

CLERK OF THE COURT

Electronically Filed
Jun 05 2015 10:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOT**
2 JAMES A. ORONOZ, ESQ.
3 Nevada Bar No. 6769
4 **ORONOZ & ERICSSON LLC**
5 700 South Third Street
6 Las Vegas, Nevada 89101
7 Telephone: (702) 878-2889
8 Facsimile: (702) 522-1542
9 jim@oronozlawyers.com
10 *Attorney for Appellant*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 NORMAN FLOWERS,)
11 Appellant,)
12 v.) CASE NO. 06C228755
13 THE STATE OF NEVADA,) DEPT. NO. XI
14 Respondent.) **NOTICE OF APPEAL**

15
16 NOTICE is hereby given that NORMAN FLOWERS, above-named appellant, hereby
17 appeals to the Nevada Supreme Court from District Court's decision rendered in this action, the
18 28th day of May, 2015.

19
20 DATED this 3rd day of June, 2015.

21
22 **ORONOZ & ERICSSON LLC**

23
24 /s/ James A. Oronoz
25 JAMES A. ORONOZ, ESQ.
26 Nevada Bar No. 6769
27 700 South Third Street
28 Las Vegas, Nevada 89101
Telephone: (702) 878-2889
Attorney for Appellant

1 **CSERV**
2 JAMES A. ORONOZ, ESQ.
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6 jim@oronozlawyers.com
Attorney for Appellant
7

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 NORMAN FLOWERS,)
11 Appellant,) CASE NO. 06C228755
12 v.) DEPT. NO. XI
13 THE STATE OF NEVADA,)
14 Respondent.)

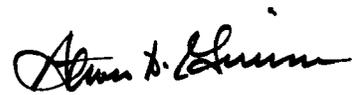
15
16 **CERTIFICATE OF SERVICE**

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

19 STEVEN B. WOLFSON
20 Clark County District Attorney
PDMotions@clarkcountyda.com

21 LISA LUZAICH
22 Chief Deputy District Attorney
23 PDMotions@clarkcountyda.com

24
25 */s/ Rachael Stewart*
An Employee of Oronoz & Ericsson LLC
26
27
28



CLERK OF THE COURT

1 **CAS**
2 JAMES A. ORONOZ, ESQ.
3 Nevada Bar No. 6769
4 **ORONOZ & ERICSSON LLC**
5 700 South 3rd Street
6 Las Vegas, Nevada 89101
7 Telephone: (702) 878-2889
8 Facsimile: (702) 522-1542
9 jim@oronozlawyers.com
10 *Attorney for Appellant*

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

<p>8 NORMAN FLOWERS,</p> <p>9 Appellant,</p> <p>10 vs.</p> <p>11 THE STATE OF NEVADA,</p> <p>12 Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO.: 06C228755 Supreme Court No: _____</p> <p>CASE APPEAL STATEMENT</p>
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- 13 1. Appellant filing this case appeal statement: **Norman Flowers.**
- 14 2. The name of the judge who entered the order or judgment that is being appealed:

15 **The Honorable Elizabeth Gonzalez.**

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

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

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

<p>23 JAMES A. ORONOZ, ESQ. 24 ORONOZ & ERICSSON LLC 700 South Third Street Las Vegas, Nevada 89101 (702) 878-2889</p>	<p>STEVEN B. WOLFSON Clark County District Attorney 200 Lewis Avenue Las Vegas, Nevada 89155</p>
--	---

<i>Attorney for Appellant</i>	<i>Attorney for Respondent</i>
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6. Whether an attorney identified in response to paragraph 5 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission:
N/A.

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

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

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

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

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

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

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

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

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///

1 DATED this 3rd 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
8 Las Vegas, Nevada 89101
9 Telephone: (702) 878-2889
10 *Attorney for Appellant*

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

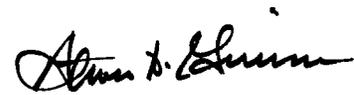
8 RYAN MACDONALD
9 Deputy District Attorney
10 Ryan.macdonald@clarkcountyda.com

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

1 **REQT**
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*

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 **REQUEST FOR ROUGH DRAFT TRANSCRIPT**

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

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

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

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

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

23 I recognize that I must personally serve a copy of this form on the above-named court
24 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 3rd 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*
18
19
20
21
22
23
24

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 3rd day of June, 2015, I served a true and correct copy of the
3 foregoing Request for Rough Draft Transcripts on:

4 Jill Hawkins
5 Court Recorder
6 District Court, Dept. XI
7 200 Lewis Avenue
8 Las Vegas, Nevada 89155
9 hawkinsj@clarkcountycourts.us
10 Fax: 702-671-4377

11 STEVEN B. WOLFSON, Clark County District Attorney
12 200 Lewis Avenue
13 Las Vegas, Nevada 89101
14 PDMotions@clarkcountyda.com

15 */s/ Rachael Stewart*
16 _____
17 An employee of Oronoz & Ericsson LLC
18
19
20
21
22
23
24

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: Felony/Gross Misdemeanor
1. BURGLARY.	F	01/01/1900	Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections
2. MURDER.	F	01/01/1900	
2. DEGREES OF MURDER	F	01/01/1900	
3. SEXUAL ASSAULT	F	01/01/1900	
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

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

DATE EVENTS & ORDERS OF THE COURT INDEX

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. MURDER. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Not Guilty

DEPARTMENT 11
CASE SUMMARY
CASE NO. 06C228755

01/01/1900	Plea (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. SEXUAL ASSUALT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. ROBBERY Not Guilty	
12/13/2006	Grand Jury Indictment (1:30 PM) <i>GRAND JURY INDICTMENT Relief Clerk: Sandra Anderson Reporter/Recorder: Paula Walsh Heard By: Kathy Hardcastle</i>	
12/13/2006	 Indictment <i>(GRAND JURY) INDICTMENT Fee \$0.00</i>	06C2287550001.tif pages
12/13/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	06C2287550002.tif pages
12/13/2006	Hearing <i>GRAND JURY INDICTMENT</i>	06C2287550003.tif pages
12/13/2006	Bench Warrant <i>NO BAIL BENCH WARRANT ISSUED</i>	06C2287550004.tif pages
12/13/2006	Order <i>ORDER OF INTENT TO FORFEIT</i>	06C2287550005.tif pages
12/13/2006	 Warrant <i>INDICTMENT WARRANT</i>	06C2287550006.tif pages
12/19/2006	 Bench Warrant <i>BENCH WARRANT RETURN /05</i>	06C2287550007.tif pages
12/20/2006	Initial Arraignment (3:00 PM) Events: 12/13/2006 Hearing <i>INITIAL ARRAIGNMENT</i>	
12/20/2006	Bench Warrant Return (3:00 PM) Events: 12/19/2006 Bench Warrant <i>BENCH WARRANT RETURN /05 Heard By: Kevin Williams</i>	
12/20/2006	All Pending Motions (3:00 PM) <i>ALL PENDING MOTIONS Court Clerk: Connie Gleason Relief Clerk: Lore Vanderbusse/lv Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
12/20/2006	Motion <i>ALL PENDING MOTIONS</i>	06C2287550008.tif pages
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
01/08/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 2</i>	06C2287550015.tif pages
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	CANCELED Motion to Consolidate (8:30 AM) 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	Motion in Limine (9:00 AM) 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>	
02/05/2007	Hearing <i>STATUS CHECK: TRANSCRIPT</i>	06C2287550019.tif pages
02/05/2007	Hearing <i>STATUS CHECK: DISCOVERY</i>	06C2287550020.tif pages
02/13/2007	CANCELED Calendar Call (9:00 AM) <i>Vacated</i>	
02/13/2007	Status Check (9:00 AM) Events: 02/05/2007 Hearing <i>STATUS CHECK: TRANSCRIPT Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
02/13/2007	Motion <i>DEFT'S MOTION TO SUPPRESS</i>	06C2287550024.tif pages
02/20/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>	

DEPARTMENT 11
CASE SUMMARY
CASE NO. 06C228755

03/30/2007	Motion (9:00 AM) Events: 02/13/2007 Motion <i>DEFT'S MOTION TO SUPPRESS Relief Clerk: Kathy Klein Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.</i>	
04/13/2007	Motion (9:00 AM) <i>DEFT'S MOTION TO SUPPRESS Relief Clerk: Katherine Streuber Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley</i>	
09/20/2007	Status Check (9:00 AM) Events: 02/05/2007 Hearing <i>STATUS CHECK: DISCOVERY Heard By: Donald Mosley</i>	
10/04/2007	Status Check (9:00 AM) <i>STATUS CHECK: DISCOVERY Court Clerk: Sandra Anderson Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
10/04/2007	 Motion <i>PD'S MTN TO WITHDRAW AS COUNSEL /16</i>	<i>06C2287550027.tif pages</i>
10/04/2007	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	<i>06C2287550028.tif pages</i>
10/16/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO WITHDRAW AS ATTORNEY OF RECORD</i>	<i>06C2287550029.tif pages</i>
10/17/2007	Motion to Withdraw as Counsel (8:30 AM) Events: 10/04/2007 Motion <i>PD'S MTN TO WITHDRAW AS COUNSEL /16 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
10/30/2007	 Order Filed By: Defendant Flowers III, Norman H <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>	<i>06C2287550030.tif pages</i>
11/02/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK DISCOVERY</i>	<i>06C2287550031.tif pages</i>
11/02/2007	 Notice <i>NOTICE OF EXPERT WITNESSES</i>	<i>06C2287550032.tif pages</i>
11/05/2007	 Motion <i>STATE'S MTN TO CLARIFY /17</i>	<i>06C2287550033.tif pages</i>
11/06/2007	 Opposition Filed By: Defendant Flowers III, Norman H <i>OPPOSITION TO STATES MTN FOR CLARIFICATION OF COURTS RULING</i>	<i>06C2287550034.tif pages</i>
11/07/2007	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>	<i>06C2287550035.tif pages</i>
11/07/2007	 Reporters Transcript	<i>06C2287550036.tif pages</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. 06C228755

REPORTER'S TRANSCRIPT ARRAIGNMENT BENCH WARRANT RETURN

11/08/2007	 Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS	06C2287550037.tif pages
11/09/2007	 Notice NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES	06C2287550038.tif pages
11/15/2007	Motion to Clarify (8:30 AM) Events: 11/05/2007 Motion STATE'S MTN TO CLARIFY /17 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell	
11/20/2007	Calendar Call (9:00 AM) CALENDAR CALL Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell	
11/20/2007	Hearing PETROCELLI HEARING (VR 5-21-08)	06C2287550039.tif pages
11/26/2007	CANCELED Jury Trial (1:30 PM) Vacated	
11/28/2007	 Reporters Transcript REPORTER'S TRANSCRIPT DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVEDENCE OF OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL OTHER BAD ACTS AND MOTION TO CONFIRM COUNSEL	06C2287550042.tif pages
01/02/2008	 Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS	06C2287550043.tif pages
01/02/2008	 Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS	06C2287550044.tif pages
02/14/2008	 Order STIPULATION AND ORDER	06C2287550045.tif pages
02/15/2008	Hearing (9:00 AM) Events: 11/20/2007 Hearing PETROCELLI HEARING (VR 5-21-08)	
03/25/2008	 Order Filed By: Defendant Flowers III, Norman H STIPULATION AND ORDER TO RE SET PETROCELLI HEARING	06C2287550046.tif pages
03/28/2008	 Notice Filed By: Defendant Flowers III, Norman H NOTICE OF ENTRY OF ORDER TO RESET PETROCELLI HEARING	06C2287550047.tif pages
04/04/2008	Hearing (9:00 AM) PETROCELLI HEARING (VR 5-21-08)	
05/23/2008	Hearing (9:00 AM) PETROCELLI HEARING (VR 5-21-08)	
06/24/2008	 Motion	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>	<i>06C2287550049.tif pages</i>
06/30/2008	 Motion <i>DEFT'S MTN TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY</i>	<i>06C2287550050.tif pages</i>
06/30/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	<i>06C2287550051.tif pages</i>
07/07/2008	Motion (8:30 AM) Events: 06/24/2008 Motion <i>DEFT'S MTN FOR MEDICAL TREATMENT & 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>	<i>06C2287550052.tif pages</i>
07/10/2008	Motion to Strike (8:30 AM) 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>	<i>06C2287550053.tif pages</i>
07/21/2008	 Motion <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23</i>	<i>06C2287550054.tif pages</i>
07/21/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	<i>06C2287550055.tif pages</i>
07/23/2008	Hearing <i>PETROCELLI HEARING</i>	<i>06C2287550056.tif pages</i>
07/24/2008	 Motion <i>DEFT'S MTN TO DISMISS /MTN IN LIMINE RE DNA EVIDENCE/25</i>	<i>06C2287550057.tif pages</i>
07/24/2008	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	<i>06C2287550058.tif pages</i>
07/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	<i>06C2287550060.tif pages</i>
07/30/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PUBLIC DEFENDERS MOTION TO WITHDRAW AS ATTORNEY OF RECORD RECORD</i>	<i>06C2287550061.tif pages</i>

DEPARTMENT 11
CASE SUMMARY
CASE NO. 06C228755

07/30/2008	 Order <i>ORDER DENYING DEFENDANTS MOTION TO STRIKE NOTICE OF INTENT TO SEEK THE DEATH PENALTY DEATH PENALTY</i>	06C2287550062.tif pages
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	Motion in Limine (8:30 AM) Events: 07/21/2008 Motion <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23</i> <i>Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L.</i>	
08/01/2008	Motion in Limine (9:15 AM) <i>DEFT'S MTN IN LIMINE TO ADMIT EVIDENCE OF CRIME STOPPERS REPORT /23</i> <i>Heard By: Stewart Bell</i>	
08/01/2008	Hearing (9:15 AM) Events: 07/23/2008 Hearing <i>PETROCELLI HEARING Heard By: Stewart Bell</i>	
08/01/2008	Motion to Dismiss (9:15 AM) <i>DEFT'S MTN TO DISMISS /MTN IN LIMINE RE DNA EVIDENCE/25 Heard By: Stewart Bell</i>	
08/01/2008	All Pending Motions (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	Motion to Dismiss (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 & 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

DEPARTMENT 11
CASE SUMMARY
CASE NO. 06C228755

	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	Motion (8:30 AM) Events: 08/21/2008 Motion <i>DEFT'S MTN FOR INDIVIDUAL & 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	Calendar Call (8:30 AM) <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	Further Proceedings (8:30 AM) 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	CANCELED Jury Trial (9:30 AM) <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	Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: Stewart Bell</i>	
10/09/2008	Motion to Reconsider (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	All Pending Motions (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	CANCELED Jury Trial (9:30 AM) <i>Vacated</i>	
10/15/2008	Motion to Reconsider (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	Jury Trial (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	Jury Trial (9:30 AM) <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	Jury Trial (9:30 AM) <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	Jury Trial (9:30 AM) <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	Jury Trial (9:30 AM) <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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REPORTER'S TRANSCRIPT OF JURY TRIAL - VOLUME 4-A

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

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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	Motion for New Trial (8:30 AM) 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	Sentencing (8:30 AM) 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	Sentencing (9:00 AM) <i>SENTENCING Court Clerk: Denise Trujillo Reporter/Recorder: Kristen Lunkwitz Heard By: Kathy Hardcastle</i>	
01/13/2009	Disposition (Judicial Officer: User, Conversion) 1. BURGLARY. Guilty	
01/13/2009	Disposition (Judicial Officer: User, Conversion)	
01/13/2009	Disposition (Judicial Officer: User, Conversion) 2. MURDER. Guilty	
01/13/2009	Disposition (Judicial Officer: User, Conversion)	
01/13/2009	Disposition (Judicial Officer: User, Conversion)	

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	2. DEGREES OF MURDER Guilty	
01/13/2009	Disposition (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty	
01/13/2009	Disposition (Judicial Officer: User, Conversion)	
01/13/2009	Disposition (Judicial Officer: User, Conversion) 3. SEXUAL ASSUALT Guilty	
01/13/2009	Sentence (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	Sentence (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	Sentence (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	 Statement Filed by: Defendant Flowers III, Norman H <i>CASE APPEAL STATEMENT</i>	06C2287550136.tif pages
01/29/2009	Request (9:00 AM) 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	 Reporters Transcript <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	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	06C2287550138.tif pages
02/12/2009	 Reporters Transcript <i>RECORDER'S TRANSCRIPT OF MTN FOR NEW TRIAL - HEARD 11-12-08</i>	06C2287550139.tif pages
02/17/2009	 Reporters Transcript <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	 Notice of Appeal Filed By: Defendant Flowers III, Norman H <i>AMENDED NOTICE OF APPEAL</i>	06C2287550141.tif pages
05/19/2009	 Opposition 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	 Motion <i>DEFT'S MTN FOR NEW TRIAL BASED UPON NEWLY AVAILABE EVID/37</i>	06C2287550145.tif pages
03/05/2010	 Receipt of Copy Filed by: Defendant Flowers III, Norman H <i>RECEIPT OF COPY</i>	06C2287550147.tif pages
03/09/2010	 Opposition <i>OPPOSITION TO DEFTS MTN FOR NEW TRIAL</i>	06C2287550148.tif pages
03/17/2010	Motion (8:45 AM) 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	 Ex Parte Order Filed By: Defendant Flowers III, Norman H <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>	06C2287550149.tif pages
03/23/2010	 Reporters Transcript <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	 Motion (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	 Motion (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  **Motion** (8:45 AM) (Judicial Officer: Gates, Lee A.)
Deft's Pro Per Motion for the Appointment of Counsel
- 06/08/2012  **Appointment of Counsel** (8:45 AM) (Judicial Officer: Bell, Linda Marie)
- 07/13/2012  **Status Check** (8:45 AM) (Judicial Officer: Togliatti, Jennifer)
07/13/2012, 08/27/2012
Status Check: Receipt of File
- 08/06/2012 Case Reassigned to Department 9
Case reassigned from Judge Bell
- 08/27/2012  **Order**
Filed By: Defendant Flowers III, Norman H
- 09/10/2012  **Request** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Clarification of Discovery
- 09/12/2012  **Motion**
Motion To Obtain A Complete Copy Of Discovery From The State
- 09/17/2012  **Order**
Filed By: Defendant Flowers III, Norman H
- 09/21/2012  **Stipulation**
Filed by: Defendant Flowers III, Norman H
Stipulation to Vacate Briefing Schedule and Hearings
- 09/21/2012 **Order**
Filed By: Defendant Flowers III, Norman H
- 10/09/2012  **Petition**
Filed by: Plaintiff State of Nevada
Petition for Writ of Habeas Corpus (Post-Conviction)
- 10/30/2012  **Response**
Filed by: Plaintiff State of Nevada
State's Response And Motion To Dismiss Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)
- 10/31/2012  **Motion**
Filed By: Defendant Flowers III, Norman H
Motion to Place On Calendar To Supplement Defendant's Petition For Writ of Habeas Corpus
- 11/02/2012  **Opposition**
Filed By: Plaintiff State of Nevada
State's Opposition To Defendant's Motion To Place On Calendar To Supplement Defendant's Petition For Writ Of Habeas Corpus
- 11/14/2012  **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
11/14/2012, 11/26/2012, 03/06/2013

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

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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
*Defendant's Reply to State's Opposition to Defendant's Motion to Obtain a Complete
Copy of Discovery From the State*

01/09/2013



Recorders Transcript of Hearing

Party: Plaintiff State of Nevada
*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*

01/22/2013

Case Reassigned to Department 11
Case reassigned from Judge Jennifer Togliatti Dept 9

01/29/2013



Order

Filed By: Defendant Flowers III, Norman H
Application and Order for Transcripts

01/30/2013



Recorders Transcript of Hearing

*Transcript of Proceedings: Motion for Discovery: All Habeas Corpus Related Pleadings
1/17/2013*

01/30/2013



Recorders Transcript of Hearing

Party: Plaintiff State of Nevada
*Transcript of Proceedings: Wednesday, January 16, 2013 (Amended Date, Previously
January 17, 2013) Transcript of Proceedings*

02/05/2013



Recorders Transcript of Hearing

Party: Plaintiff State of Nevada
Transcript of Proceedings: Motion for Discovery January 17, 2013

02/26/2013



Order

Filed By: Defendant Flowers III, Norman H
Order

03/05/2013



Response

Filed by: Plaintiff State of Nevada
*State's Renewed Response And Motion To Dismiss Defendant's Petition For Writ Of
Habeas Corpus (Post-Conviction)*

03/06/2013

Hearing (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
03/06/2013, 03/20/2013
All Habeas Corpus Related Pleadings

03/06/2013



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

03/20/2013



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

07/02/2013



Stipulation

Filed by: Defendant Flowers III, Norman H
Stipulation to Continue Supplemental Briefing Schedule and Argument

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07/03/2013  Order
Filed By: Defendant Flowers III, Norman H
Order

09/11/2013  Stipulation
Filed by: Defendant Flowers III, Norman H
Stipulation To Continue Supplemental Briefing Schedule and Argument

09/13/2013  Order
Filed By: Defendant Flowers III, Norman H
Order

01/21/2014  Stipulation
Filed by: Defendant Flowers III, Norman H
Stipulation to Continue Supplemental Briefing Schedule and Argument

01/27/2014  Order
Filed By: Defendant Flowers III, Norman H
Order

02/13/2014  Order
Filed By: Defendant Flowers III, Norman H
Ex Parte Order

02/13/2014  Ex Parte Order
Filed By: Defendant Flowers III, Norman H
Ex Parte Order Of Appointment

03/26/2014  Motion
Filed By: Defendant Flowers III, Norman H
Motion to Extend Time for Filing Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)

04/07/2014  **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Defendant/Petitioner's Motion to Extend Time for Filing Petitioner's Supplemental Petition for Writ of Habeas Corpus (Post Conviction)

07/07/2014  Supplement
Filed by: Defendant Flowers III, Norman H
Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)

08/25/2014  Response
Filed by: Plaintiff State of Nevada
State's Response And Motion To Dismiss Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post-Conviction)

11/10/2014  Reply
Filed by: Defendant Flowers III, Norman H
Reply to State's Response and Motion to Dismiss Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)

04/29/2015 **Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
Hearing Re: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)

04/29/2015 **Response and Countermotion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

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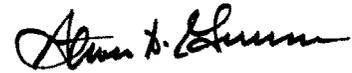
State's Response And Motion To Dismiss Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post-Conviction)

04/29/2015	 All Pending Motions (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	175.00
Total Payments and Credits	0.00
Balance Due as of 6/4/2015	175.00



CLERK OF THE COURT

1 **FCL**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER BURTON
6 Deputy District Attorney
7 Nevada Bar #012940
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

CASE NO: 06C228755

12 NORMAN KEITH FLOWERS,
13 aka Norman Harold Flowers III, #1179383

DEPT NO: XI

14 Defendant.

15 FINDINGS OF FACT, CONCLUSIONS OF
16 LAW AND ORDER

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

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

26 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

27 On December 13, 2006, a Grand Jury issued an Indictment on Norman Keith Flowers,
28 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

1 3 – Sexual Assault (Felony – NRS 200.364, 200.366) and COUNT 4 – Robbery (Felony –
2 NRS 200.380). The victim named in the Indictment was Sheila Quarles.

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

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

22 An Amended Indictment was filed on October 15, 2008, alleging the same charges as
23 set forth in the Indictment. On October 22, 2008, pursuant to a jury verdict, Flowers was found
24 guilty of COUNTS 1, 2 & 3, i.e., Burglary; First-Degree Murder and Sexual Assault,
25 respectively. Flowers was found not guilty of COUNT 4 – Robbery. On October 24, 2008,
26 following a penalty hearing, the jury imposed a sentence of LIFE Without the Possibility of
27 Parole for COUNT 2. On October 30, 2008, Flowers filed a Motion for New Trial alleging
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1 insufficient evidence. On November 10, 2008, the State filed an Opposition. The Court denied
2 Flowers' motion on November 12, 2008.

3 On January 13, 2009, Flowers was sentenced as follows: as to COUNT 1 – to a
4 maximum of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of
5 Corrections (NDC) with a minimum parole eligibility of FORTY-EIGHT (48) MONTHS; as
6 to COUNT 2, to LIFE Without the Possibility Of Parole, to run consecutive to COUNT 1; as
7 to COUNT 3, to LIFE With the Possibility Of Parole after ONE HUNDRED TWENTY (120)
8 MONTHS, to run consecutive to COUNT 2. The Judgment of Conviction was filed on January
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10 Parole, with a minimum parole eligibility of ONE HUNDRED TWENTY (120) MONTHS.
11 On January 29, 2009, Flowers appeared in court with counsel pursuant to the State's request
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13 2012 to reflect the true sentence of LIFE *With* the Possibility Of Parole with a minimum parole
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15 On January 26, 2009, Flowers filed a Notice of Appeal from the Judgment of
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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
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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

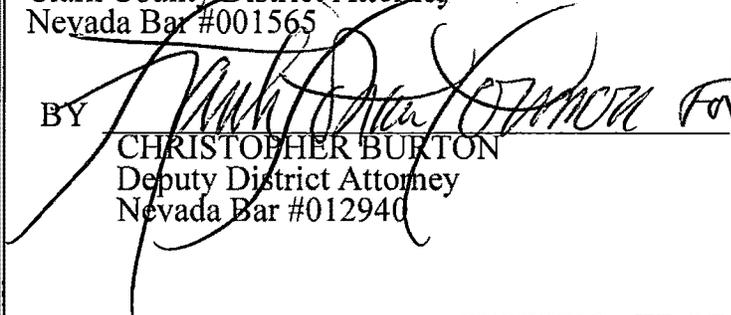
THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 20th 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

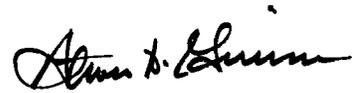
I certify that on the 20th day of May, 2015, I e-mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

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

1 NEO

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 NORMAN H. FLOWERS, III,

5
6 Petitioner,

Case No: 06C228755

Dept No: XI

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

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

10
11 **PLEASE TAKE NOTICE** that on May 28, 2015, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

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

16 STEVEN D. GRIERSON, CLERK OF THE COURT



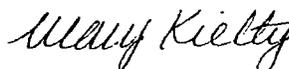
17 Mary Kielty, Deputy Clerk

18
19 CERTIFICATE OF MAILING

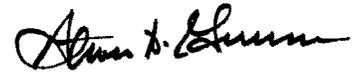
20 I hereby certify that on this 29 day of May 2015, I placed a copy of this Notice of Entry in:

21 The bin(s) located in the Regional Justice Center of:
22 Clark County District Attorney's Office
23 Attorney General's Office – Appellate Division-

24 The United States mail addressed as follows:
25 Norman H. Flowers, III # 39975 James A. Oronoz, Esq.
26 P.O. Box 1989 700 S. Third Street
27 Ely, NV 89301 Las Vegas, NV 89101



28 Mary Kielty, Deputy Clerk



CLERK OF THE COURT

1 **FCL**
2 STEVEN B. WOLFSON
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17 DATE OF HEARING: APRIL 29, 2015
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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

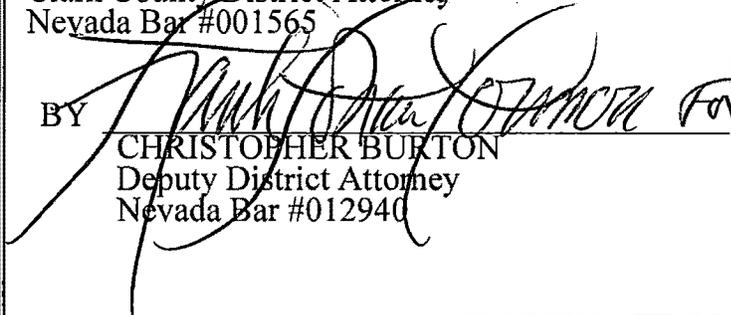
THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief shall be, and it is, hereby denied.

DATED this 20th 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
AVAILABE 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

06C228755

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

06C228755

The State of Nevada vs Norman H Flowers III

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

06C228755

The State of Nevada vs Norman H Flowers III

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

PRESENT:	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

06C228755

The State of Nevada vs Norman H Flowers III

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

06C228755

The State of Nevada vs Norman H Flowers III

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

06C228755

The State of Nevada vs Norman H Flowers III

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

06C228755

The State of Nevada vs Norman H Flowers III

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.

06C228755

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

06C228755

The State of Nevada vs Norman H Flowers III

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	10/16/08
25. "	}	}	}
26. "			
27. "			
28. "			
29. "			
30. "			
31. "			
32. "			
33. "			
34. "			
35. "			
36. "			
37. "			
38. "			
39. "	10/16/08	no obj	10/16/08
40. "	10/16/08	no obj	10/16/08
41. "	}	}	}
42. "			
43. "			
44. "			
45. "			
46. "			
46. "			

States EXHIBITS

CASE NO. C28755

	Date Offered	Objection	Date Admitted
47. Photo	10/16/08	no obs	10/16/08
48. "	10/16/08	no obs	10/16/08
49. "	10/16/08	no obs	10/16/08
50. "	10/16/08	no obs	10/16/08
51. "	10/17/08	stip	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. C208755

	Date Offered	Objection	Date Admitted
70. Photo	10/17/08	stip	10/17/08
71. "	}	}	}
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) withdrawn by counsel			
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

	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- " " "	"	"	"

penalty phase Exhibits starting on 143.

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 ^{C228820}	10/17/08	no OBJ	10/17/08
H. Judgment of Conviction - Anthony Culverson ^{G229146}	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-videos	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.

Court's EXHIBITS

CASE NO. 028755

	Date Offered	Objection	Date Admitted
1. Jury Question - for witness Larry Simms ^{ATA}	10/16/08	/	10/16/08
2. Juror Question - for witness Debra Quarles ^{ATA}	10/16/08	/	10/16/08
3. Juror Question - for witness Robert Lewis ^{ATA}	10/16/08	/	10/16/08
4. Juror Question - for witness Robert Lewis ^{ATA}	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 Sinns	10/16/08	/	10/16/08
9. Juror Question for Charity Green ^{AT}	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).

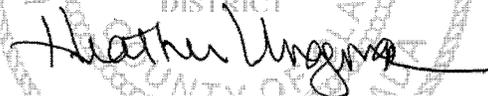
Case No: C228755

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

