CASE APPEAL STATEMENT</i>	06C2287550154.tif pages
04/24/2010	 Order <i>ORDER DENYING DEFTS MTN FOR NEW TRIAL</i>	06C2287550155.tif pages
01/03/2011	 Motion <i>Motion for Release of Photographs Entered into Evidence at Time of Penalty Phase</i>	
01/03/2011	 Receipt of Copy Filed by: Defendant Flowers III, Norman H	
01/14/2011	 <b>Motion</b> (8:45 AM) (Judicial Officer: Bell, Linda Marie) Events: 01/03/2011 Motion <i>Deft's Motion for Release of Photographs Entered into Evidence at Time of Penalty Phase</i>	
09/30/2011	 Notice of Withdrawal Filed By: Defendant Flowers III, Norman H <i>Notice of Withdrawal as Attorney of Record</i>	
02/03/2012	 Motion Filed By: Defendant Flowers III, Norman H <i>Motion to Withdraw Counsel</i>	
02/15/2012	 <b>Motion</b> (8:45 AM) (Judicial Officer: Bell, Linda Marie) Events: 02/03/2012 Motion <i>Deft's Pro Per Motion to Withdraw Counsel</i>	
03/06/2012	 Order Granting Motion Filed By: Plaintiff State of Nevada <i>Order Granting Defendant's Pro Per Motion to Withdraw Counsel</i>	
03/22/2012	 Certificate of Mailing Filed By: Plaintiff State of Nevada	
05/16/2012	 Motion Filed By: Defendant Flowers III, Norman H <i>Motion for the Appointment of Counsel</i>	
05/25/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Appoint Attorney and Response to Motion for</i>	

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*Evidentiary Hearing*

05/30/2012	 <b>Motion</b> (8:45 AM) (Judicial Officer: Gates, Lee A.) <i>Deft's Pro Per Motion for the Appointment of Counsel</i>
06/08/2012	 <b>Appointment of Counsel</b> (8:45 AM) (Judicial Officer: Bell, Linda Marie)
07/13/2012	 <b>Status Check</b> (8:45 AM) (Judicial Officer: Togliatti, Jennifer) <b>07/13/2012, 08/27/2012</b> <i>Status Check: Receipt of File</i>
08/06/2012	Case Reassigned to Department 9 <i>Case reassigned from Judge Bell</i>
08/27/2012	 <b>Order</b> Filed By: Defendant Flowers III, Norman H
09/10/2012	 <b>Request</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Clarification of Discovery</i>
09/12/2012	 <b>Motion</b> <i>Motion To Obtain A Complete Copy Of Discovery From The State</i>
09/17/2012	 <b>Order</b> Filed By: Defendant Flowers III, Norman H
09/21/2012	 <b>Stipulation</b> Filed by: Defendant Flowers III, Norman H <i>Stipulation to Vacate Briefing Schedule and Hearings</i>
09/21/2012	<b>Order</b> Filed By: Defendant Flowers III, Norman H
10/09/2012	 <b>Petition</b> Filed by: Plaintiff State of Nevada <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/30/2012	 <b>Response</b> Filed by: Plaintiff State of Nevada <i>State's Response And Motion To Dismiss Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
10/31/2012	 <b>Motion</b> Filed By: Defendant Flowers III, Norman H <i>Motion to Place On Calendar To Supplement Defendant's Petition For Writ of Habeas Corpus</i>
11/02/2012	 <b>Opposition</b> Filed By: Plaintiff State of Nevada <i>State's Opposition To Defendant's Motion To Place On Calendar To Supplement Defendant's Petition For Writ Of Habeas Corpus</i>
11/14/2012	 <b>Motion</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>11/14/2012, 11/26/2012, 03/06/2013</b>












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*Motion to Place On Calendar To Supplement Defendant's Petition For Writ of Habeas Corpus*

11/14/2012	 Opposition to Motion to Dismiss Filed By: Defendant Flowers III, Norman H <i>Defendant's Opposition to State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/19/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript of Appointment of Counsel June 8, 2012</i>
11/19/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript of Status Check - Receipt of File July 13, 2012</i>
11/20/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Proceedings: Status Check: Receipt of File on August 27, 2012</i>
11/20/2012	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Clarification of Discovery</i>
11/20/2012	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Defendant's Motion to Place on Calendar to Supplement Defendant's Petition for Writ of Habeas Corpus</i>
11/23/2012	 Reply Filed by: Defendant Flowers III, Norman H <i>Defendant's Reply to State's Opposition to Defendant's Motion to Place on Calendar to Supplement Defendant's Petition for Writ of Habeas Corpus</i>
11/26/2012	<b>Petition for Writ of Habeas Corpus (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <b>11/26/2012, 03/06/2013, 03/20/2013</b>
11/26/2012	 <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Togliatti, Jennifer)
12/13/2012	 Order Filed By: Plaintiff State of Nevada <i>Application and Order for Transcripts</i>
12/14/2012	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition To Defendant's Motion To Obtain Complete Copy Of Discovery From The State</i>
12/17/2012	 <b>Motion for Discovery (9:00 AM)</b> (Judicial Officer: Togliatti, Jennifer) <b>12/17/2012, 01/14/2013, 01/16/2013-01/17/2013</b>
12/27/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Proceedings: Motion for Discovery December 17, 2012</i>
01/08/2013	 Supplement

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**CASE SUMMARY**  
**CASE NO. 06C228755**

Filed by: Defendant Flowers III, Norman H  
*Defendant's Supplemental Opposition to State's Response and Motion to Dismiss  
Defendant's Petition for Writ of Habeas Corpus (Post-conviction)*

01/08/2013	 Reply Filed by: Defendant Flowers III, Norman H <i>Defendant's Reply to State's Opposition to Defendant's Motion to Obtain a Complete Copy of Discovery From the State</i>
01/09/2013	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Proceedings: Petition for Writ of Habeas Corpus/Motion to Place on Calendar to Supplement Defendant's Petition for Writ of Habeas Corpus taken on November 26, 2012</i>
01/22/2013	Case Reassigned to Department 11 <i>Case reassigned from Judge Jennifer Togliatti Dept 9</i>
01/29/2013	 Order Filed By: Defendant Flowers III, Norman H <i>Application and Order for Transcripts</i>
01/30/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Motion for Discovery: All Habeas Corpus Related Pleadings 1/17/2013</i>
01/30/2013	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Proceedings: Wednesday, January 16, 2013 (Amended Date, Previously January 17, 2013) Transcript of Proceedings</i>
02/05/2013	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Transcript of Proceedings: Motion for Discovery January 17, 2013</i>
02/26/2013	 Order Filed By: Defendant Flowers III, Norman H <i>Order</i>
03/05/2013	 Response Filed by: Plaintiff State of Nevada <i>State's Renewed Response And Motion To Dismiss Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
03/06/2013	<b>Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> <b>03/06/2013, 03/20/2013</b> <i>All Habeas Corpus Related Pleadings</i>
03/06/2013	 <b>All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
03/20/2013	 <b>All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
07/02/2013	 Stipulation Filed by: Defendant Flowers III, Norman H <i>Stipulation to Continue Supplemental Briefing Schedule and Argument</i>

DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

07/03/2013	 Order Filed By: Defendant Flowers III, Norman H <i>Order</i>
09/11/2013	 Stipulation Filed by: Defendant Flowers III, Norman H <i>Stipulation To Continue Supplemental Briefing Schedule and Argument</i>
09/13/2013	 Order Filed By: Defendant Flowers III, Norman H <i>Order</i>
01/21/2014	 Stipulation Filed by: Defendant Flowers III, Norman H <i>Stipulation to Continue Supplemental Briefing Schedule and Argument</i>
01/27/2014	 Order Filed By: Defendant Flowers III, Norman H <i>Order</i>
02/13/2014	 Order Filed By: Defendant Flowers III, Norman H <i>Ex Parte Order</i>
02/13/2014	 Ex Parte Order Filed By: Defendant Flowers III, Norman H <i>Ex Parte Order Of Appointment</i>
03/26/2014	 Motion Filed By: Defendant Flowers III, Norman H <i>Motion to Extend Time for Filing Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/07/2014	 <b>Motion</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant/Petitioner's Motion to Extend Time for Filing Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
07/07/2014	 Supplement Filed by: Defendant Flowers III, Norman H <i>Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/25/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response And Motion To Dismiss Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
11/10/2014	 Reply Filed by: Defendant Flowers III, Norman H <i>Reply to State's Response and Motion to Dismiss Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/29/2015	<b>Hearing</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Hearing Re: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
04/29/2015	<b>Response and Countermotion</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

DEPARTMENT 11  
**CASE SUMMARY**  
**CASE NO. 06C228755**

*State's Response And Motion To Dismiss Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post-Conviction)*

04/29/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
05/27/2015	 Ex Parte Order Filed By: Defendant Flowers III, Norman H <i>Ex Parte Order for Transcripts</i>
05/28/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>Findings of Fact, Conclusions of Law and Order</i>
05/29/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
05/29/2015	 Reporters Transcript <i>Transcript of Proceedings: Hearing on Defendant's Petition for Writ of Habeas Corpus/State's Motion to Dismiss Supplemental Petition for Writ of Habeas Corpus, April 29, 2015</i>
06/03/2015	 Notice of Appeal (criminal) Party: Defendant Flowers III, Norman H <i>Notice Of Appeal</i>
06/03/2015	 Case Appeal Statement Filed By: Defendant Flowers III, Norman H <i>Case Appeal Statement</i>
06/03/2015	 Request Filed by: Defendant Flowers III, Norman H <i>Request For Rough Draft Transcript</i>

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Flowers III, Norman H  
Total Charges  
Total Payments and Credits  
**Balance Due as of 6/4/2015**

175.00  
0.00  
**175.00**

  
CLERK OF THE COURT

**FCL**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHRISTOPHER BURTON  
Deputy District Attorney  
Nevada Bar #012940  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

NORMAN KEITH FLOWERS,  
aka Norman Harold Flowers III, #1179383  
Defendant.

CASE NO: 06C228755

DEPT NO: XI

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

DATE OF HEARING: APRIL 29, 2015  
TIME OF HEARING: 9:00 AM

THIS CAUSE having come on for hearing before the Honorable JUDGE ELIZABETH GONZALEZ, District Judge, on the 29th day of April, 2015, the Petitioner not being present, REPRESENTED BY LUCAS GAFFNEY, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through LISA LUZAICH, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT, CONCLUSIONS OF LAW**

On December 13, 2006, a Grand Jury issued an Indictment on Norman Keith Flowers, aka Norman Harold Flowers III (hereinafter "Flowers") for the following: COUNT 1 – Burglary (Felony – NRS 205.060); COUNT 2 – Murder (Felony 200.010, 200.030); COUNT

3 – Sexual Assault (Felony – NRS 200.364, 200.366) and COUNT 4 – Robbery (Felony – NRS 200.380). The victim named in the Indictment was Sheila Quarles.

On December 26, 2006, the State filed a Motion to Consolidate seeking to consolidate this case with District Court Case Number C216032. The motion was also filed in Case Number C216032. In Case Number C216032, Flowers was charged with two counts of murder (and other charges) for the deaths of Marilee Coote and Rena Gonzales. Flowers filed an Opposition on January 2, 2007. On January 8, 2007, District Court Judge Joseph Bonaventure, sitting judge for Case Number C216032, denied the State's motion. On January 11, 2007, the State filed a Notice of Intent to Seek Death Penalty in this matter.

On January 23, 2007, Flowers filed a Motion in Limine to Preclude Evidence of Other Bad Acts and Motion to Confirm Counsel. In his motion, Flowers sought to keep out evidence of the Gonzales and Coote murders and to confirm attorney Brett Whipple, Esq., as his counsel. The State filed an opposition on February 2, 2007. On February 5, 2007, the Court denied Flowers' motion to confirm counsel but did not address the prior bad acts. On November 5, 2007, the State filed a Motion for Clarification of Court's Ruling seeking to clarify if they could introduce evidence of the murders charged in Case Number C216032 at trial in this matter. Flowers filed an opposition on November 6, 2007. On November 15, 2007, the Court ordered a Petrocelli hearing on the bad acts that the State wanted to introduce at trial. On August 1, 2008, the Court found that the murder and sexual assault of Coote had a sufficiently similar nexus to the Sheila Quarles murder and could be used at trial, but denied the admission of evidence of the Rena Gonzales murder.

An Amended Indictment was filed on October 15, 2008, alleging the same charges as set forth in the Indictment. On October 22, 2008, pursuant to a jury verdict, Flowers was found guilty of COUNTS 1, 2 & 3, i.e., Burglary; First-Degree Murder and Sexual Assault, respectively. Flowers was found not guilty of COUNT 4 – Robbery. On October 24, 2008, following a penalty hearing, the jury imposed a sentence of LIFE Without the Possibility of Parole for COUNT 2. On October 30, 2008, Flowers filed a Motion for New Trial alleging



insufficient evidence. On November 10, 2008, the State filed an Opposition. The Court denied Flowers' motion on November 12, 2008.

On January 13, 2009, Flowers was sentenced as follows: as to COUNT 1 – to a maximum of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) with a minimum parole eligibility of FORTY-EIGHT (48) MONTHS; as to COUNT 2, to LIFE Without the Possibility Of Parole, to run consecutive to COUNT 1; as to COUNT 3, to LIFE With the Possibility Of Parole after ONE HUNDRED TWENTY (120) MONTHS, to run consecutive to COUNT 2. The Judgment of Conviction was filed on January 16, 2009, erroneously noting as to COUNT 3, a sentence of LIFE Without the Possibility of Parole, with a minimum parole eligibility of ONE HUNDRED TWENTY (120) MONTHS. On January 29, 2009, Flowers appeared in court with counsel pursuant to the State's request for clarification of the sentence. An Amended Judgment of Conviction was filed February 12, 2012 to reflect the true sentence of LIFE *With* the Possibility Of Parole with a minimum parole eligibility of ONE HUNDRED TWENTY (120) MONTHS for COUNT 3.

On January 26, 2009, Flowers filed a Notice of Appeal from the Judgment of Conviction. On February 20, 2009, Flowers filed an Amended Notice of Appeal.

On March 5, 2010, Flowers filed a Motion for New Trial Based upon Newly Available Evidence. The Court denied the Motion for New Trial. On April 1, 2010, Flowers filed a Notice of Appeal from the Court's denial of his Motion for New Trial.

On June 10, 2011, pursuant to negotiations, Flowers entered an Alford plea to an Amended Indictment in Case Number C216032, which charged Flowers with two (2) counts of First-Degree Murder for the deaths of Marilee Coote and Rena Gonzales. Pursuant to the plea negotiations, Flowers agreed to withdraw his appeals in this case which were pending before the Nevada Supreme Court; i.e., Flowers v. State, Docket # 53159 (Appeal from the Judgment of Conviction); and Flowers v. State, Docket # 55759 (Appeal from the District Court's order denying Flowers' motion for new trial). On June 13, 2011, Flowers filed a Motion to Voluntarily Dismiss his Appeal in each of these cases. On September 28, 2011, the Supreme Court issued an Order Dismissing Appeals in Docket # 53159 and Docket # 55759.

1 On May 16, 2012, Flowers filed a Motion for the Appointment of Counsel and Request for  
2 Evidentiary Hearing, seeking the appointment of counsel in the preparation of a post-  
3 conviction petition for writ of habeas corpus. On May 30, 2012, the court granted Flowers'  
4 motion. On June 8, 2012, James A. Oronoz, Esq., was appointed as post-conviction counsel.

5 At a status check on July 13, 2012, defense counsel advised the Court he still had not  
6 obtained Flowers' file. On August 27, 2012, defense counsel advised the Court he was still  
7 not in possession of Flowers' file. Counsel presented the Court with an Order which was  
8 signed in open court, ordering the District Attorney's Office to provide Flowers with a copy  
9 of discovery.

10 On September 10, 2012, before the time to file the post-conviction petition expired in  
11 this case, the parties appeared in court at the State's request for a clarification of the August  
12 27, 2012 discovery order. Defense counsel made an oral motion to extend the timeline for the  
13 filing of Flowers' post-conviction petition. The Court granted defense counsel's request and  
14 extended the deadline by 30 days. The Court also noted that when it signed the discovery  
15 order on August 27, 2012, it had not realized there would be an objection by the State to  
16 providing discovery. Accordingly, the Court vacated the discovery order signed on August  
17 27, 2012, and ordered briefing on the matter.

18 On October 9, 2012, Flowers filed a Petition for Writ of Habeas Corpus (Post-  
19 Conviction). On October 30, 2012, the State moved to dismiss Flowers' petition as untimely.  
20 On October 31, 2012, Flowers filed a Motion to Place on Calendar to Supplement Defendant's  
21 Petition for Writ of Habeas Corpus. On November 2, 2012, State filed an opposition to  
22 Defendant's Motion to Place on Calendar. On November 23, 2012, Flowers filed a reply to  
23 State's opposition.

24 On September 12, 2012, prior to the filing of Flowers' petition, Flowers filed a Motion  
25 to Obtain a Complete Copy of Discovery from the State. On December 14, 2012, the State  
26 filed an opposition. On January 16, 2013, the Court heard argument on Flowers' discovery  
27 motion. The next day, the district court issued a minute order. The Court found: 1) NRS  
28 34.726 does not address instances where a pending appeal is dismissed and no remittitur is

1 issued from the Nevada Supreme Court; 2) even assuming NRS 34.726 applied, there was  
2 good cause to overcome the procedural bar because post-conviction counsel had been “unable  
3 to obtain a copy of his file for reasons outside of his control;” 3) the Court’s September 17,  
4 2012 Order granting an extension created prejudice; and 4) Flowers’ filing of the petition  
5 within eleven days of the deadline was reasonable. The minute order noted that the discovery  
6 issue would be addressed at the next scheduled hearing on March 6, 2013. The instant case  
7 was reassigned to Department 11 on January 22, 2013.

8 On March 5, 2013, the State filed a Renewed Response and Motion to Dismiss Flowers’  
9 Petition for Writ of Habeas Corpus (Post-Conviction). On March 20, 2013, the Court ordered  
10 supplemental briefing as to Flowers’ post-conviction petition. Following a stipulation by the  
11 parties to extend the briefing schedule, Flowers filed a Supplemental Petition for Writ of  
12 Habeas Corpus (Post-Conviction) on July 7, 2014. On August 25, 2015, the State filed a  
13 Response and Motion to Dismiss Flower’s Supplemental Petition for Writ of Habeas Corpus  
14 (Post-Conviction). Flowers filed a reply on November 10, 2014.

15 To prevail on a claim of ineffective assistance of trial counsel a defendant must prove  
16 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of  
17 Strickland v. Washington, 466 U.S. 668, 686-87, 104 S. Ct. 2052, 2063-64 (1984); see also  
18 State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993). Under the Strickland test, a  
19 defendant must show first that his counsel’s representation fell below an objective standard of  
20 reasonableness, and second, that but for counsel’s errors, there is a reasonable probability that  
21 the result of the proceedings would have been different. 466 U.S. at 687-88, 104 S. Ct. at  
22 2068; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984)  
23 (adopting the Strickland two-part test). “[T]here is no reason for a court deciding an ineffective  
24 assistance claim to approach the inquiry in the same order or even to address both components  
25 of the inquiry if the defendant makes an insufficient showing on one.” Strickland, 466 U.S. at  
26 697, 104 S. Ct. at 2069.

27 Even if a defendant can demonstrate that his counsel’s representation fell below an  
28 objective standard of reasonableness, he must still demonstrate prejudice and show a

1 reasonable probability that, but for counsel's errors, the result of the trial would have been  
2 different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing  
3 Strickland, 466 U.S. at 687, 104 S. Ct. at 2052). "A reasonable probability is a probability  
4 sufficient to undermine confidence in the outcome." McNelton, 115 Nev. at 403, 990 P.2d at  
5 1268 (citing Strickland, 466 U.S. at 687-89, 694, 104 S. Ct. at 2052).

6 This Court finds that trial counsel was not ineffective for not objecting to the State's  
7 evidence regarding George Brass, as such did not constitute vouching. It is well settled that  
8 the prosecution may not "vouch" for a witness' credibility. Browning v. State, 120 Nev. 347,  
9 358, 91 P.3d 39, 48 (2004). "[S]uch vouching occurs when the prosecution places the prestige  
10 of the government behind the witness by providing personal assurances of the witness's  
11 veracity. Id. (internal citation and quotation marks omitted), accord Rowland v. State, 118  
12 Nev. 31, 39, 39 P.3d 114, 119 (2002). Flowers alleged that the State vouched for Mr. Brass  
13 during Detective Vaccaro's testimony, but does not specify how the testimony elicited from  
14 Detective Vaccaro was improper vouching. Flowers also alleged that the State vouched for  
15 Mr. Brass during Detective Long's testimony by eliciting testimony that Mr. Brass could have  
16 refused to speak with Detective Long had he so chose. The Court finds this is not a "personal  
17 assurance" by the prosecution of Mr. Brass' credibility, and therefore no improper vouching  
18 occurred.

19 Flowers also contends that the State "vouched" for Mr. Brass during closing argument  
20 by indicating that Mr. Brass had "nothing to hide." This Court finds that the circumstances as  
21 presented do not indicate vouching. The State's comment was proper because it was  
22 commenting on the evidence presented and inviting the jury to draw a reasonable inference  
23 that Mr. Brass' testimony was truthful based on the totality of the evidence. This type of  
24 argument is proper. See Bridges v. State, 116 Nev. 752, 762, 6 P.3d 1000, 1008 (2000) ("The  
25 prosecutor had a right to comment upon the testimony and to ask the jury to draw inferences  
26 from the evidence, and has the right to state fully his views as to what the evidence shows.").  
27 Flowers has not shown deficiency or prejudice, thus this claim is denied.

28 //

1 This Court finds that trial counsel was not ineffective for not objecting to Dr. Simms  
2 testimony as it related to the findings contained in Dr. Knoblock's autopsy report. The Sixth  
3 Amendment provides that, "[i]n all criminal prosecutions, the accused shall enjoy the right to  
4 be confronted with the witnesses against him," and gives the accused the opportunity to cross-  
5 examine all those who "bear testimony" against him. Crawford v. Washington, 541 U.S. 36,  
6 51, 124 S.Ct. 1354, 1364 (2004); see also White v. Illinois, 502 U.S. 346, 359, 112 S.Ct. 736,  
7 744 (1992) (Thomas, J., concurring in part and concurring in judgment) ("critical phrase within  
8 the Clause is 'witnesses against him'"). Thus, testimonial hearsay - i.e. extrajudicial  
9 statements used as the "functional equivalent" of in-court testimony - may only be admitted at  
10 trial if the declarant is "unavailable to testify, and the defendant had had a prior opportunity  
11 for cross-examination." Crawford, 541 U.S. at 53-54, 124 S.Ct. at 1365. To run afoul of the  
12 Confrontation Clause, therefore, out-of-court statements introduced at trial must not only be  
13 "testimonial" but must also be hearsay, for the Clause does not bar the use of even "testimonial  
14 statements for purposes other than establishing the truth of the matter asserted." Id. at 51-52,  
15 60 n.9, 124 S.Ct. at 1369 n.9 (citing, Tennessee v. Street, 471 U.S. 409, 414, 105 S.Ct. 2078,  
16 2081-82 (1985)).

17 This Court finds that no Confrontation Clause violation was committed during Dr.  
18 Simms' testimony as the autopsy report is not testimonial in nature. Autopsy reports are the  
19 product of an official duty imposed by law, rather than a product of criminal investigation for  
20 use at trial. See NRS 259.050. Unlike the reports held testimonial in Melendez-Diaz v.  
21 Massachusetts, 557 U.S. 305, 129 S.Ct. 2527 (2009), and Bullcoming v. New Mexico, 564  
22 U.S. \_\_\_, 131 S.Ct. 2705 (2011), autopsy reports are generated regardless of any request by  
23 law enforcement and are not produced solely or even primarily for purposes of gathering  
24 evidence for a future criminal prosecution. See Williams v. Illinois, \_\_\_ U.S. \_\_\_, 132 S.Ct.  
25 2221, 2251 (2012) (Breyer, J. concurring) ("Autopsies, like the DNA report in this case, are  
26 often conducted when it is not yet clear whether there is a particular suspect or whether the  
27 facts found in the autopsy will ultimately prove relevant in a criminal trial").

28 //

1 This Court finds that as Dr. Simms testified as to his own opinion based on the autopsy  
2 report and the autopsy photographs, his testimony did not run afoul of the Confrontation  
3 Clause. See Williams, 132 S.Ct. at 2228. (“Under settled evidence law, an expert may express  
4 an opinion that is based on facts that the expert assumes, but does not know, to be true.”) Thus,  
5 any objection by trial counsel would have been futile, and counsel cannot be ineffective for  
6 failing to make futile objections or arguments. See Ennis, 122 Nev. at 706, 137 P.3d at 1103.  
7 Flowers has not established deficiency, therefore this claim is denied.

8 This Court finds that trial counsel was not ineffective for failing to object to Ms.  
9 Paulette’s testimony as it related to the findings contained in Mr. Wahl’s DNA report regarding  
10 Marilee Coote’s case, as there was no Confrontation Clause violation. Paulette reviewed the  
11 report, testified that she agreed to its findings, and was subject to cross-examination.  
12 Moreover, Paulette testified to the procedures of the Las Vegas Metropolitan Police  
13 Department (LVMPD) forensics laboratory, the same laboratory Wahl worked at when he  
14 authored the DNA report, and was subject to cross-examination.

15 This Court has reviewed the other claims asserted by Flowers in his Petitions and finds  
16 them to be without merit.

17 This Court finds that as the record clearly belies Flowers’ claims, an evidentiary hearing  
18 is not required.

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**ORDER**

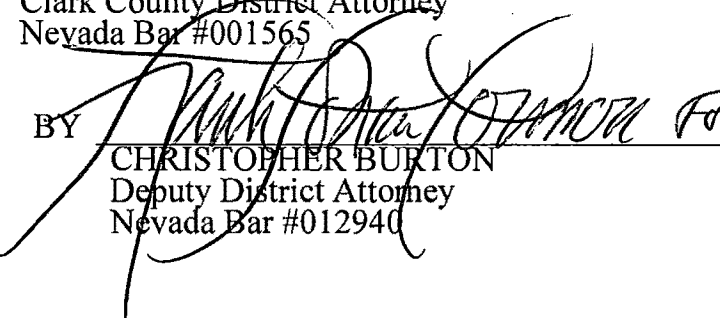
THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 20<sup>th</sup> day of May, 2015.

  
DISTRICT JUDGE

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

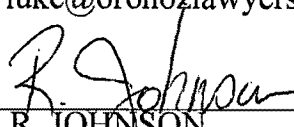
  
CHRISTOPHER BURTON  
Deputy District Attorney  
Nevada Bar #012940

**CERTIFICATE OF SERVICE**

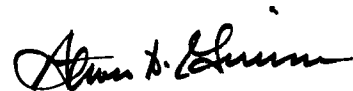
I certify that on the 20th day of May, 2015, I e-mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

LUCAS GAFFNEY, Esq.,  
luke@oronozlawyers.com

BY

  
R. JOHNSON  
Secretary for the District Attorney's Office

GC/CB/rj/M-1



CLERK OF THE COURT

NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

NORMAN H. FLOWERS, III,

Petitioner,

Case No: 06C228755

Dept No: XI

vs.

THE STATE OF NEVADA,


Respondent,

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER**

**PLEASE TAKE NOTICE** that on May 28, 2015, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on May 29, 2015.

STEVEN D. GRIERSON, CLERK OF THE COURT

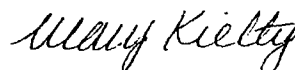


Mary Kielty, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 29 day of May 2015, I placed a copy of this Notice of Entry in:

- ☒ The bin(s) located in the Regional Justice Center of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:  
Norman H. Flowers, III # 39975      James A. Oronoz, Esq.  
P.O. Box 1989                              700 S. Third Street  
Ely, NV 89301                              Las Vegas, NV 89101



Mary Kielty, Deputy Clerk



  
CLERK OF THE COURT

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**CHRISTOPHER BURTON**  
Deputy District Attorney  
Nevada Bar #012940  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

**NORMAN KEITH FLOWERS,**  
aka Norman Harold Flowers III, #1179383  
Defendant.

CASE NO: 06C228755

DEPT NO: XI

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

DATE OF HEARING: APRIL 29, 2015  
TIME OF HEARING: 9:00 AM

THIS CAUSE having come on for hearing before the Honorable JUDGE ELIZABETH GONZALEZ, District Judge, on the 29th day of April, 2015, the Petitioner not being present, REPRESENTED BY LUCAS GAFFNEY, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through LISA LUZAICH, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT, CONCLUSIONS OF LAW**

On December 13, 2006, a Grand Jury issued an Indictment on Norman Keith Flowers, aka Norman Harold Flowers III (hereinafter "Flowers") for the following: COUNT 1 – Burglary (Felony – NRS 205.060); COUNT 2 – Murder (Felony 200.010, 200.030); COUNT

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On December 26, 2006, the State filed a Motion to Consolidate seeking to consolidate this case with District Court Case Number C216032. The motion was also filed in Case Number C216032. In Case Number C216032, Flowers was charged with two counts of murder (and other charges) for the deaths of Marilee Coote and Rena Gonzales. Flowers filed an Opposition on January 2, 2007. On January 8, 2007, District Court Judge Joseph Bonaventure, sitting judge for Case Number C216032, denied the State's motion. On January 11, 2007, the State filed a Notice of Intent to Seek Death Penalty in this matter.

On January 23, 2007, Flowers filed a Motion in Limine to Preclude Evidence of Other Bad Acts and Motion to Confirm Counsel. In his motion, Flowers sought to keep out evidence of the Gonzales and Coote murders and to confirm attorney Brett Whipple, Esq., as his counsel. The State filed an opposition on February 2, 2007. On February 5, 2007, the Court denied Flowers' motion to confirm counsel but did not address the prior bad acts. On November 5, 2007, the State filed a Motion for Clarification of Court's Ruling seeking to clarify if they could introduce evidence of the murders charged in Case Number C216032 at trial in this matter. Flowers filed an opposition on November 6, 2007. On November 15, 2007, the Court ordered a Petrocelli hearing on the bad acts that the State wanted to introduce at trial. On August 1, 2008, the Court found that the murder and sexual assault of Coote had a sufficiently similar nexus to the Sheila Quarles murder and could be used at trial, but denied the admission of evidence of the Rena Gonzales murder.

An Amended Indictment was filed on October 15, 2008, alleging the same charges as set forth in the Indictment. On October 22, 2008, pursuant to a jury verdict, Flowers was found guilty of COUNTS 1, 2 & 3, i.e., Burglary; First-Degree Murder and Sexual Assault, respectively. Flowers was found not guilty of COUNT 4 – Robbery. On October 24, 2008, following a penalty hearing, the jury imposed a sentence of LIFE Without the Possibility of Parole for COUNT 2. On October 30, 2008, Flowers filed a Motion for New Trial alleging

insufficient evidence. On November 10, 2008, the State filed an Opposition. The Court denied Flowers' motion on November 12, 2008.

On January 13, 2009, Flowers was sentenced as follows: as to COUNT 1 – to a maximum of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) with a minimum parole eligibility of FORTY-EIGHT (48) MONTHS; as to COUNT 2, to LIFE Without the Possibility Of Parole, to run consecutive to COUNT 1; as to COUNT 3, to LIFE With the Possibility Of Parole after ONE HUNDRED TWENTY (120) MONTHS, to run consecutive to COUNT 2. The Judgment of Conviction was filed on January 16, 2009, erroneously noting as to COUNT 3, a sentence of LIFE Without the Possibility of Parole, with a minimum parole eligibility of ONE HUNDRED TWENTY (120) MONTHS. On January 29, 2009, Flowers appeared in court with counsel pursuant to the State's request for clarification of the sentence. An Amended Judgment of Conviction was filed February 12, 2012 to reflect the true sentence of LIFE *With* the Possibility Of Parole with a minimum parole eligibility of ONE HUNDRED TWENTY (120) MONTHS for COUNT 3.

On January 26, 2009, Flowers filed a Notice of Appeal from the Judgment of Conviction. On February 20, 2009, Flowers filed an Amended Notice of Appeal.

On March 5, 2010, Flowers filed a Motion for New Trial Based upon Newly Available Evidence. The Court denied the Motion for New Trial. On April 1, 2010, Flowers filed a Notice of Appeal from the Court's denial of his Motion for New Trial.

On June 10, 2011, pursuant to negotiations, Flowers entered an Alford plea to an Amended Indictment in Case Number C216032, which charged Flowers with two (2) counts of First-Degree Murder for the deaths of Marilee Coote and Rena Gonzales. Pursuant to the plea negotiations, Flowers agreed to withdraw his appeals in this case which were pending before the Nevada Supreme Court; i.e., Flowers v. State, Docket # 53159 (Appeal from the Judgment of Conviction); and Flowers v. State, Docket # 55759 (Appeal from the District Court's order denying Flowers' motion for new trial). On June 13, 2011, Flowers filed a Motion to Voluntarily Dismiss his Appeal in each of these cases. On September 28, 2011, the Supreme Court issued an Order Dismissing Appeals in Docket # 53159 and Docket # 55759.

1 On May 16, 2012, Flowers filed a Motion for the Appointment of Counsel and Request for  
2 Evidentiary Hearing, seeking the appointment of counsel in the preparation of a post-  
3 conviction petition for writ of habeas corpus. On May 30, 2012, the court granted Flowers'  
4 motion. On June 8, 2012, James A. Oronoz, Esq., was appointed as post-conviction counsel.

5 At a status check on July 13, 2012, defense counsel advised the Court he still had not  
6 obtained Flowers' file. On August 27, 2012, defense counsel advised the Court he was still  
7 not in possession of Flowers' file. Counsel presented the Court with an Order which was  
8 signed in open court, ordering the District Attorney's Office to provide Flowers with a copy  
9 of discovery.

10 On September 10, 2012, before the time to file the post-conviction petition expired in  
11 this case, the parties appeared in court at the State's request for a clarification of the August  
12 27, 2012 discovery order. Defense counsel made an oral motion to extend the timeline for the  
13 filing of Flowers' post-conviction petition. The Court granted defense counsel's request and  
14 extended the deadline by 30 days. The Court also noted that when it signed the discovery  
15 order on August 27, 2012, it had not realized there would be an objection by the State to  
16 providing discovery. Accordingly, the Court vacated the discovery order signed on August  
17 27, 2012, and ordered briefing on the matter.

18 On October 9, 2012, Flowers filed a Petition for Writ of Habeas Corpus (Post-  
19 Conviction). On October 30, 2012, the State moved to dismiss Flowers' petition as untimely.  
20 On October 31, 2012, Flowers filed a Motion to Place on Calendar to Supplement Defendant's  
21 Petition for Writ of Habeas Corpus. On November 2, 2012, State filed an opposition to  
22 Defendant's Motion to Place on Calendar. On November 23, 2012, Flowers filed a reply to  
23 State's opposition.

24 On September 12, 2012, prior to the filing of Flowers' petition, Flowers filed a Motion  
25 to Obtain a Complete Copy of Discovery from the State. On December 14, 2012, the State  
26 filed an opposition. On January 16, 2013, the Court heard argument on Flowers' discovery  
27 motion. The next day, the district court issued a minute order. The Court found: 1) NRS  
28 34.726 does not address instances where a pending appeal is dismissed and no remittitur is

1 issued from the Nevada Supreme Court; 2) even assuming NRS 34.726 applied, there was  
2 good cause to overcome the procedural bar because post-conviction counsel had been “unable  
3 to obtain a copy of his file for reasons outside of his control;” 3) the Court’s September 17,  
4 2012 Order granting an extension created prejudice; and 4) Flowers’ filing of the petition  
5 within eleven days of the deadline was reasonable. The minute order noted that the discovery  
6 issue would be addressed at the next scheduled hearing on March 6, 2013. The instant case  
7 was reassigned to Department 11 on January 22, 2013.

8 On March 5, 2013, the State filed a Renewed Response and Motion to Dismiss Flowers’  
9 Petition for Writ of Habeas Corpus (Post-Conviction). On March 20, 2013, the Court ordered  
10 supplemental briefing as to Flowers’ post-conviction petition. Following a stipulation by the  
11 parties to extend the briefing schedule, Flowers filed a Supplemental Petition for Writ of  
12 Habeas Corpus (Post-Conviction) on July 7, 2014. On August 25, 2015, the State filed a  
13 Response and Motion to Dismiss Flower’s Supplemental Petition for Writ of Habeas Corpus  
14 (Post-Conviction). Flowers filed a reply on November 10, 2014.

15 To prevail on a claim of ineffective assistance of trial counsel a defendant must prove  
16 he was denied “reasonably effective assistance” of counsel by satisfying the two-prong test of  
17 Strickland v. Washington, 466 U.S. 668, 686-87, 104 S. Ct. 2052, 2063-64 (1984); see also  
18 State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323 (1993). Under the Strickland test, a  
19 defendant must show first that his counsel’s representation fell below an objective standard of  
20 reasonableness, and second, that but for counsel’s errors, there is a reasonable probability that  
21 the result of the proceedings would have been different. 466 U.S. at 687-88, 104 S. Ct. at  
22 2068; Warden, Nevada State Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984)  
23 (adopting the Strickland two-part test). “[T]here is no reason for a court deciding an ineffective  
24 assistance claim to approach the inquiry in the same order or even to address both components  
25 of the inquiry if the defendant makes an insufficient showing on one.” Strickland, 466 U.S. at  
26 697, 104 S. Ct. at 2069.

27 Even if a defendant can demonstrate that his counsel’s representation fell below an  
28 objective standard of reasonableness, he must still demonstrate prejudice and show a

1 reasonable probability that, but for counsel's errors, the result of the trial would have been  
2 different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing  
3 Strickland, 466 U.S. at 687, 104 S. Ct. at 2052). "A reasonable probability is a probability  
4 sufficient to undermine confidence in the outcome." McNelton, 115 Nev. at 403, 990 P.2d at  
5 1268 (citing Strickland, 466 U.S. at 687-89, 694, 104 S. Ct. at 2052).

6 This Court finds that trial counsel was not ineffective for not objecting to the State's  
7 evidence regarding George Brass, as such did not constitute vouching. It is well settled that  
8 the prosecution may not "vouch" for a witness' credibility. Browning v. State, 120 Nev. 347,  
9 358, 91 P.3d 39, 48 (2004). "[S]uch vouching occurs when the prosecution places the prestige  
10 of the government behind the witness by providing personal assurances of the witness's  
11 veracity. Id. (internal citation and quotation marks omitted), accord Rowland v. State, 118  
12 Nev. 31, 39, 39 P.3d 114, 119 (2002). Flowers alleged that the State vouched for Mr. Brass  
13 during Detective Vaccaro's testimony, but does not specify how the testimony elicited from  
14 Detective Vaccaro was improper vouching. Flowers also alleged that the State vouched for  
15 Mr. Brass during Detective Long's testimony by eliciting testimony that Mr. Brass could have  
16 refused to speak with Detective Long had he so chose. The Court finds this is not a "personal  
17 assurance" by the prosecution of Mr. Brass' credibility, and therefore no improper vouching  
18 occurred.

19 Flowers also contends that the State "vouched" for Mr. Brass during closing argument  
20 by indicating that Mr. Brass had "nothing to hide." This Court finds that the circumstances as  
21 presented do not indicate vouching. The State's comment was proper because it was  
22 commenting on the evidence presented and inviting the jury to draw a reasonable inference  
23 that Mr. Brass' testimony was truthful based on the totality of the evidence. This type of  
24 argument is proper. See Bridges v. State, 116 Nev. 752, 762, 6 P.3d 1000, 1008 (2000) ("The  
25 prosecutor had a right to comment upon the testimony and to ask the jury to draw inferences  
26 from the evidence, and has the right to state fully his views as to what the evidence shows.").  
27 Flowers has not shown deficiency or prejudice, thus this claim is denied.

28 //

1 This Court finds that trial counsel was not ineffective for not objecting to Dr. Simms  
2 testimony as it related to the findings contained in Dr. Knoblock's autopsy report. The Sixth  
3 Amendment provides that, "[i]n all criminal prosecutions, the accused shall enjoy the right to  
4 be confronted with the witnesses against him," and gives the accused the opportunity to cross-  
5 examine all those who "bear testimony" against him. Crawford v. Washington, 541 U.S. 36,  
6 51, 124 S.Ct. 1354, 1364 (2004); see also White v. Illinois, 502 U.S. 346, 359, 112 S.Ct. 736,  
7 744 (1992) (Thomas, J., concurring in part and concurring in judgment) ("critical phrase within  
8 the Clause is 'witnesses against him'"). Thus, testimonial hearsay - i.e. extrajudicial  
9 statements used as the "functional equivalent" of in-court testimony - may only be admitted at  
10 trial if the declarant is "unavailable to testify, and the defendant had had a prior opportunity  
11 for cross-examination." Crawford, 541 U.S. at 53-54, 124 S.Ct. at 1365. To run afoul of the  
12 Confrontation Clause, therefore, out-of-court statements introduced at trial must not only be  
13 "testimonial" but must also be hearsay, for the Clause does not bar the use of even "testimonial  
14 statements for purposes other than establishing the truth of the matter asserted." Id. at 51-52,  
15 60 n.9, 124 S.Ct. at 1369 n.9 (citing, Tennessee v. Street, 471 U.S. 409, 414, 105 S.Ct. 2078,  
16 2081-82 (1985)).

17 This Court finds that no Confrontation Clause violation was committed during Dr.  
18 Simms' testimony as the autopsy report is not testimonial in nature. Autopsy reports are the  
19 product of an official duty imposed by law, rather than a product of criminal investigation for  
20 use at trial. See NRS 259.050. Unlike the reports held testimonial in Melendez-Diaz v.  
21 Massachusetts, 557 U.S. 305, 129 S.Ct. 2527 (2009), and Bullcoming v. New Mexico, 564  
22 U.S. \_\_\_, 131 S.Ct. 2705 (2011), autopsy reports are generated regardless of any request by  
23 law enforcement and are not produced solely or even primarily for purposes of gathering  
24 evidence for a future criminal prosecution. See Williams v. Illinois, \_\_\_ U.S. \_\_\_, 132 S.Ct.  
25 2221, 2251 (2012) (Breyer, J. concurring) ("Autopsies, like the DNA report in this case, are  
26 often conducted when it is not yet clear whether there is a particular suspect or whether the  
27 facts found in the autopsy will ultimately prove relevant in a criminal trial").

28 //

1 This Court finds that as Dr. Simms testified as to his own opinion based on the autopsy  
2 report and the autopsy photographs, his testimony did not run afoul of the Confrontation  
3 Clause. See Williams, 132 S.Ct. at 2228. ("Under settled evidence law, an expert may express  
4 an opinion that is based on facts that the expert assumes, but does not know, to be true.") Thus,  
5 any objection by trial counsel would have been futile, and counsel cannot be ineffective for  
6 failing to make futile objections or arguments. See Ennis, 122 Nev. at 706, 137 P.3d at 1103.  
7 Flowers has not established deficiency, therefore this claim is denied.

8 This Court finds that trial counsel was not ineffective for failing to object to Ms.  
9 Paulette's testimony as it related to the findings contained in Mr. Wahl's DNA report regarding  
10 Marilee Coote's case, as there was no Confrontation Clause violation. Paulette reviewed the  
11 report, testified that she agreed to its findings, and was subject to cross-examination.  
12 Moreover, Paulette testified to the procedures of the Las Vegas Metropolitan Police  
13 Department (LVMPD) forensics laboratory, the same laboratory Wahl worked at when he  
14 authored the DNA report, and was subject to cross-examination.

15 This Court has reviewed the other claims asserted by Flowers in his Petitions and finds  
16 them to be without merit.

17 This Court finds that as the record clearly belies Flowers' claims, an evidentiary hearing  
18 is not required.

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**ORDER**

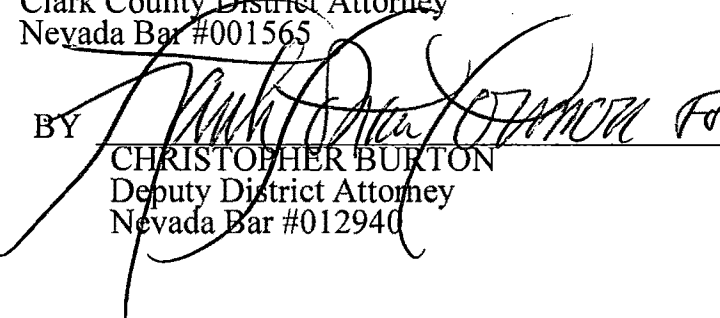
THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 20<sup>th</sup> day of May, 2015.

  
DISTRICT JUDGE

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

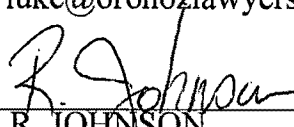
  
CHRISTOPHER BURTON  
Deputy District Attorney  
Nevada Bar #012940

**CERTIFICATE OF SERVICE**

I certify that on the 20th day of May, 2015, I e-mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

LUCAS GAFFNEY, Esq.,  
luke@oronozlawyers.com

BY

  
R. JOHNSON  
Secretary for the District Attorney's Office

GC/CB/rj/M-1

THE SEALED PORTION  
OF THESE MINUTES  
WILL FOLLOW VIA  
U.S. MAIL.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 17, 2010**

06C228755

The State of Nevada vs Norman H Flowers III

**March 17, 2010****8:45 AM****Motion**

**DEFT'S MTN FOR  
NEW TRIAL BASED  
UPON NEWLY  
AVAILABLE EVID/37  
Court Clerk: Tina  
Hurd Relief Clerk:  
Shelly Landwehr/sl  
Reporter/Recorder:  
Renee Vincent  
Heard By: Linda Bell**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Patrick, Clark W.

Attorney

Pike, Randall H.

Attorney

Special Public Defender

Attorney

Weckerly, Pamela C.

Attorney

**JOURNAL ENTRIES**

- Mr. Pike argued this case involved two semen donors. Mr. Brass did not reveal his relationship with the victim until two years later, after he had been given immunity. It was then that Mr. Brass admitted to having sex with the victim the day she was killed. During the course of the trial, it would have changed the trial had they been able to impeach the Deft. This new evidence would have been significant to a jury. Further arguments regarding the robbery charge and motive.

Ms. Weckerly argued the Defense tried to blame Mr. Brass and another individual. Defense went to trial knowing trial of Mr. Brass was pending. Further, Mr. Brass had an alibi; he was at work during

the time of the killing. Their argument would have been improper.

Further arguments by Mr. Pike regarding the ability of Mr. Brass, to alter the records. Court stated, it did not believe this constitutes new evidence that would warrant a new trial. COURT ORDERED, motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 14, 2011**

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06C228755

The State of Nevada vs Norman H Flowers III

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**January 14, 2011****8:45 AM****Motion****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Tina Hurd**RECORDER:** Patti Slattery**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Lisa Luzaich, DDA, present for the State of Nevada.

- Randall Pike, DSPD, and Clark Patrick, DSPD, present on behalf of Deft. Flowers.

Deft. Flowers not present. Mr. Pike advised the penalty phase is not being appealed and it is just pictures Deft. admitted. Deft. did not receive the death penalty. Colloquy regarding copies. Mr. Pike advised he needs to obtain the photos, make color copies and substitute them in. Ms. Luzaich had no objection. Court advised she will be happy to sign an appropriate Order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 15, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**February 15, 2012**

**8:45 AM**

**Motion**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Tina Hurd  
Dulce Romea  
Kathy Sweatt  
Sharon Coffman

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Frank Ponticello, DDA, present for the State of Nevada.  
- Clark Patrick, DSPD, present on behalf of Deft. Flowers.  
Deft. Flowers not present. Court stated it appears the appeal was completed on September 11. Mr. Patrick advised he has no opposition and advised he is in the process of getting the file out of storage and sending Deft. a copy and will file a Certificate of Mailing. COURT ORDERED, motion GRANTED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 30, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**May 30, 2012**

**8:45 AM**

**Motion**

**HEARD BY:** Gates, Lee A.

**COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Tina Hurd

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Frank Ponticello, DDA, present for the State of Nevada.

- Deft. Norman Flowers not present, in Proper Person.

COURT ORDERED, motion GRANTED; matter CONTINUED for appointment of counsel.

NDC

6-8-12 8:45 AM APPOINTMENT OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 08, 2012**

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06C228755

The State of Nevada vs Norman H Flowers III

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**June 08, 2012****8:45 AM****Appointment of Counsel****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Tina Hurd**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Jeffrey Rogan, DDA, present for the State of Nevada.

- Lucas Gaffney, Esq., present on behalf of Deft. Norman Flowers.

Deft. Flowers not present. Mr. Gaffney advised he is appearing for James Oronoz who will CONFIRM as counsel. COURT ORDERED, matter set for status check in 30 days regarding receipt of the file and for Mr. Oronoz to see Deft. Flowers.

NDC

7-13-12 8:45 AM STATUS CHECK: RECEIPT OF FILE



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 13, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**July 13, 2012****8:45 AM****Status Check****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Tina Hurd  
Susan Jovanovich**RECORDER:** Renee Vincent**REPORTER:****PARTIES**

<b>PRESENT:</b>	Ericsson, Thomas A.	Attorney
	Gaffney, Lucas	Attorney
	Schifalacqua, Marc M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in the Nevada Department of Corrections (NDC). Mr. Gaffney advised defense has not obtained the case file, as it was provided to Deft. by the Special Public Defender's office. Upon Court's inquiries, Mr. Gaffney advised Mr. Oronoz has not met with Deft. yet, and additional time will be needed, as the defense will be in another trial, which will last 3 weeks. At request of counsel, COURT ORDERED, matter CONTINUED. Court stated a Motion For Leave To Conduct Discovery And For Court Order To Obtain Requested Documents And Evidence was provided to the Clerk, by counsel, in open Court this morning, for filing. Upon inquiry, Mr. Gaffney advised defense notified State to obtain discovery, which was not provided due to office policy. Mr. Schifalacqua advised State has not seen this motion, or an order. Court returned the motion, and DIRECTED counsel to have the pleadings electronically filed. Court advised Mr. Schifalacqua to have the State cooperate with counsel on providing any discovery being sought. Mr. Gaffney expressed concerns, stating Deft. has had the file for a while, and there may be missing documents. Court advised counsel the defense may ask the State for any missing discovery.

NDC

**06C228755**

8/27/12 9:00 A.M. STATUS CHECK: RECEIPT OF FILE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 27, 2012**

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06C228755

The State of Nevada vs Norman H Flowers III

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**August 27, 2012****9:00 AM****Status Check****HEARD BY:** Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Louisa Garcia**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

Burns, J Patrick

Attorney

Ericsson, Thomas A.

Attorney

Flowers III, Norman H

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Defendant not present, in the Nevada Department of Corrections. Mr. Ericsson stated the Defendant was represented by the Public Defender's Office at trial and he was informed by their office the entire file was mailed to the Defendant at the prison. Mr. Ericsson stated he spoke with the Defendant who indicated he never received the file because it contained his social security number; therefore, the file was returned to the Office of the Public Defender. Mr. Ericsson provided the Court with an Order which was signed in open court. Court suggested counsel meet with the District Attorney to review their file and meet with Defendant. COURT ORDERED, matter CONTINUED.

CONTINUED TO 9/24/12 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 10, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**September 10, 2012    9:00 AM            Request****HEARD BY:**    Togliatti, Jennifer**COURTROOM:**    RJC Courtroom 10C**COURT CLERK:**    Athena Trujillo**RECORDER:**    Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Pam Weckerly, Deputy District Attorney, present for the State of Nevada.  
 Lucas Gaffney, Esq., present on behalf of Defendant Flowers.  
 Defendant Flowers not present.

State advised opposing counsel had a Motion to Open Discovery that was brought before the Court on 07/13 that was never filed. State further advised the Defendant entered a plea in another case, and as a condition of that plea, had to withdraw the appeal in this case. Mr. Gaffney advised he tried to file the Motion in open court, but it was rejected. He further advised he was having trouble getting the file, and made an Oral Motion to Extend Time to File Motion for Writ of Habeas Corpus. COURT ORDERED, Oral Motion GRANTED, briefing schedule as follows: Defendant's Motion due 07/12/12 by 4:00 pm, State's Opposition due 09/19/12 by 4:00 pm, Defendant's Reply due 09/26/12 by 4:00 pm and matter SET for hearing. COURT FURTHER ORDERED, previous Order for Production of Discovery VACATED.

NDC

10/01/12 9:00 AM (COURTROOM 10C) CLARIFICATION OF DISCOVERY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 14, 2012**

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06C228755

The State of Nevada vs Norman H Flowers III

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**November 14, 2012      9:00 AM              Motion**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 14A

**COURT CLERK:**    Athena Trujillo

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pamela Weckerly, Deputy District Attorney, present for the State of Nevada.  
Lucas Gaffney, Esq., present on behalf of Defendant Flowers.  
Defendant Flowers not present.

COURT noted the Defendant was not transported because it does not entertain oral arguments on these matters and ORDERED, Defendant s presence WAIVED. Mr. Gaffney advised the State filed a Motion to Dismiss, and requested this Motion be continued to 11/26/12. COURT SO ORDERED.

NDC

CONTINUED TO: 11/26/12 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 26, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**November 26, 2012 9:00 AM**

**All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pamela Weckerly, Deputy District Attorney, present for the State of Nevada.  
Lucas Gaffney, Esq., present on behalf of Defendant Flowers.  
Defendant Flowers not present.

PETITION FOR WRIT OF HABEAS CORPUS ... MOTION TO PLACE ON CALENDAR TO  
SUPPLEMENT DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

COURT ORDERED, Defendant's presence WAIVED. State requested 45 days to respond, and advised there may be a typo in the minutes as they list a July due date for the motion. COURT ORDERED, any July due dates VACATED; State's Response due 01/14/13 by 4:00 pm, Defendant's Reply due 02/14/13 by 4:00 pm, and matter SET for hearing. Mr. Gaffney advised he still has not received the file. He further advised the Special Public Defender's office sent the original to the Defendant without making a copy. State advised the Defendant's Motion for Discovery was taken off calendar, and requested it be placed back on calendar and to respond in writing. COURT ORDERED, Motion for Discovery SET for hearing.

NDC

12/17/12 9:00 AM MOTION FOR DISCOVERY

**06C228755**

02/27/13 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS / MOTION TO SUPPLEMENT  
DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS / ANY HABEAS CORPUS RELATED  
PLEADINGS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 17, 2012**

06C228755

The State of Nevada vs Norman H Flowers III

**December 17, 2012      9:00 AM      Motion for Discovery****HEARD BY:** Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Athena Trujillo**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Lisa Luzaich and Pamela Weckerly, Deputy District Attorneys, present for the State of Nevada.  
James Oronoz, Esq., present on behalf of Defendant Flowers.  
Defendant Flowers not present.

Mr. Oronoz advised he does not want to file a reply, and requested the Defendant's appearance be waived. COURT ORDERED, Defendant's presence WAIVED. Mr. Oronoz advised he has appeared five times to get the file from the DA and that the file was previously given to the Special Public Defender. Court noted there is also a time bar problem. Mr. Oronoz advised he will file a reply. Colloquy regarding supplements. State advised there was a trial and appeal in this case, so there is a record. COURT ORDERED, Defendant s Reply due 01/08/13 by 4:00 pm and matter SET for hearing.

NDC

01/14/13 9:00 AM MOTION FOR DISCOVERY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 14, 2013**

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06C228755

The State of Nevada vs Norman H Flowers III

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**January 14, 2013**

**9:00 AM**

**Motion for Discovery**

**HEARD BY:** Barker, David

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Frank Ponticello, Deputy District Attorney, present for the State of Nevada.  
Lucas Gaffney, Esq., present on behalf of Defendant Flowers.  
Defendant Flowers, not present, incarcerated NDC.

COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 01/16/13 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 16, 2013**

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06C228755

The State of Nevada vs Norman H Flowers III

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**January 16, 2013**

**9:00 AM**

**Motion for Discovery**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Frank Ponticello, Deputy District Attorney, present for the State of Nevada.  
Lucas Gaffney, Esq., present on behalf of Defendant Flowers.  
Defendant Flowers not present.

Mr. Gaffney argued that the petition was timely and good cause was shown. He advised they were appointed as counsel, and they never received the file. State argued the writ is time barred and does not show good cause. Mr. Gaffney requested a copy of the file that was given to trial counsel.  
COURT ORDERED, matter CONTINUED, noting it will issue an answer tomorrow.

NDC

CONTINUED TO: 01/17/13 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 17, 2013**

06C228755

The State of Nevada vs Norman H Flowers III

**January 17, 2013****9:00 AM****Motion for Discovery****HEARD BY:** Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Aaron Carbajal**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

Gaffney, Lucas

Attorney

Ponticello, Frank M.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present. Court presented counsel with ruling as follows:

This court, after considering the papers and pleadings on file, including Defendant s Motion to Obtain a Complete Copy of Discovery From the State filed on September 12, 2012, and State s Opposition to Defendant s Motion filed on December 14, 2012, and Defendant s Reply to State s Opposition filed on January 8, 2013, as well as the oral arguments heard by this Court on January 16, 2013 makes the following findings.

As an initial matter, before the court may entertain granting or denying the Defendant s present motion, the court must first determine whether the Defendant s Petition for Writ of Habeas Corpus was timely filed. See State v. Dist. Ct. (Riker), 121 Nev. 225, 235 ( determining the applicability of procedural bars may eliminate the need for or narrow the scope of any discovery or evidentiary hearing ). On September 17, 2012, this Court issued an Order granting the Defendant an additional thirty (30) days from the September 28, 2012 deadline set out in the Nevada Supreme Court s Order dismissing Defendant s pending appeal. While this court is well aware of the mandatory default rules set forth in NRS 34.726, and the strictness in which they are applied, the court notes that NRS 34.726 makes no mention of instances where a pending appeal is dismissed and no remittitur is issued.

However, even assuming the Nevada Supreme Court's deadline as set forth in their September 28, 2011 Order is similarly applied, this Court finds good cause for Defendant's untimely filing and prejudice.

Good cause for delay exists where (1) the delay is not the fault of the petitioner and (2) the petitioner will be unduly prejudice[d] if the petition is dismissed as untimely. *Pellegrini v. State*, 117 Nev. 860, 868 (2001). In order to establish the first requirement, a petitioner must demonstrate some impediment external to the defense prevented him from complying with the procedural rule that has been violated. *Lozado v. State*, 110 Nev. 349, 353 (1994). Such an external impediment could be that the factual or legal basis for a claim was not reasonably available to counsel, or that some interference by officials made compliance impracticable. *Hathaway v. State*, 119 Nev. 248, 252 (2003). To satisfy the second requirement, a petitioner must demonstrate that errors in the proceedings underlying the judgment worked to his actual and substantial disadvantage. *Hogan v. Warden*, 109 Nev. 952, 959-60 (1993).

Here, Defendant has been unable to obtain a copy of his file for reasons outside of his control which has inhibited his counsel's ability to investigate the merits of Defendant's post-conviction habeas claims. This court notes that Defendant's counsel has made repeated good faith attempts to obtain the file by contacting the Special Public Defender's office, the Defendant, and officials at the Ely State Prison, all of whom claim to either no longer have it within their possession or to have sent the file somewhere else. Defense counsel has also filed the present motion to obtain the file from the Clark County District Attorney's office by court order. However, the District Attorney has opposed producing the file pursuant to their understanding of NRS 34.780(2). In addition, this Court recognizes any prejudicial effect its September 17, 2012 Order granting an extension of time may have had on Defendant's ability to file a timely petition. As such, for all the reasons set forth above, and because Defendant's filing was within a reasonable time (11 days after the deadline), this Court finds that Defendant's untimely Petition for Writ of Habeas Corpus may be heard for good cause and prejudice has been shown. With regard to Defendant's present motion, the Court intends to address the issues relating to discovery at the next scheduled hearing on March 6, 2013. By way of this minute order the defense is to prepare the order and notify all interested parties.

Mr. Lucas to prepare the Order, circulating to the State for approval as to form and content.

NDC

3/6/13 9:00 AM STATUS CHECK: DISCOVERY (DEPT. 11)

CLERK'S NOTE: A copy of the Minute Order was emailed to Ms. Weckerly, Mr. Ponticello, and Mr. Lucas.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 06, 2013**

06C228755

The State of Nevada vs Norman H Flowers III

**March 06, 2013****9:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Gaffney, Lucas

Attorney

State of Nevada

Plaintiff

Weckerly, Pamela C.

Attorney

**JOURNAL ENTRIES**

- MOTION TO PLACE ON CALENDAR TO SUPPLEMENT DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...PETITION FOR WRIT OF HABEAS CORPUS...HEARING: ALL HABEAS CORPUS RELATED PLEADINGS

Deft not present, in custody at the Nevada Department of Corrections.

Ms. Weckerly advised Deft had two cases proceeding in two different departments; one case went on appeal, which was withdrawn during negotiations in the second case; the Court heard pre-trial rulings on this case but it was reassigned. Ms. Weckerly agreed Judge Togliatti granted the discovery motion; parties are appearing before this Court today to get the logistics of discovery; however, discovery will be moot if the Court agreed with the State's position that the petition is untimely. Ms. Weckerly advised there is a misstatement on page 5 of the State's motion; she was actually referring to this case and had made a mistake on the appellate deadline. Ms. Weckerly stated she will abide by what the Court orders today. Mr. Gaffney argued the State's renewed motion's underlying reason is that Deft's petition is untimely; however, Judge Togliatti made painstaking efforts to decide that threshold issue and ruled there was good cause; this issue has been briefed, argued, and ruled upon.

Ms. Weckerly suggested she pull the State's file from storage, meet with opposing counsel and together identify what discovery the defense does not have and give them a copy; however, at this point the State is not waiving the untimeliness issue. Mr. Gaffney agreed to a file review and requested matter be set for status check. COURT ORDERED, matter CONTINUED for two weeks; counsel to review the file and make a determination of what additional discovery is needed. Court noted the goal is to set and complete a plan, and file supplemental briefing thereafter.

NDC

3-20-13 9:00 AM PETITION FOR WRIT OF HABEAS CORPUS...HEARING: ALL HABEAS  
CORPUS RELATED PLEADINGS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 20, 2013**

06C228755

The State of Nevada vs Norman H Flowers III

**March 20, 2013**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Billie Jo Craig

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Gaffney, Lucas

Attorney

Ponticello, Frank M.

Attorney

State of Nevada

Plaintiff

Wolfson, Steven B

Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS...HEARING: ALL HABEAS CORPUS RELATED PLEADINGS

Defendant not present.

Colloquy regarding status of the case. COURT ORDERED, Defense Supplemental Brief due 7/8/13; State's Response due 9/9/13; Defense Reply due 9/30/13. Above matters CONTINUED. Counsel to advise if the schedule does not work out.

CONTINUED TO: 10/7/13 9:00 AM ABOVE MATTERS

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 07, 2014**

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06C228755

The State of Nevada vs Norman H Flowers III

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**April 07, 2014****9:00 AM****Motion****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Tia Everett**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Rachel Ohalloran, Deputy District Attorney, present on behalf of the State. Defendant not present in custody with the Nevada Department of Corrections and represented by Lucas Gaffney Esq. on behalf of James Oronoz Esq.

Upon Court's inquiry, Mr. Gaffney advised he is seeking an additional 90 days to file his brief. COURT ORDERED, motion GRANTED; defendant's supplemental brief due on or before 7/07/2014; State's response shall be due on or before 9/08/2014; defendant's reply shall be due on or before 11/10/2014; and matter SET for hearing. FURTHER ORDERED, current date of 7/28/2014 for oral argument VACATED.

NDC

11/24/2014 9:00 AM HEARING RE: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 29, 2015**

06C228755

The State of Nevada vs Norman H Flowers III

**April 29, 2015****9:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Gaffney, Lucas

Attorney

Luzaich, Elissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- HEARING RE: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Deft not present, in custody at the Nevada Department of Corrections.

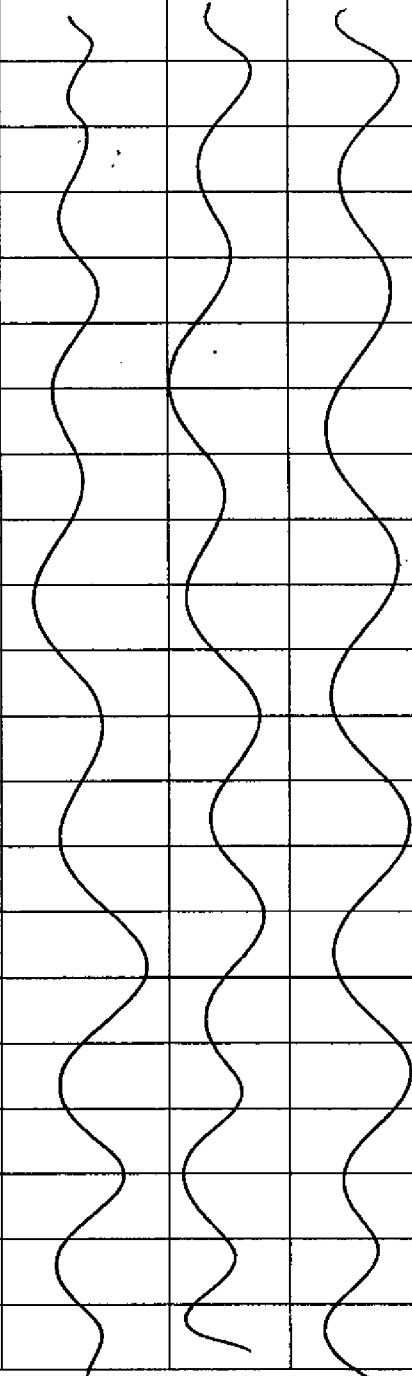
Argument by Mr. Gaffney regarding the autopsy report and vouching. Response by the State as to the case being procedurally barred; Deft waived his appeal; the bottom line is cause or manner of death is not the issue in this case, but who did it; the time of the sexual assault was contemporaneous with the time of death, so there was no vouching. Following further argument by Mr. Gaffney, COURT FINDS circumstances as presented in this case do not indicate vouching; with respect to Dr. Simms, he testified related to the autopsy report his own independent conclusions; for that reason, there is no Crawford issue; with respect to Ms. Paulette, it appears she is the custodian of records, and she testified not only as to her own personal findings but also as to the contents of Mr. Wall's DNA report; DNA reports do not appear to be testimonial in nature. COURT ORDERED, for that reason the request for evidentiary hearing is DENIED, as there does not appear to be any basis. State to prepare findings of fact and conclusions of law.

**06C228755**

NDC

States EXHIBITS

CASE NO. C228755

	Date Offered	Objection	Date Admitted
1. photo	10/16/08	no obj	10/16/08
2. "	10/16/08	no obj	10/16/08
3. "			
4. "			
5. "			
6. "			
7. "			
8. "			
9. "			
10. "			
11. "			
12. "			
13. "			
14. "			
15. "			
16. "			
17. "			
18. "			
19. "			
20. "			
21. "			
22. "			
23. "			

States EXHIBITS

CASE NO. C228755

	Date Offered	Objection	Date Admitted
24. Photo	10/10/08	no obj	10/10/08
25. "	~	~	~
26. "	~	~	~
27. "	~	~	~
28. "	~	~	~
29. "	~	~	~
30. "	~	~	~
31. "	~	~	~
32. "	~	~	~
33. "	~	~	~
34. "	~	~	~
35. "	~	~	~
36. "	~	~	~
37. "	~	~	~
38. "	10/10/08	no obj	10/10/08
39. "	10/10/08	no obj	10/10/08
40. "	10/10/08	no obj	10/10/08
41. "	~	~	~
42. "	~	~	~
43. "	~	~	~
44. "	~	~	~
45. "	~	~	~
46. "	~	~	~

States EXHIBITS

CASE NO. C228755

	Date Offered	Objection	Date Admitted
47. Photo	10/16/08	no obj	10/16/08
48. "	10/16/08	no obj	10/16/08
49. "	10/16/08	no obj	10/16/08
50. "	10/16/08	no obj	10/16/08
51. "	10/17/08	skip	10/17/08
52. "			
53. "			
54. "			
55. "			
56. "			
57. "			
58. "			
59. "			
60. "			
61. "			
62. "			
63. "			
64. "			
65. "			
66. "			
67. "			
68. "			
69. "			

States EXHIBITS

CASE NO. C228755

		Date Offered	Objection	Date Admitted
70.	Photo	10/17/08	stip	10/17/08
71.	"	S	S	S
72.	"			
73.	"			
74.	"			
75.	"			
76.	"			
77.	"			
78.	"			
79.	"			
80.	"			
81.	"			
82.	"			
83.	"			
84.	"			
85.	"			
86.	"			
87.	"			
88.	"			
89.	"			
90.	"	10/17/08	stip no	10/17/08
91.	"	10/16/08	obj	10/16/08
92.	"	10/17/08	obj or	10/17/08

States EXHIBITS

CASE NO. C228755

		Date Offered	Objection	Date Admitted
93.	Photo	10/16/08	OBJ OR	10/16/08
94.	"			
95.	"			
96.	"			
97.	"			
98.	"			
99.	"			
100.	"			
101.	"			
102.	"			
103.	"			
104.	"			
105.	"			
106.	"			
107.	"			
108.	"	10/16/08	OBJ OR	10/16/08
109.	"	10/16/08	no OBJ	10/16/08
110.	"			
111.	"			
112.	"			
113.	"			
114.	"			
115.	"			

States EXHIBITS

CASE NO. C228755

	Date Offered	Objection	Date Admitted
116. photo	10/16/08	no obj	10/16/08
117. "	~	~	~
118. "	~	~	~
119. "	~	~	~
120. "	~	~	~
121. "	~	~	~
122. "	10/16/08	no obj	10/16/08
123. "	10/17/08	no obj	10/17/08
124. Phone records of Sheila Quarles	10/17/08	stip	10/17/08
125. Time Sheet of George Brass from Walmart	10/17/08	no obj	10/17/08
126. photo	10/20/08	no obj	10/20/08
127. Aerial map	10/20/08	no obj	10/20/08
128. photo	10/20/08	no obj	10/20/08
129. "	10/20/08	no obj	10/20/08
130. "	10/20/08	no obj	10/20/08
131. photo line up	10/20/08	no obj	10/20/08
132. Spreadsheet (returned to Counsel) <sup>10/20/08</sup> <b>Withdrawn by Counsel</b>	10/20/08	no obj	10/20/08
133. "	10/20/08	no obj	10/20/08
134. "	10/20/08	no obj	10/20/08
135. Miranda Rights card	10/20/08	no obj	10/20/08
136. Stereo manual	10/20/08	no obj	10/20/08
137. Spreadsheet	10/20/08	no obj	10/20/08
138. Child detail Report	10/20/08	no obj	10/20/08



# STATE'S EXHIBITS

CASE NO. C228755

Penalty Phase Exhibits starting on 143.

	Date Offered	Objection	Date Admitted
139- Large Color Photograph	10/21/08	no obj	10/21/08
140 photograph	10/21/08	no obj	10/21/08
141 "	10/21/08	no obj	10/21/08
142 "	10/21/08	no obj	10/21/08
143 photograph (Gonzales crime scene)	10/23/08	no obj	10/23/08
144 "	10/23/08	no obj	10/23/08
145 "	10/23/08	no obj	10/23/08
146 "	10/23/08	no obj	10/23/08
147 "	10/23/08	no obj	10/23/08
148 "	10/23/08	no obj	10/23/08
149 "	10/23/08	no obj	10/23/08
150 "	10/23/08	no obj	10/23/08
151 "	10/23/08	no obj	10/23/08
152 "	10/28/08	no obj	10/23/08
153 "	10/28/08	no obj	10/23/08
154 "	10/28/08	no obj	10/23/08
155 "	10/23/08	no obj	10/23/08
156 Judgment of Conviction - C109523	10/23	no obj	OCT 23 2008
157 Judgment of Conviction - C109622	"	"	"
158 Judgment of Conviction - C110585X	"	"	"
159- Large Color Photograph	"	stop	"
160- " " "	"	"	"

# Defendants EXHIBITS

CASE NO. C228755

	Date Offered	Objection	Date Admitted
A. PHOTO -	10/17/08	OBJ OR	10/17/08
B. "	10/17/08	OBJ OR	10/17/08
C. "			
D. " -	10/17/08	OBJ OR	10/17/08
E. "			
F. "			
G. Judgment of Conviction - Anthony Culverson <sup>C228820</sup>	10/17/08	no OBJ	10/17/08
H. Judgment of Conviction - Anthony Culverson <sup>G229140</sup>	10/17/08	no OBJ	10/17/08
I. Child Detail Report -	10/20/08	OBJ OR	10/20/08
J. Voluntary Statement of Norman "Keith" Flowers			
K. CD-video	10/23	no obj	OCT 23 2008
L. photograph	10/23	no obj	OCT 23 2008
M. "	"	"	"
N. "	"	"	"
O. "	10/24	no obj	OCT 24 2008
P. "	"	"	"
Q. "	"	"	"
R. "	"	"	"
S. "	"	"	"
T. "	"	"	"
U. "	"	"	"
V. "	"	"	"
W. "	"	"	"

Penalty phase Exhibits starting on K.

Defendant's EXHIBITS

CASE NO. C228755

[illegible]

Court's EXHIBITS

CASE NO. 028755

	Date Offered	Objection	Date Admitted
1. Juror Question - for witness Larry Simms <sup>Att A</sup>	10/16/08	/	10/16/08
2. Juror Question - for witness Debra Quarles <sup>Att A</sup>	10/16/08	/	10/16/08
3. Juror Question - for witness Robert Lewis <sup>Att A</sup>	10/16/08	/	10/16/08
4. Juror Question - for witness Robert Lewis <sup>Att A</sup>	10/16/08	/	10/16/08
5. Juror Question - for witness James Vaccaro	10/16/08	/	10/16/08
6. Juror Question - for witness James Vaccaro	10/16/08	/	10/16/08
7. Note from victim advocate	10/16/08	/	10/16/08
8. Juror Question for Larry Simms	10/16/08	/	10/16/08
9. Juror Question for Charity Green <sup>Att</sup>	10/17/08	/	10/17/08
10. Juror Question for Dan Long	10/17/08	/	10/17/08
11. Juror Question for George Brass	10/17/08	/	10/17/08
12. Juror Question for George Sherwood	10/20/08	/	10/20/08
13. Juror Question for George Sherwood	10/20/08	/	10/20/08
14. Juror Question for Kristina Paulette	10/20/08	/	10/20/08
15. Juror Question for Ralph Quarles	10/21/08	/	10/21/08

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR  
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

NORMAN H. FLOWERS, III aka NORMAN H.  
FLOWERS,

Defendant(s).

Case No: C228755

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 4 day of June 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

