

SUPREME COURT OF NEVADA

Flowers, III (Norman) v. State

Flowers v. State, 218 Ala. 257 (Nev. 1928) · No. 55759, consolidated with 53159 · Decided January 30, 2020

SUMMARY

The Nevada Supreme Court issued an authored opinion affirming the judgment in consolidated criminal appeals involving Norman Harold Flowers, III. The appeals had previously been dismissed, later reinstated, and were submitted after oral argument before the Northern Nevada Panel.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Pickering, C.J.; Parraguirre, J.; Cadish, J.
JURISDICTION	Nevada
DECIDED	January 30, 2020
DOCKET	55759, consolidated with 53159
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated criminal appeals from the Eighth Judicial District Court, Clark County, including an appeal from an order denying a motion for a new trial. The appeals were dismissed in 2011, reinstated in 2018, and ultimately affirmed by the Supreme Court of Nevada.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Norman Harold Flowers, III v. The State of Nevada

TOPICS

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PRACTICE AREAS

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PROCEDURAL HISTORY

The appeals in docket numbers 53159 and 55759 were consolidated for disposition. They were initially dismissed in September 2011, later reinstated under the narrow circumstances presented in July 2018, and

submitted after oral argument on June 11, 2019. The Supreme Court of Nevada filed an authored opinion on January 30, 2020, affirming the lower-court judgment; remittitur issued on February 24, 2020.

DISPOSITION

affirmed

OPINION

PER CURIAM.

55759: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 20-04160: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 55759 Short Caption:FLOWERS, III (NORMAN) VS. STATE C/W 53159Court:Supreme Court Consolidated:53159*, 55759Related Case(s):53159, 68140, 68140-COA Lower Court Case(s):Clark Co. - Eighth Judicial District - C228755 Classification:Criminal Appeal - Life - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: Panel To SP/Judge:SP Status: Oral Argument:Oral Argument Location: Submission Date:06/11/2019How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantNorman Harold Flowers, IIICourtney B. Kirschner (Former) (Federal Public Defender/Las Vegas) Randall H. Pike (Special Public Defender) RespondentThe State of NevadaAlexander G. Chen (Clark County District Attorney) Aaron D. Ford (Attorney General/Carson City) Docket Entries DateTypeDescriptionPending?Document 04/02/2010Notice of Appeal DocumentsFiled Certified Copy of Notice of Appeal.

Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)10-08663 04/02/2010Filing Fee Filing Fee Waived. 04/12/2010Order/ProceduralFiled Order re: Entry Written Judgment or Order. District Court Order due: 30 days.10-09411 04/19/2010Docketing StatementFiled Docketing Statement.10-10166 04/19/2010MotionFiled Motion to Consolidate.

Motion to Consolidate Appeals for Decision and Use of the Appendix. Nos. 55759/53159.10-10175 05/03/2010Order/IncomingFiled District Court Order. Certified copy of order filed in

district court on April 24, 2010. Order Denying Defendant's Motion for New Trial.10-11289
05/21/2010Order/ProceduralFiled Order. Granting Motion.

We grant appellant's unopposed motion to consolidate these appeals for purposes of disposition only. When briefing the appeal in Docket No. 55759, the parties may cite to the appendices filed in Docket No. 53159. Any additional documents necessary for the appeal in Docket No. 55759 that have not been included in the appendices filed in Docket No. 53159 must be provided in a supplemental appendix filed in Docket No. 55759.

Nos. 53159/55759 (10-13282). 05/27/2010BriefFiled Opening Brief.10-13829
05/27/2010AppendixFiled Appendix to Opening Brief. Appellant's Supplemental Appendix (Vol. 4)10-13830
07/01/2010BriefFiled Answering Brief. Nos. 53159/55759.10-17160
08/02/2010BriefFiled Reply Brief. Nos. 53159/55759.10-19857
01/06/2011Notice/OutgoingIssued Notice Scheduling Oral Argument.

Oral argument is scheduled for February 15, 2011 at 1:30 p.m. for 30 minutes before the Northern Nevada Panel at the Regional Justice Center in Las Vegas. Nos. 53159/55759. NNP11-MC/MG/KP11-00593
02/01/2011Notice/OutgoingIssued Oral Argument Reminder Notice. Nos. 53159/55759.11-03217
02/02/2011Notice/OutgoingIssued Corrected Oral Argument Reminder Notice. Nos. 53159/55759.11-03261
02/08/2011Letter/IncomingFiled Letter.

Flowers Rule 28J. Nos. 53159/55759.11-04001 02/15/2011Case Status UpdateOral argument held this day. Case submitted for decision to the Northern Nevada Panel. NNP11-MC/MG/KP
06/13/2011MotionFiled Motion to Voluntarily Dismiss Appeals. Nos. 53159/55759.11-17607
06/15/2011Order/ProceduralFiled Order.

We will take no action on the motion or these appeals at this time. Appellant shall file a written report with the clerk of this court on or before July 21, 2011, regarding the status of the proceedings and sentencing in district court case no. C216032. Nos. 53159/5575911-17842
07/19/2011Notice/IncomingFiled Notice Regarding Status of Sentencing. Nos. 53159/55759.11-21707
08/01/2011Notice/IncomingFiled Notice Regarding Status of Sentencing.

Nos. 53159/55759.11-22978 08/18/2011Notice/IncomingFiled Notice Regarding Status of Sentencing. Nos. 53159/55759.11-25146
09/28/2011Order/DispositionalFiled Order Dismissing Appeals. "ORDER these appeals DISMISSED." Nos. 53159/55759. Case Closed/No Remittitur Issued.11-29581
04/18/2018MotionFiled Appellant's Motion to Reinstate Appeals. Nos. 53159/55759.18-14864
04/18/2018AppendixFiled Appellant's Appendix to Motion to Reinstate Appeals Volume I of III.

Nos. 53159/55759.18-14865 04/18/2018AppendixFiled Appellant's Appendix to Motion to Reinstate Appeals Volume III of III. Nos. 53159/55759.18-14866
04/18/2018AppendixFiled Appellant's Appendix to Motion to Reinstate Appeals Volume II of III. Nos. 53159/55759.18-

14867 04/25/2018MotionFiled State's Opposition to Flower's Motion to Reinstate Appeals 53159 and 55759.

Nos. 53159/55759.18-15835 05/11/2018Notice/IncomingFiled Notice of Appearance (C.B. Kirschner as counsel for appellant Norman Keith Flowers.) Nos. 53159/55759.18-18156 05/11/2018MotionFiled Appellant's Motion for Extension of Time to File Reply to State's Opposition to Appellant's Motion to Reinstate Appeals. Nos. 53159/55759.18-18172 07/09/2018Order/ProceduralFiled Order Reinstating Appeal.

Under the very narrow circumstances presented here, we grant appellant's motion and hereby reinstate these appeals. fn1[Appellant's motion for an extension of time to file a reply to the opposition is granted; the clerk of this court shall filed the reply provisionally received in this court on May 11, 2018.] Nos. 53159/55759.18-25926 07/09/2018MotionFiled Reply to State's Opposition to Appellant's Motion to Reinstate Appeals.18-25927 08/16/2018Order/ProceduralFiled Order.

Appellant is directed to refile the appendices in Case Nos. 53159 and 55759 within 30 days of the date of this order. Further, the parties shall inform this court within 30 days of the date of this order whether the briefs filed in Case Nos. 53159 and 55759 require amendment so that the citations in the briefs correspond to the newly-filed appendices. Nos. 53159/55759.18-31815 08/23/2018MotionFiled Appellant's Motion to Remand for Appointment of New Counsel.

Nos. 53159/55759.18-33007 08/23/2018MotionFiled Federal Public Defender's Motion to Withdraw as Counsel for Appellant. Nos. 53159/55759.18-33008 08/24/2018Notice/IncomingFiled Notice of Withdrawal of Counsel (Special Public Defender's Office for Appellant). Nos. 53159/55759.18-33231 09/14/2018MotionFiled Appellant's Motion for Extension of Time to Refile Appendices.

Nos. 53159/55759.18-36001 09/20/2018Order/ProceduralFiled Order Denying Motion. The Special Public Defender has filed a motion to withdraw as counsel for appellant. The motion is denied without prejudice. The Special Public Defender shall have 20 days from the date of this order to comply with this court's August 16, 2018, order. Nos. 53159/55759.18-36800 09/27/2018Order/ProceduralFiled Order Regarding Motions.

The clerk shall remove C.B. Kirschner and the Office of the Federal Public Defender as counsel of record for appellant. As appellant remains represented by the Special Public Defender, the motion to remand this appeal to the district court for the appointment of new counsel is denied. Nos. 53159/55759.18-37767 10/09/2018MotionFiled Appellant's Motion for Extension of Time to Refile the Appendices in Volumes 1 through 3 (First Request).

Nos. 53159/55759.18-39657 10/29/2018Order/ProceduralFiled Order Granting Motion. The clerk shall file the appendix received on October 22, 2018. Appellant shall have 5 days from the date of

this order to inform this court, in writing, whether the briefs filed in Case Nos. 53159 and 55759 require amendment so that the citations in the briefs correspond to the newly-filed appendices.

Nos. 53159/55759.18-42382 10/29/2018AppendixFiled Appellants' Appendix Vol 1 of 3. Nos. 53159/55759.18-42383 10/29/2018AppendixFiled Appellant's Appendix Vol 2 of 3. Nos. 53159/55759.18-42384 10/29/2018AppendixFiled Appellant's Appendix Vol 3 of 3. Nos. 53159/55759.18-42385 10/31/2018MotionFiled Response to Order Dated October 29, 2018. Nos. 53159/55759.18-42780 11/02/2018Case Status UpdateBriefing Completed/To Screening.

Nos. 53159/55759. 02/08/2019Order/ProceduralFiled Order Directing Supplemental Authorities. Appellant shall have 14 days from the date of this order to file and serve supplemental authorities that support the arguments raised in his opening and reply briefs. Respondent shall then have 14 days from the date when appellant's supplement authorities are filed to file and serve responding supplemental authorities in support of the arguments raised in its answering brief.

The parties' filings shall not exceed 15 pages or one-half the type-volume specified for an opening or answering brief in a noncapital case by NRAP 32(a)(7)(A)(ii). No extensions of time will be permitted. Nos. 53159/55759. (SC)19-06090 02/19/2019BriefFiled Appellant's Supplemental Authorities. Nos. 53159/55759. (SC)19-07682 02/26/2019BriefFiled Respondent's Supplemental Authorities.

Nos. 53159/55759. (SC)19-08709 04/29/2019Notice/OutgoingIssued Notice Scheduling Oral Argument. Argument is scheduled for Tuesday, June 11, 2019, at 10:00 a.m. for 30 minutes in Las Vegas. (SC)19-18712 05/29/2019Notice/OutgoingIssued Oral Argument Reminder Notice. (SC)19-23262 06/11/2019Case Status UpdateOral argument held this day. Case submitted for decision.

Before Northern Nevada Panel. KP/RP/EC (SC) 01/30/2020Opinion/DispositionalFiled Authored Opinion. "Affirmed." Before: Pickering/Parraguirre/Cadish. Author: Pickering, C.J. Majority: Pickering/Parraguirre/Cadish. 136 Nev. Adv. Opn. No. 1. NNP19-KP/RP/EC Nos. 53159/55759. (SC)20-04160 02/24/2020RemittiturIssued Remittitur. (SC)20-07275 02/24/2020Case Status UpdateRemittitur Issued/Case Closed.

(SC) 03/06/2020RemittiturFiled Remittitur. Received by District Court Clerk on February 28, 2020. (SC)20-07275 Combined Case View